

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, May 15, 2017

Present: Davis Peach, James Corliss, Joe Parisi, John Koopmann, Richard Aldrich, Joe Brodbine and Jon McKeon via skype

Call to Order

James Corliss called the meeting to order at 7:04

Seat Alternates

Richard Aldrich was seated in place of Rolland Vollbehre

Jon McKeon was present via skype due to being out of state. He is alone. The board accepts his presence via skype

Review of the Minutes

May 1, 2017

John Koopmann motioned to accept the minutes as amended from May 1, 2017. The motion was seconded by Joe Brodbine and passed unanimously.

Appointments

Christian D. McCauley & Namaschaug Landing Association – This is an application for a Boundary Line Adjustment of property located at 14 Namaschaug Landing & Former Cul de Sac (Map 5G, Lot B4.1) consisting of approximately .73 acres in the Spofford Lake District. The board received a request from Brickstone Land Use to postpone the hearing until June 19, 2017. McKeon noted that a postponement would allow the Planning Board to become familiar with the application.

Jim Phippard noted that they are working with other land owners and need more time.

Joe Brodbine moved to continue the public hearing on Christian McCauley & Namaschaug Landing Association to June 19, 2017 at 7:30 in the Town Office building. The motion was seconded by Davis Peach.

Discussion:

Forrest Patneaud from 337 North Shore noted that he brought a document to the selectmen's office today for the boards review. The board will review the item at the next meeting.

The motion passed unanimously.

Anderson NH, LLC - This is a continuation of an application for Site Development Review and Condominium Conversion of property located at 45 South Shore Road (Map 5A, B-9 and A-47) consisting of approximately 1.3 Acres in the Residential Zone.

Rob Hitchcock noted that he would be speaking as Tom Hanna is away.

Hitchcock noted that they believed that the board members thought that there were too many pieces and parts floating around and the full application was not clear, so they went through and assembled everything into 3 ring binders to keep all the information in one place. Hitchcock provided the board with copies of the 3 ring binders. Hitchcock also provided copies to some of the public who wished to follow along. Hitchcock noted that the binder included all the information the board has requested.

Hitchcock showed the board the newest Condominium site plan and noted that since the last meeting, silt fencing and a note to indicate that the silt fencing is temporary had been added.

Hitchcock noted that the stone wall was located and the curb has been added.

Hitchcock noted that the board will find the waiver requests in the existing application section.

Hitchcock noted that they are requesting a waiver for the Topographical Plan as there is no change.

Hitchcock directed the board to plan C2 (in the binder) which has all the topography listed.

Hitchcock noted that the applicant is requesting a waiver even though the information is there.

Davis Peach moves to accept the waiver request for requirement 404.3A requiring Topographical plans. The motion was seconded by Joe Brodbine and passes by majority. (No: Aldrich and Koopmann)

Hitchcock noted that the next waiver is for requirement 404.5 A, Street and Utilities plan stating that there are no proposed changes to any streets or utilities.

Koopmann noted that it was discussed that there were going to be some sort of occupancy and seasonality listed.

Hitchcock read the proposed use intensity statement. Hitchcock noted it is impossible to control the number of people. Koopmann noted that the septic loads are going to be based on studio or one bedroom apartments and with no limit on occupancy, there is potential for overload.

Barry Faulkner (Attorney from Tom Hanna's office) stated that the septic system complies with DES regulations and the septic will be serving the same number of cottages it has been serving for the past 16 years with no issues. Hitchcock stated that the property cannot come close to the limit on this system. McKeon noted that in the original septic documents it states no additional loading, but a laundromat was not on the original plan and is on site. Hitchcock noted that one washing machine is not going to overload this system and DES is very clear that a septic system is based on the number of bedrooms, not if there is onsite laundry. Dan Andersen noted that there is one stackable washer and dryer located in the garage and the rest is storage. Hitchcock noted that they received DES approval in 2001 and there are no changes in numbers.

Davis Peach moves to approve the waiver request for Regulation 404.5 A, Streets and Utilities Plan. The motion was seconded by Richard Aldrich.

