



TOWN OF CHESTER BOARD OF SELECTMEN  
ZONING BOARD OF APPEALS  
15 MIDDLEFIELD RD.  
CHESTER MA 01011

**Monday, March 28<sup>th</sup>, 2022**

Open Meeting – This meeting is held in the Chester Town Hall Auditorium with a virtual option.

Selectmen John Baldasaro, Jason Fogue, and Richard Holzman were present. Town Hall staff present were Town Administrator Kathe Warden, Administrative Assistant Jill Strong, Town Clerk Terry Donovan, and Tax Collector Mary Ann Pease. From CMELD Manager Jill Moretz as well as Commissioners Deryck Savoy, Duane Pease, and Foreman Jeremy Tremblay were present. Water Commissioners Lyle Snide and Bob Daley were present along with some residents. Participating remotely was Representative Natalie Blais, from the Board of Health Elizabeth, Liz, Massa, and Nicholas Chiusano as well as some residents.

John opened the meeting at 6:00 PM, warrants, minutes, and all correspondence was signed.

- **Representative Natalie Blais – discussion with Select Board:**

John welcomed Natalie and thanked her for joining us, Natalie stated that she was happy to do so and was happy to see everyone. John thanked her for her help in receiving money for the July storms last year which we received notification about today. John stated that we would not be able to survive without this money without expending our Chapter 90 funds for the next few years and we have already over expended approximately \$100,000.00 in our budget. Natalie thanked the town and Kathe for providing all the information necessary to make this happen and thanked the town for our patience while this was being worked out. Natalie also introduced her Legislative Aide Corinne Coryat who was also sitting in on the meeting.

John mentioned that something they would be looking to them for advice on is at an Annual Town Meeting approximately three to four years ago it was passed to transfer a few positions that were elected to appointed positions however this was not actually done for the Assessor's office positions. Corinne commented that this would need to go to a town meeting, John stated that it had already passed just not established, Corrine stated that it may need to go before the town again due to statute of limitations, but we could look into it.

Rich asked Natlie how things were moving on the railroad stop. Natalie answered that she had met with Congressman Richard Neal, and they are also hoping to speak with Governor Baker. She stated that Chester has made a strong case already and have done a lot of work to advocate for this, when there is a time for action, she stated that she would call upon us.

Jason asked Natalie about the school budget and that he knew the Superintendent Kristen Smidy had reached out to her about the misallocation of extra funds which we discussed in the last Select Board meeting with Kristen present. Natalie answered that she owed Kristen a response and explained that the Student Opportunity Act did not do a lot for rural communities and that there were other districts across the state that were in the same position. Jason stated that he was concerned that she would be leaving us as part of the re-districting and wondered if our future Rep. was involved and would be supportive of us. Natalie answered that she believed our new Rep. would be supportive and although she would be losing Chester in January she would always be guided and working for rural communities.

Rich updated Natalie that the town had reacquired ownership of 10 Middlefield Rd. the old Chester Elementary School across from the Town Hall and that we would be looking to her for guidance to establish the best use of this historic building. Natalie stated that she would be happy to provide input, she also wanted to give praise to PVPC for securing funding for the CDBG grants for Chester. Before closing Natalie stated that she was looking forward to Chester on Track this year. John thanked her for joining us and checking in as well as for the road funding. Natalie thanked the Select Board for allowing her to join them and stated that she would continue to work on a case for unpaved roads. John thanked her again stating that would be great as that expends a majority of the Highway budget.

- **CMELD – discussion about Solar Energy on town buildings with possible vote of an agreement on services.**

Deryck opened the discussion and asked if the Select Board all had a chance to review the contract. The Select Board had received the copy this evening and had quickly looked it over before the meeting. Deryck explained that the contract was for the agreement to purchase and the sale of Renewable Energy Certificates or “Recs” at \$26.00 per unit. This agreement is for the solar installation located at the Chester Highway and CMELD Garage, the Pole Barn, as well as the Fire Station.

