

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, December 18 2017**

**Present:** Joe Brodbine, Rolland Vollbehr, Joe Parisi, James Corliss, Davis Peach, Jon McKeon (7:25), John Pieper

**Call to Order**

James Corliss called the meeting to order at 7:06

**Seat Alternates**

John Pieper was seated in place of John Koopmann

Norm VanCor in place of Jon McKeon (McKeon here at 7:25 and took his seat) (McKeon recused himself from the Lanoue application at 7:43 and resumed his seat after the application)

Jon McKeon swore in Rolland Vollbehr and James Corliss for another 3 year term.

**Review of the Minutes**

December 4, 2017

VanCor noted that the minutes are short and do not contain a lot of information that was mentioned at the meeting. Parisi noted that he noticed nothing in error, but there is a lack of information. Peach noted he is fine with the minutes. Vollbehr noted he his fine with the minutes. Brodbine noted that his name is spelled wrong and he recommends the tape be reviewed and the minutes recreated. Brodbine noted that the numbers provided do not equal a 1:1 slope. Pieper noted that he did not have a chance to review the minutes. Corliss noted he would like to see the minutes captured better.

*Davis Peach moves to have a couple members of the board review the tapes and meet with the secretary to work to get more informative minutes. The motion was seconded by Rolland Vollbehr.*

Discussion: VanCor noted that if the Planning Board creates a subcommittee, they will need to notice the meeting and take minutes as well.

Peach withdrew his motion.

*Davis Peach moves that Lachenal get with Lafontaine and review the minutes and come up with a satisfactory draft for the board. Brodbine seconds the motion which passes.*

**Appointments**

**Nite Owl Real Estate Holdings, LLC** – A public hearing to review and vote on amending the official zoning map of the Town of Chesterfield for 22 Glebe Road, Map 7, Lot G0001-0000 from Residential to Commercial/Industrial.

Corliss noted that at the last meeting the board scheduled a public hearing for this meeting knowing that a petition would be forthcoming. Corliss noted that reading the RSA, the petition period is 120-90 days prior to Town Meeting and we are at 89 days. Corliss noted it goes on to say at its first

regular meeting after the petition period, the meeting will be set. Corliss noted that this meeting was noticed correctly and we will continue with the hearing on the petition.

Corliss read the petition to the board:

### **Petition to Amend the Official Zoning Map of the Town of Chesterfield**

Amending the present zoning status of property described as map 00007, Lot G0001-0000 located at 22 Glebe Road in the village of Spofford, Town of Chesterfield. The amendment would change the present zone status from Residential and to Commercial/Industrial District.

Parisi noted that right now the property is zoned Residential and the current use is retail not industrial. Parisi noted that it would seem that they could go to ORS instead of Commercial/Industrial and satisfy the intent. Parisi noted that an industrial entity would not fit well there or go with the surrounding properties.

It was noted that the board is being asked to review and recommend or not recommend the petition.

*Davis Peach moves that the Planning Board recommend the following petition to amend the official zoning map of the Town of Chesterfield. The motion was seconded by Joe Brodbine.*

**Petition to Amend the Official Zoning Map of the Town of Chesterfield: The parcel (Map 7, Lot G1), located at 22 Glebe Road in the village of Spofford, Town of Chesterfield. This lot is currently zoned Residential. Petitioners are requesting that the lot be zoned Commercial/Industrial.**

Jeff Scott noted that he would like the petitioner to come back with Office/Retail not Commercial Industrial. Corliss noted that the board only has the ability to recommend or not recommend the petition and it is too late for the Town to receive any additional petitions.

*The motion passed by Majority. (No: Parisi, McKeon)*

**Mark Lanoue** – This is a continuation of a hearing on 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.

Jon McKeon recused himself from the application, yielding his seat to Norm VanCor. (7:42)  
Dave Bergeron, Mark Lanoue and Steve Bonnette were present.

Dave Bergeron gave out a new set of plans with a revision date of 12/18/17 on every page except Sheet 3A, which will be updated with the correct revision date.

Bergeron noted that at the last meeting, he spoke about the possibility of adding a 50 foot strip of land on the eastern boundary. The applicant does have an agreement to purchase the 50 feet from the abutter. Bergeron noted that this will give them a buffer between the abutting property and now the setback line is not an issue as the setback line will be at the edge of the fill. Bergeron noted that is the only major change on these plans. Bergeron noted that there are a few smaller changes on the plan such as the grading has been cleaned up, changing the retention pond a bit due to some ledge that was located on the property. The pond was shifted a bit, but is basically the same size and volume. Bergeron noted that they added a double row of landscaping, and shifted the parking out a bit. Bergeron noted that they moved the drainage ditch and swale out so that it cuts off all the water

before going over the edge. Landscaping was added around the sign out front and the sign will be replaced.

Corliss asked about the current tree line on the plan. Bergeron noted that they do not intend to cut anymore. Corliss asked if that was captured anywhere on the plan, that the tree line will remain. Bergeron noted that they are not intending on cutting anymore trees, but are not officially classifying it as a buffer.

