

**Town of Chesterfield
Board of Selectmen
MINUTES
October 18, 2017**

CALL TO ORDER

Vice Chairman Brad Roscoe called the meeting to order at 6:04 p.m. Also in attendance were Norman VanCor and Rick Carrier, Town Administrator.

Selectman Jon McKeon requested to join the meeting via Skype. McKeon was not able to get to the meeting on time because he had an owners meeting at the site. McKeon was alone in the room during his call with the select board.

VanCor moved to allow McKeon to join the meeting. Roscoe seconded the motion which passed by majority vote, McKeon abstained.

FOR SIGNATURE

- Manifest #42
- Selectmen Minutes – October 4 and October 11, 2017
- Cemetery Deed Repurchase – Ross
- Appointment Paper – ZBA Alternate
- Payroll change Notice – Transfer Station

APPOINTMENTS

• **6:15 p.m. Chris Flagg – Cemetery Budget**

Flagg presented the cemetery budget at a minus 2.6% from last year. Flagg has removed the warrant articles for the truck and mowers from the budget and will revisit those items again the following year. VanCor asked if special containers or lockers will be required for storage. Flagg replied that their items are stored in one of the tombs.

• **6:30 p.m. Erin Scaggs – Community Concerts**

Scaggs requested \$3,000 funding to hold a summer concert series in 2018 in the Chesterfield area. The concerts would consist of folk, brass and string bands and would be held once a month from May through September from 4:00 to 7:00 p.m. The concerts would be held either on Friday or Saturday and would be free admission. The location(s) for the community event is undetermined. The board suggested that the location be held near the center of town. The board liked the idea but asked Scaggs if it was possible for the event to help it be self funding.

• **7:00 p.m. Jeff Scott – Old Town Office Building Open House**

The committee suggested that restrictions and general limitations for conditions be considered if a person purchases the old town office building and decides to sell it. It was requested that a list be available of restricted types of businesses that will not be allowed. McKeon noted that a restrictive covenanted document will be added in the purchase and sale which will follow the building and not the owner. Asbestos and lead report documents will be available to all interested parties. The water restrictions are geared around residential or light use. The town will be responsible for the well, septic, ground maintenance, i.e. cutting grass and snow plowing. Interested individuals for purchasing the building may be required to discuss their vision for the property with the select board.

- **7:15 p.m. John Bauby – Highway to Summer Cottage (Merrifield Rd.)**

Bauby is in the process of building a house on Merrifield Road in the area that is currently closed off from December 10 to April 10 each year, which was voted on at a town public hearing on December 5, 2002. Bauby requested that the board members have the blocks moved approximately 800 ft. down the hill from where they now sit to open that area to allow him to get to his property year round. The board will discuss their concerns with the town road agent and will get back to Bauby.

FOR DISCUSSION

- **Suggestion Box**

Nothing submitted.

- **Public Comment**

John Pieper suggested that the board provide full disclosure of conditions for the purchase of the old town office building. When he asked how the town could sell the house with no land, Carrier noted that there are other properties in town that structures are sold and the owner does not own the land. An December 5, 2016 structural report will be available for interested parties during the Open House for the old town office building at 504 Route 63 on October 21.

Barbara Girs reported that saw horses being used at the renovation for the old town office building were removed from the property and set up inside the tennis courts on two separate occasions. It was noted that the porch is also being used to store sports equipment. Roscoe noted that the Chesterfield School principal will be contacted to discuss those issues.

- **Selectmen Minutes Review – October 11, 2017**

VanCor moved to approve the October 11, 2017 meeting minutes as amended. Roscoe seconded the motion, which passed unanimously.

- **Code Enforcement Reports**

The Code Enforcement activity reports were reviewed for the week ending October 14. The report included permits issued, field inspections, complaint follow-ups, violations and town office water testing. A violation update report from CE was discussed on property at 880 Rt. 9 in which the board noted that no one should be living on the Kray property. Kray requested approval to move an Amish shed from Crofut's property to Kray's property. A variance would be required from the ZBA to move an accessory building without a dwelling unit and a septic plan would need to be in place.

- **November Selectboard Meeting Schedule**

The selectmen will not be meeting on November 22.

- **Town Hall Rental Report**

Carrier noted that one of the ovens was left on after an event held by the Asbury Church following their October 14 supper. Roscoe noted that it was reported to him that the floors had not been swept following that event. Carrier noted that the Town Hall Rental Policy did not include the consequences for leaving the ovens on at this time. The Asbury Church will be contacted to notify them of both issues.

