

BOARD OF SELECTMEN

OCTOBER 24, 2015

SPRINGFIELD MEMORIAL BUILDING

7:00 PM

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: Don Hill (chairman), Leigh Callaway, Tamara Butcher

Others present: Whit Smith, Bryan O'Day, Josh McGraw, Delmar Putney, ??

Meeting was called to order at 7:00pm

There were no scheduled appointments.

Zoning Compliance Officer Report: Whit Smith reviewed his written update. (Report attached.)

Whit reported that the Granger's building permit was missing but that as soon as it is located the Selectmen may sign off on it and return a copy to the Grangers. They were approved at ZBA and at Planning.

Whit reported that he had spoken to Mrs. Roberts and advised her that she would be receiving a letter from the Board.

Beth & Paul Luttazi, 86 Lamson Lane are looking for significant relaxation of the town set back in order to build a garage on their lot. The size of their lot is very small and building of any structure would be within the 35' setbacks. They are on the agenda for the next ZBA meeting.

Met with James Yager who owns land on George Hill Road. Mr Yager regarding the status and location of the road that seems to be either on or along the edge of his property. They referred to a map and with some discussion Mr. Yager seemed happy with the conclusion they made.

The lot located on Sandy Beach that is currently for sale has an interested party but they are concerned that they might not be able to build a garage on the portion located across the road from the house due to setbacks. The entire lot is less than a ¼ acre and with set back issues due to size this might not be possible. Whit will be visiting the lot later this week.

Whit has been working on a draft regarding Accessory Dwelling Units to present to the Planning Board. He has been given a contact with New London to find out what they are doing in regards to ADU's. Also work has been done on the current Building Permit to clean it up and clarify what exactly the permit is for.

Within the past few days Whit reported that he has recieved notice to 2 structures in town that might possibly not have approved permits. One is located on Stoney Brook Road and at 166 Hogg Hill Road both of which he will visit this week as well. Leigh suggested he also visit 165 Oak Hill Road West because now that the leaves down it is possible to see something from road.

Whit informed the Board that he will not be at the next selectmen meeting due to commitments, of which the Board found no problem with.

Leigh sent an email to the NH Legal regarding ADU's but has not received a response back.

Verification that permission to visit and walk on a property that has a permit pending has always been in permit application, Whit reported that people have been without a single exception very happy that Whit is available to assist them in working through the permit process. He has been requesting email addresses even though that is not on the application because many use that as the main form of communication now. He and the Board agree that for the most part residents are interested in doing the right thing when requesting a permit to change or add to their property. Whit did suggest that the Board seriously look at the fee structure the town has in place. Currently we charge \$50 for a new construction, \$25 for an accessory structure, Planning changes \$40 while ZBA charges \$100 notice to abutters is \$6 and the cost is actually \$6.50. He suggested that we look at what the surrounding towns charge just to get an idea, not that we in Springfield should do what they are because we are unique and not the surrounding Towns. If someone is doing substantial improvement to increase the value of their property then there should be a fee for that. But we don't want to get into the whole building code issue or have our assessor getting involved at the building phase. A good question would be "What is a structure and how the fee should be charged based on what is involved in constructing it?" A good rule of thumb would be the economic impact on the property taxes would coincide with whether a permit would be required or not. A simple tube and canvas tent shouldn't have a permit but a shipping container would require a permit while a dumpster does not. Something else to consider would be a year fee for a temporary structures. When does a temporary structure become permanent such as the containers that are parked on the lakefront property? There are additional issues there involving setback requirements.

A goal should be to have the language decided to present to the Planning Board and bring to Town Meeting in March.

