

**Selectmen's Meeting
Friday, December 10, 2021**

Chairman Leslie Babb called the meeting to order at 9:00 AM. Present were Selectmen Leslie Babb, Ernie Day, and Melissa Florio, and Ellen White, Town Administrator, who recorded these minutes. This meeting was held at the Town Hall.

Also, present were David & Jennifer Hayes and John Krebs.

Les reviewed the option of holding any discussion in non-public session due to potential threat of litigation. Discussion ensued. All were in agreement to proceed in public session.

Non-Public Session(s):

Not applicable.

Discussion:

David Hayes thanked the Board for holding the special meeting and iterated that they are horrified with the current status and want to be good stewards of the lake quality and make this their home.

Review took place on the Cease-and-Desist order as well as Notice of Violation letter sent. Les stated that the Board is looking for response to the violations including a plan of how to remediate and timeline to do so, compliance with NH DES, satisfactory inspections to be completed on garage footings and foundation, and to file with the Zoning Board of Adjustment.

John Krebs stated he has already been in touch with Jim Rines of White Mountain Survey and due to a prior commitment, he was unable to attend today.

John questioned the fine calculation and compared it to another property that had just received a settlement for zoning violations that were already constructed. Les responded that the fines are based on the information found on the second page of the notice of violation that was issued.

John acknowledged the shoreline breach resulting in a wetland violation and stated the fill has since been removed. It is undetermined at this time as to whether a wetlands scientist will have to delineate the wetlands area. The location of the home has been moved back 5' further from the water which is an improvement but it is not as shown on the original plan. Additional trees were also removed in the wetland area but were not within the shoreline buffer. Estimated timeframe to submit amended plan to NH DES is January but may require remedy to take place in the spring. The deadline to file an appearance before the ZBA for the December meeting is Monday, December 13 and may have to be delayed until January.

Gary discussed the fill that was added to the wetlands. John responded that the fill is junk and excess will be removed as soon as permitted.

Les requested a plan with timeline be submitted to the Board for review, they will then forward to the attorney to review before a decision is made to lift the cease-and-desist order.

John requested permission to commence work on the bunkhouse/garage to at least get the walls poured, backfill the foundation and cap the foundation and no certificate of occupancy will be issued

until all issues are satisfactorily resolved. Gary stated that no inspections were completed on the footings or foundation and may require sonic testing. The fill added was not compacted and could result in foundation cracks in settling. John responded that the footings were installed on virgin ground. Les requested any pictures that were taken of the footings and foundation be submitted with the plan/timeline. John stated the foundation is Styrofoam forms with rebar contained within. Building Inspector Dave Senecal will have to review to determine if they meet his requirements.

John questioned if he can commence with work if they are satisfactory. Les responded that the plan in writing needs to be reviewed before they can come to an agreement. Once in agreement, a request for specific relief may be granted.

Gary stated that he understands that potential restoration plantings will have to wait until spring.

John outlined the remedies needing to be in place for wetland fill, embankment breaching shoreline, bring back wetland to natural, erosion control, delineate wetlands. Slope from fill to wetlands will have to be determined based on lot loading.

The driveway was discussed. John stated it is not permanent but would like to continue temporary use for deliveries. He was referred to speak with Road Agent Scott Brooks. It was noted as a non-permitted use and has been blocked off and reopened.

John will confirm dates for Monday and questioned how quickly they can be addressed. Les responded that the Board will review them on Monday, forward to the attorney for review/comment. Les requested the pictures be sent to Dave for review with Gary and then comments will be circulated back to John, David & Jennifer. Les stated a cash security may be required to continue any work until all requirements have been satisfied. Ernie agreed.

Les stated the Boards responsibility is to protect the town and not create unnecessary legal costs for the property owner or town and not to negatively impact the quality of the lake.

John was shocked by the cease-and-desist order and referred to it as a sledgehammer approach. David stated that it is their problem and they will address it with the assistance of Jim Rines. Gary questioned if Jim pinned the footings.

Remedy requirements were reiterated again. John stated the variance should go through without issue.

Question on if a wetlands restoration plan is required. If not, correspondence from NH DES will suffice.

Les stated that nothing can be done until an agreement is in place. This will be addressed under other business.

Les stated that communication with John was closed last week based on threat of litigation communicated to Gary. David Hayes stated that is not the intention.

A phone call will take place during Monday's meeting to David & Jennifer so they can listen in on the applicable discussion.

David, Jennifer and John left the meeting at 9:35 PM.

The Board reviewed the discussion and requirements for remedy with Gary.

Melissa will follow up with Scott Lees and update him on the matter.

The Board reviewed and agreed on proposed performance awards.

Being no further input, Ernie made a motion to adjourn. Les seconded. All in favor, the motion passed.

The meeting adjourned at 9:53 AM.

Respectfully submitted,
Ellen N. White, Town Administrator

Approved by the Board of Selectmen on _____:

Leslie R. Babb

Ernest F. Day, Jr.

Melissa M. Florio