The Select Board and Commissioners discussed what they would be purchasing power at, the suggestion from CMELD was four point eight cents per kw however at a previous meeting with the Select Board John mentioned that they had spoken about purchasing at nine cents per kw. Deryck also stated that currently there is no meter attached to the pole barn and was unaware of the meter that went between the panel and the garage. They felt they needed further discussion to determine what the power would be purchased at while also considering transmission and distribution charges as well as calculating the energy used and generated at the sites. John stated that he had no issue with the purchase of Recs. Rich asked when their contract was up to negotiate new rates for power, Jill answered next year 2023. The purchase of Recs was \$26.00 per unit and was fixed for five years and Deryck commented that this was a benefit to the town as it is predicted that if the Cape Wind Project starts it will flood the market with Recs within five years.

Deryck asked where we were at with the installation, John answered that he wanted to move forward with getting everything hooked up. Deryck asked if they wanted CMELD to hook up everything or if they were still trying to work with Elm. John answered that they should move forward, and it seemed they had exhausted their efforts to get in done. Jeremy stated that he wanted to discuss with someone who knew solar a little better and that someone would need to certify everything as a power producing solar field and that if we knew the company that started

the project, he could reach out to them for this. Jason answered that he has attempted to contact the company Ace Solar multiple times without any response but could provide him with their contact information.

Jason stated that he wanted to compare the contract and costs with other towns and come up with a middle ground to get the best for the town and CMELD. John stated that he wanted things hooked up as we have already missed one round of funding with green grants. Jason made the motion to accept the contract for the sale of Recs, Rich seconded, all voted Aye.

Jill stated that the extra copies of the contract she would need back as they needed to stay in house. John stated that they would reconvene with CMELD and attend a meeting of theirs to continue the discussion to agree on the other purchase of power. Jason stated that he would meet with Jeremy as well as the Electrical Inspector John VanHeynigen so that this can all be hooked up by the end of the week. Bob asked in doing this would they be able to connect the Water Shed which is also located at the Garage so they can have power as well as heat. Jeremy answered that he would find out if this was possible. Kathe asked if it was agreed that all buildings could be hooked up by April 30<sup>th</sup> Deryck thought yes and would just need to reach out to the installer for the certification.

- **Water Commission – Bid Opening for Carbon Filters:**

There was a single bid received for the Carbon Filter which was sealed at the start of the meeting. Lyle approached the Select Board and Kathe handed him the envelope to open. Once opened Lyle read the bid which was from REWC Land Management with a total cost of \$280,000.00 which was broken down into three fiscal years. Lyle stated that in the bid they listed that their grant was for \$50,000.00 and would not be accepting any bids over budget. They thought if they did receive one that was only slightly over budget, they could pursue ARPA funds for the remainder. John recommended that because of the cost they reject the bid. Lyle agreed and stated that the Water Commissioners needed to meet to discuss this further.

- **Planning Board – discussion of upcoming bylaws for the Annual Town Meeting:**

Lyle is also on the Planning Board so also opened this discussion; the Select Board had been presented copies of the proposed new bylaws as well as the changes to view. John asked why the Select Board had not been involved in preparing these for the Annual Town Meeting. Lyle answered that they have done things the same as years passed and were now at the point of discussing it with the Select Board. John asked who the requests for these had come from, Lyle answered that they were from other Planning Board members.

1. *Proposed new bylaw section 3.5 "Short Term Rentals:"*

The reason for this bylaw is that zoning bylaws address short-term rentals of less than thirty days however this proposed new bylaw provides requirements to ensure health and public safety concerns are met, as well as protecting the interests of neighboring residents.

