

Chichester Board of Selectmen

Minutes of Meeting

Tuesday May 17, 2022

Members Present: Richard Bouchard, Ed Millette, Stephen MacCleery and Jodi Pinard Town Administrator,

Members of the public: Police Chief Pat Clarke, Fire Chief Alan Quimby, Everett Hodge-Building Inspector, Lori Littlefield-Baas, John Baas, Donna Chagnon, and other members of the public.

Call to Order: Mr. Bouchard called the meeting to order at 6:00 pm

Appointments:

Business Occupancy Form – Mrs. Pinard gave the draft form to the Board at the May 3, 2022, meeting for review. Mr. Hodge is in attendance this evening to answer any of the questions the board may have regarding the development of the form.

Mr. Hodge reviewed the form and what would trigger the need for this form. This would continue to keep the Town updated on what businesses are here and where they are located.

Mr. Bouchard asked if there is a business change within a plaza would they need to fill out this form.

Mr. Millette stated that this form would be that enforcement factor between changing businesses. This would give the Building Inspector something that he would be able to speak to the business about.

Mr. Hodge stated this would give notice of change and the form would then be filled out.

Mrs. Pinard will send the Business Occupancy Form to the Town Attorney for opinion.

Mr. MacCleery motioned and seconded by Mr. Millette to approve the Business Occupancy Form pending the attorney opinion. Motion Passes.

Continued Public Hearing from May 3, 2022:

Mr. Bouchard re-opened the public hearing at 6:16pm

False Alarm Ordinance-

Mrs. Pinard – Reviewed the packet with the attorney suggestions, resident suggestions, and original draft.

Mr. Jameson asked why are the fire department alarm fee more than the police department?

Chief Quimby stated more manpower and more equipment must respond to these alarms.

Construction Work Regarding Uniformed Police Officers-

Mrs. Pinard reviewed the changes suggested by the Town Attorney which were grammatical and a few words.

Zack Boyajian asked about the other roadway section under the listed roadways.

Mr. Millette stated that RSA 41:11 explains the flow of traffic. This is for professional construction companies working in the right of way and not residents doing work on their own property.

Mrs. Pinard stated under Section B #3 it is at the discretion of the Police Chief.

Mr. Blaney asked if there is a problem that we are trying to solve here?

Mr. Bouchard stated that this was brought before the Selectmen years before and it was not approved.

Mr. Millette stated this is more of addressing a public safety concern and making sure that the people are aware as they are driving the roads.

Parking Ordinance-

Mr. Millette would like to see the following changes in the proposed ordinance: the Private Areas removed from the proposed ordinance; Update all Roadways to reflect Public Roadways; Section F. Blocking remove Fire Hydrant and add Fire Department Water Source.

Tom Jameson – I think you need to add a definition for designated Public Parking Areas.

Mr. Millette – Under definitions Public Parking Area: will need a definition

Mr. Mann – On a narrow road when someone parks on the side of the road will this be considered impeding traffic? I believe that there should be some guidelines as what is impeding traffic. I would like to hear for the Police Department.

Chief Clarke - This ordinance is not to be taken as driving around and ticketing vehicles. This is more for those that we receive complaints and have asked them to move vehicles and if they refuse, they can be issued a ticket.

Mr. Mann – This is a real formality that has not been done before and I think there should be some guidelines.

Mr. Millette – The purpose of this ordinance is to give the Police Department the authority to enforce some parking issues that we have. This is not to solve a problem that does not exist.

Chief Clarke – If there is a parking issue on the side of the road the police department would first ask the owner of the vehicle to move it prior to any citation being given.

Mr. Boyajian - That Parking Restrictions Section K should note a start time for utilizing those parking areas there is an end time but no start time. Right now, a number of our public parking areas have no restrictions so this would be something the Board should look to add.

