

Town of Groton
Select Board Work Session Minutes
February 20, 2018

In attendance: John Rescigno, Kyle Andrews and Sara Smith (Administrative Assistant - AA)

Absent: Christina Goodwin

John called the meeting to order at 4:30pm.

John motioned to go into non-public session pursuant to RSA 91-A:3 II (a) and (b) at 4:30pm, Kyle 2nd, so voted.

John motioned to return to public session at 5:45pm, John 2nd, so voted.

John motioned to seal the non-public minutes, John 2nd, so voted.

Gates at Transfer Station

The gates have been left open because there are puddles that make the gates freeze open and if there is a lot of snow they have to push the gates open with the plow. They want to avoid pushing them open with the plow so that they don't get damaged.

Bubba will talk to Norm about closing the gates and finding another option instead of keeping them open.

North Groton Road

Bubba has talked to other pavers and he doesn't think that we are doing North Groton Road correctly. He had Bryant Paving come out and we think that we need to take a different direction on this. Bryant paving thinks we should grind the rest of the road to 118, do a base coat that year and then the following year do a final coat. The Road Committee needs to meet on this before work is done. Bubba will work on getting more people together for the Road Committee and then set up a meeting. The Select Board won't speak to any definite work on North Groton at Town Meeting.

Work Session

The next work session will be scheduled for Tuesday, February 27, 2018 at 4:30pm to complete the evaluations.

Kuplin Concerns

The Select Board met with the following Boards and the Town Attorney Laura Spector-Morgan to discuss the concerns with the Kuplin property located at Map 5 Lot 46 on North Groton Road and his proposed use:

Zoning Board - Chuck Stata, Lynn Booth, Frank Grelle, and Helen Martynzyn

Planning Board - Deb Johnson, Ray Blake, and Russ Carruth

John explained that the Select Board called the meeting to iron out the issues with Mr. Kuplin's proposal so that we can give him the right directions and keep the boards all on the same page with regard to what needs to be done.

Laura Spector-Morgan introduced herself to everyone and apologized for the confusion that she may have caused on the building permit. It was originally submitted for storage and was approved as long as it was not for commercial use but then had to be revoked due to Planning Board concerns and it was correct to revoke it

because it would need Site Plan Review and a Special Exception. Mr. Kuplin then resubmitted it with a note that it was to use the property for agricultural purposes. The Select Board reached out to Laura to see if they should approve it with the change and she thought they should but didn't know all of the background which is why we wanted to meet. Laura didn't think of Site Plan Review when it came back as agricultural and she absolutely agrees that it does require site Plan Review. The next question is if it requires a Special Exception and since there currently isn't a residence there then she does agree that it would require a Special Exception as well. The normal process is to go to the Zoning Board first for the Special Exception, then to the Planning Board for Site Plan Review and then after that is done the Select Board can look at a building permit. As of right now the current building permit is on hold and has not been approved until we could understand what the correct process is.

Chuck said that if it is agricultural it would have to be defined as to what constitutes agricultural. Laura said we would need to know exactly what he is doing in there. Chuck mentioned that if he is planning on using the structure that is there assuming it passes engineering standards. There currently is no code enforcement in Groton so this would be hard to enforce. Deb Johnson said there wasn't a building permit originally. Sara explained that she went through the file since she was not here when this all started and the building had started without a permit on file. This was brought to the Town's attention and they contacted the owners who did submit an application. There were also letters in the file from the Select Board asking for the property to be cleaned up (boats, etc.) and if all the conditions were met then they would not require the structure to be taken down. There was nothing after 2012 and it was assumed that all conditions were met which is why the structure was not taken down. There is a new owner now.

Deb said that at the time the structure went up, the prior owner never met all of the requirements of the Planning Board and never went through Site Plan Review. John mentioned that it is difficult though because no one ever enforced this as the time and the structure was allowed to remain up. Deb said that the Planning Board asked the Select Board at the time to perform a cease and desist order to take the structure down and remove all boats. The boats were cleaned up but the structure never came down and this was never enforced. Sara said that the last letter that was sent in 2012 stated the cleaning but the Select Board would allow the metal frame to remain if all conditions were met. Kyle said it wasn't that the Select Board didn't follow through; it was that the owners leased the property to someone else so the owner went after the leaser to have it cleaned up but the Select Board allowed him to keep the structure up.

