

Town of Nelson
Selectmen's Meeting
3:00 PM
Joint Meeting with Planning Board at 5:00 PM

August 31, 2022

Executive Board Attending: Brenna Kucinski, Al Guida, Michael Blaudschun, Edie Drinkwater, Admin. Assist.

Others attending: M. Tarr, G. Peery, D. Bower, E. McBrien, J. Wengler, K. Castelli, B. Dunn

Brenna called the August 31, 2022 meeting of the Nelson Select Board to order at 3:00 PM

- Mike made a motion to approve the minutes for August 17, 2022 as recorded.

Brenna seconded

The motion carried 3-0.

- Al made a motion to approve the manifests for August 24 and 31, 2022 as presented.

Mike seconded.

The motion carried 3-0.

- Upon review, Brenna made a motion to approve a Certification of Exempt cut for E. Schillemat.

Al seconded.

The motion carried 3-0.

- After reviewing submitted plans, Brenna made a motion to approve a Demo permit for the removal of an existing deck and a Building Permit for the construction of a new larger deck in the same location.

Al seconded.

The motion carried 3-0.

- Having read a request from Hundred Nights for 2023 budget funding and determining the request was the same as the previous year (\$500), Mike made a motion to approve the request and to add \$500 for Hundred Nights into the 2023 Social Services Warrant article.

Brenna seconded.

The motion carried 3-0.

- Brenna made a motion to approve the MS-535, as completed, for submission to the DRA.

Al seconded.

The motion carried 3-0.

- Brenna made a motion to approve the MS -1 and MS-1V for submission to the DRA.

Mike seconded.

The motion carried 3-0.

- Following a review of projected revenues, Al made a motion to enter the amount of \$200,000 on the MS-434 to reduce the tax rate subject to final review prior to Tax rate setting.

Mike seconded.

The motion carried 3-0.

- Mike Tarr came before the Board to discuss possible expenditure proposals for recently received grant funds. Equipment possibilities include: Screening process equipment for the Gravel Pit – Equipment has been located of various ages and prices. ** A Roadside mower needs to be researched

for availability and pricing. ** Reconsideration of the distribution of grant funds along with use of Capital Reserve may allow for the Highway department to receive a new truck to replace the 24-year old Dodge and position the Police department for a new cruiser to replace the 2004 Ford in March. Research and consideration of each department's needs is continuing as the best use of grant funding is the goal. The Police Chief will meet with the Board next week for further evaluation of that department's needs.

- M. Tarr agreed to install the Kiosk at the new parking lot for Partridge Woods.
- A sign for Blueberry Lane will be ordered indicating the designation as a "Road to Summer Cottages" with maintenance only from April 30th to November 15th each year.
- Mike B. suggested that the annual Highway Equipment Capital Reserve funding be increased to at least \$30,000 beginning in 2023.
- The Town Buildings Committee will be invited in to discuss the needed building repairs for the Library and Town Hall connector. The water runoff has caused severe damage and decay in several areas of the building. A company in Rindge will be contacted to provide an estimate on the cost of installing a gutter system to mitigate further damage. Damage and repairs are currently being assessed by Bergeron Construction.
- The Planning Board arrived to meet with the Selectmen regarding ongoing issues resulting from a lack of clarity as well as conflicting articles within the Zoning Ordinance.
- G. Peery first requested clarification of the position of the clerk (or secretary) to the Planning and Zoning Boards.
- It was explained that the position is a paid, advertised position that is not necessarily held by the Town Clerk although it currently is. In the past the position (when open) was advertised. Applicants interviewed with the Planning and Zoning Board Chairs and then the Select Board. The Select Board considered recommendations from the Planning and Zoning Boards and then hired one of the applicants. This Clerk (or secretary) takes directions from the Planning or Zoning Board Chairs but is a Town employee under the guidelines and care of the Select Board. Al expressed the importance of such a position to these Boards. Taking care of the paperwork details and research is a necessary aid in support of good decision making by these Boards.
- Brenna voiced concern that the subdivisions that have been created, in many instances, are contrary to one or more of the zoning regulations leading to questions of the need for a variance to build on a parcel with the possibility of a denial by the ZBA.