Lyle explained that the new section 3.5 reflects state requirements specific to zoning sections. John asked if there were not being changes made to the dwelling would there still be requirements for an inspection. Lyle answered yes as it would be an alteration to the use of the home. Jason commented that as Building Inspector he is yet to do a building inspection on any property that is making money on the use of rooms and should be inspected if only to verify smoke detectors and proper egress. Andy Myers commented that he thought that would fall to Board of Health, Jason answered that it would be a Board of Health regulation as well as Building Code. Liz commented that they had discussed this in a

Board of Health meeting that any changes kicks out a required building permit as well. Lyle discussed that the bylaw article is to meet health and fire code and to ensure there is someone local responsible for the rental. They are not trying to make things restrictive but controlled so that code requirements are met. Jason asked how many permanent Bed and Breakfasts are in Chester currently. Liz checked the database and answered that there were eight total including all short-term rental properties. John asked why it was restricted to a single-family dwelling and not two-family dwellings, he stated that there are several two-family dwellings where one side is rented and if it is preferred that these are long term rather than short term rentals. Lyle was unsure unless there was a Board of Health issue. Liz stated that at a meeting she remembered someone bringing up two family properties and was unsure of the reason thought it may be parking but did remember the state having an issue and did not want apartment buildings being short term rentals, she stated that the state considers a two family an apartment building. John and Jason disagreed stating to their understanding it was three or more in a dwelling that it then becomes an apartment building.

Jason stated that they needed to confirm with the Fire Chief Richard Small that doing fire inspections for alarms he was verifying egress' also as that would be unusual during a fire inspection. If Jason needed to be doing this as the Building Inspector, then language in the bylaw needed to be changed. Kathe asked why the thirty days was chosen for short term rentals, Lyle answered that sixty, ninety, or more days falls under a different state regulation. Andy suggested that the Planning Board invite the short-term rental owners to look over the proposed bylaw, Lyle agreed that would be a good idea.

2. *Proposed revision to section 7.1 "Accessory Use" definition:*

The revision to this bylaw is in the definition of accessory use. The current definition in section seven of the bylaws is a short, broad one that lists no requirements regarding size, use, or number of accessory buildings. This revised definition provides requirements based on whether the accessory use building is on a parcel with a primary residence or not and requires a special permit for unusual requests, such as multiple buildings on a parcel with no primary residence, large buildings over 200 square feet, or a request for an electrical hookup.

Lyle explained that they wanted to define this properly as there have been issues with accessory buildings and their use, one in particular had power hooked up but there were no building or health codes met. John commented that although he understood the logic, he disagreed with this and even with Lyle providing a valid example there are code enforcement people that are in place to take care of these situations and this bylaw is very restrictive. John stated that we can not assume that people are going to break the law and used himself as an example when he first purchased land in Chester at first there were only two barns on his property that they boarded horses in. People should be able to enjoy their property without a special permit. Jason added that all the things they are requiring are already in place as part of the building permit process. He agreed with John stating that he had a problem with the presumption of guilt. Lyle commented that this bylaw was meant to be preventative and to help the existing problems. Jason stated that there is nothing in the bylaw that prevents people from breaking the rules in the same way, the existing problems are violations under the normal permitting process. Unless the bylaw is changed to not

allow accessory buildings without a primary residence which he stated would not pass in this town there would still be issues. Rich stated that he understood what they both were saying however this should be in place to make people aware of the requirements and limitations. John stated that another piece of the bylaw that he disagreed with was that a special permit is required along with a blueprint or architectural drawing of the structure demonstrating it is keeping with the character of the district. John commented that this sounds elitist and would never support this. Liz stated that they are not accusing people and do not want to stop people from building on their property however they are following an initiative started by the Select Board to take care of problem properties and are trying to create guidelines to avoid costing the town more money. Jason stated that people in violation should be put on notice with a fine suggested of fifty dollars per day, commenting other towns do much more and these bylaw changes he did not think would change the violations. John stated that these needed to be reworked and they could talk more.

