

PLANNING BOARD
Monday, January 18, 2021
Public meeting convenes at 7:00 p.m.
Appointments scheduled to begin at 7:30 p.m.

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-929-205-6009, 1-312-626-6799 or 1-301-715-8592 Meeting ID 871 6351 3521 and passcode 944792, or the following website:

<https://us02web.zoom.us/j/87163513521>

Meeting ID: 871 6351 3521
Passcode: 944792

- b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <https://chesterfield.nh.gov/>.

- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 603-499-6534 or email at: tricia.lachenal@nhchesterfield.com.*

- d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Present: James Corliss, Jon McKeon, John Koopmann, Joe Parisi, Joe Brodbine and Bob Maibusch.

Call to Order

James Corliss called the meeting to order at 7:02 PM.

Seat Alternates

Jeanny Aldrich was not present, but the Board of Selectmen has not assigned an alternate so nobody was seated.

Bob Maibusch seated in place of Roland Vollbehr.

Review of the Minutes

January 4, 2021

John Koopmann moved to approve the minutes from January 4, 2021 as amended. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Appointments (7:30)

Town of Chesterfield Planning Board – A continuation of a public hearing will take place to review and vote on the petitioned warrant article to Amend the Official Zoning Map of the Town of Chesterfield to change the present zoning of Map 11B, Lot A-12-4 from Planned Development District #3 to Commercial/Industrial.

Corliss noted that Mr. Emery is present at the meeting. Donald Emery noted he would like the Planning Board to recommend the petition. Corliss asked what the point of the petition is for the applicant. Emery noted that he does not see an immediate need, but the warehouse is full and at some point, they will need to expand. Emery noted that it has always been their plan to get the property zoned commercial. Emery noted that there is no immediate need as plans to expand are not immediate due to building costs. Emery noted it is in the best interest of the property owner and the Town to have the freedom on the property that is afforded by it becoming Commercial. Emery noted that it would clean up the zoning for the town by removing the PDD #3. Corliss noted that he wrote to Emery about a week ago explaining that if it is changed, the front setback of the property goes from 30 feet to 50 feet and if someone wanted manufacturing, testing or packaging of goods to happen they would be required to ask for Zoning Board approval. Emery noted that he looked at the information provided by Corliss and decided that they would still like to move forward with the petition. Koopmann asked if there was any conceivable negative for the Town. McKeon noted that the road remains private. Corliss noted that the intent behind allowing a PDD was not to later allow spot zoning. McKeon noted that he understands what they want to do, but is unsure if the outcome will be what they want. McKeon noted that PDD#3 does not go out of the Zoning, it will have to be amended. McKeon noted there are other lots involved in the PPD. McKeon asked if Emery has looked into the fact that they lose 20 feet of frontage. Emery noted they will still be able to do an expansion even with the loss of frontage. Emery noted that only one lot ended up in PDD#3. Corliss noted that the Fire Station is also part of PDD #3. Emery noted that the Fire Station is under a different jurisdiction. Parisi noted there are also residential lots involved in the PDD. Emery noted that they are residential, not part of the PDD. Emery noted there is no mention of residential lots in the PDD regulations. Brodbine noted that the PDD indicates there is 7.5 acres so it cannot include the residential lots. Emery noted the residential lots are 6 acres each. Corliss noted that he is inclined to not recommend as it makes a mess of the regulations. Koopmann asked if this change would just change the zoning map or would it eliminate the district. Corliss noted it would rezone Ames Performance only. Emery noted that the Town took over the road after it was completed and the only thing left would be the Fire Station.

The hearing was opened to the public.

There were no public comments or questions.

Parisi noted he looked at the history of PDD#3 and at the time, the applicant stated they were not trying to do spot zoning, so if that is the result of this petition, he would like to know why that position changed.

John Koopmann moved the Planning Board “not recommend” the petition. The motion was seconded by Joe Brodbine and passed by majority. (No: Maibusch)

Town of Chesterfield Planning Board - A public hearing will take place to review and vote on the Board of Selectmen proposed amendment of section 401.1 “Setback” and 401.6 “Billboards” to the Chesterfield Zoning Ordinances. Please see the Town website for full draft of proposed changes/additions to the regulation. (chesterfield.nh.gov).

Corliss noted that the Planning Board can accept the proposal from the Selectboard as written and send it to Town as recommended, amend it or choose not to move forward with the proposed amendment.

John Pieper noted that he sent an email this afternoon stating that the Planning Board does not have the ability to amend or strike the proposed language and can only recommend or not recommend. Parisi noted that with Aldrich not at the meeting, he is unsure whom to direct the questions to about the proposed regulation.

