

AGENDA
BOARD OF SELECTMEN
November 16, 2020 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Continued Public Hearing – Road opening Upper Beacon Hill
 - b. Rick Mulcahy – 419 Ross Road
 - c. Acceptance of Donation from FL Merrill
- IV. OLD BUSINESS
 - a. Signage Memorial Field
 - b. COVID Travel and Quarantine Policy
- V. NEW BUSINESS:
 - a. Manifest/Abatements
 - b. Minutes 11/2/20
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. RSA 91-A: 3 II (b) HIRING PUBLIC PERSONNEL
- X. ADJOURN

MOTION: Tom Hebert moved to approve **Case 20-14-Z**, a request for a **Variance under Article VI Special Conditions, Section § 143-31-A-C Recreational Vehicles** having been presented to the Board. The applicant, Russell Leighton of 21 Pine Street Newport, ME 04953 is requesting a **Variance** to occupy a Recreational Vehicle by someone other than the owner for 120 Days when 60 days is allowed. The property is located at 419 Ross Rd. Map 565 lot 81-82 in the R1 Zoning District and is owned by The Estate of Fredrick Leighton Russel Leighton Executor.

Approval is subject to the following conditions:

1. Applicant will follow all state and local regulations.
2. Variance is granted on a one-time basis for a term of 120 days.
3. Effective date of the variance is November 9, 2020.
4. The variance approved is granted to the individual. The variance does not run with the property and lapses at the end of 120 days. It is not a variance that runs with the land and cannot be used every year.

Dana Carlucci seconded.

VOTE: PAUL - NO TOM - NO BRUCE-- NO
 DANA- NO WENDY - NO

MOTION TO APPROVE VARIANCE WITH CONDITIONS FAILED ON A 0-5 VOTE

The main reason for denial of the requested variance is the concern that, by definition, a variance runs with the property and issues could potentially arise in the future. The second reason is that the applicant has an option to go to the Board of Selectmen for permission to use the recreational vehicle for a longer period of time, since the selectmen are the enforcing agent. The Board of Selectmen can agree to not enforce the zoning ordinance for a certain period of time for a specific situation.

Dana Pendergast

From: Laura Spector-Morgan <laura@mitchellmunigroup.com>
Sent: Tuesday, October 27, 2020 12:32 PM
To: Dana Pendergast
Subject: RE: Pembroke ZBA question

Hi Dana. That's a really good question. I think in this circumstance, where they are asking for the variance on a one time basis, it is fine to grant it for this one time and to make it clear that it is not a variance that runs with the land and cannot be used every year.

Actually, in these cases, people usually don't even bother to get a variance---they just go to the selectmen for permission to use the RV for a longer period of time (since the selectmen are the enforcing agent, they can agree to just not enforce the ordinance for a certain period of time).

Please let me know if I can be of additional assistance. Thanks.

Laura

Laura Spector-Morgan, Esquire
Mitchell Municipal Group, P.A.
25 Beacon Street East
Laconia, NH 03246
(603) 524-3885
fax (603) 524-0745
www.mitchellmunicipalgroup.com



From: Dana Pendergast
Sent: Tuesday, October 27, 2020 11:11 AM
To: Laura Spector-Morgan <laura@mitchellmunigroup.com>
Subject: Pembroke ZBA question

Good morning Laura,

We had a case in front of the ZBA last night that the chair has asked me to reach out to you on. The owner of a property has asked for a variance from section 143-31 of the zoning ordinance.
That reads

For the temporary occupancy of a recreational vehicle outside of a licensed campground, the following regulations shall apply:

- A. It shall be unlawful for any person to occupy a recreational vehicle on a temporary basis, who does not possess a permit from the Code Enforcement Officer. A permit is not required for the storing or parking of a recreational vehicle during periods of nonuse on the premises of the owner, or for a period of occupancy not to exceed 60 days per year; [Amended on 3-11-14 by Amendment No. 1]
- B. A property owner or lessee may accommodate one recreational vehicle of a nonpaying guest for a period not in excess of 60 days in any one year; and
- C. A recreational vehicle may be maintained as living quarters by a person employed in adjoining construction work or for whom a residence is being built, or as an office, storeroom or shop in connection with construction work, provided, that such is shown to be a temporary expedient, conforms to the provisions of § 143-21, and also that the use will conform with the Updated on 03-28-2018 Page 52 of 177 U.S. Department of Health, Education, and Welfare Publication manual of septic tank practice.
- D. Occupants of a recreational vehicle outside of a licensed campground must comply with applicable state health and sanitary disposal regulations, including but not limited to Title X, Public Health, Chapter 147 for the State of New Hampshire, as amended. [Added 3-08-2016 Town Meeting b

The owner is looking to occupy a camper for at least 120 Days, the question is ,
Can the ZBA put a limit on the 120 days or will the variance run with the property for the rest of its life so they can always occupy the camper for 120 days a year?

I know in the past you have said that the only time limit would be for a handicapped situation.

Thanks,

Dana Pendergast
CEO/ Building Inspector
Town Of Pembroke
311 Pembroke St
Pembroke NH 03275
P 4854747 ext. 214
C 340-0120

Dana Pendergast

From: Amy Manzelli <manzelli@nhlandlaw.com>
Sent: Monday, October 26, 2020 4:01 PM
To: Carolyn Cronin; 'Chad Turmelle'
Cc: Dana Pendergast
Subject: RE: message for ZBA Case 20-14-Z

Terrific, I wasn't sure to whom to direct that, so I appreciate you letting me know and forwarding.

Amy Manzelli, Esq.
Offices in Concord, New Hampshire and Portland, Maine
manzelli@nhlandlaw.com
Phone 603.225.2585



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From: Carolyn Cronin <ccronin@pembroke-nh.com>
Sent: Monday, October 26, 2020 3:08 PM
To: Amy Manzelli <manzelli@nhlandlaw.com>; 'Chad Turmelle' <c_turmelle@hotmail.com>
Cc: Dana Pendergast <dpendergast@pembroke-nh.com>
Subject: RE: message for ZBA Case 20-14-Z

Thanks for your comments. I have copied Dana Pendergast, the Code Enforcement Officer, as he provides staff support to the ZBA.

