

Bob Thompson 

John Allen 

Richard Bennett 

Selectmen's Board Meeting

July 14, 2016

Present: Bob Thompson, Chairman; John Allen and Dick Bennett, Selectmen

Visitors: Town Office Administrator Julie Atwell, Town Clerk Karen Burton, Treasurer Kathleen Dougherty, Building Inspector Kevin Bennett, Videographer Hank Benesh, Bea Davis, Stan Weiss, George Howard, Sarah Clemons, James Gleason, Penny Miller, Bill Lockard, Andy Fischer, Mike Weeder, June McLeavey, Jason Bagley, Scott Knapp, Joyce Allen

Chairman Bob Thompson called the meeting to order at 4:02 p.m.

1. Amend & approve minutes

- a. Selectmen's Meeting – June 9, 2016 – delayed – will approve at 7/28/16 meeting **Selectman Allen, seconded by Chairman Thompson, made a motion to table the minutes to the July 28th meeting. The motion passed 2-0-1 (Bennett abstaining)**
- b. Selectmen's Meeting – June 30, 2016 The minutes were approved as written.

2. Update on June 30, 2016 Action Items

- a. Transfer Station Selectman Allen is still working on getting a meeting set up.
- b. NHEC Spraying Administrator Atwell noted Scott Knapp is in attendance should folks have questions still. NHEC does not release any of the information about who is opting out; it's confidential. If folks want to opt out they can. There was also discussion about doing a petition to stop the process and that can't be done because the spraying is being done on private property.
- c. Upcoming Selectmen's meeting dates The next meeting will be July 28th and the August meetings are scheduled for August 11th and 25th. These are all held at 4 p.m. at the Town Offices.

3. **Map V-04 Lot 02 Septic** This lot is owned by Mike Weeder and June McLeavey; they joined the Board as did Andy Fischer from Ammonoosuc Survey. Engineer Phillips has also been involved in this situation. Their house is designated as a one bedroom house however it is over three thousand square feet and the owners believe the designation of one bedroom is wrong. The owners

built an accessory apartment which caused some of the havoc however they think they have a solution. The septic system has the capacity as it is a three bedroom system. The apartment is considered one and a half bedrooms. When Mike pulled this permit three and a half years ago there was discussion about upgrading the septic by adding a tank for the auxiliary apartment. Ammonoosuc didn't think that was possible and Steve said he'd address that later; it's now "later". Since then the zoning ordinances have gotten stricter; they were less strict at the time the permit was pulled and the owners could comply with the ordinances that were in place at that time. One of the things that Engineer Phillips pointed out is something the town will hopefully address down the line. This is two lots; the density for both lots was combined. If things are addressed based upon the state regulations which applies to commercial or larger residential situations. Jackson's ordinances are stricter than the state regulations. This property falls under larger residential so they can apply the second formula which removes the well radius. It's a different way of looking at the lot. It's used where there is outside water or shared wells; which is the case here. It's a more detailed look at the density of the lot based on the soils. Using both Jackson regulations at the time and the regulations instituted now, if they take these soil numbers and apply the alternate formula the property has plenty of land as far as the state is concerned. The town does have a section in their lot loading density which essentially is the state formula but the wording is slightly different in that it refers to only commercial situations and leaves off the residential portion. It's the same formula and the owners believe the town regulations were meant to be applied for larger residential situations; it was left off as an oversight. The way the owners look at things if the other formula is applied there is plenty of density to allow the house to be a three bedroom. All they want is a two bedroom designation; and they think they have the data to prove it. Chairman Thompson had a conversation with Andy and Engineer Phillips about this; there was a question as to the Planning Board's intent when these ordinances were developed. As Chairman Thompson has never been the Selectmen's representative to the Planning Board and these zoning ordinances have changed he would like input from Selectmen Allen and Bennet as they are both familiar with the Planning Board; was "large residential" left off on purpose or accidentally; where was the Planning Board at when they developed this ordinance. Selectman Bennett noted the Planning Board was trying to catch up with the state regulations; the town can't have less stringent regulations although it can have more stringent ones. The minimum state standard was put in place so they went to the high density formula trying to stay current with the state. Selectman Bennett wondered what accommodation was made to turn a three bedroom house into a one bedroom house. Mike noted the town voted in the ability to have auxiliary apartments and this is the first auxiliary apartment that has gone through the process but everyone knows these apartments are out there. There were no stipulations put on the house when they did this; the house still has bedrooms in it even though they are not being used. It was three bedrooms; all they are trying to do is to get one bedroom back so they have a two bedroom house. The home and apartment are all part of the same property. There are two tanks and one leechfield. Everything is working; it's just

