

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, June 5, 2017

Present: Davis Peach, James Corliss, Joe Parisi, John Koopmann, Richard Aldrich, Joe Brodbine, Rolland Vollbehr, John Pieper and Jon McKeon

Call to Order

James Corliss called the meeting to order at 7:04
John Pieper was sworn in as an alternate

Seat Alternates

No alternates seated – Richard Aldrich and John Pieper are ineligible to vote.

Review of the Minutes

May 15, 2017

Jon McKeon motioned to accept the minutes as amended from May 15, 2017. The motion was seconded by Joe Parisi and passed unanimously.

Appointments

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. The public hearing may result in approval or denial of the application.

Tom Hanna noted that as a result of the meeting on May 15, 2017 he has prepared a memo and there is a new drainage plan. Hanna provided the board with the memo and plan which was able to be put into the previously provided 3 ring binder. It was noted that the information included a landscaping sketch for additional plantings, a table showing proposed maximum occupancy, and a revised proposed decision.

Rob Hitchcock presented a new C-1 plan. Hitchcock noted that the plan includes a proposed stone wall. Hitchcock noted that they are proposing 6 blueberry bushes and pachysandra to be planted. Hitchcock noted that the dumpster is 7x6 and will be shielded by a 3 side stockade fence. Hitchcock noted that the pavement comes out except where the dumpster is located and the stone walls are no higher than 2 feet tall.

Hitchcock noted that the area across the road has been looked at by Mike Hubbard of Connecticut Valley Yard Works and he suggested 8 knock out roses and 4 clumps of ornamental grass, a couple of hemlock trees and some bark mulch with stone and a gravel swale.

John Pieper noted that there are two types of blueberry bushes and asked which the applicant was planning on planting. Hitchcock indicated the applicant would plant whichever the board prefers.

Pieper noted that Hemlock trees do not grow quickly and asked the size of the planned trees. Hitchcock again indicated the applicant would put whatever size the board prefers. There was discussion of mixing the two types of blueberry bushes and that having the best effect. Hitchcock noted that the applicant has agreed to put in writing that there will be a limit to one washer and one dryer in the storage room. Hitchcock noted that the 4 inch PVC pipe will be removed as it was requested from a gentlemen from the Lake Association at a previous meeting. Hanna noted that the pipe was put in sometime in the last 15 years on the east side of the lake front, and will be removed.

Hitchcock noted that the board has been provided some suggested conditions of approval that the applicant believes appropriate.

Hanna noted that it had previously been noted that in the proposed condominium documents on page 17, paragraph 11 regarding tying up of boats at the docks or moorings without permission and a sentence has been added to state "permission only granted to unit owners and renters while in residence." Hanna provided the board with an updated page 17 of the condominium documents with the corrections in red.

Pam Walton noted that hemlocks are not a good choice next to the beach noting that balsams would be better. Hitchcock noted the applicant will put whatever the board would like. Valerie Starbuck noted that blueberry and pachysandra may not be the best mix as one likes the sun and one likes the shade.

Charlie Donahue noted that regarding the proposed vegetation by the beach, they fully approve the plan and think it is very reasonable.

Norm VanCor noted that he is looking at C-1 and the dumpster area is of concern. VanCor noted that DES strongly urged moving the dumpster to a different location. VanCor stated that the current placement is situated to collect water. VanCor noted that DES asked it be moved because of the impervious area it creates and there being no mechanism to dissipate from that area. VanCor noted that the idea of 6 blueberry bushes is a good idea and the rest of the area in pachysandra will slow water, but pachysandra does not have a good root system. VanCor noted that the idea is to slow water down before it goes out into the street and this does not appear that it will do that.

Hitchcock noted the he does not recall DES requesting the dumpster to be moved. Hitchcock noted that the drainage under 9A has been cleaned out. Hitchcock noted that the pad under the dumpster is pitched and there will be no water held there. Hitchcock noted that it is a very small area. Hanna noted that in 2002 there were a series of drainage opinions and there was no suggestion or indication that the dumpster be moved to a different area.

