

**PLEASE TAKE ONE**

**AGENDA  
CHICHESTER BOARD OF SELECTMEN  
May 5, 2020  
6:30pm**

**IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING ADVICE MADE BY THE GOVERNOR AND CDC, THE TOWN OF CHICHESTER FOLLOWING A DECLARATION OF EMERGENCY BY THE GOVERNOR, THE SELECTBOARD CHAIRPERSON, IS PROVIDING A *MEETING PARTICIPATION VIA TELEPHONE CONFERENCE* FOR YOUR SAFETY.**

If you would like to participate in the telephone conference, please call this number from home: Dial **1 301 715 8592** and enter this code: **Meeting ID: 859 7710 3056** and **Password: 009917** Follow along using a digital copy from our website at: ChichesterNH.org. We will also be streaming the meeting as a webinar which you join by going to this link: <https://us02web.zoom.us/j/85977103056?pwd=eGNpUkY0aVhmT3BHR3ZqRFI0WjF6UT09>

**Appointments**

Department Heads  
David Colbert – Zoning Violation 243 Dover Road

**General Business/Board Discussion**

Food Pantry Donations

**Outstanding Items:**

70 Smith Sanborn Noise Complain

**ADJOURNMENT**

Chichester Board of Selectmen  
Minutes of Meeting  
Tuesday April 21, 2020

**Members Present on ZOOM:** Richard Bouchard, Ed Millette, Jason Weir, and Jodi Pinard Town Administrator, Kristy Barnouski Administrative Assistant

**Others Present on ZOOM:** Evelyn Pike, Bob Mann, Dan Humphrey, Kathy Douth, Zach Boyjijan, David Jobin, Tom Houle, Donna Chagnon, Marianne DiTaranto, Alan Quimby.

**Call to Order:** Mr. Bouchard called the meeting to order at 6:30pm.

**Chairman Bouchard read the following statement into the minutes:**

As Chair of the Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing ZOOM for this electronic meeting.<sup>1</sup> All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #1 301 715 8592 and enter this code:

**Meeting ID: 310 362 432 and Password: 006413** or by clicking this link :

<https://zoom.us/j/310362432?pwd=bThlck8wdmxtOGZaZ0dQRHAyeW9iQT09>

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Board at: [www.ChichesterNH.org](http://www.ChichesterNH.org).

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call 603-798-5350 ext 202 or email at: [jpinard@ChichesterNH.org](mailto:jpinard@ChichesterNH.org)

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

**Tax Deeding-**

Mrs. Pike presented two deeds for tax deeding

Map 7 Lot 26

Map 1 Lot 1A

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Mr. Weir made a motion and Mr. Bouchard seconded to take no action until further notice due to the Covid-19 pandemic. Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **Conservation Easement-**

Some members of the Conservations Commission came before the Board to discuss a conservation easement they are trying to put in place for the property located at 169 Main Street.

Mr. Humphrey, who is the manager of the 169 Main St. LLC, stated that he had spoken with the Conservation Commission after Ms. Frangione (the former owner of the house and land) passed about purchasing the property to conserve it. He and some members of his family created an LLC and purchased the property to hold it so the Conservation Commission could find a way to get a third party to steward the easement. The parcel has been subdivided with the house an cottage on one lot, and the remaining acreage another lot.

Due to Covid-19, the third-party company have reduced its staff and are unable to take the easement at this time.

The Conservation Commission is now looking at options for try to conserve it themselves or investigate other qualified organizations to put the easement in place.

Mr. Boyijian stated they could also pursue grants on their own and look for other partners that can jump on board.

Mr. Mann stated that they are bringing this to the Town now because they are coming into grant season and would also like approval to purchase the easement from the LLC.

Mr. Weir stated that they should apply for grants then bring back a purchase and sales agreement so the Board can decide at that time.

Mr. Mann stated that he would like to know they are on the same page before they go on a grant hunt.

