

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, September 18, 2017

Present: James Corliss, John Pieper, Joe Brodbine, John Koopmann, Rolland Vollbehr, Davis Peach, Joe Parisi and Norm Van Cor

Call to Order

James Corliss called the meeting to order at 7:03

Seat Alternates

Norm Van Cor was seated in place of Jon McKeon as the Selectmen representative

Review of the Minutes

August 21, 2017

John Koopmann motioned to accept the minutes amended from August 21, 2017. The motion was seconded by Joe Brodbine and passed unanimously.

Appointments

Christian D. McCauley & Namaschaug Landing Association – This is a continuation of 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 written request from Brickstone Land Use Consultants asking for a continuance to the first meeting in January 2018.

Lachenal noted that the applicant is willing to re-notice all abutters at their expense since they are asking for such a long continuance.

Davis Peach moves to continue the Christian D. McCauley & Namaschaug Landing Association hearing to January 8, 2018 at 7:30 at the Town Office building. Rolland Vollbehr seconds the motion.

James Corliss moves to amend the motion to include additional notice to abutters. Peach accepts the amendment, Rolland Vollbehr seconds the amendment which passes unanimously.

The full motion passes unanimously.

The hearing is continued to January 8, 2017 at 7:30 in the Town Office building. Lachenal will coordinate with the applicant to have the abutters notified.

Mark Lanoue – This is a continuation of an application for a Major Site Plan Review of property located at 1763 Route 9 (Map 10A, Lot A5) consisting of approximately 4.17 acres in the office/retail/services district.

Ron Bell provided the board with one copy of new plans. The plans include sheet 1, 2 & 3. Sheet 1 & 2 have a revision date of 9/15/17 and Sheet 3 has a revision date of 7/10/17.

Bell noted that there were some changes from last time. He noted that the magenta line is still the top of the existing fill slope pulling that back to 3-1. Bell noted the east side comes back 20 feet or so. Bell stated that a swale was added to the east so that all storm water gets captured. Bell noted that once he changed things there was a fair amount of runoff so he did add a detention pond which will push the proposed tree line north. Bell stated that all of the water in the 50 year storm would be handled by the pond. Bell noted that the plan now shows that the emergency vehicles are able to sweep around the building. Bell noted that he added the doors to the showroom of Manny's and one for the Auto sales as well as the rear doors to the plan. The 2 propane tanks and the jersey barrier were also added. The storage container (utilized by Manny's) has been moved behind the gravel parking and a sidewalk has been added. Bell stated that there is not much known about the septic, but the plans do show a grassed area leach field which will be seeded and loamed. Bell noted that the swale should be located outside of the setback and he will put a curb by the parking so that the water will drain to the North. Bell noted he will make those changes to the plans.

Bell noted that a lighting survey was done by Granite City Electric and they noted that all lights are cut off and they do not go out any further than 20 feet from the building in either direction. The board was provided with 3 cut sheets for the lights. Lanoue provided the board with a new proposed sign. Bell noted that there was a bit of gravel parking added because some was lost due to the access for the storage and the dumpster. Bell noted that the regulations indicate a need for 21 total parking spaces but there are 11 proposed on the plan. The board was provided a written request for a waiver. Corliss noted that the letter was not specifically a request for a waiver and it does not address the whole site. Bell noted that the requirement was for Lanoue to have 4 spaces and there is a letter from Mannys to indicating their need for 6. There was discussion regarding the need for more than 21 spaces according to the regulations. (Zoning Regulation 400) It was noted that the calculations made by Bell were incorrect. The applicant was informed that any waiver request for the required parking would have to go before the Zoning Board of Adjustment as the Planning Board cannot grant waivers from Zoning Regulations.

Koopmann stated that on earlier drawings there was a key that indicated what the different colors were referring to, but this plan does not include that key. Bell noted that the magenta line is the existing edge of the area that was filled and the blue line is the edge after re-grading. Van Cor asked if Bell had mentioned moving that line due to the setback. Bell noted that the fill line would not change, but the drainage should not be in the setback and that will move it over on the next plan. Van Cor asked if the plan was to leave the fill in the setback. Bell indicated that was the plan and that they might add additional customer parking where the fill is and then they would not need to get zoning approval on parking. Corliss noted that at the last meeting he was asked to get a definition of what a structure was and a copy of his conclusion was handed out to the applicant. Van Cor noted that fill is a structure. Bell noted that he does not read it that way. Corliss noted that fill is a structure when you place it somewhere to create something new. Corliss noted that you have to look at post development v. pre development and pre is before the fill was onsite. Van Cor noted that fill by definition is a structure as it is supporting the parking lot. Van Cor noted that without the fill, the parking lot could not exist and therefore it is a structure and therefore needs to be removed from the setback. Parisi noted that he believes he agrees with the conclusion from Corliss. He asked if the fill was not supporting the parking area, would it still be considered a structure. Corliss noted

that he did not address that issue in his email. Parisi noted he does agree with the conclusion as long as it is not expanded. Brodbine noted he agrees with Parisi. Peach noted that he was not present at the last meeting, but has a hard time wrapping his head around how dirt is considered a structure. Vollbehr agrees with the conclusion provided by Corliss. Koopmann noted he strongly agrees that the dirt becomes a structure when it supports a structure. Pieper noted that he agrees with Peach and the idea of dirt being considered a structure leaves him aghast.

