

Town of Chesterfield, New Hampshire
Chesterfield Planning Board
Meeting Minutes – December 13, 2021
Public Meeting Convenes at 7:00 pm
Appointments scheduled to begin at 7:30 pm
In Person at the Town Offices with a Zoom option for the public

PRESENT: Vice Chair Joe Parisi, Joe Brodbine, Roland Vollbehr, Selectmen's Representative Fran Shippee, and Alternates Maria Bissell and Bob Maibusch. Roland Vollbehr was present via Zoom. Also present at the meeting was Secretary Beverly Bernard.

CALL TO ORDER:

The meeting of the Chesterfield Planning Board was called to order at 7:00 p.m. by Vice Chair Joe Parisi. The meeting was held at Town Offices, McKeon Conference Room.

Absent:

Chair James Corliss

Seat Alternates:

The Vice Chair seated the Alternates: Bissell for the position vacated by former member John Koopman, and Maibusch for Corliss. McKeon joined the meeting at 7:05 pm via Zoom.

Motion was made by Parisi to seat Vollbehr for the meeting. There was a second to the motion by Shippee and all were in favor by roll call. ***Motion passed.***

Motion was made by Brodbine to allow McKeon to join the meeting. There was a second to the motion by Shippee and all were in favor by roll call. ***Motion passed.***

Others Present:

Residents Ron Rzasa (Chair of the Economic Development Committee), John Pieper and Jeff Scott; also Rob Sugarman, Town Clerk Barbara Girs, John Koopman

MINUTES:

The meeting Minutes of November 22, 2021 were considered. **Motion** was made by Brodbine to approve the meeting Minutes of November 22, 2021. There was a second to the motion by Shippee. All were in favor by roll call except Vollbehr who abstained. ***Motion passed.***

ITEMS FOR DISCUSSION

- Parisi asked for items for discussion. Bissell noted the work of the Capital Improvements Program subcommittee is still a work in progress.
- There was a discussion regarding the Planning Board having only one Alternate if Bissell takes Koopman's place. Parisi asked Shippee if the Selectmen have any proposed Alternates for the Planning Board. Shippee responded that the Selectmen do not have an Alternate in mind. Parisi asked if Shippee knew if Zoom meetings might again be allowed by the State for the entire committee and Shippee said she hasn't heard anything yet.

- Bissell asked about placing the Alternate opening on the Town's website and make the public aware of the opening. Bernard said she would follow up on the idea.

ITEMS FOR INFORMATION

None at this time

OTHER BUSINESS

- **Spofford Yacht Club Permit by Notification Review** – Parisi asked for comments. Bissell began a discussion about the dock size. Brodbine said they are proposing a dock out onto the lake but there will not be a float on the end of the dock; they are doing away with the float said Brodbine. Parisi said the Planning Board has no recourse since it is a Permit by Notification. Maibusch said the Board could alert the State if we thought there was an issue with the plan, but that is about it.

Procedural Question

- Brodbine asked about subcommittee minutes getting approved when there is not another meeting planned. It was noted that all the members of the subcommittee were currently present, and they could approve the minutes now.

Pieper **moved** to approve the Housing Zoning Ordinance subcommittee minutes of December 7, 2021. There was a second by Brodbine who added there is a copy of the minutes in the binder at Town Offices. There was no further discussion, and all were in favor. **Motion passed.**

ITEMS FOR SIGNATURE

None at this time.

PUBLIC HEARINGS

- **Continuation of Public Hearing on proposed Senior Housing addition/amendment to the Chesterfield Zoning Regulations**
Public Hearing opened at 7:30 pm

Discussion: Parisi asked the subcommittee to review the status of the proposed amendment. Brodbine said the draft was submitted to Attorney Ratigan and a copy of the draft was sent to the Planning Board members. Three replies were received from Counsel. Attorney Ratigan said we can make the age limit 62, but he also commented on the Purpose section to clarify it. He noted that "Section 303.2 Purpose" had a recommended change "to provide important needed housing opportunities for older persons in Chesterfield " added to the end of the last line. Brodbine spoke about the idea that age 55 might be more appealing to the developers, but, he added, age 62 might be more attractive to voters. Brodbine said the population density of other parts of the state is not relevant to Chesterfield. Draft dated 12/7/21 is the final draft from the subcommittee.

