

**Town of Chesterfield
Board of Selectmen
MINUTES
June 22, 2016**

CALL TO ORDER

Vice Chairman Brad Roscoe called the meeting to order at 6:01 p.m. Others in attendance were Norman VanCor and Rick Carrier, Town Administrator.

Roscoe welcomed everyone to the meeting and reminded them that they need to be acknowledged by the chairman for comments to be addressed to the board.

Selectman Jon McKeon requested to join the meeting via telephone. McKeon was not able to attend this meeting because he was held at work and did not have adequate time to get to the meeting. No one is in the room with McKeon during his call with the selectboard.

Roscoe moved to include McKeon to join the selectboard meeting via telephone. The motion was seconded by VanCor, which passed unanimously.

FOR SIGNATURE

- Manifest #25
- Selectmen Minutes – May 25, 2016 & June 8, 2016
- Memo to Zoning Board
- Diana's Swim Lesson License Agreement
- Intents to Cut (4) – Richter (2), D&T Partners, Hampshire Timber

APPOINTMENTS

- **6:10 p.m. Frank Richter & Nonpublic RSA 91-A:3 II (a&c)**

Highlander Arms: Code Enforcement visited the property at 20 Brook Street on June 21. Richter noted that there is still work that needs to be done by the property owner before a Certificate of Occupancy can be issued. Richter spoke with Hodgkins about the D.O.T. concerns of the driveway issues. Richter stated that the apron has been expanded with new pavement and suggested that D.O.T. be sure that the work was done to their specifications. Richter will notify D.O.T. to inform them of the work that was done and the driveway should be inspected by them. The final inspection of the property to receive the Certificate of Occupancy after D.O.T. has inspected the driveway work.

John Koopmann noted that the side setback driveway did not appear on the approved plans for the Planning Board. It was deemed a code enforcement issue and it wasn't approved by the members of the Planning Board. The junkyard on the adjacent property is solely accessed by that driveway through the side setback, which is a violation. McKeon noted that the Planning Board and/or Code Enforcement has the authority to pull the site plan approval if the adjacent property is used as a driveway in the side setback, which would be a violation to the site plan approval. Richter noted that no access is permitted to adjacent lots through this lot.

Gateway Preserve: A site visit was conducted on June 8 by Code Enforcement. No Certificate of Occupancy has been requested yet for Unit A. An open house was recently held on the property. McKeon expressed his concern of non-construction people entering the building without a Certificate of Occupancy being issued. Richter will be reviewing the bonding process for Phase 2 before the developer can move forward.

Well-Water Testing: DES has a new start up procedure for seasonal wells. Four water tests will be required per year at North Shore and Wares Grove Beach.

1763 Route 9 – Lanoue Property: A notice of violation was sent to Lanoue on June 14 for the number of unregistered vehicles on the property. ZBA recently granted approval for a variance for outside storage and sales at that location. Carrier noted that the variance approval will make that a change of use that requires site plan approval from the Planning Board. Richter will notify Lanoue, in writing, that he must meet with the Planning Board for a site plan review for a change of use and a building permit will be required if changes are made to the building. McKeon noted that no building permit can be issued for that property and unregistered cars should not be allowed until after the 30-day appeal period is over. Carrier noted that it is not the ZBA's responsibility to inform the applicant of the next processes for granting of a variance. It was noted that RSA 676:6 states that when an appeal is filed within 30 days from a decision of a Planning Board or Zoning Board, this is used as an aid to stop the decision until the PB or ZBA has revisited the issue.

Building Permits: 50 permits have been issued during 2016 to date and permit renewal notices have been sent to property owners.

Gale Property – Rt. 9A: A building permit was issued on this property with a condition on coverage of vegetative next to the lake.

VanCor recommended that Richter submit information to the monthly email newsletter on code, permitting and building information.

431 Atherton Hill Road – Roof Property: A notification of violation letter was sent to the property owner for building construction without building permits along with a reminder of the front setback violation of the ZBA decision to deny his variance request at the site meeting at that location on April 16. Roof has already been notified by the ZBA of their decision.

