

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
Monday, June 15, 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 818 1325 8225 or by going to the following website address:

<https://us02web.zoom.us/j/81813258225> Meeting ID: 818 1325 8225

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, James Corliss, John Koopmann,, Joe Parisi, Joe Brodbine and Jeanny Aldrich

Call to Order

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

Seat Alternates

Review of the Minutes

June 1, 2020

Jon McKeon moved to approve the minutes from the June 1, 2020 meeting as amended. The motion was seconded by John Koopmann and passed unanimously by roll call vote.

Appointments

Nine A, LLC – A continuation of an application for a Subdivision of property located at 271 Route 9A (Map 5K Lots B3 & 3.1 and Map 5N Lots B9, B1 and B2) consisting of approximately 10.97 acres in the Spofford Lake District and 95.28 acres in the Residential Zone. This is a public hearing and may result in approval or denial of the application.

Joe Parisi recused himself from the hearing

Corliss noted that last time the board met, there was a set of covenants being worked on. Phippard noted that revised plan sheets were submitted as well. Phippard noted that the plan sheets were revised to show the requirement of residential sprinklers on each property and elimination of the water tanks and dry hydrants previously required. Phippard noted that this change does change the size of lot 1 and also eliminated the details from the details sheet of the hydrant and tanks. Corliss noted that the applicant is offering to require each owner to install a residential sprinkler system in the buildings instead of installing the 30,000 gallon cistern. Phippard noted that is correct as discussed at the last meeting. Aldrich noted that she would like to make sure that the Town can enforce this change by noting it on the plans as the Town does not have the authority to require residential sprinklers to be installed in private residences. Aldrich noted that she wanted to make sure everyone understands it is the applicants requiring this, and not at the direction of the Town. Corliss noted that the Town may be interested in that being a note on the plan. Bill Satterly stated that during the last meeting, all of this was gone over and it was noted it will be in the covenants, which do become part of the record title. Satterly noted that he has had exchanges with John Ratigan, Town Counsel and have worked on a re-write which will be easier to understand and in the last exchange, Ratigan was very happy with all but one word, which was changed per his request. Corliss noted that the board received the covenants today via email. Aldrich noted that she would like to know it has been noted on the plans, not just in the covenants. Phippard noted that sheet C3 note 2 notes “. Each Residence constructed in this subdivision shall have a residential fire suppression sprinkler system installed.” McKeon noted that the note currently on the plan stops short of what the Town received from Counsel as to what should be included. McKeon noted that it should also stated that should any home be constructed or proposed to be constructed without a sprinkler system, the cistern and dry hydrant shall be installed. McKeon noted there is no State code that allows the Town to require a residential sprinkler system. McKeon noted that if there is push back in the future, there needs to be an alternate method for fire protection in the homes. Brodbine noted that one of the changes to the plan includes the reconfiguration of Lot 1 and there is no longer room for a cistern or hydrant according to the plans. Koopmann asked if there should be an addition to covenant 18 requiring any additions to include sprinklers. McKeon noted that any addition would be part of the residence and would have to have sprinklers. McKeon noted that it’s the applicant’s intention and desire to require residential sprinklers in lieu of a cistern, but the Town does not have the authority to enforce that. Satterly noted that there are provisions in the covenants under section 18 and then section F deals with enforcement. Satterly noted that section F gives owners of the lots and other entities the right to enforce the covenants. Satterly stated there are plenty of people with an interest and authority in enforcement. Satterly noted that a building cannot be erected in violation of the covenants and the conditions of approval. Satterly noted that these changes were made with the approval of the board at the last meeting. Satterly noted the note on the plan is to alert a potential owner, but the covenants are where the enforcement comes from. Satterly noted it would be difficult to go back to the

