



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
August 21, 2017
7:00 p.m.

Selectmen Present: Susan Silverman, Nancy Carney, Daniel Baker

Ms. Silverman called the meeting to order at 7 p.m.

PRIMARY:

***** APPROVE MINUTES**
- **August 14, 2017**

Ms. Carney made a motion to approve the minutes. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman – recused herself. Approved – 2-0

***** APPROVE MANIFESTS**

Ms. Carney made a motion to approve the manifests. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

***** REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed.

***** CONSTRUCTION PERMIT**
Map 10, Lot 65
Map 9, Lot 10-2
Map 12, Lot 41-1
Map 15, Lot 36
Map 14, Lot 31-1

Map 10, Lot 65 – Ms. Silverman made a motion to require an Occupancy Permit. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0
Ms. Carney made a motion to approve the Permit for Map 10, Lot 65. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

Map 9, Lot 10-2 – Ms. Silverman made a motion not to require an Occupancy Permit. Ms. Carney seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0
Ms. Carney made a motion to approve the Permit for Map 9, Lot 10-2. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

Map 12, Lot 41-1 – Ms. Carney made a motion not to require an Occupancy Permit. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0
Ms. Carney made a motion to approve the Permit for Map 12, Lot 41-1. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

Map 15, Lot 36 – Ms. Silverman made a motion not to require an occupancy permit. Ms. Carney seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0
Ms. Silverman made a motion to approve the Permit for Map 15, Lot 36. Ms. Carney seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

Map 14, Lot 31-1 – Ms. Carney made a motion not to require an occupancy permit. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0
Ms. Carney made a motion to approve the Permit for Map 14, Lot 31-1. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

7:15 PUBLIC HEARING
Re: Acceptance of Unanticipated Highway Block Grant Funds

Ms. Silverman opened the public hearing at 7:15 p.m. and the public hearing notice was read.

Those in attendance were: Gene Cuomo

Ms. Silverman reported a check in the amount of \$86,568 had been received for road work. Ms. Silverman asked if there were any comments.

Ms. Carney made a motion to accept the unanticipated Highway Block Grant Funds. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

Mr. Cuomo suggested reducing the annual road budget, and discussed the cost of asphalt this year versus next year, and using the money on the main thoroughfares. Mr. Cuomo discussed the work to be done on Royalston Road beyond the cemetery and from Pierce Road to the state road. Discussion continued on what projects could be done, and what the funds could buy.

There being no further public comment, Ms. Silverman closed the public hearing at 7:30 p.m.

7:30 MEET WITH SHAWN COYLE
Re: Map 1, Lot 8

Shawn and Shane Coyle, William Mitchell, Chris Chase, Kimberly Lovejoy and Mike LaBelle met with the Selectmen to discuss the letter that Mr. Coyle received regarding the additional construction on the cabin. Mr. Coyle shared that he purchased the property in 1990 with a group of guys and in 1994 he pulled a permit to build a hunter's cabin and a couple years later he added a porch. Mr. Coyle mentioned that he had originally built the cabin too close to the road and they moved the cabin to conform to the setback. Mr. Coyle then added a deck on the outer porch and over the years the rain buckled the wood and he enclosed the porch. Ms. Silverman asked if the porch was part of the cabin. Mr. Coyle stated after moving the cabin he added the deck and he didn't get a Construction Permit. Mr. Coyle shared that he was here at the mercy of the Selectmen. He received a letter and talked with someone in the office and was told that he probably would be able to get a Construction Permit. Mr. Coyle talked with Ms. Favreau to pull a Construction Permit. Mr. Coyle stated he filled out a Variance Application.