It was noted that the objective appears to be that the host property can exceed the 64 square foot regulation and the business could have more than one free standing sign, but the wording does not limit either of those numbers. Parisi noted that the last time this was brought up, those deficiencies were brought up and noted, but they still have not been addressed. Brodbine noted that it needs to clarify how big the sign can be and how many free-standing signs are allowed. Corliss noted if the board still has questions, they can table the discussion. McKeon noted that “E” leaves the host property as responsible for the sign if the other business goes under or leaves. Parisi noted that it is not clear to him who would be allowed to utilize this and if there is potential to double the amount of signage along Route 9. Koopmann noted that this is only available for businesses not on a Town Road or on Route 9, making most businesses in Town unable to utilize it. Maibusch noted that he is in favor of the amendment but agrees that there should be limitations and believes it should be sent back to the Board of Selectmen for rewording. Parisi noted this first came up three years ago and a business was told they should apply for a zoning variance, which has not been done. Parisi noted that he struggles to see the importance of this if they have not applied for a variance. McKeon noted that the current regulation is not being enforced. Winn noted that the intent as he understood it was the size limitation would remain and the idea was to allow a separate free-standing sign without making the property owner reduce their signage. Winn noted that perhaps it could use some rewording. Winn noted that he was personally unaware of previous discussions on this ordinance. Winn noted that the removal clause is mainly with the intent to give some direction when/if a business wants/needs the sign removed making it the responsibility of the business owner, not the property owner. Winn noted that the clause is not to prevent the property owner from removing it, but to give code enforcement some ability to go to the business owner and have them remove it. Winn noted that he would assume that the hosting landowner and the business owner would have an agreement in writing to address these issues. Corliss noted that as written, commercial property signs could be placed on residential properties.

Margaret Helpert noted that it seems the issues is not that a business is not on a road, but that its remote and people do not drive by the business. Helpert noted that under the setback section, the board may want to separate that under its own section as it gets lost where it is located making it a little difficult to understand. Helpert noted that when talking about size of signs and text, the board

needs to remember that should be relative to the speed on the road where the sign is located so as not to cause a traffic hazard.

Koopmann asked if the board could send this back to the Board of Selectmen for modification. Corliss noted the Planning Board could do that.

John Koopmann moves to send the proposed amendment back to the Board of Selectmen for revision. The motion was seconded by Bob Maibusch.

Corliss noted that the email received from Pieper reads differently from his conversation with Town Counsel. Koopmann noted he would like something in writing from the Town Attorney. Parisi noted that the email from Pieper includes information on a petition and this is not a petition. McKeon noted that a petition is a different thing than this which came from the Board of Selectmen. Roll call vote on the motion: unanimous.

Pieper noted that the reference to petition is another conversation not to do with this issue.

Orange Door Design, LLC – A continuation of an application for a Minor Subdivision for property located at 745 Route 9 and Poocham Road (Map 13 Lot H19) consisting of approximately 27 acres in the Rural/Agricultural Zone and 2 acres in the Residential Zone. This is a public hearing and may result in approval or denial of the application.

Corliss noted that since the last meeting, there were a few items that came in. Corliss noted the board received some waiver requests and a new plan.

Corliss noted that 403.2B2 Drainage Vectors is the first waiver request. Corliss noted that there are no vectors on the plan. Brodbine noted that he believes it would be reasonable to not include them on the lot that has the existing house. Maibusch noted that he is fine waiving the Drainage Vectors on both properties. Koopmann noted there should be drainage vectors on the lot without the house. Parisi noted that he is ok with not having them on the existing house lot, but a newly created lot should include them. Parisi noted that is how he feels about the test pits as well.

Joe Parisi moved to deny the waiver request for 403.2B.2 Drainage Vectors and 403.2B.5 Test Pits and Percolation Tests. The motion was seconded by John Koopmann.

Discussion: It was noted that this is a denial of the request as written which would include both lots. It was noted that the board could grant half the waiver if they chose to.

Parisi withdrew his motion and Koopmann withdrew his second. Motion withdrawn.

Joe Parisi moved to accept the waiver request 403.2B.2 and 403.2.B.5 for the lot with the existing house and deny the waiver request for the new lot. The motion was seconded by Joe Brodbine and passed unanimously.

A waiver request was also requested for 700.5 Monuments. Corliss read the request:

There are no new streets proposed.

Route 9 is monumented by the State DOT, all monuments were found as depicted on plan reference sheet 4.

A capped rebar will be placed at the new lot line on Route 9.

Poocham Road is defined/monumented by stone walls. 2 monuments will be placed at the intersection with Route 9 at the point of curvature where the new entrance meets the old road.