Carolyn Cronin
Town Planner
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x210

From: Amy Manzelli [<mailto:manzelli@nhlandlaw.com>]
Sent: Monday, October 26, 2020 2:56 PM
To: Carolyn Cronin <ccronin@pembroke-nh.com>
Cc: Chad Turmelle <c_turmelle@hotmail.com>
Subject: message for ZBA Case 20-14-Z

Good Afternoon Carolyn,

Could you please share this with the ZBA for their meeting tonight.

My husband and I are concerned about the request for a variance to occupy a recreational vehicle by someone other than the owner for 120 days when only 60 days is allowed. We feel badly for the family of Fred Leighton, our late neighbor, because of the losses they have suffered almost every year for the past three years. We do not want to worsen things for them. However, we believe it is time for things to move forward for that property.

As I'm sure you know, the home was burned nearly to the ground in a fire and has been in the process of being reconstructed for many, many months. It appears that reconstruction hit a standstill some months ago. From the outside, it does not appear that any active reconstruction is going on. In our opinion, reconstruction should be going on and the completed home should be occupied by an owner or rented out to an occupant.

Currently, all manner of concerning activity occurs, including traffic coming and going for no apparent reason, extremely loud motorcycles, unknown flashlights around the property in dark, unused and/or unregistered vehicles all over the property. People have been residing at the property for months, but in temporary structures. These situations do not seem safe or appropriate for the long-term, especially over winter. Overall, it is becoming a blight on our street and is probably decreasing property values.

I do not see how there's anything unique about this property that represents satisfaction of the legal standard for hardship, never mind how the other standards for a variance are met here.

If the Board were to grant this variance, we hope that it would only a one-time granting and that temporary living at the property would not be granted on a repeat basis.

Regards,
Amy Manzelli & Chad Turmelle

Amy Manzelli, Esq.
Offices in Concord, New Hampshire and Portland, Maine
manzelli@nhlandlaw.com
Phone 603.225.2585



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**TOWN OF PEMBROKE
ZONING BOARD OF ADJUSTMENT
APPLICATION FOR A VARIANCE**

10/26/20 MTG

CASE NO. 20-14-Z

Name of Applicant Russell Leighton DATE FILED _____
Address 21 Pine Street, Newport, ME 04953
Telephone 207-355-5988 Fax _____
E-mail Address rssleigh@yahoo.com
Owner of Property Estate of Frederick Leighton, Russel Leighton Executor
Location of Property 419 Ross Road Map 565 Lot 81-82
Signature of Owner of Property _____

If the property owner is not the applicant, the property owner **MUST** provide a notarized letter (original) authorizing the applicant to file an application.

You are applying to develop your property in a way that is prohibited by the requirements in the Zoning Ordinance. Please state the Article 143 and Section -31 of the Zoning Ordinance from which you are requesting a variance.

Please give a detailed description of your proposal below.

Request a variance to the 60 day limit imposed by Article 143-31 A,B on an occupied Recreational Vehicle. Request that variance be granted to meet the requirements of 143-31 para C in that the 60 day limit will not be sufficient for the caretaker to monitor and maintain the unoccupied property during the Probate of the Estate and subsequent completion of the house while providing security, grounds maintenance and construction supervision. Request a variance to allow for 120 days with a re-evaluation at that time.

Has this property received a Special Exception or Variance in the past? No

If "YES", please provide copies of past Zoning Board of Adjustment Notices of Decision.

Please provide copies of the property tax card, plot plan, and any other information that you feel would be helpful for the Zoning Board to have when reviewing the application.

Please describe how the requested variance would comply with the following criteria:

1. The variance will not be contrary to the public interest;

Variance would not be contrary to the public interest by caretaker's maintaining the property, providing security and preventing vandalism.

2. The spirit of the ordinance is observed;

The spirit of the ordinance is observed wherein 143-31 Para. C discusses the use as a living quarter in conjunction with construction work, provided, that such is shown to be a temporary expediant, and conforms to the provisions of 143-21 etc.

3. Substantial justice is done;

Justice is done by allowing for proper maintenance and security of the property while it remains in probate until construction can resume.

4. The values of surrounding properties are not diminished; and

The values of the surrounding properties will not be diminished by allowing the variance.

The Recreational Vehicle has been stored unoccupied on the property for some time. The only change is that it will be occupied. Protection of the property from vandalism and regular property maintenance will help to protect the values of surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

The unnecessary hardship would be that in order to protect the unoccupied property
the Executor of the Estate lives in Newport, ME 3.5 hours away and would be required to
travel that distance frequently in order to maintain the property and inspect for any damages.
Supervision of the subsequent construction would be a hardship as well.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Applicant _____ Date _____
(Signature)

Town of Pembroke NH

311 Pembroke Street

Pembroke NH 03275

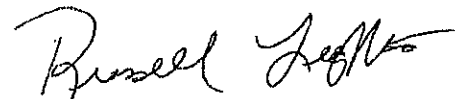
ATTN: Zoning Board

RE: Application for Variance at 419 Ross Road

To Whom It May Concern:

I Russell Leighton, Executor for the Estate of Frederick Leighton, previously of 419 Ross Road hereby authorize Richard Mulcahy of 17 Melissa Drive, Pembroke, NH to speak to the Board on my behalf concerning the above referenced Variance Application.