Mr. Bouchard is a little leery about formal approval but would encourage them to obtain grants and come back as well.

Mr. Millette stated that applying for grants is great, but they take time. He asked if there is time to be waiting for grants. Time will dictate a lot. He stated that it would be nice to know the share the Town would be approving to spend.

Mr. Humphrey stated that worst case scenario is \$160,000.

The Board has no issues with the Conservation Commission moving forward with grants and purchase and sales but would like the Conservation Commission to come back for final approval.

Mr. Humphrey stated that the LLC would like to conserve it and will hold it as of now.

#### **Map 4 Lot 157- possible violation**

Mr. Mann stated that the former Mike's Auto location at 105 Dover Road, who had an approved site plan looks to have some encroachment on the wetland's setback. The Conservation Commission wrote a formal complaint to the Board of Selectmen and would like the Town Engineer to go and look to see if there are in fact any violations.

The Conservation Commission believes that the violations may include filling within the wetland setbacks and within the property line setbacks shown on the site plan. It is also possible that filling within delineated wetlands has taken place.

The consensus of the Board is to send the Town engineer out to check the site plan and to see if any of the wetland buffers have been impacted.

#### **Board and Commission Appointments-**

Mr. Millette made a motion and Mr. Weir seconded to approve the appointees as follows:

Lucille Noel	Heritage Commission	April 1, 2023	expires
Marianne DiTaranto	Conservation Commission	April 1, 2023	expires
Stephen MacCleery	Advisory Budget Committee	April 1, 2023	expires
Stephen MacCleery	Zoning Board of Adjustment	April 1, 2023	expires
Jonathan White	Parks and Rec Advisory Board	April 1, 2023	expires

Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **Policy Review-**

Mr. Millette made a motion and Mr. Weir seconded to approve the Grange Hall Policy. Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

Mr. Millette made a motion and Mr. Bouchard seconds to approve the investment policy along with the fund balance policy. Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **LUCT**

Mr. Weir made a motion and Mr. Millette seconds to approve both LUCT for:

Map 9 Lot 32 A-19

Map 9 Lot 32 A-4

Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **Intent to Cut-**

Map 1 Lot 16

Mr. Weir made a motion and Mr. Bouchard seconded to approve the intent to cut for Map 1 Lot 16.

Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **Food Pantry Donations-**

Mr. Weir made a motion and Mr. Bouchard seconded to approve the following donations to the Town of Chichester Food Pantry:

\$100.00 received from Terrance and Margery Houle.

\$1,000.00 received from Thomas and Catherine Klapproth

\$5,000.00 received from an anonymous donor.

Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

#### **Highway-**

Mr. Weir stated that there may be a problem with the Highway phone after hearing reports the voicemail box is full.

Mrs. Pinard stated that there are no messages on the phone and the phone itself may be broken or need repair. She is working on fixing it. In the meantime, there is a notice on the Highway webpage to contact her directly with any Highway concerns or problems.

Mr. Bouchard discussed wanting to make Mr. Rowell a full-time employee now that he has passed his CDL.

Mr. Weir motioned and Mr. Bouchard seconded to hire Mr. Rowell as a full time Highway employee. Roll Call Vote: Millette, aye. Weir, aye. Bouchard, aye. **Motion passes.**

The Board discussed getting Mr. Mayville a key to access the Highway shed.

#### **Zoning letter from Building Inspector**

Mr. Bouchard would like to ask Mr. Colbert to come next meeting to discuss the violation at the Robinsons Mobile Home Park. Mrs. Pinard will invite him to the May 5, 2020 meeting.

#### **Other Business-**

Mrs. Pinard stated that she has been working on policies and procedures and will be uploading them to google docs so the Board can review them. She will also be uploading a supervisor evaluation form and a employee evaluation form.

Mr. Millette received some additional PPE for the Town. If there are Town agencies that need them, let them know so they can distribute.

