

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, December 16, 2019

Present: Joe Parisi, Joe Brodbine, John Koopmann, James Corliss, Roland Vollbehr, Jon McKeon and John Pieper
Excused: Davis Peach

Call to Order

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

Seat Alternates

John Pieper was seated in place of Davis Peach.

Review of the Minutes

November 18, 2019

Rolland Vollbehr moved to approve the minutes from the November 18, 2019 meeting as presented. The motion was seconded by John Pieper and passed unanimously by roll call vote.

Appointments

D&T Partners/Area 51 – An application for a Minor Site Plan Review for property located at 7 Brown Ave (Map 14C, Lot D) consisting of approximately 2.93 acres in the Commercial/Industrial zone.

Jim Phippard from Brickstone Land Use Consultants was present for the applicant.

Joe Parisi moved that the application for D&T Partners/Area 51 was complete enough for review. The motion was seconded by John Pieper and passed unanimously.

It was noted that the application contained one page and that if approved it would replace the current page 2 in the entire Site Plan filed in the Selectmens office.

Phippard noted that the property is located on Route 9 near the VT Bridge. The store is an existing fireworks store. Phippard noted that a couple of years ago, the applicant was approved to locate two (2) temporary storage containers (8 Ft wide by 40 Ft long) in the south side of the parking lot. The containers are currently allowed in place from May 15th to July 15th each year. Phippard noted that the applicant would like to change the configuration of the storage and add more. It was noted that the applicant came before the board for a conceptual consultation previously and the board was not comfortable making the proposed changes to the site plan without a noticed public hearing.

Phippard noted that the applicant is proposing up to eight (8) 20 foot storage containers to be placed on the south side of the parking lot occupying existing parking spaces. Phippard noted that the containers would be adjacent to the fence and covered by the existing 145,000 gallons of water held under the parking lot. Phippard noted that each container would be in place up to 120 days (March 15th to July 15) for up to three (3) years. Phippard noted that the intent of the applicant is to come back to the board with a proposal to expand on the existing warehouse, eliminating the need for storage containers. It was noted that the three (3) year limitation is not noted on the plan. Phippard will add it to the plan. Parisi asked if the proposal needed to be looked at by the Fire Department. There is an email in the file that indicates Steve Dumont does not have any comments on the proposal. It was noted that the three (3) year limitation stemmed from the conceptual consultation held with the Planning Board previously as the board noted they were not going to be comfortable with adding more and more storage with no end date. Phippard noted that the three years will give the applicant time to consult with engineers regarding the sprinkler system and water storage and allow them to have the space they need. Brodbine asked if the current plan with the 40 footers has a time limit on them. It was noted there is no time limit currently imposed on the temporary storage containers as approved. Parisi asked if there was anything else on the site that did not end up complying with the site plan that should be addressed with this new plan. Phippard noted that to the best of his knowledge, all changes have been addressed with the board.

The meeting was opened to the public for comments/questions:

Jeff Scott asked why it was three (3) years and not one (1) year. Scott noted the board should force them to put the addition up in 2021. Corliss noted that the applicant indicated that it would take more time to get the project completed.

McKeon noted that one of the first drawings included a warehouse and a building and that should have been the design the applicant stuck with from the beginning. McKeon noted that from the Town point of view, storage containers will not add to the tax revenue and additional square footage would add to the tax income for the Town. McKeon noted that he believes approving the storage containers will increase the non-conformance on the property as it interferes with keeping parking and loading areas separated as dictated by regulation 610.5. Pieper noted that he remembers the site having more than the required parking spaces. McKeon noted it may meet the regulations, but it exceeds the use. Phippard noted that parking has not been an issue. Koopmann noted that he agrees this is further non-compliance, however at the end of three years, it will result in more compliance. Koopmann noted that if the current site plan stays, there is no move toward compliance. Vollbehr noted that he likes the proposal and has no questions or comments. Corliss noted that he agrees with McKeon, but the proposal does eventually get rid of all of the storage containers which is ultimately where the Planning Board would like the applicant to end up.

*James Corliss moved to **CONDITIONALLY APPROVE** the Site Plan Application for D&T Partners/Area 51 with the following condition:*

*Time limits to be added to the plan before signature as follows:
Three year time limit on the Storage Containers ending in 2022
Up to 120 days each year from March 15th through July 15th.*

The motion was seconded by Joe Brodbine and passed by majority roll call vote of the Planning Board. (No: McKeon)

Harris Revocable Trust/Sandy Harris Trustee – This is an application for a Minor Subdivision review for property located at 190 Route 9A (Map 5N, Lot B4) consisting of approximately 7.75 acres in the Residential Zone.

