

**Town of Chesterfield
Board of Selectmen
Meeting Minutes
May 2, 2014**

McKeon called the meeting to order at 5:00 P.M. This is a special meeting for the purposes of discussing Nine A, LLC.

Board Members present: John McKeon and Elaine Levlocke
Public present: Jon and Valerie Starbuck, Jeff Scott

Levlocke moved that the Board of Selectmen appeal the Nine A, LLC ZBA decision to the Superior Court, and to appoint Valerie and John Starbuck as the Selectmen's agents to prosecute this appeal. The Starbucks have agreed to bear the cost of this appeal, to pay the Superior Court filing fee and to pay any attorney fees that they may engage or consult with in prosecuting this appeal. The Starbucks or any attorneys they engage may appear in this matter as the Selectmen's representatives once the appeal is filed with the Court and may take this appeal to conclusion. Any proposed settlement or other resolution of this appeal short of a final decision of the Superior Court shall be subject to the review and approval of the Board of Selectmen. The Starbucks shall keep the Selectmen informed as to the all notices, proceedings, court pleadings and orders in this case. McKeon seconded the motion. Roll call vote: McKeon, Yes; Levlocke, Yes. The motion passed.

Levlocke stated she is supporting this appeal because she recognizes that there is a strong community interest for such an appeal and this appeal is the only means of providing the many residents, who are concerned with the Nine A, LLC ZBA decision with a voice before the Superior Court, even though she as an individual may not support the appeal.

McKeon stated he feels that the zoning ordinance was not upheld by the decision of the ZBA. That allowing the variance, the majority of the citizens' wishes are not represented by the decision.

Jon and Valerie Starbuck thanked the Board for giving their group of citizens the opportunity to appeal the decision.

McKeon moved that the Board of Selectmen not support authorizing Town Counsel to defend the ZBA decision on Nine A, LLC. Levlocke seconded the motion, which carried.

McKeon will contact the ZBA Chair of the decisions of meeting.

McKeon, Levlocke, Jon, and Valerie Starbuck signed two originals of the motion authorizing the appeal and appointing Starbucks as the Selectmen's Agents for the appeal. One was retained for Town files and the other was released to the Starbucks to begin the appeal process.

Levlocke moved to adjourn at 5:15 p.m. The motion was seconded by McKeon, which carried.

Respectfully submitted,
Elaine H. Levlocke
Approved:

Jon McKeon, Chair

Date

Elaine H. Levlocke

Date