

**TOWN OF CHESTERFIELD
PLANNING BOARD
Monday, December 18, 2023
Public meeting convenes at 7:00 p.m.
Appointments are scheduled to begin at 7:30 p.m.**

Present: James Corliss, Joe Brodbine, Bob Maibusch, Maria Bissell, Steve Laskowski, Keith Kohanski, and Fran Shippee

Absent: James Hancock

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

Review of the Minutes:

No minutes to review for last meeting. Two meetings will be in January, one of the 8th and one on the 15th.

Appointments

Conceptual Consultations:

Amy Treat on 34 Farr Rd. West Chesterfield NH, 03466

Public Hearings:

Pam Walton, a resident at 919 Route 63 states that the Planning Board has the right to develop definitions that are not in the zoning ordinances. She asked if there was a plan to develop a definition for Museum.

Corliss states that there is no current plan. He was on the board when Museums were added to the ordinance with the intent being to allow noteworthy sites of historical value that exist in town to be a museum.

Keith Kohanski states that a definition with the consideration of whether it belongs in a residential area.

Corliss stated that it sometimes does.

Kohanski commented about the one on Main Street, such as Eden in a residential area. It is a consideration of it belongs in a residential area or if it is a special consideration.

Walton states that there could be a petition to remove the title of Museum from residential areas. She does not want to see a museum being brought to the Planning Board in an inappropriate location with no way around it. If it meets the state definition of a museum, then it would pass and not pay taxes.

Corliss stated that The Historical Society is a museum that is in a residential area.

Walton states that there was not time to ok through regular means of the Zoning Board before it was purchased. The petition was put in to change it.

Bissell stated that taking off residential, this art colony does not fall into any category that we have such as bed and breakfast. If we take the approach of defining an art colony or colony and put that out in terms of

the zoning. There are people with many acres in residential that a museum could be appropriate, but unsure about the art colony.

According to Corliss, Museums are only approved in residential and there is enough time to put that on the ballot if the board is interested, 203-203.2 Permitted Uses

Cathy Harvey comments that this seems to be a part of the accessory uses and urges the board instead of taking things in and out of Zoning Board regulations, but to clarify the definition such as "Art Colony, Museums, Short term rentals".

Harvey asks for clarification of when these definitions would be clarified.

Corliss states that this could be on the ballot for March of 2025 as time is running out for March 2024.

Corliss moved to remove zoning museum from zoning ordinance. Kohanski seconded the motion. Kohanski commented about an article regarding the differences between an art gallery and a museum, without the accessory use and states that it should be a special exception.

Corliss does not disagree and states that this is the motion on the floor. Corliss asked if there is more discussion on the motion to remove museum from the Zoning.

Roll Coll vote, unanimously no for the motion to remove museum from the zoning.

James Corliss moved to have a public hearing on 203.2 permitted Uses letter of Museums from the Zoning Regulations. Keith Kohanski seconded the motion. The motion passed.

Eden Museum- An application for a Major Site Development for property located at 30 Farr Road W. Chesterfield (Map 13 Lot A 4.1) consisting of approximately 18.059 acres. This is a public hearing and may result in approval or denial of the application.

WITHDRAWN 12/18/2023

- **Planning Boards Proposed Zoning Changes Proposed Amendments to the Town of Chesterfield Zoning Ordinance**

The following amendments, as proposed by the Planning Board, shall be incorporated into the Town of Chesterfield, NH Zoning Ordinance:

Definitions:

Proposed New Definition:

James Corliss moved to have a Public Hearing on Impermeable Surfaces and Impermeable Coverages and the changes of 203.4C 204.4C and 205.4C as stated on January 8th at 7:30. Seconded by Maria Bissell. There was a unanimous vote.

Pervious paving: Engineered systems for patios, driveways, parking, and other similar structures that retain and infiltrate water better than or equal to the site's undisturbed soil. The most used types of pervious pavement are pervious concrete, porous asphalt, and permeable interlocking concrete pavers which are specifically designed, installed, and maintained to effectively absorb and infiltrate water. Pervious paving also applies to permeable paving.

James Corliss moves to change the definition proposed from Impermeable Surfaces to Impermeable Coverage. Joe Brodbine seconded the motion. Joe Brodbine states that this was agreed at the last meeting, but we are correcting the paperwork. Unanimous Vote.