Dennis Henderson (49 S. Shore Road) noted that the ramp going up to the playground is now blacktop and there is a significant change in elevation and asked if that was being removed. Henderson noted that there have been issues in the past with the overflow parking area and having vehicles parked there every day. Henderson noted that that area used to be gravel and grass and people used to play shuffleboard there.

Hanna noted that the applicant has stated his willingness to take out the pavement in the overflow parking area. Hanna noted that the elevation change has always been there and was not something the applicant did. Hanna noted that the plan is to leave the pavement in the path to the overflow parking area as DES commented that the pavement eliminates the erosion with water coming from the overflow parking area and keeps gravel from washing into the road and beyond.

Dave Bean asked if you turn one piece of property into 13 pieces of property if all of the town ordinances regarding setbacks and property lines apply. Corliss noted that the land is not being subdivided and will remain one property.

VanCor noted that Mr. Hanna was correct that the ramp up to the overflow parking should remain paved as it would create an erosion issue if it was removed. Koopmann asked if there was an alternative surface that could be used in the dumpster area. Hitchcock noted that pavers could be

used. McKeon noted that it could be stone and pavers from the pavement to the pad. Hitchcock noted that could work, but is a bit concerned about the frost moving them in the winter and the cost of fixing them each year.

There were no more comments from the public regarding drainage.

Corliss noted that the board previously asked the applicant to come up with a maximum overnight occupancy by cottage.

The board was provided with a list of proposed maximum occupancy for each cottage.

Parisi asked if there was any limit on daytime maximum number of people. It was noted this is overnight guests. Parisi noted that he is concerned about the impact on the lake.

Andersen stated that one of the positive things happening is that all previous boat slip renters (there were 8) brought 5-10 friends with them and parking was beyond unreasonable. The beach use will be cut drastically due to the fact that there are no boat slip renters. Andersen noted that the owners will be allowed to bring guests to the beach and will bring a different level of concern as they will own the property and not rent it. Koopmann noted that looking at the occupancy levels he is wondering if all of the people will be coming in one car. Andersen noted that 5 people could be a mom, dad and three kids. Koopmann noted that each cottage has one parking space and asked how many additional spaces exist on the property. Tom Hanna noted there are 10 additional spaces.

McKeon asked if there is a current occupancy limit with the Fire Department. Hanna noted he is not aware of one.

Deb Bean asked about the occupancy dates. It was noted that they would be open May 15 through the weekend after October 20th. Ken Walton asked about the use of docks and where that information would be documented. Andersen noted that the agreement from 2002 already limits the use of docks. Valerie Starbuck noted that even if owners are allowed to bring guests, the fact that the slips will not be rented out will help with the fact that people use the island as a rest room. The owners will have a rest room to go to instead of using the island. Starbuck noted she is not worried about visitors on the beach that come with owners. Maurine Dunham noted that her beach abuts the Cottages beach and she is concerned about boating as she has grandchildren that like to use the water. She is concerned about boat traffic and the safety of the children.

Donahue noted that he wants the board to make sure they are aware that private rights do not trump public safety. Donahue noted that the applicant has come before the board with occupancy numbers that far exceed the current numbers that he himself set. Donahue noted that adding 13 people to the occupancy limit is too much and the board needs to take into consideration public safety and the model fire code. Donahue noted that nobody wants anything bad to happen and the board has the opportunity to prevent it which protects the applicant and the public.

Hanna noted that he has responded in writing to each of Donahue's proposed conditions in writing and gave the board a letter dated June 5, 2017.

Mr. Henderson noted that the board needs to be cautious and take their time with looking over this application.

Sue Donahue noted that there is a current number for occupancy and adding to that number increases the use, which is not allowed with a non-conforming use.

Dan Andersen noted that the occupancy number was driven strictly by the bedding that came with the cottages. Andersen noted that there is no current existing limit on the property. Andersen noted that the board asked him to come up with a number and he did that. Andersen noted that the current numbers reflect cottages that are the same size with different limits due to current bedding situations. Andersen noted that it would be unfair to the people purchasing the cottages to be limited to the number simply because that is the number of beds currently in a cottage.

