

Town of Jackson, NH

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Board of Selectmen Minutes - 8/19/10

Selectmen's Board Meeting

August 19, 2010

Present: David Mason, Chairman; Beatrice Davis, Jerry Dougherty IV, Selectmen

Visitors: Office Administrator Diane Falcey, Police Chief Karl Meyers, Building Inspector Andrew Chalmers, Treasurer Warren Schomaker, Bobbi Meserve

Chairman Mason called the meeting to order at 4:09 p.m.

Amend & approve minutes:

Selectmen's Meeting - August 5, 2010 The minutes of August 5, 2010 were approved as written.

Selectmen's Meeting - August 13, 2010 The Minutes of August 13, 2010 were approved as written by a vote of 2-0-1 (Mason abstains).

Police Report There was an accident on Town Hall Road; it was a sixteen year old who hadn't had his license very long; his girlfriend was injured and he was arrested on reckless driving charges. There have been numerous alarms; Chairman Mason asked if these are all single alarms or are they repeats; Chief Meyers noted a good number of them aren't repeats although there is one particular restaurant that the Department goes to often. Bartlett had a hit and run and Jackson Police caught up to the vehicle here. There was a report of a loud party on Ridge Road. The Department assisted the ambulance on Dundee Road; both residents were taken to the hospital and the home was checked for carbon monoxide. There was a Project Good Morning check twice for the same person. There was a complaint about a carpenter's truck being parked in the roadway and the owner was asked to move the vehicle. There was a complaint of shots off of Dundee road; two false 911 hang-ups; a reckless driving call in the Notch and a bear complaint at a local hotel. A twelve year old child wandered off and was gone about two hours; all went well with a number of various agencies working together. There was a disturbance at a motel two weekends in a row; they involved separate visitors. There was a motor vehicle complaint of high speed on Dundee Road and a report of a suspicious vehicle that turned out to be Jackson's assessor.

Building Permit Business – Andy Chalmers, Building Inspector

Garland, Laurence (Map R12, Lot 106) Certificate of Occupancy for addition & shed roof The Certificate of Occupancy was approved as recommended.

Webster, Sandra (Map V-1, Lot 48) Interior renovations Chairman Mason asked if there was a question as to the value of the improvements being under \$10,000 or not. Inspector Chalmers noted the owner and he had agreed that there might be the need for a fee adjustment after he gets in there to inspect it. He recommends that the permit be issued and once he gets out there he will evaluate the value; \$14,000 is a conservative estimate. Selectman Dougherty didn't think a permit was needed if the cost was to be under \$10,000 and Chairman Mason reiterated no permit is needed for a cost under \$10,000 when it is structural work only and within the same footprint. Jackson requires a permit if there is any other kind of work being done (i.e. electrical, plumbing, gas lines etc.). This application was approved as recommended.

Levitt, Darren & Melanie (Map R12, Lot 100-B) Renovate burned art studio/accessory apartment Inspector Chalmers noted these folks had a fire last spring; he went up to look at this at the request of Fire Inspector Goudreau; we made suggestions about fire separation of the business occupation and the residence. The original approval on this was for a garage with no plumbing; the building got bigger when it was constructed and now they have an

EXHIBIT

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accessory apartment in there. The Levitts purchased the property as it is now. The state approved a three bedroom septic and there are three bedrooms in the house and a fourth bedroom in the apartment. The Levitts are going to have to get a designer in there to say their septic system will work for four bedrooms. Chairman Mason asked if there is a septic load for the studio and was informed the state only looks at bedrooms. These folks need to get a four bedroom septic approval from the state and apply to Jackson for an accessory apartment. Inspector Chalmers noted the owners have indicated they will do what needs to be done including making the septic system larger if needed; they would like Jackson to issue the permit so they can start working on this. Jackson won't issue a Certificate of Occupancy until it's right so this is a fair and reasonable request. Selectman Dougherty noted these folks purchased the building in this circumstance; Chairman Mason noted that means the guy before them put in something that shouldn't be in there but it is not a grandfathered apartment. Chairman Mason also feels that the estimate of \$40,000 is short. Inspector Chalmers noted that since this is fire damage this is valued at \$23 per square foot; he thinks the fee is okay. As this project moves along if he finds it's more, then he will adjust the fee. Selectman Dougherty, seconded by Selectman Davis, made a motion to approve the application conditional upon septic approval and meeting the requirement for an accessory apartment. It was noted that this permit allows these folks to begin making repairs and haul away debris from the fire damage; he's not building an apartment and there was no damage to it from the fire. The motion passed unanimously.

