

**Board of Selectmen  
TOWN OF CHESTERFIELD, NH  
SELECTMEN'S WORKING MEETING**

February 2, 2022  
4:00 PM at Town Offices

Note: This meeting may be recorded

**CALL TO ORDER**

Gary Winn called the meeting to order at 4:06 PM. Also in attendance were Fran Shippee, Kelli Hanzalik, Alissa Thompson, Matt Beauregard and Tricia Lachenal.

Winn noted that Christopher Oot has declined a Zoning Board of Adjustment appointment and would like to stay on the Conservation Commission.

*Gary Winn moved to reappoint Christopher Oot as an alternate to the Zoning Board of Adjustment. The motion was seconded by Kelli Hanzalik and passed unanimously.*

Thompson noted that Shippee has expressed her desire to have access to update the Town website. The board has no objections.

Winn noted that he went back and looked and the Town Report dedication that the board previously discussed was done about 10 years ago. Winn noted that he has another thought that he could not locate in old reports.

Winn noted that the primary reason for the meeting is to speak with Matt Beauregard regarding some of the zoning issues brought to the attention of the board by Jon McKeon and to speak about code enforcement in general.

Hanzalik asked if any resident brings something like this to the board, does the board have an obligation to respond to the complaints or is this a courtesy. Winn noted that it is not a requirement, but a courtesy.

Shippee noted that she would like to ask about a property that is not on the list. Shippee noted that a complaint was received about a property on South Shore Road about water being diverted onto an abutters property and into the lake. Shippee noted she would like to know the status of that complaint. Beauregard noted that he was in a meeting when the complaint came in, but he was able to get out to the property. Beauregard noted that they were laying plastic in the basement (more like a crawl space) and replacing a sump pump. In order to do that, they were pumping the water out of there first. Beauregard noted that there was a temporary system that was pumping the water outside. Beauregard noted that the water was going on the lawn and not directly into the lake and it was a small amount of water (maybe 50 gallons). Beauregard noted this was a temporary system. Beauregard noted he could not locate any DES concerns regarding pumping water onto the lawn towards the lake. Beauregard noted he followed up with the

company and they do not deal with septic systems and that there would be no worry about contamination. Winn noted that he has had communication with the complainant since then and was under the impression that she is satisfied with the information she received.

Winn noted that there is a question about a building being built on a “non-buildable” lot on Access Road, which is off Old Swanzey Road. Beauregard noted that there is no new building out there to his knowledge. Beauregard noted that there was a building permit denied out there as the lot was non-buildable according to the deed to the property. Winn asked if Beauregard had been out there recently to see if anything had changed. Beauregard noted it had been about a year since he was out there. There was discussion about which lot was in question here. Beauregard noted that it would be easier if he was provided more information about what lot was in question. Beauregard noted that he believed that this question was settled, but if it is a different lot, he is not aware of the issue or where the lot in question is located. Shippee asked if Beauregard should take a ride out there and take a look. Beauregard noted that he does not believe the car will make it out there and he would have to walk out there. Jeff Scott noted that he drove out there today and there are a lot of no trespassing signs out there. Beauregard noted that if it is clearly posted, there may be legal issues with him walking out there. Beauregard noted that it would be helpful to get a better understanding of what lot is in question. Winn noted the board will ask for clarification, and Beauregard can do a drive by to see if it looks like anyone has been out there. Winn asked Beauregard to take pictures of anything he can see out there and the board will follow up and ask for specific location information.

Winn noted that the next item is a question about property on Pinnacle Springs Road. The board has been told a complaint was made to the State about excavating happening on the property and a permit being issued without Federal and State permits being in place. Beauregard noted that this issue ties into the State. Beauregard noted that he believes that this complaint is unreasonable. Shippee noted that she called DES and they indicated they did not go to the wrong address. Shippee noted the State received a complaint for property on Foley Road and that is the address they visited. Shippee noted that nobody has officially complained to the state about the Pinnacle Springs property. Beauregard noted that forestry is not in the municipality’s scope to regulate, as that is the NHDES. Beauregard noted that it would be unreasonable to expect code enforcement to chase down forestry complaints. Hanzalik noted that it has been said and repeated around town that someone in the Town gave the wrong property address to the State and that is inaccurate. Hanzalik noted that the fact is that an abutter logged a complaint about Foley Road, and someone assumed incorrectly the information came from the Town Offices. Hanzalik noted that the Board of Selectmen receive a lot of complaints and get a lot of information, and it is their job to get the facts and leave the emotions out of it. Hanzalik noted that someone should call about Pinnacle Springs, and agrees it is not the responsibility of code enforcement. Winn noted that to correct this situation, a complaint needs to be made to NHDES. Hanzalik noted that the Conservation Commission would be a good choice to handle this situation. Shippee will send information out to the Chair of the Conservation Commission and ask them to request the State look into what is going on with the property on Pinnacle Springs Road.

