

PLANNING BOARD
Monday, April 5, 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 850 1525 4574 and passcode 593988, or the following website:

Join Zoom Meeting
<https://us02web.zoom.us/j/85015254574>

Meeting ID: 850 1525 4574
Passcode: 593988

- 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, Roland Vollbehr, 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

It was noted that Fran Shippee was mentioned as the Selectboard representative, but it is not noted in the minutes.

Discussion about McKeon's statement being included in the minutes. The board decided that they would like the statement included in the minutes of 3/15/21 as he did read the statement at the meeting. It was decided that Corliss' Facebook post will not be included as it was not read or presented at the meeting.

March 15, 2021

Joe Brodbine moved to approve the minutes from March 15, 2021 as amended. The motion was seconded by John Koopmann and passed unanimously by roll call vote.

Appointments (7:30)

Foard Panel – Application for a Major Site Plan review for property located at 29 Stow Drive (Map 12, Lot A1.25) consisting of approximately 5 acres in the Commercial/Industrial Zone.

Fran Shippee recused herself from the discussion on Foard Panel due to a conflict. Kelli Hanzalik was seated in place of Shippee for this discussion.

Joe Brodbine moved that the application is complete enough for review. The motion was seconded by Roland Vollbehr and passed by majority (Hanzalik abstained) roll call vote.

Dave Bergeron was present for the applicant. Bergeron noted there is an existing business on Stow Drive. There are currently 2 lots with a main manufacturing facility and a secondary manufacturing facility as well as a precutting building. Bergeron stated they are looking to add a warehouse space. Bergeron stated it will be 8000 square foot building with one side open and will be utilized for cold storage only. Bergeron noted that there will be no water or sewer to the building, only electricity. Bergeron noted that the roof will slope towards the rear collecting drainage in the new stormwater retention area. (Koopmann disappeared and Bob Maibusch was seated in his place) Bergeron noted that there will be sufficient room to allow water to infiltrate into the stone retention area which will be 6 feet wide and 3 feet deep. Bergeron noted this will reduce the runoff from the pre-developed numbers. Bergeron noted there is an existing gravel area created for fire and maintenance access which will be widened a bit for access to the new storage. It was noted that the area facing Stow drive will not have any windows, just a small access door. The garage doors are located on the south side, facing the current building.

The board reviewed the comments from reviewers. There were no concerns from the reviewers except for Code Enforcement who noted that he was unclear about the pre and post development runoff calculations. Brodbine noted that there were items noted at the review. It was noted that there are no test pits. Bergeron noted that he could do a waiver if needed and he does have the information from the existing septic if the board needs it. It was noted that there is no additional septic or water to this building. The board decided they do not need the current data as it is not changing.

James Corliss moved to waive 403.2B5 on this application. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Board discussion:

Parisi noted that Bergeron noted that one side of the building is open, but it is not depicted on the sheets in that way. Bergeron noted that he misspoke earlier, and they had originally talked about leaving one side open, but did change it to have the garage doors. Parisi noted that the trench detail is not clear on the detail sheet. Parisi noted that the trench and pipe seem to be out of scale.

Bergeron noted that it is the standard detail, but can change it to look more to scale if needed. Poll of the board is that the detail is fine the way it is. Parisi asked what the flow of materials is at the facility. Bergeron noted that they manufacture raw panels and also precut windows and doors and those are packaged and shipped off to make houses. Shippee noted that there are 2 manufacturing buildings and a precutting building. It was noted that the trucks come off Stow drive and go to one of the manufacturing buildings, from there the panels are made and then brought to the precutting building and then currently they are stored in the manufacturing building or outside. Shippee noted that this building will be used to store the items that are currently being mostly stored outside. Parisi noted he is looking to understand the movement and if there will be an increase in movement on site. Bergeron noted that there will not be an increase in movement, the items that currently are out in the elements will be able to be stored under cover.

The hearing was opened to the public. There were no questions or comments from the public.

