

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, May 1, 2017**

**Present:** James Corliss, Joe Parisi, John Koopmann, Richard Aldrich, Joe Brodbine and Jon McKeon

**Call to Order**

James Corliss called the meeting to order at 7:06

**Seat Alternates**

Richard Aldrich seated for Rolland Vollbehr

**Review of the Minutes**

April 17, 2017

*John Koopmann motioned to accept the minutes as amended from April 17, 2017. The motion was seconded by Richard Aldrich and passed unanimously.*

**Appointments**

**Anderson NH, LLC** - This is a continuation of an application for Site Development Review and Condominium Conversion of property located at 45 South Shore Road (Map 5A, B-9 and A-47) consisting of approximately 1.3 Acres in the Residential Zone.

Corliss noted that there were questions that came up at the last meeting about what the board is doing what the procedure is and how the board is looking to undertake this application. Corliss noted that there is a decent letter on the PB site that tries to describe what this board does. Corliss noted that the board approves or denies applications based upon what is presented with the application. Corliss stated that the board approves or denies a set of documentation and that documentation needs to be complete. Corliss noted that the board cannot consider the history of the site or applicant. Corliss noted that it is up to the applicant to provide all documentation that they would like the board to consider with the application.

Tom Hanna noted that he emailed a letter from Rob Hitchcock today, and provided the board with copies of the letter. Hanna stated that the letter refers to correspondence in 2002 on the issue of drainage. Hanna provided the board with copies of D1 through D3 (11X17) which are referenced in the letter. Hanna also provided the board with a memorandum. Hanna provided the board with an email from Stephanie Giolongo a wetland expert from DES. Hanna noted that Stephanie attended a site visit in March with the Conservation Commission, Mr. VanCor and two representatives from DES.

Hanna noted that he believes that the board has the ability and should grant the requested waivers because it would be requiring the applicant to recreate the wheel to require them to recreate the information that has already been produced. Hanna noted that the letter from Rob Hitchcock states

there is no reason to require new topography soils and drainage studies and plans when that was done 15 years ago and the site has not changed materially and the application in front of the board is only requesting an ownership change and not a change in the site. Hanna stated that the authority of the board for a site plan review is to review site plans for the development, change or expansion of use and in this case, the site is already developed and there is no change or expansion of use requested. Hanna noted that the board communicated with a lawyer from Lebanon and there was no indication in the email that the previously submitted memorandum was included with the email. Corliss noted that he was not sure if the memorandum was provided. Hanna noted that the attorney would have benefited from having his memorandum in front of him. Corliss asked if it was Hanna's position that counsel's response was incorrect or inadequate. Hanna noted that he does believe the position that counsel took is inaccurate. Hanna noted that some of the issues addressed in his email response made reference to the fact that the plan was not recorded at the registry, but there is no requirement for a site plan to be recorded at the registry. Hanna noted that the email talked about the plans not being final, but he believes the plans were final with the actions taken on May 6, 7 and 8<sup>th</sup> and the decision made on May 6 creating 2 conditions. Hanna noted that neither of the conditions required the plans to be signed. Hanna stated that the conditions were obvious conditions that did not require accomplishment prior to signature and the plans should be considered final. Hanna noted there are no requirements that plans be signed. Hanna noted that it appears that the overflow parking area was never installed the way it was supposed to be installed, but the current applicant was not involved at that time. Hanna noted that he believes the plan (2002) is final as the evidence is overwhelming that it was the intent of the planning board in 2002 that this plan was the final plan. Hanna noted that the applicant is willing to replicate the plan as approved in 2002, but based on the DES site visit and the applicants engineers recommendations, there are some paved areas that they would like to see removed and added vegetation in those areas. They would like the dumpster to be removed and relocated and they would like the gutter/curb along the east side of the driveway. Corliss noted that the board is looking to get a complete set of documentation that it can rely on for what the site currently is and what it is proposed to be. Hanna noted that there were two things on the 2002 site plan that were required and not completed. The overflow parking was to have a permeable underlayment and a gutter right on 9A with a rip rap swale. Hanna noted that those items would need to be done to adhere to the 2002 site plan. Hanna noted that Stephanie from DES would like something other than the gutter. Hanna noted that the applicant believed he was cleaning up the site and had asphalt put in three places, the northeast corner, a small area between the house and driveway and between the driveway and the overflow parking. They are open leaving those areas, but are amenable to putting gravel as the current plans shows them being converted to gravel. It was noted that the applicant is not proposing leaving them as asphalt, but is open to it as DES believes there is a benefit to leaving 2 of the 3 area's paved. Hanna noted that the applicant has provided a plan that they would like approved, but are open to small changes if the board sees fit.

