

**Town of Chesterfield
Board of Selectmen**

**MINUTES
March 14, 2007**

Call to Order

Chairman Jon McKeon called the meeting to order at 6:00 PM. Others in attendance were Board members Wanda McNamara, Dan Cotter and Administrator Rick Carrier. Newly elected Board member Bob Brockmann was also present.

Appointments

➤ 6:15 Chet Greenwood & Bart Bevis

Greenwood advised that all the information he had requested has been submitted by Sage Engineering. Bevis stated the 3rd party inspector would do an in-depth study for life safety issues. McKeon advised the 3rd party would only raise flags and questions.

They have the plans for the elevator and it is hydraulic. It was noted that this would involve mechanical plans and tie into the sprinkler system and would include the oil separator issues.

Bevis advised that it seems that Saba has been receptive to make this work and has done what was asked. Greenwood stated there is a 3rd party interested for future use.

McKeon stated that he still has concerns with the project.

1. The building that is there is different from the approved Planning Board revised plans.
2. There are major changes from the approved plan in elevations.
3. The elevator was to be electric and is hydraulic, which raises concerns on the installer.
4. The zoning non-compliance.
5. The percentage of the building that is up, is it fair to the Town?

His main issue is the 2 sets of drawings, the Planning Board approved plans and the construction set. Bevis advised he was also concerned with this.

Saba is scheduled to be at the March 20th ZBA meeting for the height issue. Bevis stated that the doghouses are an advantage to the Fire Dept in accessing the roof.

➤ 6:30 Mike Bentley & Pierre Saba

Mike Bentley, representing Saba, advised that the Cease and Desist order doesn't comply with the statute. He stated that Saba has relied on the building permit issued

on July 19th. The items not on the PB approved plans were the walk out doors in the basement (allowing for laundry service etc). There would be no garaging under the hotel. The doghouses and the windows in the basement facing the river were also not included.

Bentley stated the roofline height is just over 29 ft. The parapet would be over the 30 ft but this is to protect the ice and snow from falling off the edge of the roof. The building is 3 ft higher in elevation from the approved site plan. They would need relief for the doghouses but if the ZBA turned them down they would be gone.

Bentley advised that Saba would be before the Planning Board on April 2nd showing the differences between the building plans vs. the approved site plan. Saba has \$1.5 million invested in the construction to date. This will be a first class construction. Bentley stated he thought the Select Board would have voted differently last Thursday evening and not enforce the Cease and Desist order. No work has been done since Friday. The contractor pulled off the job.

Bentley advised that the Cease and Desist is not valid. Saba went forward relying on the building permit. They want to resume construction but not in the face of the Cease and Desist order even if it is not valid.

McKeon stated his concern was also with the two different engineers. DeMarinis advised Clough Harbor is generally a site-engineering firm and was used for the Planning Board level before the major engineering investment. Once the plan was approved the building plans were done. The service access was not noted on the Planning Board plan. They will bring the new plan to the Planning Board for the modified plan approval. He stated that it was up to the discretion of the Code Enforcement Officer to send them back to the Planning Board.

McKeon stated the grade of the building makes it 3 ft higher and is significant. DeMarinis stated the grade was up too high to the framing so they had to increase the elevation. He stated that nothing significantly has changed. McKeon stated that he sees it as significant and the Planning Board needs to see the changes.

McKeon asked how could Saba go forward without getting in deeper and that is why the permit was pulled. Bentley stated he was not aware of the permit being pulled but noted that Saba needs to make a decision in undertaking the construction knowing if it goes bad it is at his own risk and he is prepared to do that. Bentley asked how did this get so far along? The plans were stamped and they relied on them. They asked that only inside work be done.

McKeon stated that stamped drawings do not relieve the builder from his responsibility to adhere to the zoning codes.

Bentley stated he is not aware of code violations except for the doghouses and parapet, which is a necessity for safety.

Starbuck, Planning Board vice-chair, was present and asked to ask a question. McKeon stated not at this time. McNamara advised that the meeting should be open to hear all the information and not having discussion in the other room.

Saba advised he did not have the old motel removed until he had the building permit in hand. He relied on the permit to go ahead. The basement was elevated above the water level. His intention is to build a nice building there. He wanted a roof deck with flowers to attract people. He is willing to do what is reasonable so the Town will be proud of the building.