Ms. Silverman asked if the other owners of the property were still owners. Mr. Coyle shared that two owners had passed away (Paul Bishop and Peter McCray) and he has to get with the remaining four owners and Mr. Bishop and Mr. McCray's families. Mr. Coyle mentioned that he has paid the taxes for 28 years and has maintained the land. Mr. Coyle and the other owners (after paying the families of Mr. Bishop and Mr. McCray off) would have the deed changed. All of the land owners have been there for 28 years and hoping that they don't have to tear it down. The letter stated to tear down within 30 days or face a fine of \$100/per day. Mr. Coyle shared that Mike LaBelle and Kimberly Lovejoy were abutters. Mr. Coyle stated he would like to rectify this. Ms. Silverman shared that in 1995 when the original variance was granted it stipulated a restriction on the size of the structure. Mr. Coyle read the variance information that he received. Mr. Coyle shared that he never received a copy of the registered agreement. Ms. Silverman shared that Mr. Coyle and the other owners signed the agreement. Mr. Coyle mentioned he might have signed it but he doesn't have any of that paperwork.

Mr. Coyle went to the registry and he showed the Selectmen what he received. Ms. Favreau made a copy of the recorded agreement. Ms. Silverman stated the letter was sent to him because he has something larger than what was approved. Mr. Coyle stated it was true and explained the failing of the porch and the reason why he enclosed it. Ms. Silverman shared what the process would have been if Mr. Coyle had come in to get a Construction Permit to enclose the porch. Mr. Coyle shared that he made a mistake 20 years ago and that was why he came into talk with Ms. Favreau. Ms. Favreau had shared with Mr. Coyle that the Selectmen had discussed the addition and determined the addition needed to be torn down. Ms. Favreau shared it was brought to the Planning Board who determined there was no discussion because of all of the stipulations. Ms. Favreau also shared the Town has the option to not allow building on a non-maintained road and Mr. Coyle had received an exception to build the cabin.

Chris Chase questioned the language on the Notice of Decision listing the restrictions and noting it would be added to the deed and not added upon. Ms. Silverman reviewed the agreement language that was recorded. Mr. Coyle and William Mitchell stated the language was vague. Mr. Baker asked to agree that it wasn't in compliance now and was there a remedy. Mr. Baker asked about Mr. Coyle going to the ZBA to ask for a variance. Ms. Silverman shared if Mr. Coyle applied for an after the fact Construction Permit, the Selectmen would say no without changing the variance that was already received. There would be no guarantee that the ZBA would approve. Ms. Silverman explained the process to issue a Construction Permit and if denied – their relief would be to meet with the ZBA. Ms. Carney asked if Mr. Coyle could meet with the ZBA for them to make a decision. Mr. Coyle asked if there was any statute of limitation. Ms. Silverman responded that it was just discovered and needed to be corrected. Mr. Mitchell asked what the permit process was in 1994. Ms. Silverman shared that a Construction Permit was needed.

Mr. Coyle asked what he could do to keep as is. Ms. Silverman shared the ZBA was a separate board from the Selectmen and they meet once a month if they have a case. Mr. Baker asked Ms. Favreau to clarify what was done by the Planning Board. Ms. Favreau shared that the Planning Board had to comment on it first and they stated they have no jurisdiction to act on it. Ms. Favreau also shared that when it was sent back to the Selectmen, the Selectmen looked further and found there was no expansion and it was determined that the ZBA wouldn't act on it. Mr. Chase stated the restrictions shall be added to the deed and couldn't be added upon. Ms. Silverman shared that Ms. Favreau was correct and the ZBA wrote the agreement and the owners signed off. Mr. Chase stated there wasn't any restrictions for an addition and stated it wasn't clear. Ms. Silverman stated you now have a non-conforming structure there and what Mr. Coyle did was an expansion of a non-conforming structure without a Construction Permit. Mr. Coyle stated he understood that he didn't get a Construction Permit but was asking for an avenue to discuss. Ms. Silverman shared that he could go to the Land Use Office and Ms. Favreau could assist him in set up a meeting.

