

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
Monday, April 20, 2020

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-929-205-6009 and password 93481243245 or by going to the following website address:

<https://zoom.us/j/93481243245>

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <https://chesterfield.nh.gov/>.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 603-499-6534 or email at: tricia.lachenal@nhchesterfield.com.

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

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

Call to Order

James Corliss called the meeting to order at 7:00 PM.

Jon McKeon noted he was appointed by the BOS on Wednesday to take Davis Peach's open seat. Jeanny Aldrich noted that she is the new Selectboard Representative.

Seat Alternates

Review of the Minutes

April 6, 2020

Joe Brobine moved to approve the minutes from the April 6, 2020 meeting as amended. The motion was seconded by Rolland Vollbehr and passed with one abstention by roll call vote.

Appointments

Pine Grove Springs Country Club, Inc. – An application for a Major Subdivision for property located at NH Route 9A (Map 5K B8 and Map 5N B9.1) consisting of approximately 93 acres in the Residential zone.

Corliss noted that Panciocco wrote to the board expressing her impatience with the time the application is taking. Corliss noted that he wanted to note that the Planning Board has not had a full plan for very long and with the emergency order, all deadlines for the Planning Board are suspended. Corliss noted that the 3rd party review is complete and he did not receive that until Thursday night and it went out to the board and the applicant on Friday at some point. Corliss noted that is not a lot of time to deal with the report. Corliss noted that he felt it was pretty complete and felt they raised some issues that needed to be addressed in the documentation. McKeon noted that he believes the report gets the board what they asked for and the board should look at the suggestions and come to a consensus about what needs to be changed or added. Koopmann stated that previously there was some opposition to the 3rd party reviewer that was selected because of a perceived conflict because of their previous relationship with the Spofford Lake Association study. Koopmann noted that there we have all documents and plans provided by the applicants specialists that are also employees and now the 3rd party reviewer only looked at those reports and did not include any physical visit of the site. Koopmann noted that he has an issue with that. This is a comparable conflict of interest that the applicant previously objected to. Koopmann noted that the board previously trusted the applicants representative regarding the Boundary Line Adjustment and it was found out later that the board approved something it should not have approved. The proposed merger was illegal according to Town Regulations. Parisi noted that the 3rd party review concludes the same information the applicant has stated. Parisi noted that both state that the application will not increase runoff into the lake. Parisi noted that this is fundamental, as that takes care of a lot of the objections by the board and the public. McKeon noted that the 3rd party reviewers concurs with the applicant, but does not have their own data, they are utilizing the data provided by the applicant. Aldrich asked why the board requested a 3rd party review if it is not being considered relevant. Corliss noted that it was done and the information is relevant. Corliss noted that if you dig into it, and should the board agree with the review, there is wording in there on how the Town can enforce the restrictions and how to make potential buyers aware. Corliss noted that he believes that it is close to being a full plan that the board can discuss.

Panciocco noted that she believed it may be helpful for the board members and those not present to understand what a 3rd party review is for. Panciocco noted that they suggested it to give the board a higher level of comfort. Corliss noted that the board required the 3rd party review and the board will be utilizing the report.

Chris Branon, civil engineer from Fieldstone noted that he presented a number of studies on February 3rd. Branon noted that he took many notes at that meeting addressing comments and concerns and made another submission on February 19 and ultimately that was the plan that was reviewed by Keach, Branon noted that he would like to go over the letter, but noted that he wanted to address the comments previously made by Koopmann. Branon noted that there was a Zoning Board application filed on June 19, 2019 which addressed the property on the other side of the road and the lot that that stays as part of the golf course. Branon noted that the board decided that there was not a need to that as there were no buildable lots being proposed. Branon noted that he wanted

to clarify that because there seemed to be a question of professional judgment. McKeon noted that the applicant came in, asked for a merger, the board looked at it and thought it was within our ability to approve it and it was approved. They later found out, this should not have been done as it does not comply with the Town or state regulations. Brannon noted that through the guidance of Town Staff they did submit a ZBA application, but the subsequent Planning Board meeting it was deemed unnecessary. Brannon noted that as professionals, they operate first and foremost to represent the facts and there was no issue with another professional doing a review. Brannon noted that it is often beneficial.