3. *Proposed new bylaw section 3.6 "prohibiting the use of Engine Compression Brakes."*

This proposed bylaw would prohibit the use of engine brakes within the Town of Chester, this prohibition would eliminate a noise nuisance for residents. John stated that he was familiar with the complaint however prohibiting brakes is not something that we can do, especially on Route 20 which is a state highway. Having worked on the Highway Department himself he commented that he would not want to be in one of the bigger trucks with a full load of sand and the wing plow coming down any of our hills and be unable to use his brake, this is a safety issue. Mary Ann asked who asked for this bylaw, Liz answered that it had come from citizen complaints and the town of Becket had instated this. Kathe commented that she is a resident of Becket and was at the meeting that this was proposed, and it did not pass. Liz asked then what can we do about this, John commented unfortunately you have to get used to it the same way people have to get used to the train.

A representative from Williams Stone Company out of Otis was present and stated that he was also familiar with the complaint as it comes from issues with their drivers and has unfortunately resulted in them being threatened with violence. Their trucks carry a heavy permit and can carry at times thirty-three tons and this safety element can not be taken away. John asked Moe Boisseau who was also present for his opinion as a truck driver of many years. Moe stated that he believed the use of these brakes was necessary one hundred percent, brakes fade from heat being overused and if you lost them, you would have a serious problem. Mary Ann commented that the majority of truckers that come through town are local and know what they are doing and are doing the best that they can. John recommended to Lyle and the Planning Board to not move forward with this.

• **Town Clerk Terry Donovan:**

1. *Update on Junk Car bylaw:*

Terry stated that the Junk Car bylaw voted for at the Annual Town Meeting has been approved by the Attorney General with the exception of Section fourteen. Jason asked if there was any way to appeal this as he had some concerns, John answered that his suggestion would be to reach out to Town Council Tom Mullen.

2. *Resignation of Jerry Zembrowski from Board of Registrars:*

3. *Appointment of Judith Borden to Board of Registrars:*

Terry brought to the Select Board the resignation of Jerry Zembrowski from the Board of Registrars and the suggestion for appointment of Judith Borden.

Jason made the motion to accept the resignation of Jerry Zembrowski and appoint Judith Borden to the Board of Registrars, Rich seconded, all voted Aye.

- **Assessors Clerk Laura Lafreniere: update on RRG and Mayflower Valuation LTD.**

Laura could not join us due to issues connecting however Kathe had a copy of the quote from Mayflower for the Select Board to view. Kathe explained that the Assessor's had met and voted to discontinue working with our firm RRG as of March 31<sup>st</sup>, and to start a new contract with Mayflower Valuation Ltd. as of April 1<sup>st</sup>. John stated that they did an excellent job negotiating and was glad to see everyone was able to work together and come to an agreement.

- **Town Administrator Kathe Warden:**

1. *Chester Theatre update on renovations:*

The Theatre is doing renovations on the bathroom downstairs, they have also offered to replace the floor and paint the bathroom on the main floor if the town can take care of the cost of materials. Kathe did not have the cost she was waiting to hear back from the contractor.

2. *10 Middlefield Rd. clean out, possible use by Chester Theatre:*

We need to get a second quote for the cleanout of 10 Middlefield Rd. Kathe is looking to Ian Gifford who has done some work for the town for the quote and would be in contact with him this week. The Theatre had inquired if they could use the main floor in the building for a rehearsal space, to do this they would also need to have the water turned on so they could have use of the bathroom. Jason stated that we should check with our insurance policy to verify what it states about people in the building. Kathe said that she would indeed check with MIIA, but the theatre would be carrying their own insurance as well. She told the Select Board that they would need to think of ideas of cost for the rental use, John stated that they would think about it and continue the discussion next week. Jason asked if we would be meeting next week as he would be unable to attend, Kathe answered yes as there were things that needed to be discussed regarding the CDBG grant.

3. *Requests for appointment to Chester Cultural Council, Jill Strong, Mary Ann Pease, Terry Donovan, Annette LaMountain, Jeanne Lowinski, Diane Petersante, and Kathe Warden.*

Kathe stated that the initial meeting with the Cultural Council had taken place on Thursday last week and will be meeting again on Tuesday this week.