The Board discussed that the stay at home order until May 4th will most likely be moved to May 15<sup>th</sup>. If it is lifted on May 4, the Board will meet on May 5. If it is extended the Board will meet via ZOOM.

Mr. Bouchard discussed the possibility the of meeting in person in with social distancing to interview candidates for the Highway Department.

Mr. Weir agreed to meet in person.

Mr. Millette wants to be sure that no public would attend and also wanted the Board to consider the possibility that candidates may not feel comfortable meeting in person right now due to covid-19 and may have to decided between what they feel comfortable with and a job.

The Board decided to wait until May 5<sup>th</sup> to discuss this again and in the meantime Mrs. Pinard will reach out to the candidates and let them know the Town is interested in a meeting but are in a holding pattern due to Covid-19.

#### **Adjournment:**

Being no further discussion, a motion was made by Mr. Millette and seconded by Mr. Bouchard to adjourn the meeting at 7:52pm. **Motion passes.**

Respectfully submitted,

Kristy Barnouski, Administrative Assistant

Not approved until signed

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Richard Bouchard

Edward Millette

Jason Weir

DRAFT

**From:** Jodi Pinard  
**Sent:** Thursday, March 26, 2020 11:05 AM  
**To:** [rbouchard@gacnh.com](mailto:rbouchard@gacnh.com); Ed Millette ([edmillette@bootleggersfootwear.com](mailto:edmillette@bootleggersfootwear.com))  
<[edmillette@bootleggersfootwear.com](mailto:edmillette@bootleggersfootwear.com)>; 'Jason Weir' <[jasonoddweir@gmail.com](mailto:jasonoddweir@gmail.com)>  
**Cc:** Building <[building@chichesternh.org](mailto:building@chichesternh.org)>  
**Subject:** FW: Violation Letter to Robinson's Mobile Home Park

Good Morning,

Below please find a detailed explanation of the violation at Robertson's Mobile Home Park from Everett.

***The Town is not required to define every term in the Zoning Ordinance. When a term is undefined, we generally look to the dictionary, and Courts will also interpret words in their "ordinary meaning unless it appears from their context that a different meaning was intended." Town of Bartlett Bd. of Selectmen v. Town of Bartlett Zoning Bd. of Adjustment, 164 N.H. 757, 762 (2013). In this case, Section 3.04 prohibits portable camps, which could be defined as a "a place with temporary accommodations that is readily moved." We could also look to craigslist to see how a portable camps are defined in the normal course of business. This should encompass a lot of the unlawful camping that is going on in town.***

Please let me know if you need anything else

*Jodi*

Jodi Pinard  
Town Administrator  
Town of Chichester  
54 Main Street  
Chichester, NH 03258  
603-758-5350 x202

**From:** Building <[building@chichesternh.org](mailto:building@chichesternh.org)>  
**Sent:** Thursday, March 26, 2020 10:58 AM  
**To:** Jodi Pinard <[jpinard@chichesternh.org](mailto:jpinard@chichesternh.org)>  
**Subject:** Violation Letter to Robinson's Mobile Home Park

Board Members

I want to clarify the violation letter that I sent to Dave Colbert regarding the portable camp/camper that has been moved into the mobile home park at 243 Dover Road.

I referenced section 3.043 Portable Camps of the Chichester Zoning Ordinance. Michael Courtney of Upton & Hatfield, LLP in an email defined portable camps as a "place with temporary accommodations that is readily moved". This definition describes the unit presently located in the mobile home park. The camper is on wheels, hay bales are being used as temporary skirting, the unit is not connected to water, sewer, or electricity.

The camper would not be allowed in a mobile home park as it doesn't meet the definition of manufactured housing as defined in RSA 205-D:XI. This section defines manufactured housing as having 320 square feet, 8ft x 40ft. In addition manufactured housing must meet the installation standards of Chapter Inst 100 which require proper anchoring to a slab, connection to utilities, etc. Hay bales for skirting would not be allowed.

