

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES**

Monday, July 2, 2012

Present: Brad Chesley, Chair, Jon McKeon, Selectmen's representative, James Corliss, John Koopmann, Bob Del Sesto, and Roland Vollbehrr

Call to Order

Chesley called the meeting to order at 7:05 PM

The board held a non-meeting with Attorney John Rattigan. The non-meeting concluded at 7:31 PM

Review of the Minutes

June 18, 2012

Corliss motioned to accept the June 18, 2012 minutes as amended. McKeon seconded the motion which passed unanimously.

Appointments

- **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 August.

McKeon motioned to continue the public hearing to August 6, 2012 at 7:30 at the Town Office building, Corliss seconded the motion which carried unanimously.

- Cersosimo – Discussion regarding site plan review

Attorney John Rattigan was in attendance to represent the Planning Board.

Attorney Howard Lane, Jeffrey Morse and Andrew Geffert were present representing Cersosimo.

Attorney Lane stated that he understands the board believes Cersosimo to be in violation , and although Cersosimo disagrees with that, they are willing to work with the board to resolve the concerns.

Attorney Rattigan noted that as stated in the letter sent to Cersosimo on April 20, 2012, the board believes the site plan review application as submitted is not complete.

It was agreed the most efficient thing to do is to go over the letter point by point and let the applicant and the board discuss.

The first point was skipped.

Point 2 States – It appears that the erosion control in cross sections shown on the submitted 1/12/12 plan appeared earlier on the 11/11 plan, which raises the question as to whether or not the most recent plan should be revised, to comply with site plan regulation section 403.3A3.

Geffert noted that it was not included on the plan because he believed it did not apply to the Town permit. It is easy to put back on and he will do so.

Point 3 States – The 1.02 acre lot shown on the sheet 1 is identified as a separate lot.

Geffert noted that he thought it was on there as a separate lot. McKeon noted that the lots were merged in 1990, and they should not be separate. Attorney Lane stated that as far as he knew they were separate lots. McKeon stated they were merged and they only receive one tax bill. Lane noted that if the lots have been merged, they will remove the lines.

Point 4 states – Site plan regulation 403.3B requires the preparation of a preliminary topographic and soils plan. This is not shown. Evidently, this information is on the AOT plan P1.

Attorney Lane noted that one point of confusion is that there is some AOT information on the plan and some is not. He inquired if it would be easier to do two separate sheets.

The board noted that they would like to have an existing plan as the pit exists today and a plan that shows any planned changes or possible changes to the pit in the future. Morse noted that they have an approval for the AOT plan already. Rattigan noted that the last site plan approval they have from the Town of Chesterfield is 1990. Rattigan noted that because the pit is not in compliance with the approved 1990 site plan, we need an existing conditions plan. Morse asked if a new site plan review was going to be necessary every five years when the new AOT is due. Rattigan explained that as long as they stay within the boundaries of the approved site plan, they do not need to come back before the board. Del Sesto noted that a lot has changed in the pit since 1990 and the planning board needs an application following our guidelines.

Attorney Lane asked if the board wanted two sheets, sheet one being the existing plan and sheet two the AOT plan. Rattigan explained that if the AOT plan is not part of the application. If Cersosimo wants to use the information from the AOT plan, that is fine, but it should not be called the AOT plan. Attorney Lane expressed his understanding.

Point 5 states - Site plan regulation 403.3C requires a water drainage management plan. There is a reference to “proposed ponds.” If such ponds are proposed, they must not now be existing. The board has a 2/1/10 drainage report in the file. The applicant should indicate if it is using this information on the currently revised site plan application. If not, what is being used? It should also indicate whether the same drainage information from the 2/1/10 report is being used on the AOT permit. It does not appear that the drainage report and proposed pond inclusion is compliant with RSA 155-E:5, which requires the elimination of any standing bodies of water created in the excavation project.

Lane stated that they are not existing conditions, and the existing plan will not show them. Del Sesto noted that the eventual location of the proposed ponds should be on the second sheet. Geffert asked if the board wanted the flows and how they change. The board would like this information. Geffert

noted he will submit this information. Lane indicated the most recent drainage report is from 2010. Rattigan asked if it was existing and proposed. Lane confirmed the 2010 drainage report is both existing and proposed.

Corliss asked when is the end condition to be met. Morse noted that the end condition will depend on demand. Corliss asked when the permit should expire. The board is required to put an expiration date on the permit. Attorney Lane stated that because Cersosimo already has a permit that does not have an end date, he is not sure that the board can require one. McKeon noted that RSA 155-E requires an end date. Morse noted that they can come up with a hypothetical end date without a problem.

