

**TOWN OF NEW HAMPTON  
BOARD OF SELECTMEN  
MEETING MINUTES  
TOWN OFFICE  
NEW HAMPTON, NH 03256**

May 30, 2019

**MEMBERS**

Mr. Irvine, Mr. Denoncour, and Mr. Mertz were present.

**PRESENT:**

**OTHERS**

Town Administrator Mrs. Lucas

**PRESENT:**

**CALL TO ORDER:**

Mr. Irvine called the meeting of the Board to order at 6:30 p.m.

**WORK SESSION**

Manifests, bills, requisitions, purchase orders and leave request forms.

Mr. Mertz made a motion, seconded by Mr. Denoncour to sign a Payroll Change Notice for Michael McClay for successfully completing his probationary period. New rate in affect for 5/27/19. Vote was unanimous.

Board signed abatements after reviewing the recommendations made by assessors:

1. Tax Map U6, Lot 4 @ \$198.36
2. Tax Map R16, Lot 8 @ \$199.25
3. Tax Map R13, Lot 4B @ \$116.16
4. Tax Map R3, Lot 25 @ \$307.36
5. Tax Map U10, Lot 26 @ \$254.64

The board approved purchase requisitions for Hwy Dept. (open req. for 2019 with NRRA)

The board reviewed the following Building permit:

1. Wintringham Rev Trust, Tax Map U15, Lot 8; (After-the-fact) DENIED as setbacks to a side property line were not met and referred to ZBA.
2. Barry & Carol Graton, Tax Map R14, Lot 9; Approved
3. Tilton Realty Trust, Tax Map R11, Lot 17.47; Approved
4. John & Marilyn Rogers, Tax Map R11, Lot 17.15; Approved

**APPOINTMENTS**

6:45 PM

*Police Chief Stevens*

Chief Stevens was present. He said he has 2 applicants for part-time officer:

1. One he is ready to make a conditional offer to. He said this person is likely be offered a full-time job in another department but is willing to work for both. The other municipality will be sending this person to the academy.
2. Applicant is a certified officer and is willing to work part-time.

The board asked Chief Stevens to coordinate with Mrs. Lucas to stay within policy for any testing necessary of the applicants.

7:00 PM

*New Hampton*

*Community Church*

Pastor Scott Mitchell, Dan Rivannis, Tom O'Shea, were present. Pastor Scott advised that the church has grown and as they need more seating and space for children they want to add on to the present structure, while preserving the look of the church. They are hoping to have direct access from their enlarged parking area directly into the addition, with the addition being constructed partway into the parking lot.

Mr. Irvine said the present church is non-conforming to setbacks and want to avoid any addition become more non-conforming. He said Site Plan Review will be required. Mr.

Mertz asked about the height of the roof on the proposed addition stating that the height above grade is restricted to 35'. Mrs. Lucas pointed out that there are parking requirements that need to be considered, especially the current limited parking area. The board suggested a change to the proposed lines of the addition closest to Church Lane to maintain the current setback distances. The board advised the addition would require a Special Exception to enlarge the conforming use and possibly a Variance depending on how they lay out the addition relative to Church Lane. The board said the ZBA would have to grant a Special Exception and/or Variance, prior to the church applying to the Planning Board for Site Plan review. It was noted the off-street, on premise parking requirements for this use is 1 space for every 3 seats or 1 space for 40 sq. ft. whichever is more stringent. The board advised Pastor Scott that they could meet with the Planning Board conceptually to discuss their options. There was discussion on steps needed to discontinue Church Lane.

7:30 pm

Richard Shea

Mr. Shea was present. He said he wants to pave the Class VI portion of Beech Hill Road including his driveway. He advised that PWD Mr. Boucher has provided input. Mr. Irvine reminded Mr. Shea that the Class VI portion of Beech Hill Road remains that status with no expectation of the town to maintain those improvements. Mr. Shea agreed. Mr. Irvine said a document would be drafted which authorizes Mr. Shea to make the improvements and states the expectations.