Discussion: Parisi asked if the streets and utilities plan included the septic system. Peach noted that from the discussion happening, he would say yes. Hitchcock noted that they are not asking for a waiver on the septic design. Corliss noted that all that the board is trying to do is get to a point of a complete package. Parisi asked if a yes vote essentially waives the septic design.

Vote called: Passes by majority (No: Koopmann and Parisi)

Hitchcock noted that the next waiver request is for the Surface Water Drainage Plan. Hitchcock stated that there are drainage plans from 2002 in the packet as well as his letter discussing the small changes from gravel to pavement and the insignificance of that change. Corliss noted that the request is to accept the plans dated November 13, 2001 with a revision date of November 28, 2001 on some of the pages labeled D1, D2 and D3. McKeon noted that a vote in the affirmative does not prevent the board from changing things on the plans.

Davis Peach moves to accept the waiver request for Surface Water Drainage Plans. The motion was seconded by Joe Brodbine and passed by majority. (No: Aldrich, Koopmann and Parisi)

Hitchcock noted that the next waiver request is for the requirement of a Hydrological analysis. Hitchcock noted that there is no change from the 2002 plan to now and therefore no need for new plan. Corliss noted that the board does not have the analysis that Stevens did. Hitchcock noted that nobody outside the business understands the analysis. Hitchcock noted that this site has functioned for the last 15 years with no abutters complaining about the drainage. It was noted that if the drainage was negatively affecting anything, someone would have brought it to the attention of the Town. It was noted that there are only minor changes from gravel to pavement and those would not be noticed on the drainage calculations.

Davis Peach moves to accept the waiver request for Hydrological analysis. The motion is seconded by Joe Brodbine.

Discussion: McKeon noted that if the applicant has the study, he is unsure of why we would waive it. Hitchcock noted that he is asking to waive the creation of a new one, but will provide the board with a copy of the old one.

The motion passes by majority. (No: Parisi, Aldrich and Koopmann)

Hitchcock noted that the next waiver request is for Erosion and Sediment Control Plan. Hitchcock noted that there is now a silt fence which has been added to the plan, but there is not a dedicated plan for Erosion and Sediment control. McKeon noted that he believes an erosion control map would be needed on the areas that are going to be disturbed and reworked. Hitchcock noted that there is silt fencing shown on the plan on the lake side of the overflow parking where gravel will be removed and also on the opposite side where tearing up of the curb and gutter will happen to put down grass seed. McKeon noted that DES requested a rain garden. Parisi noted that it seems as though they want to waive the requirement of a separate plan as it is addressed on the site plan.

Joe Parisi moves to accept the waiver request for a separate Erosion and Sediment Control Plan and accept the erosion control as shown on the proposed plan on the May 15, 2017 condominium site plan. The motion was seconded by Davis Peach and passes unanimously.

Hitchcock noted that there is a waiver request for site impact analysis. Corliss noted that information should be covered in the use intensity statement. Hitchcock noted that it was his understanding this requirement addresses the impact on the Fire Department, Town Highway and school systems and there is no impact.

Richard Aldrich moves to accept the waiver request for Site Impact Analysis. Joe Brodbine seconds the motion.

Discussion: Parisi asked if a persons full time residency is outside of Chesterfield can they send their children to the Chesterfield School. McKeon noted that for enrollment in the school, Chesterfield must be the primary residence.

The motion passes by majority (No: Koopmann)

The next waiver is the Engineers estimate of cost of construction. Hitchcock noted there is no reason for the Town to have that information.

Richard Aldrich moves to accept the waiver request for the Engineers estimate of cost of construction. The motion is seconded by Joe Brodbine.

Discussion: McKeon noted he cannot think of a reason that the board would not require that information. Corliss noted that this information is typically used to calculate building permits. Hitchcock noted that a very minimal amount of work is proposed and there is not sure why the Town would need that information. McKeon noted that it is a requirement in our regulations that the information be provided. Barry Faulkner noted that the Town regulations do anticipate waivers and there is no value to the board to require this information on this application. The motion passes by majority. (No: McKeon - Abstention: Parisi)

The waiver request for an approved preliminary plan is due to the fact that the applicant did not use the optional preliminary application process.