Sincerely,



Russell Leighton

21 Pine Street

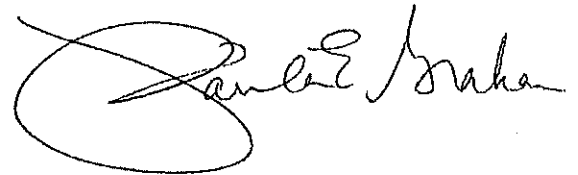
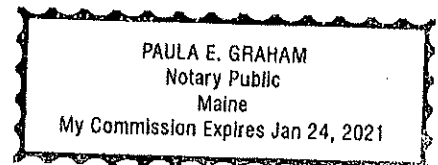
Newport, ME 04953

(207) 355-5988

rrsleigh@yahoo.com

September 29, 2020

State of Maine
Penobscot County



Abutter's List

✓ Map 565-81-81

Louis & Cynthia Poggi

19 Melissa Drive

✓ Map 565-0081-031-000

James & Kim Sherman

30 Donna Drive

✓ Map 565-0081-083-000

Kenneth & Donna Rochon

417 Ross Road

✓ Map 565-0081-079-000

Timothy & Chevan Reycroft

420 Ross Road

✓ Map 565-0081-080-000

Amy Manzelli

418 Ross Road

or
CHAD
TURMELE

✓ Map 565-0081-096-000

Richard & Tiffany Mulcahy

17 Melissa Drive

20-14-Z/565-81-82

Russell Leighton
21 Pine St
Newport, ME 04953
20-14-Z/565-81-82

Russell Leighton
21 Pine St
Newport, ME 04953
20-14-Z/565-81-82

Louis & Cynthia Poggi
19 Melissa Dr
Pembroke, NH 03275
20-14-Z/565-81-82

Kenneth & Donna Rochon
417 Ross Rd
Pembroke, NH 03275
20-14-Z/565-81-82
Amy Manzelli &
Chad Turmelle
418 Ross Rd
Pembroke, NH 03275
20-14-Z/565-81-82

James & Kim Sherman
30 Donna Dr
Pembroke, NH 03275
20-14-Z/565-81-82

Timothy & Chevan Reycroft
420 Ross Rd
Pembroke, NH 03275
20-14-Z/565-81-82

Richard & Tiffany Mulcahy
17 Melissa Dr
Pembroke, NH 03275

20-14-Z/565-81-82

Russell Leighton
21 Pine St
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20-14-Z/565-81-82

Richard & Tiffany Mulcahy
17 Melissa Dr
Pembroke, NH 03275

**TOWN OF PEMBROKE
ZONING BOARD of ADJUSTMENT**

FEE SCHEDULE WORKSHEET

NAME Russell Leighton CASE # _____

<u>DESCRIPTION</u>	<u>FEE</u>	<u>QUANTITY</u>	<u>TOTAL</u>
APPLICATION	\$100	<u>1</u>	<u>\$100</u>
NEWSPAPER LEGAL AD	\$120	<u>1</u>	<u>\$120</u>
CERTIFIED NOTICES	\$10 per Abutter	<u>6</u>	<u>\$60</u>
NOTICES OF DECISION	\$10 EA	<u>1</u>	<u>10</u>
TOTALS			

ABUTTER LIST

An abutter is defined as any person whose property adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment.

An abutter list must be provided that consists of the mailing address and map and lot numbers for all abutters.

Abutter information can be obtained from the Planning Department located upstairs in the Town Hall.

All fees must be paid at the time the application is submitted or the application will not be accepted.

Submissions must be made in accordance with the adopted Zoning Board of Adjustment submission deadline, which is posted at the Town Hall.

All applicants are encouraged to meet with the Code Enforcement Officer prior to submitting an application to avoid delays due to incomplete information.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

RUSSELL J LEIGHTON
21 PINE ST
NEWPORT, ME 04953

1221

10-2-2020

52-7445/2112
32

Date

Pay to the
Order of

Town of Pembroke \$ 290.00
Two Hundred and Ninety and 00/100

Dollars



Photo
Safe
Deposit
Details on back



Bank

America's Most Convenient Bank®

For

20-14-2
ZOHIA VACIANCO

Russell J Leighton

AP

⑆211274450⑆ 2427378424⑆

1221

Printed Name

TD Bank, N.A.

CASE # 20-14-Z

Applicant: Russell Leighton
21 Pine Street
Newport, ME 04953

Property Owner(s): Estate of Frederick Leighton, Russell Leighton Executor
419 Ross Road
Pembroke, NH 03275

Property Address: 419 Ross Road
Pembroke, NH 03275
Tax Map 565 Lot 81-82 in the R1 Zoning District.

Present: Rick Mulcahy, 17 Melissa Drive, authorized representative of Russell Leighton, Executor

Case 20-14-Z A request has been made for a **Variance under Article VI Special Conditions, Section § 143-31-A-C Recreational Vehicles**. The applicant, Russell Leighton of 21 Pine Street Newport, ME 04953 is requesting a **Variance** to occupy a Recreational Vehicle by someone other than the owner for 120 Days when 60 days is allowed. The property is located at 419 Ross Rd. Map 565 lot 81-82 in the R1 Zoning District and is owned by The Estate of Fredrick Leighton Russel Leighton Executor.

The clerk read the case description and the list of abutters. The clerk read a letter from Any Manzelli and Chad Turmell, 418 Ross Road, into the record. Ms. Manzelli and Mr. Turmell wrote of concerns of loud motorcycles, unregistered vehicles and disarray on the property, traffic in and out and lights in the night at the property.

Chairman Kudrick opened the public hearing at 8:10 p.m.

Chairman Kudrick stated the rules of the hearing: (1) Applicant will present its case; (2) Those in favor of the application will speak; (3) Those opposed will speak; (4) Rebuttal by the applicant and those in favor of the application will speak; (5) Rebuttal by those in opposition to the application will speak. All people wishing to speak must give their name, address, and interest in the case. All questions and comments will be directed to the Chairman. The Board will base their decisions on facts presented by the applicant. If any of the presented facts are found to be different from what was presented, the Board reserves the right to reconsider the approval.

Certified authorization dated September 29, 2020 was provided from Russell Leighton to Richard Mulcahy, 17 Melissa Drive, Pembroke NH to speak to the Board on his behalf.