Pelletier noted that they are not able to monument on Route 9 and the way she reads 700.5 the bounds of the right of way have to be monumented, it does not say the bounds of the property line. Pelletier noted that her interpretation is this is necessary on new roads. Pelletier noted that setting monuments is a huge expense. Corliss noted that monuments are a more permanent marker than rebar and that is why the Town requires them. Corliss noted that it is this boards understanding that where property lines intersect is where they are needed. Pelletier noted she went through the last 5 years of approval from this board and it is not consistent.

Jon McKeon moved to deny the waiver request for 700.5 Monuments. The motion was seconded by John Koopmann and passed unanimously.

Corliss noted that assuming everything else was in place, a conditional approval would require a condition precedent with the Town releasing Poocham road at the 2021 Town Meeting. Corliss noted that there are monuments, drainage vectors and test pits missing from the plans. Corliss noted that if there was a conditional approval, the board could not review the information, just verify that it is there. Brodbine asked what is probability of the petition going before the town this year. Corliss noted that it will not make it this year. Pelletier noted that the deadline is 5 weeks before Town meeting and has not passed yet. It was noted that the board is still within its 65 day limit to make a decision.

Jon McKeon moved to continue the Orange Door Design, LLC hearing to February 1, 2021 at 7:30 via Zoom. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

The board took a 5 minute break.

Town of Chesterfield Planning Board - A continuation of a public hearing will take place to review and vote on the proposed addition of section 220 "Spofford Lake Watershed Steep Slope Overlay District Ordinance" to the Chesterfield Zoning Ordinances. Please see the Town website for full draft of proposed regulation. (chesterfield.nh.gov).

Corliss noted that there was quite a bit of public input received. Corliss noted that previous discussion had centered around how and if to allow exemptions to the ordinance and if the overall ordinance was too restrictive on landowners. Corliss noted that the language on exemptions was updated at the last meeting.

Koopmann called for a point of order noting that he would like to suggest that as a Planning Board member Mr. Maibusch recuse himself from the discussion on the steep slopes ordinance. Corliss noted that it is up to each individual board member and them alone to recuse themselves if they choose to do so. Koopmann noted that he was suggesting that Maibusch consider it. Parisi noted that he would like to echo Koopmanns comments and note that in his time on the board, board members have routinely recused themselves for both real and perceived conflicts, and that Maibusch's not recusing himself is setting a disappointing precedence. Maibusch noted that he does not intend to recuse himself from the discussion. Maibusch noted that he is coming objectively as a property owner and would be opposed to this even if it did not affect his own property. Corliss noted again that it is entirely up to a member to recuse themselves if they feel appropriate. Koopmann noted there is a conflict-of-interest statement that all the board has signed. Maibusch noted that any member of the board that has property in the watershed would be affected by this regulation. Maibusch asked if anyone else on the board owned property in the watershed. Corliss noted that the board is moving on to the ordinance.

McKeon noted that he had sent along one more sentence he would like added to the current draft regulations.

Mark Smith noted that it seems to him that this is the business of the State and not the Town. Smith noted that he believes that only the people in the watershed should be allowed any opinion on this as they are the people that the proposed regulation will affect. Smith noted that this is Spofford business not Chesterfield business.

James Hancock noted that he looked into the origins of Steep slope ordinances and Chesterfield numbers are half what is recommended. Hancock noted that he spoke with the State and they were shocked at the numbers proposed by Chesterfield. Hancock noted that the State recommends 30% and this regulation is half that number. Hancock noted that if this goes through, he guarantees this will be in litigation.

Briony Angus noted that she sent in some recommendations about different requirements as you move away from the lake and would like the board to respond to those recommendations. Angus noted that her letter provided concrete language the board could add making the regulation more flexible as you get further from the lake. Corliss noted he read her input and agrees with the general sentiment but is unsure how to implement it. Corliss noted that both her and Mr. Woodman have raised valid points. Angus noted that it would be as simple as copying and pasting to implement this into the regulation and this would make it a lot easier for a lot of people to swallow.

Geoff Jones noted he spoke at the December meeting on behalf/request of Pam Walton. Jones noted he is a professional forester and a recreational boater on Spofford Lake. Jones noted that it is clear to him that protection of the lake is important, and a lot of money has been spent. Jones noted he looked at aerial photos of the lake and the majority of the shoreline has been developed. Jones noted that development disturbs the natural vegetation and that impact the ecosystem making undisturbed land even more important. Jones noted that it is important to keep as much land in the watershed undeveloped as possible.

Terry Frost noted that the issues of the lake grow with development. Frost noted that the ordinance is well written until the exemptions.

