

PLANNING BOARD
Monday, October 17, 2022
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: James Corliss, Joe Brodbine, Maria Bissell, Bob Maibusch, Steve Laskowski, Joe Parisi, Fran Shippee, and alternate James Hancock. Also present at the meeting was Recording Secretary, Jennifer Keating.

Absent:

Others Present: Ben Wyatt (present via Zoom), Wendy Pelletier, Mike Bentley

Call to Order: James Corliss called the meeting to order at 7:00 P.M.

Review of the Minutes

October 3, 2022

Laskowski moved to approve the minutes from October 3, 2022, as amended. The motion was seconded by Brodbine and passed via roll call. Parisi abstained.

Appointments

Public Hearings

Ellen Wright and Linda Thomas have submitted an application for a Boundary Line Adjustment for properties located at 275 Route 9A and 283 Route 9A, (Map 5K, Lots B5 and B3.1) consisting of approximately 1.69 acres in a residential 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.

Mike Bentley presented the updated plan and presented the deed as a part of the application. The parcel was acquired by Linda Thomas, not the Linda Thomas Trust. Bentley said that he advised his client to do this, because if the lot was purchased in the name of the Trust specifically to avoid making a more conforming lot. He understood that there was a discussion regarding the deeds and welcomed questions from the board. He said that once the plan is approved the lots will be conveyed into the same name and be merged.

Corliss said that he had difficulty understanding why they would not submit the voluntary merger with the lot line adjustment. Bentley stated that if the voluntary merger was done first, it would make a Zoning Variance necessary.

Parisi asked what the objection of the board was. Bissell voiced her concern than one property was in the name of Linda Thomas and Linda's other properties in question were in the Linda Thomas Trust.

Wendy asked if a conditional approval could be granted, with a condition that the voluntary merger be required. Bentley said that that would not work because the plan needs to be filed with the registry of deeds prior to the voluntary merger being able to occur.

Bentley said that as soon as the plan is approved, it will be recorded with the registry of deeds, the lots will be conveyed into the appropriate names, and then the voluntary merger will be presented to the board at the next possible meeting.

Hancock asked if there was any legal reason why the board could not approve it. Bissell stated that she believes it is a problem because the properties are not in one name. Bissell stated that she is concerned because only two lots are listed on the application. Pelletier stated that this is because only one lot is having a lot line adjusted, not all of the lots.

Maibusch made the motion to accept the plan as presented. Parisi seconded the motion.

Shippee stated that she would like to see all the lots listed on the plan.

Brodbine asked if conditions can be added after the fact, he asked if the condition subsequent could be a voluntary merger. Parisi stated that he thinks that the risks are not existent because the positions of the applicants are on the record. Corliss commented that he does not think that a voluntary merger can be a mandatory condition.

Pelletier offered to modify the application to include the four parcels, but she was concerned because a boundary line adjustment is between two lots.

Maibusch made the motion to end discussion, Parisi seconded. Six in favor, Bissell opposed. Motion passed.

The board voted on the motion to accept the plan as presented. Six in favor, Bissell opposed. Motion passed.

Bentley said that as soon as the plan is recorded, the deeds will be conveyed to the registry. The property will be transferred into the name of the trust and the voluntary merger will be performed.

Corliss asked Pelletier when the plans would be available. She said that she could drop them off on Tuesday, October 18.

Corliss made the motion to have the board sign the plans after the meeting. Laskowski seconded the motion. Six in favor, Bissell opposed. Motion passed.

Bissell addressed the board and said that she was confused about how the board was able to approve the application. She agreed that the result is good for the applicants and the board. She said that legally it concerns her, especially because the properties were not in the same name. Maibusch said that legally the board has the obligation to assist the applicants in their endeavors. Brodbine stated that he did not approve the plan in order to bypass the Zoning Board, but he said that he approved it because it was a Planning Board issue and he thought that the end result was good for the town, the applicants, and the spirit of the ordinances. Parisi stated that he voted for the plan because it was the least painful way for the applicant to get the desired result.

Laskowski asked Bissell if in the end, justice was served to the town of Chesterfield in her opinion. She said that she agrees with the end game but thinks that there may have been a different way to go

about it. Brodbine summarized that he thinks that the end result was a benefit to the town and the applicants and that's why he approved it.

Bissell stated that she is very much about consistency. Corliss stated that the board is not bound by precedent and can rule on an application based on the individual situation. Hancock voiced that he was concerned that there may be a feeling that the Zoning Board of Administration is difficult. The rest of the board disagreed with Hancock's sentiments.

Rules of Procedure

Corliss opened the public meeting regarding adding the language "Voting members must be presented for in-person meetings." He asked for public feedback and more comments from the board.

Parisi commented that hybrid meetings are difficult because the information is not presented in such a way that it is difficult to follow along via Zoom. He stated that it is difficult to see what is being discussed, which makes it difficult for remote members to follow. Parisi said that prior to COVID and prior to Zoom, the board was more cognizant of the need to be inclusive.

Hancock stated that files could be added to the meeting in Zoom and that he would be happy to do so as a service so that the people on the Zoom call can be engaged in the conversation (whenever possible). Hancock stated that he thinks that the Zoom is for taxpayer and resident participation (the benefit of the public) but not as a member of the board.

Parisi stated that in his opinion that means that it is not effective to sign on as a member of the board on Zoom if the format of the meetings does not change.

Brodbine said that he agrees with the rule as written.

Corliss made the motion to approve the change as presented. Laskowski seconded the motion. No further discussion. Motion passed unanimously.

Items for Discussion

Voluntary Merger – Benjamin and Allison Wyatt

The Board reviewed the application for the voluntary merger for Benjamin and Allison Wyatt 10A C29 and 10A C28. Owner Ben Wyatt spoke regarding the history of the property and how the lots were already restricted by the town, and they had to be sold together.

Brodbine made the motion to approve the voluntary merger of Benjamin and Allison Wyatt, lots 10A C29 and 10A C28. Shippee seconded the motion. No further discussion. Motion passed unanimously.

Corliss signed the Voluntary Merger.

Items for Information

9A, LLC

Corliss commented that the 9A, LLC subdivision was still getting attention from the lake association and code enforcement, due to the amount of silt that is currently going into the lake. He said that he is not sure what the roll of the Planning Board is. He commented that the drainage does not appear to be working properly.

Bissell asked Corliss about the changes in the drainage that the State requested. Parisi commented that he does not think that the Planning Board has a role to play. Hancock suggested that a private

citizen could file a complaint with the Environmental Protection Agency. Bissell asked if Code Enforcement would be the one to file a complaint. Shippee said that she would bring it up at the next Selectboard Meeting.

Rules of Procedure

Shippee said that in the Rules of Procedure, the Planning Board stated that in the Rules of Procedure that the board stated that the Public Hearings would be posted in the Brattleboro Reformer and the Keene Sentinel. Tricia Lachenal has been researching the legality of posting the public meetings on the website.

Hancock suggested reaching out to the AGs office to get their opinion. Bissell asked about the Municipal Association. Research will be continued, and the discussion continued at the next meeting.

Other Business

Adjournment

Brodbyne moved to adjourn at 8:28pm. The motion was seconded by Parisi, motion passed unanimously.

The next meeting will be held at 7:00 PM on November 7, 2022, at the Town Offices and virtually.

Respectfully Submitted by:

Jennifer Keating
Planning Board Secretary

Approved by:



James Corliss, Chair

8NOV2022

Date