

**TOWN OF CHESTERFIELD, NH**  
**PLANNING BOARD**  
**Monday, November 7, 2016**

**Present:** Davis Peach, James Corliss, Rolland Vollbehr, John Koopmann, Joe Brodbine and Jon McKeon

**Call to Order**

James Corliss called the meeting to order at 7:03

**Seat Alternates**

Joe Brodbine seated in place of Susan Lawson-Kelleher

**Review of the Minutes**

October 17, 2016

*Davis Peach motioned to accept the minutes as presented from October 17, 2016. The motion was seconded by John Koopmann and passed unanimously.*

**Appointments**

**Town of Chesterfield Planning Board** – This is a public hearing to review and vote on proposed amendments to the Chesterfield Zoning Ordinances. Regulation 207.2 Mother in Law Apartment will be removed and replaced with Accessory Dwelling Unit Regulations 207.2 through 207.2 8. All documents relative to these matters have been available to be viewed in the Selectmen's office between 8am and 4 pm Monday through Thursday and 9am through 12pm on Fridays.

The public was given a few moments to review the proposed regulations.

Corliss read the “opening” noting that the PB does not usually deal with permits, but will be to see how it works. It may be delegated in the future.

Corliss asked if the board or the public had any comments.

Kristin McKeon noted that regulation 207.2 3 b may be confusing as written. Some people may read it to indicate that any expansion to the footprint is not allowed. Corliss noted that the intent was that when something is done to the structure to make an ADU, it needs to still look like a single family dwelling. The board reviewed the proposed wording to 207.2 3 b and adjusted it to the following:

207.2 3

b. Exterior alterations, enlargements, or extensions of the structure shall not alter its character or appearance as a single -family residence. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

*Davis Peach moves to change the wording on 207.2 3b to: b. Exterior alterations, enlargements, or extensions of the structure shall not alter its character or appearance as a single -family residence. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible. The motion was seconded by Jon McKeon and passed unanimously.*

Kristin McKeon asked if regulation 207.2 3 e means that there cannot be separate heating units. Corliss noted that the regulation prevents someone from adding an ADU that do not share a heated space with a common wall. An example was given of a home with a breezeway to the garage. Jeff Scott asked if under proposed regulation 207.2 5 someone that added an ADU in 1988 and did not get a building permit but did the work according to the current standards at that time would have to upgrade it to today's standards. McKeon noted that the person would have to bring it up to today's standards as they did not get a permit previously and do not have an occupied space recognized by the Town.

A spelling error was noted in proposed regulation 207.2 5 e and corrected.

Kristin McKeon noted that the board is allowed to require yearly proof that the owner is occupying the property. Davis Peach noted that at some point people should be trusted and there are other requirements that we are not asking them to certify each year. Jon McKeon noted that this is a special exception and therefore it is different than other regulations.

*Davis Peach moves to change the proposed wording on regulation 207.2 7 e to: The principal dwelling unit or the Accessory dwelling unit shall be owner occupied and the owner shall certify occupancy to the Planning Board or its designee yearly by April 1<sup>st</sup>. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or medical/family emergency; the owner may apply to the Zoning Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years. The motion was seconded by McKeon and passed unanimously.*

The board will hold another public hearing on the proposed ADU regulations.

### **Doug Foster - Spofford Boat Sales**

Mr. Foster was not present at the meeting. Corliss noted that the board needs a site plan for this property so that everyone knows what is permitted on the site. It was noted that there is some documentation in the files about what the Town believes is permitted use on that site. Corliss noted that if Mr. Foster does not wish to be part of the process to get a site plan developed, the board will continue without him. McKeon noted that the board needs to look at what was happening on the site prior to 1987 and compare that with what is happening currently on the site. If the site has been expanded, then his grandfathering status does not still apply. John Koopmann noted that the parking on that site is a danger. Corliss noted that the board needs to reaffirm with Mr. Foster that the board is interested in defining the site, and if he refuses to come before the board, the board will be forced to define it without his assistance. Peach noted that the majority of the issues with this site have nothing to do with inventory. McKeon noted that we need to continue to communicate with Mr. Foster and provide the opportunity for him to provide the board with the information requested. We need to obtain documentation where the business started, where it was in 1987 and where it currently stands. He needs to be notified that in the event he chooses not to participate the board will be forced to go ahead without him and if his property is deemed non-compliant, he could face fines. Corliss noted he is willing to write a letter with McKeon's assistance and send it to Mr.

Foster. The board agreed Corliss and McKeon should work on the letter and get it out to Mr. Foster prior to the next meeting.

### **Gateway Preserve - Proposed minor change**

Dave Bergeron noted that he provided Lachenal with a letter for the board and copies of the proposed plans. Bergeron noted that one question that has come up several times in discussions is regarding work force housing. Bergeron noted that if the Town is really interested in affordable housing and learning what is required, he has several connections that would be happy to speak with the Town of Chesterfield.

Bergeron showed the floor plan which includes a minor modification of the attic space. Bergeron noted that the loft has gone from 80 square feet to 160 square feet, with the remainder unheated attic space. There will be no windows or closets and the railing remains open. The added space in the loft allows for a small office or a space for the grandkids to play. McKeon asked what drove the reduction in storage and increase in living area. Bergeron noted that the storage was reduced due to the truss design and the original 80 square feet of loft was not large enough for an office or play space. McKeon noted that the expansion is in fact not driven by the trusses, but by opportunity. Corliss opened the meeting to the public.