Laura said that the Select Board are the enforcers and if they decide the building can stay up then the building can stay up whether or not there is a violation so what is there is there because the Select Board didn't enforce it. What we have now though is a change of use which means that he has to apply for Special Exception to the Zoning Board and he needs to apply for Site Plan approval with the Planning Board. Once these two are complete, it will go back to the Select Board for building permit approval and at that time they would require it be built in accordance with all applicable building codes and any issues with have to be addressed at that time.

Chuck said at the time the Zoning Board had conditional requirements for the boat storage and cleaning up. Laura said that since it is not boat storage anymore and is new use, we have to throw away those conditions. Laura said that we have to pretend all of that never happened. This is a new owner, a new use and a completely new application so this will be reviewed for what is submitted and we need to ask for as much information as possible. John confirmed that means we are starting over fresh and we need to provide him with what the requirements and steps are. Laura said this is correct.

Deb said the other thing that needs to be looked at it is that he visited with the Planning Board a few months ago and originally he was going for a RSA 155-E permit for excavation and was going to crush rocks and also talked about building a house, etc. The Planning Board told him what he needed to do at that meeting. They also raised their concern about the access to the property which is a bridge/culvert over Punch Brook. He said

he was working with DES about this. Deb asked that Mr. Kuplin provide the permit he had into DES and who he is dealing with and he has not supplied it yet. Sara explained that she talked to Craig Rennie who is a Wetlands Supervisor at DES and he said that they wouldn't come out and look at it they would request that the owner hire an engineer to look at it and tell the owner if they think it is okay or if it needs to be repaired or replaced. Laura asked if that is the only access to the property and it was explained it was. Laura said this would be a Planning Board issue then. Deb said they are looking into this because a few years ago someone from the Natural Resource Council through our Conservation Commission looked at the bridge indicated that the bridge was not proper and needed to be reconstructed. Laura asked what not proper meant, is it going to implode or what? John explained that it somewhat blocks the water flow. John said it was brought up originally because a fisherman in the area was concerned about the trout being able to swim upstream. Laura said that would be a conservation issue not an access issue but does tie into the access issue. Deb said it is a wetlands issue because the second part of that opinion said there was a wetlands issue therefore the Planning Board has concerns that it is not a true abutment or bridge structure so they will be looking into this. Laura said before they do that she wants to go through the Site Plan Regulations with Deb to make sure they have the authority to do that, which she is sure they do but wants to review it in more detail. Laura said we have to be careful because we cannot use the site plan approval to fix everything on the site, we can only address the things that relate to the development.

Laura said from here she will draft a letter to Mr. Kuplin denying the building permit, explaining the process, mentioning that we are going to be looking at the access issues; mention if he is going to excavate that is an entirely different process with the Planning Board. Deb said this was explained at the meeting and is in the minutes. Laura said that it needs to be in a letter. Sara said the letter needs to really outline the steps and in order that we request. Laura will draft the letter and send it to Sara. Sara will send it to the boards for review. Sara will email Laura the most recent building permit.

Kyle asked if he builds a house there can he store his equipment there. Laura said that agricultural equipment is fine but his commercial equipment is not. She said if it is a home business then it may be permitted depending on how home business is defined in the Zoning Ordinance because it is not a traditional home business. Deb said that home business is defined in the Subdivision and Site Plan Review Regulations. Laura said she will review how it is defined.

The concern was raised about the weight limit on the bridge structure if he brings his commercial equipment over the bridge. Laura said that if it is a house then we don't really have approval over the bridge structure. Deb said that because there are wetlands involved, DES states anyone can report. Laura said report is correct but regulate is different because there is no wetlands Zoning Ordinance. She is going to go through the Site Plan and Subdivision Regulations in detail to better understand how things are defined.

Lynn Booth introduced herself and explained that she has experience on a Planning Board. She has been a caretaker of Chuck's home but is looking for a permanent residence in Groton because she fell in love with the area.

Having no other business to conduct, Kyle motioned to adjourn at 6:56pm, John 2nd, so voted.

Respectfully submitted,

Sara Smith
Administrative Assistant