

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, AUGUST 17 2009

Present: Susan Lawson-Kelleher (Chair), Elaine Levlocke (Secretary), Bob Del Sesto and Brad Chesley (alternate)

Absent: Stephen Pro (Vice-Chair), Jon McKeon (Selectmen's Representative), Helga Frohn and Tom North

Call to Order

Lawson-Kelleher called the meeting to order at 7:50 p.m.

Seating of Alternates

Chesley was seated for Frohn.

Minutes –

- July 20, 2009

Del Sesto moved to approve the minutes of July 20, 2009 as amended. Levlocke seconded and the motion carried unanimously.

- August 3, 2009

The minutes of August 3, 2009 were tabled until there are enough members present at a meeting to constitute a quorum of voting members that were in attendance on August 3rd to vote on approval.

Appointments

- **Browne Ltd. Partnership, Elizabeth Principe** – Continuation of the public hearing for a proposed 9-lot Major Subdivision of approximately 111.8 acres located on Atherton Hill Road (Map 10, Lot A1) within the Residential and Rural/Agricultural zones.

Lawson-Kelleher presented a partial list of potential candidates for review. She noted that she had spoken with Lisa Murphy at SWRPC. They do look at plans for towns associated with SWRPC but only to review applications to determine regional impact, and they can be retained to review applications and compare them with our regulations to determine completeness, etc. (at an average cost ranging from \$200-\$300); what we are looking for in this matter is beyond the scope of work their staff planners do.

Lawson-Kelleher spoke with NRCS as well. They were able to give her the name of one potential candidate in Charlestown, New Hampshire; they will be sending her a list with some other names. The NRCS can provide soil types for non-agricultural purposes, but would not come out for delineations. NRCS has mapped out soils, but in areas less than 3 acres, or in forest areas, less than 10 acres, the information would not be deemed accurate for our purposes.

Lawson-Kelleher also spoke with Margaret Sharra from the Winchester Planning Board and Jeff Crocker, who is a former Peterborough Planning Board member (as a personal contact), who also contacted Carol Ogilvie from Peterborough Planning. Each provided a few names. Some weight should be given to recommendations of other smaller towns in the area that have been satisfied with the results obtained. There were some local residents named but will not be considered, as the Board does not feel the proximity makes them suitable candidates. A Brattleboro firm was recommended as well; Lawson-Kelleher was unsure if they would fall under the same consideration as the local residents. Lawson-Kelleher noted that, oddly, the same name never came up twice in the lists of references requested of different parties.

Some of the references that have been identified as potentially suitable for part or all of the review included:

- Higher Designs, Rindge
- Rogers Engineering Solutions, New Ipswich
- CLD Consulting Engineers, Concord
- Soils Engineering, Charlestown
- Meridian Land Services
- Comprehensive Environmental, Merrimack
- KV Partners, Guilford/Concord

Lawson-Kelleher stated that she has left messages with some of the individuals on her list and that she is waiting for responses. She is also waiting for more names from some of her referral sources. But it appears that it is possible to get experienced consultants.

The list of references that were deemed to be unsuitable because of proximity:

- TN
- Moran
- Clough Harbour

Del Sesto noted that he is not comfortable with using a person that would be contracting out-of-house for parts of the comprehensive review; that might limit the Board's ability to determine suitability. He asked Pollack, counsel for the applicant, if he had used any of the candidates cited.

Pollack had only heard of some, such as CLD. He believes that he may have worked with Randy Rhodes some time ago – not sure of the details or how closely they worked together. Meridian had been used in the past but that is a big firm; it would depend on the engineer assigned to the project. T F Moran had also been used here and there, but he has worked with the Bedford office only and the engineer that he worked with is no longer there. The applicant has no preference, but Pollack stated he would be comfortable with CLD, Meridian and T F Moran (no subcontractors would be used). He suggested the Board write letters requesting bids. The Board noted that that is the process the Board has used in the past, since they no longer retain an official Town Engineer.

Lawson-Kelleher solicited input from the public.

Louise Rath explained that Rebecca Todd, counsel for Friends of Atherton Hill, was unavailable this evening, but Rath would like to submit a list of names suggested to be suitable candidates for the reviews. That list included:

- Muriel Robinette of NE EnviroStrategies Inc. for groundwater and possibly habitat issues
- Dr. Timothy Allen, Keene State geologist, PhD Dartmouth
- SVG, Norwich, VT for traffic-related issues
- John Kelliher for groundwater (résumé included)

Pollack stated that since the Board was accepting recommendations, he would like to submit a couple of names as recommended for this type of review. His recommendations included:

- Nobis Engineering, Hopkinton
- Normandeau Associates, Manchester/Bedford

Pollack was given a copy of the list of references provided by Rath. He had no other input citing no experience with any of the agencies discussed.