Davis Peach moves to accept the wavier request for an Approved Preliminary Plan. The motion is seconded by Joe Brodbine and passes unanimously.

The next waiver request is for building elevations and Hitchcock noted that there are no changes proposed to the buildings.

Davis Peach moves to accept the wavier request for Building Elevations. The motion was seconded by Richard Aldrich and passes unanimously.

Parisi noted that the boards previous discussion regarding the site impact was off base. Peach noted that it was done. Parisi noted the site impact analysis covers soils, wetlands, vegetation, surface water, ground water and spatial relationships with abutting properties as well as sufficiency of utility systems. (Parisi read regulation 404.5 E). Parisi noted that this is the crux of what the board is doing. Parisi noted that the applicant did not provide an old site impact and is asking to waive the current one. Koopmann noted that he agrees with Parisi and if we do not have an old site impact analysis, we should revote on the waiver request. Hitchcock noted that the work being proposed on this application will have no impact on the items listed and therefore there would be nothing to include in a site impact analysis.

Joe Parisi moves to re-vote on the site impact analysis wavier request. The motion was seconded by Koopmann.

Discussion: Koopmann noted that it is critical in the evaluation of a site plan that the board not waive something that did not exist. Koopmann noted the request for a waiver implies that the board would be waiving duplication of information, when no information exists. Brodbine noted that the site exists today and there is only very minor changes to what exists and therefore there will be no impact. Peach noted that he agrees, there is no major change proposed with this application and therefore no site impact. Koopmann noted he believe it should be required as it was not presented in 2002 and therefore it has not been done and there is nothing to look back on.

The motion fails. Yes: Koopmann, Parisi and McKeon No: Brodbine, Aldrich, Davis and Corliss

5 minute break

Corliss noted that the board now has all the elements it needs for discussion. Hitchcock asked if the board needs to vote that the application is complete. It was determined that the board had previously voted that the application was complete enough for review.

Corliss asked if the board had any questions. Parisi noted that one of the things discussed in the past was the outside shower. The shower was never approved. Hitchcock noted that one of the proposed conditions of approval is removal of the outside shower. The fencing will remain, but the plumbing and shower head will be removed.

McKeon noted that the dumpster should be relocated, the pavement removed and a rain garden installed as suggested by DES. McKeon noted that DES recommends that the curb not be installed and that runoff be directed to a rain garden. Hitchcock noted that the current proposed plan shows the curb as that is what is indicated on the 2002 plan. Hitchcock noted that there are challenges with the spot DES is talking about a rain garden as the slope is 5-8%. Hitchcock noted that leveling it off some and installing stone terraces is a better option. Hitchcock noted that even if the board would like to do something other than the curb, the dumpster should stay in that location and can be worked around. McKeon noted that the dumpster in the current location will impede the ability to make that spot work. Hitchcock noted that there is no other place on the site that the dumpster will fit. Sue Donahue noted that the dumpster was located on a paved area next to the main house until recently. Hitchcock will design something with the dumpster in place for the next meeting and the board will take a look.

McKeon noted that there is a structure on the 2002 plan that says garage, but seems to be laundry. The current plan does not indicate it is a laundry. McKeon would like the laundry pulled and the structure to be used as indicated on the plans. Aldrich noted that it has been stated that laundry has always been located in this building and he does not see an issue with leaving one there. Aldrich noted it seems like it would create an unnecessary hardship to require them to remove it. Dan Andersen noted there is one stackable washer and dryer located there. The rest of the building is used for storage. A linen service has been hired and the only laundry done onsite is the occasional comforter. Andersen noted he would be happy to stipulate that no additional machines will be added. Charlie Donahue noted that the washer and dryer were for the owner of the main house and his concern is that once everyone owns a piece, everyone will do their laundry onsite and it is tied in to the septic and well systems which are shared with his property.

McKeon noted that adding plantings between South Shore Road and the beach area would help to filter the runoff before it reaches the lake. Andersen noted he has no objection to adding plantings between the road and the beginning of the beach area. Sue Donahue noted that in between their beach and the cottage beach was filled previously and the applicant has cut a lot out. Andersen noted that he cleaned out the dead stuff. Andersen noted he would be happy to add something that will thrive there.