Parisi asked about age requirements for eligibility of subsidies. He said that is an important issue and Brodbine said he feels they have addressed that. Parisi referred to Section 303.8 and said it seems to prevent the developer from building individual sewer and water systems since it refers to "a common" sewage disposal system. Brodbine said the intent is to not limit how systems are built. Bissell suggested removing the word "common". Brodbine agreed. Vollbehr said the wording was

given a lot of thought. Vollbehr said he supports the wording decided on. Pieper spoke about the number of public hearings that are needed before going onto the Warrant. Brodbine said we can make changes tonight but cannot make changes at the next meeting. Parisi said we have until the meeting in January.

Parisi said if someone wanted to put in an individual tank and leach field, the verbiage seems to prevent it. Vollbehr said yes, it would be illegal, and he supports that illegality. Pieper said maybe we are considering changing it for something that might never happen.

Discussion was continued on the proposed change to remove "A common" from the verbiage.

Motion was made by Brodbine to remove "A common" and change "area" to "areas" and "supply to "supplies". There was a second by Maibusch. Roll call vote: all were in favor except for Vollbehr who voted "no". The ***motion passed***.

Another question was asked by Maibusch regarding section 303.4 and proposed maximum of 24 units for 5 acres. Brodbine said we might get more push back from voters with a smaller number of units. He said folks seem to be okay with 24 units. Vollbehr said the number was based on the population of the town. Maibusch said what if someone wanted to do a 50-acre development? Brodbine said a developer could subdivide the lot. Parisi noted a landowner can also go to the Zoning Board of Adjustment for a Variance.

Public comment: John Koopmann spoke about primary qualifications for use of the facility. He said we are becoming functionally healthier – 65 is the new 55. He would urge raising the age to 70. Folks are working longer and living longer. You are serving people who need it the most when you raise the age to 70 given so few units and looking at the needs of the community.

Parisi asked for other comments from the Board.

Brodbine **moved** to approve the draft of the Senior Housing Zoning Ordinance dated 12/7/21 as revised tonight with changes. Second by Shippee. Parisi asked for more discussion. There was no further discussion. Roll call: all were in favor. ***Motion passed***.

A brief discussion was held regarding the date for the final review of the proposed ordinance. It was noted the next meeting is December 27, 2021 and the following meeting would be January 10, 2022.

Motion was made by McKeon to continue the public hearing on the proposed Senior Housing Zoning Ordinance to December 27, 2021 at 7:30 pm at the McKeon Conference Room at Chesterfield Town Offices. There was a second by Bissell and no further discussion. All were in favor by roll call vote. ***Motion passed***.

The Public Hearing on the proposed Senior Housing Zoning Ordinance is continued to December 27, 2021.

Parisi thanked the sub-committee for their work.

Public Hearing closed at 7:58 pm

- **Public Hearing on review and vote on a petitioned amendment to the Chesterfield Zoning Ordinance Definitions**

Public Hearing opened at 7:58 pm

Discussion: Parisi said the role of the Planning Board for this amendment is to not change the petition item, but to simply recommend or not recommend the petition to go onto the Town Meeting Warrant. Parisi noted Maibusch signed the petition and he questioned Maibusch on his reason for signing it. Maibusch said he did not sign the petition to support a point of view but rather to support the ability of the citizens of the town to bring a petition forward to the voters.

Discussion was held regarding the impact of the passage of the petitioned zoning changes. Bissel said if it goes to a town vote and it passes and then the zoning ordinance is amended, then it would be in conflict with itself. Parisi said that is correct, but we are only voting on recommending it or not. Bissel said if there is a potential for conflict, how do you address that conflict. Parisi said the conflict would have to be addressed downstream of the vote. McKeon said we cannot change the petition wording. Bissel noted the Town already has impermeable surface zoning. Parisi said this will have to be revisited once the voters have their say.

