

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

Monday, November 5, 2012

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

Call to Order

Chesley called the meeting to order at 7:11 PM

Review of the Minutes

October 15, 2012

Vollbehr motioned to accept the October 15, 2012 minutes as amended. Corliss seconded the motion which passed unanimously.

Appointments

- Conceptual Consultation – Betsy and Denny Immergut
No minutes were taken as conceptual consultations are non-binding on either party
- Conceptual Consultation – Paul Reed – Sprint updating tower (Pine Crest Drive)
No minutes were taken as conceptual consultations are non-binding on either party
- **Alex & Laretta Kwader** – This is a continuation on an 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.

Attorney John Rattigan was in attendance per request of the Planning Board.
Chesley and McKeon recused themselves

Corliss assumed the chair in Chesley's absence.

The board held a small Non-meeting with Attorney Ratigan

Attorney Kelly Dowd and Jim Phippard in attendance with the applicant.

Corliss noted that the board left off with tabled motion at the last meeting.
Del Sesto motioned to bring the motion back onto the table. Sue seconds – unanimous
Del Sesto motions to withdraw motion without objection.
Motion withdrawn.

Corliss noted that the board has received a letter from Dowd dated October 15, 2012.
Corliss noted that after conversations with Attorney Ratigan the board believes the bottom line is that the lot was non-conforming then, with subdivision, the lots will continue to be non-conforming.

Lawson-Kelleher asked Ratigan if the private road in this case be considered a shared driveway? She noted that we (The Town Of Chesterfield) do have a shared driveway ordinance which requires a shared maintenance agreement. Rattigan noted that the road has been dedicated to public servitude, the road remains private because of not being brought up to specs., but driveways are not usually dedicated to public servitude.

Brad Chesley (Abutter) wanted to note the condition of the road is at some places no more than 20 feet wide. Two cars cannot pass at some places. Chesley also noted that he submitted documents and had some questions and, whatever the decision, it would be nice to have the issues/questions addressed.

The board reviewed the typed information provided by Chesley on 10/1/12.

Corliss asked if there were any more comments/questions for the board.

There were no more comments/questions from the public or the applicant.

Lawson-Kelleher moved to close public, Vollbehr second the motion which passed unanimously.

Corliss noted the board could start discussions with RSA 674:41

Corliss noted that the problem with the road is that it was on a plan and 674:41 B requires it to follow location and lines – present conditions do not correspond.

Lawson-Kelleher noted that Approval (if approved) would need waiver under 674:41 Id3.

Corliss noted that D1 was suggested as a condition previously to protect town.

Rattigan noted if you have a condition that states “satisfy D 1-3” that should cover it.

Del Sesto stated that a statement could be that the road corresponds in its location and lines with the street and the subdivision plan. Corliss and Lawson-Kelleher disagree and note that as it exists today it does not correspond. Del Sesto would like a condition to make it meet the plan.

Lawson-Kelleher noted the Town is not liable if waiver is signed and municipal vehicles cannot safely travel the road.

Del Sesto would like to make conditions relative to the safety issue regarding the safe travel of rescue type vehicles.

Lawson-Kelleher noted that the suggestion of Ratigan to use #4 is a good one.

Corliss noted that it is important to note that conflicting information has been received with regard to the legality of the subdivision and it is now part of the record.

Lawson-Kellher spoke about more subdivision of the 15 acres.

Del Sesto noted that there are two types of conditions – prior to and then subsequent to signing of plans. Prior to signing - Improvements to bring up to minimal functional safety.

Del Sesto noted that the issues with the subdivision itself have been handled. The board reviewed the old minutes.

Lawson-Kellher noted that the letter from the engineer states the road edges are difficult to determine.

Corliss asked if the Towns public safety equipment get through the road.

Corliss asked Ratigan his opinion stating that “the goal is to say road should support safety equipment. Is there a way to say that without requiring engineering? Obvious to the board the road as it exists is narrow and that is a safety concern.”

Discussions:

Applicant shall improve the road as acceptable to the Fire Chief if the board is satisfied with the Chiefs’ requirements.

