

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES**

Monday, January 22, 2007

Present: Valerie Starbuck (Vice-Chairman), Stephen Pro (Secretary), Jon McKeon (Select Board Representative), Tom North, Susan Lawson-Kelleher (arrived at 7:45 p.m.) and Elaine Blake (Alternate/Secretary)

Starbuck called the meeting to order at 7:25 p.m.

1. Minutes – Review of the minutes of January 8, 2007.

The review of the January 8, 2007 minutes was tabled to follow the Public Hearings.

Blake moved to approve the minutes as amended. North seconded the motion, which unanimously carried.

2. SVE Associates/Stow Mills, Inc. – This is an application for a Minor Site Plan Review of approximately 29.5 acres located on Stow Drive in West Chesterfield (Map 12, Lot A1.23), in the Commercial/ Industrial zone. The property is owned by Stow Mills, Inc. This is a Public Meeting for accepting the submission of the application. It may be followed by a Public Hearing for approval of the application.

Steve Pro recused himself from this application.

Rob Hitchcock of SVE Associates presented the application. The proposed project narrative indicates this proposal is to modify the existing parking layout and add a gravel area for trailer parking. The trailers are currently parking along Coachman Road. This will no longer be feasible with the road improvements. This application does not affect the use, employee counts, or traffic volumes. There will be eight new trailer spaces added. The parking area will be reconfigured to accommodate 16 trailer spaces. Most of the improvements are to the existing parking layout. 22 employee parking spaces will be removed and 16 trailer spaces will be added. The proposed increase for the gravel parking area is about 9,000 sq. ft and will be used to park 8 trailers. The proposal also includes paving the link between Coachman Road and what is already paved.

Blake moved to accept the application as complete enough to continue to the public hearing subject to the requirement of a Revision (date) Block if deemed necessary by the Board. North seconded, and the motion unanimously carried.

Starbuck opened the public hearing.

With no public comment, North moved to close the public hearing. McKeon seconded the motion, which unanimously carried.

North moved to approve the application as submitted with the contingency of the bollard and revision block being shown on the plan. Lawson-Kelleher seconded the motion, which unanimously carried.

- 3. Town of Chesterfield Planning Board/Don Emery & Kevin Beal** – The Planning Board has received formal notice of intent to pursue rezoning of Map 11B, Lot A12 (off Route 9) through the PDD Process as outlined in the Town of Chesterfield, NH Zoning Ordinance dated 2006, to supersede and replace PDD #1. This is a Public Meeting for accepting the submission of an application. It may be followed by a Public Hearing on this matter, including the potential for the Planning Board to sponsor this as an amendment to the zoning and have it placed on the agenda for consideration at the Town Meeting in March, 2007.

The Board reviewed the application for completeness. Emery submitted a new cover sheet dated January 12th to supersede the one submitted with the application.

There was discussion regarding the numbering of the PDD. Attorney Mike Bentley advised PDD #2 was withdrawn and should not be revised in this application. The Board had previously decided following the approval the PDD it would be known by the tax map & lot #. This application number is PDD #3.

Pro moved to accept the Planned Development District (PDD) #3 Ames Performance Engineering application as complete based on the special condition requirements of section 302.5 of our zoning ordinance. Lawson-Kelleher seconded the motion, which unanimously carried.

Starbuck opened the public hearing.

Don Emery and Kevin Beal, Dave Bergeron, Engineer of Brickstone Masons, and Attorney Michael Bentley were present. Emery gave the history of the PDD applications to date, #1, which passed by the Town hit roadblocks for that development, PDD #2 was not a viable plan and was withdrawn, at which time a petition for rezoning was submitted and has been recommended by the Planning Board. It is the intent of the applicants that the PDD #3 will supersede and replace PDD #1.

302.5 Special Submission Requirements covers the purpose, which is to develop a portion of this lot on Route 9 across from Old Chesterfield Road for the use of the fire station on a 2 +/- parcel to be located on the left and Ames Performance Engineering on a 5 +/- parcel to be located on the right. The 12 acres +/- remaining will remain residential property. The applicants feel the required criteria for 302.2 Purpose section A from the zoning has been met.

The Statement of Compliance 302.3 Application, one of the criteria is to ensure the application is consistent with the Master Plan. They chose criteria B stating the PDD is consistent with the Master Plan and with the desires of the residents. Per the 1996 Master Plan three-quarters of the respondents support additional development in Chesterfield favoring light industry with Route 9 as the favored location. Emery stated in addition, the Master Plan clearly encourages the following:

- Appropriate commercial development and business to help meet the demand for jobs and to reduce the property tax burden on residential properties.
- Providing adequate areas for industrial and commercial growth adjacent to Route 9.
- Keeping trucks and other traffic out of the village and residential areas of the community.
- Ensuring industrial growth of a type and scale that is compatible with the rural setting.

