

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, March 6, 2016

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

Call to Order

James Corliss called the meeting to order at 7:02

Seat Alternates

Richard Aldrich was introduced as the new alternate to the board. Aldrich was not seated tonight as all full members were present.

Review of the Minutes

February 6, 2017

Joe Parisi motioned to accept the minutes as presented from February 6, 2017. The motion was seconded by Rolland Vollbehr and passed unanimously.

Appointments

None

Items for Discussion

Mark Lanoue - Review for Completeness

Jon McKeon noted that there is ongoing litigation with Mr. Lanoue and the Town and McKeon recused himself from participation in the discussion on this application and sat in the audience. Koopmann noted that he wants the board to consider that anything that is said in this meeting may be used in the ongoing legal matter. Corliss noted that this meeting is only for reviewing the application for completeness and nothing else.

The board received an application for Major Site Development from Mark Lanoue regarding property located at 1763 Route 9 in Spofford. The board reviewed the application and noted the following:

The checklist was not filled out.

405.2 E requires information on easements, deeds and covenants and nothing is noted.

405.2F requires a list of all federal, state and local permits, nothing is noted

405.2 H requires a signed statement on the first page of the final site plan as follows: " I certify that my assigns or successors will seek approval by the Planning Board prior to making any changes to this site plan" this certification is not on the plan.

405.3 A requires a final topographic and soils plan and one was not provided.

405.3B requires a final surface water drainage management plan and one was not provided.

405.3C requires an erosion and sediment control plan and one was not provided.

405.3E requires building elevations which were not provided.
 405.3F requires a use intensity statement which was not provided.
 401 F requires the location of all abutters, keyed to the abutters list and there are more abutters listed on the abutters list than on the plan.
 The application fee was not the correct amount.
 The lot number on the plan is not the same lot number as on the application

Joe Parisi moves that the Mark Lanoue Major Site Development application for property located at 1763 Route 9 in Spofford is not complete enough for review. The motion is seconded by Davis Peach and passes unanimously.

Andersen NH, LLC - Review for Completeness

The board reviewed the application for completeness noting the following:

405.2 H requires a signed statement on the first page of the final site plan as follows: " I certify that my assigns or successors will seek approval by the Planning Board prior to making any changes to this site plan" this certification is not on the plan.

401 K requires a signature box on the first page for all Planning Board members to sign
 401L requires a signature line on all pages except the first for the Chairman to sign and date.

Joe Parisi moves that the Anderson NH, LLC application for Major Site Development and Condominium Conversion for property located at 45 South Shore Drive is complete enough for review and to place the application on the agenda for a public hearing on March 20, 2017. THE motion is seconded by Davis Peach and passes by Majority. (No: Koopmann)

700.5 Monuments

It was brought up at the last meeting that the board should look over regulation 700.5 in the Land Development Regulations. The regulation states:

Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, points of curvature and point of tangency of curves. Monuments shall be placed on one side of the street only and at only one corner of intersecting streets. Adjacent monumented points shall be inter-visible.

The Planning Board may require monuments to be tied in to a public street intersection, U.S.G.S. benchmark or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat.

Monuments shall be of stone, concrete, or other material acceptable to the Town Engineer, not to be less than 4 inches in diameter or square, and not less than 36 inches long. Concrete monuments shall be reinforced with steel rods and a plug, brass plate, or pin shall serve as a point of reference and a magnetic rod or other suitable metal shall be placed adjacent to the monument to allow for recovery.

Vollbehr noted that he was unsure if this was required on a class VI road. McKeon noted that any public way would require this regulation. McKeon noted that even private ways are deemed a public way by the State.

Corliss noted that where a lot line intersects with a street requires a monument. McKeon noted that if they are making a change it requires a monument.

Rules of Procedure

Corliss noted that by State law, the Planning Board Rules of Procedure must include information on joint meetings and hearings. The current regulations do not include any such language. The board was provided with draft wording for the proposed addition of a paragraph regarding joint meetings and hearings. Brodbine noted that the Conservation Commission is not listed and should be added. Peach noted that the entire document should be amended to change "Chairman" to Chair. Lachenal will make the suggested changes and provide the board with a new draft.

Signs

No new information

Spofford Boat Sales

Corliss noted that there have been a number of conversations regarding Spofford Boat sales previously, however there has been no definitive statement about what is permitted. The board tabled the discussion previously to wait for input from McKeon.

McKeon noted that Peach has a lot of history with the site as well. McKeon noted that for many years, the Planning Board has attempted to get a site plan from Mr. Foster for the purpose of everyone understanding what is permitted on the site. He previously provided a hand written drawing to the board and was supposed to come back and discuss the drawing, but failed to do so. The Planning Board has recently send a couple of letters requesting his presence at a meeting, and he has not attended a meeting. McKeon noted that he has seen a change in the number of boats on site and more traffic at the site. McKeon noted that there needs to be an understanding of what is allowed and what is not allowed on this site. McKeon noted that Mr. Foster is limited to what the business was as it existed at the inception of the Zoning Regulations. Parisi asked if it was the opinion of the Selectboard that the business has expanded from what it when it was last tacitly approved. McKeon noted that the Selectboard is of that opinion. Corliss noted that it is a pre-existing non-conforming lot and he is unsure how this board could approve a plan that by design causes people to back into Route 9 due to the safety issue. Corliss noted that even though it is pre-existing non-conforming it still cannot be unsafe. Peach noted that this site has been there for a long time and there have been no accidents caused by traffic entering or exiting the business. Peach noted that Mr. Foster previously explained that sometimes more boats are delivered than previously at one time, due to a rise in fuel pricing, but the number of sales has not increased, only the number of boats delivered at one time. McKeon noted that all of the burden of proof lies with Mr. Foster, he needs to prove his pre-existing non-conforming business has not expanded. Vollbehr noted that he was a customer of Spofford Boat sales in the early 1980's and he does not believe that the business has expanded since then. Peach noted that there is now winter storage of boats on the site, which was not previously done and should not be allowed to continue. Koopmann noted that the most valuable part of the property is the driveway and there are boats parked there making it impossible for customers to utilize the driveway.

Parisi noted that the hand written plan which was received by the Planning Board is tacitly the site plan. McKeon noted that he does not agree as he should be held to what was happening on the site

when Zoning was enacted. McKeon noted that he believes that a letter needs to be written to Mr. Foster notifying him that he is in violation of his site plan due to the fact that he has expanded his business beyond what was present in 1987. Parisi noted that with no history on this site, he has a hard time holding him accountable to something that is not on paper. McKeon noted that the burden of proof is on Mr. Foster.

Joe Parisi moves that the Planning Board finds no approved site plan for Spofford Boat Sales and therefore he is not in compliance. The motion is seconded by Davis Peach and passes unanimously.

McKeon will take that to the Selectboard and have Code Enforcement write a letter.

Items for Information

A public hearing will be held at the next meeting for trimming and removal of trees on Gulf Road. Eversource has requested a hearing to allow trimming and removal of trees on Gulf Road. All trees have been marked along the road and there is a list available in the Selectmen's office.

Other Business

It was noted that the Use Intensity Statement for Foard Panel has a couple of paragraphs that are contradictory. Paragraph 5 indicates no water and paragraph 9 indicates water usage. Lachenal will contact Dave Bergeron and acquire an updated version.

Koopmann noted it is nice to see the conservation commission ringing in with comments on the new applications

Items for Signature

Foard Panel Plans
Scranton Plans

Adjournment

Davis moves to adjourn at 9:11. Koopmann seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM March 20, 2017

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date