

PLANNING BOARD
Monday, May 17, 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 891 9234 4976 and passcode 045504, or the following website:

Join Zoom Meeting

<https://us02web.zoom.us/j/89192344976>

Meeting ID: 891 9234 4976

Passcode: 045504

- 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, John Koopmann, Roland Vollbehr, Joe Parisi, Fran Shippee, Joe Brodbine
Bob Maibusch and Jon McKeon

Call to Order

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

Seat Alternates

Review of the Minutes

May 3, 2021

Joe Parisi moved to approve the minutes from May 3, 2021 as presented. The motion was seconded by Roland Vollbehr and passed unanimously by roll call vote.

Appointments (7:30)

Public Listening Session on Spofford Lake Watershed Steep The session will last one hour, and individuals will be given 3 minutes to speak on the topic of Steep Slopes.

The public listening session began at 7:34 PM. Corliss noted that the session will be up to an hour and individuals will have 3 minutes to speak. Corliss stated that the Planning Board is looking for new information on this topic. It was noted that if there is anything of complexity, it can be emailed to Lachenal who will forward it to the board. Corliss stated that the Planning Board has noted the Town's vote on the proposal that was put forward and understand that it was not well received. Corliss stated that the board does think it would be good to try to do something dealing with the watershed around Spofford Lake and is hoping for some guidance from the Town.

James Hancock (Corliss noted that we did receive a pdf just prior to the meeting from Hancock) noted that the board has the document and that has details of the steep slopes as presented and proposed by the state. Hancock noted that this fundamentally ignores the rights of property owners. Hancock noted that property owners have the right to use their property as they see fit as long as there is no harm caused to other property owners. Hancock noted that the property around the lake is not Town land, but privately owned and any regulation should recognize the sovereign rights of property owners and should only punish people that pollute other people's land. Hancock noted that he also wanted to mention that if waterflow is controlled too much, there will be no water in the lake. Hancock noted that what he presented is science based. Hancock stated that he would like to point out that the greatest single polluters are the Town and the State, and the government should be held accountable for their contributions to the pollution of the lake. Hancock noted that he does believe that something can be done, and it should be science based, not assume guilt and not take away property rights from our citizens.

Bayard Tracy shared his screen in the meeting. Tracy noted that he is president of the Spofford Lake Association, but he has not run this conversation by the board. Tracy noted that he does believe that it is consistent with the Spofford Lake Association board thinking. Tracy noted that the items he is showing on his screen are on the Spofford Lake Association website. Tracy noted that a lot is discussed about what we can and should do and he wanted to put in front of the board some facts about the challenge that we face. Tracy noted that Tom Woodman was right, and a good deal of the issues are caused by development around the lake and decisions that were made by people that live on the lake. Tracy noted that lakes are receptacles of their surroundings and the phosphorus in the lake is from erosion and runoff. Tracy noted that eutrophication causes dense growth of plants and the death of animals. Tracy noted that a number of people are working hard to remediate the lake. Tracy noted that the new septic regulations will help, they are working on grants and closely monitoring the lake levels to reduce shoreline erosion. Tracy noted that steep slopes is something the Town can get out in front of before it becomes more of a problem creating the need for remedial action.

Tom Woodman noted that as previously proposed the Steep Slopes Ordinance has little to do with saving the lake and everything to do with limiting development no matter how responsible or

reasonable. Woodman noted that in formulating a revised ordinance, the board should be more interested in limiting sedimentation rather than restricting development by responsible landowners. Woodman noted that the Planning Board should delineate the boundaries of the watershed and not place that burden on the landowners to decipher. Woodman noted that any comprehensive solution should involve the Planning Board, the Conservation Commission, the Board of Selectmen, and the Spofford Lake Association working in conjunction with other lake towns and bring the State on board to sit and solve the issues. Woodman noted that the issues are not going to be solved by only talking about the low hanging fruit, which is what last year's proposal did. Woodman stated the solutions are not easy and will not be solved by addressing only one thing. Woodman noted the State should be brought in to look at boating and what the engines do to the lake. Woodman noted that this issue with the lake is not a Planning Board issue and Steep Slopes is not the way to solve the issues, especially by limiting the ability of landowners to utilize their land.