Criteria B - to be compliant with the PDD Regulations include the following:

210.1 Purpose

The boundary description was taken directly from the plan

210.2 Permitted Uses

In PDD #3, only the following uses are permitted:

- A. Business Offices
- B. Warehouse and Distribution to include the distribution of product for resale off the premises or to the end user off the premises.
- C. Places of manufacturing, assembly, testing or packaging of goods
- D. Personal and Business Services
- E. Public Utility and Municipal Buildings
- F. Multi-use building containing uses permitted by this section
- G. Accessory uses customary incidental to the above uses.

210.3 Area, Frontage and Coverage

- A. Lot size: Minimum of two (2) acres
- B. Lot frontage: Minimum of 200 ft.
- C. Coverage: Building coverage shall not exceed twenty percent (20%) of the area of the lot. Total impermeable coverage (including building coverage) shall not exceed fifty (50%) of the area of the lot.

210.4 Setback and Yard Requirements

No structure including parking lots, but excluding fences and walls shall occupy any yard areas established by the setbacks listed below. Driveways shall cross front setbacks.

- A. Front setback: 30 ft. for building and/or parking areas.
- B. Side setbacks: 30ft
- C. Rear setbacks: 30ft
- D. There will be no building or structure within 50 feet of Route 9.

210.5 Additional Requirement and Restrictions

- A. No building shall contain more than 40,000 sq. ft of gross floor area
They want the ability to expand the facility to 40,000 sq. ft.
- B. No outside storage of goods or materials will be permitted unless adequately visually screened from surrounding lots and public roads. Screening shall be thru the use of trees and shrubs of a size suitable to provide adequate visual screening as determined by the Planning Board.
- C. No parking area shall contain more than 20 spaces in a row without separation by 10 ft. landscape barrier.
- D. All outside lighting shall be 100% downcast in design.
- E. Freight Terminals are not allowed in the zone.
- F. Duration and conditions of outside display, lighting, business hours, architecture, screening/buffering and other relevant issues will be addressed during the Site Plan Review Process.
- G. All resulting noise, dust, glare, vapor, smoke odors shall be confined to the interior of the buildings. Refuse and recycling will be contained in an enclosure outside the building.

- H. The use cannot be offensive to surrounding properties due to glare, noise, smoke, dust, odors, fumes, vibrations, excessive traffic or blocked views.
- I. The proposed use shall not be injurious or detrimental to the neighborhood.
- J. The proposed use shall not make an excessive demand on the municipal services.
They will petition to have the road be put on the ballot for next year for acceptance.
- K. The proposed use shall not have an adverse impact on the natural environment.
Emery stated this was an old gravel pit and doesn't feel this has an adverse impact on the environment.
- L. All provisions of the zoning ordinance not in conflict with the PDD #3 shall apply to the PDD #3.

302.5.1 C. PDD General Plan This is where Emery feels they fell short in the PDD #3 application. The architectural renderings are part of the package for both the fire department and Ames Performance. They propose coming off Route 9 directly across from Old Chesterfield Road as the state has required through their permitting process. Then coming in approximately 800' and putting in a cul-de-sac as required 90' in diameter to service a dead end road. Having two driveways will allow the fire station views of Route 9 along with direct access. There will be no other structures, driveways, parking and loading facilities, wetlands, watercourses, drainage, sewage disposal, water supply, lighting and landscaping are indicated on the plan. There is no storage areas proposed.

Emery stated they are looking for approval from the Planning Board and for rebuttal from anyone who wants to rebut. Pro stated they did another great job presenting this application. The general plan shows the general area as a whole without specifics. The specific plans will include the subdivision that will reflect the general plan. The plan now states the acreage and boundaries that are to be PDD #3 and the residential section that cannot change after approval. There was question if the cul-de-sac should be part of the residential portion or the PDD #3 portion. This will be a public road. After discussion it was decided the PDD #3 would be best suited to not go around the cul-de-sac.

McKeon asked where in the plan is the innovative part as required in 302.2 section A. Emery asked what building in the area is innovative other than the bridge in Boston as that is innovative. Emery stated the proposal is innovative in the sense of using panel and wood construction to be harmonious with the community and keeping consistency with the character of the town. Emery doesn't feel you can pick one word out and need to look at the sentence as a whole.

Starbuck invited comments from the public.