Winn noted that the next item on the list is regarding storage on property on Route 9. Winn noted the property is a commercial lot that does not have an existing site plan on file with the Town. Winn noted that the original complaint was that there were a number of boat trailers on the property. Beauregard noted that the property has been cleaned up and the only item on that property is a boat on a trailer. Beauregard noted that this is still an active case on the code tracker. Beauregard noted that it is in his purview to take any appropriate action and he believes that is what he is doing in this case. Beauregard noted that the junk trailers have been removed and he has granted a bit more time to move the last boat and trailer. Winn noted that it could be moved onto the other property and then he would not be in violation. Winn noted that this boat and trailer showed up after the junk trailers were moved and therefore the owner of the property knew he was not supposed to park it there when he put it there. Winn noted that Beauregard needs to put it in writing that the boat and trailer need to be moved. Winn noted that it is not the town's job to tell him where to put it, but that it needs to be removed from its current location. Winn noted that Beauregard can have a conversation with the owner, but needs to follow up in writing.

Winn noted that 37 South Shore is the next item on the list. Winn noted that the complaint indicates that the building was built in the setback. Beauregard noted that the permit for this location was approved before he was hired with the Town. Beauregard noted that the town regulations do not require a stamped plan as indicated by the complaint. Beauregard noted that requirement for a survey is not in the zoning or building regulations. Winn noted that there is a letter from the owner stating that it was certified that it was more than 50 feet from the Route 9. Shippee asked if someone could go out and measure it. Winn noted that at this point he believes that the property has been sold which could create issues. Winn noted that if it has not been sold, the Town could request the documentation, but if it was sold, it becomes more complex. Beauregard noted that he is unsure how the Town can ask for that documentation as it is not a requirement. Winn noted that in his capacity as the Building Inspector, Beauregard has the power to ask them to certify that they have meet the plans they provided with the building permit application. Beauregard noted that moving forward the Town can make a requirement to have foundations certified by a 3<sup>rd</sup> party but noted that the Town cannot do it with this property. Winn noted that there were previous attempts to build on this lot that were denied. Winn noted that Beauregard needs to get some legal advice on this property. It was noted that the old variance requests that were denied need to be looked at to determine why they were denied.

The next item on the list is a complaint regarding Tax Map 5M, Lots A5 and A6. Beauregard noted that the picture provided by Mr. McKeon is very misleading. Beauregard noted that this property is located directly next to the beach club and Mr. McKeon is very familiar with the project on this property. Beauregard noted that he has been out to the property several times and spoken with the owners. Beauregard noted that there is demo and rebuilding happening on the property. Beauregard noted that there is a NHDES permit to do the work. Beauregard noted that the owners have pictures and videos showing sufficient wattles. Beauregard noted that he received one picture with one wattle out of place. Beauregard noted that part of the agreement between the owner of the property and the beach club is that the owners would remove the knotweed that has been a long-time controversy between the neighbors. Beauregard noted that the wattle out of place in the picture was moved to allow the knotweed to be removed and the dirt in the picture is a result of the removal of the knotweed, not runoff. Hanzalik asked if Beauregard inspected the property after the complaint was received in October. Beauregard

noted that he did not visit the property after that complaint. Beauregard noted that the owners are more than in compliance. Beauregard noted that he stands behind his previous decision not to go out and do an inspection after this complaint. Beauregard noted that he received the complaint and to the best of his recollection, he called the owner for clarification. Winn noted that due to the ongoing issues, there is a need for regular checks. Beauregard noted that it is not possible for him to follow each permit and check weekly on every open permit in the Town. Beauregard noted that it is normal for permits to be open and timelines are not set in stone.

Beauregard noted that he believes that the complaint concerns PDD#4, as PDD#3 is Pontiac Drive. Beauregard noted that the Planning Board dissolved the PDD#4 and provided a notice of decision. It was noted that PDD#4 needs to be removed from the Zoning Ordinance.

