

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, July 1, 2013

Present: Chair Brad Chesley, James Corliss, Joseph Parisi, Rolland Vollbehrr, John Koopmann, Davis Peach and Sue Lawson-Kelleher (8:15).

Call to Order

Chesley called the meeting to order at 7:09 PM

Seat Alternates

Chesley seated Parisi for Sue Lawson-Kelleher

Lawson-Kelleher joined the meeting at 8:10 PM. Parisi remained a voting member until the finish of the Wrobel application.

Review of the Minutes

The board reviewed the minutes of June 16, 2013

Corliss motioned to accept the minutes from June 16, 2013 as amended, Koopmann seconded the motion which passed unanimously.

Appointments

Douglas M. Wrobel – This is an application for a Minor Subdivision review for property located at Glebe Road, Spofford NH (Map 7, Block D, Parcel 8) consisting of approximately 85.9 acres in the Residential zone.

John Koopmann excused himself from the discussion as an abutter.

Dave Mann was present for the applicant. Mann noted that this is a proposed two lot subdivision. He noted that the proposed lot 7D8.3 is 5 acres and is currently not used for agriculture. The second proposed lot 7D8.4 is two acres in the rural agricultural zone. Mann noted that he is aware that the second proposed lot does not meet zoning criteria and is seeking a conditional approval. Mann noted they would go to the Zoning Board of Adjustment for two variances, the acreage and the frontage. Mann stated that the applicant did not want to give up more than the two acres of the agricultural land, and it is the nature of the neighborhood, as there are many two acre lots in that area.

It was noted that the application was not filled out correctly. The application states that the subdivision is located in the Residential zone.

Koopmann (Abutter) noted that he would like the application to reflect the actual use. DelSesto (public) noted that it is a waste of time to discuss the application until it goes before the Zoning Board.

The board discussed the options for the application. Chesley mentioned Land Regulation 601.1. The general consensus of the board was that 601.1 did not prevent the board from granting a conditional approval of the application. The board discussed the application and the zoning regulations.

Peach moves to close the public hearing. Vollbehr seconds the motion which passes unanimously. Peach moved to approve the plan conditional based on 2 Zoning Variances pertaining to lot 7D8.4 and fixing the application. The motion does not receive a second and dies.

Vollbehr motions to continue the hearing to allow the applicant to fix the application and go before the zoning board. The motion dies without a second.

Parisi motions to deny the application pending a decision from the zoning board. Motion fails without a second.

Peach motions to re-open the public hearing. Corliss seconds the motion which passes unanimously.

Mann noted that he believes it would be unfair to deny the motion. He stated that there are no rules in writing to guide an applicant as to which board they should submit an application to. Mann noted that the applicant would be happy with a continuance that would allow them to go before the Zoning Board, but not require them to have to re-apply with the Planning Board.

Corliss motioned to continue the public hearing to August 19, 2013 at 7:30 PM in the Town Office Building. Peach seconded the motion, which passed unanimously.

Saba, Paul – Big Deal – This is a public hearing on an application for Minor Site Development review for property located at 1474 Route 9, Map 11A, Lot B1) consisting of approximately 20.8 acres in the Commercial/Industrial Zone. It may be followed by a review to grant or deny approval of the application.

Present: Paul Saba, Jeffrey Goller and Michael Bentley.

Chesley noted that he walked the site and it appeared small. There is a mound in the middle and there are also two wells on the property that were not on the plan.

Saba noted that the well in the middle is not a functioning well, and the other is on the plan.

Corliss noted that there is a road that allows access to the back of the property. Saba noted it is not a road.

Parisi noted that the use intensity statement says that this project will prevent people from parking where they are not suppose to park, but he is unsure that it will solve the problem. Chesley noted that it does provide a loading/unloading area. Corliss noted that he was witness to a truck utilizing the unloading area today. Corliss noted that he has seen vehicles for sale on the property, noting that he does not have that on the site plan. Saba stated that there are no vehicles there now, and he won't put any more there.

Chesley opened the hearing to the public. Bob Del Sesto (public) provided some pictures of the property to the board. Del Sesto noted that it is his belief that the regulation 400.2 (Off-street Loading/Unloading) in the Zoning regulations prevents the Planning Board from approving the application because the regulations require loading/unloading to be separate from parking. Del Sesto read the regulation to the board. Del Sesto noted that he believes that regulation 502.3 (Replacement with permitted use) pertains to this property, noting that because the applicant petitioned the town and the property is now commercial, he must now comply with the commercial regulations.