Richter has assigned Bob Duso to conduct building inspections as needed. He will be assigned to check on properties that have permits that are about to expire. The board requested that the LP tank violations be revisited and for Richter to get an updated report to the board.

Roscoe moved to go into nonpublic per RSA 91-A:3 II (a&c). VanCor seconded the motion, which passed unanimously.

VanCor moved to come out of nonpublic. McKeon seconded the motion, which passed unanimously.

- **7:00 p.m. Jim Larkin – Larkin Way**

Present: James Larkin, Michelle Larkin and Michael Bentley

Bentley stated that Larkin Way has been paved. He added that Warren Stevens was present during the paving operation and the stones have been placed on the sides of the road. McKeon noted that the town procedure is to hire an engineer or surveyor to survey the road to be sure that the approved plans have been met, including easements. Arrangements need to be worked

out between the town's attorney and Attorney Bentley. The town already has the report from the survey in that the road is where it should be. McKeon had concerns as to whether the drainage easements have been worked out. Larkin noted that Lot 2 (Davenport property) has already been worked out because Warren Stevens has already inspected the dry pond and the grate in front of the dry pond in 2010 during the initial inspection. Larkin was not sure if the easement information was stipulated when Davenports purchased the property. McKeon noted that a drainage easement needs to be worked out and that should be in the deed for that property.

Chris Lord stated that the drainage on that road looks good and everything is sloped properly. McKeon noted that the drainage easement would be a statement for legal authority for the town to enter whatever private property is there to maintain the drainage. Carrier noted that he doesn't recall having received a survey done on the road.

Larkin stated that the Davenports were made aware of the drainage easement on the dry pond when they purchased Lot #2, which included the drainage culvert. McKeon stated that the board needs a copy of the drainage easement in writing.

McKeon made a motion, that if this is the last point that the construction bond be relieved and have the construction bond be replaced by a maintenance bond, pending satisfactory for the drainage easement along Lot #2.

Discussion: Bentley stated that he holds a surety bond issued by National Grange Insurance Company in the amount of \$22,500. Bentley noted that the bond term covers from June 20, 2016 to June 20, 2017. McKeon noted that it can't be just from defective material or defective workmanship. Bentley does not recall an easement on the Davenport property when it was purchased. Larkin noted that the owner of Lot #2 is required to maintain the dry pond. The dry pond is entirely on the Davenport property. McKeon noted that the drainage off of the road that continues beyond the town's right-of-way and a drainage easement is needed to continue of the waterway.

Bentley noted that the applicant will go back to Davenport to get an easement from them for the town. Bentley stated that he will leave the bond with the selectboard for it to address the Letter of Credit issue so that it can expire on its own before expiring in the middle of July. Roscoe noted that McKeon's motion stated that pending satisfaction is to have the drainage easement be taken care of. McKeon noted that the way that the board can reduce the construction bond to the maintenance bond is that it meets all the requirements for the town to accept the road as a town road. That easement would be a piece of the condition for the board to accept the road. McKeon noted that the board reached out to the contractor early on to get the process moving. Bentley stated that his client needs to give the town a deed for the right-of-way of the road and the easement from Davenport. This would be separating out the deeds from the bonding issue. Roscoe noted that the motion was to accept the maintenance bond instead of a building bond. VanCor stated that there is a purpose for each. McKeon stated that going from the construction bond to the maintenance bond is done prior to accepting the road. The selectboard have a letter from the Planning Board stating that, if the road is accepted by the selectboard, the bond can be approved. McKeon stated that the board needs to protect the town. He added that if the town doesn't receive the drainage easement, the town would not accept the road and it still is a private road. The town must have a maintenance bond in hand for \$22,500.

The motion was seconded by VanCor.

VanCor stated that the board has a responsibility for selectmen to work with businesses and developers to help where they can but the board still needs to be diligent. The town has good policies for reasons and the policies need to be kept under control.

The vote was called: VanCor – yes; McKeon – yes; Roscoe – no
The motion passed by majority vote.

