

**TOWN OF CHESTERFIELD, NH**  
**PLANNING BOARD**  
**MINUTES**

Monday, August 6, 2012

Present: Brad Chesley, Chair, Jon McKeon, Selectmen's representative, James Corliss, Roland Vollbehr, Bob Del Sesto, and Sue Lawson-Kelleher

## **Call to Order**

Chesley called the meeting to order at 7:00 PM

## **Review of the Minutes**

July 16, 2012

*Del Sesto motioned to accept the July 16, 2012 minutes as amended. Vollbehr seconded the motion which passed unanimously.*

## **Appointments**

- **Alex & Laretta Kwader** – Application for a Minor Subdivision for property located off Pinnacle Springs Extension (Map 4, Lot B-1) consisting of approximately 150 acres in the Rural/Agricultural Zone. It may be followed by a review to grant or deny approval of the application.

Chelsey and McKeon recused themselves from the application as abutters. With Chesley's absence, Corliss is acting chair.

The board reviewed the application for completeness. It was noted that there was no phone number for the applicant, and there is no revision block on page 1.

*Lawson-Kelleher motioned to accept the application as complete for review. Vollebhr seconded the motion which passed by majority (Yes: Lawson-Kelleher, Vollebhr, Corliss) (Del Sesto abstained)*

The meeting was opened to the public.

James Phippard, and Kelly Dowd were present for the applicant. Phippard noted that the lot is an existing lot of 150 acres in the rural/agricultural zone. The applicant is proposing subdividing the lot into two lots. One lot would have 15.7 acres and 55 feet of frontage. The other lot would have the remaining 134.3 acres. Phippard noted this lot is existing non-conforming. Phippard noted that there was a variance granted by the Chesterfield ZBA to allow the second lot as proposed with less than 400 feet of frontage, on May 8, 2012. The applicant is asking for a waiver from showing two foot contours on the 134 acre parcel. A possible house location has been found and a test pit was done. Lawson-Kelleher noted that a copy of the variance was needed. Dowd noted that the lot is pre-existing and therefore has been non-conforming because it precedes a planning board in this town, or it was previously approved by a planning board.

Del Sesto noted that the applicant narrative was misleading as the frontage is in fact 241.5 in one area and then 50.27 but the frontage is not contiguous. The applicant will change the narrative.

*Del Sesto motioned to accept the waiver request and allow the applicant to only show 20 foot contours on the large (134.3 acre) lot. Noting that further use of the property will require 2 foot contours. Vollebhr seconded the motion which passed unanimously.*

Lawson-Kelleher asked about access to the new lot via Pinnacle Springs Extension. Phippard noted that there is a deeded right of way that runs with the land. Phippard will provide deed. It was noted that Pinnacle Springs Extension is owned by Brad Chesley. Corliss asked if there was a maintenance agreement. There is no maintenance agreement at this time. The applicant would be open to discussions regarding an agreement.

Bob Brockman noted that there has been logging going on up there and he is concerned about the logging roads becoming access for the larger lot. Phippard noted that the location of the logging roads has been put on the as is drawing to show what is currently there. Phippard noted that the logging roads are not access.

Corliss asked Phippard what would prevent further subdivision in the future. Phippard noted that there is not enough frontage and they would then need a variance before they could subdivide again. David Wood noted that he is concerned regarding the watershed of the lake. Phippard noted he will get information on the watershed for the board. Wood noted that development has caused issues with the lake in the past.

Brad Chesley (abutter) noted that on a 1987 plan there were 55 acres owned by Dave Hall, and on that plan, it states no further subdivision on lot 3. Chesley also noted that on a bill of sale for property it stated that it was not to be used for development. McKeon noted that the court ruled access to a single house lot and without the subdivision you can still access the 150 acres.

Dowd noted that the planning board cannot restrict further subdivision. He noted that this board cannot prejudge for future planning boards. Dowd told the board they should not get involved in private disputes. Dowd told the board that they could look at the subdivision application and as long as it meets the regulations, they could not deny it.