Val Starbucks asked if there was a max number of occupants based on the septic system. Hitchcock noted that the septic system is based on the number of bedrooms and the current septic is oversized for the property. Patrice Henderson asked if the new septic system had been looked at. Corliss noted

that the site has a DES approved septic system in place. VanCor noted that DES has documented that they need to look at the septic system and loading because it is going from rental to condominium. Hanna noted that DES approved septic is #11 of the proposed conditions of approval.

Mr. Bean noted that remodeling is planned for the cottages and asked if hard wired fire alarms will be required. Corliss stated that Code Enforcement would be the governing body on improvements. Tom Hanna noted that there are no renovations planned. Andersen noted that he has done some siding, roofing and paving, but there are no size renovations happening.

Joanne Henderson asked who oversees the property if this goes through. Corliss noted that the Town is involved through code enforcement.

Mr. Henderson noted that part of the issue he has with occupancy has to do with the parking issue on the property. Henderson noted that some of the parking has already been moved. Henderson noted that overflow parking should not be used every day, it is only on certain occasions. Henderson noted he is concerned about times when the overflow parking is being utilized and the code office is closed.

Pam Walton noted that the Fire Marshall has been brought up a few times, but she is unaware if they were contacted. Corliss noted that the local fire department was contacted regarding this application and had the ability to go through the property.

Hanna noted that Andersen put limits on the cabins to maintain control over the renters, it was not a limit that was previously imposed and therefore not a change in intensity.

Joe Henderson noted that he is not opposed to the project, he would like the board to take its time and make sure everything is in writing. Henderson noted he has a personal grievance about parking on the lot. Henderson noted there are 27 spots on the lot, but each cabin is only assigned one spot and the rest is there for overflow. Henderson noted his front door looks over the overflow parking area and there are now cars parked there daily. Henderson noted that the overflow parking was there for special occasions not daily usage. Hanna noted that there are 3 parking spaces that were grassed over and will be restored per the site plan. Henderson stated that he would prefer to put restrictions on the property now and incorporate them into the deeds instead of the abutters having to deal with issues on a Friday night or a weekend when the Town Offices are closed.

Eric Tuttle noted that a lot of the overflow parking usage was from the dock rental and that is not happening anymore and therefore the usage should go down. Charlie Donahue noted that in the May 6, 2002 minutes of the Planning board, they define overflow parking as occasional for birthday parties and such. Donahue noted that daily use is very different from the intent of the previous board.

Richard Aldrich noted he is curious as to how much of the square footage of each cottage is taken up by dining and bathing. Dan Andersen noted that each cabin has a full bathroom and a mini-kitchen. Aldrich noted that the standard is 70 square feet per bedroom and that would be 2 people. Corliss asked if the public or the applicant had any more comments. There were no comments from the applicant or the public.

Corliss noted that the public portion of the hearing is closed and the board would be moving onto board discussion. Corliss noted that the public portion of the hearing could be re-opened in the event the board needed more information from the applicant or the public.

Board Discussion:

Rolland Vollbehr noted that the board has received a lot of information and he would like time to read it at his leisure. Koopmann noted that he believes there are some issues that can be decided tonight before continuing the hearing. Parisi noted that this is the 5th or 6th hearing on this matter and the board should make a decision. Brodbine, Peach and Aldrich agree with Parisi.

Richard Aldrich noted that he believes the board will have to make a determination on occupancy. Aldrich noted that the board should deduct the square footage of the bathroom and dining and use the remaining square footage based on 70 square feet per bedroom and come up with an appropriate number for each cabin. Joe Parisi noted he believes that they should be held to the numbers that they put into place which is a total of 49. McKeon noted that there is a cabin missing from those numbers (45A) which has an occupancy of 5 and therefore the max occupancy number should be 54. Brodbine noted that Aldrich's calculation seems to be in line with the applicants proposed numbers. The board was unsure why cabin 45A was not on his current occupancy list. Andersen noted that cabin 45A is currently being used by his property manager and therefore not for rent. Hanna asked if he could ask a question to get some clarification on the number 54 the board is speaking about. Corliss noted that he could not ask at this time. Joe Parisi noted that a condition should be that the applicant submit to the board a max overnight occupancy number should be set by the applicant per cabin and should not exceed a total of 54.

