

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, March 5, 2018**

**Present:** Joe Brodbine, Joe Parisi, James Corliss, Davis Peach, Rolland Vollbehr Jon McKeon (via Skype), and John Pieper.

**Call to Order**

James Corliss called the meeting to order at 7:04

**Seat Alternates**

John Pieper was seated in place of John Koopmann

Jon McKeon requested to join the meeting via Skype. He is unable to join the meeting due to distance. He is alone.

*Davis Peach moves to allow McKeon to attend meeting via Skype. Rolland Vollbehr seconds the motion which passes.*

**Review of the Minutes**

February 5, 2018

*John Pieper moves to approve the minutes from the February 5, 2018 meeting as amended. The motion was seconded by Rolland Vollbehr and passed unanimously.*

**Appointments**

**Items for Discussion**

Steve Pro - Conceptual Consultation - Property on Route 63

Steve Pro was present for a conceptual consultation with the board. It was noted that the information given for the agenda was incorrect. The property is located on Route 9, not Route 63. Mr. Pro was reminded that conceptual consultations are non-binding on either party and detailed minutes are not recorded.

Mr. Pro stated he is looking at property on Route 9 which is classified as PDD#4. Pro was inquiring if and how he would be allowed to move his business, Septic Pro to this location.

Andersen - Conditions met

Attorney Tom Hanna was present to represent the applicant.

Hanna noted that the Planning Board issued a Conditional Approval on June 5, 2017, the decision was appealed by Donahue and by order on November 22, 2017 the court ratified the decision made by the Planning Board. Hanna noted that he provided Lachenal with a letter and copies of plans to

distribute to the board. Hanna noted that he is present to show the new plans and go over the changes.

Hanna noted that the applicant is in a bit of a catch 22 situation as the Attorney General's office needs a signed plan in order to approve the condominium documents. Hanna noted that it has been his experience that conditions for approval come in two forms, some precedent and then some that come later.

The board reviewed the plans submitted by Hanna. There are three sheets. Sheet one has a revision date of 8/8/2017, sheet 2 has a revision date of 6/6/2017 and sheet 3 has a revision date of 8/8/2017.

Corliss read the first condition of approval

- 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.

Hanna noted that sheet 2 in the Northeast corner next to the Donahue property is currently pavement and it will all be removed as shown on the plan. He stated that the area around the dumpster and under it will be pervious pavers and the entrance to the dumpster area will be from the South. Hanna noted there will be a fence around the dumpster.

*Davis Peach moves that the first condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Joe Parisi and passed unanimously.*

Corliss read the second condition of approval:

- 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.

Hanna pointed out the catchment areas (Sheet 2). Parisi noted that the condition states it would be based on a recommendation by DES. Hanna noted that they did receive a recommendation early on in the process and the board was provided a copy of that information. McKeon noted that he does recall the recommendation from DES and is looking for that information now.

The board will come back to this condition.

Corliss read the third condition of approval:

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

Hanna noted this was shown on the plan.

*Rolland Vollbehr moves that the third condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Davis Peach and passed unanimously.*

Corliss read the fourth condition of approval:

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

Hanna read (Sheet 1) note 8: "Site Plan note: Remove loam, provide 12" free draining sandy gravel surface (7 spaces) or up to 2 boat trailers"

*Rolland Vollbehr moves that the fourth condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Joe Brodbine and passed unanimously.*

Corliss read the fifth condition of approval:

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

Hanna read (Sheet 1) a note on the plan locating the outdoor shower and indicating it will be removed.

*Joe Brodbine moves that the fifth condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Rolland Vollbehr and passed unanimously*

Corliss read the sixth condition of approval:

- 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.

Hanna noted that he has provided the board with a little sketch previously, and the only changes were to add the preparers information and the revision dates along with changing the proposed balsams for hemlocks. Corliss noted that the sketch will need to be transferred to a document that will be signed by the board. Hanna noted that the plans need to get signed and submitted to the Attorney Generals office prior to the 23<sup>rd</sup> of March. Hanna noted he will do whatever is required. Corliss noted that the site plan is three pages and this sketch needs to be incorporated into that somehow. Hanna noted he will add it to sheet 2 and bring in the replacement pages.

McKeon noted that he emailed the information to Parisi on the second condition. Parisi noted that he found that email already, but the email predates the decision and therefore he would assume there would be another one. McKeon noted that we did go back and ask them again and there was an additional letter which included blueberry bushes.

*Jon McKeon moves that the second condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Rolland Vollbehr.*

Discussion: Parisi noted that he located an email from Koopmann to Lachenal, but it contains a chart and not any specific recommendations. Parisi noted he could not accept the condition as met if he did not have all of the information.

*Joe Brodbine moves the question. The motion was seconded by Rolland Vollbehr and passed by majority.*

*The motion passes by majority with Parisi abstaining.*

Corliss read the seventh condition of approval:

- 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.

Hanna noted that Sheet 1 includes a chart indicating the maximum occupancy of the cottages.

*Joe Brodbine moves that the seventh condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Rolland Vollbehr and passed unanimously*

Corliss read the eighth condition of approval:

- 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.

Hanna noted that Sheet 1, note 11 indicates there will be no more than one washing machine and one dryer in the storage garage.

*Joe Brodbine moves that the eighth condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Davis Peach and passed unanimously*

Corliss read the ninth condition of approval:

- The 4" PVC pipe on the lake side of Route 9A near the easterly boundary of the beach shall be removed.

McKeon noted that the pipe was located on the plan down toward the shoreline and is no longer on the plan.

