TOWN OF CHESTERFIELD, NH
PLANNING BOARD

Monday, June 17, 2013

Present: Chair Brad Chesley, Joseph Parisi, Rolland Vollbehr, Davis Peach, James Corliss Sue Lawson-Kelleher (7:25) and Jon McKeon.

Call to Order

Chesley called the meeting to order at 7:15 PM

Seat Alternates

Chesley seated Parisi for John Koopmann

Review of the Minutes

The board reviewed the minutes of June 3, 2013

Peach motioned to accept the minutes from May 6, 2013 as written, McKeon seconded the motion which passed unanimously.

Appointments

Carol Ross – The board received a memo from resident Carol Ross (see attached memo) and from Chet Greenwood (see attached memo). Both memos address concerns regarding Zoning Regulations.

Carol Ross was present to answer any questions the board had.

Ross noted that the issue with Regulation 203.4 Area, Frontage and converge requirements is that building permits have been issued in the past in contrary to the zoning regulation. Ross noted that this has happened for many years, at least through the last 4 Building Inspectors. The board discussed the zoning regulations. Ross noted that this could create an issue for the homeowner if/when they decide to sell their property. The homeowner can go before the zoning board and request an equitable waiver of dimensional requirement. Ross would like the fees associated with this process to be waived for anyone in this situation. The board noted that they do not have the power to waive a fee required by another board. McKeon noted that the zoning could be changed, solving the issue. Lawson-Kelleher noted that the regulation was probably worded that way to make sure there is a buffer. The 1987 Zoning regulations were reviewed and it was noted that the requirements are the same as the current regulations. Chesley will contact LGC and discuss the best plan of action.

Proposed change in the Planning Board's Rules of Procedure -

Under the heading "Roberts Rules of Order" to read: Robert's Rules of Order may be used to decide all parliamentary questions not specifically provided for in these rules of procedure, points of order will be decided by the chairman unless there is an objection by a board member, in this case majority vote will be taken.

Lawson-Kelleher motions to accept the change as noted, Peach seconds the motion

Corliss motions to amend the wording (as it is not worded exactly as the original motion was worded) to :
Under the heading "Roberts Rules of Order" to read: Robert's Rules of Order may be used to decide all parliamentary questions not specifically provided for in these rules of procedure, points of order will be decided by the chairman unless there is an objection by a board member, in this case the point of order will be decided by majority vote.
McKeon seconds the amendment, which passes by majority with Parisi abstains.

The motion, with amendment passes by majority. (No: Parisi)(Yes: Chesley, Vollbehr, Peach, Corliss Lawson-Kelleher and McKeon)

Lachenal will amend the Rules of Order.

Application fees -
McKeon motioned to increase the abutters fee to $9.00 per abutter. Corliss seconded the motion.
The board noted that the cost of mailing has been increasing and the fee is not higher than the cost of mailing. The abutters fee is designed to also cover the cost to pay the secretary to prepare and mail the abutters notices.
The motion passed unanimously.

Corliss moves to add the motion to the next agenda July 1, 2013 for public hearing. Peach seconds the motion which passes unanimously.
Lachenal will put the motion on the next agenda for public hearing.

Items for Discussion

- Cota Gift Store – The board received an application for Minor Site Development from Cota on 4/15/13, it was voted not complete. A letter was sent to the applicant. The applicant submitted new plans and a use intensity statement on 5/22/13. The board is reviewing the new plans and additional information for completeness.

  The board was provided a Decision made by the Zoning Board of Adjustment regarding this property. The board reviewed the decision.

  The board reviewed the letter sent to the Cota's regarding the application being incomplete. Chesley noted that the letter indicates that the abutters list was not keyed to the plans previously. McKeon noted that all but one has now been keyed to the plan. Town of Chesterfield is listed as an abutter on the abutters list, but does not appear on the plan.
  It was noted that the abutters acknowledgment is still not signed. Previously there was not a use intensity statement. The use intensity statement has been received. The set back dimensions for all areas were not previously shown, and is still not completed. The parking calculations were not shown, and the number listed did not match the number shown. The parking space issue has not been resolved. The plan notes one number, shows another number and the use intensity statement indicates a third number. There is still no indication of on-site waste disposal location. The regulations call for locations of all structures on abutting properties and the distance to each one from the property line, which is still not done. A landscaping plan was not included, which has now been provided. The regulations require all existing and proposed sidewalks, curbs and gutters to be shown, which has not been done.

