

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

Monday, June 4, 2012

Present: Brad Chesley, Chair, Jon McKeon, Selectmen's representative, James Corliss, John Koopmann, Bob Del Sesto, Sue Lawson-Kelleher and Roland Vollbehr

Call to Order

Chesley called the meeting to order at 7:04 PM
The board has received a letter of resignation from Alision Willich.
Roland Vollbehr was sworn in as a full member

Review of the Minutes

May 21, 2012

Koopmann motioned to accept the May 21, 2012 minutes as amended. McKeon seconded the motion which passed unanimously.

Appointments

- Conceptual consultation – Paul Saba – Big Deal – No minutes were taken as conceptual consultations are non-binding on either party.
- **Timothy Hanson/ Gerhard Isleib/ Eleanor Fink** – This is a continuation of an application for a Subdivision of the property located on Farr Road (Map 13, Lot A-6) consisting of approximately 26.87 acres in the Residential zone. It may be followed by a review to grant or deny approval of the application.

Tim Hanson was present. Abutters to the proposed subdivision were also present.

Chesley noted that the board had received an email from an abutter addressing some concerns with the applicant speaking after the hearing had been closed to the public. Chesley reminded the public that there would be no input, except when the chairman of the board addresses the applicant.

The applicant provided the board with updated plans.

The board began discussion on the site distance question. Chesley noted that he was unable to connect with the Road Agent, Bart Bevis since the last meeting. It was noted that the site distance to the right noted on the plan is 375 feet, not the 310 stated at a previous meeting. The site distance to the left noted on the plan is 275 feet. Lawson-Kelleher noted that it was reported that Bevis had ok'd the fact that the site distances were smaller than stated in the

regulations. Del Sesto thought that it should be stated in the file that Bevis is ok with the distances. Corliss noted that Higher Design felt both site distances were adequate. McKeon noted that the report from Higher Design stated that the site distance is adequate due to the low volume of traffic on the road. Chesley will email the road agent to verify his agreement.

The board spoke next about the wells/water supply concerns. Lawson-Kelleher noted that historically water has been a problem near the river. She noted that although the abutters have voiced some concerns, the experts could not conclusively state there would be a negative impact on the abutters water supply, and therefore she feels that the board cannot deny the subdivision. Vollbehr and Koopman concur. McKeon noted that the board has heard from the abutters and received the expert reports, and he believes that the board should rely on the data received from the larger pool. Del Sesto noted that the report prepared by Envirostrategies states that the regional bedrock aquifer is likely to sustain the increased demand of an additional 9 residential water supply wells without impinging on the water supplies of nearby residential properties. Del Sesto noted that the sub-surface in this area is not the type that would take water away as new wells are drilled. The majority of the board believes that based on the information provided to the board, the board cannot make an assumption that there will not be enough water, or that the proposed subdivision will negatively affect the current residents water supply, and therefore the board cannot deny the application based upon this issue.

Del Sesto noted that he feels the board has a responsibility to the potential buyers of any proposed subdivision and therefore came up with a note he would like prominently placed on any final plans – the note reads:

Note: Because of the nature of this area's bedrock aquifer and the marginal well performance reported by several neighboring residents, the Chesterfield Planning Board advises that water storage systems of sufficient capacity to supply a family's needs may be required for some or all of the lots.

Lawson-Kelleher noted that she had three issues with this note – she believes it sets a bad precedent, it opens up some liability to the planning board, and all wells are a crapshoot. She believes it is up to the purchaser – buyers beware. Corliss noted that he had suggested a note similar to this previously. Koopmann noted that although it seems like a simple note designed to be helpful, it may have negative ramifications. Hanson noted that he has no objection to adding the suggested note to the plan.

Lawson-Kelleher noted that if the note goes forward, she would like to see it run past the towns attorney. McKeon will forward note to Town Attorney.

Property Values/ Impact on existing properties – It was noted that because the proposed subdivision includes one family houses and lot sizes similar to those in the area, the board does not believe there would be a negative impact on property values.

Dust – Sheet SW-4 contains notes on dust control. The board discussed follow through being an important part of this part of the plan. Koopmann asked if Code Enforcement was in charge of compliance. It was noted that code enforcement is in charge of compliance, and the board would like to make sure that this issue is noted and inspected.

It was noted that there will not be a significant tax burden added by the proposed subdivision.

Bond – McKeon noted that the Selectboard has not started on this process yet. The substantial growth determination will be made by Lawson-Kelleher as she is the most qualified. The board would like the maintenance bond to be for three years. McKeon noted that the next step would be for the applicant to acquire wording from the surety company.

Sheet C-7 includes a note regarding debris.

Del Sesto motioned to require all organic matter to be removed from the South branch of the NW ravine. The motion did not receive a second.

Chesley asked if the board believed the note to be sufficient, Koopmann and Del Sesto did not believe that the note was sufficient, Chesley, McKeon, Corliss, Lawson-Kelleher and Roland believe it to be sufficient.

The cost estimate will change due to the change in plans for removal of organic materials.

*Lawson-Kelleher motioned to CONDITIONALLY APPROVE the **Timothy Hanson/ Gerhard Isleib/ Eleanor Fink** application for subdivision of property located on Farr Road (Map 13, Lot A-6) consisting of approximately 26.87 acres in the Residential zone. The following conditions must be met prior to final approval and signatures:*

- ❖ *Acceptance of performance bond for the bank stabilization/ravine and the roadway.*
- ❖ *Line of site distance acceptable to the Road Agent, Bart Bevis*
- ❖ *The suggested well note potentially placed on the plans to be approved by Town Attorney and so voted by the planning board*
- ❖ *State subdivision approval*

Vollbehr seconded the motion. Del Sesto moved to amend the motion to include a condition to be:

- ❖ *proposed covenants to be approved by the town attorney.*

Corliss seconded the amendment to the motion, which passed unanimously.

The motion passed with amendment unanimously.

- **Charles A Donahue, Trustee of the Charles A. Donahue Revocable Trust of 1988** – Continuation of an application for a Major Subdivision, and an application for Major Site Development of property located on Rote 63 (Map 12A, Lot A-2) consisting of approximately 75.66 acres in the Residential zone.

Chesley opened the hearing. Lachenal stated that Bergeron had contacted her and requested the board continue the meeting to the first Monday in July.

Corliss motioned to continue the public hearing to July 2, 2012 at 7:30 at the Town Office building, Lawson-Kelleher seconded the motion which carried unanimously.

Items for Discussion

- Cersosimo – The deadline for submittal of the requested site plan review has passed. The board discussed its options.

Corliss motioned to request Rattigan seek an order from the Superior Court ordering a cease and desist from violating RSA 155-E. Sue Seconded the motion which passed by majority. (Yes: Chesley, Vollbehr, Koopmann and Corliss) (No: McKeon, Lawson-Kelleher)(Del Sesto abstained)

McKeon will contact Attorney Rattigan

- CIP – McKeon noted that the CIP needs to be updated. The selectboard is looking for volunteers for a sub-committee. Koopmann and Vollbehr volunteered.
- Del Sesto noted that he had a question about the role of the board decisions and any impact 100 to 200 years from now. He was wondering if the board should be taking these things into account. McKeon noted that a life cycle of a house is 40 years. Chesley noted that the boards responsibility is to follow the regulations. Koopmann noted that the board can not foresee everything. McKeon noted that the board needs positive proof as detrimental to turn down an application.

Items for Information

Items for Signature

- Approved minutes May 7, 2012

Adjournment

McKeon motioned to adjourn at 10:52 PM, McKeon seconded the motion which passed unanimously.

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

Brad Chesley, Chairman

Date