Impermeable Coverage: All the horizontal area of a lot, parcel, or tract, that due to construction of structures is impermeable. Manmade alterations to the natural surface of the land which prevent or impede the infiltration of water runoff into the soil as it entered in the natural condition prior to development are impermeable. Common impermeable areas include, but are not limited to, rooftops, sidewalks, walkways, patios, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, swimming pools and permanently installed solid awnings and other fabric or plastic coverings.

1. All portions of any ground mounted solar panels other than the portion in direct contact with the ground are considered permeable for purposes of lot coverage calculation.
2. All portions of underground waste disposal systems, along with any necessary access covers, vents, and risers for pump out and inspection are considered permeable for purposes of lot coverage calculation.
3. Runoff Control Systems required and approved by the planning board to direct or infiltrate water such as rain gardens, swales, detention/retention ponds, level spreaders, culverts, and similar are considered permeable, for the purpose of lot coverage calculations.

Maria Bissell made a motion to change the verbiage of Impermeable Conditions on number 3 to be Runoff Control Systems required and approved by the Planning Board to direct or infiltrate water. Seconded by Bob Maibusch. Unanimous Vote.

Current:

203.4 C: Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

203.4 C:

1. Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot.
2. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
3. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required

for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.

- a. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
- b. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
- c. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

Current:

204.4 C: Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

204.4 C:

1. Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot.
2. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
3. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.
 - a. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
 - b. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
 - c. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

Current:

205.4 C: Coverage: Building coverage shall not exceed ten percent (10%) of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.

Proposed:

205.4 C:

1. Coverage: building coverage shall not exceed ten percent (10%) of the area of a lot.
2. Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the area of the lot.
3. Total lot coverage, which includes building coverage, impermeable coverage, and Pervious Paving, shall not exceed twenty five percent (25%) of the area of the lot. Use of Pervious Paving is required for total lot coverage between twenty (20%) and twenty-five percent (25%). All area beyond twenty percent (20%) must be Pervious Paving.
 - a. A Pervious Paving system design shall meet the University of New Hampshire (UNH) Stormwater Management Standards (SMC) and must be designed by an individual with UNH Stormwater Management Certification (or equivalent / better).
 - b. The Pervious Paving plan / building permit application shall include:
 - i. The design approved and signed by the SMC holder which shows how the plan improves the overall lot infiltration and reduces runoff leaving the property.
 - ii. A maintenance plan that ensures continued performance.
 - c. Code Enforcement may designate an SMC holder at the owner's expense for permit inspection if needed.

Joe Brodbine motion to change the wording on proposed 205.4 C to delete the #4 that appears between number 3 and A, B, C. Seconded by Maria. Unanimously approved.

Building Ordinance – 16.03

Driveway permit

Corliss introduced language to make it clearer that storm water runoff from the driveway and the impact on the public road drainage system must be considered and dealt with by the owner for new and revised driveways. Corliss believes the owner to be responsible now, but this explicitly adds responsibility language at the permit level.

This also adds a requirement (C) to require owners that modify driveways that increase the load on the public road drainage system to update their permit giving the town a chance to evaluate prior to the change or be used after the fact to help get an owner to correct a problem they created by changing their driveway. There is a drawing that the town provides to permit applicants, but it doesn't seem to be available other than with a driveway permit application requested in person. Corliss does not think the drawing should be regulatory, just informational for guidance and available.

James Corliss moved to accept the proposed changes to Building Ordinance 16.03 Driveway Permits. Keith Kohanski seconded the motion.

Discussion:

Roscoe discusses these changes in the watershed committee, regarding runoff into the roads. This new proposal does not include the lake. Refer to document, our main issue is that runoff is not allowed into the road but is allowed in the lake. Roscoe states that this Public Works Director, does not exist. We recommend the changes down below, regarding that water runoff needs to not just be specified as public roads. Its water runoff not only to public roads but to other places. Roscoe is not in favor of these proposed changes.

Shippee states that the motion is for new construction only.

Corliss states that this is a requirement for new driveways, with C regarding modifications to driveway. Corliss states that Roscoe believes that the proposed changes to the driveway permit are not specific.