- **Budgets – Highway and Transfer Station**

The selectmen asked Chris Lord to look at his proposed budget for ways to make any cuts to lower expenses for the Highway and Transfer Station. Lord submitted a revised Transfer Station

budget to .8% from last year. The board recommended that the asphalt tonnage line item be lowered to 50 tons and not 100 tons. That asphalt is used for patching and shimming of roads and preparation of paving for next year.

- **2017 Tax Rate Setting**

The school report and the town's Revised Revenue report are the last two reports needed to be filed with to the Dept. of Revenue for setting the 2017 tax rate. The town rate is currently at 2.7% increase over last year.

Roscoe moved to approve the overlay of \$25,000 and \$400,000 return of Fund Balance to reduce taxes. VanCor seconded the motion, which passed unanimously.

- **NHMA Workshop in Chesterfield**

The board discussed hosting a NHMA workshop to hold a mock Planning Board and ZBA meeting for training purposes. McKeon will contact Attorney Stephen Buckley to determine if the NHMA could provide a "mock" meeting for both the Planning Board and the Zoning Board of Adjustment.

- **Cistern for Town Center**

VanCor noted that Rick Cooper suggested installing a cistern in the center of town to run water to the town office buildings for the purpose of installing sprinkler systems. It was noted that this would be a capital improvement. Cooper will be invited to come to the board for more information on the project. The board would be looking for the full extent of the project to determine the cost benefit to the town for the investment.

- **Town Buildings Snow Removal**

Attempts are being made to find a company to remove snow at the town buildings which would include the town offices, historical society, library and the Town Hall buildings.

- **Chesterfield Zoning & Regulations Review Committee Formation**

The Planning Board has asked John Koopmann to put together a plan or committee to review, update and modify zoning regulations for the Spofford Lake District. VanCor and Koopmann felt that a committee should be formed to expand beyond the Spofford Lake District to cover zoning regulations, steep slope construction, Shoreland Protection regulations, boat slip regulations, septic system inspection and other business that might come before the Committee. The committee shall serve at the discretion of the BOS and remain a committee for a length of time to be determined by the committee or BOS. VanCor suggested that Val Starbuck and John Koopmann serve as initial co-chairs on that committee and that the committee officers will be chosen by vote at the first committee meeting. As a committee of the Town, meetings shall be noticed as required, open to the public and agendas and minutes be made available to the public. It was suggested that a letter be sent from the BOS to the Chesterfield Conservation Commission, ZBA and Planning Board to ask anyone who may be interested in serving on the committee. Town residents will also be invited to serve. All members will be appointed by the BOS. The board noted that a secretary will be appointed within the committee.

- **Selectboard Draft Rules of Procedure**

Postponed to October 25

- **Spofford Lake Docks**

The State's view is that there should be permits for the docks and the only way that the docks can be conforming is that they are temporary docks. Roscoe noted that he visited the site and presented photographs that he took today of the docks. VanCor stated that one of the pictures

shows that the docks are falling apart. Roscoe stated that Near Lake Inn has 150 ft. and four docks right from the dam. The Code Enforcement email dated October 16 regarding the permanent docks noting that there is no pre-existing condition that precludes current Zoning rule. McKeon noted that the docks do not appear to have been a conforming use and, therefore at best, must be considered a non-conforming use. It was noted that illegal docks are not considered covered by a pre-existing condition ordinance. McKeon added that there should have not been permits issued for the permanent docks from 1969 and forward.

DES provided input to Chesterfield Code Enforcement on October 10 with the question, "how do you determine a pre-existing dock for grandfather purposes? What constitutes proof to DES?" Answer: If your dock is a permanent dock in place without any changes to location, dimensions, or configuration without abandonment (non-use for five years) since 1969 it is grandfathered. The State requires that permanent docks be permitted from the State and the State would not have permitted docks on a lake under 1,000 acres. Spofford Lake is under 1,000 acres. The dock was moved across the channel after 1969 by the owner's own admission when the Near Lake condos were granted.

VanCor noted that docks can't be placed within 20 ft. of the abutter's adjacent property line without abutter's consent. He added that only one single dock is allowed if there is less than 75 ft. of shoreline frontage. There are other issues with water travel and safety issues.