Ms. Silverman asked about the road and the bridge. Mr. Coyle stated there was always a road and he has done a clearing. Mr. Mitchell stated that he had talked to the State and they didn't have a problem with the bridge. Mr. Mitchell shared how much wood he had cut and stated they were on a 2 year cycle. Mr. Chase asked how this was found out. Mike LaBelle asked how often the town got reassessed. Ms. Carney shared every 5 years. Ms. Silverman stated if they had any further questions to contact the Selectmen's Office. Mr. Coyle asked about the letter and the tear down and asked if meeting with the Selectmen and taking the next step, would he have to pay the \$100 per day fine for the violation because he couldn't pay it. Ms. Silverman stated the Selectmen would discuss and the fact that he was meeting with the ZBA made a difference. Ms. Silverman stated it was up to the ZBA. Mr. Coyle asked if the ZBA approved did he need to meet with the Selectmen. Ms. Silverman shared if the ZBA approved, Mr. Coyle would need a Construction Permit and if the ZBA denied, Mr. Coyle would need to tear down the addition. Mr. Mitchell asked who was on the ZBA. Mr. Coyle questioned the paperwork he received back in 1994. Ms. Silverman shared that the ZBA would have detailed notes on that meeting.

7:45 MEET WITH SUZANNE GRAY
Re: Economic Committee Update

Suzanne Gray and Shelly Tighe met with the Selectmen to give an update on the work of the Economic Committee. Ms. Gray shared the business brochure had been reprinted at an approximate cost of \$2,000 for 2,000 copies. The brochure would be used for 2 years. Mr. Baker asked how the brochure was circulated. Ms. Gray and Ms. Tighe shared where the brochures had been put around town. Discussion was held on where the brochures could be located: having a box at the lake, Rhododendron State Park, the board ramp, various places that the public visits, the Historic District Commission, the Museum and the Fire Department. Ms. Gray shared Committee members would look into. The Selectmen mentioned the Conservation Commission wanted to do work on the Katie Metzger property.

Ms. Tighe discussed the post cards to make the Economic Committee known to the new businesses in town. It would welcome the new businesses to town and extend an invitation to attend their meetings. Ms. Gray shared the cost would be approximately \$75. Ms. Favreau reported that at the end of July the Economic Committee had \$82 remaining in their budget. Ms. Gray shared that they knew they were close. The Selectmen suggested printing the post cards in the off year of printing the brochure.

Discussion was held on businesses contacting the Selectmen's Office to find out more about the Economic Committee. Ms. Favreau shared that callers would be given information on when the Committee held their meetings. It was suggested adding the Town's website and mentioning the Town's newsletter on the post card and if doing a face-to-face meeting to give them a copy of the newsletter.

Ms. Gray shared their next meet and greet would be held on November 13th at the Depot.

Ms. Gray asked Ms. Favreau about the website and could she meet with someone from the committee to put up postings. Ms. Favreau shared that all she needed was information to be e-mailed to her. Ms. Favreau shared that she has a calendar for community events and Ms. Gray asked if it was possible to put that information on the Economic Committee's page should someone only look at their page.

Ms. Gray shared they were looking for new members as they have had some turnover. Ms. Gray asked the Selectmen if they knew of anyone that might be interested.

Ms. Gray asked if the Selectmen had anything for them. The Selectmen mentioned the Car Show to be held on September 30th.

8:00 MEET WITH RICHARD DWINELL
Re: Assessment of Extra Bedroom – Map 21, Lot 6

The Selectmen apologized for running late and asked Mr. Dwinell how they could assist him. Mr. Dwinell stated he was being taxed on 2 bedrooms at the lake and shared that he has a finished attic upstairs which doesn't meet the height requirements for a bedroom. Mr. Dwinell shared the minimum height requirement for a bedroom as listed in the international building code. Ms. Silverman shared in 2011 that Avitar estimated 2 bedrooms. Ms. Favreau reviewed the notes from Avitar.

The assessor noted they didn't get into the property and estimated 2 bedrooms. Ms. Favreau asked if Mr. Dwinell mentioned this to the assessors when he met with them. Mr. Dwinell stated he doesn't want them in his house but he would allow Mr. Baker to go in. Mr. Dwinell shared he wasn't happy with the assessors. Mr. Baker stated it wasn't a tax it was a market assessment and the reassessment was every 5 years. Mr. Dwinell stated he felt that the people at the lake have been over assessed. Mr. Baker shared that Mr. Dwinell needed to look at the market value of the properties on the lake.

Mr. Dwinell mentioned the legal outcome when property owners at Spofford Lake went to Court. Mr. Dwinell stated he has a group that was ready to sue the Town and he has been in touch with Attorney Tom Hanna. Mr. Dwinell discussed the values of other properties on the lake and stated it was an injustice. Mr. Dwinell shared the Town doesn't own the lake the State does.

