

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
Monday, November 16, 2020
Public meeting convenes at 7:00 p.m.
Appointments scheduled to begin at 7:30 p.m.

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, 1-313-626-6799 Meeting ID 850 4324 2840 and passcode 643702, or the following website:

<https://us02web.zoom.us/j/85043242840>

Meeting ID: 850 4324 2840

Passcode: 643702

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

Call to Order

James Corliss called the meeting to order at 7:11 PM.

Seat Alternates
Review of the Minutes

November 2, 2020

Joe Brodbine moved to approve the minutes from the November 2, 2020 meeting as amended. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

Appointments

Wyatt Ventures LLC – Application for a Minor Subdivision for property located at Crowningshield Road (Map 24, Lot D8) consisting of approximately 131.1 acres in the Rural/Agricultural Zone.

Applicant Ben Wyatt was present.

The board reviewed the updated (11/9/20) plans. Wyatt noted that there were 3 issues mentioned by the board previously. Wyatt noted that the labeling of Cronwingshield Road was hard to read and has been corrected, and two out of the 3 parcels on the application were noted to one tenth of an acre, and have been now noted to one hundredth of an acre. Wyatt noted that the NHDOT superintendent Frank Linnenbringer visited both properties and provided an email stating they look compliant and the permits will be prepared. Wyatt noted that his surveyor David Mann is in attendance in the event the board has any questions for him.

Joe Parisi moved the application complete enough for review. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Wyatt noted that the main consequence of the application is to split the existing lot of 131 acres into 3 lots. Wyatt noted that one lot will maintain 84.5 acres and the other 2 lots will be 12 acres and 34.5 acres. Wyatt noted that the topographical maps show substantial flat areas in the upper part of the lot and then drop off. Parisi noted that the proposed driveway location for the 34 acre parcel looks to have a big slope coming off Route 63. Wyatt noted that Mr. Mann spoke with Frank Linnenbringer and it is his understanding the State indicated both locations of proposed driveways meet their requirements. Koopmann noted there was no proposed driveway to the lot with frontage on Crowningshield. Wyatt noted that there would be no change to the access. It was noted that that lot should have a proposed driveway located on the plan. Leonard Haze (abutter) noted that he owns lot 8.1 and there is an easement in the corner of the lot for their driveway. Wyatt noted that there is an easement on the property which allows a certain number of feet for the abutting property's driveway. Haze noted they have a driveway permit, but the driveway is not currently constructed. Wyatt noted that because the driveway is not yet constructed, it would be hard to put on the map, but they could put a hypothetical line in for the easement. Wyatt noted that it was his understanding the easement does not affect the application. Wyatt noted the easement grants a sliver of the corner of the property to the abutters for driveway access. Corliss noted that the drawing will get recorded at the Cheshire County Registry of deeds and the easement needs to be marked on the drawing. It was noted that part of the Land Development Regulations require all easements to be noted on the drawings. Parisi noted that the easement and proposed driveway access to that lot need to be added to the plan. It was noted the easement exists as there is a stream preventing the abutter access to their property from other points on their lot. Parisi noted that there are no new test pit locations on the lots. Wyatt noted there is a waiver request for the test pits in the application. Wyatt noted the lots are large in size even after the subdivision. The board reviewed the waiver request.

Waiver request #2 states:

“It is my understanding that section 403.2 (Preliminary applications for Major Subdivisions) doesn’t apply to this application for a minor-subdivision. That said, if it is otherwise somehow required I request a waiver of 4032(B) (5) pertaining to test pits (as well as well as any other test pit and percolation requirements). The proposed lots are well over the 5 acre threshold and my surveyor has informed me that the they would be accordingly exempt under NHDES requirements.”

James Corliss moved to grant the applicants waiver request #2. The motion was seconded by Joe Brodbine.

Discussion: Jeff Scott noted that most of the land around Crowninshield Road was subdivided in the 90’s and all are large lots and each one had 2-3 test pits performed on them.

Roll call vote: Yes: Brodbine and Corliss No: Koopmann, Parisi, Aldrich and McKeon.

Motion fails.

Wyatt asked the board to point out in the regulations where test pits were required. The board noted that it is located in the Land Development Regulations 403.2B5.

James Corliss moved to deny the applicants waiver request #2. The motion was seconded by John Koopmann and passed by majority. (Yes: Koopmann, Parisi, Aldrich and McKeon) (No: Brodbine and Corliss)

The board reviewed wavier request #1 as follows:

“A partial wavier under section 404.2(D) to allow a compass and tape survey for the existing rear boundary of proposed 84.5 acre Lot 3 (which borders a different plot and does not encompass any lot lines created through this sub-division application. The road frontage and likely building site for Lot 3 is off Crowinginshield Road on the opposite (front) side of Lot 3 and is accordingly nowhere near the rear boundary. As indicated in the survey map, the rear boundaries of Lot 3 are marked by wire fences and stonewalls. Such a wavier would be in keeping with Section 404.2(D)(5) and the plan complies with NH RSA 676.18 for all existing property lines and (although not applicable) street lines not laid out by the surveyor.