Parisi noted that the soils engineers report stated that he felt the fill would be more than sufficient to support a gravel parking lot, but given this plan and the longevity beyond the current board, is a note on the plan appropriate limiting the use to a gravel parking lot unless and until further analysis is done. Bergeron noted that a note would not be a bad idea as if a building was proposed in the future, it would require another review. Bergeron noted that he has no objection to a note on the plan asking for further soils investigation if a building is proposed to be placed on that area.

Brodline noted that at the last meeting there was discussion regarding the pipe to the leach field and he is concerned about cars parking in that area. Bergeron noted that the best solution would be a split rail fence. It was noted that fill will be moved around the site removing it from some places and filling it in to make the slopes a bit more stable all the way around. Vollbehr noted that he would like to see more beautification in the front of the building. Bergeron noted that some has been added.

Jeff Scott asked if the black dots on the plan represent plantings. Bergeron noted that yes, there are 16 emerald green arborvitaes which will grow to about 4-5 feet and will be planted in 2 rows staggered. Jeff Scott asked if there was going to be fencing along the parking area on the right side to delineate parking. Bergeron noted that was not planned. Jeff Scott noted that he thought it was important because they are limited to a number of parking spaces and therefore they should be delineated. Bergeron noted that the spaces he is referring to are not customer parking, they are display parking and therefore will be moved in and out quite frequently. Barbara Girs noted that the purchase of the additional 50 feet is residential and asked what difference that made. Corliss noted that he has not seen a boundary line adjustment yet, but noted that if there is one that moves the boundary of that lot, the 50 feet would go from residential to ORS. Barbara Girs asked if the board would be making a decision on the plan if there is no proof of purchase. Corliss noted that the board could conditionally approve it and make that a condition. Jon McKeon (public) noted that it sounded to him like Corliss indicated that the 50 foot purchase would move the district boundary which is incorrect. McKeon noted he liked the boards thoughts on the tree line and would also like to see something on the plan. McKeon noted that at the last meeting, some of the board was upset about the landscaping out front of the building and he would suggest that a landscape architect design something that would fit the area and the desires of the property owner. Corliss noted that he would like McKeon to expand on his comment regarding the purchase of the 50 feet of property. McKeon noted that just because you purchase property beside your lot, does not mean that the zoning border moves. McKeon suggested the board get legal opinion on that topic. Bergeron noted that it splits the lot and leaves some of it ORS and some Residential. Bergeron noted that this does not affect this lot because nothing is happening in that 50 feet.

Parisi noted that there was a question previously about the handicap spaces at the front of the buildings, asking if there are no markings and no documentation on past site plans. Bergeron stated that he spent a couple hours with Lachenal looking at old plans and files and was unable to find a plan that indicated delineation of parking spaces.

Pieper asked who the current licensed engineer is on the plans. Bergeron indicated that Ron Bell is and Brickstone works on the plans with him. Bergeron noted that all changes are reviewed with Bell.

Corliss closed the public portion of the hearing for board discussion noting that the public portion may be re-opened and the hearing may be continued to a later date later in the meeting.

Corliss noted that he would like to see the new eastern buffer maintained as a buffer or called limited disturbance on the plan and would like a note regarding the gravel parking area only for parking due to the uncertainty of compaction.

VanCor noted that his understanding is that the addition of the 50 feet changes the entire application and would require an application for a lot line adjustment. VanCor noted that the new application would require action, prior to this application being approved. Corliss noted that that Planning Board could put that as a condition of approval and go ahead with this application. It was noted that a lot line adjustment application would be a separate hearing with notification to the abutters and the public.

Parisi noted that he still has a question regarding the handicap spots being located in the setback. Parisi noted that one side is that they have never been approved parking spaces and the other side is that they are pre-existing. Parisi noted that if the question does not get answered, he finds it inappropriate to have them located in the setback. Vollbehr noted that historically there have been parking spaces there. Brodbine noted that the parking spaces have always been there and there is 20 feet of building in the setback. Peach noted he would like to accept what is there now and document it now. A poll of the board was taken to see if the board is willing to accept the parking spaces as drawn and the consensus was that they are willing to accept them as they are drawn.

Peach noted that he is fine with the plan the way it is with the inclusion of a few conditions. Peach noted that there has not been much public input, and we have heard the comments that have been made.

Vollbehr noted that he does want the note for no more disturbance on the 50 foot addition, he would like to see the property in front of the building beautified with low shrubs and/or bushes. Vollbehr noted that prior to the removal of the shrubs it looked very different.

Brodbine noted he would like a note leaving the 50 foot addition undisturbed, he would also like to see a fence divider over the leach pipe and is neutral on the landscaping in front of the building. Corliss noted that at least 2 members of the board have expressed an interest in more/different landscaping. VanCor noted that landscaping is important and it is this boards job to address it. VanCor stated he has received several complaints from residents about the landscaping around town. VanCor noted that there should be a requirement that landscaping is done by a professional to assure it is long lasting and beautiful. Peach noted that balance is important in as too much screening will hide the business. Brodbine noted that landscaping in front of the building may be appropriate, but not screening. Parisi noted that we should not impose on this applicant any more or less than we have any other applicant. Parisi noted he is fine with the landscaping the way it is on the plan. Brodbine noted that landscaping should be there, but it should not be a requirement. Corliss polled the board regarding having a landscaping condition: the majority of the board is not in favor.

