

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, MAY 19, 2008

Present: Susan Lawson-Kelleher (Chairman), Stephen Pro (Vice-Chair), Jon McKeon (Selectmen's Representative), Bob Del Sesto, Valerie Starbuck, Tom North, Brad Chesley (Alternate), Helga Frohn (Alternate), and Padi Blum (Clerical Secretary).

Call to Order

Lawson-Kelleher called the meeting to order at 7:17 p.m.

Seating of Alternates

Lawson-Kelleher appointed Chesley to sit in the place of Elaine Blake this evening; Frohn may be seating for matters if the opportunity is presented.

Review of the Minutes

- May 5, 2008 – Regular Meeting of the Planning Board

Starbuck moved to approve the minutes as amended. Pro seconded, and the motion carried unanimously.

Appointments - (7:30 p.m.)

- **Mary Jo Gaines** – Conceptual Consultation: Gaines will be submitting a site plan review application to the Board; her question at this time is (assuming that the application gets Planning Board approval) is there is a way to get approval for a temporary structure to continue conducting business during construction; and how would she pursue that matter?

This is a conceptual consultation; all discussion is informal and non-binding; minutes are not recorded.

- **Jane Perham** – This is an application for a Minor Subdivision (2 lots) of approximately 11.16 acres located on Old Chesterfield Road (Map 11, Lot B12) in the Residential zone.

Pro recused himself of this matter.

The Board reviewed the application for completeness. Waiver requests were reviewed. Updated plans were available for tonight's meeting. The plans included topos, soils and other information that would render some of the waiver requests invalid/unnecessary.

Starbuck moved to approve the waiver request to allow final plans to be submitted after approval. North seconded and the motion carried unanimously.

Starbuck moved to approve the waiver request to allow plans to be submitted with the application without drainage vectors. North seconded and the motion carried unanimously.

The applicant withdrew the waiver request to 401J, not to include revision block and statements.

Del Sesto moved to deny the waiver request to 404.2.D.4, Surveyor Statement. Starbuck seconded and the motion carried unanimously.

Del Sesto moved to deny the waiver request to 404.2.F, submitting a list of all required federal, state and local permits. Starbuck seconded and the motion carried unanimously.

There was Board discussion as to the reworded Surveyor Statement by Dave Mann. The Board can understand why he may have needed to change the wording; however the modification may indicate that the Board does not have the authority to record the plans or to make a responsible decision based on the information contained on the plans. An explanation of why the modification was made in such a manner and why the required ratio could not be met would be needed from Mann. The Board felt that they had sufficient information that they may be able to accept the application as complete, open a public hearing for a complete review of the application as submitted and possibly require Mann to appear before the Board for a discussion. A continuation may be necessary before the Board could decide to act on a decision in the matter.

Del Sesto moved to accept the application as complete enough to open the public hearing and conduct a review of the application with the condition that definite requirements for this matter will include revision blocks and dates, an acceptable surveyor statement, and a list of all required permits, including DES subsurface disposal if applicable, to be listed on the plans. North seconded, and the motion carried unanimously.

Lawson-Kelleher opened the public hearing on this matter.

Updated plans were submitted to and accepted by the Board. Perham would be representing herself in the matter. Stephen Pro of Pro Land Development Services was in attendance to aid Perham. The land is located at 57 Old Chesterfield Road. The applicant wishes to divide the land in half to sell it. Pro stated that there is a 20-foot side setback and the drive will go through the front setback.

Del Sesto questioned why a stonewall along the frontage was not continued as the boundary line. Greenwood was also in attendance and expressed concern that the proposed driveway location would not meet requirements. The applicant stated that pins needed to be set, but if the application is approved, the line indicated would become the boundary line and provide the necessary 20-foot side setback. Del Sesto

would like the Road Agent to confirm that newly created lots would be acceptable and meet current requirements for driveway permit standards.

The Board discussed the modified surveyor statement. Starbuck pointed out that Mann has suggested review by legal counsel. Starbuck suggested Perham and Pro speak with Dave regarding the comment prior to a continued hearing. Perham stated that Mann has spoken to her attorney already.

Pro noted that he would get confirmation from the Road Agent regarding driveway permits, review the list of required permits applicable to be included on the plans, and speak with Mann to either get him to attend the next meeting or provide a sufficient explanation to the Board in regards to his modified statement. The Parcel Identification will also be corrected on all locations on the plans.

There was no comment from the general public.