The town attorney will review the Surety Maintenance Bond before the July 6 Selectmen's meeting. Bentley will draft a drainage easement and send it to the board for review. Larkin Way will be scheduled for the July 6 board meeting.

- **7:15 p.m. Jon Starbuck – EDC Status**

Starbuck reported on the slow start of the Economic Development Committee progress. The committee needs more involvement with the business community. He noted that the last couple of committee meetings that were scheduled didn't have enough members present to have a quorum to hold a meeting. Starbuck will be looking into scheduling the meetings either on a different day or a different time.

The Master Plan has been completed and is at the Planning Board level. The Master Plan continues to say that they want limited commercial development. Starbuck expressed his concern to get the right people on the committee to encourage new business to come to town. He stated that DRED shows a 4 year cycle to attract new business, as was indicated at the May 29 Legislative Delegation meeting in Keene. Starbuck would like to discuss objectives with the group in upcoming meetings, invite DRED to attend the meetings and would like feedback from the selectmen.

- **7:30 p.m. Joe Hanzalik – Parks & Rec Commission**

The board noted that Diana's Swim Lesson agreement has been approved and signed by the selectmen.

Hanzalik reported that the Wares Grove cottage refrigerator is no longer working and was replaced by the director with an older used refrigerator. The board instructed Hanzalik for P&R to make the decision to purchase a new refrigerator or reimburse the director for the older unit, under the P&R funds. The director requested approval to purchase a washer and dryer for his use at the cottage. The board denied reimbursement for those items. Carrier noted that the Occupancy Agreement will need to be updated listing who owns the appliances.

The estimate for replacing the North Shore beach well pump is \$1,980. That item should be listed under the town's Expendable Trust Fund for maintenance. P&R will provide an inventory list of all items for both beaches to be added to the Expendable Trust Fund.

Roscoe moved that the replacement cost for the pump be taken from the Expendable Trust Fund. VanCor seconded the motion, which passed unanimously.

Hanzalik reported on a significant amount of rot around the trim of the windows at the cottage. P&R Commission is currently getting quotes for that work to be done on the outside walls. P&R must get approval from the selectmen to expend any monies for that project before the work is started.

- **7:45 p.m. Nonpublic RSA 91-A:3 II (b)**

Roscoe moved to go into Non-Public per RSA 91-A:3 II (b). The motion was seconded by VanCor, which carried.

VanCor moved to close the non-public session. McKeon seconded the motion, which passed unanimously.

Chris Lord noted that the ice shields will be finished on the Transfer Station roof before the start of next winter. Lord reported that the road paving should be completed by June 29. The scheduled culvert replacement on Crowningshield Road won't need to be permitted because it is under 48 inches.

FOR DISCUSSION

- **Suggestion Box**

A suggestion note was submitted for the D.O.T. to come to Chesterfield for a meeting to discuss the removal of the rumble strips along Route 9 and to not allow them to be installed anywhere else in town. Roscoe noted that there have been several complaints on the rumble strips. This is an agenda item for this meeting.

- **Monthly Email**

McKeon requested that the Code Enforcement notice be set up in a different font on the Monthly Email to help stand out from the other topics. Roscoe requested that a reminder of the ordinance for street numbering requirements be included in the Chesterfield Happenings. It was noted that there should be more town recipients of the monthly email list. The board members agreed to greet residents at the Transfer Station to sign up to be on the mailing list.

- **Religious/Charitable Organizations**

VanCor moved to approve the list of Non-Profit/Charitable Organizations. McKeon seconded the motion, which passed unanimously.

- **Wildwood Road Property Bids**

No bids were received for the Wildwood Road town owned property. This will be addressed at a later date.

- **Jake Brakes Suggestion Follow-Up**

The D.O.T. response to the question of discontinuing Jake brakes along Route 63 was that they consider Jake brakes as part of safety equipment and they don't want to rule out the use of them. That suggestion was submitted in the suggestion box of the last meeting. The author of the suggestion was sent a letter of that decision.

