

**Town of Chesterfield  
Board of Selectmen  
MINUTES  
February 3, 2016**

**CALL TO ORDER**

Chairman Jon McKeon called the meeting to order at 6:11 p.m. Others in attendance were Brad Roscoe, Dan Cotter and Rick Carrier, Town Administrator.

McKeon opened the meeting by welcoming those in attendance and requested that they raise their hand and to have their questions or comments directed to the board.

**FOR SIGNATURE**

- Manifest #5
- Selectmen Minutes – January 27, 2016 & January 29, 2016
- Veteran Disability Credit Application
- Yield Tax Certification – DK East LLC
- Timber Tax Warrant
- License to Sell Pistols – Highlander Arms

**APPOINTMENTS**

- **6:15 p.m. Gary Winn – Wares Grove Cottage**

Gary Winn presented a list of electrical issues that he will work on to bring Wares Grove cottage in compliance. The board noted that the pump station is still active and Winn will include that item on his list. Winn will present a quote to the board for the electrical work.

**FOR DISCUSSION**

- **Suggestion Box**

A packet of photographs taken of Bennett Road were submitted that were taken in the fall of 2015. Some of the photos show a vehicle parked at the end of the traveled way of Bennett Road near the driveway belonging to the Warhalls. The Warhalls were instructed to discontinue parking in that area because it is part of the road. The Warhalls agreed to remove a sign that was placed in front of their house.

- **Proposed Broadband Study Warrant Articles**

Roscoe noted that he has contacted a consultant to assist in applying for grants. The wireless technical approach will require the number of houses that will need coverage. Roscoe noted that there will be two warrant articles to perform a study on improving the broadband capability in town along Rt. 9 for future business and residential needs and for improving the broadband access to residents and businesses who have less than 10 Mbps access.

- **Bennett Road Follow-Up**

The board reviewed the letter last week that they sent to Richard Diesl on November 15, 2015 with a list of items that needed to be removed from the town's right-of-way on Bennett Road. Diesl noted that he had complied with the letter. The board reviewed two reports and photos taken this week by the town's road agent, Chris Lord and Selectman Jon McKeon listing items that are still in the town's right-of-way. The list of items include: trash containers, a sand barrel, storage boxes, 5 gallon buckets, trees and a stone retaining wall. The board previously agreed to allow the section of the garage and the retaining wall near the garage to remain in the right-of-way.

Adam Kossayda, attorney for Diesl, asked if the town was going to maintain the road. McKeon replied that the town cannot maintain the road by statute. Kossayda asked if there were any plans to move the road over. McKeon replied that there is not. He added that the board is trying to be consistent in not having any items in the right-of-way on any of the roads.

Kossayda noted that Diesl had been instructed by the board to remove the swale in the road to bring the road back to where it was. He asked if there was a problem in driving on the road. McKeon replied that the police department had advised having the swale filled in and this is the town's property. Cotter stated that the intention was to have the swale filled in to allow cars to pass without obstruction.

- **Draft Town Reports**

The town tax collector has informed the board that she may not be able to have a report available for the Town Report before the deadline. Roscoe asked to have two changes made to the transfer station report. The printer will provide a deadline date this week of submitting final reports.

- **Street Numbering Ordinance**

The email from Scott Riddlemoser was discussed. McKeon noted that the street numbering ordinance is a separate issue from the sign ordinance and the board thanks Scott for his input.

- **Meeting with Town Attorney**

The board will meet with town council on February 8 at 6:00 p.m. at the town offices to discuss Forest Avenue and other issues.

- **Retaining Wall on Route 63**

Chris Flagg has looked at the wall and will plan to work with the cemetery crew do the repairs in March, with weather permitting. He will meet with McKeon to get more details.

## **OLD BUSINESS**

Ware Grove Cottage: The electrical contractor has met with the board members to discuss items needing repair at the cottage. Dan will discuss the plumbing issues with another contractor. P&R needs to provide the board with a list of cosmetic repairs.

Town Email Addresses: Carrier will contact end users affected by the email change and report back.

Property Owners – Apartments: Carrier emailed the draft letter to Barbara Girs for her review.

Rescue Inc. Representative: A resident will be contacting McKeon in response filling the position. The application had questions on the responsibilities as a representative.

## **ZONING ISSUES**

Santo: - 87 Hewitt Road/additional dwelling – No response from owner on letter sent.

Highlander Arms: - Appointment only customers, number of employees and building without a permit – Code enforcement sent a letter to owner on Jan. 29 with more violations. Owner needs to complete a thorough ZBA application.

Forest Ave: - Driveway exceeds permit – Board to meet with legal counsel on February 8.

LP Tanks in Setback: Town wide

Westervelt: Owner to relocate tank in April.

Banak: Dec. 9 schedule passed, follow up setter sent to owner.

Marilyn George: Approval to hold off until spring.

Bohan: Owner has applied to ZBA – Code Enforcement approved to hold off until spring.

Brabec In-Law Apartment: - 12 Bob's Way listed for sale with in-law apartment – Code enforcement sent a letter to owner – no response from owner.

Elia Gilbert: - Welcome Hill Road - Owner living in non-forming structure – Owner notified by letter on Jan. 21 that structure must not be occupied. Owner has received notice.

## **OTHER BUSINESS**

Barbara Girs reported that the Gateway Preserve developer on Rt. 63 has gotten behind in taking care of their wetlands responsibilities. She noted that there has been soil erosion along the entryway of the development and it has been washing down to the wetlands. She noted that, according to their wetlands permit, that is not allowed.