Jason made the motion to appoint Jill Strong, Mary Ann Pease, Terry Donovan, Annette LaMountain, Jeanne Lowinski, Diane Petersante, and Kathe Warden to the Chester Cultural Council, Rich seconded, all voted Aye.

4. *Flags:*

Kathe did not have all the information necessary and would present this next week.

Kathe let the Select Board know that part of the CDBG grant which deals with homeowners rehab has a surplus in the bank account set up for it. She explained that if people do not apply the money keeps accumulating and does not go away. She stated that there is one project that has been proposed in Huntington for a Town Hall improvement project. Their initial quote for the repairs was \$70,000.00 and now is up to \$140,000.00 so they would like to use a portion of this money toward their project. John asked how much

was in the account total and how much was allowed for Chester residents who have applied, Kathe answered that she was unsure but would check to get the exact numbers. John stated that he had no problem with this but wanted to ensure that funding was available for people from Chester who were applying. Jason asked if Chester was the administrator on that, Kathe answered yes that we were the lead with the CDBG grant.

Kathe went on to discuss the money that was allocated to us for the July rainstorms last year that was announced today we would be receiving. The total amount that Chester would be receiving is \$590,034.00. She made the proposal that we set up a separate account for the money with the first priority being to pay back what has been overspent and have this allocated specifically to be used for road repair under the supervision of the Select Board. John stated that he was unsure if we should do this as the Highway Department budget may need to be supplemented for the rest of the year and this also may be a good opportunity to be used toward the purchase of some equipment. Kathe commented that her only concern was if it is placed in General Funds that legally it can be used for anything such as the purchase of a cruiser or fire truck as examples. John stated that he agreed that it should stay with the Highway Department but maybe with no detailed restrictions. Rich stated that he would like to see this go toward a program and management plan and something that they could move forward with overall goals for the Highway Department.

- **Public Comments and Questions:**

Rich had a headline from a Newspaper that he wanted to share of a historic facility that is being transformed and wanted known that he believed this same thing could be done with 10 Middlefield Rd. the old Chester Elementary School. Jason asked what state this was happening in, Rich answered that it was North Carolina. Jason commented that the rules and building codes were quite different from state to state so what worked there would not necessarily work here.

Jason stated that as he mentioned in a previous meeting there are plans to return sports to the school fields and out of the park on Emery St. However, has run into a few problems and would be leaving some of the equipment there for the time being as he was told the fields at the school may not be ready in time for their first game which is only a little over three weeks away. He would like to move some things to the school and when he previously did this, he borrowed the trailer from the town and wanted to verify if this was ok to do again. John stated yes that he had no problem with this. Rich asked what would be happening with the fields on Emery St. Jason answered that he was unsure.

Bob asked what rooms at 10 Middlefield Rd. the Theatre wanted to use and for what. Kathe answered it would be the first floor only in addition to the bathrooms and they planned on using it for rehearsal space. Bob also commended everyone for their hard work in getting the money from the state for the storm damage.

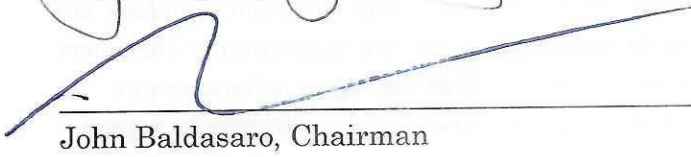
Jason made the motion to adjourn, Rich seconded, all voted Aye.

**Meeting Adjourned 8:20 PM**

Respectfully Submitted

  
\_\_\_\_\_  
Jill Strong, Administrative Assistant

4/5/22  
Date Signed

  
\_\_\_\_\_  
John Baldasaro, Chairman

4/28/22  
Date Signed

  
\_\_\_\_\_  
Richard Holzman, Vice Chairman

12 April 22  
Date Signed

  
\_\_\_\_\_  
Jason Forgue, Clerk

4/25/22  
Date Signed