Pam Walton noted that she would like to not talk about a steep slope's ordinance, but a watershed protection plan that includes professionals from the Watershed Management bureau at DES involved with this discussion. Walton noted that they have been assisting Towns with these plans for over 10 years. Walton noted she will send the names of the people and their email addresses. Walton noted that she believes that it is time for the Town to spend some money to make sure we can do for this lake what it has done for the Town. Walton noted that we need to maintain what we still have here and incorporate what Briony Angus stated in her January 4th letter. Walton noted we need to note that we have not had a committee to look at possible ordinances in the lake zone. Walton noted that the fact that sand can be put in the lake is an issue. Walton noted we can have a local ordinance. Walton stated that 6-8 driveways go in every year and there is no permit for that. Walton noted that often, it takes up more space than the original and trees are removed, and the impermeable coverage goes up.

Charles Donahue noted that he is still hearing from people that the board has a credibility issue and there is a perception that there is a lot of hypocrisy. Donahue noted that he would like to broaden the view. Donahue noted a lot of people had good ideas out on Facebook and the board needs to incorporate more diverse ideas. Donahue noted that all the issues need to be addressed around the lake, such as a culvert near his house that gushes water. Donahue noted that a lot of people should be involved, and it should not be just people that already have what they want telling others they cannot use their property in the same way. Donahue noted that everything that affects the lake should be looked at. Donahue noted that he attended 2 Zoom hearings on the Steep slopes and that while looking at the faces on the screen, concluded that very few were open to hearing that the regulation was wrong and therefore he did not speak. Donahue noted that the time for cramming regulations down people's throats is over.

Maria Bissell asked if the Town was going to put together a committee that consists of varied thinking people to discuss all ideas. Bissell noted that she agrees it is not just one issue. Bissell noted that impermeable driveways, landscaping, and fertilizer use are all concerns. Bissell noted that there are a lot of different directions to go and asked what the best way to put that committee together would be.

Corliss noted that the board is currently trying to gather information and listen to what the citizens think is a way forward. Corliss noted that there is no idea predetermined about what will happen next. Bissell asked how it will be determined what direction will be going once all the information is gathered. Corliss noted that the Planning Board authority is limited. Corliss stated that the board can suggest changes to Zoning Regulations and the town votes to accept or not. Corliss noted that Land Development regulations for non-residential properties are written by the Planning Board. Bissell noted that the Town is divided and that is apparent after the vote. Bissell noted that there is a need for creative solutions, and she looks forward to that.

John Zanolli noted that as the board goes forward, they may want to consider that one of the things that could be confusing people is the slope percentages vs degrees. Zanolli noted that it did confuse him and therefore probably other people were confused by this. Zanolli asked the board if during the development of the previously proposed regulations they consulted with other towns that have steep slopes and a similar condition. Zanolli noted that we should be looking at other towns approaches and outcomes. Zanolli noted there is no reason to recreate the wheel.

Corliss noted that his recollection was there were a number of regulations looked at and believes that people from other towns were spoken to, but was unsure how to evaluate the outcomes. Zanolli noted that this Town can learn lessons from other places and not make the same mistakes.

Doug Iosue noted that he is new in listening to the conversation, but was wondering what experts will be involved. Iosue noted that experts should be involved and not lay people. Iosue noted that opposing views are important and knowing what percentage each issue is contributing to the health of the lake is important.

Susan Donahue noted that the vote did show a town divided and noted that one thing that can be done, is not penalize the people that do not live on the lake. Donahue noted that people that are not living on the lake have limited access and suggested that the Town help give more people access to the lake so that everyone will feel more a part of the lake. Donahue noted that there have been issues around the lake that have been addressed and it seems like those previous issues are coming up again and the Town is trying to fix issues that no longer exist. Donahue noted that the Town owns three properties on the lake and they need to open them up more and get people more connected with the lake so that it is not the lake people vs the non-lake people.

Joe Hanzalick noted that the Town is not allowed to put in ordinances for boating on the Lake as it is State jurisdiction. Hanzalick noted that the sole mission of the Planning Board is land development.

Dan Syvertsen (Director of Camp Spofford) noted that he voted no and signed the protest petition against the steep slopes ordinance as proposed. He noted that he believed there was a lack of transparency with the sub-committee as he never saw any minutes and the meetings were held during the day when most people are unable to attend. Syvertsen noted that there was no information about how they came to any decisions about what was put forward. Syvertsen noted that there had been mention of talking to other towns, but none were ever mentioned specifically and therefore he did not understand how the regulation came together the way it did. Syvertsen noted that the board seemed to (via article in the paper and personal conversations) have a personal bias against Pine Grove Springs and that is where this seemed to have begun. Syvertsen noted he is not in support of ordinances that target one property or person. Syvertsen noted that he does not believe the board did a good job of diversity of thought and noted that very little was challenged. Syvertsen noted that an effective conversation has more diversity of ideas.