Starbuck moved to continue the public hearing to June 2, 2008 at 7:30 p.m. at the new Town Offices. Del Sesto seconded and the motion carried unanimously.

Pro returned to his seat on the Board. Frohn was unseated.

- **John and Mary Giandalone** – This is an application for a Minor Subdivision (3 lots) of approximately 24 acres located at 124 Herrick Road (Map 14, Lot B12) in the Rural/Agricultural zone.

The Board reviewed the application for completeness. It was noted that an additional \$50.00 was due for the application fee; this must be paid before a decision may be rendered in this matter. Tax Map and Lot numbers must be properly identified on the plans, and mylars to Town standards will be required for final approval. Pro requested clearer delineation of wetlands, something less similar to the contour lines.

The applicant submitted waiver requests to the requirement of 2-foot contours, topos & soils, and drainage vectors.

Pro moved to approve the waiver request to the requirement of 2-foot contours. Del Sesto seconded and the motion carried unanimously.

The Board felt that the soils information should be included in the file, and were easily obtained. The soils information would be required; the requirement for drainage vectors would be waived.

Pro moved to accept the application as complete enough to continue with a review that would be contingent upon soils classifications and wetlands delineated more clearly on the plans, map and lot numbers referenced correctly on the plans and titles and payment of \$50.00 additional fees due. Starbuck seconded and the motion carried unanimously.

Lawson-Kelleher opened the public hearing.

The Giandalones reviewed the application and noted that their engineer had guaranteed the data and placed his seal on the plans.

Tom Duston of the Conservation Committee reminded everyone that Gulf Brook is one of a very few cold trout brooks in NH and is a protected stream that would fall under the Shoreline Protection Act. There was no other comment from the public.

Pro moved to approve the 3-lot subdivision with conditions that the wetlands would be clearly delineated on the plans, soils data would be added to the plans or application, the correct tax map and lot number information would be added to the title block, and payment of an additional \$50.00 for application fees due would be paid to the Town of Chesterfield prior to final approval and signatures. Chesley seconded.

Del Sesto noted that he would prefer to continue this matter and hold a final review prior to approval. There was no further discussion.

The motion carried by majority approval (Pro – yes, North – yes, McKeon – yes, Chesley – yes, Starbuck – yes, Del Sesto – abstained, Lawson-Kelleher – yes).

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

Starbuck excused herself from the meeting at this time, due to illness. Frohn was reappointed to sit for Starbuck for the remainder of the meeting. A 5-minute break was called for.

- **Browne Partnership Ltd.** – This is a preliminary application for a Major Cluster-Subdivision (18 lots) of approximately 111.8 acres located on Atherton Hill Road (identified as Map 10, Lot A1) in the Residential and Rural/Agricultural zones. As a preliminary application, the discussion is not binding and no decision will be rendered.

The Board reviewed the application for completeness. It was noted that there was an error in the tax map and lot number, and the numbering for the proposed new lots were called into question. The applicant was directed to the Selectmen's office to review proper numbering in line with the Town's system of assigning lot numbers. For final plans, signatures would be required, drainage vectors would need to be indicated, slopes greater than 25% should be delineated on the plans (in similar fashion as wetlands), road specification details, etc.

As this is a preliminary application the Board felt that there was sufficient information to open the public meeting and discuss the submissions. It would be beneficial to hear the public's questions, and the Board and applicant's representative would get a feel for what a final application would require.

Mike Bentley presented the proposal and stated that his client felt that they were developing the land responsibly; the issue was not to get the most money she could by developing as intensely as she could. Bentley stated that septic locations were delineated as per State DES regulations. Test pits were done on 5 individual lots and one for the cluster, but not each cluster lot had test pits at this point. Bentley also feels that the development meets the intent of preserved areas.

A large number of abutters and interested parties were in attendance and expressed their concerns, including:

Doug Bennett, Debbie Fisher, Sarah Cooper, Pat Grace, Kim Roof, Steve Fisher, Jim Kenyon, John Perkowski, Mike Marlins, Brian Grighter, Pat Haley, Jim Scranton, and Tom Duston of the Conservation Committee all addressed the Board with concerns. A letter of objection was received from a notified abutter (Eric C. Herr, 48 Phillip Drive, Spofford – dated May 8, 2008), and a letter was presented this evening from Dan and Louise Rath.

It was noted that the landowner had certain rights that were beyond the authority of the Planning Board to interfere with; they would consider all matters that fell within the Board's realm. The applicant could not be forced to acknowledge or contact the abutters or the conservation committee, and the character of the community and the intent of the Master Plan were regulated by the establishment of zones and regulations within the zone. The Board is tasked with upholding the regulations.