Andy Cay addressed his concerns with PDD #3. He feels tonight's part of the process is one of defining the general plan. Cay continued that once the Town approves the plan it then comes back to the Planning Board for Subdivision and Major Site Plan Review. What is important is then the detail plan will be received and this plan has to be consistent with the general plan. Cay asked if this is a 20,000 sq. ft. of 40,000 sq. ft. building. What is shown is a 20,000 sq. ft. and no general plan for the 40,000 sq. ft. plan has been provided and suggested doing a phase I and phase II to include future development and by doing so it will not require another town vote. Cay read from 302.5 B. 2 e with "precise" being stressed.

Cay continued that the site plan doesn't provide coverage numbers, sq. footage of the fire dept building, floor plans of either and so there is information missing. He questioned if the wetlands had been mapped by a wetland engineer. He stated the drainage analysis is not sufficient, and is there a sewage disposal design?

Cay sees no specs for landscape or lighting. He feels there are no detail plans that can be compared to the general plan. Cay stated the fire station is exempt and has nothing to do with the PDD. Cay feels this has nothing to do with the fire station; it is for Ames Performance on a 5-acre parcel. Cay continued that road was too expensive in PDD #2 then questioned what is going to happen on the 12 acres. Cay read the definition of spot zoning as decided in the 1986 legal case of Unger vs. Town of Exeter. Cay referred to Mort's Grocery and Dave Thomas' uses which are on residential properties. Next Cay stated he disagrees that this is consistent with the 1996 Master Plan citing section 12.6 sections 5 followed by number 6, and 13.2. and Plan 15 (Spofford Village District) and is next to this property, followed by reading 13.12.

Cay referenced the community survey taken in 2005 which will be the basis for the Master Plan in process now and Starbuck advised this information is part of the Master Plan Committee and has not yet become public. Cay disagrees but retracted and stated when it is made available by the Planning Board the public will be able to see the information.

Cay discussed his participation of creating the PDD which was created in 2000 and 2001 along with Del Sesto. The PDD came out of an ordinance from Southbury, CT. and was essentially lifted in verbatim before it got to the parts that were chosen from CT and shared what the ordinance related to advising it related solely to residential and stated what we have doesn't make sense. Cay gave his interpretation of the intent as he said he had it there and he continued. Cay stated the Board struggles with how subdivision relates to PDD. Cay continued with his interpretation from the CT ordinance was and stated that ours is a botched ordinance. He advised he spoke with Jeff Crocker, Carol Ogilvie, and Jeff Porter and the ordinance didn't make sense to them but there was never any submission to the Town's attorney for review of the PDD ordinance. He believes the PDD ordinance #3 doesn't provide efficient information to meet the requirements of the general plan and it constitutes spot zoning as it is a single building on 5-acres on Route 9 where commercial development is not supposed to be on Route 9. It does constitute permitting a small isolated parcel. It is not a concentrated small industrial park unless they have plans for the other 12 acres. It does not respect the village district, and it encourages residential sprawl. There are ways this could be created under the PDD but PDD #3 does not begin to be innovative, harmonious, integrated, and consistent with the Master Plan. In his opinion, the proposed zoning change is the best approach and if they can get that they get what they want and can develop the whole thing in the fashion they choose. He recommends not supporting PDD #3 and taking the time to either void the PDD ordinance or fix it.

Lawson-Kelleher stated the history presented behind the ordinance is immaterial. We deal with what is on the books. The Master Plan does not have the same exact standing that a zoning ordinance or land development regulation does in that there are specific items that need to be adhered to but the Master Plan is designed as a guideline.

Emery stated the 40,000 sq. ft. design showing the future expansion can be shown. Distribution, manufacturing and assembly can be added to the documentation as can the floor plans.

Pro recommended to the Chair that the public hearing be heard. Starbuck asked for further comments from the public and the public wanted to have the ability to discuss the issues of concern from the public present. Emery asked if the issues by Cay can be directly discussed. Cay advised the ordinance says you have to find that it is consistent with the Master Plan which takes center stage on this discretionary judgment.

The closest resident attended one meeting and shared support for this proposed application.

Lawson-Kelleher explained the purpose behind PDD was the public had indicated they wanted more control of the type of commercial development. Lawson-Kelleher believes 210.2 Permitted Uses needs to be more precise. She acknowledged that the Board has to take input from the public but also have a responsibility to look at the regulations you have to deal with and try to determine what you feel is in the best interest of the Town.

North expressed his support of the project and has not seen a more thorough application. It seems to make sense for the town. The land is pretty much stripped already. He doesn't know what is going on, if this is personal politics. A lot of the townspeople want a tax offset; the fire department is in dire need of better resources.