the designation of the house that they are trying to prove; nothing has changed with the house. Selectman Allen wondered if the application needs to go to the ZBA but it was clarified that the owners only had to have the septic design; not the system. If the current system doesn't fail, there's nothing to fix. Mike agrees the town has no way to catch this nebulous area of "it's a study", "it's a library", "it's a bedroom" and every one in the building industry knows it. Mike really believes this is the only apartment that was requested in this town. Andy Chalmers was the Building Inspector at the time and Mike wanted to be above board. At that time the designation was changed from three bedrooms to one and one and Mike wants two bedrooms back for the house. Andy Fischer noted they have an equal formula but Jackson is more stringent when it comes to residential properties; he doesn't believe the town was looking to be more lenient for commercial properties than residential ones. It doesn't seem like that would make sense as to the intent. Ammonoosuc hasn't designed a new system but is totally confident they can design one that will fit if the current one fails. Selectman Bennett noted the Planning Board was trying to accommodate auxiliary apartments in the town of Jackson; to be above board with it and for it to be safe, healthy and acceptable. Owners don't have to rebuild the septic to put an apartment in; if their current system fails then they have to have the design ready. The Board's decision will set precedent of how the town deals with this. Selectman Allen thinks the Board should have another talk about this and get Engineer Phillips in. As Jackson's Inspector; he inspects septic systems and Selectman Allen would like to know where the town is going to run into trouble. This application isn't going to burn the town but he wants to know where the Board was going to get burned down the road. As zoning gets stricter; there aren't many places that will allow auxiliary apartments to happen; the town has to be careful for who truly has the capacity to do it. Maybe for anyone with under two acres an auxiliary apartment will not be possible. Mike noted he'd like the Board to look at this in the spirit of what they were trying to do; this is the first test and the town needs to get the kinks out. It is Andy's understanding the state's rationale allows for these situations where there are two units with shared well. It's another way to have a practical take on viable development that is safe and reasonable. The town is looking at that and trying to make things reasonable. Regarding Map V-04 Lot 2, Engineer Phillips feels the Selectmen need to make a determination on the different ways to interpret the ordinance. There are a bug or two to be ironed out and there is another property coming up with a similar issue. Mike noted it will take a while to complete the septic design; it would be nice to have an answer tonight; it's been kicked around with Engineer Phillips and Building Inspector Bennett; he really wants a decision tonight. The Selectmen were asked if they feel they have all the information they need to make a decision tonight. Selectman Allen noted there is no harm in its present state; he suggests stipulating that the septic plan is to be put in place within the next thirty days. It would be ideal to have it now but under the circumstances this seems like a reasonable solution. **Selectman Allen, seconded by Selectman Bennett, made a motion to approve the designation of two bedrooms to the house with the**

requirement that the septic design will be on file in thirty days. The motion passed unanimously.

4. **Police Report** Chief Jette is unable to attend tonight; there is no report.
5. **Public Comment** Bill Lockard would like to comment on the potential discussion folks have had regarding his health. His health is fine however the health of his two eighty five year old sisters is different. There was no plan; in May both of his sisters became catastrophically ill. His family has a small business that is operated by all four of the kids; Bill is the youngest. Bill made the decision that he would have to miss thirty to forty percent of the meetings and he felt that was not fair. He chose to resign so the town can find someone who can serve. Bill appreciates the opportunity to voluntarily serve the town of Jackson and he would like to continue that offer. His career has been spent in human rights law; the best resolution of a situation is to have a discussion without a lawyer then bring the situation to Counsel. Currently he and Administrator Atwell handle all the welfare cases; he is willing to work with her to answer questions; the decisions would still come to the Selectmen. Chairman Thompson thanked Bill for his service; he served the town well. Treasurer Dougherty wondered, in light of the untimely death of Larry Seibert, if the town would have a plaque made. Larry was on the Conservation Commission for a long time and he was also on the Planning Board. He did a lot for people in town that people didn't know about. She asked that the Board think about it; the town did it for Michael Clemons and Arthur. Chairman Thompson was at the Conservation Commission meeting and they had the same conversation. They felt the best way to figure out how best to honor Larry was to approach Deb and get her ideas and thoughts. Within the next month they should have an idea of appropriate options.
6. **Building Inspector**
 - a. Weekly Report – Kevin Bennett Building Inspector Bennett noted it's very busy again.
 - b. Building Permits
 - i. 2016-41/R31-L5/Owner – Limmer/418 Black Mt Road/New Timber Frame Home
 - c. Partridge Road – Termination of Resolution This came up because Cooper, Cargill and Chant found there was a letter from the Selectmen in 2008 which released the "no building" moratorium on Partridge Road. That letter was not filed appropriately and Cooper, Cargill and Chant wants it approved and signed by the current Selectmen in order to close a sale they are working on. Inspector Bennett noted the road is slightly overgrown at the end; they have to be able to get emergency vehicles in there. A small car or pick-up truck can get through but there are some branches that need to be removed to allow for the larger vehicles. Inspector Bennett talked to the new owners and they have hired Al Eastman to trim the branches back. This is a private road; there is no