Mrs. Littlefield-Baas – This really started in Nov when someone started living in a camper in an area they were not supposed to be. Then in January I asked an individual that was parking at Thunder Bridge if they were there to use the bridge and the individual said they could park there whenever they wanted. This was in the middle of winter. So, it more or less started then, and it has gone on and on. First off what we are trying to do at Thunder Bridge is preserve that parking area for those utilizing Thunder Bridge. We would like it not to be a park and ride. Maybe we need to designate an area for a park and ride in town. The Historical Society have had signs posted at the bridge, No Parking from Dusk till Dawn, No Overnight Parking by order of the Selectmen. These have been working until recently and when we came to the board and stated our concerns and we were told this could not be enforced without an ordinance. I think this is how some of this came about. My husband and I are looking to preserve what the area is supposed to be for. We wondered if this ordinance is even necessary or if the signs could say” Enforced as posted per selectmen.”

Mr. Blaney – This is all basically because of Thunder Bridge so can we narrow this down?

Mr. Bouchard – But do we want to do that? Do we want to have an ordinance for one parking area?

Mr. MacCleery - I have one comment. You go and park in the City of Concord and I believe there is a limit to how long you can park. That is a concern I have, how long can someone park at Thunder Bridge. If a time limit was posted that may alleviate some of these issues. I do believe Thunder Bridge is a unique parking area in Town, there are no facilities there, I think there should be some type of time limit. I do not know what that should be, but it is something that I think needs to be considered.

Mr. Millette - There are two things about rules first you establish them and then you have to enforce them. Establishing them is the easy part. My challenge is how are we going to enforce it, who is going to determine how long that car has been parked in that parking lot, and who is going to determine why they are parked there. The problem with all of these ordinances is that they are not a one size fits all. I do not want to limit residents from doing things they want to do as long as they are doing it in a respectable way.

Mr. Bouchard - I believe this is a good starting area. I do think that a start time could be a good thing.

Chief Clarke - We will need to create a new form for civil fines. I do not think that we can add anything to the existing form.

Mr. Bouchard - Do we need to approve these forms tonight?

Mrs. Pinard - No you do not have to approve anything tonight. You can close the public hearing and make a decision at the next meeting.

Mr. MacCleery - I would like to ask Chief Clarke his thoughts on these proposed ordinances since it is him and the other officers out there.

Chief Clarke - I believe the False Alarm is the most important as they take emergency personnel off the roads and do take up the most of our times. As for parking we are not driving around looking to give people tickets.

Mr. Bouchard closed the Public Hearing at 7:10pm

Mrs. Pinard - The Board can discuss amongst yourselves at this point. You have received public input, but you do not need to make a decision this evening regarding these items.

The consensus of the Board was for Mrs. Pinard to bring clean copies to the next meeting.

Public Hearing – pursuant to 31:95-b the acceptance of the NH DES Grant in the amount of \$64,347

Public Hearing – pursuant to 31:95-b the acceptance of the 2021 NH State Conservation Moose Plate Grant in the amount of \$23,156

Mr. Bouchard opened the public hearing at 7:17pm

Annie Kelly, 169 Main Street - When we first bought the house our conversation with the real estate agent and the property owner as well as a couple of chance meetings with people wondering around our property, that there was going to be a path going through and boarding our property. These were not things we were considering when we bought the house. After the last meeting I'll tell you I was fit to be tied when my husband came home with the trail map and told me what was said. This is extremely close to our property line where our crops are. My problem with this is mostly, being told it was going to be in the surrounding area and into the woods. I was never told it was going to be at the top of the hill. This is a very well-known property. During a meeting with some members of the conservation commission and it did not go well. We have major privacy concerns. I had suggested the slightest possibility of a 5-foot path with an easement going behind my tenant's property but that I would need to talk with my neighbors. I wanted to be a good neighbor. Literally the next day some of the conservation commission members were out there measuring. I asked if they had spoken to my neighbors the Harkness', and they said they had not. I spoke with Mr. Harkness; he went home and spoke with his wife, and they did not like the idea. So, we said absolutely fine that is not an option anymore. My question to the selectmen is what is use of that path on the top of the hill? Maybe it is for the view because I know we pay for the view. But where are those people going to go after getting there? Are they just going to turn around? Why is the map like this? I can tell you none of the abutters know what is happening. That is a concern for me. Another concern is who is responsible for those who wonder off the trails? We are hoping you will consider our privacy and that of our neighbors.

