

**Town of Chester  
Board of Selectmen Meeting  
Thursday, September 11<sup>th</sup>, 2014  
Municipal Complex  
Approved Minutes**

**I Preliminaries**

7:00 PM Call the Meeting to Order  
Roll Call  
Pledge of Allegiance  
Chairman’s Additions or Deletions  
Public Comment (10 minutes)  
Approval of Minutes  
Transfer Station Roof  
Adjournment

*1.1 Call to Order*

Chairman Landau called this meeting of the Town of Chester Board of Selectmen to order at 7:00pm.

*1.2 Roll Call*

Selectmen present:

- Jack Cannon
- Joseph Hagen
- Stephen Landau
- Richard LeBlanc

Selectmen absent:

- Joe Castricone

Members of the Public present, at various times:

- Richard Antoine, Fire Chief
- Andrew Hadik
- Michael Oleson, Road Agent
- Matt Rittenhouse, Tri-Town Times
- Leroy Scott
- Michael Weider, Planning Board
- And other persons unknown to the Recording Secretary

*1.3 Pledge of Allegiance*

Chairman Landau led the attendees in the Pledge of Allegiance.

*1.4 Moment of Silence*

There was a moment of silence in remembrance of the events of 9/11.

*1.5 Additions and Deletions*

This meeting itself is an addition; the only topic of discussion is the Transfer Station Roof.

54 1.6 Public Comment

56 As no Members of the Public wished to be heard, Public Comment was closed at 7:03pm.

58 **II. Old Business**

60 2.1 Approval of Minutes

62 September 4<sup>th</sup>, 2014: Chairman Landau moved to accept these minutes as drafted; Vice-Chairman Hagan seconded the motion. The vote was four in favor with Selectman Castricone absent; so moved.

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2.2 Transfer Station Roof

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68 Work on the Transfer Station Roof had been queried at last week’s meeting, and discussed in non-public session. Chairman Landau revealed that after repeated unsuccessful attempts to reach the contractor, a letter had been sent, asking for a start date and completion timeframe. It was discovered that the contractor had not pulled a permit, and Chairman Landau discussed the situation with Jeff Adler of Dubois & King. Questions were then raised as to whether or not a site plan review was needed.

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72 Article 4, Jurisdiction, of the Town Zoning Ordinances was quoted (emphasis from Chairman Landau):

4.2 **Site plan approval shall not be required** for change or expansion of existing non-residential or multi-family dwelling use if the Planning Board, upon request of the applicant, finds that the following criteria are fulfilled:

- (a) The existing use has an approved site plan;
- (b) **The proposed change** or expansion will not add more than 7% or **1,500 square feet**, whichever is less, to the **floor area** of the existing structure(s);
- (c) A proposed change or expansion would not create **significant impacts on surrounding property** in terms of traffic, parking, storm water run-off, light, noise, odor or vibration, etc; and
- (d) The site has not received a previous exemption under this section.

74

76 Chairman Landau stated that insofar as (b) was concerned, the total square footage of the addition to the roof structure was 477 ¾’, held up by six (6) posts; as to (c), there would be no impact to the surrounding property, as the only other property in the area was the old sealed dump, and as to (d), no exemption was currently in place.

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80 It was also noted that according to the New Hampshire Municipal Association, a Town is not required to follow its own zoning ordinances, as long as it is performing a governmental function.

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84 No site plan was required when the Transfer Station was built ~18 years ago. Chairman Landau had spoken to Andrew Hadik, who had been speaking with Nobis Engineering to get plans for the property; he had brought the situation up before the Planning Board last night. Apparently the Planning Board is of the opinion that a site plan review for the property must take place before construction of the roof extension can begin; they are not willing to allow construction to continue and to perform the review afterwards, a solution that had been suggested by the Building Inspector.

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88

90 Chairman Landau is concerned that if the process stops now and begins again later, it will cost the Town

92 much more money – he believes that the contractor originally underbid the project. He noted that the  
Town had voted for this project, the Town would benefit from the project, and that the Town Engineer  
has approved the project; it is merely a roof to cover two containers.

