

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
Monday, November 2, 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, Meeting ID 882 1909 9117 and passcode 724507, or the following website:

<https://us02web.zoom.us/j/88219099117>

Meeting ID: 882 1909 9117

Passcode: 724507

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: Roland Vollbehr, James Corliss, Jon McKeon, John Koopmann, Jeanny Aldrich, Joe Parisi. and Joe Brodbine

Call to Order

James Corliss called the meeting to order at 7:01 PM.

Seat Alternates

Review of the Minutes

October 19, 2020

Joe Brodbine moved to approve the minutes from the October 19, 2020 meeting as amended. The motion was seconded by John Koopmann and passed unanimously by roll call vote.

Appointments

Robert Cassin/Lisa Ricci – A continuation of an application for a Minor Subdivision for property located at Farr Road (Map 13, Lot A4) consisting of approximately 30.91 in the Residential Zone. This is a public hearing that may result in approval or denial of the publication.

Corliss noted that at the last meeting the board had some concerns and the board wanted to do a site visit. Corliss noted that he would like to take public comment and then go over the results of the site visits.

The meeting was opened to the public:

Amy Treat noted that she wrote a letter to the board. Treat noted that she, her husband James and her dad are the proposed buyers of the property after the subdivision. Treat noted there is a sales agreement in place that was signed in July. Treat noted that she wanted to make sure the board saw the letter and to let the board know they are present at the meeting to answer any questions.

Corliss noted that at the last meeting there were concerns from the board regarding the lot lines and it being a gerrymander. Corliss noted that there were also questions about further subdivision of the land in the future. Corliss noted that the owner of the property has noted that there was not an interest in further subdivision.

Corliss asked if the applicant would be interested in requesting a waiver from the regulation in question for oddly shaped lots and gerrymandering. Russ Huntley noted that they would be willing to do that if that is the direction the board would like the applicant to go. Huntley noted that the current owner and potential purchaser have both stated that these are the lines they want allowing them to keep/purchase the parts of land as desired. Huntley noted if a waiver needs to be requested, they will do that. Huntley noted he can do that verbally or via email to Lachenal now. (Huntley emailed Lachenal the waiver request and that was forwarded to the board.)

Corliss noted that the applicant has indicated that there is no intent for further subdivision of either lot and the Planning Board would not ordinarily approve such an irregular lot line and therefore it is important to accept the condition that there be no further subdivision of the lots. Koopmann noted that he understands the contour of the land and the desire of the applicant and purchaser but noted that near the end of the entrance there is a brief cut in which creates an abnormality. Koopmann noted that every other part makes sense except that spot. Koopmann asked if there was a specific reason for that part. Huntley noted that is what the owner and purchaser decided. Huntley noted that it does not hurt the Town in any way, and they are not doing anything to mess with the lot area as there are other ways to get the same lot areas. Huntly noted that this proposal is no different than if a stone wall existed or a stream.

Corliss noted that the board has received a waiver request from this requirement and the applicant is offering to add a condition on the plan and written in the deeds that there will be no further subdivision. Corliss noted that this offers the Town a benefit in exchange for allowing a lot line that some board members may consider gerrymandering. Parisi noted that from his standpoint, he does not see the waiver request as necessary. Parisi noted that the regulation states “preferred” and therefore there is no need for a waiver request. Aldrich noted that a waiver request must state a

hardship and specific circumstances to the site plan. Brodbine noted that he does not believe a waiver is necessary. Brodbine noted that he is concerned about the right side of the plan where it gets down to about 65 feet wide. Brodbine noted that that area does not need to be that small. Bob Cassin noted that the board is using the term gerrymandering and he has limited knowledge on this as its personal property and the definition is political. Corliss noted that the word is used in the regulations. Cassin noted that the property did not start as a rectangle and he went through 18 pages of tax maps and there are many properties that are worse than this proposal. Cassin noted he is having a hard time understanding why a waiver is being required. Cassin noted that the 65-foot area is on the plan to show that there is enough room for a driveway without disturbing the setbacks. Cassin noted that it meets the requirements and asked what the concern with it is. Cassin noted that they were careful to follow the regulations and the subdivision is only to allow two families to enjoy the property. Cassin noted that he is fine with no further subdivision but is not sure it is relevant to the boundary lines.

McKeon noted that regulation 602 relates to design standards and therefore the board needs to discuss it when it is different.

James Corliss moved to approve the waiver request from section 602.1 A2 and A3 on the condition that there will be no further subdivision on either lot and that restriction shall be on the deed that transfers either lot. The motion was seconded by Joe Parisi.

Discussion: McKeon asked if this would be in perpetuity. Corliss noted that no one would have the authority to remove the restriction since it will be on the plan and in the deed. Parisi asked that given that it is 65 feet in the narrow spot can support a driveway, but not a road. McKeon noted that it would support a shared driveway to support another lot in the rear.