Richard Mulcahy, 17 Melissa Drive, explained that the town allows a person other than the property owner to occupy a Recreational Vehicle for 60 days. The applicant is requesting a variance of 120 additional days for the caretaker, James Carey, to occupy the RV and provide oversight and security to the site while the property is in probate. Chairman Kudrick asked the Code Enforcement Officer if he had responded to any complaints at the address of 419 Ross Road. Dana Pendergast, CEO, indicated he had been at the address multiple times over the last year and more so over the summer of 2020. The property does need to be cleaned up. There are three unregistered vehicles remaining on site, down from nine vehicles initially. A Mercedes, one old Cadillac and a Yukon are still on property. The recreational vehicle is hooked up to the existing water and sewer from the house. The house nearly burned to the ground in July 2019. The recreational vehicle is connected to electric power. James Carey, is residing in the recreational vehicle, which is registered and owned by Mr. Carey. Mr. Carey was the personal assistant to Russell Leighton until his passing August 4, 2020. Dana Pendergast noted that electrical and plumbing permits were pulled days before Fred Leighton's passing. Mr. Carey had an apartment in Manchester NH. The apartment was available through August 31, 2020. Mr. Carey did have someone doing framing who stayed in the recreational vehicle before it was hooked up. Mr. Carey has been

staying in the recreational vehicle since September 1, 2020. The 60 days a person other than the property owner can stay in a recreational vehicle end October 30, 2020. The matter is in probate. The back yard needs to be cleaned up. The hot tub is gone. Lumber in the front yard has been relocated. A small utility trailer is in the front yard. The van is gone. The Mercedes is meant to be taken by the person doing the framing work.

Tom Hebert asked what the anticipated date that probate will be over is. It has been over a year since the fire of July 2019. What are plans for construction and what is Plan B. Rick Mulcahy said the lights seen on the property at night are Mr. Carey with a headlamp checking on the perimeter. Construction is shut down because Fred's deceased wife's sister in New Mexico is inheriting the property. Bob MacCormack asked if the 120 days would start October 31, 2020 at the end of the first 60 allowed days.

Ann Bond, 433 Michel Road, stated I can see the property. The front yard has been cleaned. The back yard is fenced. The recreational vehicle is off to the side and is not an eyesore. The property is not being used as a hangout zone. Ann believes the ZBA should grant a 120 day extension starting after the first 60 days. It has been a year since the fire. Amy Manzelli, author of the letter read into the record, is directly across from the property. Amy is a lawyer and understands how long the probate process can take in New Hampshire. The problem is no one owns the property right now, and the Executor is incurring expenses at this time.

Ken Rochon, 417 Ross Road, said he knew Fred Leighton for 34 years. He remembers the night of the fire July 6, 2019. He did not know that Fred was not in the house when the fire broke out. Ken is concerned about an extension on the stay in the recreational vehicle. The construction has been off and on and I do not know if there is a plan.

Lewis Poggi, 19 Melissa Drive, said he got to know James Carey, the caretaker, over the past three summers. Mr. Carey is looking over the property. He does have a loud motorcycle that he runs for five minutes every other day. He was also starting up the vehicles on the property regularly. There was some vandalism and theft last winter. There is no active construction right now until probate is over. There are three unregistered vehicles left, several temporary structures and sheds. There is a BBQ area. I would prefer someone living on the property to oversee it. The property has been a blight for over a year. Fred was a general contractor at one time, and believed he could do more of the work himself. The cancer weakened him. Mike Yeaton came in to do rough electric and Fred died the next day. This property is a valuable piece of land and the house needs to be reconstructed.

Ann Bond, 433 Michel Road, said she has loud vehicles on her street which may be part of what Amy Manzelli hears. I would rather have someone on site so the situation does not get any worse. Paul Paradis asked if the recreational vehicle is heated. Dana Pendergast clarified that the recreational vehicle is connected to water, sewer and electric and is heated. A plumber hooked sewer up to an injection pump in the basement. The occupant will have to keep the lines from freezing.

Lewis Poggi, 19 Melissa Drive, noted that having someone on property would not speed up construction. That is correct.

Chairman Kudrick noted that the town allows only two unregistered vehicles per property.

Richard Mulcahy addressed the Variance criteria:

Please give a detailed description of your proposal below:

Request a variance to the 60 day limit imposed by Article 143-31A, B on an occupied Recreational Vehicle. Request that variance be granted to meet the requirements of 143-31 paragraph C in that the 60 day limit will not be sufficient for the caretaker to monitor and maintain the unoccupied property during the Probate of the

Estate and subsequent completion of the house while providing security, grounds maintenance and construction supervision. Request a variance to allow 120 days with a re-evaluation at that time.

1. **The variance will not be contrary to the public interest.** The variance would not be contrary to the public interest by caretaker's maintaining the property, providing security and preventing vandalism.
2. **The spirit of the ordinance is observed.** The spirit of the ordinance is observed wherein 143-31 Para.C discusses the use as living quarter in conjunction with construction work, provided, that such is shown to be a temporary expedient, and conforms to the provisions of 143-21 etc.
3. **Substantial justice is done.** Justice is done by allowing for proper maintenance and security of the property while it remains in probate until constructions can resume.
4. **The values of surrounding properties are not diminished.** The values of the surrounding properties will not be diminished by allowing the variance. The recreational vehicle has been stored on the property for some time. The only change is that it will be occupied. Protection of the property from vandalism and regular property maintenance will help to protect the values of surrounding properties.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**
 1. **For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**
No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property; and: ii. The proposed uses is a reasonable one.
The unnecessary hardship would be that in order to protect the unoccupied property the Executor of the Estate lives in Newport Maine 3.5 hours away and would be required to travel that distance frequently in order to maintain the property and inspect for any damages. Supervision of the subsequent construction would be a hardship as well
If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to make a reasonable use of it.