John Kelly - After looking at this map and the looking at the packet of papers, why when we opened the Barber Shop, did we have to notify everyone. Why don't they have too? I have concerns about #15. The landowner and the conservation commission can amend this easement what does that mean for us? How are you going to protect our privacy?

Mr. Millette - You guys put a lot out there and I am going to address pieces, so property ownership is just that, as property owners you control your own property. They can do what they want as long as it

complies with our zoning. If they wanted to sell it to a developer tomorrow, they can. There are things about this easement that I am not in favor of either, but I do not have a perfect solution. The one thing I can say is that I was not in favor of plopping 5 houses in the middle of that field either. All of the liabilities that you have mentioned are there whether it is privately owned, or an easement is on the property. With that ownership comes good stewardship and I hope that the Town and the Conservation Commission would be good stewards. But the property owner does retained rights to the property and can do agriculturally as they see fit.

Mr. Bouchard - I believe this also comes down to the property owner. As you have stated he said he does not care where the trail is, but it will not be across the middle of the field. A lot in this easement is about maintaining the owners right to agricultural uses.

Michael Williams - We are talking about two different things here, we are talking about a conservation easement and also talking about a trail. It seems like the trail idea is little premature as no one seems to know exactly where it is going to go. If you eliminate the trail provision out of this and negotiate it later, you can still do that under the amendment section. It just seems like you are trying to force a trail.

Mr. Bouchard - I think if there were no trails on this paper there would be no issue.

Mr. MacCleery - Does the monies we are accepting tonight have to do with trails being developed on this property?

Mr. Mann - I agree with what Mike is saying. There are two issues. We want to conserve the area and we would like to have public access to this area as well. I believe this is a matter of the parties getting together to find a possible solution. Even if we cannot have trails, we can still have a conservation easement. The grant funds we are having the public hearing on tonight do not involve the development of trails.

Mr. Millette - When you applied for the grant isn't part of the grant trail development?

Mr. Boyajian - There is a grant that is for trail development but that is not the grant in front of you this evening. We have applied for and awarded this grant. That does involve work on the school property and some on this easement with regards to wetland crossings, and work on the cross-country trails.

Mr. Bouchard - Any other questions?

Mr. Millette - I do have a question for the property owners. In a perfect world what do you envision for that property?

Annie Kelly - I knew this was going to be a conservation easement. I was under the impression that it was just going to be conserved. Then with conversations I thought it was going to be a continuation of the existing trail. We are in favor of this being in conservation.

Mr. Millette - A component of a conservation easement is public access. I believe that if the town is spending money to acquire the easement that the public does have the right to access the property and enjoy it as well.

Mr. MacCleery - Will this easement in front of us be the one to be recorded?

Mr. Mann - I believe this is a copy that needs to be cleaned up. It will need to be submitted to DES for approval as they are one of the grants we are receiving. We will schedule a meeting with property owners to have a discussion and get some feedback from them.

John Harkness – I know most of you here, who wants the path? Does Dan want the path or does the commission?

Mr. Bouchard – I would imagine it is the commission which would be the Town.

Mr. Boyajian – I can answer that question. A number of years back an active Parks & Rec multi town agency plan set to develop a Parks & Rec master plan and one of the things that came out of that meeting was the desire to develop trails that would connect some town owned properties such as the school, the library, the Grange and Carpenter Park. This is the first property that has come that would help us connect the school and the library. We started this around 2008. We know there are better opportunities at this point to direct this trail somewhere else, but we do not have a willing landowner. We can only work with willing landowners.

Carol Harkness – We have already lived with a trail by our house and then another trail was put in behind our house. Privacy really became an issue. We also have a pond on our property and that also causes us concerns.

John Harkness – I believe there are a lot of issues with this. I love the idea of trails, but I also think we need to think about people being affected. It was disheartening the way we found out.

Mr. MacCleery – I can not support this trail. I have a real issue with possibility of having to maintain this as well. I do not want this responsibility to fall on the Town to pay for something if someone is going to use that property. I was happy to see that the property will still have agricultural value to it as well.

