

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, JANUARY 7, 2008

Present: Bob Del Sesto (Chairman), Valerie Starbuck (Vice-Chair), Stephen Pro (Secretary), Jon McKeon (Selectmen's Representative), Tom North, Elaine Blake, and Padi Blum (Recorder/Secretary).

Call to Order

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

Review of the Minutes

- November 19, 2007

Pro moved to approve the minutes as written. Starbuck seconded and the motion carried unanimously (Del Sesto, Starbuck, Pro [refrained from comment on any matters he was recused of], and Blake).

- December 17, 2007

North moved to approve the minutes as written. Starbuck seconded and the motion carried unanimously (Del Sesto, Starbuck, McKeon, and North).

APPOINTMENTS:

Jim Larkin/ZBA – Proposed Zoning Amendment – Building Height:

The Board reviewed the proposed Zoning Amendment brought forth by Larkin from the ZBA. Larkin stated that the issue had arisen due to the number of requests to the ZBA for variance to the Building Height section of the Zoning Ordinance, as well as the fact that it was felt that the Ordinance was poorly written and hard for applicants to understand or interpret correctly. He stated that the standard modular colonial style home has a base width of 32', each floor has a thickness of 12", and with a 12 pitch roof for maximum snow deflection, applicants could not meet the ordinance as it stands. At one time, the standard base width of a home was only 24'. Increased based width requires more height to accommodate the pitch of the roof. In this area, with the amount of snowfall we receive, Larkin stated that as a builder, a 10 pitch roof would be the minimum he would recommend. Larkin provided research data showing that Chesterfield was the only Town in Cheshire County with a maximum height of less than 35'.

The proposal also includes a drawing that he would like included in the ordinance to assist applicants in understanding the ordinance. Larkin stated that there was much confusion and misinterpretation related to "natural ground level" and the calculation of the building height uphill/downhill.

Greenwood was in attendance this evening and the Planning Board solicited his input. He stated that a lot of applicants have reconstructed plans rather than resorting to a variance request; he felt that a change in the ordinance was a better option than what he has seen in reconstructing plans to meet the existing ordinance.

Del Sesto felt that in the interest of timing and constructing a well-thought-out amendment, the Board should add this item to the list of ordinances the Board would be reviewing and recommending for changes in the upcoming year (to go to the March 2009 Town Meeting). North disagreed and felt that the matter should be addressed immediately if possible. The next meeting that the amendment could be drafted and warned for a public hearing would be February 4th. That is the last possible hearing date on a zoning amendment. The Board should do their best to decide on what is best and draft an acceptable amendment this evening to hear the matter on February 4th and bring it to ballot at the Town Meeting in March of this year.

The Board felt the amendment had a solid and reasonable base. The Board felt that there should be verbiage similar to Marlborough, NH's ordinance allowing a maximum of 35' or 2-¹/₂ stories to preclude undesired 3-story residences; whichever was less. The Board also felt that only decorative cupolas should be allowed to exceed the building height by an additional 4', as well as the chimneys, weathervanes, antennae, and satellite dishes. It was noted that the definition of building height in the Building Ordinance would need to be amended as well.

The Planning Board Secretary will draft the revised amendment proposals and warn for 2 public hearings to be held on February 4, 2008.

Lyle & Sandra Hoag/Cellco Partnership d/b/a Verizon Wireless – This is a continuation of the December 17, 2007 public hearing on an application for Conditional Use Permit and Major Site Plan Review to allow construction of a new personal wireless communications facility, including a 130-foot monopole tower, 12' x 30' equipment shelter with cable tray, and 12 panel antennas on land owned by Lyle and Sandra Hoag located off Streeter Hill Road (Map 1, Lot C16), in the Rural/Agricultural zone in West Chesterfield, NH.

Del Sesto re-opened the public hearing.