The main concerns expressed were:

- Water table; a large number of abutters and others in the neighborhood expressed that the water table was not good. Each time land was developed nearby, the quality fell and many have had to redrill and/or replace wells.
- Road quality and safety. Who would be responsible for necessary road improvements, and the continuing maintenance? The existing road is very narrow and treacherous in the winter. It is among the roads with a weight limit posting in the spring. Traffic from Route 9 is often detoured onto this road when there are accidents and the road is not passable by two vehicles going in opposite directions. The increased traffic will demand a higher quality road outside of the development.
- Were proper notification procedures followed? - (yes)
- Wildlife and environmental concerns.
- Wetlands
- Deforestation
- Slope determinations called into question
- With a large conservation project going on in the area with a price tag of nearly \$1 million, it is a shame to lose this land to development. Has the landowner considered trying to sell the land to preservation?

- Abutters hope that the amount of opposition and level of concerns of those who were able to attend would be weighed by the Board and that the Board will take necessary measures to ensure all valid concerns are taken into consideration, and that the burden of expenses are carried by the applicant.

The abutters requested that Bentley carry their pleas for consideration of being contacted regarding alternate sales alternatives back to his client.

The Board expects an intense review of this matter. They will balance the land owners' rights and the rights of the Town and abutters. Many studies will be required for a final analysis. Tests and studies can be ordered at the expense of the applicant. Improvements found to be necessary due to the impact of the development could be required to be paid for substantially by the applicant if determined to be justified by the Board as well.

Del Sesto told Bentley he would like to know what action the applicant would take if the Town required extensive road improvements and the applicant would be required to support that financially, at least in part. There was no answer to that question, but Bentley stated that he would like to get the Board's feel of the overall concept/layout. Bentley also noted concern that the abutter comments indicated that the narrow and treacherous road conditions were fine as they were for those already living there, but not fine for this development. He felt this was more of a "not in my backyard" situation.

Board identified concerns:

- Traffic impact and safety studies may be necessary (including Rte 9, possibly Lincoln, Tuttle, Atherton, etc.)
- Hydrology studies may be necessary
- Adequate fire protection (cisterns, etc.), Emergency accessibility
- Research "premature development"
- Drainage areas – roadside drainage, detention ponds, 10-year/50-year requirements, etc.
- Erosion Control
- Site Impact Analysis
- School Impact Analysis

Pro moved to continue the public hearing to June 2, 2008 at 7:30 p.m. at the new Town Offices. Frohn seconded and the motion carried unanimously.

Items for Discussion

- Bryan Bassler Subdivision: Final plans submitted for review and signatures. *Plans were given final approval and signed.*
- Very Mill Corporation/Robert Clarkson and Osterman Propane: Documents submitted for final Board review and signatures.

Final submissions will be reviewed by Del Sesto. Del Sesto will confirm all is in order and members will be notified to come in and sign off on the final plans after he has done so.

- Cellco Partnership/VZ Wireless/KJK Wireless – Co-location at 65 Pine Crest: Documents submitted for final Board review and signatures.
This item will be tabled until the June 2, 2008 meeting.
- Town Administrator – request for clarification: Carrier would like to know if ALL SUBDIVISIONS require DES/Septic Permits.
Lawson-Kelleher will contact Carrier; it was noted this evening that subdivisions over 5 acres do not require DES approval.
- Land Development Regulations to be reviewed for possible amendments - *tabled.*
- Items to be added to the list of ordinances to be reviewed for possible amendments - *tabled.*

Items for Information

- NH DES Newsletter: Supply Lines With The Source – Spring 2008 edition
- LGC Town and City – May 2008 edition

Other Business:

- Code Enforcement
 - Memos regarding 05-19-08 subdivision reviews (see item 4)
 - Memo requesting Housing Standards Ordinance (addressed in item 5) - *tabled.*
- NH DES Minimum Impact Expedited Application – Ericson, Route 63

Items for Signature

- Minutes – May 5, 2008
- Plans – Bassler Subdivision

Adjournment

Pro moved to adjourn at 12:53 a.m., Tuesday, May 20, 2008. McKeon seconded and the motion carried unanimously.

Respectfully Submitted by:

Patricia L. Blum, Clerical Secretary

Approved June 2, 2008:

//s// Susan Lawson-Kelleher
Susan Lawson-Kelleher, Chairman

June 3, 2008
Date