

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, APRIL 17, 2006

Present: Davis Peach (Chairman), Bob Del Sesto (Vice-Chair), Jon McKeon (Selectmen Representative), Stephen Pro, Tom North, Valerie Starbuck, Scott Coulborn (Alternate), Susan Lawson-Kelleher (arrived at 8:20 p.m.), and Padi Blum (Secretary)

Peach called the meeting to order at 7:21 p.m.

1. Minutes – Review of the minutes of April 3, 2006. McKeon noted that the word “done” in the final sentence in paragraph 2 of page 3 should read, “inspected.

North moved to accept the minutes with the aforementioned amendment. McKeon seconded, and the motion carried unanimously.

2. Peter & Rochelle Mitchell – This is a continuation of the April 3, 2006 Public Hearing on an application for a Boundary Line Adjustment. Property is located on Winchester Road in the R/A zone. Applicant (represented by David Mann) wishes to adjust the boundary lines effecting Map 16 Lots C14 & B10.1; thereby reducing lot C14 by 6.65 acres, leaving 8.11 acres, and increasing lot B10.1 from 29.78 acres to 36.43 acres. The amended lot B10.1 would not be conveyed separately in the future without further approval of the Chesterfield Planning Board.

With no changes or additions to the application, Pro moved to close the public hearing. North seconded the motion, and the motion carried unanimously (Starbuck did not participate in the discussion or voting on this matter, as she was not in attendance for the initial public meeting).

The Board reviewed information received from the Town Administrator and Town Counsel on the legality of pursuing this as a lot line adjustment since the lot proposed to increase (lot B10.1) would cross a public road. John Rab, attorney for the applicants, was in attendance and concurred with Town Counsel’s statements regarding State law; however, Del Sesto cited several pertinent ordinances, regulations and RSAs that clearly indicated that the Planning Board did not have the authority to grant approval of this application without a waiver or variance from the Zoning Board. Del Sesto also pointed out that Crocker’s email made reference to “continuous frontage”, which is also lacking in this matter.

Del Sesto moved to deny the application without prejudice on the basis that the Planning Board does not have the authority to waive or vary the Town of Chesterfield Zoning Ordinance. McKeon seconded and the motion carried by unanimous vote of the voting members of the Planning Board.

Reasons for the denial as follows:

- **Reference 1:** Page 53 of the Town of Chesterfield, New Hampshire Zoning Ordinance, Year 2006 – defines “LOT” as “A single unit or parcel of land in the same ownership throughout, with ascertainable boundaries and undivided by a street.”
- **Reference 2:** Page 55 of the Town of Chesterfield, New Hampshire Zoning Ordinance, Year 2006 – defines “STREET” as “A public right-of-way dedicated or intended to be dedicated for public travel or an approved private way offering the principal means of access to abutting properties.”
- **Reference 3:** Page 23 of the Chesterfield Planning Board Land Development Regulations – Paragraph 601.1 states, “Land developments shall comply with the provisions of the Chesterfield Zoning Ordinance. The Chesterfield Planning Board is not legally

authorized to waive or vary provisions of the Chesterfield Zoning Ordinance. The Chesterfield Zoning Board of Adjustment is the only authority which may grant variances to the provisions of the Chesterfield Zoning Ordinance; and, an applicant with land development proposals which do not comply with the Chesterfield Zoning Ordinance must either revise the proposal to comply with the zoning ordinance or obtain the necessary variance(s) from the Zoning Board of Adjustment.

- **Reference 4:** *Page 425 of the New Hampshire Planning and Land Use Regulation, 2005-2006 Edition - RSA 676.14 Determination of Which Local Ordinance Takes Precedence states, “Whenever a local land use ordinance is enacted or a regulation is adopted which differs from the authority of an existing ordinance or other regulation, the provision which imposes the greater restriction or higher standard shall be controlling.*

3. James & Michelle Larkin – This is a continuation of the April 3, 2006 Public Hearing on an application for a Major Subdivision (4 lots) of approximately 37.5 acres located on Pond Brook Road (Map 13, Lot H6.3), in the R/A zone. Applicant (represented by Ron Bell and David Mann) is expected to bring further information as requested by the Planning Board on April 3rd.

Bell presented the revised plans, calculations, and narratives as requested from the Board on April 3rd. Board members reviewed the submissions and discussed further requirements in this matter. The Board questioned the applicant’s definition of the “completion of development”, to which the applicant responded that would be the completion of all houses.

Starbuck moved to close the public hearing. Pro seconded, and the motion carried unanimously.

Del Sesto moved to require that the final pavement course be completed no later than 3 years from the start of road construction. McKeon seconded and a roll call vote resulted as follows: McKeon – yes, Pro – no, Laswon-Kelleher – no, North – no, Starbuck – yes, Del Sesto – yes, and Peach – no. The motion was defeated.