Linda C. Connell of McLane, Graf, Raulerson & Middleton e-mailed the Planning Board Secretary this afternoon requesting a continuation due to a scheduling conflict prohibiting Verizon's Radio Frequency Engineer from attending this evening. They would like a continuance to February 4th and will grant a waiver to the 65-day time clock at that time.

Starbuck moved to continue the public hearing to February 4, 2008 at 7:30 here at the Selectmen's Office. Blake seconded, and the motion carried unanimously.

**Public Hearings on Amending the Official Zoning Map of the Town of Chesterfield:
(All matters have been verified to have at least 25 registered voter signatures.)**

- Petition to amend the official zoning map of the Town of Chesterfield from Residential to Office/Retail/Services for 752 Route 63 (Stone House Antiques) Map 5A Lot A25.

Del Sesto opened the public hearing.

The Board voiced concerns about the possible uses in O/R/S increasing traffic and creating more safety issues, as well as concern about the likelihood of losing the aesthetic quality of the existing building. It was noted that the lot would be even more non-conforming if rezoned as O/R/S. There was no public comment on this matter.

Starbuck moved to NOT RECOMMEND the proposed zoning amendment from Residential to Office/Retail/Services for 752 Route 63 (Stone House Antiques) Map 5A Lot A25. Blake seconded and the motion passed by majority decision (Blake – yes, McKeon – yes, Starbuck – yes, Del Sesto – yes; Pro – no; North abstaining).

- Petition to amend the official zoning map of the Town of Chesterfield from Residential to Commercial/Industrial for Map 13 Lots (F)15 and 14.1.

Del Sesto opened the public hearing.

David Gale, the landowner, and his “tenant”, Mary Jo Gaines, were in attendance. Gale has been able to obtain a temporary waiver from the ZBA for several years to allow Gaines to run a produce stand on the site. The ZBA will no longer continue to extend a temporary waiver to allow the use on the premises. Gaines would like to construct a permanent structure on the site, as well, to allow product to be stored securely as well as accommodate refrigeration on the site. The site consists of 2 parcels totaling about 7 acres. One lot has a residential building onsite. The other is utilized by Gaines. There was no other public comment on this matter.

Blake moved to NOT RECOMMEND the proposed zoning amendment to the official zoning map of the Town of Chesterfield from Residential to Commercial/Industrial for Map 13 Lots (F)15 and 14.1 (for the purpose of discussion). Starbuck seconded and discussion followed:

Although the Board was very supportive of the endeavor, they did not feel that this was in the best interest of the Town or the best use for the lot. Pro noted that future development would be severely restricted due to the layout (setbacks, wetlands, protected shoreline, etc.) Starbuck stated that the amendment was clearly in opposition of the recent responses to the new Master Plan survey.

It was noted that this public hearing was not the appropriate forum for a “conceptual consultation” on how to accommodate the desired local business endeavor without rezoning the parcel; but the Board voiced their support toward coming up with another measure to allow the farm stand to continue to operate and expand in the limited manner discussed without opening up the parcel or any particular district to undesirable traffic or activity. The Board would like to see further discussion related to that as a separate matter.

The vote was called and the motion to NOT RECOMMEND passed by majority decision (McKeon – yes, Starbuck – yes, Del Sesto – yes; North – no, Pro - no; Blake abstaining).

- Petition to amend the official zoning map of the Town of Chesterfield. The parcel (Map 12, Lot A1.1) is owned by United Natural Foods, Inc. and is located on Stow Drive. This lot is currently zoned Rural/Agricultural. Petitioners are requesting that the entire lot be rezoned to Commercial/Industrial, consistent with adjacent properties, to accommodate office space and associated parking.

Del Sesto opened the public hearing.

The Board had mixed feelings on this matter and could not come to a majority decision. There was no public comment on the matter.

Blake moved to RECOMMEND the petition to amend the official zoning map of the Town of Chesterfield, (Map 12, Lot A1.1, owned by United Natural Foods, Inc. and located on Stow Drive) from Rural/Agricultural to Commercial/Industrial, consistent with adjacent properties, to accommodate office space and associated parking. North seconded. A role call vote resulted in a tie (Blake - yes, North - yes, Pro - yes; McKeon - no, Starbuck - no, Del Sesto - no); the motion was defeated.