Natalie Glisson summarized the case. This is **Case 20-14-Z**, a request for a **Variance under Article VI Special Conditions, Section § 143-31-A-C Recreational Vehicles**. The applicant, Russell Leighton of 21 Pine Street Newport, ME 04953 is requesting a **Variance** to occupy a Recreational Vehicle by someone other than the owner for 120 Days when 60 days is allowed. The property is located at 419 Ross Rd. Map 565 lot 81-82 in the R1 Zoning District and is owned by The Estate of Fredrick Leighton Russel Leighton Executor. Richard Mulcahy read the criteria. Bruce Kudrick asked about issues noted by an abutter. Dana Pendergast answered and discussed the condition of the property and the concerns of neighbors. Bob Bourque asked who would be staying in the recreational vehicle. Applicant answered. Bruce Kudrick asked how many unregistered vehicles are allowed. The town allows two unregistered vehicles per property. Bruce Kudrick asked about when the recreational vehicle has been occupied. Applicant clarified that occupancy began September 1, 2020. Bruce Kudrick asked about "stuff" in yard. Mr. Mulcahy reported having no idea of completion date for construction or another plan. Bob Bourque asked when the 120 day extension would start. Ann Bond spoke in favor of a variance, stating they have cleaned up the property. An abutter spoke in opposition, expressed concerns about continued extensions. An abutter Lewis Poggi stated being neutral about the variance and spoke of positives of having security on the property. Applicant addressed letter and concerns by abutter. Lewis Poggi, 19 Melissa Drive, pointed out that the occupant of the recreational vehicle is the caretaker. Paul Paradis asked about the recreational vehicle being heated in winter. Dana Pendergast answered that it is a heated, hooked up recreational vehicle.

There being no further comment, Chairman Kudrick closed the public hearing at 8:44 p.m. The Board will decide all cases within 30 days.

Chairman Kudrick noted that at present, there is one more unregistered vehicle than allowed on the property. Paul Paradis asked who is in charge of vehicles. Russell Leighton, Executor, brother of Fred Leighton who lives in Newport Maine is inheriting the vehicles. Fred Leighton's deceased wife's sister (sister in law of Fred) who lives in New Mexico is inheriting the property. Could Russell Leighton petition the court to restart construction? Who would pay for the work? Dana Carlucci asked if the town could make the probate court aware of the situation and the impact on the Town of Pembroke. Could the Board of Selectmen write to probate court and request priority attention. Police and fire involvement is likely if the property is not properly secured. Chairman Kudrick said the property is an attractive nuisance. Tom Hebert noted that court is very backed up due to COVID. It is not reasonable to assume that probate court will be completed within 120 days. If the extension is granted, and probate is not complete, the applicant would have to file a new application and fee for a new process. The money for expenses is coming from the Executor of the estate. Could the Zoning Board of Adjustment grant a longer extension? The applicant requested 120 days. Is a variance the proper relief in this instance? A variance runs with the land, and that could lead to unintended consequences. Would an extension start on the date the first 60 days expire? The applicant would need to return the Zoning Board of Adjustment before an extension, if approved, expires. The time frame extends into the holidays, and the worst of winter.

Deliberations: ZBA members discussed the Variance criteria.

1. The variance will not be contrary to the public interest. It is in the public interest to keep someone on the property for security.
2. The spirit of the ordinance is observed. For safety, the caretaker walks the perimeter of the property when noise or activity is noted.
3. Substantial justice is done. Dana Carlucci stated this is a rare case. Police and fire costs may be incurred.
4. Property values are not diminished. No evidence presented on property values. The property value will diminish if the property becomes more unsightly.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The hardship is that the property owner passed away, the Executor lives in Maine, and the case is stuck in probate court.

Discussion: Tom Hebert asked if the ZBA could set a time on a variance. How valid are any conditions the ZBA may set on a variance? Blakely Minor suggested that the extension of occupying a Recreational Vehicle by someone other than the owner for 120 Days should expire when the primary residence is repaired and receives a certificate of occupancy. How could that stipulation be accomplished? Chairman Kudrick stated that the ZBA needs legal counsel on the correct procedure to employ in this case. Tom Hebert agreed. Chairman Kudrick requests that legal counsel attend the next hearing date. Chairman Kudrick stated this is a bad situation that we do not want to make worse for the town.

MOTION: Chairman Kudrick moved to continue **Case 20-14-Z and its public hearing**, a request for a **Variance under Article VI Special Conditions, Section § 143-31-A-C Recreational Vehicles** by applicant,

Russell Leighton of 21 Pine Street Newport, ME 04953 to Monday, November 9, 2020 at 7:00 pm to obtain information from Pembroke Legal Counsel. Tom Hebert seconded.

VOTE: PAUL - YES TOM - YES BRUCE-- YES
DANA- YES NATALIE - YES

MOTION TO CONTINUE CASE #20-14-Z TO NOVEMBER 9, 2020 PASSED ON A 5-0 VOTE

Chairman Kudrick noted that the case would not be renoticed to abutters. Interested persons should check on the town website for a future ZBA agenda.

MINUTES OF PREVIOUS MEETINGS

MOTION: Tom Hebert moved to approve the minutes of September 28, 2020 as amended. Dana Carlucci seconded.

VOTE: PAUL - YES TOM - YES BRUCE - YES
DANA- YES NATALIE - YES

MINUTES OF SEPTEMBER 28, 2020 APPROVED AS AMENDED ON A 5-0 VOTE.

OTHER BUSINESS /CORRESPONDENCE

Signs for Jesus – Dana Pendergast provided an update on a court appeal that has gone on three plus years. The Boston appeal court ruled in favor of the Town of Pembroke. There is a certain time for an appeal to Washington DC Supreme Court. Dana Pendergast will email a copy of the decision to members.

NEXT MEETING

Date of next ZBA meeting – Chairman Kudrick noted the next ZBA meeting would be on **Monday, November 9, 2020 at 7:00 p.m.** Natalie Glisson is unable to attend November 9, 2020.

ADJOURN **Motion:** Bob Bourque moved to adjourn. Dana Carlucci seconded. Vote was unanimous in favor of motion. Meeting adjourned at 9:20 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary



35 VETERAN'S DRIVE
LOUDON, NEW HAMPSHIRE 03307
(603) 228-5558 FAX (603) 228-5559

November 5, 2020

Town of Pembroke

Re: Donation to Memorial Field

The value of the material donated to Memorial Field totals \$1905.60.

If you have any questions or need further detail, please let us know.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'F.L. Merrill', is written over the typed name.

