

PLANNING BOARD
Monday, March 20, 2023
Public meeting convenes at 7:00 p.m.
Appointments scheduled to begin at 7:30 p.m.
In person at the Town Offices with a Zoom option for the public.

Present: Joe Brodbine, Steve Laskowski, Maria Bissell, James Hancock (alternate), Joe Parisi, Bob Maibusch, and Fran Shippee. Also present at the meeting was Recording Secretary, Jennifer Keating.

Absent: James Corliss

Others Present: Jeff Scott, Sarah Pratt, Margaret Halpert, David Gale

Call to Order: Maria Bissell, as Vice-Chair, called the meeting to order at 7:01 P.M.

Seat Alternates: Hancock was seated.

Review of the Minutes

March 6, 2023

Brodbine moved to approve the minutes from March 6, 2023, as amended. The motion was seconded by Laskowski and passed unanimously.

Appointments

Public Hearings

Richard and Sarah Pratt/Village Creamery have submitted an application for a Change in Use for property located at 20 Brook Street, Chesterfield, NH (Tax Map 13, Lot F15) consisting of approximately 1.1 acres in the Commercial/Industrial Zone. This is a public hearing for accepting of the application. It may be followed by a review to grant or deny approval of the application.

The Board reviewed the application for completeness.

It was noted that several of the abutters were still not listed on the plan.

Parisi made the motion that the packet was complete enough for review. Hancock seconded the motion. All in favor, motion passed unanimously.

Bissell reviewed the waivers with the board.

A waiver was requested for the first floor slab elevation because the building was not changing. *Laskowski made the motion to accept the waiver for the first-floor slab elevation. Parisi seconded the motion. All in favor, motion passed unanimously.*

A waiver was requested for the topographic and soil plan because there is a limited scope of construction.

Pam Walton, from the Conservation Commission, noted that the lot in question was in a 100 year flood zone and in poorly drained soil. She stated that the parking spaces were in the 50' set back from the brook and would like to see a topographic and soil plan done.

Laskowski asked the applicant if there would be more construction done. Pratt answered that there would not be. Bissell questioned if the waiver should be rewritten to reflect no construction, Hancock noted that he thought this protected the applicant in case minor soil disturbances occurred.

Hancock made the motion to accept the waiver for a topographic and soil plan. Maibusch seconded the motion. Six in favor. Parisi opposed. Motion passed.

A waiver for a lighting study was requested because the lighting would be limited to building mounted lighting that pointed downward.

Bissell asked the applicant for the hours of the business. Pratt answered 11-9. Parisi asked if the note that "the lighting would be cut off on the property line" could be added to the plans. Hancock noted that the plans reference the Land Use Regulation 401.4. Parisi said that 401.4 does not cover light being cut off at the property line and he would like to see it added to the plans. The applicant stated that she would be happy to include it on the plans.

Hancock made the motion to accept the Lighting Waiver as written with no modifications. Maibusch seconded the motion. Five in favor. Parisi and Laskowski opposed. Motion passed.

A waiver was requested to show the structures on adjacent lots because of the distance of the building to the existing other structures.

Hancock made the motion to accept the waiver. Maibusch seconded the motion. Motion passed unanimously.

A waiver was requested for the water drainage management plan because no changes are being made.

Maibusch made the motion to accept the waiver for a water drainage management plan. Hancock seconded the motion. Six in favor. Parisi abstained. Motion passed.

A waiver was requested for the utilities, drainage facilities, and on-site disposal facilities.

It was noted that the dumpster had been added to the plan. Bissell noted that there was no fencing or cover for the dumpster. Pratt said that she would be happy to put fencing around the dumpster. Bissell questioned if it was in the Land Use Regulations that a dumpster needed to be screened. Land Use Regulation 610.4 states: All areas used for exterior storage including areas used for storage of solid waste shall be appropriately screened from view from the street and adjacent properties. Areas used for the display of goods for immediate sale, such as new auto sales, are exempt from this requirement.

The board agreed that it was properly shaded from view in its current location.

Parisi questioned if the dumpster and the storage trailer can be in the set-back. Brodbine stated that is a great point but doesn't really apply to the waiver.

Hancock made the motion that the waiver was moot because the facilities were on the plan. Maibusch seconded the motion. Six in favor. Parisi abstained. Motion passed.

Hancock stated that he would like to see a dumpster screening added to the plan if the applicant was willing.

Shippee asked if the board was comfortable with the location of the storage trailer and the dumpster. Parisi noted that on the previously approved plans for Highlander Arms, the trailer was in a slightly different location that was well out of the high-water setback and the side property setback.

Margaret Halpert, an abutter, said that she thinks something might be a little off with the drawing, due to the topography of the land. She thinks that the storage trailer is in an appropriate location and that the high-water mark was incorrectly noted on the drawing.

