

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

Monday, October 15, 2012

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

## **Call to Order**

Chesley called the meeting to order at 7:11 PM

## **Review of the Minutes**

October 1, 2012

*Del Sesto motioned to accept the October 1, 2012 minutes as amended. Koopmann seconded the motion which passed unanimously.*

## **Appointments**

- Work Session No appointments

## **Items for Discussion**

- Paul Saba –Safety Concerns  
Chesley noted that he would like discussions to also include grandfathered commercial properties and what is expected.  
McKeon noted that he already spoke with an attorney from LGC, Christina Fillmore regarding grandfathered/nonconforming use.  
Del Sesto noted that he believed it to be a big change to commercial from Residential.  
McKeon stated he explained the concerns to the Fillmore, noting the application has been withdrawn. McKeon asked Fillmore if the Planning Board had an avenue to allow them to require adjustments due to safety concerns. Fillmore noted that if there is an approved site plan and the applicant is abiding by the plan, then there is no avenue for the board to make changes. Fillmore noted that the only entity that can do anything about the safety on the property is the fire department  
Del Sesto would like to speak with Rattigan at the non-meeting regarding his concerns about the safety and if the board can do anything. Del Sesto read zoning regulation 502.3, noting that he reads this as meaning that now Big Deal is an accepted retail use and therefore has to comply with regulations to make it conform. McKeon noted that with expansion it would have to become conforming to whatever use is there, but the application was withdrawn. Del Sesto noted section 610.5 A 4 in the Land Development Regulations regarding circulation and loading areas.  
Del Sesto noted that he is unsure if LGC is correct.  
McKeon noted that he read those very regulations to the attorney today.  
Corliss noted that he can not see how, without request from applicant, we can make someone who is complying with their site plan return to the Board.  
Del Sesto stated that if the use intensity statement has not changed, but is not being followed, then we can make them come back.

Chesley stated that it appeared that the business was becoming too much of a success and therefore some people wanted to put a stop to it.

McKeon noted if the use intensity statement stated 4 trucks and it was more like 40, the board could do something. Del Sesto noted that there are no-parking signs on the plan that are no longer up at the site.

Chesley noted that he was informed that the State has told Saba that he can park there.(inside of barrier)

Chesley stated that Chet Greenwood (code enforcement) told Saba not to put the signs back up.

McKeon stated that there should be signs on both sides.

Del Sesto provided the board with photos from Big Deal from today at 7:50 am

There are trucks parked on the inside of the barrier. Corliss noted that there is a car pulling out and they have a good view of traffic in both lanes on Route 9.

The board discussed the issue of trucks and the parking on Route 9 and on the inside of the barriers. Chesley noted he would like information about deliveries on the use intensity statement vs. current intensity.

Del Sesto noted that Saba has a way of providing loading and unloading and should be required to do so. He has the physical land.

Lawson-Kelleher noted that because we did not require it before, we can't do it now. Lawson-Kelleher noted that she would like to know the frequency and duration of trucks parked along Route 9, but she is not sure it is an issue.

McKeon will email Rattigan with questions

McKeon will ask if there is an avenue within our rights as a board to do that – address safety issues on an approved site plan – make that property owner change the issue.

Lawson-Kelleher said maybe the board can send a note to Lester Fairbanks (Chief of Police) issues with safety and inquire if there is anything the Police Department can do about it. Del Sesto said this is another avenue.

*Lawson-Kelleher motioned to have McKeon contact Attorney Rattigan and pose the same questions that were posed to LGC seconded by Rolland*

Discussion – Del Sesto noted that in the past, the board has done gotten a consensus of questions together. Lawson-Kelleher noted that McKeon should have the initial contact and if still have concerns, ask them later. Koopmann liked the idea of defining them now to save time.

McKeon noted that the concerns are parking exit/entry onto route 9, but the real question is can we re-open and discuss this.

*Passed by majority (no – Del Sesto)*

## **Items for Information**

- Corliss noted that there will be a non-meeting with counsel on Thursday October 18, 2012. Attorney Rattigan will be present and Kwader legal issues will be discussed. McKeon and Chesley will not be present at this non-meeting. Notes/minutes will not be taken.
- Del Sesto would like to go over the Attorney comments see what we agree to and what we do not agree to on Donahue condominium documents.  
The board reviewed the questions posed by Del Sesto and the response from Attorney Rattigan. The following is a list of the items the board would like to discuss more with the applicant:

1. Gateway Lane and its design standards according to 602.2
2. Two part standard waiver
3. Route 63 buffer area change to limited common area B – clarity
4. add “undivided” before 1/26<sup>th</sup> ownership - Same as above – clarity
5. Alert applicant to typo and clarity
6. p 19, ART IV 4 2. Payment of Common Expense – clarity
7. p.20 Art IX 4 b By the Owner – possible clarification
8. Good point - Add service animals – delete as permitted by zoning
9. numbering and lettering mistakes – good catch – morality of statement can be discussed if board would like
10. Trucks parking out back – does not exclude pick ups – good point courtesy
11. Annual Operating and Reserve Budget – can go over –

Lachenal will email the list of things to Donahue that the board would like to discuss.

### Items for Signature

- Approved September 17, 2012

### Adjournment

*Corliss motioned to adjourn at 9:55PM, Vollbehr seconded the motion which passed unanimously.*

Respectfully Submitted by:

**Patricia Lachenal**  
**Planning Board Secretary**

Approved by:

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**Brad Chesley, Chairman**

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**Date**