Frank L. Merrill
President

David Jodoin

From: Karen Yeaton <karen.yeaton@yahoo.com>
Sent: Tuesday, October 13, 2020 3:50 PM
To: David Jodoin; Ann Bond
Subject: Fw: Town Travel and Quaranteen policy - edits to the policy presented on 10/06
Attachments: COVID Travel Policy Pembroke- v2.docx

Thanks for taking the time to consider Covid related travel and quarantine policies for town of Pembroke employees. The draft policy was presented to selectman in the October 6th meeting. In that discussion there was a concern raised from 2 of the 4 selectmen on the failure of the policy draft to effectively consider and prioritize the privacy rights of Pembroke employees. To that the selectman where invited to provide feedback on the draft policy.

At the recorded October 6th selectman meeting, I expressed concerns with how the current draft of the policy fails to consider and prioritize employee privacy. My primary objection is the demand for employees to disclose their personal, non-work-related travel plans to their direct supervisor, with threat of losing their job, if they do not comply. It is not acceptable to demand this private information from employees and this policy cannot be effectively applied to all employees of the town – consider employees who are elected for example. That said I think it's important to bring awareness of existing guidelines that already exist for travel and quarantine and I believe we can manage the concerns via education and providing employees with access to the most current and relevant, state and federal guidelines for travel and quarantine.

Attached is the marked up version of the draft presented on 10/06. In most all instance, I suggest we replace commentary, with links to reliable and up to date information from either the CDC or the State of New Hampshire Department of Health and Human Services. Data and information is changing quickly and the best we can do for our employees is to point them to the best sources for that information.

Keep in mind, the CDC recommends that, *Employers should ensure their employees **are aware** of the COVID-19 Travel Recommendations by Country, which are found on the Centers for Disease Control and Prevention (CDC) homepage. Employees **should be aware** that the CDC currently mandates that individuals returning to the U.S. from any international travel self-quarantine for 14 days. In addition, multiple states have issued orders either recommending or requiring that individuals self-quarantine after returning from certain other states.* I highly recommend that our town policy comply with the CDC guideline, with no, more-restrictive conditions.

I have attached a revised version of the policy. In addition to exclusions, I recommend the following resources be added to the Pembroke Travel and Quarantine Policy:

1. I recommend the Pembroke Travel and Quarantine policy directly reference the CDC guidelines “*Limit travel and advise employees if they must travel to take additional precautions and preparations*” found here <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> with no more-stringent restrictions or requirements.
2. I recommend the Pembroke Travel and Quarantine policy directly reference and I recommend the supervisors, managers and selectman familiarize with the CDC recommendations and guidelines, “*Guiding Employers to Keep Workplace Safe*”, found here, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> with no more-stringent restrictions or requirements.
3. I recommend the Pembroke Travel and Quarantine policy directly reference the, “*CDC guidance associated with international or domestic travel*” found here <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html> with no more-stringent restrictions or requirements.
4. I recommend the Pembroke Travel and Quarantine policy directly reference the “*State of New Hampshire Governors Emergency Orders for Covid*” found here, <https://www.governor.nh.gov/news-and-media/emergency-orders-2020>
5. I recommend the Pembroke Travel and Quarantine policy directly reference the State of New Hampshire Department of Health and Human Services “*Covid 19 Summary Dashboard*” found here <https://www.nh.gov/covid19/dashboard/summary.htm> which provides up to date data on case volume, hospitalization volume and mortality data for the State.

Town of Pembroke COVID-19 Travel and Quarantine Policy

Situation

Level 3 Global Pandemic Travel Health Notice is still in place by the CDC, which recommends against any non-essential travel to global destinations and

Commented [KY1]: Add a link to the CD website which shows the current level state of the travel advisory.

While the COVID State of Emergency is still in affect, and until such time that the governor of the state of New Hampshire lifts this Covid Emergency Orders, the following travel guidelines shall remain in affect for all town employees

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Specific Town of Pembroke Travel and Quarantine Guidelines

- The Town of Pembroke until further notice will not authorize any non-essential international and out-of-state domestic business travel (e.g., conferences, meetings).
- The town recommends employees to follow CDC recommended guidelines for any international travel < see links below >

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- The town recommends employees to follow State of New Hampshire Covid Emergency Order travel recommendations for domestic travel <see links below>

- The Town discourages personal international travel to those locations identified by CDC as high risk < see link below>

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- The town requires Any employee who travels internationally (including to Canada) or domestically to agree to abide by the quarantine or testing guidelines outlined by either the CDC or by the State of NH Travel Advisory under the Covid emergency orders- <see link below>.

- In any event that an employee tests positive for Covid 19, the employee may not return to work until 10 days have elapsed since experiencing any symptoms
Comment to requiring employees to test negative: See <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, which discourages this. "Employers should not require a COVID-19 test result or a healthcare provider's note for employees who are sick to validate their illness, qualify for sick leave, or to return to work."

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2. I recommend the Pembroke Travel and Quarantine policy directly reference and I recommend the supervisors, managers and selectman familiarize with the CDC

Town of Pembroke COVID-19 Travel and Quarantine Policy

recommendations and guidelines, "*Guiding Employers to Keep Workplace Safe*", found here, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> with no more-stringent restrictions or requirements.

3. I recommend the Pembroke Travel and Quarantine policy directly reference the, "*CDC guidance associated with international or domestic travel*" found here <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html> with no more-stringent restrictions or requirements.
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5. I recommend the Pembroke Travel and Quarantine policy directly reference the State of New Hampshire Department of Health and Human Services "*Covid 19 Summary Dashboard*" found here <https://www.nh.gov/covid19/dashboard/summary.htm> which provides up to date data on case volume, hospitalization volume and mortality data for the State.

Town of Pembroke
COVID-19 Travel and Quarantine Policy

- Employees may qualify for up to 80 hours of paid sick leave under the Family First Coronavirus Response Act if they are unable to work because they are subject to a federal, state or local quarantine or isolation order or are quarantined upon the advice of a healthcare provider; or if they are experiencing Covid 19 symptoms and seeking a medical diagnosis. Part time employees are eligible for the number of hours of leave that the employee works on average over a two-week period. Please consult with the Town Manager to confirm your FFCRA or other sick leave balances.