Point 6 states – As has been discussed before, the existing permit and this revised application needs to be supported by a performance bond, as is required by RSA 155-E:4a, VII.

Attorney Lane stated that they are aware they should have a performance bond. Rattigan noted that their engineer should submit a proposal and the town will run it by their engineer.

Point 7 states – The Board also requires a revised reclamation plan.

Geffert stated he believes that has been provided. He noted that the plan shows final topography according to State guidelines. Rattigan asked if the plans show any exhausted slopes. Geffert noted that all exhausted slopes have been reclaimed. Rattigan noted the board would like this information distinguished on the plans. Geffert noted this would not be a problem. Rattigan noted this should be on a separate sheet. Lane noted a separate reclamation sheet would not be an issue.

Point 8 states – Site plan regulation section 403.3E requires the submittal of a Use Intensity Statement. This needs to be provided. McKeon noted this includes information such as activity, hours of operation, etc. Corliss read the regulation out loud. Rattigan noted that the board understands that the intensity depends on demand, so they are free to give high and low usage. Morse noted that he believes that the use intensity statement should include an exception to the hours of operation in the event of an emergency. Del Sesto noted that more definition for emergency might be necessary.

Point 9 states – It is noted that on the Westmoreland/northern plan, the AOT Plan at pg 2 has a phasing noted C which provides, “excavate upper pond to final grade and stabilize (upper pond in Chesterfield) – all runoff from pit must be flowing to the upper pond at this point.” It appears that the increased drainage from the substantially larger pit acreage in Westemoreland that is being controlled in Chesterfield is considered an expansion of the existing pond.

Geffert noted that the flow off the site will not increase. Rattigan noted that the existing plans need to include the ponds. Attorney Lane noted that although the ponds are not on the plans, they have always existed. Morse noted that the one in back was required by AOT, but the one closest to the road has always been there. McKeon noted this is not on the 1990 plan.

Point 10 states – There is a reference on the AOT plan to compliance with old Chesterfield Zoning. Please explain this reference.

Geffert noted that that this reference was on the previous plans, so it was transferred to the new plans. Del Sesto noted that they need to update this reference to reflect the current regulations.

Point 11 states – There is a note on the revised plan that provides that “subject to the amendments and pursuant to future AOT permits” This note raises the question whether this is appropriate reference considering that the applicant has sought to exclude the current AOT plan from the application.

Further, any changes in the future AOT permit cannot be read to mean that such permit changes would somehow create an exemption from any site plan review that would be otherwise triggered under a future AOT permit change.

Morse noted that the State may change the AOT regulations and they do not want to have to come back every time the state changes its regulations. Rattigan noted that if it was a significant change, the Town would need to know about it. Morse noted that they do not want to have to come back through the entire application process again. Attorney Rattigan noted that the board is not going to treat Cersosmo any different than any other applicant. Rattigan noted that some changes trigger a new application and some do not. Attorney Lane noted that any changes in the AOT permit wont change enough or often enough to worry about keeping the note. The note will be removed.

Point 12 states – It should be noted that the expansion of the pit occurred following the approval of the 1990 plan. The buffer along the northern boundary between the tow lots is gone. The northeastern buffer has been reduced. This expansion would seem to have triggered the permitting requirement under RSA 255-E:2 and RSA 155-E:6. Rattigan noted that this issue has been addressed.

Attorney Rattigan asked the applicant how long they would need to get this information ready and submitted to the board. Geffert noted that he would need about a month. The board will have the application in 18 days prior to the September 17, 2012 meeting. It was noted that the applicant should get the application in prior to August 20, 2012 in order for the board to look over the information at the work session scheduled for August 20, 2012.

Items for Discussion

- Hanson Email – Lachenal provided the board with an email received from Tim Hanson with questions regarding the boards decision on the proposed wording on the plan. Lachenal responded to the email explaining that the note needs to be added to the plan. The email from Hanson also inquired as to the status of the covenants and restrictions. McKeon noted that the selectboard has spoken with Hanson and there is no action needed. It was noted that there has been an appeal filed with the Zoning Board of Adjustment regarding the Tim Hanson conditional approval. Lachenal will scan and email the application to the Planning Board members.
- The first Monday in September is September 3, 2012 which is Labor Day.

Del Sesto motioned to cancel the meeting scheduled for September 3, 2012. McKeon seconded the motion which passed unanimously.
Lachenal will notify Ross.

Items for Information

- Town and City Magazine
-

Items for Signature

- Approved minutes June 4, 2012

Adjournment

McKeon motioned to adjourn at 9:10 PM, Koopmann seconded the motion which passed unanimously.

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:

Brad Chesley, Chairman

Date