7:45 pm

Michael & Kathryn  
Lawless

Mr. and Mrs. Lawless were present. Mr. Lawless said they have an application to the ZBA for a Special Exception for short-term rental use and feel they have been responsible hosts for their renters. He said they've had no complaints and are very selective with their renters, which help defray costs of owning the property. Mr. Lawless said they have obligations to their guests who have signed contracts and that since receiving the letter in January advising them of the need for a Special Exception to operate the short term rentals they have discontinued any further rentals of the house. The board had previously reviewed a letter from the Lawless's attorney requesting an agreement with the Selectmen to allow the rentals currently contracted through August 18, 2019. Mrs. Lawless offered to provide their rental agreements and said they require a very large deposit. Mrs. Lawless said she could show documentation that the 5(changing it from 6 which she initially stated) weekly rentals were contracted prior to receiving the violation letter. Asked how big the parties are that are that have contracts Mrs. Lawless said she thought it was 5, 7 & 8 and said the prior owners rented the property typically to 7-9 guests. Mr. Irvine pointed out that the ad for rentals lists the property as a 4 bedroom but the septic design is only for 2 bedrooms, which is a significant issue even if it wasn't being used for short-term rentals. The board agreed this issue is separate from the possible agreement to allow the contracted rentals to take place. The board felt if an agreement could be met for the contracted rentals it would still provide for the Lawless's to appeal to the ZBA for future use of the property as a short-term rental. There was discussion on whether this creates a precedent for this use on this property agreeing that with appropriate limitations this would not be the case. Mrs. Lucas suggested the Lawless's attorney and town's attorney draft a written agreement that is clear to safeguard both interests. Mr. Lawless said if an agreement could be reached by 6/4 they would withdraw their appeal to the ZBA but if the deadline couldn't be met the Lawless's could request the ZBA to continue the hearing scheduled for 6/5, to a date specific. Mr. Mertz suggested that in the agreement it should state that they are withdrawing their ZBA appeal application. Mr. Denoncour made a motion, seconded by Mr. Mertz to authorize both attorneys to draw up an agreement for the use of the Lawless property on Lake Waukegan as discussed, considering the town's concerns regarding the property, for the period of 6/29/19 through 8/18/19, and to require the Lawless's to provide documentation showing contracts were

signed prior to their receipt of the enforcement letter. Vote was unanimous.

### **DISCUSSION**

The Board reviewed the following:

- Agreement to accept grant monies for radio reprogramming. Mr. Denoncour made a motion, seconded by Mr. Mertz to authorize Mr. Irvine to sign the document. Vote was unanimous.
- Notification of HSEM Performance Grant @ \$13,945 for purchase and installation of security equipment for the Emergency Operation Center, which is a 50% match of the town.
- Costs for turnaround and parking area at the Kelley Drake Conservation Area estimated at \$1,276.04. As a portion of the costs are for the required turnaround on Kelley Pond Road the board agreed to pay \$592 towards the cost with the remainder to be paid by the Conservation Commission.
- Time off requested by Transfer Station employees Mr. Shea and Mr. Boynton whose time will be covered by Hwy Dept. personnel. There was discussion on the need to hire permanent part-time and seasonal part-time employees as Mr. Shea and Mr. Boynton plan full retirement with the board agreeing to advertise.
- Copy of Notice of Deficiency from NHDES to Village Precinct on their public water supply.
- Copy of letter from Village Precinct notifying its customers of the deficiency.
- Notification that the Kim Ayers Award will be awarded to person nominated by the Selectmen, but he will be on vacation and unable to attend the presentation by LRPC at their annual meeting. The board agreed to speak to his business partner about someone to accept the award, and a Selectmen presentation when his vacation is over.
- Notice from Town of Bristol for proposed cell tower.
- Request from resident for signage to slow traffic on Old Bristol Road near Coolidge Woods Road. The board agreed some type of signage should be installed.
- Mrs. Lucas and Mr. Boucher to speak with of Waste Management's Mr. Boyer, for contract renewal.

### **OTHER BUSINESS**

- Mr. Mertz expressed frustration with the data that NHDES mandates from the town's landfill but does little to keep recyclables out of the waste stream. The board agreed that Mr. Mertz should draft a letter to the state representatives relative to this issue.
- Mrs. Lucas said Eileen Kondrad asked Mrs. Lucas about the Welcome signage and Mrs. Lucas had advised her the money had been appropriated for.
- Mr. Irvine said the Mobil station has some unpermitted signage.

### **PUBLIC COMMENT**

There was none.

### **NON PUBLIC**

At 8:53 pm Mr. Irvine made a motion, seconded by Mr. Mertz, to go into Non-Public

**SESSION**  
**PRESENT**

Session, according to RSA 91A:3 II (c) Personnel. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz –Y.

**RETURN TO**  
**PUBLIC SESSION**

Mr. Irvine, Mr. Denoncour, Mr. Mertz, and Mrs. Lucas

At 8:59 pm, Mr. Irvine made a motion, seconded by Mr. Denoncour, to come out of Non-Public Session and seal the minutes for 5 years. Votes were unanimous.

**NON PUBLIC**  
**SESSION**  
**PRESENT**

At 9:00 pm Mr. Irvine made a motion, seconded by Mr. Mertz, to go into Non-Public Session, according to RSA 91A:3 II e) Litigation. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz –Y.

**RETURN TO**  
**PUBLIC SESSION**

Mr. Irvine, Mr. Denoncour, Mr. Mertz, and Mrs. Lucas

At 9:08 pm, Mr. Irvine made a motion, seconded by Mr. Mertz, to come out of Non-Public Session and seal the minutes for 5 years. Votes were unanimous.

**ADJOURNMENT:**

Mr. Denoncour made a motion, seconded by Mr. Mertz, to adjourn at 9:09 pm. Vote was unanimous.

Respectfully submitted,  
Pamela Vose