Mr. Putney had questions as to the property he has a life estate on. Currently an abutter is interested in the property and wants to know if he pays the taxes can he get the property. The Property has been referred to the court so at this time the Town has no standing in the property. Mr. Putney and the interested party don't want anyone moving in on it. Rumors of bankruptcy have been heard so at this time the town is not touching it until these issues are settled. There also are liens against it so if and when the property is sold the Town will be first in line to have taxes paid. If the Town were in control the Selectboard would be happy to assist. If it is a bankruptcy case there will be action at some point in the future and all interested parties will be notified. Once something happens Mr. Putney will be made aware because of his interest in the property. The Board asked Mr. Putney to keep them in the loop if he learns something.

Josh McGraw questioned the Board on the class 6 roads issue and was curious if the Town had moved any further forward with their stand. Leigh responded that he has been in touch with Bob Hardy's boss but at this time had not heard back. According to the NHMA the gates must remain open, we will ask again to find out if there has been any changes. There is wording that says if the road is under construction the gates can be locked, also from Apr 1st to June 1st there seems to

be wording that the roads are closed. “Mudders” are destroying the road because they think it is their right to do just that. On a recent conservation walk a parade of “mudders” drove by. The Attorney general’s office has been contacted by the Division of Forests and Lands as well with no response. An important item to remember is that what is done for one class 6 road must then be done to/for all.

An example of the giving up a Class VI road; when the Town gave up Class VI roads on Star Lake Properties – they retained a right of way for non-vehicular uses. Part of the agreement is that when/if the right of way is disrupted, an alternative will be provided.

Josh brought up his concern that because the town can’t lock the gates we have lost the ability to protect the town assets. These policies were all written when the public was respectful of roads/properties which is no longer the case.

One method of change is to have 25 registered voters sign a petition for warrant stating “we want these roads converted to class a trails” This can then be brought to Town meeting. All abutters must agree and most folks up there would be in agreement to have this option, Josh does not think a couple of property owners would be in agreement because they will never be able to develop their land.

Don feels that the Board is strongly in favor of doing everything in our power to protect these roads, but we can’t do something that the State says we can not do.

Lastly Josh wanted to inform the Board that the road is going to get rougher because he is going to put in water bars so that the water has somewhere to go, he didn’t want to have the public suddenly come to the board complaining. The Board issued a permit to Josh about a year and a half ago to maintain the road, with the request that he let the Road Agent know what he was doing.

Minutes of 10, 11,19th Leigh moved to accept as written, Tamara seconded, passed.

Cable/broadband: Don did some researching and found that years ago Comcast ran cable through Twin Lake Villa then pulled it out. The residents were upset so Comcast said talk to the town they won’t let us run cable. At the 1987 town meeting the Town voted to grant permission for the Town to enter into agreement with a cable company. Chapter 53 c agreement was signed in 1989 with the then Board agreeing to allow Young’s cable Corporation a 15 year agreement. Within a couple of month ownership was transferred to another cable company which signed 350 homes for a fee of \$19.50 locked in for 3 years. At this point there has been no cable ever run in the Town of Springfield. There is a 44 page agreement lasting 15 years, this expired in 2004.

Broadband is the new cable but at this time the Town has no franchise agreement with anyone which means no franchise no cable. Can the Town/Board shop around for additional companies? At this time WiValley is the only option and with Fairpoint asking for us to sign another 3 year agreement. The current speed we have with Fairpoint will not run car registrations to the state, but we currently have a Town Clerk who is not interested in doing car registrations with the state. Leigh and Tamara will be meeting with the Library tomorrow to discuss if they are

interested in joining the Town in getting faster internet speeds. Contract with WiValley would be for 2 years. Currently Cannan and Enfield are using WiValley and have had no complaints.

Board is meeting with WiValley at 3pm on the 15th to discuss the plan and get more information about the voice portion of what they offer.

Don followed up with Shawn regarding the letters to include with the tax lien waivers he didn't realize that we wanted them done right then but has now been made aware of this and will have them to us asap.

Board signed 3 tax deeded property notices which will be returned to Cynthia

Discussion of the talley sheets for the election. The EOC computers can be used by the supervisors of the checklist which was agreed on in the past.

