

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, November 16, 2015

Present: Brad Chesley John Koopmann, Joe Parisi, Davis Peach, James Corliss and Jon McKeon

Call to Order

James Corliss called the meeting to order at 7:02

Seat Alternates

Joe Parisi seated for Susan Lawson-Kelleher

Lawson-Kelleher arrived at 7:25, Parisi was then seated for Rolland Vollbehr

Review of the Minutes

November 2, 2015

Brad Chesley motioned to accept the minutes as presented from November 2, 2015 as presented. The motion was seconded by Davis Peach and passed unanimously.

Appointments

Gateway Preserve/Dan Ketola – Floor plan and elevation review –

Dave Bergeron noted that Dan Ketola has purchased this project and would like to finalize some details regarding the floor plan and elevation of the units. Bergeron noted that they would like to make some changes to the inside of the unit. Bergeron noted that when the project was approved, there were no firm plans in place regarding the interior, other than they will be two bedroom units. There was some discussion in the beginning about offering three bedrooms, and the board indicated they were not on board with that without another public hearing. It was noted that there is no interest currently in units containing a third bedroom and the septic systems have been approved for two bedroom units only. There is interest in allowing buyers to have an option to have a second floor loft to be used as an office or a play area for the grandchildren. Bergeron noted that there is already space in the plans, and they would like the option to utilize the space for more than just storage. Bergeron noted that this is a minor change and does not change the demographic of the people that were originally targeted with the project. Corliss noted that he remembers that space was to be unheated storage. Bergeron noted that he did indicate that space would be storage, but does not recall using “unheated”. Bergeron noted that is why the applicant is before the board, to discuss a minor change to the plan. Koopmann noted that the plan also shows a half bathroom upstairs. Nancy Proctor from Masiello noted that they are looking at the higher end condominium crowd. Chesley noted that when this project was presented, it was presented as affordable housing for retirees or first time home buyers, not for higher end condominiums. Bergeron noted that it was discussed that the project would lean toward retirees with it being one level and with the outside work taken care of by the association. This would not exclude that demographic, just offers an option for anyone that would like to add a little more living space. McKeon noted that throughout the proposal, it was noted over and over that single floor would be great for the community.

McKeon noted that changing from the proposed project to higher end condominiums is a major change and will require an entire site review. Koopmann noted that there are two units in the development that have basements, and asked if those would also be offered to have the upstairs. Ketola noted that it would be offered as an option to a buyer. Bergeron noted that just because it can be offered as an option, does not mean that the buyer has to exercise that option. They can choose to not add the living space. Ketola noted that the floor plan was originally 50 or 52 by 80 and it is now 54 by 84. He noted that he made some minor changes with jog outs in the back to make it more visually appealing. Parisi noted that although he was not on the board at the time this was originally approved, reading the minutes from the meetings, would indicate to him that this proposal is a major change.

The meeting was opened to the public for questions and/or comments.

Bob Brockmann noted that he believes the place was approved for two bedroom septic units. He wanted to know how the developer would stop someone from making the space upstairs into a third bedroom. Barbara Girs noted that there is nothing to stop a buyer from making that space a third bedroom.

Bill from Masiello noted that one reason he believes the change to be minor is because the space already exists, there is no change proposed to the elevation or size of the unit. Bill noted that Chesterfield is one of the most restrictive towns and there are three protections in place to assure the town that a third bedroom will not be built upstairs. Bill noted that the septic system is recorded and it is a two bedroom septic system, the deed restriction will indicate two bedrooms, and the third protection is the neighbors. If someone adds an illegal bedroom, it would affect the septic system of the neighbor who shares the septic. The condominium documents indicate that the units are two bedroom. This all allows enforcement from the State level, from the Town level and from the Association level.

Jeff Scott asked if there would be attic trusses. Ketola noted that there will be attic trusses and drew a picture for clarification of what they look like.

It was noted that the units that do not have living space on the second floor will not have dormers, however if one buyer would like the added space, the entire unit will be built with the added spaces upstairs so the outside does not look funny. McKeon asked if any units were going to be built before they are sold. Bergeron noted that there are one or two people currently ready to sign to purchase and several more showing interest. The original intent was to build a model to show prospective buyers, however with all of the interest, there is no time or need for a model home at this time. Parisi asked what the outcome of a decision that the changes are minor compared to major would mean. Corliss noted that a minor change can be approved, but if the changes are deemed major, the abutters will be notified and the entire application will be re-opened.

McKeon moves to close the public portion of the hearing. The motion is seconded by Chesley and passes unanimously.

Board discussion:

Chesley noted that he believes the proposed second floor living space is a major change. Lawson-Kelleher noted that if you take the entire project into consideration, the proposed changes are minor. Lawson-Kelleher noted that adding some livable space and heat upstairs does not impact the usage of the property, traffic or the impact of the project on the Town. McKeon noted that it does change the sale of the properties.

Koopmann noted that it was suppose to be affordable and with the additional space, it may not be nearly as affordable as originally stated. Koopmann noted he believes it to be a major change. McKeon noted that it is a significant change to what the perception of what was approved. Parisi noted that there are controls in place and there is nothing stopping someone from doing that even if it is not offered as an option. Peach noted that he would like to trust the process of the State, Town and Association that any living space that is added cannot become a bedroom. Peach noted it is a minor change with a system in place to prevent abuse. Chesley noted that a third bedroom is not his major concern, he is more concerned about people not being able to afford to live in the development now, when they were purported to be the target demographic.

McKeon moves that what is being presented for the Gateway Preserve Development is viewed as a major change to the already approved site plans. The motion was seconded by Koopmann.

Discussion: Parisi asked what is the criteria for major vs minor. McKeon noted that it is to late and that the site plan is void now.

