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Albany Selectmen's Meeting Minutes

Albany, New Hampshire
May 22, 2024 at 4:30 p.m.



This meeting may be viewed or streamed at:

https://youtube.com/playlist?list=PLE32cPKZXM4_W1ba2XKkjQH6Flf_gx5AI

1. Call to Order: Chair called the meeting to order at 4:30 p.m.

In Attendance: Chair K. Robitaille, Selectmen J. Drouin & R. Hiland, Town Administrator K. Collins and Videographer, L. Slitt, property owner F. Schultz

2. Pledge of Allegiance: Chair led the meeting in The Pledge

3. New Business:

A. Approval of May 8, 2024 Selectmen's Meeting minutes

Selectman R. Hiland made a motion to approve the minutes of the May 8, 2024 Selectmen's Meeting, as presented. Selectman J. Drouin seconded. **Motion passed: 3-0-0.**

B. Approval of May 22, 2024 consent file

__Review & Sign manifest(s) in the amount of \$45,135.59 and \$2,682.89 this includes an accounts payable and payroll manifests for 5/15 and 5/22/2024

__Review, discuss and approve/deny residential building permit for farmer's porch at 2186 NH Route 16

__Review, discuss and approve/deny residential building permit for 28 x 12' shed at 68 Red Eagle Street

Selectman R. Hiland made a motion to approve the May 22, 2024 consent file, as presented.

Selectman J. Drouin seconded. **Motion passed: 3-0-0.**

C. Review and discuss letter from the Town of Conway soliciting an Albany representative to the Solid Waste Committee

The Board reviewed and discussed who might represent Albany on the solid waste committee. Selectman R. Hiland is interested.

Chair K. Robitaille made a motion to appoint R. Hiland to the Lower Mount Washington Valley Solid Waste District Committee. Selectman J. Drouin seconded. **Motion passed: 3-0-0.**

D. Review and discuss sending a letter to the owner of Map 3, Lot 10 reminding them that Zoning Ordinance prohibits more than one residence per lot

The Board reviewed the photo of a tiny home in the driveway at Map 3, Lot 10 and signed a letter reminding the owners of the Town's Zoning Ordinance.

Selectman K. Robitaille made a motion to send the letter regarding the tiny home to the owner of Map 3, Lot 10. Selectman J. Drouin seconded. **Motion passed: 3-0-0.**

E. Review, discuss and sign the Warrant for the 2024 Special Town Meeting (June 26, 2024)

The Town Administrator noted that she has heard from the Supervisors of the Checklist and they are noticing and holding a session in preparation for the Special Town Meeting on June 25, 2024. The Selectmen signed the Warrant for the Special Town Meeting.

F. Review and discuss whether BOS should request that the Planning Board review its definitions (specifically with regards to possibly defining a “shed” vs residential structures)

Selectman J. Drouin was asked to ask the Planning Board to go through definitions and decide if they are interested in adding a definition for a shed to the Town’s Zoning Ordinance.

G. Review, discuss and adopt the 2024 updated Local Hazard Mitigation Plan as approved by FEMA (sent out under separate cover)

Selectmen R. Hiland made a motion to table the adoption of the updated 2024 LHMP pending the Board’s careful review. Chair K. Robitaille seconded. Motion passed: 3-0-0.

4. Town Administrator’s Report:

A. Town Administrator notes that since she has to be out of the office on Wednesday, May 29, 2024 she will be in the office on Monday, May 27, 2024 (Memorial Day Holiday)

B. The Town Administrator noted that we are just about ready to run our commitment for the first issue 2024 tax bills. She would like the Board to make themselves available to come in and sign the warrant the week of June 3, 2024 and then she can add it to the June 12 consent file.

The Board will make themselves available to come in and sign the 2024 First Issue Tax Warrant when it is ready.

5. APPOINTMENT

A. Meet with F. Schultz re: residential building permit for bunkhouse at Map 11, Lot 29, tabled at May 8, 2024 BOS meeting

Chair K. Robitaille asked the Town Administrator (TA) to run through where we are with Mr. Schultz’s most recent building permit application as well as the status of the shed permit he received in 2020.

The TA noted that in September of 2020 Mr. Schultz applied for two residential building permits at 46 Johnson Road. Both permits were subsequently granted. One permit was to “repair/replace existing bunkhouse as needed” and the other was to “replace exiting 16 x 24 shed on existing foundation”. The shed permit was completed, the bunkhouse permit was not completed and per town policy expired after one year.

In April 2024 Mr. Schultz applied for a building permit to “repair/replace existing bunkhouse as needed”. Upon review of the property it was noted that Mr. Schultz did not build a 16 x 24 shed, as noted on the 2020 building permit application but actually built a 16 x 25 cabin with a bathroom and kitchen and a 16 x 8’ deck. This additional residential building on one building lot is not in compliance with the Town’s Zoning Ordinance.

Considerable discussion took place regarding the cabin/shed. Mr. Schultz maintains this is a shed but the Town notes that sheds do not contain kitchens and bathrooms and rarely have decks. Mr. Schultz did note that his 87 year old mother spends a week in the “shed/cabin” each year. Mr. Schultz suggested this could be avoided if the Town did what every other town does and require plans at the time of a building permit submission. Mr. Schultz states that “in his

opinion” this is a shed. It is exactly like the sheds he has on his property in Lee NH. He shared photos of these Lee NH sheds and Selectman J. Drouin asked if those Lee shed also have bathrooms and kitchens and he stated they do not. The Board of Selectmen alleges this is an “unpermitted” use.

In addition, in 2024 Mr. Schultz has submitted a building permit application to “repair/replace and existing bunkhouse”. While the bunkhouse may be a pre-existing, non-conforming use (it appears to fail to meet the Town’s setbacks) the selectmen cannot issue a building permit until the “unpermitted” cabin situation is resolved. The Board also noted that in view of the Town Administrator’s discussion with the NH Department of Environmental Services, Subsurface Systems Bureau in order to consider the bunkhouse permit the owner will have to either provide an updated septic system or a letter from NH DES stating that no new permit is required.

Selectman R. Hiland made a motion to authorize the Town Attorney to draft a cease and desist letter with a 30 day deadline to remove the cabin. Chair K. Robitaille seconded. Motion passed: 3-0-0. Selectman R. Hiland noted that Mr. Schultz will have 30 days to remove it or build a shed there, or turn it into a shed. Selectman R. Hiland also noted that we will probably need permission to allow the Building Permit Administrator to inspect the premises after this is done. *Selectman J. Drouin made a motion to deny the building permit for the bunkhouse without prejudice, pending resolution of the “unpermitted” shed/cabin and letter from DES regarding their approval of new or existing septic. Chair K. Robitaille seconded. Motion passed: 3-0-0.*

6. Old Business:

A. NH DOT Project 29597 NH Rte 16 – The NH DOT Public Hearing on this project is set for June 12, 2024

7. Other Business (and Board reports):

A. Planning Board – There was a meeting on May 13,, 2024 where a lot line adjustment was considered.

B. Conservation Commission – The Board reviewed the draft minutes of May 7, 2024 ConComm Meeting

8. Other: none

9. Correspondence: none

10. Public Comment: none

11. Non Public Session under RSA 91-A:3, II as necessary – none

12. Next Meeting: Wednesday, June 12, 2024 at 4:30 p.m.

13. Adjournment: *Selectman R. Hiland made a motion to adjourn at 5:17 p.m. Selectmen J. Drouin seconded. Motion passed: 3-0-0.*

Submitted by:
Kelley A. Collins/Town Administrator