Corliss noted that the hope is that the board will receive a plan that will get to where it meets the town requirements and then the board can compare the overall change on the property. Corliss noted that he does not see the point in comparing them as we go along as the plans keep changing. Bell asked which town regulations. Corliss noted that the post development must meet all of the regulations. Parisi noted that Corliss has indicated that the fill that was put in, which is not going to be used as parking was done inappropriately, so even with the changes they will still have an issue. Parisi noted that they are going to put in a curb, but that will be over the filled area. Bell noted that would be out of the side setback. Koopmann noted that the last plan showed the difference between the top of the fill site and the base of the fill site measured at 14 feet, but when Van Cor went out and measured he got 27 feet. Koopmann noted that there is a disparity in the elevation numbers and the drawing will change substantially when it is fixed. Bell noted that his instruments do not make mistakes, but he will recheck the numbers.

Corliss noted that there are a few other things on his list from previous meetings. There does not appear to be a loading/unloading zone. There is no snow storage area shown on the plan. The board was provided an application that was filed with the code enforcement office on the water storage tank. Lanoue provided the board with information on the tank. Lanoue noted that the septic plan in the Town property file is not the plan that goes with his property and he could not locate anything on the State site.

Koopmann noted that the proposed detention pond is going to be 40-60 feet north of the current edge of the fill and that will require more tree cutting about another 100 feet back. Pieper noted that the plan given to the Zoning Board of Adjustment included a right of way to PSNH which is not on the current drawings. Lanoue indicated that the right of way no longer exists. Pieper noted that the scale on the drawing is inconsistent. Bell indicated it is a 30 scale drawing.

The meeting was opened to the public.

Ken Walton noted that the applicant has stated the fill is clean. Walton would like to know what the Town definition of clean is and how the board knows the fill on the property complies. Corliss noted that the board is trying to get a post development plan that meets town regulations and then they can look at it and compare it to pre-existing site. Walton noted that Corliss did not answer his question which was how do we know the fill is clean. Walton noted he is concerned about environmental problems with the fill as well as the impact of cutting more trees from the property. Walton noted he is hoping those issues will be addressed. Lanoue noted that 99% of the fill came from the exit 3 project. Lanoue noted that anyone that tried to dump fill that had stumps were turned away. Lanoue noted he made sure the fill was clean. Van Cor noted that several board members have visited the site and made observations of plastic pipe, clay like substance and cut up tires in the fill. Jeff Scott noted that the last meeting Mr. Lanoue noted he was out of the country when the fill was left at the site, and therefore he could not have made sure it was clean. Lanoue indicated he was in Europe when some fill was left and it was all visible when he returned. Corliss noted that it is unusual for that much fill to be brought in when not part of an approved plan. Lanoue noted that he spoke with Chet Greenwood who was the Code Enforcement Officer at the time and he indicated that there was no permit required and to go ahead and bring the fill in. Corliss noted that Greenwood does not approve site plans. Lanoue noted that he is now aware, but believed the town official.

Bell noted he will make more changes to the plans and bring them back before the board. Bell requested to be on the agenda for October 16th to have enough time to prepare.

Davis Peach moves to continue the Mark Lanoue hearing to October 16, 2017 at 7:30 at the Town Office Building. The motion was seconded by Rolland Vollbehr and passed unanimously.

Items for Discussion

Rod Parsons – ADU – Kalichs 16 N. Shore Road

Rod Parsons (Town of Chesterfield Code Enforcement) presented the application. Parsons provided a narrative (with photos) which took a line by line approach to the ordinances. Parsons noted that in 1996 guest quarters were added over the garage and those areas are being titled ADU. The Kalichs received a certificate of occupancy for the space and the condition has remained. Parsons noted that on his site visit, he observed that the ADU has a separate egress and a secondary egress into the primary residence. Parsons stated that the existing structure satisfies current codes. It was noted that there was a review of the septic conditions included in the package. Parsons noted that he had received some questions regarding the septic system only being reviewed for size. The applicant had an inspection done (above and beyond the requirement of the ordinance) and it was found that all of the components are in good condition. The leach field was found to be in poor condition, subject to failure in 3 years. Parsons noted that although it is not currently in failure, the applicant has hired Bassler to replace the existing leach field. Corliss noted that the review of the septic system on June 30th only talked about tank size and review of the system should talk about tank and field size. Parsons noted that a designer stating that the tank is done, implies that the field goes with that. Corliss noted that in the future, maybe the state certification could be included in the package. Parsons noted that he believes all ordinances have been met and satisfied.

John Koopmann moves to approve the Accessory Dwelling Unit proposal as presented. The motion was seconded by Davis Peach and passed unanimously.

Conceptual Consultation – Bruce Beach – BLA Tax Map 8-A-4, 8-A-5, 8-A-6 & 8-A-7.

No minutes were taken as conceptual consultations are non-binding on either party.

Conceptual Consultation – Helaine Iris – BLA

No minutes were taken as conceptual consultations are non-binding on either party.

Items for Information

PB website should be updated

Norm VanCor noted that at the last selectbord meeting Elaine Croteau was present to update the board on the SWRPC and submitted her resignation. It was noted that Croteau recommended to SWRPC that Davis Peach be on the board of directors. Peach noted that he has attended a meeting with them before, and did not feel qualified, but would be willing to serve if asked.

Davis Peach asked about the Spofford lake committee survey. Norm VanCor noted that it went well and there were questions answered. VanCor noted that good data was received.

Other Business

Items for Signature

Minutes 8/7/17

Adjournment

Davis Peach moves to adjourn at 10:27. Rolland Vollbehr seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM October 2, 2017

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date