Rob Sugarman said any change on a zoning ordinance will have a snowball effect. He spoke about the proposal replacement for the current description for impervious surface. Any man-made surface alterations are stated as being impermeable. The petition will allow a modified surface that can be considered permeable. He said the intent is to mitigate flooding and erosion to Spofford Lake. With the proposed amendment changes to the zoning ordinance, residents will be able to make surface changes using permeable materials. Sugarman thanked the Board and Parisi thanked the petitioner.

Parisi asked for further comments from the petitioners. There were none at this point. Parisi said one item in the current ordinance was specific to solar arrays, done consciously in response to the State trying to encourage greater use of solar and make it less limiting. That has been lost in the proposed change. Sugarman said the amendment is meant to convey that the technology exists, and it applies to erosion on roads or solar arrays in general. He acknowledged there will be snowball effect. He said he believes that adopting the ability to understand permeable surfaces does not prevent the Planning Board from doing research and acting. Parisi said the Planning Board would not get involved with construction issues; that would be reviewed by the Code Enforcement Officer or building inspector.

McKeon said as far as permeable pavers go, that is only one piece of the situation. He said installation is also a factor. He said right now the Town doesn't have the ability to check on how the pavers would be installed. He noted the way that this is written is broad and not sure what we do with it, if it becomes our zoning ordinance, since it doesn't state 50% coverage or any other measurement for coverage. He noted there is nothing in the zoning ordinance currently that prohibits homeowner from replacing impermeable pavers with permeable pavers. McKeon said we don't have the capacity to inspect.

Sugarman said he the proposed ordinance simply recognizes the existence of permeable materials science. He said it recognizes progress in technology and is not concerned with inspection.

Maibusch said the definition of permeable is a bit convoluted. He said perhaps it is such so that as technology becomes available it allows for changes. He said he would support changing the definition of impermeable coverage if it won't allow for rain gardens and underground storage. He said he is favor of keeping things general and supports the State's definition.

Shippee asked was the intent to have any restriction at all. Sugarman said there is no intent. The petition allows for permeable surfaces. Sugarman said he understands the concerns. He said there is a benefit to moving ahead with the science of permeable surfaces. Sugarman said University of New Hampshire (UNH) has information and scientific data that shows some materials can absorb water better than natural surfaces.

Parisi asked for public comment. Barbara Girs was recognized to speak. She said a web site from stormwater.com (stormh20.com) states these need to be inspected regularly and preference is for twice a year inspection to see any damage. She asked how does the Town make sure that actually happens? She said what happens if sand gets between the pavers, how do we make sure the someone is maintaining them since an entire property could be covered with the pavers. If sold, would new folks even know and care about maintenance. She spoke about the cost for inspection. She said it doesn't sound like a well-thought-out amendment.

Jeff Scott said he agrees with everyone. He agrees that there is a place for science in the future regarding the lake and climate change, but also agrees with McKeon that somehow there needs to be someone responsible for inspections. He said he agrees that a pavement installation has to be designed and inspected during installation and after installation and the Town should not be responsible for the costs of inspection. He said he thinks the amendment is vague and needs to be re-written.

Parisi asked for further public comment. Sugarman said it is not the job of Zoning or Planning Board to fill in all the possible impacts of an amendment. Sugarman said even with 99% of coverage, there would be enough drainage to allow for absorption of 9 inches of rainfall. And even in poorly installed systems, you would still have the ability to absorb water without maintenance. This is not a paver on sand, it is constructed with 14-16 inches of aggregate to allow for drainage. He said we are taking the idea further than the petitioners want, by adding conditions. The specifics should come after the fact. He said you cannot stop progress and the Town has to deal with it should it pass.

McKeon said he wanted to remind the Board that when we do discuss changes to ordinances, we do try to look at what the potential changes are and how it impacts other zoning regulations. He said the installation is critical. If the materials are not installed properly then it isn't any better than we have now.