Lawson-Kelleher will continue researching and gathering information. The Board feels, after initial review, that there are enough individuals identified in their preliminary list that appear to have the necessary qualifications that they should be able to select a candidate that can perform a comprehensive review related to all areas of concern:

- Hydro, groundwater
- Traffic
- The need for a fire pond

Sarah Cooper-Ellis asked that because there had been a statement made (by the applicant) that there would be no impact on habitat/species, would that be looked at?

Lawson-Kelleher stated that all information pertaining to the application would be reviewed. Minutes would be reviewed, along with documents submitted, and the reviewer would give their opinion as to whether they concur or if the data available is sufficient to make a determination. Information submitted by all parties would be reviewed.

Pollack suggested that if it is the Board's desire for a representative from a firm to attend a hearing or to meet with the Planning Board, they should specifically request that.

Sigfried Richter inquired re: Thayer Fellows in Walpole, what was the reason he was deemed unsuitable? Lawson-Kelleher stated that he would be disqualified due to proximity to avoid any potential conflict.

Pollack submitted a letter confirming Browne Ltd. Partnership's agreement to waive expiration of the statutory review clock (RSA 676:4) until September 30, 2009. The waiver is premised on the Planning Board's discussion from July 20, 2009 when the Board agreed to pursue and collect peer review proposals from qualified engineering firms and to commission a scope of work relating to third party review of the Browne application.

The Board will take up the subject during the work session scheduled August 31, 2009. This will be Board discussion to review materials that have been collected and initiate measures to select a candidate for a comprehensive third party review prior to continuance, which must take place at the regular meeting scheduled for September 21, 2009, or another waiver to the time clock will be necessary to continue the matter beyond September 30, 2009 to allow for the results of the comprehensive review and to move forward with a decision on this matter.

Prior to the work session on August 31, 2009, Lawson-Kelleher will draft a document transposing her notes on potential candidates, qualifications, and relationships with any known parties, etc. Lawson-Kelleher will also try to start on an initial draft letter for the bid request identifying the needs of the Board.

Del Sesto moved to continue the public hearing to Monday, September 21, 2009 at 7:30 p.m. at the Town Office. Levlocke seconded and the motion carried unanimously.

Items for Discussion

- **NHDES – Wetlands and Non-site Specific Permit 2004-00558 issued: Linda Fijol –** Amended Permit Description: Dredge and fill approximately 7,835 square feet of emergent wetland to include 30 linear feet of impact to perennial stream for the upgrade of Forest Ave. to provide access to a golf center and retain an existing 24-inch culvert. Conditions amended based on plans received by DES on July 30, 2009.

The Board reviewed the notification; it does not appear there is any action to be taken within the purview of the Planning Board.

- **Camp Spofford –** Follow up: Del Sesto has contacted Ron DeBlois of DeBlois Risk Services in Hollis, NH (used for the Osterman Propane Life Safety Review). DeBlois is happy to work with the Town again on this matter. DeBlois will charge the same rate as previous, although this project is a much smaller scope so the cost should reflect that. DeBlois also stated that he is working on another project that may enable him to split the costs associated with travel if and when it is possible to coordinate.

Blum will forward materials and contact information for review parties and the applicant's representative to DeBlois so that he may begin the life safety review when he returns from vacation.

Items for Information

- **NH LGC –** 34th Annual Municipal Law Lecture Series: 3 lectures available in 6 locations between September 16th – October 28th (7:00 – 9:00 p.m.). Registration deadline one week prior to event. Cost \$20/lecture or \$60/series.
- **NH OEP –** Information re: Annual Fall Planning & Zoning Conference on Saturday, October 17, 2009 at the Mountain Club on Loon in Lincoln, NH. Registration materials available online beginning August 20, 2009. Anyone interested should coordinate registration and hotel reservations with Carol Ross ASAP. *Space is limited.*

Other Business

- **Lawson-Kelleher** – Follow up with Bevis regarding markers on trees, Atherton Hill Road. Susan spoke with Bevis and was told that he flags were indeed markers of all the trees that will need to be cut for safe line of sight and to meet all regulations. Bevis expressed to her that it was not appealing to him; it looks horrible. This is the reason he felt that an internal road would have been the better alternative. Bevis noted that, on the other hand, the chances are not great that all of the lots will be developed at the same time, so the trees may not all be cut at the same time.

Items for Signature

Adjournment

Levlocke moved to adjourn at 9:12 p.m. Chesley seconded the motion, which carried unanimously.

Respectfully Submitted by:

Patricia L. Blum

Approved August 31, 2009:

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

 September 1, 2009
Date