Corliss noted that the Planning Board cannot deal with fertilizer issues or boat wake issues.

Jeff Scott noted that going forward he would like only science to come into play with a proposed ordinance and would like to see politics stay out of it.

Parisi noted that the full Board of Selectmen are in attendance tonight and they can be moving forward with information gathered in this meeting. Parisi noted that there are also many representatives from the Spofford Lake Association in attendance. Parisi noted that he believes that it would be a mistake to view this solely as a Planning Board issue.

Corliss noted that there were no more questions and thanked everyone for their attendance and input.

Items for Discussion (7:00)

Corliss noted that he believes the board is done talking about accessory structures. Corliss stated that this board has spoken, and the Zoning Board did. Corliss noted he sent a note as himself to the Board of Selectmen as he thought fleshing out the Planning Board response a little. Corliss noted that he looked for definitions and found them in a number of places that matched exactly what the Planning Board said previously. Corliss stated that he was reminded at the Planning Board conference that there is a concept they called administrative gloss which is where you do something the same way for a long period of time regardless of what it says, that is what it means. Corliss noted that in our case what it says is clear.

Jerry Dubie/Headwater Precision – Site Plan

Corliss noted that headwater has a site plan for 16X22 outbuilding/Shed. Corliss shared that on the screen. Corliss noted that his view is that the board should treat it as a minor change that does not require a noticed public hearing.

McKeon noted that in order to get to that, the board should look at if there is change to drainage, topography, look or impact to setbacks. McKeon noted that in his opinion there is no changes, and it would be a minor change.

Parisi noted that what McKeon has articulated is a review and he is ok deferring to McKeon's review, but its that review that would normally happen during the prosecution of the application. Corliss noted that if the board treats is as a minor change, we could schedule it at our next meeting. Parisi asked as opposed to what? Corliss noted as opposed to notification of abutters and the normal process. Parisi noted that would be a public hearing, but not a notice public hearing. Parisi asked if it would go to the papers and the normal notice procedure. Corliss said it has to.

Koopmann noted he does not have a sense of any visual impact on Spaulding Hill road. Koopmann asked if there was any potential abutter impact. Koopmann noted he does not see this as much of a problem.

Joe Fortier with Headwater asked if he could speak. Corliss noted that he is not trying to do a hearing, they are just trying to see if it can be dealt with administratively. Fortier noted that it was their understanding they could go right to the building inspector for the permit if it is a minor change. Fortier noted that it was noticed on the agenda. Lachenal noted that it was on the agenda which was posted in 2 public places and on the website 10 days before the hearing.

Corliss noted that it is a 352 square foot building in what appears to be a flat spot and the peak of the roof will still be well below Spaulding Hill. Corliss noted that he believes it to be a minor change and therefore the board should deal with it administratively.

Maibusch noted that he believes it to be a minor change, it was on the agenda and posted in more than one place and he does not see a reason they cannot go ahead with the project.

Vollbehr noted that it does not impact the site and therefore is a minor change.

Koopmann noted if it does not affect parking, then it is a minor change

Fortier noted that parking is not impacted.

Joe Brodbine moved that Headwater Precision's proposed change is a minor change and the Planning Board approves this change without a full site plan application. The motion was seconded by Fran Shippee and passed unanimously by roll call vote.

Review for completeness - New England Heritage, LLC

The Board reviewed the application noting the following:

It was noted that the Town of Chesterfield owns the property currently and the Chairman Gary Winn has signed on behalf of the town allowing Gabriel Jones to speak on the application.

Both signs say "existing conditions:

There is a stamp from an engineer on the drawing, but the drawing is not signed.

There is no certification on the plans that states "I certify that my assigns or successors will seek approval by the Planning Board prior to making any changes to this site plan."

There are no elevations on the drawings.

Distances to the nearest buildings are not noted.

A12 is Town property and should be noted as such.

Jon McKeon moved to schedule a Public Hearing for New England Heritage, LLC change in use application on June 7, 2021 at 7:30PM via zoom. The motion was seconded by Roland Vollbehr and passed unanimously by roll call vote.

Items for Information

Other items

Other Business

Parisi asked Lachenal when the recording will be ready from the Planning Conference. Lachenal noted that she checked today and it was not posted yet. Lachenal will check each day and email a link to the board when it is posted.

Items for signature

Adjournment

Roland Vollbehr moved to adjourn at 8:23 P.M. The motion was seconded by Fran Shippee and passed unanimously by roll call vote.


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

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:



James Corliss, Chair

8 Jun 2021

Date