- **Route 9 Rumble Strips**

A number of complaints were received on the rumble strips along Route 9. D.O.T.'s response was that they will fill in the rumble strips along the western end of Route 9 because of the narrow width between the yellow center line and the white line in the Locust Lane area. The selectmen will request a representative from D.O.T. to attend a board

meeting to discuss the distance between the rumble strips on the center line and the rumble strips on the right side of Route 9 in Chesterfield.

- **Property Tax Abatement - Chabot**

The Board reviewed the abatement recommendations from John Hatfield of Commerford Nieder Perkins, LLC for the following applications:

1. **Raymond & Julieann Chabot** – Recommended to Grant – This property has severe water damage from a leaking roof that had been neglected for some time. The depreciation was adjusted to account for this.

Map & Lot

7/G7

Previous Assessment \$237,300 Revised Assessment \$182,500

McKeon moved to accept the abatement request of Raymond & Julieann Chabot per the recommendation of John Hatfield from Commerford, Nieder Perkins LLC. VanCor seconded the motion, which carried unanimously.

- **Browne Limited Cistern Bond**

The town attorney has reviewed and approved the latest change to the bond.

VanCor moved to accept the cistern bond. Roscoe seconded the motion, which passed unanimously.

- **Investment Policy**

VanCor moved to accept the Investment Policy as presented. McKeon seconded the motion, which passed unanimously.

- **Broadband Study – Interisle Contract**

The town attorney had minor issue concerns of the contract such as the jurisdiction being in Massachusetts, minor arbitration and liability issues. The agreement will be revised on the confidentially section and change the state to cover New Hampshire law. The board will review the final draft with the corrections for the next meeting.

- **Primex Contribution Assurance Program Property Insurance**

Primex is offering a Contribution Assurance Program which would limit the maximum increase in property/liability insurance to no more than 9% per year if the town agreed to a two year commitment through June 30, 2019. The board agreed not to accept the Primex program that is being offered.

- **NHMA Legislative Policy**

A list of the NHMA policies will be emailed for the selectmen of the policies that are being proposed at the Policy Conference in Concord. Those policies will be discussed at the July 6 selectmen's meeting.

- **July Selectboard Meeting Schedule**

The selectmen will be meeting on July 6 and July 20.

- **Property Inventory Forms**

The board agreed to continue in not using the Inventory of Taxable Property forms provided by DRA. Chesterfield has not used those forms in over 15 years.

- **McKenna Way Compaction Tests**

The M & W Soils Engineering compaction report on the test results on McKenna Way was reviewed by the board. The report noted good compaction results of 96.0 and 96.4%. The board had concerns of the 6 inch depth of gravel at both test locations. This will be discussed at the next meeting.

- **Next Week's Manifest**

The manifest will be available for selectmen's signatures on Tuesday afternoon.

OLD BUSINESS

Wares Grove Cottage: The P&R director is working with contractors to get quotes on work needed at the cottage.

Ambulance Options Comm: A meeting is scheduled for June 23 at 7:00 p.m. at the Town Offices.

Town Hall Annex RFP: Dan Scully is scheduled to meet with the BOS on July 6 at 6:30 p.m.

Old Town Office Building: Warren Stevens will schedule to meet with a board member at the old town office building to get structural information and deficiencies of that building.

Forestview Property Open House: Open house is scheduled August 13 from 9:00 a.m. to 3:00 p.m.

Overtime Rule – Salaried Employees: The town attorney will provide Dept. of Labor information on the recent legislative decision.

OEM Director Position Classification: A full budget check will be required for next year. The OEM director should receive the emergency training for that position. Emergency action plan is updated every five years. Barbara Girs stated that the OEM direction position was previously a volunteer position and now is an employee position and is being paid an hourly rate. Roscoe will do a follow up.

OTHER BUSINESS

Diana Warhall signed the Swim Lesson License Agreement to allow her to conduct swim lessons at the North Shore Beach. Warhall has agreed to a minor change that was made by the town attorney. Warhall inquired as to whether she would be required to sign another agreement each year, if the Parks & Rec Commission approves of her giving the lessons on the town owned beach. McKeon noted that the board changes yearly and may require that a new agreement be signed yearly.