94

96 Michael Weider stood and was recognized. He agreed that a site plan had not been required when the  
Transfer Station was built, but stated that the Planning Board now needs 30 days’ notice to have the site  
plan reviewed at a public hearing so that abutters and the public can comment upon it. He stated that  
98 the Planning Board has a process in place and that they have never given an exemption; they do not  
believe that this project qualifies for a hardship exemption.

100

102 Two other recent projects were mentioned – the addition to the Fire House, and the new Highway  
Department building – both of which had site plan review and required engineering.

104 Fire Chief Antoine stood and was recognized. He stated that precedence had been set; that the Board  
had made him jump through hoops to have his building erected, but that as a governmental function he  
106 should have been exempt. He described the situation as ‘inconsistent’.

108 Road Agent Oleson stood and was recognized. He stated that when he built the Library in 2000, he had  
a site plan review. He argued in favor of consistency, and stated that the Board should lead by example.

110

112 Selectman Cannon asked how much more money the Town would have to pay should they lose this  
contractor; it was stated that the next higher bid was an additional \$10k. Selectman Cannon suggested  
that the Planning Board, Fire Department, and Highway Department budgets be tapped to make up the  
114 difference. Chairman Landau stated that it was the taxpayers that would suffer in the end. Although  
\$59k had originally been raised and appropriated for the project, and the vendor’s bid was closer to  
116 \$30k, the amount considered to be excess had been encumbered for work at Edwards Mill Dam and was  
no longer available to be spent on the Transfer Station Roof.

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120 Selectman Cannon stated that everyone is willing to offer an opinion, but that nobody is willing to lead;  
if the Selectman that originally questioned the lack of permit knew so much about the issue, he should  
have led the process.

122

124 Vice-Chairman Hagan stated that the Town has been consistent with buildings, which require  
foundations, etc.; putting a roof over trash containers is not the same thing. He asked if the Planning  
Board was likely to disapprove the project. Mr. Weider stated that they were not, but that they were  
126 following procedure.

128 Selectman Cannon suggested that the Town begin the approval process properly, but that the moment a  
roadblock occurs, that the Board vote to continue the project without site plan review, permit, etc., and  
130 allow the process to catch up.

132 Selectman Cannon moved to suspend the Transfer Station roof project and continue with the Planning  
Board’s site plan approval process; Selectman LeBlanc seconded the motion.

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136 According to Selectman LeBlanc, Mr. Hadik had volunteered to redraw the Transfer Station site plan with  
all outbuildings and tower included. Mr. Hadik agreed, stating that he is awaiting the original CAD of the  
Transfer Station plans from Nobis Engineering, but added that he is not an expert and suggested that  
138 the Town hire someone to do the job properly. He also stated that in his opinion, all Town construction  
should go through the Planning Board process, because private construction needs to – again,  
140 consistency. He noted that the Planning Board’s 30 day notice is largely due to the fact that newspapers  
take three weeks to get notices into print. Vice-Chairman Hagan asked Matt Rittenhouse if he could get  
142 the notice in earlier; Mr. Rittenhouse indicated that it was likely, but Mr. Hadik noted that the Tri-Town  
Times was not the only newspaper in which the notice needed to be published.

144 Chairman Landau reiterated that he did not believe that this project needed to go through Site Plan  
146 Review, based on Article 4 as quoted above. He also asked who would be notifying the contractor to  
stop work, as he does not plan to lead the project any further.

148 The question was called. The vote was two in favor with two opposed; the motion fails.

150 **III. Adjournment**

152 The next meeting of the Board of Selectmen is scheduled for Thursday, September 18<sup>th</sup>, 2014 at 7pm in  
the Meeting Room.

154 Selectman Cannon moved to adjourn the meeting; Selectman LeBlanc seconded the motion. The vote  
156 was four in favor with Selectman Castricone absent; so moved.

158 The meeting was adjourned at 8:01pm.

160 Respectfully Submitted,

162 Debra H. Doda