Jeff Littleton noted that he worked with Geoff Jones and is an ecologist. Littleton noted a lot of work has gone into this and balance is key in this situation. Littleton noted that balance between development and water quality go hand in hand. Littleton noted that Spofford has a small watershed for a large body of water and it heads downhill quickly. Littleton noted that once you remove cover, this will increase the runoff to the lake and the damage to the ecosystem. Littleton noted that streams are carrying sediment directly to the lake. Littleton noted this is not just a Spofford issue as everyone pays taxes here and it is a community wide issue. Littleton noted that as written this seems like a good ordinance. Littleton noted that the exemptions did a good job of addressing the concerns of the residents.

Kelly Rooney Hanzalik noted that she is a homeowner on North Shore noting that this ordinance is a balance of homeowners and community. Hanzalik noted that she has observed the properties at higher elevations and their runoff goes directly to the lake. Hanzalik noted she does support homeowners' rights but noted that they all share a common boundary (the lake) and the lake needs a voice. Hanzalik noted that if the quality of the lake goes down, property values go down and the taxpayer dollars to the town also diminish. Hanzalik noted that this impacts all homeowners in Chesterfield. Hanzalik noted that when you choose to buy property on a lake, you know that your choices will affect the entire town and that your regulations will reflect protecting the lake as a priority. Hanzalik noted that she is in favor of this ordinance and she would also be interested in looking at properties that are currently negatively impacting the health of the lake.

Bayard Tracy noted he would like the board members to consider limiting the exemptions as much as possible. Tracy noted that the characteristics of the watershed are different than other parts of town. Tracy noted that Walton provided information on other towns with similar watersheds. Tracy

noted that the Planning Board has the ability to make decisions that will impact the lake for years to come. Tracy noted that previous bad decisions have affected the lake. Tracy used Lone Pine Road as an example as water comes down onto North Shore from there. Tracy noted that the lake is 25-30% of the Towns tax assessment and it must be kept healthy. Tracy noted he would like the board to consider eliminating the exemptions. Tracy noted that it is important to the Town, community, and the property owners.

It was asked if Jeff Littleton was willing to divulge his conflict of interest in the meeting. It was noted that he is under contract with the conservation commission and therefore he should not be held as an expert in this matter as it is a clear conflict.

Board Discussion:

Corliss noted that in his view the Planning Board tried in 2019 and early 2020 and did not get this done. Corliss noted that it was hoped that a group would work on this throughout 2020, but that did not happen. Corliss noted this was taken up again in November and the sub-committee worked hard for the language. Corliss noted that it does seem that there should be a reasonable way for people to see and fix an issue that is already occurring. Corliss noted that he hears that people further from the lake see that as less important, but closer to drainage may be more critical than distance from the lake. Corliss noted that writing regulation is hard and he would like to continue for another year having no ordinance and working to get it right.

Koopmann noted that this document is a mandate of the master plan. Koopmann stated that the master plan encourages the protection of the lake and this document reflects that. Koopmann noted that within the watershed needs to have more stringent rules. Koopmann noted that Roads-End-Farm letters were well crafted, and he had not considered the distance from the lake as brought up by them. Koopmann noted he is not sure how to incorporate that, but it may be able to be done. Koopmann noted that once the lake is compromised there is no coming back. Koopmann noted that he is in favor of the regulation with the exemption.

Maibusch noted that earlier an assumption was made that he had an objection to any steep slope ordinance and that is not true. Maibusch noted that is a matter of the degree. Maibusch noted that no other Towns have anything as restrictive as what is proposed. Maibusch noted that the state recommends 30% and has exceptions with environmental impact studies. Maibusch noted he would like to see this ordinance amended to something like that. Maibusch noted that he is not in favor of this ordinance as written.

Parisi noted that he is in favor of moving forward as crafted even though it may not be perfect.

Parisi noted that perfection could take 10 years. Parisi noted that he believes the board should put it before the town and see what they have to say. Parisi noted no matter what, it should continue to be updated. Parisi noted this is a town wide issue and the ordinance should go forward for town vote. Parisi noted that he would prefer the number to be 20% but can live with 15% for prohibitive as the exemption clause covers a variety of situations.

McKeon noted that the board needs to move forward and not just because there may be lawsuits in the future. McKeon noted that he has heard a lot about diminishing property values, but this ordinance will help to retain property values as property values are directly related to the health of the lake. McKeon noted that the ordinance is the right move for the Town and the exemptions provides latitude allowing for improvement if the landowner wants to improve.

Brodbine noted that the board does need to do something, and this is the right thing to do. Brodbine noted that some points made are valid but going forward is the right thing to do.