Brannon went through the report page by page reading each recommendation made. (see attached) Brannon noted that they will be happy to make the recommended suggestions as laid out in the report and are prepared to implement all of the recommendations. Brannon noted that he believes that the report is thorough and does not have any issues with any of the recommendations/comments.

Brannon noted he is not opposed to the Town Counsel review of the legal documents and would like the board to provide the applicant with a conditional approval this evening.

Corliss noted that the board just received the report and because of the complexity of it, we do need town counsel to look it over to make sure the words have the intent and effect that are enforceable by the Town and subsequent purchasers are warned about the restrictions. Corliss noted that he would like to see the changes implemented and a finished package to go to counsel.

Panciocco noted that when Fieldstone delivered the plans on March 5th they also delivered the storm water report, 3 driveway easements and 5 deeds. Panciocco noted that was done to give illustration to what was brought up in February. She noted that there was concern about how the lot owners would know what restrictions they had to follow. Panciocco noted that the documents will become part of every lot owners chain of title and come up with every title search. This document also informs owners of the existence of the Storm water Management Report. Panciocco noted it allows for inspection and notification of violations by the Town. Panciocco noted that she assumed that this package would have already gone to Town Counsel, but she has no issue with the documents going to Town Counsel. Panciocco noted that she agrees with Branon and requests a conditional approval. McKeon asked that if there is a change in a septic design that affects drainage, would it need to come back to the Planning Board. Panciocco noted that it can be added. Branon noted that every one of the lots will require a septic design so there is an avenue for the Town to utilize and make sure the details are consistent. Panciocco noted that in the declaration, it says that if the lot owner fails to address issues, the Town may complete the work and recover the costs and the owners are agreeing to that by accepting the deed.

Koopmann noted that there was discussion previously regarding the delineated wetlands and the woodland buffer, but did not note any discussion in that on the plan or any notes. Koopmann noted he did not see any specified instructions or notes regarding restrictions on development or the necessary permits needed for docks on the North Side of Channel Road. Branon noted that the majority of the woodlands is in Town Property and a good portion of that is also within the wetland boundary. Brannon noted that both reports speak to the fact that a good portion of these lots will likely vegetate organically instead of being part of a maintained golf course and the native species by nature will turn into woodlands. It was noted that the North side of Channel Road, there is no development proposed, and the land owners will have to apply for any permits that they would like. Brannon noted that he is not sure what future owners will want and cannot accommodate for what may be requested in the future. Brannon noted there is a significant permitting process if anyone wanted to do anything in that area as it is entirely within the shoreland protection area and the majority is also within the 50 foot shoreland area.

The meeting was opened to the public:

Jeff Scott noted that a lot of people have purchased properties and then end up being surprised that the property had certain restrictions. Scott noted that he believes there should be as many notes as possible to make sure that potential buyers know what they will have to do to put a dock in place. Branon noted that the dock situation has not been addressed as there are no docks proposed or on the plans. He noted he can add a note that states that docks would require a DES permit. Scott noted that currently the natural filter and land acts like a sponge and he is unsure how the water going into the lake after the development would be cleaner. Corliss noted that it was stated that the flow through the culverts would be less, meaning that more of the water is being filtrated. Branon noted that as part of the design, the infrastructure will improve the water runoff. VanCor noted asked if written testimony will be accepted prior to the next meeting in light of the late submittal of the 3rd party review. Corliss noted that written testimony will be accepted. VanCor noted that he would like more time to look over the plans along with the 3rd party review. McKeon noted that Channel Road is a class VI road and with that, the Town is forbidden to spend any money on the road, unless it is designated as an emergency lane. McKeon noted that if the culverts that are currently under the road collapse, the Town will be unable to replace them and he would like to take a look at the culverts and possibly replacing them as part of the application. Branon noted that the culverts, while on the plans and noted in the reports are only noted as points of interest to address the rate of runoff. Branon noted that the runoff will not change and therefore the culverts should not become the responsibility of the applicant. Branon noted that this application will not create a need to utilize the road to a higher degree than it is currently used. Branon noted that although he agrees with the Class VI road assessment by McKeon, it does not put the responsibility on this applicant. Aldrich noted that the Town would have the same issues if the culvert collapsed today and there are no changes in the use of the culverts and therefore the culverts are not the responsibility of the applicant. McKeon reminded Aldrich and the board, the Town can not expend money to fix the culverts, this is not like other roads that are not class VI roads. If the culverts fail, the drainage path changes. Branon noted that he also wanted to mention that the plans have not changed since February and the stormwater report has not changed since before February. Branon noted that needing more time does not make sense at this point as there has been months to become familiar with the plans. Branon noted that the plans and reports have been completed by licensed professionals and have represented the facts. Branon noted that although the 3rd party report was recently received, the impact is minimal and it does not suggest any material changes to the plans. Corliss noted that he would like to get a set of plans with the notes and changes as discussed tonight and hopefully that can come quickly and take that to the Town Attorney for review and get some feedback before the next meeting. Parisi noted that the review from the Town Attorney is a big part and was wondering if that could be done in parallel. Parisi noted that the applicant has accepted all of the suggestions made by the 3rd party reviewer and if the plans and the review were provided to the Attorney, they could review them while the changes were being made. Branon noted that the revisions can be turned around in a day or two and they could be sent to the reviewer for final sign off. Once that is done, they can be sent off to the Town Attorney. Panciocco noted that she would like a conditional approval. Corliss noted that the board does not have any desire to drag this application out, but a conditional approval does not allow the board to think about anything when it comes back before the board. Patricia noted that the applicant has gone above and beyond allowing this board to go into the development part the application because the applicant is sensitive to the importance of the lake. McKeon noted that in order to grant a conditional approval, the board would have to list out all of the items that need to be addressed and not leave anything out to keep the Town protected. McKeon noted that the review from our Town Attorney should provide some of the language for a potential conditional approval at the next meeting. McKeon noted that if a conditional approval is granted and there become items that need to be discussed, the meeting will have to be re-noticed and opened again.