It has been discovered that the town owned computer taken and used off property does not work. The board was under the impression that the Planning and Zoning minutes would be typed as the meeting occurred not done at home, this was the reasoning for purchasing the laptop in question. The Windows 8 deadline passed so the period of free update lapsed and now costs \$100+.

Election coverage Leigh 8-2

Don 8-1, 7-close

Tamara 2-close

Department Updates:

Leigh reported that the Conservation meeting discussed 4 town properties that they would like to combine into 1. Planning didn't like the idea wanted to know the Selectmen stance on the issue. Conservation thought it would be harder to do something with Planning wanted to keep them separate so that down the road they needed or wanted to divest themselves of the properties it would be easier. The town already has 6000 taxable acres that is conserved land, the Selectboard feels keeping them separate would be in the Town's best interest now and in the future.

Don reported that the Planning board discussed ADU's.

Misc:

Once the Granger's permit is found it will be signed and the Grangers will be informed that construction may begin.

Department head meetings will be scheduled once Janet returns. Tamara reported that the budget worksheets will be updated once she receives the most recent AP reports.

Meeting was adjourned at 8:22 pm

Respectfully submitted,

**Tamara Butcher
Selectman**

In preparation for the Board of Selectmen meeting Monday night, October 24, 2016, I am providing the following summary to brief the Board of Selectmen on permit applications and my activity.

Applications for Permits - No new applications.

Applications for Permits - Pending:

1. Annette & Billy Granger, 2711 Route 4A; Application for a permit to build an addition measuring 12' x 63' to the back of the mobile home, which is the principal residence on the property. The addition will be enclosed living space (under roof) measuring 12' x 45' and a deck (porch), also under roof, measuring 12' x 18'. PREVIOUSLY Denied.

The Grangers appealed the denial to the ZBA and variance was granted, but the ZBA also referred the case to the Planning Board for consideration under the Conditional Use provisions of the Zoning Ordinance (Ordinance Article VIII, Sec. 8.21).

Planning Board heard the Grangers' application for Conditional Use and this was approved (October 20, 2016). Accordingly, application for Zoning Permit is now in compliance with Zoning Ordinance.
Recommend: APPROVAL.

2. David & Deb Roberts, Woodland Heights; Application for a permit to build a 23' x 27' barn/shed.

This application follows on a permit application that was made "after the fact" and submitted by the applicants on November 3, 2015.

At the request of the BOS, letter was prepared advising the Roberts' of BOS decision regarding path forward and fee assessed for "after the fact" application. Letter signed and sent 10/13/2016. Zoning Coordinator did contact and spoke directly with Mrs. Roberts to advise that applicants would be receiving the letter from BOS.

Other On-Going Business:

3. Beth & Paul Luttazi, 86 Lamson Lane; Application for a permit to build a 24' x 32' garage. The lot is non-conforming with regard to size in that it is 72/100 acre (lot is only 100' wide). The planned site for the garage is appropriately located, but the back of the garage will be no less than 10' from the side yard lot line. Setback requirement is 35'. Due to the proposed side yard setback encroachment, the Board DENIED the permit application.

Mr./Mrs. Luttazi have appealed the denial of the permit application to the ZBA, seeking either a variance or special exception, as the case may be, requesting the dimensional relief from the 35' setback requirement. The matter has been timely filed for consideration and is on the agenda for the next meeting of the ZBA (November 1, 2016).

4. Follow-up with Roger Landry as requested by BOS. Mr. Landry has been in Florida cleaning up after the hurricane.

5. Meeting with James Yager regarding his land on the west side of McDaniels Marsh and concerning the road that runs along the western boundary of one of his parcels.

6. Inquiry from RE broker regarding # 27 Sandy Beach Road. What would be involved to get a permit to build a garage. This parcel is about $\frac{1}{4}$ acre.

7. Research regarding Accessory Dwelling Units (ADU's) and preparation of DREFT language for consideration by the Planning Board.

8. Revisions to the current Zoning Permit Application for consideration by the BOS.