*Davis Peach moves that the ninth condition on the Conditional Approval dated June 5, 2017, for The Site Development Review and Condominium conversion for Andersen NH, LLC has been met. The motion was seconded by Rolland Vollbehr and passed unanimously*

Corliss read the tenth, eleventh and twelfth conditions of approval:

- 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

Hanna noted that all three have been applied for and are pending. Hanna noted that the AG's office has indicated that all documents are fine, with the exception of needing the subdivision approval from DES and the signed plans from the Planning Board. Those items are what is needed prior to the approval for the condominium conversion.

Corliss noted that those items are generally expected to be conditions after. Corliss noted that there was still a question on the sixth condition. Corliss noted that he believes that the last three could be incorporated into a final approval and met after the signing of the plans. Hanna noted that he will change sheet 2 incorporating the sketch as required by the sixth condition and drop them off.

*Brodbine moved that the board authorize the Chairman to sign the plans when the modifications are made incorporating the sketch onto the plans. The motion was seconded by Rolland Vollbehr.*

Discussion:

Corliss noted that he would like to make a final approval that includes condition 10, 11 and 12.

McKeon noted that he could send a note to code enforcement instructing him not to provide a building permit until the condominium paperwork is received. Parisi asked if the planning board procedures require that all planning board members sign the top sheet of the site plan. Corliss noted that it is not in our rules of procedure that every member has to sign the plans.

*Davis Peach moved the question. Seconded by Rolland Vollbehr and passed by majority.*

*The motion was called and passed by majority with Parisi abstaining.*

*James Corliss moves for Final Approval of the Andersen LLC Site Development Review and Condominium conversion with the following conditions:*

- 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 Davis Peach .*

Discussion: Parisi noted that if the board votes yes on this, the motion on condition six is moot.

Pieper noted that we have another meeting in 2 weeks and could all sign the plans at that time.

*Davis Peach called the question. The motion was seconded by John Pieper and passed by majority with Parisi abstaining.*

*The motion passed by majority. (Parisi: No)*

Corliss noted that there will be a final approval issued and the plans will be signed when delivered to Lachenal after the sixth condition is met.

#### Lanoue ZBA Appeal questions/comments

Corliss noted that most members know that the Selectboard is appealing the Planning Board decision on the Lanoue property on Route 9. Corliss noted that the Selectboard appealed the decision to the Zoning Board of Adjustment, the Planning Board responded in writing. Corliss noted that the ZBA was not able to get through the entire hearing. The Selectboard took 15 minutes to make their presentation adding one or two items that were not included in the original paperwork. The hearing has been continued to March 13, 2018. Corliss noted that he did write a letter to the

Selectboard indicating his belief that all of their arguments were rebutted and concern about some of the ZBA new members being overwhelmed by a case of this nature. Peach noted that the Planning Board received a copy of the letter. Parisi noted that he was surprised and frustrated at some of the arguments made by Norm on behalf of the Selectboard. Parisi noted that 1/3 of the presentation was spent on alleging that the Planning Board was improper with which type of arborvitae to put on the plan. Parisi noted that this kind of complaint is nowhere near justification for an appeal and is wondering about the real root cause of the appeal. Corliss noted that the Zoning Board response seemed like they had very little interest and seemed more interested in discussing what they approved in their drawing and how different it was than what was approved. Corliss noted that they did not seem to have any in depth knowledge of their notice of decision. Peach noted that he believes that the Planning Board made their decision and now are out of it. Peach stated that the Selectboard has the right to appeal and he stated he is having a hard time listening to the Planning Board members pick apart the Zoning Board process and what Norm stated at the meeting. Brodbine noted that he was disturbed by the fact that the ZBA were upset the approved plan was not the same plan presented to them at their meeting. Brodbine asked if that meant going forward the Planning Board cannot request any changes to plans that have gone through the ZBA. Corliss noted that the Zoning Board does not approve plans. Corliss noted that he has had procedural discussions with the Chairman of the Zoning Board and it appears that there will be better communication between the boards now. McKeon noted that the Planning Board cannot expand beyond the parameters of the variance as it was granted. McKeon noted that the Selectboard has presented their point of view and the motive behind it was not to say that the Planning Board has made a bad decision, but the Selectboard believes there was an error made and believed it should be hashed out in Town and not outside of Town.

Corliss noted that he believes that the Planning and Zoning Boards will be able to have joint meetings in the future. Brodbine noted that in order to have joint meetings, there needs to be rules of procedure in place. Corliss noted that the boards can hold a public meeting to discuss the rules of procedure, any joint hearings would have to be after the rules of procedure are in place. Peach noted that he would give the ZBA at least 6 months to get familiar with their own board and procedures before attempting to have a joint meeting.

#### Questions/Comments on NHMA Seminars

Corliss noted that there were more Planning Board members present at the Zoning Board meeting than ZBA members. Parisi asked if there were any materials. Lachenal will scan the information and email to Parisi. McKeon noted that the Selectboard is very happy with the attendance of the Planning Board members. Peach noted that he would like the board to talk about mandatory conceptual consultations. Brodbine noted that the board needs to make one small procedural change in its process. Corliss noted that we cannot accept a plan outside a public hearing. Corliss noted that the board can review a plan for completeness, but then must officially accept it at the public hearing. Corliss noted that the applicant can be present at the review for completeness. The board will hold the review for completeness and vote to schedule it for a public hearing going forward.

#### **Items for Information**

John Pieper noted that the solar group has decided to drop the Stage Road and Route 63 site and move forward looking for other sites. Pieper provided a letter to the board. Lachenal will email the letter to the board.

#### **Other Business**

**Items for Signature**

Meeting minutes – January 22, 2018

**Adjournment**

*Davis Peach moves to adjourn at 9:02. The motion was seconded by Rolland Vollbehr and passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM March 19, 2018

Respectfully Submitted by:

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

Approved by:

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**James Corliss, Chairman**

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**Date**