Bob Maibusch moved to amend the ordinance to mirror the recommendations of the State.

Precautionary at 30% and allow any property that can produce environmental impact study that shows no negative impact to make improvements.

John Hancock tried to second the motion. Corliss explained that the Planning Board make and second motions. Hancock noted that the Planning Board is locking out people's property and not

allowing amendments to go through. Corliss noted that the Town will have a chance to vote on the ordinance at Town Meeting.

The motion failed to raise a second and failed.

Joe Parisi moved to change the definition of prohibitive slope from 15% to 20% and change precautionary from 10-15% to 10-20%. The motion was seconded by Joe Brodbine.

Discussion: Parisi noted that his goal with the amendment is to get it passed through the Town and these number will be easier for the Town to swallow. It was noted that this would make the exemptions go from 20% to 25%. Parisi noted that he did not have time to look over each line, but this change would increase all maximums by 5%.

The full motion:

Joe Parisi moved to change the definition of prohibitive slope from 15% to 20%, change precautionary from 10-15% to 10-20% and change exemption to 25%.

Vote:

Yes: Parisi, Brodbine and Corliss

No: Koopmann, McKeon and Maibusch

Motion fails.

Joe Parisi moved to change the definition of prohibitive slope from 15% to 20% and change precautionary from 10-15% to 10-20%.

The motion failed without a second.

Corliss noted that there are a couple people from the public looking to speak again. Corliss noted that the board is looking for new information.

Tom Woodmann noted that he sent a letter on January 14th, but it was later in the day. Corliss noted that the board received the letter. Woodman noted that he wanted to speak about his rights.

Woodman noted that he has 300 acres and that will be impacted by this ordinance. Woodman noted that this ordinance will cause a lot of people to lose value in their property or cause them to pay a lot of money to be able to utilize their own property. Woodman noted that taking care of the people on the lake and the lake itself is important, but it should not come at the cost of the other landowners. Woodman noted that listening to the meeting tonight it all seems arbitrary, the numbers are changed or thrown around and they are all arbitrary to the 6 people that are here making the decision.

Jon McKeon moved to add the wording "The approved SWMP plan, including the maintenance plan will be recorded to each parcels deed in which the plan entails" to the end of 220.9 B. The motion was seconded by John Koopmann and passed by majority. (Yes: Parisi, Brodbine, McKeon and Koopmann) (No: Maibusch and Corliss)

James Corliss moved to continue the public hearing to February 1, 2021 at 7:30 via Zoom. The motion was seconded by Jon McKeon and passed unanimously by roll call vote.

It was noted that the public is encouraged to provide input via email no later than Thursday January 28th.

Items for Discussion (7:00)

Election of Planning Board officers

Joe Parisi nominated James Corliss as Chairman of the Planning Board. The nomination was seconded by Joe Brodbine. The vote on the nomination was unanimous.

John Koopmann nominated Joe Parisi as Vice-Chairman of the Planning Board. The nomination was seconded by James Corliss. The vote on the nomination was unanimous.

Joe Brodbine nominated John Koopmann as the Secretary. The nomination was seconded by James Corliss. The vote on the nomination was unanimous.

Feb 15th Holiday Schedule

Parisi noted that the deadlines for Town Meeting stuff will be past at that point and he would postpone or cancel the meeting.

Corliss noted that the second meeting in February will be held on the 22nd of February.

Items for Information

Parisi asked Corliss to remind the board on the timing of things that need to make it to the ballot. Corliss noted that everything must be done by February 2nd. Corliss noted that if things get to the next meeting and there is a need to change something, it would push it to the next year. The final language must be done tonight. Corliss stated there are 3 zoning board items on for tonight. The PDD#3 needs a vote to recommend or not recommend. Corliss stated that the steep slopes and proposed sign ordinance need final language this evening. Brodbine noted that there is talk of changing meetings/having virtual meetings and asked if the dates for Town Meeting changes if that would affect our deadline. McKeon noted that our dates will not change.

Lachenal noted that information on Town and School Meeting/Voting information is posted on the Town Website.

Corliss asked Bayard Tracy if they ever received results from the testing of the LaChance inlet of the lake. Bayard noted that he believes that they found a e coli level was about at the max the state allows for swimming.

Other Business

Items for signature

Adjournment

Jon McKeon moved to adjourn at 10:02 P.M. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

The next meeting will be held virtually at 7:00 PM February 1, 2021, please see the Town Website calendar (<https://chesterfield.nh.gov/events/>) for the meeting ID.

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Planning Board January 18, 2021

Approved by:

A handwritten signature in cursive script that reads "James Corliss".

James Corliss, Chair

2FEB2021

Date