



Town of Effingham
Selectmen's Office
68 School Street
Effingham, New Hampshire 03882

Board of Selectmen Work Session Minutes
December 6, 2022

Present: Chairman Espie, Selectmen Fuller and Kirkwood, Town Administrator Fraizer (via telephone), Budget Committee Chair Strauss, and Rosemarie Wissenbach

Chairman Espie called the meeting to order at 11:00 a.m.

Fire Chief JT Harmon and Police Chief Joe Duchesne were unable to attend.

Zoning Enforcement Officer (ZEO), Rebecca Boyden, provided her Report for November 2022 while referencing the **Zoning Enforcement Monthly Activity Log**. Initial discussion about the status of four properties which have been used as junk yards and continue to be out of compliance with the zoning ordinance. The ZEO made her initial contacts with these property owners over two years ago, on 9/27/2020.

Selectman Kirkwood asked about what happens after the property owner is fined? ZEO explained that the Town can eventually take that property owner to court. Town Administrator Fraizer commented that an invoice of the daily fines accrued can "light a fire under" the property owners who have already received site visits, violation letters and warnings from the ZEO.

Selectman Fuller asked if there are any deadlines in the violation letter sent with the monthly invoice for fines? No, said Town Administrator Fraizer. The invoice of accrued daily fines is sent on the 1st of each month. Selectman Fuller said, the Town will always work with property owners when they engage the Selectmen.

Regarding the Flanders Bait Shop located at 306 Pine River Road, Chairman Espie requested that the Planning Board send its approval for a Cottage Industry to the Board of Selectmen.

Chairman Espie asked about property with the unpermitted driveway. The ZEO identified Map 412-81.2 as the subject property. Of particular concern, said Chairman Espie, are the sight lines from the driveway, there is a hill crest at the location. ZEO says that there was a driveway permitted in another location nearby, she will follow up and talk to Tax Assessor David Hynes about the exact location of the permitted driveway.

The ZEO thanked the Board of Selectmen for approving an extension to a temporary occupancy at 86 Jones Road. She noted an approval for new rooftop solar panels at 661 Townhouse Road. Ms. Boyden reported that 465 Pine River Road, Map 413-181, owner Susi/Collins have done significant cleanup on the property, 90% of the junk has been eliminated. What remains onsite are several stacks of building materials which the owners intend to reuse/recycle. ZEO asked the Board of Selectmen if she could tell the Town Attorney to "dismiss this case without prejudice." The Board of Selectmen gave their verbal consent.

The ZEO said that a Warrant Article is needed for a Road Discontinuance, using legal language. She asked if the Town Attorney should advise the Town? Town Administrator Fraizer



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said that it would be less expensive for the Town to draft the wording for the Warrant Article, after which the Town could ask the Attorney to proofread.

The ZEO pointed out that most RV owners are not living on their premises year-round. She said that she is in the process of reviewing all RV permits with David Hynes. The ZEO would like to provide her updated RV Report in February 2023 which would allow the time necessary to contact the owners in writing, and to wait for their responses.

The ZEO discussed with the Board how to deal with an owner who continues to have two RVs on their property. Some properties have had multiple RVs for many, many years. Selectman Fuller suggests that we look at the New Hampshire Municipal Association [NHMA] for their opinion for grandfathering the seasonal use of two RVs on one property. The ZEO says that there are currently three properties in the Town of Effingham which would apply for the variance.

The ZEO will be on vacation and her office closed the first week of January 2023.

There was discussion about Building Permits for major renovations compared to maintenance and replacement work. It was pointed out that the renovation of a kitchen or a bathroom can substantially change the value of the property and requires a building permit. Selectman Fuller asked how long the Town has been issuing Building Permits for renovations, the ZEO replied "About two years." Discussion about differences between building "maintenance", building "repairs", building "renovation," and building "improvements." Chairman Espie and Selectman Kirkwood feel that building repairs do not need a Building Permit; for example, when replacing a roof or a heating system.

ZEO pointed out that many building improvements are done without a Building Permit. She further explained that Zoning regulates the Building Footprint and the Building Uses; whereas Building Permits regulate compliance to the New Hampshire State Building Code. ZEO feels that Building Permits should be required for extensive building renovations. Selectman Fuller suggested that some wording on this issue be included in the update of the permit fee structure.