previous proposal now and would like to move on as it is currently. Phippard noted that any proposed house will need a building permit and one should not be issued if it is not consistent with the subdivision plan, which includes the note that requires a sprinkler. Phippard noted that the Town is authorized to deny a building permit based on their non-compliance with a subdivision plan. Aldrich asked if there was any reason that there could not be a note added to the plan that indicates if sprinklers are not installed, a cistern and dry hydrant will be required. Phippard noted that it does not make sense to add a note that a plan does not exist for execution. Phippard noted in consulting with Spofford Fire Chief Steve Dumont, he is satisfied that this satisfies the NFPA requirement and voiced his concerns with cisterns and dry hydrants. Phippard noted that building codes are changing all the time and there are future changes already in the works that may require this type of system. Phippard noted that this is an ideal fire protection system and that is why Chief Dumont is on board with the plan. Aldrich noted that she agrees, but is concerned about enforcement. It was noted that the applicant will make note 2 on plan C3 match paragraph 18 of the covenants.

James Corliss moved to Conditionally Approve the Subdivision Application for Nine A, LLC of property located at 271 Route 9A (Map 5K Lots B3 & 3.1 and Map 5N Lots B9, B1 and B2) with the following conditions:

1. As a condition subsequent to final approval, the abandoned institutional building on the property will be demolished, removed and the site restored. This shall be done consistent with site restoration shown on the plans and consistent with the March 4, 2020 Agreement between Nine A, LLC and the Selectmen, as the Planning Board's approval and development of this subdivision per the terms of the plan are inextricably linked to the removal of the building and the restoration of the building area site.
2. As a condition subsequent to final approval, the Cash Escrow Agreement along with any Amendments to said agreement between NineA LLC and the Town of Chesterfield are incorporated into this approval.
3. As a condition precedent to the final approval and recording of the plan, reimbursement to the town for town attorney expenses for reviewing the Declaration of Covenants and Restrictions for Cluster Subdivision Developed by Nine A, LLC, Chesterfield NH
4. As a condition precedent to the final approval and recording of the plan, a note shall be added "All residences erected on any lot shall contain a fire sprinkler system designed by a registered engineer, with appropriately sized water tank(s) and an external fire department connection."

The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

J.A. Mulligan Associates/FedEx – a continuation of an application for Major Site Development for property located at Coachman Road (Map 12, Lot A1.28) consisting of approximately 22 Acres in the Commercial/Industrial Zone. This is a public hearing and may result in approval or denial of the application.

Corliss noted that there was a request at the last meeting for Rob Hitchcock to talk to DOT about traffic. Hitchcock noted that he had had interactions with DOT prior to the last meeting and that was the information he sent out last week. Hitchcock noted he did not re-contact DOT. Hitchcock read the email from Frank Linnenbringer from DOT :

" I am not aware of any problems at the intersection either. Without actual traffic numbers I am not sure that I can accurately gauge the impact of the increased usage. As Stow Drive is a town road, we would approach them if there were problems in the future. It would be the towns responsibility to ensure the safety of the intersection and monitor the increase in usage."

McKeon noted that was the concern he was expressing at the last meeting. McKeon noted that the Town does not want to lose the opportunity for the person developing the property to be responsible for necessary traffic updates. McKeon noted that the Town does not know if this project will flip the switch with the State, and if it does, the State has indicated it will be the Town's responsibility. McKeon noted if the Planning Board approves it, and traffic from Stowe Drive to Route 9 becomes an issue, the State will not pay for updates. Corliss asked how that applied to this application. McKeon noted it is up to this board to figure out if the answer received from the State is adequate or if they would like to require something additional. Corliss noted that odds are that this application will not have an impact. Corliss noted that if the traffic did pick up, he would be unable to know who caused the problem. McKeon noted that a lot of times it ends up being the responsibility of the last person to come in or the last person to make changes. Parisi noted that the State indicated in their letter that the traffic is not their concern because Stow Drive is a Town Road, but they are ignoring that the traffic spills onto Route 9. McKeon noted that is what the email says, the site plan is on a Town Road and if the Town approves it, and it affects a State Road, the Town will pay to update the State Road. Hitchcock noted that the area already has acceleration and deceleration lanes and turning lanes. Hitchcock noted that FedEx is a small portion of the traffic on Stow Drive and this is a small increase, and to say that they should foot the bill for any increase in Stow Drive traffic is not right.

