**SELECTMEN’S MEETING**

Monday, October 23, 2023

Town Hall – 7:00 PM

**MINUTES**

Pledge of Allegiance

Attendees include: Christopher Madden – Chair, Robert Fee – Selectmen, Terri LaRoche – Selectmen, Michelle Pong – Town Administrator, Vickie Williams – Secretary and Harry Power – Compliance Officer

Guests include: Joe Traniello, Bob Maden, Aaron Bryer, Bret Kaczka, Sam Kaczka, Geoff Jones and Ray Durand

APPOINTMENTS:

Harry Power –

131-13 – Jalbert – ZBA sent to Conservation Commission for their input. Construction done without permit. Permit granted after construction complete.

134 88 – Girard – Approved by ZBA – getting Conservation Commission input.

**Nothing done on the above – informational only**

129-12 – Taylor – next to Library – did not meet setbacks. PD $300.00

139-24 & 25 – Deangelis – replacing existing deck with 3 season room. Shoreland permit, existing footprint. PD $300.00

127-6 – Downing – 12 x 24 shed and 12 x 24 open deck PD $200.00

101-71 – Austin Family Trust – 24 x 34 two story garage – cold storage only – does not meet setback, needs to go to ZBA PD $300.00

126-55 – Cleaver – paving existing driveway – PD $50.00

413-7.1 – Tuthill Properties – new dwelling – PD $500.00

420-14 – Tuthill – 12 x 30 house shed PD $200.00

127-31 – Chisholm – solar panels – PD $50.00

**Signed & Approved**

424-8 – Gunn – 2 story barn – cold storage only 24 x 24.

**Denied by Selectboard. Bob Fee, Chris Madden & Terri LaRoche. This is the same property that built a cold treehouse then proceeded to put in plumbing and rent it out. This property has an approved 3 room septic system. With 3 bedrooms in the house, an additional bedroom in the apartment below, plus another in the treehouse, this property needs to upgrade the septic system to a 5-room system.**

TO BE SIGNED/APPROVED:

1. A/R and/or P/R Manifest
2. Minutes of 9-25-2023
3. MS 535

**Chris Motioned to Accept Minutes of 9-25-2023 as written. Bob Seconded. Motion Carried.**

**All above Signed.**

PUBLIC COMMENT:

Marina – They are waiting on the State NHDES

Property Encroachment – 20 Lakeview – Hidden Lake – Kackza Family Trust. Neighbor is encroaching on their property. Put 40 feet of driveway on to their property. Demolished boulder. Cut their trees down. Creating watersheds into their property causing flooding. Michelle will look into the property folders for 119 – 33 & 31 to see what permits there are, if any. This issue may have to be a civil court matter.

OLD BUSINESS:

LBF - DUAL MEETING SELECTBOARD AND CONSERVATION COMMISSION

A. Where to Deposit the proceeds – The proceeds go directly to the Town of Stoddard – at town meeting they can be voted to move the funds to the LBF OR the Selectmen can vote to put them into the LBF line item.

B. Walker Property – the BLA (boundary line agreement) has been signed and ready to move forward with the Planning Board with the actual BLA approval.

**Terri Motioned to Accept the $13,000.00 sale from Walker for the encroachment and to place the funds in LBF line item. Chris Seconded. Motion Carried.**

C. Pollock Property – Has not picked up the agreement to sign from the Post Office. Sent out September 24th and was in his mailbox on the 28th of September. The agreement was not picked up by October 5, 2023. Michelle hand delivered a copy to Pollock. Pollock stated “he refused to sign anything”. Post Office is sending registered letter back to the Town.

**Chris Motioned to send letter rescinding the offer, and giving 30 days to remove all materials from the Town property or the Town will remove and store materials and to cease and desist, Pollock will pay all storage fees if the Town must clean up the property. Terri Seconded. Motion Carried.**

If at any time the Board feels threatened they should call dispatch or 911. Document everything. Get a restraining order if necessary. Bob had questions about the Stand your ground/Castle laws. When can deadly force be used?

**MOTION BY THE CONSERVATION COMMISSION DURING DUAL MEETING**

**Bob Motioned to let Geoff Jones sign LBF expenses for the pre-approved encroachment issues up to $2,500.00 dollars as Conservation Commission Chairman. Aaron Bryer Seconded. Motion Carried.**

**Joint meeting closed at 9:00 PM**

Tax Deeds next steps – Letter to go out to owners that property is being sold – will get a prorated bill for the property in the association for road fees, bill was for April to May for full year. Town has only owned the property since October.

**Chris Motioned to start proceeding with sales by notifying owners by mail that the property is being sold and make a buy-back offer to expire in 30 days. Terri Seconded. Motion Carried.**

Electronic Radar Signs – **tabled to next meeting (time constraints)**

Order of application clarification – **Terri Motioned to include the legal interpretation of the question of order. Chris Seconded. Motion Carried.**

Legal advice was as follows: “The ZBA has a limited scope of jurisdiction dictated by statute.   In short, a ZBA has a couple functions.  First,  ZBAs are authorized to hear and decide applications for variances, special exceptions, and equitable waivers.  RSA 674:33 and RSA 674:33-a.  Second, ZBAs acts as an appellate body and hear appeals from decisions of administrative officers (i.e. code enforcement official), but also head limited appeals from Planning Board decisions, if a decision includes the interpretation and application of a zoning ordinance provision.  See RSA 676:5, III.

…It is not uncommon for an applicant to go to a ZBA first to obtain whatever relief is needed to allow the use of property, and then proceed to the Planning Board for site plan or subdivision review.  The ZBA’s decision on the variance, special exception, or equitable waiver does control and the Planning Board does not have the authority to reject that decision.”

NEW BUSINESS:

Approve lights for EMD (Emergency Management Director) $600.00 –

**APPROVED BY BOARD**

250th Celebration – **tabled to next meeting (time constraints)**

Tree Removal at Gazebo Park – 5 dead trees need to be removed. $1,800.00

**APPROVED BY BOARD**

Appoint alternate ex-officio to Planning Board – **tabled to next meeting (time constraints)**

Budget considerations –

Policing – **tabled to next meeting (time constraints)**

Civic Plus – can begin now for $1,000.00 discount – will include text, landline and email for emergency use.

**APPROVED BY BOARD**

Conservation District donation request – **tabled to next meeting (time constraints)**

MISC CORRESPONDENCE:

Cease and desist letter sent

Moving forward on Hayes property the non-compliance issues will be addressed at time property is sold.

ZBA decisions in packet given to Board.

**Chris Motioned to Adjourn the Public Meeting @ 9:20 PM. Bob Seconded. Motion Carried.**

Submitted

Vickie Williams – Secretary

Christopher Madden \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Robert Fee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Terri LaRoche\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_