Homeowners Association and there is no maintenance on the road. The town doesn't want to get a truck stuck in there. Town Clerk Burton is a notary can witness the signatures should the Board choose to sign this. Bea Davis noted Ann Peterson owns the road; it's her responsibility to maintain it. Chairman Thompson noted there are a couple of issues here. The road is not in shape to handle emergency vehicles however, he thinks the Board is duty-bound to sign off on something that should have been filed in 2008 and wasn't. Penny Miller noted Gary Spears is the go-to guy; he did say Ann is the owner but there are issues there. The road is maintained; Gary maintains it all the way up to the home on the end and the homeowners split the cost. Chairman Thompson wondered if there is a need for the Board to make a motion or do the Selectmen just accept it as an oversight? Selectman Bennett asked if Ann Peterson sold this land to the people (new owners); no one thinks that is the case; her name didn't come up in looking at this. Bea noted the Selectmen should have a history on this road; it's in the records. Selectman Allen thinks this should be tabled so the Board can look into it for the next meeting. Chairman Thompson noted Bea was a Selectman when this letter was generated; he asked if there was a reason the motion was unanimously passed but the document was not filed. Bea noted it was because of the condition of the road; there's a lot of history on it. Inspector Bennett noted, going back eight years, some work was done on the road; there is a good base at the end of the road. He expects, if the trees are cut back, the road is in pretty good shape. At this point the road is okay but not for emergency vehicles due to the branches. Inspector Bennett got the permit today from Allen Eastman; he has to review it and then it goes to the Fire Inspector but the branches have to happen first. Selectman Bennett wondered, if the ownership is clear but the road is not being maintained, does the town keep having this problem. Some of the homeowners will take over dealing with the road but others are second homeowners and will do nothing so there is the possibility of this happening again. He wants to know how the town is going to deal with that. Inspector Bennett has already dealt with it; they have to get a fire truck in there. Selectman Bennett thinks the Inspector should add in that the road must be maintained for emergency access. This is a private road but if they want Police, Fire and Life Safety protection the town has to stipulate what the road standard has to be. Inspector Bennett noted this is a private road but it needs to be up to town specifications if this home is to be built. Inspector Bennett has already dealt with this. It was noted the town has a letter that the road was inspected and meets requirements as of 2008; Selectman Bennett doesn't want to expose the town to anything that it shouldn't be exposed to. He thinks the town will keep dealing with this; how does the town make sure it's maintained? He wants to know if the Board has the authority to not sign this. This is a determination of resolution that is being asked for; they want the current Selectmen's signatures to file it. While it was noted that this had to be on file in order

for the sale to close Inspector Bennett noted he doesn't think that's the case since it seems like it has been sold. Administrator Atwell noted the attorneys are asking for this document; there is no building permit yet. The Inspector could put that as a condition of the Building Permit. The low hanging branches prevent access; everything else meets town specifications. Selectman Bennett hopes this doesn't negate the town's ability to grant the permit. He noted if the Selectmen sign off on this document it puts them in a scary position. The Selectmen have seen that the road doesn't get maintained except at the end where folks live. What met town specifications in 2008 may not meet town specifications today; it's not unreasonable for the Selectmen to expect that road to be put back into a state where it meets town specifications. Inspector Bennett noted Allen is on board for trimming the branches; it will meet town specifications at that time. Given Selectman Allen's idea of tabling this, Selectman Bennett is willing to revisit this when Inspector Bennett can come before the Board and say emergency vehicle access has been addressed. **Selectman Allen, seconded by Selectman Bennett, made a motion to table this item until the work is done on the road. The motion passed unanimously.** Penny Miller noted it seems as though the Board is addressing two things. In 2008 there were major upgrades to the road and the building moratorium was lifted and signed; that document was not filed just due to a housekeeping error. It seems to her the Board has to submit the document to the registry of deeds and get that taken care of. Then the Board needs to address the fact that the road isn't maintained; that is a separate issue and the Board can then address all the other roads that are like that. The Board may possibly be affecting folks' rights to sell their lots; they can't build on a lot that it is technically legal to build on as long as that moratorium is in place. Penny noted if she was up there trying to sell and a housekeeping item was holding her up she'd be very upset. Administrator Atwell will find out if the Board can just mail in the original letter for registering. Inspector Bennett will notify the Board when the work is done. The Board can call a special meeting if they have to.

