

PLANNING BOARD
Monday, April 19, 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 852 3427 5074 and passcode 752968, or the following website:

Join Zoom Meeting
<https://us02web.zoom.us/j/85234275074>

Meeting ID: 852 3427 5074
Passcode: 752968

- 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 and Jon McKeon

Call to Order

James Corliss called the meeting to order at 7:01 PM.

Seat Alternates

Bob Maibush was seated in place of Roland Vollbehr.

Review of the Minutes

April 5, 2021

Joe Parisi moved to approve the minutes from April 5, 2021 as amended. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Appointments (7:30)

Items for Discussion (7:00)

Corliss noted his view on sharing the opinion from the Town Attorney as suggested by Maibusch. Corliss stated he will not read the entire email but will note my view is that we may and should argue the merits of different opinions of subjects and must not attempt to limit the rights of an individual or group to voice their opinions or attempt to compel them to speak contrary to their own view.

Corliss noted that secondly, he previously wanted more time to consider Steep Slopes and hope that others have been as well. Corliss noted he has been out talking to property owners about Steep Slopes in Chesterfield. Corliss stated he believes that the Planning Board needs a deeper understanding of all of the concerns of the Town on this issue and he would like to add it as an agenda item for up to one hour to listen to the public on how the Planning Board may develop something that could guide landowners to no negative impact and provide mechanisms to be able to force correction of runoff problems created by landowners. Corliss stated he would like to publicize it in all means available to make it worthwhile. Corliss noted that the Planning Board got it wrong in the Town's view and would like the board to work to get it right in the Town's view. Brodbine asked if there would be a sufficient number of people interested. Brodbine noted that he would like to make sure that we do not listen to an hour of things that have already been said over and over previously.

James Corliss moved to hold a public listening session for up to one hour on Spofford Lake Watershed regulations at the next available meeting individual speakers may be limited to three (3) minutes and written proposals are encouraged. The motion was seconded by Jon McKeon.

Discussion: Parisi noted that at the time we will need to be practical about not regurgitating what we heard on both sides at previous Planning Board meeting and Selectman sponsored meetings. Corliss noted that the board will be looking for ideas on how to move forward. Parisi noted that he would like to limit the number of times one person can speak to once. It was noted that this will not be the last time the subject is spoken about and there will be more meetings. Corliss noted that this is a legislative activity of the Planning Board which allows the Planning Board to discuss and not sit in judgment of an application, but to create legislation.

The motion passed unanimously by roll call vote.

Lachenal noted that she will put this on the agenda for May 17, 2021 to allow it to get into the happenings and people to plan on attending.

Parisi noted that he would like to take this time to listen and not get into a debate with the public or board members.

John Zanotti asked if the Planning Board usually has a public input session on the agenda. It was noted that the Planning Board does not have public input sessions other than in regard to specific applications.