McKeon moved that the plans as presented are not complete enough for review. Peach seconded the motion which passed by majority with Lawson-Kelleher abstaining.

Lachenal will provide a letter to the applicant indicating that the application is still not complete enough for review.

- Wrobel – Second preliminary review of application for minor site development for completeness
  Board reviewed the application – It was noted that the board is not sure if the application fees have been paid and/or the abutters fees. The board noted that the checklist indicates there are no easements, however there is a utility easement shown on the plan.
  The board continued on through the checklist.
  Corliss motioned that the application is complete enough for review. Lawson-Kelleher seconded the motion which passed unanimously.
  Lachenal will check on the fees and add them to the agenda for July 1, 2013 meeting.
- Camp Spofford – Preliminary review of application for completeness – The board received an application from Camp Spofford for Major Site Plan Review. McKeon noted that the plans indicate an expansion. Peach noted that his understanding is that they are a non-conforming use and they have saturated the allowed 25% expansion.
  Lawson-Kelleher motioned to not accept the application from Camp Spofford as it is in conflict with Zoning Regulation 503.1. Vollbehr seconded the motion which passed unanimously.
- Saba, Pierre – Chesley noted that he has received information back from the two reviewers contacted regarding this property. Both were within the same price range and could get the information back to the board prior to the next meeting. Chesley will contact Higher Design and have them conduct the review.

Items for Information

- **Memo from Chet** – Letter to Rob Hitchcock regarding Hanson, Farr Road project
- **Donahue** –Request for more information from DES
- **Donahue** – NH Division of Historical Resources – Bibliography Form and Short Report and determination

Adjournment

McKeon motioned to adjourn the meeting at 9:48 PM, Vollbehr seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:00PM July 1, 2013

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

Brad Chesley, Chairman **Date** 7/13/13

May 20, 2013

To: Planning Board

From: Carol Ross
Resident

Re: Articles 203.4 Area, Frontage and Coverage Requirements

A. Lot Area: Minimum of two acres **except four acres for a two family dwelling**. Multiple family dwellings are governed by Sections 403.1 and 403.2.
B. Frontage: Minimum of 200 feet, **except 300 feet for two family dwellings**. Multiple family dwellings are governed by Section 403.1.

I respectfully request that the Planning Board review the above article in reference to two family dwellings. (Highlighted above)

It has recently come to Chet Greenwood's attention that 2 family dwellings are required to have 4 acres of land and 300 ft of frontage. Many properties in town have 2 family dwellings including my own. It had been approved by the then Building Inspector, Pat Haley July, 1999.

Please review the ordinance to see if the 4 acres is actually necessary for safety. A 2 family dwelling by definition must be attached to the main house. Also the 300 ft of frontage; would it be necessary as the 2 families would use the same driveway. There is no difference in line of sight with having 1 driveway.

I believe these got approved by the CEO because under Article 203.2 Permitted Uses
B. Two family dwellings.

There is no notation as in Section C. Multiple Family dwellings subject to compliance with Section 403.

I respectfully ask that the Planning Board consider removing the requirements for the four acres and 300 ft road frontage for 2 family dwellings.

Thank you,

Carol Ross

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P.O Box 175
Town of Chesterfield, New Hampshire 03443

May 23, 2013

MEMO

To: Chesterfield Planning Board

From: Code Enforcement

Re: Zoning Article II Section 203.2 (B) & 203.4

It was recently brought to my attention the requirements in these sections regarding the location of a two family dwelling on four acres with 300 feet of road frontage. The remaining part of paragraph 203.4 references multi- family dwellings. I had always looked at this paragraph as applying to multi-family dwellings only. My error was not picking up the words for two family dwelling as a different application. It should also be noted that Section 203.2 (B) does not reference these requirements in 203.4 while Section 203.2 (C) Multi Family Dwellings does reference the Multi-family requirements in Section 403.

I respectfully suggest this board consider either clarifying Section 203.4 for two family dwellings or removing the additional requirements of four acres and 300 ft of frontage.

I have experienced receiving calls from citizens that are considering converting part of their residence to make an additional dwelling unit. They are interested in easing their cost of ownership allowing them to remain in their homes. The restrictions of Section 203.4 rule that out in most cases. I can't help but believe that conversions have been made without my knowledge.

Thank You for your consideration.