Hitchcock noted that plans have been submitted with 6 trees in 2 islands. Hitchcock noted that the septic had to be moved a bit to accommodate. Aldrich noted that she did the calculations and it should be 12 trees for a lot this size to offset the heat from the pavement. Hitchcock noted that some of the islands on the plan are unable to support trees due to guy wires and a pump station. Hitchcock noted that he has never heard of this type of calculation. Aldrich noted it is on the EPA website. McKeon noted that some trees is better than none. Aldrich noted they could remove some parking and put in extra islands to add more trees.

Corliss noted that he is unaware of any other issues with this application.

The meeting was opened to the public:

There were no comments/questions from the public.

Hitchcock noted that the applicant is expecting comments from their Alteration of Terrain Permit Application this week or next. Corliss noted it appears the board is done with the issues and could continue the application. Hitchcock noted he would prefer a conditional approval based on the AOT permit and the Septic System approval. Parisi asked if there was a chance the AOT could affect the plans. Hitchcock noted that in his 33 years of experience, the only alterations that have been needed are to do with subsurface issues or a co-efficient change. Hitchcock noted there would be nothing visually or physically that would change on the plans.

James Corliss moved to CONDITIONALLY APPROVE the JA Mulligan/FedEx application for Major Site Development of property located at Coachman Road. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

The Board took a 5 minute break. 8:43

Peter and Jill Ann Brady – Application for a Boundary Line Adjustment for property located at Cobleigh Estates Road (Map 13B, Lots A7 and A20) consisting of approximately 11.10 acres in the Residential Zone. This is a public hearing and may result in approval or denial of the application.

Jim Phippard noted that the owners of this lot own several lots in this area and are requesting a Boundary Line Adjustment for two of their properties. Hitchcock noted that one was done a year

ago and they are now revisiting. Phippard noted that this application proposes to revise some of their land and reconfigure it. Phippard noted that no new lots are proposed. Phippard noted that the lot on Farr Road meets all requirements and the other lot on Cobleigh Estates Road is an existing non-conforming lot because it has under 200 feet of frontage. Phippard noted this Boundary Line Adjustment will have no bearing on the frontage.

There was no public comment/questions.

Parisi asked if there was another drawing that included high and low points. Corliss noted that is not required for a Boundary Line Adjustment.

Joe Brodbine moved to approve the Boundary Line Adjustment Application for Peter and Jill Ann Brady for property located on Cobleigh Estates Road and Farr Road. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Items for Discussion

J&B Construction/Randy Lazarous – Accessory Dwelling Unit – 777 Route 63

Jason Harlow noted that Matt and Melissa Minor are the owners of 777 Route 63 and their father was living in Philadelphia and they would like him to live with them on Route 63. Harlow noted that it complies with all the measures included in the Accessory Dwelling Unit regulations. Harlow noted that the application includes a link to Google earth which shows the setbacks on the property. McKeon noted that in the regulations it states that an ADU cannot be greater than 800 Square feet. Harlow noted it cannot be more than 1/3 the total heated, above grade floor area of the total dwelling unit, including the ADU. There was much discussion on the board about the regulation and the intent of the regulation. It was noted that 207.2 3d indicates two different measurements for the 300-800 square foot requirement and the requirement to be no more than 30% of the total heated, above grade floor area. It was noted that the property card shows 1860 square feet for the first floor and $\frac{3}{4}$ of a second floor. Harlow noted that he would be willing to portion off some of the mezzanine with non-heated storage accessed through a door such as an attic space and leave the interior unfinished.