Parisi polled the Board members for comment: Shippee said we do want to move into the future, but if this were to pass, it could create a problem. She said until we can be certain about our understanding of unintended consequences, we should limit coverage. Bissell said the verbiage does not account for all situations. Maibusch said we should be able to hire code enforcement, but

we don't have the staff to do it and it is frustrating. The definition from the State is general and it is on purpose so that new technology can be taken on. Brodbine said he agrees with the issue of maintenance. Until we figure out how to do maintenance, he is hesitant to recommend it. He said nothing states the design of the surfaces. If we allow the permeable surfaces as presented in the petition, there is no limit on how much will be laid out. People could pave their entire lot. There is nothing to stop paving an entire property with these permeable pavers. He said we should allow for permeable pavers but limit it to some level of coverage. He said without limits, it doesn't work for him. He said it is a dangerous change to go through.

Vollbehr said permeable pavers are ok to use instead of asphalt. He asked if maintenance by homeowner doesn't occur, are we going to ask the police to ensure he does so. What are guarantees this will be done and to what standards? He said it is not an environmentally sound proposition.

McKeon said he thinks that until we have a whole package for this to present to the Towns people, doing it piece meal is not a good idea. Perhaps the petitioners could go back to someone professionally able to help write a more complete package to present to the Town.

Parisi said his view is like Jeff Scott's view. He agrees we should be moving ahead with the proposed technology, but we need to move ahead with it fleshed out. He said the Town needs qualifiers, and further details to make it practical. He said he supports the change, but only with it fleshed out. He said this appears to be an element of watershed protection.

The Chair asked for other comments.

Jeff Scott said science is his co-pilot, but let's be aware of paving paradise.

Bissell said the verbiage as proposed sets up code enforcement for failure.

Koopmann said it is the Planning Board's responsibility to consider the long-term effect of these changes. He continued saying there is some science at this point with meticulously designed and maintained surfaces, but the impediment for our area is that the runoff has road debris and salt and sand and one element contributing to failure is leafy debris. The effectiveness will be reduced and will require significant maintenance. He said his last point is that the concern around the lake, which is the most valuable asset to the Town, is that some folks have already maximized their coverage and if this is passed, many property owners will pave up to the waterfront where there is grass now. And if these fail, it will be disastrous to the lake.

Sugarman said there is a lot of speculation by Board members, and you have not had enough experience with pavers. He said he has experience and he said even with low maintenance water will not infiltrate the system. The cost is high, and the idea of paving of your entire property would be expensive. Speculating on that is absurd. This amendment may impact pavers, but the amendment is simply to recognize that permeable pavers should be recognized. He said it is the responsibility of the government to come up with conditions. He said it is up to the Board to figure out the rest of the specifics.

Parisi said the role of the Planning Board in this case is limited. All we get to do is to recommend or not recommend what comes to us by petition.

Parisi asked for further comment. There was no further comment.

Motion was made by McKeon to not recommend the petitioned amendment to the Chesterfield Zoning Ordinance definition for "Impermeable Coverage" be replaced with the definition of "Impervious Surface" as presented to the Board on the basis that it is incomplete and not inclusive of the other pieces of the zoning ordinance. There was a second by Vollbehr. Parisi polled the members for their vote. All were in favor except Maibusch who voted "no". The ***motion passed***. The Planning Board does not recommend the petition.

Parisi thanked Bob Sugarman for his words on behalf of the petitioners. Brodbine said it needs to be looked at further. Parisi said the Watershed Committee should be involved.

Public Hearing closed at 8:57 pm

Next Meeting: December 27, 2021

ADJOURNMENT

Motion to adjourn was made by Maibusch. There was a second to the motion by Shippee with no further discussion. All were in favor by roll call. ***Motion passed***. Adjournment occurred at 9:00 p.m.

Respectfully Submitted,



Beverly Bernard
Planning Board Secretary

Approved By:

Vice-Chair Joseph Parisi

Date 1/5/2022