The motion passed by Majority. (No: Brodbine and Aldrich)

Joe Parisi moved to conditionally approve the plan with a note on the plan and the deed stating no further subdivision. The motion was seconded by Roland Vollbehr and passed unanimously.

Corliss requested the board allow him to review the revised documents and sign them when available.

Roland Vollbehr moved to allow James Corliss to review the revised documents and sign if it meets the conditional approval. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Items for Discussion

Review for Completeness – Ben Wyatt

The board reviewed the application for completeness noting the following:

Driveway permits will be required from the State of NH on Route 63 and there are none indicated. Ben Wyatt noted there are currently curb cuts in place. McKeon noted that there are proposed driveways on the plan. It was noted if there are current curb cuts, paperwork should be provided. The wording “Crowningshield Road” is not to scale on the drawing.

Two of the lots are not to the nearest 100th of an acre. It was noted that the applicant could request a waiver from that regulation or update the plan.

Joe Parisi moved to schedule the public hearing on November 16th at 7:30 via zoom. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Review for Completeness – Area 51

The board reviewed the application noting the following:

Parisi asked if the narrative should include something about traffic. Corliss noted that there could be an argument for that, but there is no added employees or hours of operation. Koopmann noted that the storage containers in the parking lot are to be eliminated.

It was noted that in some places it is noted as a minor site development, but the application states a major. Jim Phippard noted that he could not find an application for a minor and used the major application. Phippard noted that according to the regulations it is a minor site development.

It was noted that pages A0.1 and beyond do not have signature blocks.

Phippard noted there are no new easements, deeds or covenants needed, only local permits will be required.

Joe Parisi moved to schedule a public hearing on November 16, 2020 at 7:30 via zoom. The motion was seconded by Roland Vollbehr and passed unanimously by roll call vote.

David Gale/Growers Outlet – Conceptual Consultation – 20 Brook Street

Mr. Gale was having technical difficulties and requested to be put on the next agenda. (via Text to Lachenal)

Items for Information

Corliss noted that he sent out some information to Lachenal to send to the board. Corliss noted that he attended the Land Use Conference and brought some information back for the board.

Corliss noted it is getting late and the board can decide to discuss them now or put them on a future agenda.

Corliss noted that a quick one would be a change to the rules of procedure. Corliss noted there has been a change in requirement for publishing notices allowing it to be on the Town Website only.

Corliss noted that our regulations require it to be put in the Brattleboro Reformer and the Keene Sentinel.

Lachenal noted that more research needs to be done on this as it appears only to relate to changes in regulations, not public hearings on applicants as that is a different RSA.

The board will hold off on this for now.

Corliss noted that the second item is waivers as they pertain to site plans. Corliss noted that our general waiver authority does not conform to State Law.

Corliss noted that the third item is the fact that a technical review committee can be formed. Corliss noted that the conference attorney spoke about it and it seemed to be a handy benefit if the volunteers were available. Corliss noted that a planning board member and other boards (ZBA, Selectboard etc) could help someone that is interested in doing something in Town. Corliss noted that they do not have to be public hearings and they are allowed to help people. Parisi noted that it sounds like a super conceptual consultation and over time, that could create some alignment with the entities.

James Corliss moved to hold a public hearing on amending Land Development Regulation 900 on November 16, 2020 at 7:30 via zoom as noted:

Current regulation:

900 GENERAL WAIVER AUTHORITY.

The Planning Board may waive any requirements of these regulations in such cases where, in the opinion of a majority of members present and voting, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations. In cases where these regulations set forth specific requirements for waiver, those requirements shall pre-empt this general waiver authority. When a waiver is granted, the reasons for it shall be stated in the record.

Proposed Regulation

900 GENERAL WAIVER AUTHORITY.

The Planning Board may waive any requirements of these regulations in such cases where, in the opinion of a majority of members present and voting, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations or Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations . In cases where these regulations set forth specific requirements for waiver, those requirements shall pre-empt this general waiver authority. When a waiver is granted, the reasons for it shall be stated in the record.

The motion was seconded by Roland Vollbehr and passed unanimously by roll call vote.

Aldrich noted that the Planning Board budget has been updated as the IT portion was missing. Aldrich noted that each computer has a charge of \$86.00 per month for IT maintenance.

Jeanny Aldrich moved to accept the amended Planning Board budget. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Other Business

Items for signature

NOD – Cassin/ Ricci

PB minutes from 10/19/20

Adjournment

Jon McKeon moved to adjourn at 9:02 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 November 16, 2020, please see the Town Website calendar (<https://chesterfield.nh.gov/events/>) for the meeting ID.


Respectfully Submitted by:

Patricia Lachenal

Planning Board November 2, 2020

Planning Board Secretary

Approved by:


James Corliss, Chair

2DEC2020

Date