Corliss noted that the application was reviewed for completeness at the last meeting and there were a few items that board noted that needed addressing. Corliss noted that the street name was missing, and there were no monuments listed. Vollbehr noted that both are now on the plan. The applicant provided a copy of a driveway permit from the NHDOT. The high and low points are now provided. It was noted that the natural drainage vectors are not provided still. There is a note (9) added to the plan noting that it is not in the 100-year flood zone. Corliss noted that test pits are not noted. Koopmann noted that it is not noted in the previous minutes as a deficiency. Harris noted that she has hired professionals and made arrangements to have the test pits done.

Joe Parisi moved that the Minor Subdivision application for Harris Revocable Trust/Sandy Harris Trustee is complete enough for review. The motion was seconded by Roland Vollbehr and passed unanimously.

Sandy Harris (applicant) noted that it's a proposal for a minor subdivision of her property. Harris noted that the goal is not to develop the property, but for estate planning purposes only. Harris noted that when she passes away, the kids will be able to keep the property on the lake and sell the house. It was noted the driveway approval from the State is good for one year and then would require an extension or renewal. It was noted that the Map and Lot number on the driveway permit is for the whole property. It was noted that a new lot number will be necessary. Parisi looked up the GPS coordinates listed on the driveway permit and they appear to be correct. Harris asked if she only needed a test pit on her lot. Corliss noted that the subdivision could increase density, there are normally test pit and indications of where a well may go in the future and the protected well radius. It was noted that the board needs:

Test pits on both properties –

New lot number

Driveway permit with new lot number or add GPS coordinates onto the plan.

Open to the public:

Tom Clark (abutter) noted he was concerned about the construction of the driveway as there was a lot of rain last year and is concerned about an increase in the water going across the road.

Frederick Clark noted that the runoff from the highway has been entering his property (165 Route 9A) the last couple of years and that is their concern. It was noted that Harris is not installing a new driveway. Corliss noted that the property would be allowed to have up to an acres of impermeable coverage (20% restriction) and that is a lot of impermeable coverage. It was noted that the regulations states that up to 20% impermeable coverage. McKeon noted that this is the only time this lot will come before the board for review and there should be a note on the plan. The board would like a note added to the plan that states The post development runoff can be no greater than the predevelopment runoff in accordance with Land Development Regulation 604.1.

Joe Parisi moved to continue the hearing on the Minor Subdivision Application for Harris Revocable Trust/Sandy Harris Trustee to January 6, 2020 in the Town Office Building at 7:30 P.M. The motion was seconded by Joe Brodbine and passed unanimously.

Pine Grove Springs Country Club, Inc. – A continuation of an application for a Major Subdivision for property located at NH Route 9A (Map 5K B8 and Map 5N B9.1) consisting of approximately 93 acres in the Residential zone.

The board looked over a letter from Panicco Law requesting a continuation to January 27th 2020. Maibusch noted that the attorney made a mistake and the date should be the second meeting in January. Maibusch noted that there will be quite a bit of information to review. Corliss noted that this is the second request from the applicant requesting an extension of time. Corliss noted that once the board has all of the required information, they may need time to evaluate the items and/or require further studies and that could add more time. Maibusch noted that he understood and that he did hope to get the information to the board prior to the meeting. The board noted that the second meeting in January is a holiday. Maibusch noted he is ok with the First meeting in February. Maibusch crossed out the date on the letter and initialed it to continue into February.

Jon McKeon moved to continue the Major Subdivision application hearing on Pine Grove Springs Country Club, Inc. to February 3, 2020 in the Town Office Building at 7:30 PM.

Items for Discussion

Review for Completeness –Tire Barns Realty Trust/Headwater Precision, LLC - BLA

The board reviewed the application for completeness noting the following:

Route 9 is not labeled

There are Diamonds and squares on the plan and only squares on the key and some are located in the middle of route 9.

There is a Common access and easement area on the plan.

Pieper noted that some of the owners are incorrect. Bergeron noted that he checked the abutters lies with the Town Office.

Joe Parisi moved to schedule the public hearing on Tire Barns Realty Trust/Headwater Precicon LLC Boundary Line Adjustment on January 6, 2020 at the Town Office Building at 7:30 PM. The motion was seconded by Joe Brodbine and passed unanimously.