McKeon noted that there does not seem to be a limit on overnight guests in the use intensity statement. Hitchcock noted that there is no limit noted. Aldrich noted it would seem to be self regulating as the cabins are small in size. Corliss noted that there is nothing in the Town regulations that prohibits how many people can show up at a house for the weekend. McKeon noted that we have the opportunity to regulate that now. Peach noted that he believes the board is getting carried away in regulating private ownership of the cottages and how many guests they can have at their property. Corliss noted that the site is a non-conforming use. Donahue noted that there is currently limits on the number of overnight guests and guests allowed on the beach and not having a limit, is an expansion of use which is not allowed on a non-conforming site. Andersen noted that he would like to remind the board that the average square footage of the cabins is 235 square feet which includes a bathroom and kitchen area. Parisi noted that the board does not want it used by a large number of people and therefore should put a number on it. Andersen noted he would not be opposed to putting a max number of people on the property. Donahue noted that there is currently a number set for each cabin and that number should remain. Parisi noted the issue with a total limit for the property is there is no one accountable. If you put a number on each cabin, then each owner is

responsible. Andersen will come up with a reasonable set of numbers for overnight guests with a chart and square footage for the next meeting.

It was brought up that the previous owners rented out moorings. Andersen noted that will not be happening. There is no renting of docks or moorings.

Donahue noted that the overflow parking issue needs to be addressed. Donahue noted this was mentioned in previous minutes as occasional parking. McKeon noted that the bylaws state one parking spot for each cabin.

Joe Parisi moves to continue the hearing to June 5, 2015 at 7:30 in the Town Office Building. The motion was seconded by Davis Peach and passes unanimously.

Items for Discussion

D&T Partners/Area 51 – Administrative approval/signs

James Phippard was present requesting permission to put two temporary storage containers (8X40) from May 15 through July 15 on the site. Phippard noted that the plans were submitted to the Fire Marshall and Steve Dumont. The board has been provided a letter from Steve Dumont saying it meets NFPA. Phippard noted he is requesting formal approval as a minor change to a site plan. Phippard noted that he is also asking for a change in signage. Plans were presented to the board in March of 2015 for wall signs located on the north wall facing Route 9. The applicant would like to change the wall sign to only say Area 51 with their logo at just under 32 square feet in size and add a freestanding sign that says fireworks also just under 32 square feet 15 feet high and 10 feet from the front line of the property. Phippard noted that the signs are in full compliance with the sign regulations. Both signs will be internally illuminated with LED lighting built in and will only be lit during business hours.

The last change is the moving of a vent from in the area of the front entryway to across the driveway away from the entrance.

The storage tanks are 9 feet tall.

McKeon asked if this request was for one year or year after year. Phippard noted they would like this to become part of the site plan allowing them to do it year after year until they determine if they need offsite storage.

Koopmann asked if there were any barriers planned between the parking area and the storage containers as they will contain hazardous materials. Phippard noted that the location was reviewed with Chris Wyman from the Fire Marshalls office and there is no requirement to have a barrier as this will not be located adjacent to a roadway, but in a parking area and if someone brushes into it, it is not likely to cause enough damage to require barriers. Koopmann asked if there were this many flagpoles on the original site. Phippard noted that there are now 8 spots on the building that will hold American flags. These flags will only be used during the busy season for promotional purposes. Phippard noted that he did meet with Rod Parsons and he agreed that American Flags are exempt from regulations, but recommended adding them to the drawings. Phippard noted the flags will be there until after July 4th and removed and replaced the following year during the busy season.

McKeon noted that there is a requirement in the Land Development Regulations that delivery trucks are to be separate from parking and pedestrian traffic. Phippard noted that this year, deliveries will only be made when the business is closed. Phippard noted that in future years, deliveries will be made to the loading dock area. McKeon asked if we could put that stipulation on paper. Phippard will put that down.