I referenced section which requires the minimum square footage for dwelling units to be 500 square feet. This unit appears to be less than the required 500 square feet. In addition the camper would not meet the requirements of Section R304 of the IRC that all habitable rooms must be at least 70 square feet.

R 306 Sanitation of the IRC requires all Dwelling Units to be connected proper sanitation and sewage facilities.

I hope the above referenced code sections will help to clarify my decision. If you need any further explanation, please contact me.

Thank you,

Everett Hodge

Town of Chichester

Building Inspector/Code Enforcement

54 Main Street

(603) 798-5350 ext 4



## Jodi Pinard

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**From:** Kristy Barnouski  
**Sent:** Tuesday, May 5, 2020 11:18 AM  
**To:** Jodi Pinard; rbouchard (rbouchard@gacnh.com)  
**Cc:** 'Stan Brehm'  
**Subject:** FW: question / Site plan violations

Please see below response from Matt Monahan regarding course of action for applicants not following site plan approvals.

Kristy

**From:** Matt Monahan <mmonahan@cnhrpc.org>  
**Sent:** Tuesday, May 5, 2020 11:14 AM  
**To:** Kristy Barnouski <kbarnouski@chichesterh.org>  
**Subject:** Re: question

Kristy,

Per our call, here is how to proceed:

First, some background:

- First, check with Bart on any course of action before taking it
- Section 23 in the Site Plan Regulations deals with fines and indicates that the BOS can levy fines per day per violation
- the PB also has the authority to revoke site plans that are not being followed

These are some steps that could be followed, in order of increasing impact:

1. Have Everett call them and tell them to fix the issues
2. If a call doesn't work, he could send a letter asking them to fix the issues
3. If letter doesn't work a formal notice of violation/cease and desist could be next
4. If that doesn't work the BOS could then institute fines
5. The PB could then revoke the site plan approval

Please let me know if there are any other questions.

Thanks,

Matt

On Tue, May 5, 2020 at 10:25 AM Kristy Barnouski <[kbarnouski@chichesterh.org](mailto:kbarnouski@chichesterh.org)> wrote:

Good morning Matt,

Can you tell me in general, if a site plan is not being followed who is responsible for addressing the violations?? Should the Planning Board be calling them back in to address it or should the zoning officer or Select Board be addressing it?

Kristy

Kristy Barnouski

Town of Chichester

Administrative Assistant

Planning & Zoning Secretary

54 Main Street

Chichester, NH 03258

603-798-5350 EXT. 201

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Thanks,



# Town of Chichester

## Office of the Selectmen

54 Main Street  
Chichester, New Hampshire 03258  
(603) 798-5350 Fax (603) 798-3170  
www.chichesternh.org

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### Selectmen

Richard Bouchard, Chairman  
Edward Millette  
Jason Weir

### Administration

Jodi Pinard, Town Administrator  
Kristy Willey, Administrative Assistant

May 5, 2020

Pursuant to RSA 31:19, the Board of Selectmen shall accept and authorize the expenditure of unanticipated funds in the amount of:

\$100.00 received from Terrance and Margery Houle.  
\$52.00 received from Eldora Potter  
\$250.00 received from Marie McKay  
\$150.00 received from Catherine EdmundBailey

in support of the food pantry. It shall be the responsibility of the Town of Chichester to maintain an accurate record of all funds, detailing their expenditure, and that such records shall be made available upon request.

Motion made by \_\_\_\_\_

Motion seconded by \_\_\_\_\_

Motion passes / fails (circle one)

### Certificate of Vote

We, the undersigned officer of the Town of Chichester, hereby certify that a vote was taken on the above action at a duly noticed meeting of the Board of Selectmen on May 5, 2020.

\_\_\_\_\_  
Richard Bouchard

\_\_\_\_\_  
Edward Millette

\_\_\_\_\_  
Jason Weir