Brodbine states that the wording in Roscoe's proposal regarding C is better than the motion on the floor. However, Brodbine states that this runoff may be increased but if it is in your own property, then does the town need to get involved? Roscoe's wording does not specify where the runoff is going, and if it is runoff onto their own property then that's fine.

Shippee states to add any additional runoff onto a public road or adjacent property, according to the Watershed Committee brought by Roscoe.

Laskowski states that while reading 16.03, it states runoff to public road. The Watershed Committees suggestion is to protect the public road, as well as the lake, or other existing bodies of water. Laskowski states that an amendment to A. There could also be an amendment regarding runoff to existing water bodies. If something is added in 13.08 to not divert runoff to water bodies, this would be more comfortable.

Corliss states at Laskowski is suggesting a modification to A that explicitly refers to 13.08. You must specify in the driveway permit what they must adhere to.

Maibusch asks what the definition is safe locations, adequate drainage. Laskowski states that these are found in the town ordinances.

Laskowski states to add notation on 13.08 at the end of the first sentence. Laskowski would lead the runoff to the Watershed committee.

Brodbine states that these words are difficult and are someplace between the motion, and the Watershed Committee.

Bissell asks a question to Roscoe, regarding the recommendation to Watershed Committee. Maria states that this new one looks different from the original recommendations and asks which recommendation the board should look at.

Roscoe clarifies that the original recommendations stated to have a building permit. The first preference of the Watershed Committee is the original recommendation. If you do not want building permits for driveways, then to look at the second recommendation that was brought.

Corliss supports the new recommendation of the watershed committee that is titled From Planning Board.

James Corliss moves to amend the motion for 16.03 driveway permits in its entirety to read, "16.03 Driving Permits" as follows: Seconded by Bob Maibusch. Steve Laskowski is opposed. Roll Call Vote: majority.

This second hearing will be on January 8th, at 7:30 as this was modified.

Laskowski states that the driveway permit needs to be from the town or the state regarding drainage. Corliss thinks that it is right how it is written.

Roscoe states that you must get two permits, one from the town and one from the state.

16.03 DRIVEWAY PERMITS

A: Any new drive from a public or private road shall require a driveway permit from the town Highway Department Director and approved by Code Enforcement showing how it meets minimum town requirements. Factors to be considered include a safe location, suitable grade at its junction with the road, and adequate drainage provided to support any additional water flows from the driveway.

B: The Building Inspector shall not issue a building permit before approving a driveway permit which meets town requirements if a new driveway is required.

C: Modifications to driveways that increase storm water runoff require preapproval by the Highway Department Director and code enforcement and the receipt of a revised driveway permit. The modification must ensure continued adequate drainage in the Public Road drainage system and adequate drainage provided to support any additional waterflows from the driveway.

Building Ordinance 13.02

Discussion:

Corliss moves to add a reference to the Chesterfield Floodplain Development Ordinance to the list of codes referenced in the Building Ordinance 13.02. This is a change for clarity only as it is already required to be considered when building. Motion failed for lack of second.

Corliss suggested to move onto the next item.

Corliss said "I can find no justification for having a minimum roof pitch for residential or criteria for the ZBA to grant the required special exception for using a lower pitch. I believe the current height limits are adequate and there is no reason to regulate the height of cantilevered decks above ground. Means of egress are covered elsewhere."

James Corliss makes a motion to hold a public hearing on January 8th at 7:30pm to remove the minimum roof pitch required in Building Code 13.03. Second by Fran Shippee. Vote passed unanimously.

Corliss clarifies that this is only regarding residential. Steve sees no reason for it to be there.

Brodbine asks for clarification of flat roof for single and 2 family homes. Are we going to allow flat roofs for the town?

Laskowski states that historically it stems from our historical prohibition of mobile homes.

Building Ordinance – 13.08

Discussion on surface water management

This is the language for the public hearing to board agreed to. While Corliss understands the intent is to have a qualified individual look at projects that appear to the building inspector to warrant an actual drainage plan, Corliss believes that it will eventually turn into a requirement for all projects, and it is little comfort to be told that you can appeal the decision to the ZBA&A (like any other town decision). Corliss also believes that it would need to be somehow made better to be limited / balanced and will not support placing this version on the ballot.

Brad Roscoe agrees with 13.08 needs to replace the prior wording, as there was a discussion at the prior meeting.

Bissell is asking if there was any word on the building inspectors on 13.08, and the surface water management.