Chesley noted that the courts decision is only in regards to the frontage issue. He believes that this application has other issues. Dowd noted that controlling the land is not the job of the board. Kristin McKeon (abutter) noted that Dowd does not work for the town of Chesterfield.

Chesley noted that the deed restrictions have made it through three changes in ownership and the wording has remained the same.

Dowd provided the board with Planning board minutes from October 2009, Planning Board minutes from September 1987, a case from Connecticut (Moscowitz) and a letter. Lawson-Kelleher suggested that the board review the information provided at the next work session.

The board noted: they would like the narritave clarified, a copy of the variance, the inconsistencies between pages corrected, and copies of the deeds. Corliss will contact the Town attorney to go over the issues with restrictions running with deeds, the general authority and limits of the board in dealing with the issues raised. Lachenal will provide contact information to Corliss.

*Del Sesto motioned to continue the hearing to September 17, 2012 at 7:30 in the town office buildings. Lawson-Kelleher seconded the motion which passed unanimously.*

- **Charles A Donahue, Trustee of the Charles A. Donahue Revocable Trust of 1988** – Continuation of an application for a Major Subdivision, and an application for Major Site Development of property located on Rote 63 (Map 12A, Lot A-2) consisting of approximately 75.66 acres in the Residential zone. It may be followed by a review to grant or deny approval of the applications.

Dave Bergeron was present he had a copy of the condominium documents and provided this to the board. He had a new complete set of plans which were provided to the board. He provided four new sets of the subdivision plans. He noted that they have added access points and descriptions of development and non-development areas. Del Sesto asked why part of the road was to remain private. Bergeron stated that is just the way it was decided to be done. He noted there is public access to the private road.

The condominium site plan shows the limited common area and they are described.

The board reviewed the new plans and noted that on sheet 7, the revision date needs fixing. On sheet 1 of 2 the certification wording is not correct. The board would like to see some bolder lines to differentiate the phasing.

Del Sesto noted that he would like the condominium documents to be looked at by the Town attorney. Donahue noted that the documents must go to the attorney general for approval. Bergeron briefly went over the condo documents and the letter from Baroff Professional Association. It was noted that they will add public use to the part of the road that will not become a town road.

Del Sesto would like to go through the documents in more detail. He will provide Lachenal with any questions/comments to forward to the applicant.

*Del Sesto motioned to continue the public hearing to September 17, 2012 @ 7:30 in the Town Office Building. Corliss seconded the motion which passed unanimously.*

The applicant provided the board with an extension to the September 17, 2012 meeting.

## Items for Discussion

- Hanson – Review of items received regarding conditional approval

The board reviewed the conditional approval and noted the following:

The Development agreement has not been approved and signed by the Board of Selectmen. On Sheet 1 of 2 of the subdivision plan, the note added, is missing some wording. The note is added and complete on page 2.

The covenants are still being reviewed by the town attorney.

The board received a check for filing fees and L-Chip. The L-Chip fee needs to be paid with a separate check and the filing fee for the registry is included in the application fee. Lachenal will notify Hanson that he needs to provide a new check for \$25.00 made out to the Registry.

- Letters from Richard and Jeanny Aldrich –

The board received copies of letters from Richard and Jeanny Aldrich to Chet Greenwood regarding 89 Winchester Street. The board reviewed the letters and noted there is no action required by the planning board.

**Items for Information**

- Town and City Magazine July /August 2012
- Email from Kim Goddu an intern from the source water protection department of the DES  
The board reviewed the email. Lawson-Kelleher noted that Chesterfield does not have any high yield stratified aquifers. The email indicates a map is available. The board would like to look at the map if there is no cost involved. Lachenal will contact Goddu.

**Items for Signature**

- Approved/Amended minutes 7/2/12

**Adjournment**

*Vollbehr motioned to adjourn at 10:24 PM, McKeon seconded the motion which passed unanimously.*

Respectfully Submitted by:

**Patricia Lachenal**  
**Planning Board Secretary**

Approved by:

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**Brad Chesley, Chairman**

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**Date**