Steep Slopes

Corliss noted that these are intended to be added to the Zoning Regulations as section 210. It was noted that there is already regulations labeled 210. It was noted that may change other things in the regulations. The board will number the ordinances 220. It was noted that the board should look at removing the PDD's that are no longer valid.

Corliss read the purpose and intent of the regulation:

In conformity to the most recent Town of Chesterfield Master Plan, the purpose of the Spofford Lake Watershed Steep Slope Overlay District is to 1.) prevent soil erosion, 2.) protect surface waters, from sedimentation, turbidity or storm water runoff and effluent from sewage disposal systems, 3). protect downslope properties and 4). preserve vegetative cover.

The board liked the purpose and intent.

Joe Brodbine moved to accept the proposed regulation as written. The motion was seconded by John Piper and passed unanimously.

Corliss noted that the basic map has been created. Corliss stated that while the map was being created, the State came out with 2 foot contours and now we are able to get the map shaded by slope if the board wishes to spend the additional money. The board would like to spend the additional

money. The board will review proposed regulation 20.2a once the map is received. It was noted that all of the numbers used in the proposed regulations come from other towns that have used the numbers and are backed up by DES research on the impact.

Corliss read the proposed 220.2b(1) and 220.2b(2)

220.2b Precautionary Slope

220.2b(1) In the area included in the Spofford Lake Watershed Steep Slope Overlay District, any land having a slope of 10% to 15% over a horizontal distance of 50 feet.

220.2b(2) When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 50% of all land in a Precautionary Slope area shall be excluded from the area calculation. For example, 20,000 square feet of land in a Precautionary Slope Area is necessary to comply with any 10,000 square foot area requirement for lot size or impermeable coverage.

Parisi noted that the example is not clear in 220.b(2). The board discussed the proposed regulation and decided to add "minimum" after 10,000 square foot.

Joe Parisi moved to accept the amended proposed regulation. The motion was seconded by John Koopmann and passed unanimously by roll call vote.

The accepted proposed regulations are as follows:

220.2b Precautionary Slope

220.2b(1) In the area included in the Spofford Lake Watershed Steep Slope Overlay District, any land having a slope of 10% to 15% over a horizontal distance of 50 feet.

220.2b(2) When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay District, 50% of all land in a Precautionary Slope area shall be excluded from the area calculation. For example, 20,000 square feet of land in a Precautionary Slope Area is necessary to comply with any 10,000 square foot minimum area requirement for lot size or impermeable coverage.

Corliss read the proposed 220.c(1) as follows:

220.2c Prohibitive Slope

220.c(1) In the area included in the Spofford Lake Watershed Steep Slope Overlay District, any land having a slope exceeding 15% over a horizontal distance of 50 feet.

220.c(2) When calculating minimum lot size compliance in the Spofford Lake Watershed Steep Slope Overlay district, 100% of all land in a Prohibitive Slope area shall be excluded from the area calculation. All land in the Prohibitive Slope area must be excluded from the calculation.

Roland Vollbehr moved to accept the proposed regulation as written. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

The board will continue to review the regulations individually and come back with suggestions/comments.

Items for Information

Other Business

Corliss noted that there was a question raised regarding monuments. Corliss noted he spoke with McKeon and asked him to put out something in the regulations that requires them for new lots. Corliss noted that at the previous meeting, the board reviewed the regulations and believed it reasonable to allow the applicant to utilize rebar instead of granite or concrete monuments. Corliss noted that 700.5 refers to monuments for streets, and the board believed that it was not necessary unless a street was being laid out. McKeon noted that he could not remember if the regulation was in the Land Development Regulations or Zoning, but it was changed years ago at the request of the Board of Selectmen because rebar is easily moved or damaged by a plow or other machinery. McKeon noted that residents have previously come to the Town and accused them of widening the roads and when the maker is not found, the Town ends up spending money for a survey. McKeon noted he will do more research and get back to the board with the regulation.

The Planning Board received information from the ZBA regarding some zoning changes. The Planning board reviewed the information provided by the ZBA. The Planning Board will be unable to accomplish the items in the Zoning Board letter before the deadlines for the 2020 Town Meeting. The board will continue work on these items for 2021 Town meeting.

The Planning Board received information from the Conservation Commission. The board reviewed the information.

Items for signature

November 4, 2019 plans
Peter & Rochelle Mitchell BLA Plan

Adjournment

Rolland Vollbehr moved to adjourn at 8:55 P.M. The motion was seconded by Joe Brodbine and passed unanimously.

The next meeting will be held in the Town Offices at 7:00 PM on January 6, 2020

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:



James Corliss, Chair

20 JAN 2020

Date