Deboever, Patrick & Connie (Map R18, Lot 44) Violation notice These folks are building on Frances Avenue without a permit in the River Conservation District. They are enclosing a previously non-conforming structure. The assessor's notes are roughly fifteen years old and show a screen-room and bunk-house attached. Fifteen years ago we had the River Conservation District. This is a new owner and he is aware he needs to get a permit. This is all enclosed; it has new windows and siding; it looks like there's a loft and the roof has been raised. Inspector Chalmers has recommended Jackson issue a Violation and a Stop Work Order. The owner is building without a permit and increasing the size of a non-conforming structure. This would provide remuneration for the town. Selectman Dougherty is concerned because the neighbors have not taken any action; the abutters can show the owner is violating Jackson's ordinance. Chairman Mason noted the neighbors reported this violation to the town; that's their action. The new owner may need to take this down to what it was if the town says they have to take it down. Selectman Dougherty wondered what would be issued for a violation; the entire building is in violation because it's in the River Conservation District. Chairman Mason pointed out that the owner has increased the volume of the non-conforming structure and is building without a permit. Selectman Davis, seconded by Selectman Dougherty made a motion to issue a Violation and a Stop Work Order. The motion passed unanimously.

Selectman Davis suggested the Board could use a Work Session on Building Permits. The Board could be more familiar with when a Permit is required. Jackson could end the \$10,000 limit as it conflicts with state building code but Chairman Mason is hesitant to do that. We tell people they have to have an occupancy permit because the state requires it; there is confusion over the \$10,000 limit. This is exactly Selectman Davis' point. Chairman Mason would like the Board to think about the \$10,000 limit which is more liberal than the state law. Selectman Dougherty noted the Board can continue to let the \$10,000 limit exist, we are choosing to enforce the building code so we can choose to keep the exemption. Chairman Mason noted the Board is supposed to enforce these ordinances because Jackson has an enforcement mechanism. Selectman Dougherty noted Jackson can't have an ordinance that's less restrictive than the State's and the \$10,000 limit is an ordinance. He would like clarification on this during the Work Session. Inspector Chalmers noted the State Fire Marshall has taken on plumbing in addition to gas and electrical inspections. No materials can be enclosed until inspected but there are other municipalities that aren't looking at work. When the state is called upon to perform inspections because there is no local inspection officer there is a huge cost to having the State perform an inspection. Where towns have no inspectors and State inspectors are required someone needs to pay the bill. The electrical board has no personnel for inspections. If there's a violation the electrical board will yank the electrician's license. The problem with that is we've seen lots of fires caused by non-compliant work but it doesn't happen right away; it's years down the line when the responsible person may be out of business or even deceased. In that case there's no one to hold responsible and that's creating a hardship by shifting the cost of the non-compliant work to the property owner. . . One of the reasons for inspections is that corners are sometimes cut. Another is that sometimes trades people are less familiar with code requirements than the public assumes. Inspector Chalmers noted contractors are usually glad to make any changes needed and are often thankful the problem was recognized when it can be easily corrected. Selectman Dougherty noted the Town's policy is supposed to make all this easier. Instead of the state inspectors he thinks folks would want to get their own person to check out the work. Inspector Chalmers noted he gets calls to do home and building inspections; folks from Massachusetts, where inspections are required, are stunned that, in some towns, no one is looking at these things. One of the biggest reasons for inspections is because they save life and property. The Board agreed it would like to have a Work Session; Office Administrator Falcey will arrange it.

Dennis Thorell, Timber Tax Assessor: Forestry Services Contract The document was signed as approved. Chairman Mason asked Office Administrator Falcey to inform Dennis that he needs to supply his auto liability not just the general liability.

Intent to Cut Wood: (Map R7, Lot 57N) Garland Lumber Co. 10-231-007T Selectman Dougherty, seconded by Selectman Davis, made a motion to approve and sign the intent to Cut Wood. The motion passed unanimously.