

**MINUTES
SELECTMEN'S MEETING
Monday, May 15, 2023**

SELECTMEN PRESENT: Janet Wall (JW), Mark Avery (MA), Tim Burt (TB)
OTHERS: Eric Fiegenbaum (EF), *Pam and Jeremy Kent*, and Jeannette Fones.

Correspondence:

- A letter from Comcast notes that they will be assigning the town a new representative, as our current one, Jay Sommers, is retiring.

Guests: Pam and Jeremy Kent (5 Cherry Lane) asked to speak to the Board concerning the on-going activities and noise at 3 Cherry Lane. They said they had read the minutes from the recent meeting where the owners of 3 Cherry Lane (Tim and Megan Martin) had met with the Board. The Kents said they wanted to clarify some of the issues that have already been reported and wanted the Board to know that the issues have continued even after the Board met with the Martins. The Kents provided a specific timeline of the issues and activities that have occurred at 3 Cherry Lane since August, 2022. The complaints centered around the following concerns:

- The Martins are renting their property as a short term rental with postings that describe the barn as a space for “functions”. The Kents have already seen an increase in activity since these rentals have taken place and are concerned that the Martins have no direct oversight of the people who rent the property.
- Tim Martin is in a music band that rehearses and records music in the barn (according to a Seacoast Online news article that refers to this barn as the “Mad Cherry Barn”). The Kents confirmed that Tim told them he would do things such as adjust rehearsal times and volume, but the Kents said this has not happened to their satisfaction as the Kents frequently hear the loud music and can feel the vibrations from the band in their house next door.
- Tim Martin repairs organs for customers in the barn which has caused additional noise. The Kents said people deliver their organs to him via U-Haul trucks and he repairs them in the barn, which consists of frequent loud organ noises. This noise has been heard at all times, including as late as 10pm and 11pm this month.

The Kents are asking the Board's help in this matter as their attempts to resolve this “neighbor-to-neighbor” have been unsuccessful.

After meeting with the Kents, the Board discussed the situation. The Board requested that EF draft a letter to The Martins notifying them of possible ordinance violations (such as Obnoxious Noise, Home Occupation and Tourist Home). MA also requested that the Planning Board be consulted to help interpret the definition of Tourist Home as more and more people are using their homes for short term rentals. TB agreed to discuss this with the Planning Board. The Board also suggested that the Building Inspector and the Fire Chief be notified of the activities happening in the barn on this property to ensure life-safety issues for guests.

NEW BUSINESS

- Moharimet Elementary School is asking for help in determining property lines near the school for the purpose of planting blight resistant American Chestnut trees behind the area of the gym. They are also asking permission from the Town to plant these trees if it is determined that the location is on town property. The Board unanimously agreed this would be permissible as long as the Town maintains future ownership of the trees with no guarantee to preserve them. EF agreed to relay this response to the school.
- EF drafted a new disclaimer for the town website's Planning Board page that reminds people that the link to the externally maintained Planning Board website is not an official

town website and that complete and official town records are located at Town Hall. The Board unanimously approved this updated disclaimer. EF will also be posting Planning Board forms on the town's page to mirror the Zoning Board of Adjustment page, but will do so after the Planning Board forms have been updated with the new fee schedule. MA asked that the Planning Board be reminded to update the book as well as the website and forms. MA asked EF to remind all boards, commissions and the Building Inspector to review fees and propose changes ahead of budget season.

- EF was approached by Jay Palmer (HJP Trucking and Excavating) who has expressed interest in taking over AJ Hartford's business. He was referred to the Road Agent as well as the PWEC.

OLD BUSINESS

- EF presented a report from Chief McGann related to a matter previously discussed in non-public session. TB moved and MA seconded a motion to accept the report and consider the matter closed. Motion passed.
- On some outstanding enforcement issues, EF reports he is still awaiting a response from the Portsmouth attorney about enforcement action at the Schwartz property on 14 Huckins Rd. EF said there has been no response to his letter to Philbrick's Generators (302 Knox Marsh Rd), which asked for an update from the owner (who had previously reported business activities would stop by February, 2023).

BOARD UPDATES:

- TB reports that this week's Planning Board has been cancelled. TB will ask for the Planning Board's help in interpreting the definition of "Tourist Home" so that the Board of Selectmen can address future complaints regarding short term rentals appropriately. He will also ask for an update on LandCare's final approval, as the conditional approval expires in October 2023.
- MA reported that the PWEC is compiling a report that outlines options they have identified for the future of public work issues. He suggested to the Board that the town might need to "bridge" these services until future plans are chosen and created. He said this "bridge" might entail revising and extending the current contract with AJ Hartford, currently set to bring us through the 2024/2025 snow plowing season. MA suggested we might want to get ahead of this issue during this year's budget workshops. The PWEC report will hopefully be done by July for the Board to review.

OTHER:

- Mr Engalichev (trustee of 48 Freshet Rd.) responded to EF's letter and would like assistance from the Board to rectify that activity that has grown on the property. EF will follow up with answers to his questions and request a timeline on when to expect the business to be removed from the property.

Meeting ended at 10:10pm.

Submitted by: *Eric Fiegenbaum*

Approved: *6-5-2023*

On approved minutes, proof changes are noted through italics for additions and strikethroughs for deletions.