

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, August 3, 2015**

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

**Call to Order**

Corliss called the meeting to order at 7:00

**Seat Alternates**

Joe Parisi seated in place of Susan Lawson-Kelleher.  
Susan Lawson-Kelleher joined the meeting at 8:02 PM

**Review of the Minutes**

July 20, 2015

*Brad Chesley motioned to accept the minutes as amended from July 20, 2015. The motion was seconded by Davis Peach and passed unanimously.*

**Appointments**

**Conceptual consultation – Grace Evangelical Free Church**– No minutes taken as conceptual consultations are non-binding on either party.

**Conceptual consultation – Highlander Arms** - No minutes taken as conceptual consultations are non-binding on either party.

**Paul & Mirna Saba and Sarah Newton** - This is an application for a Boundary Line Adjustment for property located on Forestview Drive (Map 8, Lot C2.207 & Map 10 Lot A 1) in the Rural/Agricultural zone. This is a public meeting and may result in granting or denying approval of the application.

Wendy Pelletier was present for the Paul and Mirna Saba. Joe Parisi recused himself as an abutter. Parisi suggested Corliss recuse himself as a member of the Chesterfield Heights association who is also an abutter. Corliss noted that he is not an abutter, but is a member of the Chesterfield Heights Association. Corliss noted the he had no personal or financial interest in the proposal. Corliss further noted that if either party thinks that it is important, he would recuse himself. Mike Bently was present on behalf of Paul Saba and noted he waived any claim of conflict as he does not believe there is one.

Wendy Pelletier noted that the application is for a Boundary Line Adjustment at 155 Forestview Drive. Saba would like to purchase 10 acres from Sarah Newton. Pelletier noted this would not create a new lot, it is strictly an adjustment of the lot lines.

McKeon noted that the Newton property was part of the Atherton Hill subdivision and suggests the board review the restrictions placed on the subdivision.

Pat Grace (abutter) noted that she opposes the Boundary Line Adjustment. Grace noted that the Atherton Hill subdivision was fought for two years and this application goes against what was agreed upon at the time of the subdivision. Grace noted that if Saba purchased more of the lots for sale, there is potential for him to attempt to build a road from the heights onto Atherton Hill and Atherton Hill Road cannot handle any more traffic.

William Faulkner was in attendance as the president of Chesterfield Heights Association. He noted that he just recently heard about the application as he has been out of town.

Jim Scranton noted that it is his understanding that a house could not be built on the 10 acres he wishes to purchase from Newton. Scranton noted that he believes it just becomes a larger lot, and another house would not be allowed as there is already a house on the lot.

Jeff Scott asked if the application was approved, if some restrictions could be placed on the land that they cannot have more than one house.

Michael Bentley noted that the reason that the Saba's would like to purchase the 10 acres is mainly due to a current drainage issue they are having on their property. Bentley noted that in order to fix the drainage issue, Saba needs to own the land and access the land. Bentley noted that Saba would like to purchase the land to address the drainage issues and to own a bigger parcel of land. Bentley noted that there is no plot to build a road or own more property, and even if there was, they would be required to come back to the board for any changes made. Bentley noted that the only thing before the board at the moment is a Boundary Line Adjustment which is allowed under the Chesterfield Land Development Regulations. The Boundary Line Adjustment does not violate the subdivision restriction as there are no new lots being created. Bentley noted that Saba plans to put the 10 acres into current use.

The board reviewed the restrictive covenants from the Brown Limited Partnership subdivision.

Louise Rath noted that she worked on the restrictions at the time of the Browne Limited Partnership application. One of the main concerns was water issues. It was important to restrict the number of houses as there is a concern for the availability of water and the effect additional wells would have on the existing properties in the area. Rath noted that even if Saba's intentions are good, what happens when/if they sell the property.

Corliss noted that the covenants note restrictions on further subdivision, blasting, bonding and a cistern.

*Chesley moved to close the public portion of the hearing. The motion was seconded by Peach and passed unanimously.*

Vollbehr noted that he would like to see a copy of the deed.

McKeon asked how the lot line adjustment would affect the already developed cluster development.

Corliss noted that the 2 acre lot is not part of the Chesterfield Heights Association.

Chesley noted that he does not see any issues with the plan. It does not violate the restriction on subdivision.

McKeon noted that he believes it is an attempt to change the face of the development, which goes against what the developer, the Planning Board and several residents worked hard to accomplish.

McKeon noted that with the Boundary Line Adjustment, the 10 acres would no longer be part of the Atherton Hill subdivision, and therefore would it still be bound to the restrictive covenants.

McKeon noted specifically the no blasting restriction. Peach noted that the board should consult with an attorney to make sure the restrictions would follow the 10 acres of land. Vollbehr noted that he does not see an issue with the application. He noted that the deed restrictions should be part of the new deed.

8:02 Susan Lawson-Kelleher joined the meeting.

*McKeon moves to reopen the public hearing. Koopmann seconded the motion which passed unanimously.*

Mike Bentley noted that the restrictive covenants follow the land. The entire property is subject to the covenants and the restrictions would not go away with the transfer of the land to Saba. Corliss noted that the board is concerned that when the deed is written that it will be left out. Bentley noted that even if they were inadvertently left out, they still do not disappear. They are recorded with the Cheshire County Registry of deeds.

*Chesley moved to close the public hearing. Peach Seconds the motion and it passed unanimously.*

Chesley noted that he would like to see a copy of the proposed deed.

*Chesley moves to conditionally approve the Boundary Line Adjustment under the following condition:*

*The applicant provide the proposed deed reflecting the current deed restrictions and add a note to the plan. The motion fails for lack of a second.*

*Corliss moved to conditionally approve the Boundary Line Adjustment application for Paul & Mirna Saba and Sarah Newton for property located on Forestview Drive (Map 8, Lot C2.207 & Map 10 Lot A 1) in the Rural/Agricultural zone, with the following conditions:*

- 1. Deed to be filed reflect the current restrictive covenants*
- 2. Note on the plan reflecting the current restrictive covenants*

*The motion was seconded by Vollbehr and passed by majority. (No: McKeon)(Abstain: Lawson-Kelleher)*

## **Items for Discussion**

### Letter from Code Enforcement

EJ Prescott building. Chet Greenwood sent a letter stating that they need to do a revised site plan as they have established a space for a tenant in the building.

### Master Plan update and bill

Chesley noted that they went through another chapter at the last meeting.

20<sup>th</sup> of August is next meeting

Chesley will notify Lachenal tomorrow regarding the bill.

### September Meeting Schedule

Labor day is the first Monday in September.

*Chesley moves to cancel the meeting scheduled for September 7, 2015. Peach seconds the motion which passes unanimously.*

**Items for Information**

**Other Business**

Lawson-Kelleher noted that there seems to be a lot going on at Manny's. Board noted they are not before us for anything.

**Items for Signature**

**Adjournment**

*Peach moves to adjourn at 8:36. Chesley seconds the motion which passes unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM August 17, 2015

Respectfully Submitted by:

**Patricia Lachenal**

**Planning Board Secretary**

Approved by:

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**James Corliss, Chairman**

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**Date**