Mr. Baker asked to discuss the issue that Mr. Dwinell came in to discuss with the Selectmen which was a bedroom. Mr. Dwinell stated it wasn't a bedroom and it wasn't to height. Mr. Baker shared the Selectmen could look into and remedy it. Ms. Silverman shared that it was one piece that could be verified one way or the other. Mr. Dwinell shared that he has an issue with Avitar. Ms. Silverman stated an inspection would need to be done to determine if it's a bedroom. If the assessors don't go in, they have nothing to base it off of. Ms. Silverman shared that one Selectmen can't go in to determine. Mr. Dwinell needed to allow Avitar to go in and measure and report back to the Selectmen. Ms. Favreau asked Mr. Dwinell for his contact information so that Avitar could schedule a time to meet with him.

Ms. Silverman asked if Mr. Dwinell had anything else that the Selectmen could help him with. Mr. Dwinell stated he was hiring a lawyer and was going to take it to Superior Court.

Mr. Dwinell stated he has a metal storage unit on his store property and discussed his assessment. Mr. Dwinell shared he brought that up to Avitar and was told that it would be straightened out by September. Mr. Dwinell felt it was being charged as commercial storage and it wasn't. Mr. Dwinell uses it as his personal storage. Mr. Baker asked Ms. Favreau if Avitar could look at both issues. Ms. Silverman shared the intent was to be as fair as possible in looking at what was actually there. Mr. Dwinell asked how to go against them. Ms. Silverman stated to make a case and agreed these were things to take up with Avitar. Ms. Silverman shared that they would make sure Avitar contacted him.

Mr. Dwinell thanked the Selectmen for meeting with him.

*** **SIGN UPDATED FIREWORKS SALE AND DISPLAY POLICY**

The Selectmen reviewed and signed the updated Fireworks Sale and Display Policy. After discussion, the Selectmen agreed to change the policy to have the Fire Chief or their designee sign the form instead of the Board of Fire Wards. The Selectmen also agreed to add a rain date to the form and the wording for Police and Fire Detail to be put under the signature of the Fire Chief or their designee.

*** **REVIEW AMENDED CONSTRUCTION PERMIT APPLICATION INSTRUCTIONS** – Tabled until next week.

*** **DECIDE ON PARTICIPATION IN LOCAL UPDATE OF ADDRESSES FOR 2020 CENSUS** – Tabled until next week.

*** **DECIDE ON DATE AND TIME TO MEET WITH NH DOT REGARDING ISSUE ON ANGIER ROAD AND RT 119**

Ms. Favreau shared that John Kallfelz would like to meet with the Selectmen. The Selectmen were available on Sept 5th or 7th at 1 p.m. Ms. Favreau would contact Mr. Kallfelz to schedule a meeting.

*** **NON-PUBLIC SESSION - RSA 91-A:3 II(b) – Hiring**

At 8:55 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(b). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

At 8:56 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

*** **NON-PUBLIC SESSION - RSA 91-A:3 II(a) – Employee Matter**

At 8:56 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(a). Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

At 9:07 p.m. Ms. Carney made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

OTHER BUSINESS:

-Police Car Show – scheduled for September 30, 2017, 12 p.m. – 3 p.m. at Meadowood Fire Department – The Selectmen reviewed.

-Doors at Public Safety Building damaged – The Selectmen discussed.

The Selectmen and Ms. Favreau discussed a complaint received from Mrs. Brown regarding her son's grave site. Ms. Favreau stated she wrote back to Mrs. Brown and asked that if she wished to discuss the issue to please contact her to schedule a meeting with the Selectmen. The Selectmen would like to meet with the Cemetery Commissioners to discuss the issue.

Ms. Silverman asked about the Rettig property. Ms. Favreau would have someone check out the property.

Ms. Silverman made a motion to adjourn the meeting at 9:35 p.m. Mr. Baker seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Susan Silverman, Chairman

Nancy Carney, Vice Chairman

Daniel Baker
Board of Selectmen