Mr. Millette – This document has been edited and I would like to see a clean version of this document to see what exactly the Board would be approving. This is not something that can be approved this evening in my opinion.

Michael Williams – There are a lot of conflicts in this document is a footpath an improvement as referenced in this document? A good document avoids litigation, and this has a lot of conflicts.

Mr. Millette – I voiced this at the last meeting as well. When this path was discussed and this has been under discussion on this specific property has been going on for years. I do not want to say what number draft this document is. When this was first discussed this path had a beginning and an end. It started at the school and ended at the library. It was at the last meeting that it was brought to my attention that

we did not have an end point anymore. We do not have landowner permission; we do not have an end point. That was when this map came about. I do believe we have achieved the round hole square peg scenario but we can discuss this all night, but I do not think we will come to agreement. The only way I can get behind the easement is if there is a benefit to the public, I had that when the trail had a Point A and Point B. That was taken away from me when I found out there was no Point B.

Mr. Boyajian – There was a change. In the beginning we had discussions with the original purchaser of the entire property prior to it being subdivided and the first place we envisioned the trail going was on the west side of the property along the stone wall. We were given the impression by the landowner that we would get an easement. This did not happen and now we are trying to find a solution.

Mr. Boyajian – We do not want to see that property developed and the master plan encourages agricultural uses. Both DES and the Moose Plate Grant see the value in conserving this property. We tend not to like having easements that do not have public access but this may be an easement where it occurs.

Mr. Millette – Well that is my questions is the commission willing to move forward with no walking paths?

Mr. Mann – The key party in this is the landowner, he initiated this and wanted to have public access. I wish he was here tonight to answer your question.

Mr. Bouchard closed the Public Hearing at 8:23pm

Mrs. Pinard – The Board this evening needs to decide if you want to accept the grant money in order to purchase the conservation easement. You do not need to approve the actual conservation easement.

Mr. MacCleery made motion and Mr. Bouchard seconded to accept the NH DES Grant in the amount of \$64,347. Roll call vote. Millette, abstained. MacCleery, aye. Bouchard, aye. **Motion passes.**

Mr. MacCleery made motion and Mr. Millette seconded to accept the 2021 NH State Conservation Moose Plate Grant in the amount of \$23,156. Roll call vote. Millette, aye. MacCleery, aye. Bouchard, aye. **Motion passes.**

Public Hearing on the Proposed Updated Fee Schedule

Mrs. Pinard informed the board the fees should be reviewed annually. This has not happened for quite a few years. The updated fee schedule in front of the Board this evening has been researched and compared to surrounding town as well as been approved by the Planning Board. The Board has to have a public hearing in order to accept the fee schedule so that the Town can begin collecting the new fees.

Mr. Bouchard opened the public hearing at 8:30pm

No public comment

Mr. Bouchard closed the Public Hearing at 8:37pm

Mr. Millette made motion and Mr. Bouchard seconded to approve the Proposed Updated Fee Schedule with the change of the abutter fee to \$15. Roll call vote. Millette, aye. MacCleery, aye. Bouchard, aye.

Motion passes.

Summer Schedule

Mrs. Pinard asked if the Board would like to begin the summer meeting schedule in June. The meeting schedule would be June, July, and August one meeting per month on the 1st Tuesday. Mr. Millette motion and seconded by Mr. Bouchard. Roll call vote Millette, nay. MacCleery, nay. Bouchard, nay.

Motion Fails

Meeting Minutes May 3, 2022

Mr. Millette motion and seconded by Mr. Bouchard to approve the meeting minutes of May 3, 2022. Roll call vote. Millette, aye. MacCleery, aye. Bouchard, aye. **Motion passes.**

Adjournment:

Being no further discussion, a motion was made by Mr. Millette and seconded by Mr. MacCleery to adjourn the meeting at 9:12pm. Roll call vote. Millette, aye. Bouchard, aye. MacCleery, aye. **Motion passes.**

Respectfully submitted,

Jodi Pinard, Town Administrator

Richard Bouchard

Edward Millette

Stephen MacCleery