of

7. New Business

- a. Trustees of Trust Funds – Withdrawal Request **Selectman Allen, seconded by Selectman Bennett, made a motion to approve the withdrawal of nineteen hundred ten dollars from the Police Cruiser Capital Reserve Fund to pay Professional Vehicle Park Road Invoice 29999 dated June 24, 2016 in the amount of nineteen hundred ten dollars. The motion passed unanimously.**

Selectman Allen, seconded by Selectman Bennett, made a motion to transfer the amount of one hundred thirteen thousand dollars to be deposited into the Capital Reserve Funds and the Expendable Trust Funds in accordance with the Warrant Articles as follows:

Forty five thousand dollars to the Bartlett/Jackson Ambulance CRF in accordance with Article 13 as approved at the 2016 Town Meeting;

Thirty thousand dollars to the Heavy Highway Vehicles CRF in accordance with Article 16 as approved at the 2016 Town Meeting;

Twenty five thousand dollars to the Bridges ETF in accordance with Article 17 as approved at the 2016 Town Meeting;

Eight thousand dollars to the Revaluation CFR in accordance with Article 21 as approved at the 2016 Town Meeting;

Five thousand dollars to the Dry Hydrant ETF in accordance with Article 22 as approved at the 2016 Town Meeting. The motion passed unanimously.

- b. Cemetery Lot Agreement – Signatures Required **Selectman Allen, seconded by Selectman Bennett, made a motion to accept the Cemetery Lot Agreement. The motion passed unanimously.**
- c. NHEC Incentive Rebate – FYI The NHEC Rebate came in; it is nineteen hundred thirty five dollars.
- d. Planning Board and Zoning Board Letters of Interest There are two regular seats open on the Planning Board and four Alternate positions; there are two or three Alternate positions open on the Zoning Board of Appeals. A letter of interest in a regular seat on the Planning Board and an Alternate seat on the ZBA has been submitted by Jackson resident Jason Bagley who would like to serve the town. As the Planning Board needs regular members, Selectman Bennett suggests the Board fill that seat first. **Selectman Bennett, seconded by Selectman Allen, made a motion to appoint Jason Bagley as a Member of the Planning Board. The motion passed unanimously.**
- e. Charitable Exemption Requests
 - i. NHPR In the past Jackson has asked for Payment in Lieu of Taxes but NHPR doesn't do that; Assessor Call suggested the board check with Counsel before denying it. **Selectman Allen, seconded by Selectman Bennett, made a motion to approve the exemption for NHPR. The motion passed unanimously.**
 - ii. NNETO/Fairpoint Assessor Call noted this has been denied every year and he recommends denial again. Selectman Bennett noted NNETO/Fairpoint feels they serve the public interest with the time they film meetings in Conway or whatever; for Jackson they aren't doing much and he'd just as soon they pay their taxes.

Selectman Bennett, seconded by Selectman Allen, made a motion to deny the exemption for NNETO/Fairpoint. The motion passed unanimously.

- f. Complete Light Installation in parking lot behind Library This has been mentioned at the Safety Meetings; it's time to put up the rest of the lights; they are already wired. Selectman Bennett has located a contractor to do the work now that he is in a different position. This wasn't budgeted for this year but the funds are available in the operating budget; it will be about thirty eight hundred to complete the work. The lights will comply with the town lighting ordinance and will be cost effective to run. It was also noted that the lot has been paved and will be striped.
 - g. Lot change/Current Use (added) This is property is on Carter Notch Road; they would like to put a one hundred seventy acre parcel in Current Use. **Selectman Allen, seconded by Selectman Bennett, made a motion to approve the application. The motion passed unanimously.**
 - h. NHEC Spraying This was previously discussed.
8. **Public Comment** Bea asked who the owner is of the Carter Notch property; Chairman Thompson noted their name is Alichwer. Bea also hopes that folks use the parking lot given the money that has been put into it. A new resident noted they had a situation similar to the 2008; a paper that was not filed can hold up the sale of property; she would encourage the Board to go forward with this; it's a separate issue from the current condition of the road.

There being no further business, the meeting was adjourned at 5:12 p.m.

Respectfully submitted by:

Martha D. Tobin

Recording Secretary