Jeff Scott noted that he believes that the company has done a nice job with the condos. Scott noted that he is unclear as to why the second floor is being discussed as all of the previous minutes reflect no second floor living. Scott noted increasing the size of the loft increases the chances of someone turning it into a bedroom. Scott noted that the realtors should be listing this as a 2 bedroom only. Scott noted that if the board does approve this, he would like some wording on the certificate of occupancy signed by the buyer and seller that no bedroom will ever be built on the second floor. Scott noted that he would first like to know how we are talking about this again as it was settled previously. Corliss noted that the applicant asked for a minor change and that is why they are here tonight to talk about the second floor.

Frank Richter - Code Enforcement - noted that he came into this development after the first permit was issued and therefore talked to NH Municipal Association to get some guidance. Richter noted that it is not typical for a Planning Board to get involved in the interior of buildings. Corliss noted it is a cluster development and they require a lot of information on density and character of the development. Corliss noted that when the original applicant Donahue brought the information to the board, it was included. Koopmann noted that at the time the Planning Board signed the interior plans, it served as an affirmation that there would not be any living space on the second floor. Bergeron noted that there was a lot of talk about not having a third bedroom. Bergeron stated that the new owner came before the board wanting a bathroom and a dormer on the second floor, and the board noted it would be a major change, so the applicant decided against going forward with that. That is the meeting the board decided to sign the interior plans and there were no interior plans signed prior to that time. Koopmann noted that in the first meetings, terms such as affordable housing and workforce housing were used. Bergeron went over information on work force housing requirements, mortgage qualifiers and construction costs. Bergeron noted that with all of the requirements and regulations, this property could not financially qualify. Bergeron also noted there are tax breaks from the Town required and the Town would have to maintain the road. Koopmann noted that the board did not do a lot of technical research but the casual target was \$200,000. Koopmann noted that there is a big difference between 200,000 and 265,000. McKeon noted that he was never under the impression it was to be work force housing but was under the impression it would be single level living, which would keep the cost down. Bergeron noted that it is still basically single level living as it is a very small area on the second floor. Bergeron noted that

several contracts have been signed by people that are currently living in Chesterfield and are ready to downsize.

Nancy Proctor (Realtor) noted that there is one sold and 4 are under agreement with another 3 currently in the works. Everyone is over 50 and there are no more than 2 occupants in any of those units. Proctor noted that this is serving the need to downsize and not worry about maintenance. Proctor noted that people have asked about a 3rd bedroom on the second floor and are quickly told that will not be allowed.

Bergeron noted that they are looking to increase the loft space and make the cold storage smaller on the second level and these are minor changes. There is no change to the exterior or the footprint. There is no change in traffic and no impact will be felt on the resources of the town.

Corliss asked if the public had any more questions or comments. The public had no more questions or comments. Corliss noted that they would move into board discussion.

Rolland Vollbehr noted that he believes this to be a minor change and a positive one. Vollbehr noted that the need for additional space is understood and it is a very good idea with a good design. Joe Brodbine noted that making this change does not change the cost to the builder. The use will remain as intended and it makes it more marketable and more valuable. Brodbine noted that the change is positive and minor and there is no reason to deny the request. Peach noted that he believes this was a waste of time it is none of the boards business to be talking about where walls go. Peach noted that he is totally in favor of the change. Koopmann noted that the change clearly adds great value at little cost and violates the initially proposed concept of affordability. The addition is clearly living space and by virtue of that, it makes it more valuable and expensive. Koopmann noted he is opposed to the request. Corliss noted that he did go and view the property. Corliss stated that the attic is like any space as it could be illegally modified to a bedroom. It does not seem like a detriment to the town and noted he sees it as a minor change.

*Rolland Vollbehr moves to accept this as a minor change. Davis Peach seconds the motion which passes by majority. (No:Koopmann and McKeon)*

## **Items for Discussion**

### Master Plan

The board has received one hard copy.

### Signs

No new information

### Review for completeness - Sebastian lot line adjustment

Rolland Vollbehr and Joe Brodbine excused themselves as abutters

Davis Peach noted that he worked with the applicants many years ago, but could remain objective. The board reviewed the application for review.

*McKeon moves the application is complete enough for review at the next meeting. John Koopmann seconds the motion which passes.*

Public Hearing will be scheduled for November 21, 2016

**Items for Information**

**Other Business**

McKeon noted the Selectboard will be sending out a memo to the Planning Board and the Zoning Board with some requests on how to deal with legal issues.

Norm VanCor noted that he would like to know what is happening with the Master Plan. Corliss noted it has been approved and the board should have more copies and an electronic copy shortly. Corliss asked McKeon if the Selectboard had thought about a different table. McKeon noted that they spoke about it, but a decision has not been made.

Tim Mulverhill was present at the meeting and was introduced as he is interested in joining the Planning Board or the Zoning Board.

**Items for Signature**

Minutes - October 3, 2016

**Adjournment**

*McKeon moves to adjourn at 9:45 Davis seconded the motion which passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM November 21, 2016

Respectfully Submitted by:

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

Approved by:

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**James Corliss, Chairman**

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**Date**