Bentley noted that under regulation 400.2, loading and unloading shall not be the same space used to satisfy parking requirements, the site requires 24 parking spaces and with the current proposal will have 31 and therefore they are not proposing to go against the regulation.

ICorliss moved to close the public hearing. Lawson-Kelleher seconded the motion, which passed unanimously.

Board Discussion:

Chesley noted that 400.2 in his perception notes that the loading/unloading zone cannot be also used as parking. Chesley noted that the plan shows a loading/unloading zone which does not have any parking spaces. Bently noted that nothing about the proposal makes the situation worse. The unloading/loading

area will solve some of the issues, and maybe some of the people that are staying to eat will park in the new area, also solving some issues. Chesely noted that he believes this proposal makes the lot more conforming than what exists and believes it to be adequate.

Lawson-Kelleher stated she believes the applicant has made a good faith effort to solve the issues presented by this board.

Corliss noted that the proposal does not go against 400.2 or 502.3 – This proposal is more conforming than what previously exists and that is adequate to this board and satisfies the zoning requirements. There is nothing being proposed that would make the property less conforming. More parking and in a better spot. Lawson-Kelleher and Peach and Vollbehr agreed with Corliss. Koopmann noted he has some issue with new businesses having more stringent standards. Koopmann noted that he does not believe dimensionally this is adequate to solve the issues.

Corliss motioned to approve the plans for the Minor Site Development proposed for property located at 1474 Route 9, Map 11A, Lot B, as submitted. Lawson-Kelleher seconded the motion

Discussion: Parisi would like the use intensity statement changed as he does not believe that the proposal will prevent parking in the no parking zones, but might reduce the tendency.

The motion passes by majority (NO: Koopmann)

Paris excused himself from the meeting.

Saba, Pierre – Gas Station - This is a continuation of a public hearing on an application for a Major Site Plan review for property located at 85 Route 9, (Map 14A, Lot 2) consisting of approximately 2.62 acres in the Commercial/Industrial zone.

Present: Pierre Saba and Ronald Bell

The board received the report from the third party engineer.

Corliss motioned to make the report public, Vollbehr seconded the motion which passed unanimously.

Lachenal provided the applicant with copies of the report.

Bell noted that there are quite a few items on the list. He asked if the board wanted him to address the items now or come back. The board agreed that he could review the document and come back to the board.

Saba asked if Bell could communicate with Stenerson regarding the report. It was decided that Bell could contact Stenerson with any questions via email and cc Lachenal.

Saba provided the board with a request to continue the hearing.

Corliss noted that sheet 2 and 3 do not match. Bell will fix the sheets so that they all match. Corliss noted that there should be a revision date on all sheets to let the board know they have all been checked to make sure they are up to date and accurate.

Chesley asked if Saba had dealt with the issue of fire suppression and or cisterns. Saba noted he has been in contact with Steve Dumont.

Bell will come back with new full sets of plans for the board.

Vollbehr moved to continue the hearing to August 5, 2013 at 7:30 at the Town Office Building. Corliss seconded the motion, which passed unanimously.

Items for Discussion

Camp Spofford – Lachenal received an email from Attorney Tom Hanna regarding the June 17, 2013 regarding Camp Spofford. McKeon sent an email to Lachenal agreeing with the letter from Hanna, and suggesting the board move forward with the knowledge that it is a conforming use.

Corliss motioned to accept the application as complete enough for review and schedule the public hearing on July 15, 2013 at 7:30 in the Town Office Building. Peach seconded the motion which passed my majority.

Fees - vote on increase in fees :

At the June 17, 2013 Meeting, McKeon motioned to increase the abutters fee to \$9.00 per abutter. Corliss seconded the motion. Which passed unanimously.

Chesley opened the public hearing. There were no comments/questions from the public.

Corliss motioned to close the public hearing. Peach seconded the motion which passed unanimously.

Vollbehr motioned to accept the increase in the abutter fee to \$9.00. Peach seconded the motion, which passed unanimously.

Items for Information

Other Business

Items for Signature

Updated Rules of Procedure

Adjournment

Corliss motioned to adjourn the meeting at 9:58 PM, Peach seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30PM July 15, 2013

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

Brad Chesley, Chairman

Date