Brayard Tracy asks if the chair consider 13.08 to make surface water management to be adjacent regarding the first paragraph.

Roscoe states that there must be a regulation and a process. There must be a process and a regulation.

Laskowski agrees with Roscoe and states that you need 1 and 2, with 2 being the action paragraph for number 1.

Shippee states that A-E also be included.

Laskowski states that there are many variables that need to be considered, and the idea of what a building inspector will be looking for.

Brodbine has an issue with the last sentence of paragraph 2. I have a problem with what the zoning board bases their decision on. The criteria that the zoning board does not seem defined.

Bissell asks to petition to the planning board.

Corliss does not think that the planning board wants the town involved in the zoning board.

Brodbine states that the planning board seems to be the most qualified to discuss.

Laskowski disagrees. The zoning board has regulations and applicants on the other side. The A-E that is listed is what they will consider deciding if the building inspector has a point or not. This seems that there is not heartburn in this or not.

Corliss states that they are quasi-judicial and they do have to look at the law. James states that if you go to the zoning board and will go look at the authority of the building inspector.

Laskowski states that it was placed in there to guarantee the applicant a reasonable hearing in case the building inspector has personal conflixtions with the applicant. This would give the applicant a chance for the pubic to see the confines of the building inspector.

Corliss states that this does not change nor add anything.

Brodbine will agree with Laskowski if they leave A-E and have something for the building inspector to consider.

Corliss states that there is not limiting factor, and it is a suggestion.

Maibusch is not in favor if this and asking the homeowner that they are not going to impede on other properties, this should be on the town and not the homeowner.

Shippee asks if there are times that a building inspector cannot ask for a stormwater drainage when they should.

Corliss states that they could, and it seems a bit to put on the individual. The language addresses goodness, and unreasonable which is a difficult word. I know that someone on Hutchins Road gets my runoff, although my runoff comes from Streeter Hill. I am not sure of where the water comes from, which makes it hard. When there is a big development of thousands of square feet and there is new runoff, there is a problem. Corliss has struggles with how this is written.

Shippee asks what the means are for going after these people.

Corliss states that the town would, or the neighbor.

Shippee states that this is expensive and most likely would not happen. There are people that are having these big problems and feel empower less to do something.

Roscoe states that when talking to attorney, the only way is through civil suits, as the town will not involve. This has happened on a few places on Spofford Lake. This is not 100%, the idea with this is to minimize the effect and reduce the occurrence of these things.

Keith Kohanski made a motion to accept the proposed changes to Building Ordinance 13.08 as follows: Surface Water Management 13:08. Maria Bissell seconded the motion. Discussion as follows: Roll Coll Vote, 2 No's- James Corliss and Bob Maibusch and 5 Yes.

13.08 SURFACE WATER MANAGEMENT

1. Adjacent Properties and Protected Water Bodies: Surface water resulting from residential construction shall not cause increased flooding or unreasonable deposits of storm water runoff or sediment onto adjacent properties, protected water bodies, or properties further downstream in the drainage basin.

2. Surface Water Drainage: The Building Inspector may require a surface storm water drainage plan as part of permit for a residential construction site. This plan must be prepared by an individual with UNH Stormwater Management Certification (or equivalent). The building inspector may require the plan to be reviewed by the Town Engineer at the applicant's expense. If the applicant wants to contest this requirement, the applicant may petition the Zoning Board for a decision.

Situations that may be considered in deciding if a stormwater drainage plan is required are:

A. Increased storm runoff might cause flows in downstream bridges, culverts, Town storm drain system, or drainage facilities to exceed capacity.

B. Installing or upgrading a driveway that has a significant slope and/or may channel water.

C. Changing surface drainage properties such that the water velocity is increased over certain areas. For example, replacing local vegetation with a lawn over an area with a high incline.

D. Changing surface drainage paths such that more water is concentrated toward one section of the property resulting in a larger amount of water in that localized area.

E. Surface water runoff carried into existing watercourses or drainage ways, whether there are intervening storm drainage systems, might degrade surface water quality.

Tracy states that there are places around the lake that the absence of restriction or methodology of these new developments, given that there are no requirements or storm water management, the runoff will increase and more of that runoff will degrade the lake at a faster rate than it already is. There needs to be a balance between the new developers along with the quality of the lake. There was good reason to do this, and they exist throughout the time. Tracy is speaking in favor of it as it is being presented.

