

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, SEPTEMBER 17, 2007

Present: Bob Del Sesto (Chairman), Steve Pro (Secretary), Jon McKeon (Select Board Representative), Elaine Blake (Alternate), Susan Lawson-Kelleher, and Padi Blum (Clerk/Secretary).

Del Sesto called the meeting to order at 7:20 p.m.

1. **Minutes** – A review of the minutes of August 20, 2007 was tabled due to the lack of a quorum of participating Board members.

The Board reviewed the minutes of the special meeting held at the Bella Domani site on September 5, 2007.

Pro moved to approve the minutes of September 5, 2007 as amended. Blake seconded and the motion carried unanimously (all members except Lawson-Kelleher present at this time).

2. **David Bergeron** – Conceptual Consultation.
3. **Jesse & Felice Hall** – Conceptual Consultation.
4. **Mortis & Tenon Corporation/William Penney and Steve Pro** – This is a continuation of the public hearing for approval of an application for a Major Site Plan Review of property located on Lyman Way in West Chesterfield (Map 14, Lot A11.5) in the Commercial/Industrial zone. Applicant seeks approval for The Truck Camper Warehouse.

Pro requested a continuance as he feels that a variance would be required from the ZBA for frontage to accomplish what they desire.

Del Sesto reviewed information that he had gotten from researching the Town's files on this parcel and the original approved subdivision plan. Del Sesto pointed out that in 1988 (prior to rezoning the entire lot to C/I) the lot was zoned a combination of C/I and Residential. The subdivision was approved as a residential subdivision and the plat was displayed showing the approved setbacks and access. The statement of intent stated that all lots will have a minimum of 200' frontage on Lyman Way. Del Sesto also provided a copy of the regulations in effect at the time of approval and noted that the corner lot provision was in effect, with the same wording as it is stated in today's ordinance, at the time of this subdivision's approval.

The documents were added to the current applicant's file. Del Sesto also stated that he had emailed the Town's attorney (Mullins), and it was his contention that frontage is a provision of the approved subdivision. Applicants are aware of existing conditions. The approved subdivision plan takes precedent: the decision was that the front setback is along Lyman Way. The Route 9 50-foot setback is a separate requirement not related to frontage. Del Sesto does feel that the applicant would need to go before the ZBA in order to get approval from the Planning Board as their request clearly conflicts with the Town's requirements.

Blake moved to continue the public hearing to Monday, October 1, 2007 at 7:30 p.m. at the Selectmen's Office. McKeon seconded and the motion carried unanimously.

- 5. Bella Domani LTD** – This is a continuation of public hearing for approval of an application for a Major Subdivision on approximately 135.6 acres located on Poocham Road (Map 3, Lot A1) in the Rural/Agricultural zone.

Prior to opening the public hearing, Del Sesto reviewed the matter of Pro's recusal from this matter. He stated that the Superior Court had ruled that if a hearing was continued after a member had recused himself, the recusal must stay in effect. If the hearing had been closed and a new application filed down the road, the member could then take part if there was no conflict of interest at that time. Del Sesto said that he suspected that this decision may be appealed, but that was the decision at this time and he strongly suggested that Pro remained recused of this ongoing matter. Pro stated that he would remain recused.

Del Sesto re-opened the public hearing.

Hitchcock provided the following documentation:

- Open Space Land Management Plan
- Use Intensity Statement
- Colored Plan demonstrating defined areas such as the lots, meadow, thicket area, maintained and non-maintained areas
- Plan showing 25% slope and wetland areas that cannot be included in calculating the "open area".
- "Cluster Justification"

Hitchcock went over all figures and stated that they had fulfilled all of the requirements for open space. He noted that they were allowed 1 unit for every 2 acres entitling them to up to 12 lots/housing units; they are only proposing 5 lots. The lot sizes met the requirements.

There were no members of the public in attendance outside of recused PB member, Steve Pro.