Joe Parisi moved to accept wavier request #1 as written. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Corliss noted that the test pits are missing, and an easement is not shown on drawing or in any part of the application and there is no location for a driveway for the 84 acre lot.

James Corliss moved to continue the public hearing for Wyatt Ventures, LLC to December 7, 2020 at 7:30 PM via zoom. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

D&T Partners/Area 51 – Application for a Minor Site Development for property located at 7 Brown Ave (Map 14C, lot D1) consisting of approximately 2.93 acres in the Commercial/Industrial Zone.

Jim Phippard was present for the applicant.

Corliss noted that the board received an email from Lachenal indicating that there was an issue with an abutter. It was noted that Lachenal received a phone call indicating that an abutters notice was sent to someone that was deceased and the property had been sold. Phippard noted that he just became aware of this issue this evening as well. Phippard noted that he updated the abutters list just before turning in the application. Phippard noted that it appears that the Town records were not updated. Phippard noted that he is concerned with it being so late in the year as the owner wants to break ground this year to be ready for his busy season next year. Phippard noted that he is unable to make a meeting on December 7 as he has a conflict. Phippard noted he would like to proceed with the application. Corliss noted that the applicant did everything correctly, but there is an element of risk involved in proceeding. Phippard noted he understands the risk and would like to proceed.

Jon McKeon moved to accept the application as complete enough for review. The motion was seconded by Joe Brodbine and passed by majority, (No: Koopmann)

Parisi asked if the Town was going to notify the new owner. Phippard noted that he will be contacting the new owner, making them aware of the application and requesting a release acknowledging that they did not get a timely notice but are fine with the application. Phippard noted he has done this in the past and it has gone well. Koopmann noted that the letter should hold the Town harmless. Phippard indicated it will.

Phippard noted that the proposal is to build an addition to the current warehouse located at 7 Brown Ave. Phippard noted that a couple of years ago, the board approved temporary storage containers in the parking lot. Phippard noted that the board wanted that storage to be temporary and gave permission expiring in 2022. Phippard noted this application is to obtain permanent storage and eliminate the temporary storage containers as the board previously requested. Phippard noted that the warehouse will be 22x52 feet and will match the existing building materials and the height of the existing warehouse. The 8 containers will be eliminated. Phippard noted that there is also a small change in the front of the warehouse area continuing the sidewalk straight through to the parking lot allowing for hand dolly deliveries.

James Corliss moved to approve the application as presented. The motion was seconded by Joe Brodbine.

Parisi suggested an amendment to the motion – conditionally approving with the condition of the applicant contacting the remaining abutter and getting their sign off. The amendment was seconded by Jon McKeon.

Corliss noted that the board does not usually make their decisions based on a single abutter. McKeon noted that the Town has no exposure with the abutter. McKeon noted that the Town asks that the abutter list be supplied and if something is misidentified or misrepresented, it is not the Town's issue. McKeon noted that this is a proposed condition that the applicant may not be able to meet. Parisi withdrew the amendment to the motion and McKeon withdrew his second.

The original motion passed unanimously by roll call vote.

The board took a 5-minute break and McKeon left the meeting. (9:09)

Town of Chesterfield Planning Board - A public hearing will take place to review and vote on proposed amendments to the Chesterfield Land Development Regulations: Regulation 900 is proposed to be amended to adhere to State Law.

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.

Corliss noted that there is a sentence added to follow State Law. It was noted the wording was taken directly from the State Law.

Joe Brodbine moved to approve the proposed amendment to Land Development Regulation 900 as presented. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Items for Discussion (7:00)

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

David Gale requested to be moved to the December 7th meeting for conceptual consultation.

Nameless Rock Forest – Stones Mill Road – Conceptual Consultation

James Corliss noted that conceptual consultations are non-binding on either party and minutes are not taken.

Sandy Cormier – Poocham Road – Conceptual Consultation

James Corliss noted that conceptual consultations are non-binding on either party and minutes are not taken

Fedex- review for completeness

Parisi asked what the submission deadlines were as he receive this today and has not had a chance to review it. Corliss noted that applications have to be submitted 21 days prior to a public hearing.

Planning Board November 16, 2020

Lachenal noted the application was received last Thursday, but she was out for the day and returned today and forwarded the information to the board.

The board discussed and decided not to review the application for completeness tonight.

James Corliss moved to schedule the public hearing on December 7, 2020 at 7:30 via zoom. The motion was seconded by Jeanny Aldrich and passed by majority. (No: Parisi) (Yes: Koopmann, Brodbine, Aldrich and Corliss)

The board decided to review the application. They reviewed it for completeness noting the following:

Test pits are not done. They need to be done or a waiver requested.

The final topographical and soils plan is missing.

The final surface water and drainage plan is missing.

The acreage and tax map numbers are not indicated.

The north arrow is not consistent

High and low points are missing.

Items for Information

Other Business

Items for signature

PB minutes from 11/2/20

Adjournment

Joe Brodbine moved to adjourn at 9:55 P.M. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

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

23JAN2020

Date