Del Sesto is uncomfortable with the just current chief having the only say and being in charge because Fire Chiefs change.

Lawson-Kelleher would like engineer to come up with reasonable list to ensure that it can handle the load. She would like concrete suggestions for the road.

Lawson-Kelleher asked who would pay for an engineer. The applicant is the only person that the board has control over and therefore they would pay the cost of the engineer.

There was discussion about the need for access to the lot before a building permit is issued or once they are ready to build.

Ratigan noted that the board could do it before or subsequent. The board could make the condition and then have a compliance hearing – Dialog with Chief and Applicant – Final approval. Or leave it to the chief

Lawson-Kelleher motioned to conditionally approve the subdivision requested by Alex & Lauretta Kwader 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, subject to the following:

Prior to the issuance of a building permit, the applicant shall satisfy the requirements of RSA 674:41, I (d) 1-3

The applicant shall make the improvements to Pinnacle Springs Extension as indicated by the Town's Engineer including but not limited to consultation with the Chesterfield Fire Department and accepted by the Planning Board

Corliss amendment – requirements shall not exceed 1987 plans –the amendment dies with no second.

The Board has received conflicting information as to whether the applicant has all of the property rights needed to support this application and access to the proposed lot via Pinnacle Springs Extension. That in approving this application, the Board has assumed in its review, but has not examined the applicant's property rights or made any findings with respect to their existence, that the applicant has all of the property rights necessary to gain access to the property via Pinnacle Springs Extension. The Board believes that by virtue of the dedication of Pinnacle Springs Extension to public servitude, that the applicant has the right to improve and maintain this private road as specified by this approval and as may be specified by the Board of Selectmen as condition of issuing a building permit under RSA 674:41, I(d). The Board's approval is conditioned upon the applicant having such rights. If it turns out that it lacks these rights, and the conditions of approval cannot be satisfied, then the subdivision application may be subject to revocation per RSA 676:4-a. Vollbehr seconded.

Bob amended – Lawson seconded amendment- adding --- “including but not limited to consultation with the Chesterfield Fire Department and accepted by the Planning Board” (No – Corliss)the amendment passes by majority.

The motion with amendment passes by Unanimous vote of the Planning Board.

Lawson-Kelleher noted that the larger lot is still a non-conforming lot due to the lack of frontage.

Vollbehr left the meeting at 9:45

Chesley and McKeon re-joined the board.

- **Cersosimo Industries - Cersosimo Industries, Inc** – This is a public hearing on an application for a Minor Site Plan of property located at River Road (Map 1, Lot B2) consisting of approximately 17.75 acres in the Residential zone and 17 acres in the R/A zone. This is a public meeting and it may end in an approval or denial of the application.

Andrew Geffert was in attendance for the applicant.

Lawson-Keller noted that she looked over the application after they sent in the revisions – Lawson Kelleher noted one question remains – certification 405.2H was signed by the vice-president not the owner.

Lawson-Kelleher motioned to accept the application as complete enough for public review. Corliss seconded the motion passed with Del Sesto abstaining.

Geffert noted that Cersosimo Industries is a corporation. Jeff Morse can sign as vice-President of said corporation.

Geffert began by giving a history of the pit. He gave the board a copy of letter submitted to Westmorland January 2010. Geffert noted that a permit was in place in 1990 before Cersosimo purchased the pit. Cersosimo asked if pit was permitted before they purchased it in 1992.

McKeon noted that the ponds are not shown. Geffert noted that he never questioned that the ponds were not shown.

Geffert went over the plans as submitted.

Lawson-Kelleher checked to make sure the notes that were on the 1990 plan are also included on the proposed new plans.

The new plans do not include # 9 in the notes included on the old plan, #10 is also not on new plan. Geffert noted that #9 was unnecessary and impractical. Cersosimo would prefer no maximum open amount noted on the plan. Geffert noted that #10 deals with the Traffic Study, which was done, submitted and accepted. Lawson-Kelleher noted if there is no traffic plan referenced on the plan, then one does not technically exist anymore. Geffert noted that if the board wants the note re-added, they will not have a problem adding the reference to the traffic plan.