Joe Brodbine moved to approve the Foard Panel site plan application as presented. The motion was seconded by Roland Vollbehr and passed unanimously by roll call vote.

Items for Discussion (7:00)

Matt Beauregard/Code Enforcement – Question regarding Garages/Sheds

Beauregard noted that to sum up what he was saying last meeting, he previously sent an email to the board explaining his point of view. Beauregard noted that he believes he has a different opinion than the precedent that has been set by the Zoning Board of Adjustment on structures in permitted uses. Beauregard noted that he sees a lot of questions each day and this one has been tripping him up. Beauregard noted that the way he sees it, there are permitted uses and he is mainly dealing with private and public outdoor recreation facilities. Beauregard noted that golf courses and ski facilities are examples that would fall into what he is talking about. Beauregard noted if you start at 202.1 on the uses, it notes that no structure shall be erected unless it is a permitted use, and a structure is defined as any material brought onto the property. Corliss noted that he believes the confusion that Beauregard is experiencing is due to the fact that a building is a structure, but not all structures are buildings. Corliss noted that an accessory building needs to be subordinate to a (primary) building, it cannot be subordinate to dirt or a pipe. Beauregard noted that someone could set up a green and a pin and a cup and have a private golf course. Corliss noted that he believes that the interest Beauregard is showing is on unimproved lots and his reading of the regulations is that is not permitted as there is no primary structure. Beauregard noted that the golf course would be the primary structure. Corliss noted that a golf course would require a site plan. Corliss noted that Beauregard is asking for guidance from the Planning Board on this and noted that he would say that an accessory building requires a main building. McKeon noted that the board has given their thoughts to Beauregard and he does not like them, and the conversation is going around and around. Shippee asked if there is anyplace that has an accessory building without a main structure. Corliss noted that there are some pre-existing non-conforming. McKeon noted that there have been variances granted to allow a garage to be built before the home, but with a time limit. Maibusch noted that he is confused about what the objection to an accessory dwelling without a building is about. Maibusch asked why you cannot build your garage before you build the home. Parisi noted

that even if the Planning Board agreed with Beauregard, the Zoning Board is not bound to take the Planning Board's opinion and therefore he noted he is not sure the value in continuing the conversation. Koopmann noted that the regulations are clear, an accessory building is subordinate to another structure.

McKeon asked Beauregard if he was going to go out and issue a building permit for an accessory structure. Beauregard noted that he does not see it the same way the board sees it.

Arborclimb – The board received an email noting that they have figured something out and no longer need a conceptual consultation with the board.

Items for Information

Koopmann reseated
Fran reseated

Wetlands Permit-by-notification – Andersen NH, LLC
There were no comments from the board.

Fran Shippee now PB Selectman Representative

Kelli Hanzalik is the alternate Selectman Representative to the Planning Board.

Voluntary merger

The Planning Board received a voluntary merger request for Map 5M, lots A5 and A6. Corliss noted he cannot think of a reason to object. Koopmann noted he is good with the request. Parisi asked if the combined lot is conforming. Corliss noted there is no frontage on the lot. Maibusch noted that the lot will not be to size. McKeon noted that the board will not be creating a new lot, the request will merge two existing lots. Parisi asked if there is any implied conformance by allowing the merger to go forward. Corliss noted that the board does not support it or not support it. Corliss corrected himself and noted that actually the board does need to approve it.

Roland Vollbehr moved to approve the voluntary merger as presented. The motion was seconded by Joe Brodbine.

Discussion: Parisi asked if there should be some clarity that this remains a pre-existing non-conforming lot. McKeon noted that there is nothing this board can do that can change the status of a non-conforming lot and therefore there is no need for clarification.

The motion passed by majority roll call vote. (Parisi: no)

Corliss noted that there has been some interest in joining the Planning Board and Maria Bissell is in the audience.