A straw poll was taken that the board would like to put a max of 54 occupants on the property and have the applicant come back with per unit occupancy numbers, not including the main house. Brodbine and Corliss did not agree with the number, but the rest of the members of the board agreed.

Corliss noted that he would go over the list of proposed conditions provided by Tom Hanna at tonight's meeting.

The first proposed condition states:

Eliminate the pavement in the triangle area in the northeast corner of the site except for a small dumpster pad.

Aldrich noted that pavers may cost the applicant money each year by freezing and thawing.

McKeon noted that it could work to put pavers down on a drainage bed. The only other option would be to require them to move the dumpster from that location. The board agreed that they would prefer pavers on a drainage bed to pavers. A condition of approval will be to change the dumpster access from the driveway to the dumpster pad and the pad to pervious pavers over a drainage bed.

The second proposed condition states:

Provide a planted swale along the east side of the driveway, as shown on the plan submitted June 5, 2017. The swale shall be planted with grass, groundcover and/or shrubs native to New England, and shall include at least two catchment areas to slow and retain storm water from the site.

Brodbine noted that he believes the wording to be sufficient. Aldrich noted that he has 80 year old blueberry bushes that he could not kill if he tried. Koopmann noted that the board should contact someone from DES and get a recommendation from an expert. Koopmann will contact DES regarding the best things to plant in that area.

The third proposed condition states:

Install 3' X 3' rip rap swale next to the road in the location shown on the plan submitted June 5, 2017.

The board agreed this will be a condition of approval without change.

The fourth proposed condition states:

Restore the "Overflow Parking" area to a permeable surface as specified on the site plan.

The board noted this is on the site plan and will add this as a condition.

The fifth proposed condition states:

Remove the outdoor shower at Cottage 45G, but retain the lattice fence.

The board agreed this was a previous request from them and will add this as a condition.

The sixth proposed condition states:

Install and maintain plantings and landscaping around the beach, as shown on the attached planting sketch prepared by Mike Hubbard of Connecticut Valley Yard Works.

The board would like to change the proposed plantings from Hemlock to Balsam trees and add this as a condition.

The seventh proposed condition states:

Overnight occupancy of the cottages (Units 45A through 45M) shall be limited to the number of occupants shown on Table 1 incorporated herein.

The board does not agree with this condition and will add the following as a condition:

The maximum overnight occupancy of the cottages is a total of 54, not including the main house. Each cottage maximum occupancy to be provided by the owner and a note shall be placed on the site plan.

The eighth proposed condition states:

There shall be no more than one washing machine and one dryer in the storage garage located immediately south of Unit 45A.

McKeon noted that if you look at the septic permitting, it states there is to be nothing added. Corliss noted that the board could add "if permitted by DES" to the condition.

Rob Hitchcock showed the board a copy of the DES permit and it does not indicate anything about a washer or dryer. McKeon noted that the one provided by Hitchcock is 11 years newer than the one he had in front of him.

The condition will be as follows:

There shall be no more than one washing machine and one dryer in the storage garage located immediately south of Unit 45A if permitted by DES.

The ninth proposed condition states:

The 4" PVC pipe on the lake side of Route 9A near the easterly boundary of the beach shall be removed. The board is happy with this and it will be come a condition.

The tenth proposed condition states:

Shoreland Protection permit from NHDES, as needed. The board is happy with this condition.

The eleventh proposed condition states:

Subdivision approval from NHDES pursuant to RSA 485-A:29 , as required for condominium conversion. The board is happy with this condition.

The twelfth proposed condition states:

Attorney General approval for the condominium conversion pursuant to RSA 356-B. The board is happy with this condition.

Parisi noted that there was a question previously about overflow parking and previous minutes were mentioned. The board discussed the minutes from 2002 and noted that the board did not incorporate that into the plan.

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. The public hearing may result in approval or denial of the application.