Corliss noted the board would now look at the waiver requests.

Corliss noted that Topographic and Surface Erosion plans are required and a request for waivers has been sought.

Corliss noted that if plans were created today, it would more accurately reflect the site as there are features that exist today that did not exist 15 years ago, such as a stone wall. Hanna noted that the stone wall was approved by DES in September 2016. Corliss noted that the plan in front of the board does not show the wall. Hanna noted that the applicant is asking the board to put things in context and be reasonable and not go over the top on a project that will not change much. Hanna noted that site plan approval was not required, but DES approval was and was obtained.

Board discussion:

Corliss noted that he is looking to get to what documentation the board is going to be relying on for their decision. Brodbine noted that he believes that the changes are minor and he does not see the

point in generating more paper for what has clearly been described. Brodbine noted that the soils and topographical are not going to change. Parisi noted he would like to see a site plan that accurately shows what the applicant wants to do, and based upon discussion, it does not appear that the current plans depict what the applicant plans on accomplishing. Parisi noted that he does not want to have to go back to what may or may not have been done and or approved in 2002. Corliss asked the applicant if C2 reflects their intentions for the site. Hanna noted that C2 does reflect the intentions of the applicant. Parisi noted that there is a stone wall on the property today that is not on the plan. Hanna noted that the plan was in the works before the stone wall was installed and it could be added to the plan. Koopmann noted that he would like a very accurate record of what is on the property as it will continue to be a significant property on the lake. Koopmann noted that several years from now people looking at the plan need to be able to look at the plan and know what was approved.

Corliss asked for public input on the acceptance of waivers portion of the application.

Steve McGrath noted that he has a photo of a drain pipe on his cell phone which he showed some members of the board and to the applicant. He noted that that kind of pipe is the thing that the lake association is trying to get rid of as it drains directly onto the sand. McGrath noted that if DES had done its job while it was on site, it would have noted this issue. Hanna noted that the picture on the cell phone should be made available for everyone and printed. McGrath noted he will email the picture to Lachenal. McGrath noted that the drain is on the lake side of 9A and it comes down and goes right onto the beach, which DES is trying to keep out of the lake. McGrath noted there are changes in guidelines between 2002 and today and this is one example. Rob Hitchcock noted that if it is on the lake side of the road, it has nothing to do with this project as there is nothing being done that affects that side of the road.

Charlie Donahue noted that he has a special interest in this project as his septic and well are tied directly into this property. Donahue noted that there are bits and pieces of 2002 and now and we are all left to guess what is being done. Donahue noted that this is not a simple change of ownership as the applicant suggests. Donahue noted that they are currently operating a renal property and there are rules and regulations that govern the running of the operation currently.

Dan Andersen noted that he has sat through 3 meetings and despite what one neighbor is saying, this is a minor application, the occupancy is not going to increase, and in fact it may be reduced. Andersen noted there are no proposed changes to the cabins. Andersen noted that he already stopped the docks and moorings rentals and taken the linen offsite. Corliss noted that the current discussion is to ensure if the application is approved, there is complete documentation package about what is allowed on site.

Charlie Paquette noted that he encourages the board to get beyond the point that it is at and approve the waiver and move on with the rest of the application.

John Piper noted that it sounds like the board has 3 different requests for waivers and should handle each request as a separate issue. It was noted that the board does look at each request separately.