Starbuck moved to NOT RECOMMEND the petition to amend the official zoning map of the Town of Chesterfield, (Map 12, Lot A1.1, owned by United Natural Foods, Inc. and located on Stow Drive) from Rural/Agricultural to Commercial/Industrial, consistent with adjacent properties, to accommodate office space and associated parking. McKeon seconded. A role call vote resulted in a tie (Blake - no, North - no, Pro - no; McKeon - yes, Starbuck - yes, Del Sesto - yes); the motion was defeated.

Blake moved to continue the public hearing on the petition to amend the official zoning map of the Town of Chesterfield, (Map 12, Lot A1.1, owned by United Natural Foods, Inc. and located on Stow Drive) from Rural/Agricultural to Commercial/Industrial, consistent with adjacent properties, to accommodate office space and associated parking to February 4, 2008 at 7:30 p.m. at the Selectmen's office. Pro seconded, and the motion carried unanimously.

Items for Discussion

- Status of a third-party independent Fire Safety Reviewer (Osterman Propane) – There has been no new communication between Del Sesto and DeBlois except that DeBlois confirmed receipt of the documents sent to them by Del Sesto.
- Board Membership – Blake has been confirmed and was sworn in this evening. McKeon also informed the Board that Woodman has submitted his resignation from the Planning Board to the Select Board.
- 2008 Planning Board Meeting Schedule distributed to Board members.
- Code Enforcement – Letter from Greenwood re: Zoning Changes. Pro provided a rough working draft of a proposed amendment to Junkyard Ordinance for the Board's review, discussion and decision on whether to pursue at this time. The Board suggested several changes and agreed to hold a public hearing on this matter on February 4, 2008. Pro will revise his draft and email it to the Planning Board Secretary within the next week so the final document will be available for inspection and finalized by putting it in the proper format for presentation to the Town Clerk. It was noted that all amendments to the Town's Ordinances proposed by the Planning Board must be signed by members at the close of the February 4 meeting. Final documents must be received by the Town Clerk February 5. Greenwood's proposal/request for a Seasonal Use Dwelling ordinance was also reviewed. The Board directed the Planning Board Secretary to draft the proposal and to post and publish notice of a public hearing to also take place on February 4, 2008.
- List of ordinances to be reviewed for possible amendments – all items discussed this evening will be addressed at the February 4, 2008 meeting.

Items for Information

- Reminder: January 21, 2008 Special Meeting of the Planning Board dedicated solely to review of the Master Plan. All members should collect and review materials provided by Starbuck prior to meeting.
- ESRI – Government Matters, Fall 2007 Edition
- LGC – Land Use Clerks Works: Building a Solid Foundation, Saturday, January 12, 2008, 9:00 a.m. to 3:30 p.m. in Concord
- Comprehensive Shoreline Protection Act Workshop/NHDES – email from Steve Roberge to Rick Carrier forwarded to the Planning Board for their information.

Other Business

- **Mortis & Tenon Corp/William Penney/Steve Pro Land Development Services, LLC** – A review of final submissions and determination of whether plans may be signed granting final approval. Pro will make minor modifications and resubmit them for inspection and Board signature at a later date.
- **Very Mill/Osterman Propane** – Review Status of Independent Fire Safety Review and conditions of final approval. There has been no new information; final review is tabled until completion of safety review and any action necessary for compliance with safety issues that may come to light.

Items for Signature

- Minutes – The approved minutes of November 19, 2007 and December 17, 2007 were signed by Del Sesto.

Adjournment

Starbuck moved to adjourn at 11:45 p.m. Pro seconded, and the motion carried unanimously.

Respectfully Submitted by:

Patricia L. Blum, Clerical Secretary

Approved February 4, 2008:

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

February 4, 2008
Date