

**Town of Chesterfield  
Board of Selectmen  
MINUTES  
January 22, 2014**

**CALL TO ORDER**

Chairman Jon McKeon called the meeting to order at 6:20 p.m. Others in attendance were Board members Elaine Levlocke, Jim Larkin and Town Administrator Rick Carrier.

**FOR SIGNATURE**

- Manifest 4
- Selectmen Minutes – January 15, 2014
- Intents to Cut (2) – Norton and Todd

**APPOINTMENTS**

• **6:30 p.m. Parks & Recreation Commission**

Present: Deb Bokum, Joanne Condosta, Tracy Fairbanks, John Melvin

Reports were received from Bassler Plumbing and Winn Electric following the inspections done at Wares Grove Cottage on January 13. The board has not yet received the written structural report on the inspection. Carrier will contact the contractors for information on the heating system for efficiency levels, life cycle and cost estimates.

McKeon stated that the estimates and the structural report will help the decision on how to proceed on the repairs/replacement of the cottage. McKeon reported that he has an estimated cost of a replacement modular of \$135,000, which does not include demolition of the present building.

Jeff Scott asked if anyone was still living at the cottage. McKeon responded that, as far as the board knows, the house is being occupied. McKeon stated that he needs to receive an in depth report for any possible sewage gas issues.

• **7:30 p.m. James Corliss**

James Corliss, stated that he attended the Zoning Board of Adjustment meeting, held on January 14, in which the ZBA granted the variance cluster housing in the Lake Shore District. Corliss added that he finds no legal reasoning of allowing the variance approval from the ZBA. Corliss is asking the Board of Selectmen to appeal the decision because cluster housing is not permitted in the Lake District; that variances cannot be granted, contrary to the spirit and intent of the ordinance. He added that the town voted specifically to not allow cluster housing in the Lake District. Corliss questioned the authority of the Zoning Board to change law or to vary it. Corliss feels that this decision could impact future developers/developments bringing forth proposals, which also do not conform to the district they are being proposed on.

McKeon replied that he has concern with the spirit of the ordinance is observed. Jon questions on how the ordinance has been observed, with allowing something that is not allowed to be there. Corliss felt that the notice of decision did not make that clear. McKeon stated that an appeal must be received within 30 days of the Notice of Decision. Levlocke stated that she needs to review the history of this project and to read the zoning ordinance before making a decision. McKeon felt that this is a function issue and questioned is it spot zoning and it is changing the zone in that one area, looping it around to allow this proposal to go in. It's not allowed in the Lake District, taking the Lake District and bending it to the water and back around. Larkin felt that he would need to review the history of this project also. McKeon strongly urged that all board members to read the Supreme Court decision of 2008, which specially states that this should not happen.

Corliss stated that, if the board were to pursue an appeal, he suggested adding questions on actual hardship and injustice, because the board needs to appeal everything to be appealed. Corliss added that his interest is in the limits of what the board can do and how closely they apply the five-part test that's become an end-all on variances.

McKeon stated that this discussion will be on the agenda for the January 29 meeting.

- **Cersosimo Reclamation Bond**

The email from Attorney John Ratigan was reviewed on the bond for the gravel pit. Carrier will draft a letter to Cersosimo to discuss the conditions of the Agreement and the permit, per Ratigan's suggested changes. The board will review the letter at next week's meeting.

- **Town Meeting Banner**

McKeon is redesigning the banners to meet town ordinance requirements. The banners will serve as reminders of the Town Meeting date of March 11. The property owners have given the board approval for the banners to be at their property.

- **Town Meeting Ballot Question**

Carrier provided copies of the opinion from LGC Legal on the process, along with the RSA 31:131 Origin of Warranty Articles on whether the selectboard can propose a two part town meeting, the business portion being on a different date from the official balloting. Carrier also contacted the town attorney for their opinion.

- **Draft Selectboard Report**

Carrier provided draft copies to the board of the Selectboard Report for the Annual Town Report. Suggestions were made for changes and the revised report will be presented at the next meeting.

- **Draft Town Meeting Warrant**

Carrier provided draft copies of the 2014 Town Warrant for the annual meeting, with information still required of budget committee recommendations. Selectboard decisions on Wares Grove cottage issues will require a separate warrant article or through a proposed expandable trust.

- **Old Business and Project List**

Spofford Place: Levlocke reported a grant has been submitted by SWRPC for Brownsfields this week for additional funding.

Election Officials Meeting: Carrier will confirm dates this week.

Board Appointments: McKeon is still waiting to contact Kathy Thatcher for her decision to stay on the Conservation Commission.

Update Website: Carrier and Levlocke have not received a response from Tanner Black.

Interim Code Enforcement Officer: McKeon will contact Mike Wiggin. Carrier reported that the MRI candidate would be traveling from Dover.

Town Hall Annex: Larkin designed a proposed floor plan outline. McKeon stated that the Lee Brockmann and Carol Riendeau will provide a list of activities being held at the annex.

- **Other Business**

Carrier announced that the town officers declaration of candidacy period started on January 22 and ends at 5:00 p.m. on January 31 at the Town Clerk's office.

Levlocke spoke with Bob Goderre and Paul Saba and they would like to remain on the Economic Development Committee. Saba inquired as to the committee considering moving the meeting time earlier in the evening.

Levlocke brought the finished Ruth Van Houten plaque for the door entry.

Levlocke announced that the first meeting for the Town Master Plan was held on January 21, with the next meeting scheduled for January 28 at 6:00 p.m. The budget numbers should be ready for the public hearing.

Levlocke reported the Budget Committee listened to the school budget presentation on January 21, consisting of \$8 million. There was discussion on switching over from oil to propane heat. McKeon stated that the oil tanks have to be out of the ground by the end of 2014.

Levlocke announced that the Spofford and Chesterfield Fire Precincts adjusted the figures for Mutual Aid because the bills had come in. Levlocke added that Chesterfield Fire Precinct was awarded a grant from Timken for \$110,000.

Carrier reported that Jeff Morse has resigned from the Budget Committee. This opened position will be added to the list with the Town Clerk for the official town meeting ballot.

Larkin announced that he plans on staying on the Board of Selectmen through to the Town Meeting.

*Larkin moved to go into Non-Public RSA 91-A:3 II (a&c). The motion was seconded by McKeon, which carried.*

*McKeon moved to adjourn from Non-public session and seal the minutes. The motion was seconded by Larkin, which carried.*

*With no other business to conduct, Levlocke moved to adjourn at 9:25 p.m. The motion was seconded by McKeon, which carried.*

Respectfully submitted,

Patricia Grace, Secretary to the Selectboard

Approved by:

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Jon P. McKeon, Chairperson

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Date

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Elaine H. Levlocke

\_\_\_\_\_  
Date

\_\_\_\_\_  
James M. Larkin

\_\_\_\_\_  
Date