Corliss asked if the board is willing to waive the requirements for the Final Topographical and soils plans. Parisi noted that there does not seem to be any documentation in front of the board. Parisi noted that the waiver requests a waiver and refers back to a plan in 2002, but there is nothing in front of the board from the 2002 plan. Parisi noted that he would need to see what was reviewed in 2002 in order to see what was done then. Rob Hitchcock noted that the D2 plan has all of the soils information. Parisi noted that he needs a complete package, not pieces from all different places.

Richard Aldrich noted that there is no way that the topo from 2002 could accurately represent what is there now as 15 years have gone by and some changes must have occurred. Aldrich noted that changes occur due to Mother Nature and use of the site. Brodbine noted that he believes it is an existing site that is not changing and it would be a burden to require whole new plans. Koopmann noted that he agrees with Parisi and needs everything in one package to review. McKeon stated that

he believes that the board should know what is being waived and why. If there is a previous plan that the applicant wants to use, that should be included in the package and part of the application. McKeon noted that if the board is going to waive something because it has been done and documented then it should be part of the application.

Hanna noted that the applicant is not asking for approval of the 2002 plan. Hanna noted that topography does not change. Parisi noted that he would like to see the 2002 Topo and soils plan as part of a complete package. Parisi noted that the applicant is asking the board to approve an application with 2002 and 2017 elements. Parisi noted that may not mean making new drawings, but it does require putting everything in one package. Hanna noted that he could put a package together with everything the same size. Corliss noted that it seems like the board is interested in a package with a date that reflects the application and revision dates even if it is written on the print.  
Five minute break

Corliss noted that the board is going to move on from the topo and soils waiver requests. Corliss noted there are no new buildings being requested, and he believes it was previously decided that building elevations were not required.

*McKeon moved that the waiver request for building elevations be granted. The motion was seconded by Joe Brodbine and passed unanimously.*

Corliss noted that the use intensity statement was part of the letter included in the application. Corliss noted that there was a statement or question about the completeness at a previous meeting. Brodbine noted that it seems complete. Koopmann noted that there is no way of determining occupancy. Corliss asked if it includes all of the information that would guide town enforcement officials in the event of a complaint. Corliss noted that it does state it is seasonal cottages, but we do not know how many people. Corliss asked how many bedrooms in each cottage.

Dan Andersen noted that most cottages are studios and a couple have separate bedrooms.

Koopmann asked if the condominium documents limit the number of people that can be in the cottages at one time. Parisi noted that he has heard things from the applicant that do not appear to be in the use intensity statement. Parisi noted that the applicant has stated several times that the use is going to be the same or less, but that is not noted. McKeon noted that there is no measuring stick as there is nothing to compare it with. Koopmann noted that the other element is seasonal use and the possibility of offseason use. Hanna noted that it is clearly stated that it is seasonal use in the use intensity statement. McKeon noted that the overflow parking is noted as being for when cottages have two vehicles, but it was noted somewhere in the previous Planning Board minutes of 2002 that it was occasional use.

Donahue noted that in the May 6, 2002 minutes, overflow parking was clearly designed for occasional use. Donahue noted that online it clearly states that each cottages has a maximum occupancy and this will not be addressed if people own them instead of renting them. Donahue noted that there is also a rule now that renters are not allowed to have guests on the beach. The beach will have more guests if this rule is no longer in place. Donahue noted that the property is already non-conforming and not allowed to expand, but allowing more occupancy and visitors on the beach is an expansion.

Dan Andersen noted that the restrictions that Donahue is referring to are things that have been put in place since he has owned the property. Andersen noted that when Donahue talks about historical use, he is talking about restrictions that have been in place since he purchased the property and not before.