McKeon noted that the board will put emphasis on the best practice of the town on the wetland issues. He stated that the developer has a wetlands permit and they have a best practices process that they are supposed to be using. Anything that has been disturbed that has set for more than 72 hours must have that area covered and the local code and health officers can shut down the operation before contacting the DES to get their inspectors here. Those complaints can come from the general public. McKeon noted that the permit holder's responsibility is to perform a perimeter check within 24 hours of any rain or snowfall event and keep an inspection log that should be available for public review.

Girs provided the board with copies of the work report of the deputy code enforcement officer for the past two months and expressed her concerns.

It was reported that a property owner on Route 9 acknowledged that he is living in a non-conforming structure on the property. Code enforcement will get a report for the next board meeting.

Cotter suggested that the board express their opinions of discontinuance of roads at Town Meeting. Cotter would also like to express his personal concerns as a town resident.

Carrier stated that he was asked why the selectmen recommend some articles and not others. Carrier responded that the Bennett Road article doesn't involve any money.

McKeon reported that EJ Prescott did not have a representative at the Planning Board meeting on February 1 but they did provide an application for a change in use for the site plan. The use intensity statement did not state that there was another business but that there was a change in the number of employees. It was noted that a storage structure was added to the site without a permit and that will need to be included in the intensity statement. The current sign ordinance does not comply with the new sign ordinance and EJ Prescott must comply. The applicant will be notified of the Planning Board requirements.

McKeon reported that a contractor came in for Planning Board consultation because they had been contracted through Browne Ltd. to put in the cistern on the Atherton Hill Road subdivision. The contractor wants to change tank material. McKeon informed the contractor that no blasting was allowed for the installation of the cistern and the contractor stated that he was not made aware of that condition.

A Planning Board member requested the password to use the internet service during a board meeting but was unsuccessful in obtaining the password. Renee Fales was reluctant to share the password when contacted the next morning for fear that she would be liable if someone using that password would be conducting illegal activity. She also inquired as to why the Planning Board would need the password. McKeon noted that it is being requested by the Planning Board to be able to use it to get information during their meetings and the Zoning Board will need the password for their meetings. Carrier noted that if illegal action is conducted on that server, the feds can take that server for evidence. McKeon noted the password is not being given to the general public. The board agreed that the password should be available by the people who are working for the town and the Wi-Fi should be available for the Planning and Zoning Boards use and for town use. The OEM director will not personally be liable for sharing the password information to the boards.

McKeon provided an updated Capital Maintenance Program with changes through to 2023. The new spreadsheet reflects the removal of the Annex for Capital Maintenance. It was suggested that the spreadsheet be reformatted to make it helpful for others to understand the plan. Roscoe and McKeon will be at the Budget Committee meeting on Saturday to explain the plan and discuss the options for the Annex. They look forward to hearing from residents of the town's opinion for removing the existing kitchen, making the bathrooms ADA accessible and adding a warming kitchen within the same structure. The warming kitchen would include appliances, an oven with a cook top only to keep the food warm that was previously prepared.

Roscoe announced that the Chesterfield Fire Precinct has chosen Rick Cooper to become the new fire chief, starting in March. This will leave another fire commissioner position open.

Carrier provided the contractor's list of additional repairs for the ceiling of the Wares Grove cottage. The board approved the additional repairs.

Jeff Scott announced that the Kinder-Morgan pipeline proposal to carry gas from Pennsylvania to Dracut, MA is coming through southern New Hampshire. Kinder-Morgan has been discussing

the possibility of setting up a frack gas plant near the Vermont Yankee plant. They have recently been targeting Hinsdale to set up a frack gas plant on 190 acres on Route 119.

McKeon noted that the board needs to make a decision on whether to sign the certificate for Highlander Arms to sell pistols on the 1041 Route 63 property in Spofford. The Zoning Board decision was for them to have one business there for Highlander Arms and not for Highlander Security. The board noted that Highlander Arms is in violation of the Special Exception that was previously granted to them. It is the board's decision to not sign the certificate until the violations have been addressed and taken care of and have the owner state whether he is operating a second business on the property. Carrier was informed that the certificate is from the State and not the federal government. Cotter questioned if the owner would be able to sell pistols online if the certificate was signed by the board.

John Koopmann asked if the attorney's opinion on Forest Ave. will be made public. McKeon replied that he's not sure yet until after they meet with the attorney. Koopmann asked if the board will find out from the attorney that if the Bennett Road property is discontinued, who the property reverts to and the process to follow. Cotter replied that it depends on how the road was established. If it was taken by eminent domain, then there is a history of property owners having owned it. He added that case law would support the issue if it were taken by eminent domain.

Koopmann read a Vermont newspaper article last week in that Vermont is setting up a study and plan for problems that they are having with their watersheds as a result of clear cutting, paving and runoff of development. Koopmann felt it was important to establish a group in town to study the issues in Spofford Lake and the impacts on the watershed of all wetlands and the effects in this town. McKeon noted that the watershed has already been mapped out for Spofford Lake. He added that the town will have to hire a hydrologist to come up with all of the pieces for the research.

*Roscoe moved to go into non-public per RSA 91-A:3 II (c). The motion was seconded by Cotter, which carried.*

*Cotter moved to close the non-public session. Roscoe seconded the motion, which passed unanimously.*

*McKeon moved to seal the non-public minutes. Cotter seconded the motion which passed unanimously.*

*With no other business to conduct, Cotter moved to adjourn the meeting at 8:38 p.m. The motion was seconded by Roscoe, which carried.*

Respectfully submitted,  
Patricia Grace  
Secretary to the Selectboard

Approved by:

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Jon P. McKeon, Chairman

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Date

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Brad Roscoe

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Date

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Dan Cotter

\_\_\_\_\_  
Date