Laskowski states that if there is a multiacre development of land, as well as single lot. Anything that we might have saved in terms of erosion, could be wiped out by the single lot that is dumping things.

Building Ordinance 15:04

James Corliss moved to accept the proposed changes to Building Ordinance 15.04. Seconded by Joe Brodbine. Roll Call Vote: Unanimous approval.

CURRENT:

15.04 COMMENCEMENT WITHOUT BUILDING PERMIT - It shall be unlawful for any person to commence work on construction, prefabrication, modification, alteration, expansion, or repair of any

building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit. It is the property owner's responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes;

Exceptions

1. Repairs, except for chimneys, where the total cost of materials or the total cost of labor is less than \$2,500.00.
2. Reroofing and/or Residing - One (1) and two (2) family dwellings or accessory building;
3. A Detached one story accessory structure not over 200 sq. ft. in floor area.

PROPOSED:

15.04 COMMENCEMENT WITHOUT BUILDING PERMIT - It shall be unlawful for any person to commence work on construction, prefabrication, modification, alteration, expansion, or repair of any building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration, or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit. It is the property owner's responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes;

Exceptions

1. Work exempt from permit as listed in the NH State Building Code. Refer to the International Residential Code (IRC) Section R105.2 or the International Building Code (IBC) Section 105.2.
2. Reroofing and/or Residing - One (1) and two (2) family dwellings or accessory building.
3. A Detached one-story accessory structure not over 200 sq. ft. in floor area.
4. Repairs, except for chimneys, as specified in the IRC Section R105.2.2.

Steve Laskowski moves to amend 15.04 to read: "No person shall commence work on construction, prefabrication, modification, alteration, expansion, or repair of any building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration, or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit. It is the property owner's responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes". The motion was Seconded by Joe Brodbine.

Modified with additional input from Code enforcement pointing out State codes which already supersede town requirements.

Discussion:

Corliss states that there is no solution to outside contractors and may not be following town building permits. This fixes 15.04 with the codes but does not fix the underlying problem.

Laskowski states that 15.04 diverges from other as it states that it is unlawful. There is no penalty attached to the building code.

Bissell thought that you may be imposed a fine or ask to take it down.

Laskowski states that this is an ordinance and not a law. Steve states that he would like to delete unlawful.

The second and the motion were withdrawn.

Discussion:

Bissell states that this is referring to a state law, 'a person who violates any provision of any local ordinances are guilty of a misdemeanor of a natural person and fined.

This states that if someone were to build something with no permit, I am being charged \$250 a day as long as it is standing, with \$550 as the second offense each day.

Corliss states that the wording as it is read, is correct as it is unlawful.

Richard Melin: on the fourth line on 15.04 a phrase by the building inspector, this should be amended. It should read 'building permit has been issued by the building inspector...'

Shippee agrees with Melin, although the wording is ok.

Brodline agrees but also states that the wording for this is ok.

Items for Discussion:

Jeff Scott would consider changing the minimum floor area required from 750 ft to 400ft as stated in 13.05. All of the building ordinances must be met but requested that you consider that. We have no limits for how big a property can be, so why limit how small a house can be. If they want to build a small house, then they should be able to.

Bissell states that this meets the minimum requirements for the ADU as this requirement is 300 ft.

Scott states that people are concerned that this is diminishing their property value if a neighbor builds a 400ft house.

Laskowski states that the town is in favor of having tiny houses, and the senior living houses are 650ft.

James Corliss moved to hold a public hearing to change the Building Ordinance 13.05 minimum floor area required from 750 square feet of living area to 400 square feet of living area to be held on January 8th at 7:30pm. Second by Maria Bissell. No further discussion. Unanimous Vote.

Items for Information

Steve Laskowskis term is up, and no replacement has been found.

Other Business

Items for signature

Adjournment

Steve Laskowski moved to adjourn at 9:30 P.M. The motion was seconded by Joe Brodbine and passed unanimously.


The next meeting will be held at 7:00 PM January 8, 2024, at the Town Offices.

Respectfully Submitted by:

Taylor Smith

Planning Board Secretary

Approved by:



5MAR2024

James Corliss

Date