DES will respond to a complaint to take action for controlling dock issues. Code Enforcement will be instructed to file a complaint with DES of the findings for the dock issue at 508 North Shore Road. The property owner will be contacted as well. It is up to the property owner to show burden of proof as to whether the docks were granted.

OLD BUSINESS

Spofford Place: Grant denied from DES. J.B. Mack will attend the October 25 board meeting.

Town Hall Annex RFP: Options: Full design/ADA bathrooms/design study. McKeon will provide pricing before Thanksgiving.

Old Town Office Building: 2018 warrant article to demolish. Open House is scheduled for October 21 from 10:00 a.m. to 2:00 p.m. Warrant article determined by the outcome of interest generated from the Open House and news articles.

Committee Memberships: Vacancies in EDC & Alternate ZBA & CCC.

Committee/Board Term Expirations: To reappoint or replace members.

Spofford Hall: Signed 155-B:2 order sent to District Court..

29 Wildwood Rd.: Bids due November 2.

McKenna Way Ravine: Evaluation for the stabilization issues on hold at this time.

Review Sealed Minutes: To review sealed minutes by BOS in November.

Old Town Office Files: Chris Lord will get them onto a shelving unit before October 25.

OTHER BUSINESS

VanCor reported that there is a petition being circulated in town for a petition warrant article to allow veterans the \$500 deduction that they don't currently qualify for under existing federal guidelines.

VanCor noted that the board discussed concerns of the fire departments to issue citations for the Fireworks Ordinance. Carrier stated that NHMA Legal will provide the board with more information.

VanCor noted that Rob Hitchcock of SVE will not be working on the erosions issues on the town beaches because of other commitments. VanCor will be meeting with a Fieldstone engineer next week to discuss a proposal on that project.

McKeon reported there were no minutes taken during the Planning Board meeting for the consultation in the month of August or September for Robert Goderre consultation, which was represented by a Goderre employee. The Planning Board granted a continuance for Mark Lanoue to November 20 because he has a different professional representative. The Planning Board will be sending Mr. Lanoue a letter explaining their position and expectations.

McKeon noted that he and VanCor attended a lecture series on October 14. A planning and energy lecture pamphlet will be available for committee and board members for the upcoming annual event.

McKeon questioned how alternating Friday coverage was decided in the Selectmen's Office after receiving the schedule from Carrier of being out of the office for two consecutive Fridays. It was noted that Veterans Day falls on Saturday, November 11, therefore the office will be closed on Friday, November 10. The alternating work scheduling for Fridays is set in advance to determine the coverage.

Roscoe reported that he and Jeff Scott gave the Planning Board an overview of the Solar Project. He added that it didn't appear that the Planning Board or the ZBA was required for the work on the project, since the property is zoned residential and public utilities are allowed. The project is a public utility so no decision will be required of the ZBA or Planning Board because it already is an approved use for a residential zone. A property survey will be required to determine where the setbacks are. The next solar meeting will be held on October 26.

Roscoe reported that Joe Ragusa attended a recent broadband public meeting in which Ragusa stated that it was "political posturing" because Maggie Hassen asked all the questions and no one else was allowed to ask any questions. Most of the answers revolved around Keene and nothing pertained to the surrounding towns. Jay Kahn has called a broadband meeting by invitation for the local communities on October 23. Roscoe will be attending a meeting on October 24 on a cable TV franchise negotiations.

Carrier reported on the EDC meeting held on October 17 where the charge of the committee was discussed. That report will be presented to the BOS for their approval at their October 25 meeting. The EDC toured the old town office building with Jeff Scott. The committee agreed to spend up to \$500 to cover the costs of advertising and cleaning supplies of that building. VanCor noted that the EDC are looking for volunteers to work on that committee.

- **Public Comment**

Jeff Scott would like to see agendas for the EDC meetings to appear on the town website.

- **Nonpublic RSA 91-A:3 II (e) – Pending Litigation**

McKeon moved to go into Nonpublic RSA 91-A:3 II (e) Pending Litigation. VanCor seconded the motion, which passed unanimously.

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

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

- **Nonpublic RSA 91-A:3 II (a&c) – Personnel**

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

Roscoe moved to come out of Nonpublic. VanCor seconded the motion, which passed unanimously.

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

With no other business to conduct, Roscoe moved to adjourn. VanCor seconded the motion, which passed unanimously. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Patricia Grace
Secretary

Approved by:

Jon P. McKeon, Chairman

Date

Brad Roscoe

Date

Norman W. VanCor

Date