Corliss noted that it seems beneficial to everyone that the current and historical use in the use intensity statement. McKeon noted that each cabin is designed to accommodate a certain number of people and suggested that there should be a limit of overnight guests. Hanna asked if they limit the

number of guests everyone on the lake can have at their property. McKeon noted that the board is addressing this application, not every property on the lake. Parisi noted that the people that are going to have to live up to the condominium documents are the owners who will also have to live by the bylaws which should be noted in the use intensity statement. Charlie Paquette noted that the board has the right to change the use intensity statement. Corliss noted that the board is trying to get as much information as possible and if the applicant chooses to provide changes, they can do that. Brodbine noted that he believes the condominium documents are the driving force. Koopmann noted that the bylaws can change, but the use intensity statement cannot change. Hanna asked where the board was in the process. Hanna noted that he is unsure as to what the board is discussing. Corliss noted that his intent in the current phase is to try to see if there is any other areas that are likely to need attention and be mindful of everyone's time. Corliss noted that it is his hope that the discussion tonight will be continued to the next date and at that time the board will have a package together that the board can work with and dig more into the substance. Rob Hitchcock noted that there was discussion on the septic system and asked if they needed to provide septic system plans or has that been satisfied. Corliss noted that the board would be interested in seeing the plans. Hanna noted that those documents can be provided.

*Jon McKeon moves to continue the hearing to May 15, 2017 at 7:30PM. Richard Aldrich seconds the motion which passes unanimously.*

Hanna will provide Lachenal with an extension request until June 2017.

### **Items for Discussion**

#### SWRPC - Norm VanCor

McKeon noted that the Selectboard took the recommendation from the Planning Board and voted to have Davis Peach be a Chesterfield Representative on the Southwest Regional Planning Commission. Elaine Levlocke will remain a member on the Commission.

#### Review for Completeness - McCauley - Namaschaug Landing

The board reviewed the application for completeness.

*Koopmann moves to accept the application as complete enough for review. Joe Brodbine seconded the motion which passes unanimously.*

#### Signs

Lachenal noted that JB Mack forwarded the Planning Board's request for assistance with the sign regulations to Lisa.

#### Spofford Boat Sales

McKeon noted that Code Enforcement is still working on the letter.

### **Items for Information**

Corliss noted that House Bill 86 was of interest to him and it looks like it will pass. The bill will mean that zoning board members must vote individually on each of the 5 criteria for a variance.

McKeon noted that the Senate Bill is slightly different. McKeon noted that both bills call for each of the 5 criteria to be discussed and voted on, but McKeon noted that the Senate bill may have a provision that requires the people voting in the affirmative would have to align in order for it to all pass.

Corliss noted that House bill 265 looks to prohibit condo conveyance of ADU's. It was noted that a couple of towns included a provision in their regulations, but it was not legal to do so.

Corliss noted that the DES has regulations regarding ADU's. It does not affect this board, but it may affect some people looking to add an ADU.

Corliss noted that verified mail service may be able to be used instead of certified mail soon.

**Other Business**

Dave Copeland emailed requesting a change to previously approved minutes. Copeland's email noted that in the March 20, 2017 minutes he was misquoted. He noted that the minutes are as follows: "Copeland asked why the town has waited so long to address the issues that have been there since 2002." It should read "Copeland asked why Donahue has waited so long to address the issues that have been there since 2002.

McKeon noted that the way the board addresses changes in approved minutes is to discuss them in a meeting and they will go in that meetings minutes and reference the past minutes.

*Joe Parisi moves to include the wording received from Dave Copeland's email dated April 19, 2017 to Rick Carrier in the minutes of tonight's meeting. John Koopmann seconds the motion which passes unanimously.*

Lachenal noted that PDD #4 has been approved for more than 5 years and has not had any movement. The board went over the regulations on Planned Development Districts. Corliss will contact NH Municipal association to discuss the proper procedure on deleting the PDD and establishing the previous zoning. Lachenal will send a letter to Wyatt indicating the boards intention.

**Items for Signature**

Minutes – April 3, 2017

**Adjournment**

*Aldrich moves to adjourn at 10:27 Koopmann seconded the motion which passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM May 15, 2017

Respectfully Submitted by:

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

Approved by:

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**James Corliss, Chairman**

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**Date**