

**Chichester Planning Board  
Minutes of Meeting  
Thursday October 6, 2022**

**Members Present:** Stanley Brehm (Chair), Thomas Jameson (Vice-Chair), Richard Bouchard (Ex-Officio), Allen Mayville, Russell Blaney, Andrea Deachman, John Healy, Dr. Kevin Mara, DVM. and Kristy Jobin (Planning Coordinator).

**Others present:** Jon Rokeh, Mark Sargent, Jeff Day, Amy Day, Joseph Wichert, Attorney Ari Pollock, George Smirnioudis and other members of the public.

Mr. Brehm called the meeting to order at 6:30pm

Mr. Brehm appointed John Healy as a voting member for the meeting.

**Approval of minutes-**

Mr. Blaney made a motion and Mr. Jameson seconded to approve the minutes for September 1, 2022, with a grammatical change. **Motion passes.**

**Continued Public Hearing-Subdivision**

**Owner:** Smirnioudis/Columbare

**Location:** 306 & 310 Horse Corner Road, Map 2 Lot 46-D & 46-E

**Engineer:** Jon Rokeh **Surveyor:** Joe Wichert **Legal:** Ari Pollock

Mr. Rokeh stated that the state subdivision approval is almost complete as well as the wetland impact plans which will be submitted after some fine tuning of the wetland crossing permits which will be issued concurrently.

Mrs. Jobin confirmed that the Town attorney is currently reviewing the proposed easement documents as well as the road maintenance agreement that have been provided by Attorney Pollack.

Mr. Rokeh reported that he did meet with the Conservation Commission at their last meeting. He stated that they reviewed the plan and had no issues regarding them.

The Board would like an official letter from the Conservation Commission with approval.

Mr. Brehm stated that an abutter did submit a letter for review (see attached) stating her concern for the water drainage and the impact that it may have on her property.

Mr. Rokeh stated that he did review the letter and that there will be no increase in the amount of drainage resulting from the proposed subdivision.

Mrs. Jobin stated that the letter was also submitted to the Town engineer so he could review the concerns while checking the plans.

Mr. Jameson asked if the proposed development was checked for storm events.

Mr. Rokeh stated that the storm event was designed for a 50-year storm event but also check for the 100-year storm event.

Mr. Blaney asked about the well radius being on the plans for abutting properties.

Mr. Rokeh stated that they were not required to be due to distance.

The Board discussed the items missing and whether a conditional approval could be issued.

Ms. Deachman made a motion and Mr. Healy seconded to grant conditional approval for 90 days for the proposed subdivision for Map 2 Lot 46-D & 46-E with the following conditions:

State of NH Subdivision approval, wetland dredge and fill and crossing permit, Conservation Commission approval letter, Bond to be determined by the Town Engineer provided with escrow, Town attorney approval of easement and road maintenance agreement, Town Engineer final approval, Road agent approval, scheduled site walk, and a meeting to come back to the Board to review final plans for signature. **Motion passes.**

### **Public Hearing-Lot Line Adjustment**

**Owner:** Jeff & Amy Day

**Location:** 67 & 71 Kelly's Corner Road, Map 9 Lot 89 & 90

**Engineer:** Mark Sargent

Mr. Sargent presented the Lot Line Adjustment plan to the Board. He stated that they have been before the Board of Adjustments several times and have received approval for two variances to apply for the lot line adjustment.

Mrs. Jobin confirmed that they were granted two variances, one for buildable acreage and one for the lot size requirements.

Ms. Deachman made a motion and Mr. Jameson seconded to accept the plan as complete. **Motion passes.**

Ms. Deachman made a motion and Mr. Blaney seconded to find no regional impact. **Motion passes.**

Ms. Deachman made a motion and Mr. Blaney seconded to approve the lot line adjustment for Map 9 Lot 89 & 90 as presented. **Motion passes.**

### **Discussion on letter from Carl Anderson-**

The Board reviewed and discussed a letter submitted by Carl Anderson regarding an error in the zoning that would affect the development of his property located at 42 Main Street in the Town Village Center District. The letter states that there is a 6,000 sq. ft. discrepancy in the zoning which is a scrivener's error. The square footage for a buildable acre is listed as 27,780 and should be 21,780. He would like a consensus from the Board on whether they would accept a waiver for the scrivener's error.

After some discussion, the consensus of the Board is to accept a waiver from Mr. Anderson regarding the square footage of buildable acre, since it was the intention for the buildable acre to be .5 acres which is 21,780 and not 27,780.

### **CM Truck & Trailer, LLC. -extension request-**

The Board reviewed a letter from Attorney Panciocco dated September 21, 2022, requesting a 30-day extension for her client. The 90-day conditional approval was granted on June 16, 2022 and expired on September 16, 2022. All conditions have not been met to date.

Mrs. Jobin stated that she had just received an email sent by Attorney Panciocco stating that she was in touch with the bond company, and they may be able to provide that as early as tomorrow.

Mr. Brehm stated that in Attorney Panciocco' letter to the Board, she indicated that the bond had not been provided due to a newspaper article.

The consensus of the Board was that the article was not a mitigating factor in receiving a bond.

Mrs. Jobin went on the record to say, that she did not discuss anything with the reporter and that the minutes which are public record were used for quotes in the article.

The Board discussed the items still outstanding from the conditional approval which include: A bond has not been provided, fences along the northern and easterly property lines not installed, trailers with dump bodies lifted off the base are still on the front westerly corner of lot impeding the view from Cross Road onto Route 4, parking spots being utilized by trailers and not made available for patrons or resident/employees, pins not being set in front of the lot to show right of way edge and also markers delineating the wetland areas.

Many members of the Board stated their concern for the number of items still outstanding and did not wish to extend further.

Mr. Mayville and Mr. Bouchard recognized outstanding items such as the alteration of terrain permit, grading, and wetland permits could potentially warrant an extension. They stated that they did not see that granting an extension is warranted due to the other outstanding items that have not been completed.

Mr. Blaney suggested considering a 30-day extension from the date the 90-day conditional approval lapsed as opposed to the meeting date.

Mr. Bouchard stated that a 15-day extension would not allow adequate time for the entire site to be completed as per the approved site plan.

Mr. Mayville made a motion to deny the request for extension for CM Truck & Trailer, LLC. Mr. Bouchard seconded the motion. Roll call vote. Healy, aye. Mayville, aye. Bouchard, aye. Brehm, aye. Jameson, nay. Blaney, nay. Deachman, nay.

**Motion passes.**

While reviewing the pictures from the monitoring report for the property, Mr. Jameson stated that while at the site walk on May 9, 2022, Mr. Mackenzie made a comment to his associate that "I should get my AR-15". Ms. Deachman confirmed that she also heard the statement made by Mr. Mackenzie.

Mrs. Jobin asked if any other members of the Board heard this comment, to which the other members confirmed they did not. Mrs. Jobin was deeply concerned by this comment, as it was not the first statement made by Mr. Mackenzie regarding guns to an employee or Board member. She stated that she would have to report this to the authorities.

**Adjournment-** Having no further business, a motion was made by Mr. Jameson and seconded by Mr. Brehm to adjourn the meeting at 8:04pm. **Motion passes.**

Respectfully submitted,

Kristy Jobin, Planning Coordinator

Chairman, Tom Jameson

Not approved until signed