This policy will be effective upon approval by the Board of Selectmen and will apply to all employees including elected officials, both full and part-time. This policy will be reviewed when NH DHHS publishes a revised COVID-related travel guidance or by December 31, 2020, whichever is earlier, and this policy shall not extend beyond the expiration date of the Governors State of New Hampshire emergency order for COVID



TOWN OF GILFORD

BOARD OF SELECTMEN
47 Cherry Valley Road
Gilford, NH 03249

Dale Channing Eddy, Chair 603.527.6509
Gus Benavides, Vice-Chair 603.527.6507
J. Kevin Hayes, Clerk 603.527.6508

FAX 603.527.4711
selectmen@gilfordnh.org

TOWN OF GILFORD EMERGENCY COVID-19 EMPLOYEE TRAVEL POLICY

In accordance with guidelines developed by the New Hampshire Department of Public Health Services, the following travel policy shall be effective as of September 10, 2020 until further notice.

In order to prevent the spread of the coronavirus (in so much as possible) and for the protection of all Town employees, the Town of Gilford strongly discourages international travel, cruise ship travel, and travel outside of the six New England States, (Maine New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island).

Any employee who chooses to travel internationally or on a cruise ship or outside of New England, is hereby required to comply with the following in order to return to duty:

1. Notify your Department Manager as soon as possible of any plans to travel.
2. Plan to self-quarantine at home for 14 days upon your return, during which time you shall not be allowed to work until you are able to provide the Town with a negative COVID-19 test result from a certified medical laboratory.
3. You may request permission from your Department Manager to report to work 48 hours after your return home (which shall not be unreasonably denied) provided that you:
 - (a) Are not exhibiting any signs or symptoms of a respiratory infection or fever;
 - (b) Have not been in close contact with anyone with a suspected or confirmed case of COVID-19;
 - (c) Wear a mask at all times in the workplace and maintain at least 6 feet of separation from other employees and customers and participate in daily health screenings for 12 days (or until such time as you produce a negative COVID-19 test result as noted above).

Please note the use of leave time during the 14 day self-quarantine period shall be in accordance with state and federal laws as well as any applicable Town policies – there should be no expectation that you will automatically be paid for this time when it comes to voluntary travel during this health pandemic.

Approved and adopted by the Board of Selectmen at a duly posted, public meeting held on the ____ day of _____, 2020; ATTEST:

J. Kevin Hayes, Clerk

Town of Pembroke

COVID-19 Travel and Quarantine Policy

Situation

The COVID-19 pandemic continues around the world and within the United States. Many countries are showing an increasing number of COVID-19 infections and new outbreaks, including countries that have originally brought their original outbreaks under control. Even the United States is currently experiencing an accelerating pandemic and most states outside of New England are experiencing worsening outbreaks or uncontrolled community transmission. A Level 3 Global Pandemic Travel Health Notice is still in place by the CDC, which recommends against any non-essential travel to global destinations.

The CDC has also issued a Level 3 Travel Health Notice recommending that travelers defer all cruise travel worldwide. Therefore, any travel internationally or domestically increases your chances of getting infected and spreading COVID-19; staying home is the best way to protect yourself and others from getting sick.

Because travel increases a person's chance of getting COVID-19 through close contact with others or contaminated public surfaces, anybody traveling should continue to avoid large gatherings and public areas, keep a distance of at least 6 feet from others, wear a cloth face covering when in public areas and frequently sanitize their hands.

Specific Town of Pembroke Travel and Quarantine Guidelines

- The Town of Pembroke until further notice will not authorize any non-essential international and out-of-state domestic business travel (e.g., conferences, meetings).
- The Town strongly discourages personal international and domestic travel outside of the New England states.
- The Town strongly discourages personal travel on cruise ships.
- Any employee who travels internationally (including to Canada) or domestically outside of Maine, Vermont, Massachusetts, Connecticut or Rhode Island by private vehicle, cruise ship, airplane, bus, train or other public conveyance must notify their supervisor prior to such travel and, upon return, must obtain a negative Covid 19 test prior to return to work and to quarantine until receiving the results of the test. If testing is not available, an employee must quarantine for 14 days upon return. If an employee tests positive for Covid 19, the employee may not return to work until 10 days have elapsed since experiencing any symptoms and/or a negative test result.

Town of Pembroke COVID-19 Travel and Quarantine Policy

- During quarantine, employees should not travel or frequent public spaces and may not return to work. Employees who are quarantining should refrain from any additional travel during quarantine.
- Employees may qualify for up to 80 hours of paid sick leave under the Family First Coronavirus Response Act if they are unable to work because they are subject to a federal, state or local quarantine or isolation order or are quarantined upon the advice of a healthcare provider; or if they are experiencing Covid 19 symptoms and seeking a medical diagnosis. Part time employees are eligible for the number of hours of leave that the employee works on average over a two-week period. Please consult with the Town Manager to confirm your FFCRA or other sick leave balances.

Employees who fail to comply with this policy may be subject to disciplinary action, ~~up to and including termination from employment.~~

This policy will be effective upon approval by the Board of Selectmen and will apply to all employees, both full and part-time. This policy will be reviewed when NH DHHS publishes a revised COVID-related travel guidance or by December 31, 2020, whichever is earlier.

Remote mtr elec. officials

Town of Belmont COVID-19 Travel and Quarantine Policy

Situation

The novel coronavirus disease 2019 (COVID-19) pandemic continues around the world and within the United States. Many countries are showing an increasing number of COVID-19 infections and new outbreaks, including countries that have originally brought their original outbreaks under control. Even the United States is currently experiencing an accelerating pandemic and most states outside of New England are experiencing worsening outbreaks or uncontrolled community transmission. A Level 3 Global Pandemic Travel Health Notice is still in place by the CDC, which recommends against any non-essential travel to global destinations.