There was a brief discussion about properties with multiple units. Town Administrator Fraizer asked if the Fire Chief, JT Harmon, has started doing the annual building inspections. ZEO said that residential properties can add an Accessory Dwelling Unit. Chairman Espie pointed out that there are differences between Residential Zoning and Commercial Zoning. ZEO stated that two-family housing is allowed if the lot is large enough; furthermore, the conversion from one to two residential units is a "low-level" process. Town Administrator Fraizer asked the ZEO, Rebecca Boyden, to arrange a meeting with Fire Chief JT Harmon. ZEO will set up a meeting with the Fire Chief.

Chairman Espie pointed out that the new RSA requires the Town to post its fees on their website. Selectman Fuller said that the City of Dover website posts one fee schedule for all municipal permits. ZEO referred to this as a Master Fee Document. The ZEO suggests a separate flat fee structure for most Building Permits. Permits are already required for demolition and for solar arrays.



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Chairman Espie discussed **meeting times**. He said that meeting times for the Board changed and the meeting continues to have low attendance. Rosemarie Wissenbach said that many Town Boards meet at 6:00 p.m. In her opinion, a 6:00 p.m. meeting time is far more feasible than a 4:30 p.m. or an 8:00 a.m. meeting time. She asked if the Town still offers Zoom Meetings online. Town Administrator Fraizer said that she could return to the routine of publicizing Zoom Meetings. Selectman Fuller asked that the Zoom Meeting links be posted in order to encourage public participation.

Selectman Fuller said that he had forwarded the e-mail regarding **Carroll County Broadband**. Town Administrator Fraizer explained that a Public Hearing will take place followed by a Warrant Article. She asked if copies of the proposed Contract for Carroll County Broadband are needed for the Public Hearing? Selectman Fuller suggested that ten copies of the contract be made available to the public.

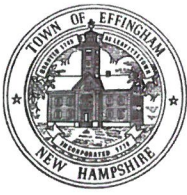
Town Administrator Fraizer will e-mail draft language for **Animal Control Ordinance**. Selectman Kirkwood noted the difference between household pets and farm animals. Selectman Fuller said that there is an existing Dog Ordinance which covers pets. Town Administrator Fraizer referenced "domestic and feral animals," for which Steve Buckley says there is a different RSA. Selectman Kirkwood requested a copy of the relevant RSA; Town Administrator Fraizer will send it to her.

Selectman Fuller made a Motion to approve Joe Kingston for the **Library Board of Trustees**. The motion was seconded by Selectman Kirkwood. The motion passed (3-0)

Chairman Espie gave the status of Bailey Road. He said that the offending Port-a-Potty was relocated across the road and was supposed to be removed as of last Thursday but is still there as of yesterday, 12/5/2022. Heavy equipment remains onsite at this time and will be removed shortly.

Budget Committee Chair Strauss inquired about **Warrants** being ready? Town Administrator Fraizer said that she asked all Boards to submit Warrant language.

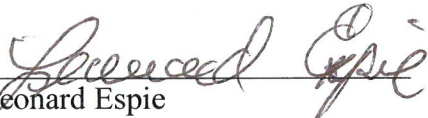
Selectman Kirkwood said she was contacted by a resident who does small construction projects. He wanted to know the proper way to dispose of the debris generated by a small business and if he can use the Town Transfer Station? Selectman Fuller said it is commercial waste, the Town cannot handle that and does not allow it. He can try a "Bagster" instead of a metal container, buy it for approximately \$100, fill completely, and Waste Management will haul it away for a flat fee. Rosemarie Wissenbach said that she used Bagsters when she moved in. Selectman Fuller said that he's used a Bagster and that he originally had that language in the ordinance.



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Chairman Espie made a motion to adjourn at 12:22 p.m. The motion was seconded by Selectman Fuller and passed unanimously (3-0).

Respectfully Submitted,
Livia Nicolescu


Leonard Espie

Dated: December 6, 2022


Charles Fuller


Victoria Kirkwood