Robert and Lisia Hodgkins came to the meeting unscheduled. Robert announced that they would be recording their decision with the selectmen. Lisia noted that they read the (Selectmen's) meeting minutes of May 25 noting that the Highlander Arms license permit

application to sell pistols and revolvers was denied for the Brook Street location. She requested the reason for the board to deny the application. Roscoe replied that the Brook Street location has not received their Certificate of Occupancy. Lisia stated that they have already received their FFL for the ATF license for that building and would only be doing business out of that location. McKeon noted that the town attorney and Shawn Haggerty, of the NH State Police, indicated that the selectmen have authority not to issue the license permit until all the local ordinances are in place. Robert Hodgkins states that the board is causing a loss to his business by not signing the license. McKeon added that the Certificate of Occupancy for the building will not be given until it is in full compliance. Lisia stated that under 159:26 does not allow (the board) to do this. Carrier noted that Robert Hodgkins was aware of Haggerty's email. Lisia requested that each board member sign a written statement as to why the permit was denied. Roscoe noted that the reason for the denial is written in the May 25 Selectmen's meeting minutes and no statements will be given. It was noted that Lisia received a draft copy of the May 25 board meeting minutes.

McKeon noted that the Brook Street property is not in compliance to receive a certificate of occupancy for holding a business there. Roscoe noted that a new building permit for doing modifications requires a certificate of occupancy and the building can't be used until the new CO has been approved and nothing can be stored inside the building.

Robert Hodgkins requested copies of all emails pertaining to their business between all town employees. Roscoe noted that all of the town's emails go through a common server that can be obtained by the town administrator. Carrier noted that he compiled email documentation that was requested by the Hodgkins. Roscoe stated that any further questions from the Hodgkins should be put in writing addressed to the selectboard. Roscoe requested that Hodgkins follow the rules and regulations of the town, including zoning ordinances.

John Koopmann reported on a Zoning Board decision that was made on June 14. He noted that the application, in which the decision was made, was appalling. Koopmann noted that a zoning board member, a member of the Selectboard or any abutter to the property involved have the right to appeal that decision. The appeal needs to be submitted within 30 days of the decision, based on new information to be presented to the ZBA.

Jeff Scott noted that the Lanoue hearing was heard in closed public session and the applicant's attorney was allowed to address the board at least twice during the closed session. When John Koopmann requested time to speak, he was not permitted. The vice chair noted, during the hearing, that it was not up to the ZBA to conduct the investigation and research into the matter. Scott noted that the ZBA spent over an hour in doing research during the meeting.

VanCor asked if he was considered part of the general public, as Selectmen's Representative at a ZBA meeting. McKeon replied that VanCor would not have any special privileges but may be asked about legal issues.

Scott suggested that no applicant's application be heard while the applicant is in violation of any town ordinances.

McKeon reported on an approval for a boundary line adjustment at the Planning Board meeting for a site division on Zuverino Road. The PB is also reviewing regulations for restrictions on signage. A letter will be drafted to the property owner of Spofford Boat Sales regarding the size of the business that was present when the business started in 1972 to ensure that the business isn't growing and is in compliance with the existing zoning regulations. VanCor stated that he

feels that businesses in Chesterfield are being restricted and common sense factor is being eliminated.

Roscoe noted that there is a core support group for the Broadband studies, including a software developer, a software programmer and IT people.

Roscoe moved to go into nonpublic session per RSA 91-A:3 II (c). The motion was seconded by VanCor, which passed unanimously.

VanCor moved to close the nonpublic session. McKeon seconded the motion, which passed unanimously.

VanCor moved to seal the nonpublic minutes. Roscoe seconded the motion, which passed unanimously.

With no other business to conduct, Roscoe moved to adjourn the meeting at 9:40 p.m. The motion was seconded by VanCor, which carried.

Respectfully submitted,
Patricia Grace
Secretary to the Selectboard

Approved by:

Jon P. McKeon, Chairman

Date

Brad Roscoe

Date

Norman W. VanCor

Date