Beauregard noted that Performance Motors is going to get the clean up done. Beauregard noted that he wants to rent the front part of the property. Beauregard noted that the owner will be submitting a new site plan shortly. Beauregard noted that progress was slowed by a broken tow truck. Winn noted that the repairs to the building seem to have stalled as well. Beauregard noted that the building is being actively worked on as well. Winn noted that he believes the board should see improvement within 30 days. Winn noted that the fact that he wants to have someone move in does not change the fact that he needs to come into compliance. Winn noted that the board wants progress, not just discussions. Hanzalik noted that they need to address the storage, parking and the dumpster within 30 days.

Beauregard noted that Granite Auto will be coming to the Town with a site plan the day after voting. Winn noted that there is talk of a floodlight on the corner of the building that has been described as blinding. Beauregard noted that he has seen a lot of complaints and has spent a lot of time investigating them. Beauregard noted that the owner is open to fixing clear violations, but the complaints that keep coming are not clear violations. Winn noted that he is concerned about the lighting complaint if it is in fact blinding people. Thompson noted that she drove by there the other night and it is bright, but not blinding. Beauregard noted that most of the complaints he continues to receive on this property are petty and inaccurate. Beauregard noted that he does not feel it is right to keep going after this business week after week. Shippee noted that most of the items that are being complained about are things that have been going on for 2-3 years. Shippee asked how long the Town should wait for him to come before the Planning Board. Beauregard noted that he wants to occupy the space up front as well but will need a new variance. Winn noted that he provided a site plan to the Town which was approved by the Planning Board. Winn noted that the Town needs to determine if he is within the plan and if he is not, come back to the Town for an updated site plan. Hanzalik noted that the ordinances have been voted on by the people in town and the boards approve site plans and the role of code enforcement is to uphold the decisions already made. Beauregard noted that in a previous complaint, he went through each item and there were many items that were misrepresented in the complaint. Hanzalik noted that the site has been out of compliance for awhile and he indicated he was coming to the Planning Board to update his site plan several times. Hanzalik noted that he cannot continue to be out of compliance. Beauregard noted he is waiting for the vote in March. Winn noted that there will still be rules he will be expected to follow.

Beauregard noted that there was a question about LP tanks, specifically around the lake and he agrees with the concern. Beauregard noted that the LP tanks should not be located in the setbacks. Winn asked about mini splits. Beauregard noted that you can replace like things with like things. Winn noted that he believes that they also cannot be located in the setback. Shippee noted that the Town needs to notify the residents as this seems like an oversight and not a deliberate attempt to get away with something. Winn noted that it could be a handout when they come in for a permit. Beauregard noted that it may need to be a certification as property lines are not always known.

Beauregard noted that the question about the late petition and him writing a letter of support is not accurate. Beauregard noted that after he learned the petition was put in after the deadline, knowing he was working towards that all year, he spoke with the petitioner and asked him the reasons he wanted to rezone the property. Beauregard noted that he reiterated what he was told and what the petitioner would prefer. Hanzalik noted that the complaint was that a letter was sent in support of the petitioner.

Beauregard noted that Mr. McKeon misunderstood his explanation of the budget changes. Beauregard noted that he cut the budget for certifications, as NH does not require them. Beauregard noted that he is certified in Connecticut and has done many hours of classes. Beauregard noted that he did not have time last year to get a national certification through the ICC and could not justify leaving that money in the budget this year. Beauregard noted that he is doing monthly trainings and is planning on attending a four-day training through the ICC this year. Beauregard noted he has not signed up for that training yet, but there is money in the budget earmarked for that training. Beauregard noted that he would not be opposed to getting the money back in the budget if he has more time to attend the trainings.

Shippee noted that she would like to have the quarterly meetings with the department heads again.

Thompson noted that with the storm coming in on Friday, she would like to close the office. The board agreed to close the office on Friday February 4, 2022.

Thompson noted that the postcard's estimated cost is around \$950.00. The board gave the go ahead to send the postcards.

It was noted that Bruce Adler has asked for an update. Winn noted that the board needs to talk about that before speaking with him.

The Next meeting will be held February 9, 2022, at 6:00 pm in the Town Offices and via Zoom.

## **ADJOURN**

*Kelli Hanzalik moved to adjourn at 6:56 PM. The motion was seconded by Fran Shippee and passed unanimously.*

Respectfully submitted,

Tricia Lachenal  
Administrative Assistant

Approved by:

  
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Gary Winn, Chairman

2/17/2022  
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Date

  
\_\_\_\_\_  
Fran Shippee

2.16.2022  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Kelli Hanzalik

\_\_\_\_\_  
Date