Del Sesto noted that the traffic study was done over 20 years ago and asked if it would still be applicable after all these years. Del Sesto asked if it would be appropriate to ask for an updated report?

Geffert noted the selectboard approved it and there is no expiration date. Geffert also noted that there is no change in use or intensity and therefore a new report should not be required.

McKeon noted that the small lot is still separated on sheet 2. Geffert noted that they did not revise that sheet, but will do so.

McKeon noted that the letter dated April 20, 2012 still has missing items. Item numbers 5,6,7,11, 12 are still outstanding.

Geffert noted that the performance bond was addressed in the August 20, 2012 letter. McKeon noted that an agreement would need to be made.

The board discussed # 5. Corliss noted that a permit must have an end date.

McKeon noted that there is a pond that is not on the plans. Geffert noted he does not believe there is a pond where McKeon is talking about, suggesting that it may have been after a good rain storm. Geffert noted that the applicant has no plans of the standing water. Geffert noted that the applicant will agree to not have standing water.

The board discussed the end date. McKeon noted that a change in AOT, or a change in use or intensity then they need to come back before the board. McKeon noted that the board should

look at it every five years. It may not require a new site plan every time, unless there are significant changes. Geffert noted that they would rather not have to come back unless they make changes.

McKeon noted that the board could request the AOT plan come to the Planning Board for review and if there are no significant changes then the board would not require the applicant to come in front of the board. The board would then put an end date at 20 years. The board will look over the plans received from AOT every five years and if there are no significant changes, the board will take no action. If there are changes the board considered to be significant they will require them to come before the board. The board always has the right to walk the property and inspect to make sure that the property is as represented. Geffert noted that 2009 was the last AOT done meaning 2014 will be the next review. Geffert will make sure that the board receives a copy of the AOT. The board noted that the AOT plan dates can change. The board will accept the AOT plan whenever they are due.

The drainage report has been received. It was noted that Holden has reviewed the report.

McKeon suggested someone from the board contact Peter Holden and ask about his thoughts on the plan. Chesley will contact Holden.

#6 deals with the bond. The board of selectmen is handling this.

#7 deals with the revised reclamation plan. The board reviewed the reclamation plan on page 2 and 3. McKeon was concerned with the wording "as available"

Geffert noted that the reclamation plan follows the NRCS. The board will look this over in discussion.

#8 is regarding a use intensity statement, which has been provided, but not approved.

#11 – was removed and therefore no longer an issue.

#12 Buffer along northern border is gone – northeast buffer is smaller than shown on the previous plan.

Geffert noted there is a dig through agreement regarding the northern border. Geffert provided the board with the dig through agreement.

Geffert noted that the 100 foot buffer along Coyote Canyon was a mistake on the drawing, not on the property.

Traffic plan – Del Sesto would like an update including the max number of truck trips per day.

Lawson-Kelleher noted that the board should review the traffic plan.

The board asked Geffert to come back with information regarding truck traffic.

Lawson-Kelleher noted that the applicant should include emergency hours on the plan along with the hours of operation. Geffert agreed this would protect the town and the applicant.

Lawson-Kelleher motioned to continue the hearing to November 19, 2012 at 7:30 PM at the Town Office Building. Corliss seconded the motion which passed unanimously.

Items for Discussion

Items for Information

- Request for project review by the NH Division of Historical Resources –
No Historical properties affected
No discussion
- Supply Lines with The Source
No discussion
- Annual Conference

Anyone interested see Tricia

- McKeon – Noted a few items that he learned at a training he attended. He noted that we should revisit rules of procedure. Conversations amongst board members about board related items are not ok outside of meeting even if there is no quorum. Boards job is to sit here and use knowledge you already have and the regulations. There was some disagreement and discussion was tabled until December.

Items for Signature

- Approved October 1, 2012

Adjournment

Corliss motioned to adjourn at 12:12AM, Lawson-Kelleher seconded the motion which passed unanimously.

Respectfully Submitted by:
Patricia Lachenal
Planning Board Secretary
Approved by:

Brad Chesley, Chairman

Date