Joe Parisi moves to **CONDITIONALLY APPROVE** the Site Development Review and Condominium conversion of property located at 45 South Shore Road consisting of approximately 1.3 Acres in the Residential Zone with final approval contingent upon the following conditions:

- Eliminate the pavement in the triangle area in the northeast corner of the site and change the access (from the driveway to the dumpster pad) and the pad to pervious pavers over a drainage bed.
- Provide a planted swale along the east side of the driveway, as shown on the plan submitted June 5, 2017. The swale shall be planted with grass, groundcover and/or shrubs as recommended by DES, native to New England, and shall include at least two catchment areas to slow and retain storm water from the site.
- Install 3' X 3' rip rap swale next to the road in the location shown on the plan submitted June 5, 2017.
- Restore the "Overflow Parking" area to a permeable surface as specified on the site plan.
- Remove the outdoor shower at Cottage 45G, but retain the lattice fence.
- Install and maintain plantings and landscaping around the beach, as shown on the attached planting sketch prepared by Mike Hubbard of Connecticut Valley Yard Works substituting hemlock trees with balsam trees.
- The maximum overnight occupancy of the cottages is a total of 54, not including the main house. Each cottage maximum occupancy to be provided by the owner and a note shall be placed on the site plan.
- There shall be no more than one washing machine and one dryer in the storage garage located immediately south of Unit 45A if permitted by DES.
- The 4" PVC pipe on the lake side of Route 9A near the easterly boundary of the beach shall be removed.
- Shoreland Protection permit from NHDES, as needed.
- Subdivision approval from NHDES pursuant to RSA 485-A:29 , as required for condominium conversion.
- Attorney General approval for the condominium conversion pursuant to RSA 356-B

The motion was seconded by Rolland Vollbehr and passed unanimously.

Items for Discussion

Mark Lanoue – 1763 Route 9 – Review for Completeness

Jon McKeon noted that he will be recusing himself from this application. McKeon noted that he is on the Selectboard and that board is involved in litigation with this property. Koopmann asked if the ongoing litigation would preclude the Planning Board from reviewing the application. McKeon noted that part of the remedy is the applicant going to the Planning Board.

Corliss noted that this is a review for completeness and the contents of the application will not be discussed.

The board went over the application using the checklist noting the following items missing:

Final Topographic and soils plan

Low point was not marked on the plan (later discovered)

Final Surface water drainage management plan

Erosion control plan is not specific

Building elevations not noted on plan

Parisi asked how the board deals with the fact that the existing conditions plan is different than what is on record today. It was noted that this discussion is just on the completeness of the application.

Joe Parisi moves that the application is not complete enough for review due to the uncertainty of the existing conditions plan and how it was created. The motion was seconded by Davis Peach.

Discussion: Koopmann noted that the charge for the night is if the application is complete enough for review and we can get into the differences at the public hearing. Corliss noted that if there are items missing from the package then it is not complete.

Davis Peach moves to amend the motion to include the missing items as follows: Final Topographical and Soils plan, Final Surface water drainage management plan, Erosion and sediment control plan not specific and building elevations. The amendment to the motion was seconded by Rolland Vollbehr and passed unanimously.

The amended motion passed unanimously.

PDD#4

Corliss and McKeon are going to get together to speak about this with NH Municipal Association

Spofford Boat Sales

No new information

Items for Information

Other Business

Bill Knaus Email –

Lachenal noted that an email was received asking for any and all communication between board members and Christian McCauley and or his representatives. Each board member noted they have not had any communication with Christian McCauley or his representatives. Lachenal will reply to the email.

Koopmann noted that there are 3 flags on the Area 51 building and 10 along Route 9 in the right of way.

McKeon noted that the Selectboard has been speaking with Mike Cersosimo regarding the McKenna Way development. There are two bonds on for the ravine and one for the road construction. The bonds are tied together by wording from the Planning Board. McKeon noted that the Selectboard was about to release the construction bond on the ravine which would also allow them to release the bond on the road, when a problem arose with the ravine. McKeon noted that the issue with the ravine is being dealt with, but the Board of Selectmen would like to release the road bond so the process of acceptance of the road may move forward. The board of Selectmen would like the Planning Board to allow them to separate the road bonding from the ravine bonding so they may release the road bond, but keep the ravine bond.

Davis Peach moves to separate the road and ravine bonding on McKenna Way. The motion was seconded by Rolland Vollbehr and passed by majority. (Abstain: Parisi)

Items for Signature

Minutes – May 1, 2017

Adjournment

Davis Peach moves to adjourn at 11:12. Joe Parisi seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM June 19, 2017

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date