The regulation requires the measurement to be from outside dimension of the exterior wall of the ADU or the interior dimension of a common wall. It was noted if it was a single floor, there would be no issue. Brodbine noted that the footprint of the house with the proposed ADU, the ADU is 36% which is above the regulation. It was noted that 1860 plus 842 equals 2700 square feet and that divided by the 842 equals 31% which is over the 30% max. Harlow asked how much of the storage space he needed to make not heated in order to comply. Corliss noted if he removed about 16 square feet, it would be in compliance with that regulation. It was recommended that Harlow do the calculations and make sure that it comes into compliance. Harlow noted that he will do that. Brodbine noted he believes it meets all other requirements. Harlow noted that he spoke with Nate from Forest Designs and they are in the process of designing a brand new septic system that should be done this week and have a stamp from the State. Harlow noted once the ADU is constructed, the new system will be installed. Corliss noted that the septic will have to meet the demand of the new structure.

McKeon moved to continue the hearing to July 16, 2020 via Zoom at 7:00PM. The motion was seconded by Joe Brodbine and passed unanimously.

Harlow asked if he could proceed. It was noted that the board does not have an ADU plan that meets the regulation and therefore the board cannot approve the application as received.

Items for Information

Planning Board member resignation

John Pieper has resigned from the Planning Board.

Other Business

Aldrich noted that 216 people voted on Saturday. The process went smoothly and she did not hear any complaints. Aldrich noted that all articles passed.

McKeon noted that he believes there is an issue that the Town needs to investigate. McKeon stated that this board has discovered through an application for Mary's Kitchen that the lot that was proposed to be the "host" lot is not compliant with the zoning ordinances of the Town of Chesterfield. McKeon indicated that the last use of the property was during a time when the property was zoned residential. McKeon noted that the property was not in use for many years prior to the purchase by Wesfield and there hasn't been an approved use of the property after it was changed from residential to Commercial. McKeon noted that the present use of the property was initiated after the purchase of the property by Wesfield Construction and the property is being used as a warehouse/ storage area now for the construction company. McKeon noted that when it was first purchased, the shack on the property was actually used as a residence for about three years. McKeon stated that though it was not the intent of the applicant to expose this to the board and the BOS, she did this with her extensive background work. So, McKeon asked Jeanny what the BOS will do with this knowledge? McKeon noted he would hope that the town would engage in dialog with the owner to get this property into compliance with the zoning regulations. Aldrich asked McKeon to email this information to her. McKeon will email the information to Aldrich.

Corliss noted that he wrote the Town Administrator about the bouncing around of the applicant from Mary's kitchen without clear direction given and it was stated that the Town is trying to put together a document that tells residents how to deal with the Town when they wish to do something with property. Aldrich noted that the BOS has talked about this and for all the people that come through town with applications; this is one person that was misdirected. Aldrich noted that sometimes people are not sure what they are asking and therefore get directed to the wrong place. Aldrich noted that the Town can only have control over the Town Employees and that they cannot control the Town Clerk or the Tax Collector. Aldrich noted the Board of Selectmen is working with the Economic Development Committee to put a booklet together.

Parisi noted that it was discussed at the ZBA meeting that the Stay at Home order was to expire and that may mean that boards would need to revert back to business as usual. Aldrich noted that the stay at home order was lifted, but the State of Emergency does not expire until June 26th. Aldrich noted that once the State of Emergency in NH expires, boards will be required to have a quorum present at a physical location. Aldrich noted that the Board of Selectmen are working on places such as the Town Hall that will provide adequate social distancing. Aldrich noted that the Board of Selectmen have asked NHMA to passé along a request to allow virtual meetings to continue until a vaccine is found for COVID-19. The consensus of the Planning Board is they would like to continue to meet virtually.

Items for signature

Planning Board June 15, 2020

A Voluntary Merger was received from the Monadnock Conservancy. The board reviewed the merger. Corliss noted that it does not state what the new lot will be called. It was noted that Lachenal will get the information and once that is filled out, Corliss will sign the merger.

It was noted that the anticipated voluntary merger from Perrin was not received.

Adjournment

Joe Parisi moved to adjourn at 9:15 P.M. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

The next meeting will be held virtually at 7:00 PM July 6, 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

20JUL2020

Date