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Corliss noted he would like to authorize the applicant to provide an updated document package to the 3rd party reviewer and Town Council for review.

Jon McKeon moved to allow the applicant to provide the documentation to the 3rd party reviewer to ensure compliance with the review. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Panciocco noted she would like everything to be completed before the 4th if the board will not give a conditional approval.

McKeon noted that as a point of order, communication should go from the applicant to the Secretary. Corliss noted that it is his intent that the applicant go to the third party reviewer with the revisions and then come back to the board with an agreement from them that their suggestions have been incorporated and then the whole package is sent to us and then to the Town Attorney. Branson noted he will submit the revised plans to the third party and the PB secretary.

Joe Brodbine moved to continue the hearing on Pine Grove Springs Country Club's Major Subdivision to May 4th at 7:30PM via Zoom. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Items for Discussion

SOP for Zoom meetings

Corliss noted that the Selectmen have approved some procedures for zoon meeting and he things they should be made part of the Boards Rules of Procedure.

Joe Brodbine moved to amend the Planning Board Rules of Procedure by adding the virtual meeting rules adopted by the Selectmen. The motion was seconded by Roland Vollbehr and passed by majority with one abstention by roll call vote. (Parisi abstained)

Signs

No discussion

Steep Slopes

No discussion

Signatures going forward

Corliss noted that the forms signed electronically need to be date and time stamped and lockable. Corliss noted that there is a set of plans for signature tonight and the Board has the PDF's. Corliss noted that he can lock them and invite people to sign them.

Aldrich noted that she is waiting on the Town attorney to call her back regarding the signing of the documents. Aldrich noted that the Town needs to have everyone go through a Town account for signatures and not through a private account.

The board would like to sign documents electronically going forward if possible.

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Jon McKeon made a motion to sign all plans electronically and have the applicant provide the required signed copies to the Town when possible. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Items for Information

Koopmann asked how he could see hard copies of the applications or plans. Lachenal noted he can call her cell phone and she will make an appointment with him.

Other Business

Items for signature

March 16, 2020 minutes

Grace Church Plans –

Joe Parisi moved that the conditions have been met. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Phippard noted he can send the plans electronically for signature or provide paper and Mylar copies. Jeanny, Koopmann, Roland and McKeon will sign paper copies. Corliss noted he will come sign also.

Adjournment

Rolland Vollbehr moved to adjourn at 10:32 P.M. The motion was seconded by Jeanny Aldrich and passed unanimously.


The next meeting will be held virtually at 7:00 PM May 4, 2020, please see the Town Website calendar (<https://chesterfield.nh.gov/events/>) for the meeting ID.

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:



James Corliss, Chair

8MAY2020

Date