The motion was passed by majority. (Yes: McKeon, Parisi, Peach, Koopmann, Chesley and Corliss) (No: Lawson-Kelleher)

Bergeron asked if his site plan approval was just revoked. McKeon noted that is what just happened. Corliss noted that he is not aware that is what happened. Bergeron inquired as to what type of approval the Gateway Preserve project now has. McKeon noted, that in his opinion that vote means that they have no approval to move forward. Bill noted that if that was the intent of the board, it should have been stated previously. Corliss noted that there was a change before the board, that change was determined to be a major change and therefore if the applicant wanted to go forward with the proposed change, they would require a noticed public hearing. Bergeron noted that means that they still have the original approval. It was noted that it was not the intent of the Planning Board to revoke site plan approval.

The applicant gave the board plans for the project that did not include a dormer or living space on the second floor. These plans left the second level as storage. Dan Ketola noted that the kitchen bumps out in the back and there are a few more details with the finishes. The porches are smaller, the garage doors are now two doors for each unit. Ketola noted that the square footage is still under 1600 square feet.

McKeon moves to close the public hearing. The motion was seconded by Chesley and passed unanimously.

It was noted that the plans indicate a revision date of 11/6/15.

Chesley motioned to accept the plans (Gateway Preserve Plan revision #4) as a minor change as presented for the Gateway Preserve Development. The motion was seconded by Lawson-Kelleher and passed unanimously.

It was noted that the applicant has 5 paper copies, one being an 11x14, but does not have a Mylar set of plans for the board this evening. Bergeron noted he will provide a Mylar copy prior to the next meeting.

Peach moves to allow the applicant to proceed with the paper plans that contain the Chairman's' signature for 30 days. The motion was seconded by McKeon and passed unanimously.

The new plan will replace the elevation in the current packets. Lachenal will provide Code Enforcement a signed copy of the plans tomorrow.

Public Hearing to amend the Town of Chesterfield Land Development Regulations. Pending approval by the Planning Board, the following amendment will be incorporated into the Town of Chesterfield Land Development Regulations Appendix B (Fees) #4 to include Change in Use applications

The request is driven by the fact that it is not covered by the fee schedule. There were no other questions from the public.

Peach moves to close the public hearing. The motion was seconded by Chesley and passed unanimously.

McKeon moves to accept the change to the Land Development Regulations as presented. The motion was seconded by Parisi and passed unanimously.

Items for Discussion

Zoning Regulation review on signs

Corliss noted that the board has been discussion Zoning Regulation 401.2, H. Corliss noted that at the last meeting, he suggested the following wording: In addition to the cumulative business signage, a single open flag no larger than three feet by five feet may be used when open.

McKeon noted that he had the following suggestion: 401.2 H, In addition to the cumulative business signage, a single open flag no larger than two feet by four feet may be used with no cumulative effect on total signage allowed. Open flags up to 3x5 feet can be used with any square footage over 8 square feet to be counted against the total allowed square footage.

Koopmann asked what the standard size open flag would be. McKeon noted that 2x5 is available.

McKeon noted that he believes the board should first look at what objective they are trying to accomplish. If the board is looking to keep nuisance flags down, then we should look at what a nuisance is, if the objective is to control total signage, then the board should be looking at that.

Parisi noted that his goal is to eliminate the garish signage in Town, and open flags do not fall under that category for him. Peach noted there is not much difference between 2x4 and 3x5 and therefore he believes it should be 3x5 as that is what most businesses already have on their property.

Corliss noted that the predominance of the board is looking toward a 3x5 flag and not counting it toward the total sign calculation. Chesley noted that if the objective is to reduce clutter, then this seems to go against that.

The meeting was opened to the public.

Bob Brockman noted that open signs and flags are inconsequential. Jeff Scott noted that 2x4 is to small and would prefer 3x5. Neil Jeness noted that if you have a business, signage is very important.

Parisi noted that he has been checking the internet and cannot find a 2x4 flag, they are all 2.5

Parisi motioned to have 401.2 H state” In addition to the cumulative business signage, a single open flag no larger than three feet by five feet may be used with no cumulative effect on total signage allowed” and be put on for a public hearing for zoning change. The motion was seconded by Koopmann.

Peach suggested the following amendment.

Any open sign other than an open flag will be included in the cumulative signage allowed. McKeon seconded the amendment to the motion. The amendment failed.

The original motion passes by majority (No: Chesley)

The public hearing will be scheduled for a later date when all proposed zoning changes have been received.

Mater Plan update and bill

Lachenal provided a bill. Chesley will take a copy for the next meeting.

The committee has three chapters ready and will send to Lachenal to email to the Board and will put on the next agenda.

Next Master Plan Meeting is Thursday 11/19/15.

Items for Information

The board reviewed a letter from Code Enforcement to Mr. Lockhart of EJ Prescott. The board will talk about this again at the next meeting.

Other Business

Koopmann noted that there have been two issues recently with properties related to driveway permits. Koopmann noted that the issues could have been avoided with notice to the abutters. Koopmann would like to amend the building ordinances to require notice to abutters. McKeon noted that there is case law that states that if a driveway permit is issued and nobody is noticed, there is case law that the normal 30 day appeal period does not stand. Without notification, the appeal period is out the window. Will be put on the agenda under items for discussion.

McKeon noted he will be gone from Dec 17 – Jan 10

Items for Signature

Grace Community Evangelical Free Church Plans

Adjournment

Davis moves to adjourn at 9:39. McKeon seconds the motion which passes unanimously.

The next meeting will be held in the Town Offices at 7:30 PM December 7, 2015. Amy LaFontaine will be taking minutes at the December 7th meeting.

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:

James Corliss, Chairman

Date