Del Sesto moved to accept the \$150,000.00 bond presented by the applicant, providing that the applicant change the title to “Larkin Road and Utility Cost Estimates.” North seconded, and the motion carried unanimously.

Lawson-Kelleher moved to approve the application, subject to the following conditions:

- *A bond must be secured by applicant in the amount of \$150,000.00. Bond title to be amended to read “Larkin Road and Utility Cost Estimates”.*
- *Sheet 4 of the engineered plans shall be amended as follows – in the paragraph referencing a licensed engineer, add “and registered surveyor in the State of New Hampshire”.*
- *In the Storm Water Study, the emergency spillway calculations shall be modeled.*
- *In the Storm Water Study, 1 foot of free board must be included from the 50-year water surface elevation to the top of the pond.*
- *The figure indicating the top of the pond reflected on Sheet 7 of the engineered plans shall correspond to the number determined by condition #4 of this Decision.*
- *Final approval shall be contingent upon State and Local approval of septic system.*

*Starbuck seconded, and the motion carried unanimously. *The bond shall be forwarded to the Selectmen via Jon McKeon, the Select Board Representative.*

4. Town of Chesterfield - Flood Plain Ordinance: This is a Public Hearing to amend Section 609, entitled “SPECIAL PROVISIONS FOR FLOOD HAZARD AREAS”, of the Town of Chesterfield Land Development Regulations following amendment of the Flood Plain Ordinance. There were no residents in attendance for the public hearing.

Starbuck moved to close the public hearing. Del Sesto seconded and the motion carried unanimously.

Pro moved to accept the changes to the Land Development Regulations with the amendment that all references to “603” be changed to “609.” Starbuck seconded, and the motion carried unanimously.

5. Don Emery & Kevin Beal/PDD1 – Scheduled Conceptual Consultation for Phase II of PDD1. Kevin Beal emailed the Planning Board Secretary this morning to apprise the Board that he has not received all of the pertinent documentation needed to continue with the consultation this evening. He will reschedule as soon as he has the necessary information.

No conceptual consultation took place this evening – to be rescheduled.

6. Chesterfield Heights Phase V - David Bergeron of Brickstone Masons, Inc. (representing Robert Clarkson) has requested a conceptual consultation to discuss proposed revisions to the existing cluster subdivision to add 6 - 7 additional lots.

This is a conceptual consultation – all discussions are informal and non-binding.

7. Other:

• **Signatures** -

- Minutes of April 3, 2006
- SWRPC Invoice –bill for “Processing of Surveys for Chesterfield Master Plan per Agreement”. Town Administrator has requested Board signature for processing payment.

• **Old Business** –

- **Planning Board Alternate Vacancy** – Note that the names of potential interested parties that were included in the memo to the Select Board requesting advertisement shall not be contacted directly by the Select Board. Planning Board members should advise all known interested parties that they must send a letter of interest to the attention of the Select Board. Any direct contact initiated by the Select Board or Town Administrator may be construed as an act of favoritism.

The Planning Board reviewed information on 3 potential candidates received from the Select Board.

- **Steep Slopes subcommittee** - Note that a warned meeting of the Steep Slopes subcommittee did not take place following adjournment of the regular meeting

of the Planning Board on April 3, 2007. PB must inform PB Secretary of rescheduled meeting date and time to legally warn the public 2 weeks prior to any rescheduled meeting.

• **New Business** –

- Future Agenda Schedule – 1 application on file for May 1st agenda; Telecommunications Relocation/Conditional Use Permit and Minor Site Development for improvements to existing tower on Welcome Hill Road.
- Other Business – Board would like to schedule review of PDD process in the future.

8. Information: *The following items were reviewed and placed in PB files -*

- **Charlestown Planning Board – Nextel WIP Lease Corp., d/b.a Nextel Partners:** Notice to Potentially Affected Municipalities, meeting on Tuesday, April 18, 2006.
- **Comprehensive Environmental Inc.** – Stormwater: Best Engineering Criteria No. 7, March 29, 2006.
- **The Source** – Spring 2006 Edition.
- **Town & City** – April 2006 Edition
- **ZBA – Agenda:** Copy of the Zoning Board Agenda for Tuesday, April 11, 2006 for Planning Board review
- **Camp Spofford** – Planning Board copy of Standard Dredge and Fill Application and accompanying note from Peter “Rookie” Olson
- **State of New Hampshire/Office of Energy and Planning:** Technical Bulletin 17, Land Use and Transportation
- **Comprehensive Environmental Inc./Greening Rooftops for Sustainable Communities Conference and Trade Show** – May 11th & 12th at the Hynes Convention Center in Boston

9. Adjournment

North moved to adjourn. Pro seconded, and the motion carried unanimously. The meeting adjourned at 10:18 p.m.

Respectfully Submitted,

Patricia L. Blum

Secretary

Approved:

//s// Davis Peach
Davis Peach, Chairman

Date: _____ May 1, 2006