

PLANNING BOARD
Monday, May 3, 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 865 3959 5791 and passcode 519649, or the following website:

Join Zoom Meeting
<https://us02web.zoom.us/j/86539595791>

Meeting ID: 865 3959 5791
Passcode: 519649

- 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, Joe Parisi, Fran Shippee, Joe Brodbine Bob Maibusch Jon McKeon and Roland Vollbehr (7:10)

Call to Order

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

Seat Alternates

Bob Maibush was seated in place of Roland Vollbehr.

Review of the Minutes

April 19, 2021

Joe Brodbine moved to approve the minutes from April 19, 2021 as amended. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

Appointments (7:30)

Items for Discussion (7:00)

Public listening session on May 17, 2021 at 7:30

Corliss noted that the intent is to listen and hopefully get some good input from the public on Steep Slopes. The board has received one email to date from the public.

Letter from board regarding Garages/Sheds

Corliss noted that the Planning Board received another letter from Matt Beauregard. Corliss noted that he had some suggestions from the Town Attorney which he incorporated into a draft letter for the board to send to Beauregard. Corliss noted that he had a permit inspection last week and was able to speak with Beauregard and Beauregard helped him understand where he was trying to go. Corliss noted that he encouraged Beauregard to write those thoughts down and send them along to the board. It was noted that the Planning Board has received both of those emails. McKeon asked if the last 2 sentences of the letter is what the Attorney suggested to put into it. Corliss noted that the attorney stated the Planning Board sits and legislates, and Code goes out and does stuff and it's not the same authority and therefore the Attorney suggested that Code talk to the Board of Selectmen about anything that may be controversial. Maibusch noted that we are not all going to come into full agreement. Maibusch asked if anyone on the board now was on the board when the ordinance was written. McKeon noted that it was written in 1986 and there is nobody currently on the board that was on when it was written. Corliss noted that he did speak with Susan Kelleher who was on the board somewhere around that time and her recollection was that when she went to build her greenhouses, she did not have a house on the property, and she got a building permit and built the house later. Corliss noted that a sugar house on a wooded lot is not residential, but not commercial either. Corliss noted that this would tie back into the Land Development Regulations as it is non-residential due to the fact there is no house on the lot. It was noted that the sugar house would be a change of use and therefore would have to come before the Planning Board. Brodbine noted that from what he is hearing, moving forward there is an opportunity to add clarification. Maibusch noted that given that this issue is not settled, the Planning Board should let Beauregard do his job and if we want to tighten things up, that is done by writing a stronger ordinance. McKeon noted that the previous Planning and Zoning Boards have historically viewed the regulations the same and it is the Zoning Board that sits in judgment. McKeon noted that there is "case law" through the Zoning Board of adjustment applications previously submitted and the decisions that have come from those applications. Parisi noted that the majority of this board agrees on one interpretation and the Zoning Board through Kristin McKeon at the last meeting has given their opinion, and those are different

than how Beauregard is interpreting the regulations. Parisi stated that this is an opportunity for the Planning Board to take action and clarify the ordinance to make it crystal clear the opinion of this board and the Zoning Board of Adjustment. Parisi noted that this needs to get done and prepared for the next town election. Parisi noted that the question then is only between now and then. Parisi stated that Beauregard came to this board for input, was given input from this board, the Zoning Board and the Town attorney and if he chooses to not follow that input, it is up to the Board of Selectmen to address that issue. Parisi noted that the Planning Board needs to stop talking about this and at some point the Board of Selectmen must manage their employee.

The draft letter to code enforcement was received as follows:

To Code Enforcement,

With regard to code enforcements letter of April 7th the Planning Board believes that your interpretation of Zoning regulations does not match the settled meaning of the text with regard to Accessory buildings being subordinate to a primary building. Our understanding is that Zoning requires that the main dwelling exist to permit an accessory building to be constructed.

However, the Planning Board does not have the authority to judge individual Accessory Building permits, or to second guess your judgement as to the applicability of the law to specific requests for building permits. The Planning Board suggests that code enforcement keep the Select Board in the loop for permit requests that may be contentious.

McKeon noted that he does not agree with the second paragraph and believes that the Planning Board should stick to answering the question asked. Shippee noted that she would like to take the first sentence out of the second paragraph and leave the second sentence.

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The Planning Board suggests that code enforcement keep the Select Board in the loop for permit requests that may be contentious.

Jon McKeon moved to send the amended letter to Code Enforcement. The motion was seconded by Joe Brodbine and passed by majority. (No: Maibusch)

Items for Information

There is a Planning and Zoning Conference on May 15th.

Other items

Other Business

Parisi noted that he was looking at the Town website and other than the Planning Board, the meeting minutes for most of the other boards are grossly late. Parisi noted that that last Board of Selectmen minutes posted are from February and that is the same for Zoning Board. Parisi noted that he is unclear why in May there is nothing more current on the website. Shippee noted she will take care of that. Parisi noted that the other alternative would be to distribute the draft minutes, but you have to go to the Town Offices to see those.

Items for signature

Adjournment

Jon McKeon moved to adjourn at 7:49 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 May 17, 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

18May2021

Date