

PLANNING BOARD
Monday, April 17, 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: James, Corliss, Joe Brodbine, Maria Bissell, James Hancock (alternate), Joe Parisi, and Fran Shippee. Also present at the meeting was Recording Secretary, Jennifer Keating.

Absent: Robert Maibusch and Steve Laskowski

Others Present: Russ Huntley

Seat Alternates: James Hancock was seated.

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

Review of the Minutes

April 3, 2023

Brodbine moved to approve the minutes from April 3, 2023, as amended. The motion was seconded by Bissell and passed unanimously.

Appointments

Conceptual Consultation – Jim Fennell

Conceptual Consultations are non-binding on either party and no minutes are taken.

Conceptual Consultation – Copper Cannon

Conceptual Consultations are non-binding on either party and no minutes are taken.

Conceptual Consultation – Kim Hayes

Hayes notified the board prior to the meeting that she would not be able to attend. No conceptual consultation was held.

Public Hearings

Susan Monnelly Revocable Trust has submitted an application for a Minor Site Subdivision for property located at 143 Pond Brook Road, Chesterfield, NH (Tax Map 13, Lot H009) consisting of approximately 10 acres in the Rural/Agricultural 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 plan for completeness.

Parisi made the motion that the drawing submitted was complete enough to review. Brodbine seconded the motion. All in favor, motion passed unanimously.

Russ Huntley presented the plan for the Susan Monnelly Revocable Trust. Each proposed lot is slightly over 5 acres, with one having frontage on Pond Brook and one having frontage on Poocham Road.

Bissell asked about the leach field on the plan. Huntley noted the location and explained that the leach field was existing.

Brodbine noted that there were fences that ran over the new property lines, but stated that that was probably irrelevant.

Corliss asked Huntley if there were any waivers requested, Huntley said no.

Parisi asked if a perc test was required. Brodbine said that it was required for major subdivisions, but not minor subdivisions.

Parisi made the motion to approve the Susan Monnelly Revocable Trust Subdivision. Shippee seconded the motion. No further discussion. Motion passed unanimously.

Corliss made the motion to sign the plans after the meeting. Brodbine seconded the motion. All in favor, motion passed.

Items for Discussion

Items for Information

FEMA Flood Maps

Corliss commented that the flood maps had been sent out but were difficult to read. Bissell commented that the legends were confusing. Hancock stated that they were online to review as well.

Finding of Fact

Corliss had been in touch with legal counsel regarding the Finding of Fact for Notices of Decision. Ratigan feels that the board has been doing a good job noting reason for denials and did not need to do so for approval.

Bissell stated that she believes that this is not in line with the state law that requires finding of fact on approvals. Brodbine asked if there could be a single line that states that the approval met the town and state regulations.

Bissell feels as though there needs to be clear finding of fact for approvals. Hancock agreed that there needed to be a finding of fact listed out with what the board considered. Bissell said that the various pieces of fact need to be called out

Bissell made the motion to put in findings of fact for approval as the board is approving it so that the Land Development and Zoning Ordinances are called out.

Corliss noted that that would be a change to the rules of procedure.

Bissell made the motion to have a public hearing regarding the Finding of Fact processes in the Rules of Procedure. Hancock seconded the motion.

Hancock mentioned that this would be a good way to protect the Board in the court of law. Bissell said that she feels it is the only way to protect the Board and follow the law. Brodbine worries that this may cause the board to get caught up in the minutia and not consider the facts of the case. Parisi said that he agrees with Brodbine, and that if the Board feels that if there needs to be finding of fact that the meeting minutes could be submitted. Shippee asked Bissell what happens if the Board misses something in the Finding of Fact. Brodbine said that this may open the door to give people grounds to appeal the decision.

Parisi made the motion to call the question for the amendment for the motion. Brodbine seconded the motion. Vote held via roll call, motion passes unanimously.

Vote held via roll call on the original motion. Four opposed. Hancock and Bissell in favor. Motion failed.

Parisi said that this would put the responsibility on the person making the motion. Hancock says that he thinks that this is prejudicial against the board if the board did not do it correctly and consistently for every application.

Wetlands Permits by Notification- Mark Anderson

The board reviewed the Wetlands Permits by Notification and had no additional comments.

Wetlands Permits by Notification- Walter Goad and Patricia Goad

The board reviewed the Wetland Permit Application for a Standard Dredge and Fill with no additional comments.

Other Business

Items for Signature

The Monnelly Revocable Trust plans were signed after the meeting.

Adjournment

Hancock moved to adjourn at 8:47 pm. The motion was seconded by Brodbine, motion passed unanimously.

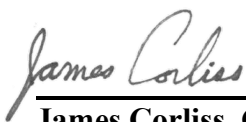
The next meeting will be held at 7:00 PM on May 1, 2023, at the Town Offices and virtually.

Respectfully Submitted by:

Jennifer Keating

Planning Board Secretary

Approved by:



James Corliss, Chair

2MAY2023

Date