- The Board did not feel that the Land Management Plan was adequate, and again directed Hitchcock to consult with the Cheshire County Cooperative Extension, as well as suggesting he review the plans submitted for similar cluster developments approved by the Board.
- The Board will also require a revised Use & Intensity Statement; Del Sesto wanted it to clearly specify "residential" lots.
- The Homeowners Association document must still be submitted for review.
- Test Pit data from Tom Forest is to be provided for review.
- The waiver to the 65-day time clock must be amended to allow for continuation beyond September 2007. (Hitchcock amended and initialed the waiver statement.)
- The Use Plan was to spell out if they specifically intend to allow public use of the common land.
- A written plan was requested to be obtained from the wildflower specialist.
- The Board questioned by whom and how the common area land at the end of the cul-de-sac containing the existing trail to the Lilly Pond would be kept open as stated in the

Open Space Land Management Plan as submitted. Hitchcock could not answer at the question. This must be addressed as well.

The Board referred to page 21 of the Zoning Ordinance, Section 301.4 – Ownership of Preserved Areas for the applicant to review.

A memo from Bevis to Del Sesto was reviewed and several areas of concern were addressed. The Board inquired about stream channel/drainage, and who would be responsible to maintain swales, detention ponds, etc. beyond the 50' ROWs. Easements to get to detention was shown, but not slope and grading. Hitchcock said that they expected the Town to maintain these areas. The Board directed Hitchcock to discuss the matter directly with the Road Agent, Bart Bevis. The Board may elect to make it a condition of approval that the Homeowners Association is to maintain all out-of-the ROW drainage, detention ponds, basins, etc.

A notation referring to sidewalks was clarified. The notation is a typical detail that was overlooked by the engineers – there were no proposed sidewalks. The notation will need to be removed from the plans.

Bevis questioned what impact there might be in the future on Poocham Road. Hitchcock stated there would be no adverse effects.

The Board may also require a separate consultant to review and assess the hardship to the Town created by the road plan if the Town were to take over the road.

Bevis was concerned that it is the Town's policy to have catch basins every 40-50 feet. The potential repair costs could be excessive if allowed to go 85-100 feet without catch basins as shown in this plan. Hitchcock strongly supported less catch basins as he felt there would be more maintenance required.

Bevis also had concerns with the lack of fire protection. This was a fire safety concern that the Board would need to address. In the past a 30,000-gallon fire pond or cistern has been required in cluster developments. Larkin way is one recent example. Hitchcock asked if sprinklers being required in the homes would satisfy the concerns related to fire protection. The Board was unable to answer that; regulations state that the Fire Chief must approve all safety concerns.

It was decided that Hitchcock would be required to set up a meeting with Bevis and Del Sesto was to be in attendance. All issues within the realm of the approval of the Road Agent and Fire Chief would be discussed in the Board Chair's presence. This would avoid confusion about what was discussed or approved.

Blake moved to continue the public hearing to Monday, October 1, 2007 at 7:30 p.m. at the Selectmen's Office. McKeon seconded and the motion carried unanimously.

- 6. Rob Hitchcock/SVE – Conceptual Consultation.** A spec sheet was provided for a sign to be included in the application file for the Fed Ex site plan. A hearing would not be required

for a minor modification to add the sign. Compliance would be monitored by Code Enforcement.

7. Old Business -

- Rules of Procedure: Vice-Chair signature required – tabled.
- Wood BLA: Will the Board take any action? – tabled.
- Town Site Development Flow Chart – tabled.
- CIP Committee - Status update from Blake.

8. New Business -

- Emery/Beal – copy of letter and results re: historic resources/Application for Dredge and Fill permit.
- Thank you letter from Blake

9. Information -

- The Source – Newsletter of the NHDES Drinking Water Source Protection Program (Summer 2007 edition)
- APA Audio/Web Conference Training Series 2007-2008
- LGC – 66th Annual Conference November 7-9 in Manchester
- LGC Town and City – September 2007 Edition

10. Adjournment

Pro moved to adjourn at 11:00 p.m. Blake seconded, and the motion carried unanimously.

Respectfully Submitted by:

Patricia L. Blum, Clerical Secretary

Approved November 5, 2007:

//s// Robert Del Sesto
Robert Del Sesto, Chairman

11/05/07
Date