McKeon stated he has no question that it will be a quality building, his concern is the violations and the different plans used. The Board's goal is to do what is best for the Town. Saba stated he never had intention to break the law or codes and only relied on the permit issued by Greenwood.

Cotter stated he sees there has been effort made on building code compliance and Saba has made arrangements to go to the ZBA and the Planning Board.

Cotter moves to not enforce the Cease and Desist order and allow Saba to continue on the inside work at Saba's own risk. McNamara seconded the motion.

Discussion: McKeon stated he would prefer that they wait till after the Zoning meeting. Bevis stated the zoning would only be dealing with the height. Cotter state he did not think that further work done would put them more out of compliance with zoning.

Vote called: Yes: McNamara & Cotter, No: McKeon. Motion carried by majority.

McKeon stated he wanted to make sure it is understood that any changes in zoning or planning compliance then Saba is on his own.

Starbuck noted that the use intensity had not been brought up at the Planning Board meeting. The neighbors have expressed concern regarding the roof top deck.

➤ Mike Descoteau (unscheduled)

Descoteau was present to lodge a complaint on the notification policy for posting the roads. He lives on Old Swanzey Rd. He had called the dumpster company to remove trash and in the morning the sign was not there but it was posted later in the day and the trash company could not travel the road. He stated that the road is not bad enough to close.

Bevis had advised him that he had contacted Waste Management to give them a heads up on the closing. Waste Management advised Descoteau they had not been notified. The posting was noticed in the newspaper but Descoteau did not see it. He thinks that there should be a warning posted on the road noting that the road would be closed in 2 days.

The Board advised Descoteau that the notice was in the paper and that Bevis had come to them two weeks ago advising that he would be posting the roads. Decoteau stated that Bevis told him that if the road froze they could do it but he would not give a letter stating such and Waste Management would not proceed without a letter.

McKeon advised that the Board would speak with Bevis.

For Signature

- Manifest #11
- Selectmen minutes – March 8th
- Reassessment contract
- Appointment papers
- Payroll change notices

For Discussion

- Town Office Building

Carrier advised he is preparing the application for a 20-year bond with the bond bank. It had to be submitted by April 9th. This is non-binding at this time. The Board will need to make a decision in May regarding the length of the bond.

Carrier asked who would act as the owner representative. McKeon thought they need a primary and backup person. It was noted that the meetings be held on Tuesday or Wednesday; that gives the opportunity to bring it to the Board at their Thursday meetings. It was discussed that Carrier and Fairbanks could relay information, as the meetings would likely be in the afternoons. The Board will discuss this further at another meeting.

Carrier asked about the old building. The Board asked that Carrier contact Crocker regarding the current building. It was mentioned about putting an ad in the paper to advertise for bids to move the building.

- Town Hall usage request

The Board reviewed the request for co-renters, a resident of the Town and a relative who has the ability to get a certificate of liability insurance. The Board advised that as long as the insurance holder is on the rental application it would be all right.

- Old business

Pond Brook Road Flooding – The letter has been sent to Kingsbury.

Cersosimo Welcome Farm Roads – Morse has not yet submitted the information requested on the base and wear course on the roads.

➤ Other business

1. McNamara advised that the Town Hall was dirty. Carrier advised that during that time frame the school had used the hall a couple of times and they seem to be the worst offenders in not cleaning up. Cotter will speak with Sharon Deon about the school use and sweeping.

2. Nonpublic

Cotter moved to enter nonpublic session pursuant to RSA 91-A:3 II (a & c).

McNamara the motion, which carried.

McNamara moved to adjourn from nonpublic session and seal the minutes. Cotter seconded the motion, which carried.

3. McKeon advised that when the new Town Office Complex is built they should look into a water purifier.

Information

- Construction Manager GMP
- Code Enforcement Officer correspondence
- PD certificate of achievement
- DES Wetlands Bureau complaint – Kwader
- Misc. correspondence & newsletters

Adjournment

With no other business to conduct, McNamara moved to adjourn, Cotter seconded and the motion carried.

The meeting was adjourned at 8:00 PM.

Respectfully submitted,

Carol Ross
Secretary

Approved by:

Jon McKeon

Date

Daniel J. Cotter

Date

Robert Brockmann

Date