Corliss noted the board needs to decide if the changes are minor and do not require noticed public hearings. Corliss noted that the storage containers will be visible from Gulf Road. Phippard noted that there is a six foot solid fence being erected so just the top 3 feet will be visible up the hill. It was noted that placing a sign on Route 9 that says fireworks changes the character. There was a lot of weight on the original presentation stating the business would be class and there would be attention to trying to keep the appearance as much as possible.

Koopmann noted the he would like the opportunity for the abutters to be made aware of the potential changes and have an opportunity to comment. Koopmann noted that the flags will be a distraction to drivers along Route 9. Koopmann noted that temporary signage are regulated to protect from distracted drivers. Aldrich noted he is insulted by the fact that someone would put up 8 American flags as a sales tool.

Phippard noted that the words on the sign are the same as previously noted, they are just in different locations now. Phippard noted that the signs are within the square footage regulations and the business is allowed. Phippard noted that they flags would be used as a grand opening symbol. Phippard noted he met with Parsons to verify there is no regulation governing American flags and he found no restriction in the regulations. Parisi noted that there was very little if any public input on the signage at the original hearings and there was no objections to the flow of traffic. Parisi noted he has no issue with the storage containers, signage or the vent, but does have issue with the flags. Parisi noted he views the flags as temporary promotional signs and given how they are being used, there is limits in the regulations. Peach noted that businesses typically have only one grand opening. Phippard noted that 90% of the business generated by the fireworks stores are from Memorial Day to July 4th making it a big deal.

It was noted that the flags are not part of the request for administrative approval tonight. The letter indicates three items the applicant is requesting approval for as signage, storage containers and moving of a vent.

Davis Peach moves to accept the applicants request for administrative approval on the 4 points included in the letter dated 5/8/17(Wall Sign, freestanding sign, storage containers and vent). The motion was seconded by Joe Brodbine.

McKeon offers an amendment with the condition that deliveries will only occur off hours and that the signs will only be lit during store hours. The amendment is seconded by Davis Peach. The vote to add the amendment passes unanimously.

McKeon offers a second amendment to add that the board takes no action on the flags shown in the drawings submitted. The second amendment is seconded by Joe Brodbine and passes by majority.(No: Koopmann)

The final motion is as follows:

Accept the applicant's request for administrative approval on the 4 points included in the letter dated 5/18/17. (Wall sign, freestanding sign, storage containers and vent) with the condition that deliveries to the storage containers only occur off hours, the signs are only lit during store hours and the board takes no action on the flags shown in the drawings.

The final motion passes by majority. (No: Corliss and Koopmann)

Parisi noted that he would like to point out regulation 401.8 b b to the building inspector regarding promotional signs. Peach noted that the board decided they were staying out of it. McKeon noted that the board wrote the regulations and should be able to help the Code Enforcement office interpret the ordinance. Parisi noted that the sign was described as promotional and therefore should be regulated under promotional signage.

Parisi moves to point out 401.8 b b to Code Enforcement. The motion is seconded by McKeon and passes by majority (No: Davis)

Phippard noted that the American Flag is not a sign and you are allowed to display them on your property as a constitutional right. Phippard noted that he does not believe the board has the right to restrict them.

PDD#4

Parisi noted it is after 11:00 PM asking if this has to be addressed or resolved this evening. McKeon noted that he believes this could be handled by contacting NH Municipal association and telling them it was never really followed through to the end. McKeon noted that a plan was supposed to come back and it never happened. McKeon noted that he believes the Town made a mistake putting it in the Zoning Regulations. Corliss noted that the board did approve a plan with hours, noise restrictions etc. McKeon noted that he and Corliss should sit down before the next meeting to explain.

Signs

No new information

Spofford Boat Sales

No new information.

Items for Information

Wetlands Permit

Other Business

Lachenal reminded the board of the workshop May 16, 2017 at the Town Offices.

Peach noted that the procedure on applications should be more defined and not so much back and forth. Peach noted the board should talk about one thing, get comments and then the board takes those comments into consideration.

Lachenal noted that a new alternate has been appointed by the Selectboard and will be attending the next meeting.

Items for Signature

May 4, 2017 minutes

Adjournment

Parisi moves to adjourn at 11:13 Mckeon seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM June 5, 2017

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:

James Corliss, Chairman

Date