Corliss opened the meeting back up to the public for final comments.

McKeon noted that he is shocked that the Planning Board would allow something that is against a zoning ordinance to go through. (Parking) McKeon noted that each application needs to be looked at independently of any other application. McKeon noted that the board has turned a blind eye to landscaping, but it should not continue to do so. McKeon noted that landscaping is cheap and very important to the Town. McKeon noted that he would like to remind the board that we are here because the applicant did 90% of the work to the site without permission. McKeon noted that regulations say "shall" when speaking of landscaping.

Jeff Scott noted that if it does say shall "if not now, when".

Bergeron suggested a condition on the plan for the gravel parking area to state that the new gravel area is for parking only and shall not be paved unless the soils are reviewed and approved by a soils engineer. Bergeron noted that leaves it apparent to the next board that this board is not limiting it unless the compaction cannot carry the load. Bergeron noted that the 2 spaces located in the setback are only located there because somewhere along the way, route 9 was changed by the state. They widened the road, therefore pushing the setbacks back. Bergeron noted that that the parking spaces (and building) were not there illegally and that is why there is no variance or plan.

Lanoue noted that he grew up in the landscaping business and when the site work is complete, it will look beautiful. He invited the board to take a ride down North Shore Road and look at the landscaping at his house.

Bergeron noted that if the board wanted some additional landscaping, the applicant is willing to add it to the plan. Bergeron drew a sketch on Sheet 3 indicating some additional landscaping. Bergeron noted they will add some greenery and 10-12 shrubs and perennials in the bed in the front of the building.

VanCor noted that the whole point was not for flowers and shrubs, but to have a landscape architect come in and suggest native species that fit in with the topography.

Bonnette noted that he would like to point out that in a board poll, the majority of the board was not in favor of a condition regarding the landscaping, but the applicant has stepped up and come forward with what he will do, and the board is now talking about hiring an expert again. Bonnette noted that the poll of the board was clear that a landscape condition is not wanted by a majority of the board.

McKeon noted that the board has an obligation to address the landscaping.

The board reviewed the regulations and VanCor noted that "shall" is used several times in the regulation. Parisi noted that he believes the board members that are ok with the landscaping as proposed are fulfilling the "shall" responsibility. Parisi noted that there is a landscaping plan and the majority of the board is happy with the plan as presented.

*Joe Brodbine moves to CONDITIONALLY APPROVE the Mark Lanoue 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 with the following conditions:*

*The east side 50 feet remain undisturbed.*

*The new gravel area for parking only and to remain unpaved due to uncertainty of compaction.*

*Lot line adjustment filed at the registry.*

*Perennials added down the front of the building along with 12 shrubs evergreen and deciduous per sketch.*

*Fence added to prevent vehicles from driving on the leach field.*

*The motion was seconded by Davis Peach*

Discussion: Parisi asked if there were any State reviews or licenses pending. Bergeron noted there are not. It was noted that the sign information had not changed. Corliss reviewed the most recent sign information and signed and dated the paper. VanCor asked if the board would consider waiting to get a complete set of plans with all the changes. The board noted that conditional approvals happen all the time and the plans will not be signed until all items are checked.

*The motion passed by majority, (No: Norm)*

## **Items for Discussion**

Petition to amend the Permitted uses in Section 203.2 of the Zoning Regulations of the Town of Chesterfield Nh, change “O. Accessory uses customarily incidental to the above” to letter P and add letter O. Museums.

The petition was read by Corliss. The board looked up the Zoning Regulation 203.2. The hearing on this petition will be held on January 8, 2017 in the Town Office Building at 7:30.

January Meeting Schedule

The Planning Board meetings in January will be on January 8 and January 22, 2018.

**Items for Information**

McKeon noted that Lachenal will be sending out a letter requesting items that the board would like to see NH municipal association focus on. The Selectboard will be having them come to us for a seminar for Zoning and Planning. McKeon noted that the Selectboard will be pushing harder for board members to attend seminars throughout the year.

Corliss noted that he has received two requests as the Chairman of the board, forwarded by Lachenal, to produce records and information. Corliss noted he wrote a general letter about what he can do outside a meeting. Corliss noted that the request includes a request for legal advice. McKeon noted that the Town needs to have the records available to view, not research the information for them. McKeon noted that as a Town, we do not have a practice of copying records and sending them out. The person requesting the information can go to the Town Offices and get copies at 50 cents a page. McKeon noted that attorney client information that has not been discussed at a public meeting can remain sealed and not open for public inspection.

**Other Business**

**Items for Signature**

Meeting minutes – November 20, 2017  
Site Visit Minutes - November 30, 2017

**Adjournment**

*Joe Parisi moves to adjourn at 10:01 The motion was seconded by Rolland and passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM January 8, 2018

Respectfully Submitted by:

**Patricia Lachenal**  
**Planning Board Secretary**

Approved by:

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**James Corliss, Chairman**

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**Date**