The CDC has also issued a Level 3 Travel Health Notice recommending that travelers defer all cruise travel worldwide. Therefore, any travel internationally or domestically increases your chances of getting infected and spreading COVID-19; staying home is the best way to protect yourself and others from getting sick.

Because travel increases a person's chance of getting COVID-19 through close contact with others or contaminated public surfaces, anybody traveling should continue to avoid large gatherings and public areas, keep a distance of at least 6 feet from others, wear a cloth face covering when in public areas, and frequently sanitize their hands.

Specific Town of Belmont Travel and Quarantine Guidelines

- The Town of Belmont until further notice will not authorize any non-essential international and out-of-state domestic business travel (e.g., conferences, meetings).
- The Town strongly discourages personal international and domestic travel outside of the New England states.
- The Town strongly discourages personal travel on cruise ships.
- Any employee choosing to travel internationally (including Canada), on a cruise ship, or domestically outside of Maine, Vermont, Massachusetts, Connecticut, or Rhode Island shall quarantine for 14 days upon return from said travel and may not return to work.
- Unless exhausted, employees required to quarantine under these guidelines may take up to 80 hours of emergency paid sick leave as established under the Families First Coronavirus Response Act during this quarantine. If emergency paid sick leave is declined or exhausted, employees will be unpaid during quarantine unless they choose to use appropriate, available paid leave during this quarantine period.
- If a quarantined employee wishes to return to work sooner, they may voluntarily obtain and provide documentation of a reliable, negative COVID-19 test from an authorized provider; copy of the results shall be provided directly to Human Resources.
- Employees who are quarantining under this policy should refrain from any travel that may subject them to an additional 14-day quarantine period. In the event of such additional travel, the employee's quarantine will be appropriately extended.

This policy will be effective upon approval by the Board of Selectmen and will apply to all non-Union and Union employees, both full and part-time. This policy will be reviewed when NH DHHS publishes a revised COVID-related travel guidance or by December 31, 2020, whichever is earlier.

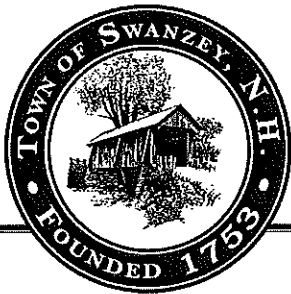
By: Belmont Board of Selectmen

Ruth P. Mooney, Chairman

Jon Pike, Vice Chairman

Claude B. Patten, Jr.

Date:



TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY

P.O. BOX 10009

SWANZEY, NH 03446-0009

TOWNHALL (603) 352-7411 FAX (603) 352-6250

WWW.SWANZEYNH.GOV

TOWN OF SWANZEY, NEW HAMPSHIRE

COVID-19 Employee Travel and Quarantine Policy

I. Background and Purpose

After being discovered in December 2019 an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) has impacted most countries around the world. On March 11, 2020 the World Health Organization declared COVID-19 a pandemic. On March 13, 2020 Governor Chris Sununu issued Executive Order 2020-04, which declared a State of Emergency in the State of New Hampshire effective 11:59 p.m. on Sunday March 15, 2020. Subsequently both the State and Federal governments have issued further executive orders and legislation, which this policy intends to document and customize to Swanze as applicable.

As of August 2020, the United States is currently experiencing an accelerating pandemic and most states outside of New England are experiencing worsening outbreaks or uncontrolled community transmission. A Level 3 Global Pandemic Travel Health Notice is still in place by the Centers for Disease Control (CDC), which recommends against any non-essential travel to global destinations. The CDC has also issued a Level 3 Travel Health Notice recommending that travelers defer all cruise travel worldwide. Therefore, any travel internationally or domestically increases a person's chances of getting infected and spreading COVID-19; staying home is the best way to protect yourself and others from getting sick.

Because travel increases a person's chance of getting COVID-19 through close contact with others or contaminated public surfaces, anybody traveling should continue to avoid large gatherings and public areas, keep a distance of at least 6 feet from others, wear a cloth face covering when in public areas, and frequently sanitize their hands.

II. Authority

These policies are adopted by the Board of Selectmen in accordance with RSA 31:39 as it relates to the management of the Town's prudential affairs.

III. Effective Date

These policies are effective immediately on August 12, 2020 and in are in effect until the end of the current State of Emergency or until rescinded. This policy will be reviewed when the NH Department

of Health and Human Services publishes a revised COVID-related travel guidance or by December 31, 2020, whichever is sooner. The Board of Selectmen may extend or amend this policy as needed.

IV. Policy

- This policy shall apply to all full time, part time, and on call Town of Swanzey employees.
- The Town shall not authorize any non-essential international and out-of-state domestic business travel (e.g., conferences, meetings) by employees.
- The Town strongly discourages personal international and domestic travel outside of the New England states by employees.
- The Town strongly discourages personal travel on cruise ships, planes, buses or trains.
- Any employee choosing to travel internationally (including Canada), on a cruise ship, or domestically outside of Maine, Vermont, Massachusetts, Connecticut, or Rhode Island notify their supervisor prior to such travel and shall be subject to a 14 calendar day quarantine period. During the quarantine period, the employee shall not enter Town property and shall not return to work.
- If remote work is available and approved by the employee's supervisor, remote work may be allowed during the quarantine period.
- During the quarantine period employees may choose to use appropriate, available paid leave or the quarantine period shall be unpaid. Emergency paid sick leave as established under the Families First Coronavirus Response Act shall not be used for a quarantine period due to discretionary travel.
- If a quarantined employee wishes to return to work sooner, they may voluntarily obtain and provide documentation of a reliable, negative COVID-19 test from an authorized provider; copy of the results shall be provided directly to Human Resources who will then notify the supervisor that the employee may return to work.
- Employees who are quarantining under this policy should refrain from any travel that may subject them to an additional 14-day quarantine period. In the event of such additional travel, the employee's quarantine will be appropriately extended.
- Any employee found to not comply with this policy shall be subject to discipline, up to and including termination.

Approved this 12th day of August, 2020

Kenneth P. Colby, Jr Chairman

Sylvester Karasinski

W. William Hutwelker III