Other items

Corliss noted that he noticed emails from McKeon to the Selectboard and to the Planning Board and McKeon has not indicated those emails are from him as an individual. Corliss noted that if the Board of Selectmen would like assistance of the Planning Board, they can ask the board in writing and they can indicate their request for remedy in a formal request to the Planning Board. Corliss noted that if the Planning Board received such a request, they could hold a public hearing and make

a decision on that item at that time. Shippee noted that the Board of Selectmen need to take this up at the next meeting (or the following one as the agenda may be completed for this upcoming one). Corliss noted that it is not appropriate to bombard the board with emails about something that is not before the board. McKeon asked if he would like to speak about this, how he would do that. Corliss noted that if McKeon wanted to speak to bringing an enforcement action, it would have to be an item before the board. Koopmann asked how it would be brought before the board. Corliss noted that it is his position that request should come from the Board of Selectmen. McKeon noted that RSA 676:4 provides the Planning Board the authority to initiate enforcement. Koopmann noted that the Planning Board members are closely involved and have knowledge of what was approved on sites and therefore cannot help but notice violations. Koopmann asked how to get them addressed. Corliss noted that he believes in most cases the Town is going to be best served by proceeding as he has suggested. Maibusch noted that he agrees with Corliss. Maibusch noted that the Planning Board should approve or deny and not get into enforcement. McKeon noted that his hope is the Board of Selectmen would enforce the Planning Board decisions. McKeon noted that the Planning Board spends a lot of time making decision and dealing with legitimate issues on plans to come up with an approved plan that the applicant and Town are supposed to abide by. McKeon noted that if there is no enforcement of the site plans, the Planning Board is wasting time. Koopmann noted that if the Planning Board notices something they can notify the Board of Selectmen and encourage them to enforce the site plan. Corliss noted that anyone can write the Board of Selectmen on their own if they see something. Corliss noted that maybe McKeon can convince the Board of Selectmen to take some action that they are currently not taking but does not believe this board should dive into enforcement on their own. McKeon noted that he is attempting to get people to abide by the agreements they made with the Town. Parisi noted that the full Board of Selectmen were present at this meeting and therefore have heard what the concerns are.

Corliss noted that he sent information on the rights of board members to speak which was reviewed by Town attorney. Lachenal noted she has not seen that email. Corliss will send again.

Other Business

Koopmann noted that he would like to reintroduce the notion of having a sub-committee for the watershed regulation. Koopmann noted that he would like to get some movement on it. Corliss noted that he is still working on how to work on this. Corliss noted that we have an issue of a near unanimous Planning Board decision with a very strong negative vote from the Town. Corliss noted that he knows it is April, but he needs to spend some time on how he might structure an advisory committee. Koopmann asked if maybe the Planning Board can have party to the considerations. McKeon noted that it is not Corliss that decides who is on the committee, it is the Planning Board as a whole. McKeon noted that there is no direction in our Rules of Procedure and therefore it is the responsibility of the entire board. Corliss noted that he believes it is the Chairperson that does it. Parisi noted that he heard Corliss say he needs more time and the board, as a courtesy to the Chair position should give him more time. Brodbine noted that speaking for himself, he voted to put the item on the ballot if for no other reason than to get input from the Town. Brodbine noted that many people are talking about it now and that expands the base. Corliss noted that he encourages everyone to write to the board if they are interested in being part of the discussion.

Items for signature

Adjournment

Planning Board April 5, 2021

Jon McKeon moved to adjourn at 8:54 P.M. The motion was seconded by Fran Shippee and passed unanimously by roll call vote.

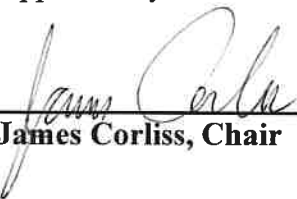
The next meeting will be held virtually at 7:00 PM April 19, 2021, please see the Town Website calendar (<https://chesterfield.nh.gov/events/>) for the meeting ID.

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:



James Corliss, Chair

20 APR 2021
Date