Peery stated that the Planning Board cannot create a lot that is not buildable and that Article #12 covers the ability to build one dwelling per 25 acres with specifically conditioned private access. (deeded right-of-way)

B. Dunn questioned where the 25-acre amount came from.

Peery explained that, during development of the regulations, professionals were consulted though he was unsure why 25 acres was chosen except that it allowed for fewer housing units. But without substantial data at the time he agreed it may have been an arbitrary number.

Dunn expressed concern over lot size and road frontage regulations that are limiting growth and affordability of housing in Nelson.

Peery noted that while nothing can be done about the cost of land there are other articles that do allow for smaller lots and there is a chart showing adjustments to required road frontage as well.

Brenna reviewed the issues over the Lehi Lane development noting the conflict between article #11 Alternative Development and article #12 Private Access. Alternative development has no definition in the ordinance and no declared expectation as to the number of dwellings allowed.

Peery recalled that at the time it was approved it was intended that there would be one dwelling per approved lot.

Brenna noted that this was not made clear in the conditions and when Peery visited at the ZBA hearing regarding one parcel in the development he left the impression that multiple dwellings were allowed.

Peery said he could not be responsible for how the ZBA interprets what he said.

Brenna countered that if it can be interpreted in multiple way then it is not clear and needs to change. In researching past minutes, alternative development was discussed regarding this property but the vote and final conditions did not state this. This has led to confusion. A member of the ZBA did discover a reference in the Master Plan to Lehi Lane being an Alternative Development but there still remains no indication as to what this means as far as number of dwelling units to be allowed. Clarifying article #11 and #12 led to disagreement on why they are not clear and are creating problems.

Peery said he did not understand why the Selectmen granted additional Building Permits on this lot and he felt it was understood at the time of development that there would be only one building per lot.

Brenna responded that two of the units were built without permits and discovered much later. The Board did not want to grant further permits but the ZBA felt that Alternative Development suggested the allowance of a dwelling unit for each 2 acres in a lot.

D. Bower inserted that there would still have been a lack of road frontage.

Peery wondered why there were no consequences at the time.

Mike asked for further explanation regarding the difference between a lot with Private access and an Alternative Development with private access.

Discussion went back and forth with several people weighing in all at once.

Peery suggests that the issue is with interpretation and decisions of the ZBA and not a problem with the ordinances created by the Planning Board but agrees they could be clearer.

E. McBrein suggests that the Select Board come up with a list of bullet items that would help to clarify the intent.

J.Wengler suggested some language changes.

Al stated firmly that the language needs to be clear and the Lehi Lane issues should never happen again.

Peery urged keeping #11 and #12 as an option for the Planning Board to create subdivision flexibility. He suggested seeking a grant to pay for SWRPC to assist with review and amendment of the Zoning Ordinances.

J. Wengler notes that #11 must be amended for clarity and to indicate that most other articles must be met.

Brenna suggested the addition of a Detached A.D.U. article, prompted by a recent request before the Board to convert an existing ancillary building for family use.

Further suggestions:

Define Alternate Development - Commercial, Industrial, Conservation, Agricultural, Residential, and clearly state parameters and requirement for each.

Peery – Clarify to ZBA the intent of number of housing units expected when Lehi Lane was approved.

Assign a Building Site inspector to confirm construction conforms to permit application.

Definition for Footprint.

Enforcement of Junk yard/unregistered vehicle issues.

● With nothing further, Brenna made a motion to adjourn.

AI seconded.

The motion carried 3-0.

Meeting Adjourned 6:22 PM

Next meeting: Sept. 7, 2022 at 3:00 PM

Minutes for August 31, 2022

Brenna Kucinski, Chair

Alexander Guida, Selectman

Michael Blaudschun, Selectman