Matt Beauregard/Code Enforcement – Question regarding Garages/Sheds

Corliss noted that Beauregard has written the planning Board again. This time a letter. Corliss noted that last meeting it was stated (and the board agreed) that an accessory dwelling is subordinate building to a main building and a building is a structure, but a structure is not always a building. Only thing I would add to that is an accessory use is not an accessory building. Corliss noted he has had an unofficial conversation with the Chairman of the Zoning Board. Corliss asked Beauregard if he is looking for a letter from the Planning Board. Beauregard noted that he wanted an opportunity to explain what his point of view is. Corliss noted that Beauregard has had the opportunity to explain. Beauregard noted he felt he was not able to clearly get across what he wanted to get across to the board. Beauregard noted he would like to take this opportunity to respond in person to comments or questions. Beauregard noted that he is still standing by his argument. Corliss noted that the board does not support the position that Beauregard has. Corliss noted that the Board can write a letter responding to that letter. McKeon noted that it is not just the current Planning Board, it is all previous zoning and Planning Boards. McKeon noted that the answer has been provided over and over. McKeon noted that you can look at the case history through the zoning board. Corliss noted that Beauregard has asked three (3) times and the board has answered 3 times. Corliss noted if Beauregard would like it in writing, the board can provide that. Corliss noted that he would not like to debate the issue anymore and noted there is nothing new in the letter. Parisi noted that he supports the decision to not discuss it further unless we could discuss it as a real life example instead of abstract conversations. Maibusch noted that he read the letter and believes that he is justifying his interpretation and as the code enforcement officer, he should be given leeway on his interpretation. Maibusch noted that he tends to agree with Beauregard's interpretation, but ultimately, he has to interpret things the way his experience tells him to. Kristin McKeon noted that she had written an answer to this and never hit send, but noted there is not a lot of discussion because the code enforcement officers job is to uphold the ordinances that are created by the Planning Board. Kristin noted that his job is not to interpret anything. His job is to uphold how the Planning and Zoning Boards interpret them. Kristin McKeon noted that she believes that the ordinance is self-explanatory. Shippee noted that if there is something that needs to be clarified in the ordinance, this would be a good opportunity to look at that. McKeon noted that most people understand it and then go to the Zoning Board for relief. Hanzalik noted that from her new perspective if the Zoning Officer is unclear it might mean that other people are also unclear. Parisi agreed with both Shippee and Hanzalik and stated it would be good opportunity to clarify the ordinance, removing any possible doubt, other than that stated by both the Planning and Zoning boards. This should be done in prep for the 2022 ballot. McKeon noted that Corliss should pen a letter and the board should look at it at the next meeting and get it to Beauregard if they agree with the letter. McKeon noted that he is unsure if Beauregard is unclear about the intention or if Beauregard just does not like the regulation as written. The board agreed that Corliss will write a letter and the board will review it at the next meeting.

Fedex – Conditional approval

Corliss noted that there was a previous conditional approval and then there were changes made after that date. Hitchcock noted that conditional approval was done, and they did not have the engineered

plans of the retaining walls. Hitchcock noted that Tarbox did the plans and they were put onto their title block which had a prior date on it. Hitchcock noted that it was his mistake for not updating the date. Corliss noted the meeting date was December 7, 2020. It was noted that there were revision dates to sheet C1B in March of 2021. Hitchcock noted that the wetlands board wanted less impact and that is why the slope went from 3:1 to 2:1. Corliss noted there was a relocation of a light as well that was not shown previously or mentioned. Hitchcock noted that the light was moved 10 feet over. Hitchcock noted that there is always a little change here or there that does not change what was approved. Hitchcock noted that the silt fence was added to the plan as it was not previously on the plans. Corliss asked if there were any additional changes. Hitchcock stated there were none that he is aware of. Brodbine noted that he is comfortable with the three changes noted but is not comfortable with the changes being made without notifying the Planning Board. Corliss noted that he does not take great issue with the changes that have been made but noted he does have issue with the fact that the drawing changed without letting the board know it was being done. Hitchcock noted that he did not believe the changes were significant enough to raise issues as it does not have any bearing on the outcome of the project of the Planning Board judgment of the project.

Bob Maibusch moved that the changes to page C1B of the Fedex Parking lot expansion are minor. The motion was seconded by Fran Shippee and passed unanimously by roll call vote.

Joe Brodbine moved for final approval of the application for J.A. Mulligan Associates/FedEx - Application for Major Site Development. The motion was seconded by John Koopmann and passed unanimously by roll call vote.

Blueberry Hill Sheds – Ron and Maria Cormier – Conceptual consultation – 22 Glebe Road.

Lachenal noted they will not be coming.

Items for Information

Lachenal noted that Orange door design had an issue with the lot number. They will need to be signed again once the new plans are dropped off.

Kristin McKeon noted that the Town Clerks office are not getting any ADU numbers and when they talked to Lord about it, he indicated that he was not aware he was supposed to give an individual number to each one. Corliss noted that there has only been 2 or 3 ADU's in Chesterfield that have been approved. Corliss noted that if they have been done and have not come before the Planning Board, they are not approved ADU's. McKeon asked if the Town Clerks office should be passing them to the Planning Board if they do not have an address. Corliss noted that McKeon could ask Lachenal if the ADU has been before the Planning Board. Jon McKeon noted that E911 is ultimately the responsibility of the Board of Selectmen. McKeon noted that the Public Works director receives his authority through the Board of Selectmen. It was noted that apartments are not the same as ADU's and those would be the responsibility of code enforcement.

Other items

Other Business

Items for signature

Adjournment

Jon McKeon moved to adjourn at 8:22 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 May 3, 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

5MAY2021

Date