Hancock noted that many of the available locations would not be possible to put a dumpster in. David Gale, the property owner, said that he did not believe that the dumpster and the trailer are in the 20 foot setback line, but they are in the 20' high-water line. Brodbine said that he had no problem with the location of the dumpster or storage trailer but does not want to sign an incorrect document and would like to make sure that the plans are correct.

Halpert brought an arial photo of the property to the board so that they could see the location of the storage trailer and the brook. Parisi stated that while it seems the property owner and applicant agreed that the storage trailer was not in the setback, it was essential that the drawing reflected this and that it was ensured that the trailer and the dumpster were not in these setbacks, otherwise the plan would violate the zoning ordinance.

Hancock made the motion to have the drawing updated to reflect the location of the trailer and dumpster to be outside of the set back and the high-water mark. No seconds to the motion.

Hancock made the motion to require the diagram to be updated to reflect the location of the storage trailer and the future dumpster to be outside of the set back and the high-water mark. Maibusch seconded the motion. Hancock withdrew the motion so that it could become a part of the conditional approval instead.

Parisi made the motion to conditionally approve the application with the conditions that the 564 Route 9 abutters were added to the drawing and to relocate the storage trailer and dumpster outside of the 20' water mark setback and the side yard setback. Laskowski seconded the motion. Motion passed unanimously.

The board took a 5-minute recess at 8:40 pm.

The board spoke if they should review the findings of fact. Parisi stated that he did not think that it is appropriate to speak about the application after the fact. Shippee suggested that the board refer to legal counsel to see if justifications could be referred to after the fact.

Findings of Fact

Five waivers were approved by majority due to existing conditions.

One waiver was found to be moot because the utilities were listed on the plan.

In reference to Land Development 401, it is required that the conditions that the 564 Route 9 abutters were added to the drawing.

Due to Zoning Ordinance 206.5, the board has requested that the applicant relocate the storage trailer and dumpster outside of the 20' water mark setback and the side yard setback and update the plan accordingly.

Laskowski stated that going forward he would like to see the Findings of Fact happen prior to the conditional approval, approval, or denial. Hancock thinks that it can be done as the board is discussing the application.

Bissell closed the public hearing at 8:53pm.

Items for Discussion

Processes for Finding of Fact

Bissell summarized that at the previous meeting, there were various schools of thought behind the finding of fact. Brodbine said that it would be helpful to call out the Land Regulations and RSAs prior to the vote this evening in order to try the new finding of fact process that works for the board.

Parisi noted that the board was going to seek legal opinion on the matter and see if other towns have procedures that were working for them.

Bissell asked if the Secretary could bring an example of a NOD for the next meeting. Bissell will look at NOD templates for the next meeting. Parisi noted that the town of Swanzey might be one to look at.

Items for Information

Housing Navigator Program Update

Shippee and Laskowski will be attending the Housing Navigator Academy on March 22. They will report back at the next meeting.

Shippee noted that the lack of sewer and water seems to be a limiting factor for Chesterfield. Laskowski commented on a housing development in Dover that is targeting people making \$16-20/hour.

Discussion was held regarding sewage versus septic in Chesterfield and how the developers could potentially accomplish this. Bissell asked Shippee if there were any State or Federal incentives for developers.

Hancock suggested that the Boards could look at the Building Code and Land Use Regulations to try to make building a house more affordable. Shippee will check with Code Enforcement. Brodbine thinks that this may be within the scope of what Ekstrom may be willing to do.

The Board wondered if it would be helpful to post on Facebook regarding the upcoming town election and the importance of the Workforce Housing bill. Bissell noted that it may be helpful to refer to the RSA so that the town understands that it is important that Chesterfield has Workforce Housing in the Land Use Regulations. Hancock said that he thought that the Planning Board could craft a paragraph that was approved by the Planning Board. Parisi said that he thinks that the Planning Board has spoken by recommending the Article, but he believes that we have already done enough.

The Board took a quick vote to see if they wanted to ask Corliss to post something on Facebook. Laskowski brought up that Corliss had already posted on March 12 regarding the amendments. The Board was happy with what the Corliss had posted.

NH Office of Planning and Development Spring 2023 Planning and Zoning Conference

The secretary reminded the board that the registration was open and that they should sign up if they are able to attend.

Other Business

Items for Signature

Adjournment

Hancock moved to adjourn at 8:54pm. The motion was seconded by Brodbine. Six in favor. Shippee abstained. Motion passed.

The next meeting will be held at 7:00 PM on April 3, 2023, at the Town Offices and virtually.

Respectfully Submitted by:

Jennifer Keating

Planning Board Secretary

Approved by:


James Corliss, Chair

4APR2023

Date