Burt Reindeau resident and ZBA Chairman stated that the PDD is for something that is not allowed in the zone. The Board needs to look at it under a magnifying glass. In his opinion PDD #3 has made it a worse condition than PDD #1 because it was a whole parcel; the land has to be a substantial size which is open to interpretation. This proposal has been knocked down which has constricted the PDD and is more of a spot zoning issue now than at 20 acres and leaving 12 acres on the backside as residential. He stated having a residential lot at the end of the cul-de-sac behind the commercial lot doesn't look like good development in his opinion. Reindeau drew attention to residential homes that have been constructed along Route 9 recently.

Cay advised what he told Emery during preparations for tonight was he was trying to think of a way to put a positive spin on their development to get what they want done and meet the spirit and intent of the Master Plan and this ordinance. Cay struggles with the other 12 acres as it looks and smells like spot zoning. If they had the clients and resources to plan the other 3 lots out then we would be talking about an integrated, harmonious, concentrated industrial development that in a lot of ways meets the intent of the Master Plan. With the right plan it will not negatively impact the lake.

Starbuck stated giving some of Cay's comments about residential land being used for commercial purposes all around it isn't that a disparity in his thinking. Cay stated his comments to Emery that they could create Spofford Village South. Their building could be designed so that it looks good and integrates residents. He also said with global warming he has an opportunity to make them producers of electricity and water standing apart being innovative. Maybe there can be some level of comfort given with some sort of commitment of what will happen on the 12 acres.

Attorney Bentley believed one residence would be built on the 12 acres. He believes it would be a terrible result taking the risk of driving along Route 9 and seeing the golden arches. Atty. Bentley stated he didn't think even Cay would be happy if the land was truly developed in accordance with the commercial/industrial ordinance we have. He continued that it is screwy that the perception is that Emery and Beal are trying to shove Ames Performance down the town's throat so they have a fire station.

Cay feels the fire station cannot happen unless in some configuration Ames Performance is on the opposite side, as economically it doesn't work. Atty. Bentley respects that Cay is looking out for the best interest of the Town but there has to be a way that his interest is met, the Town's interest is met, and their interests are met.

Pro stated it was Emery and Beal's property and they have to come up with a proposal. He believes what they are asking for is reasonable and it is not Cay's property but theirs.

Starbuck acknowledged Beal wants to build a nice home on the property and wondered if there was a way to solidify and reach a reasonable consensus.

Cay asked if a 40,000 sq. ft. building footprint could be put together with elevations reflecting the maximum configuration with the verbiage indicating the future expansion area. Cay asked if Beal would put in writing that the additional 12 acres will be residential to include one single residence. Beal stated they want to apply for a lot line adjustment to combine that land with his acreage which abuts totaling approximately 30 acres. Emery stated there is 400' frontage on Pierce Road so the future intent is to pull the driveway off here to cross the boundary so they would end up with 2 lots for two family single residences. Starbuck asked if they were willing to commit to some language to that affect. Cay said they are talking about a deed restriction.

Cay asked Starbuck if she would commit to a subcommittee of the Board to evaluate the PDD ordinance and make recommendations to whole board to either void or clean it up. Pro stated he sent an invitation to the ZBA regarding this issue due to his frustrations. At the last meeting Lawson-Kelleher asked if any issues needed to be addressed as ZBA members were present, however, nothing was addressed. Cay and Atty. Bentley will continue discussion hoping to reach a compromise. Atty. Bentley asked to have the public hearing continued to the next meeting hoping to have a compromise that can be presented to the Board.

The Board discussed and reviewed 210 of PDD #3 Regulations which included:

- 210.2 acceptable as written
- 210.3 acceptable as written
- 210.4 acceptable as written (stricter than commercial requirements)
- 210.5 It is the general consensus of the Board to remove items I and K.

The next plan will add the expansion area for the building and architectural elevation, stamp plan, line for division of PDD and residential be shown.

Lawson-Kelleher moved to continue the public hearing to February 5, 2007 at the Town Offices. North seconded the motion which unanimously carried by a role-call vote.

- 4. **Town of Chesterfield Planning Board** – This is a second Public Hearing to amend the Town of Chesterfield Building Ordinance. Pending approval by the Planning Board, the following amendment will be placed on the ballot at the Town Meeting in March, 2007 for consideration to be incorporated into the Town of Chesterfield Building Ordinance:

Section I: RESTRICTIONS

15.04 COMMENCEMENT WITHOUT BUILDING PERMIT - It shall be unlawful for any person to commence work on construction, prefabrication, modification, alteration, [expansion,] or repair of any building or structure until a building permit has been issued for such construction, prefabrication, modification, alteration or repair by the Building Inspector. Chimney modifications require prior consultation with the Building Inspector and may require a permit.

Exceptions

1. Repairs, except for chimneys, where the [total] cost of materials [or the total cost of labor] is less than \$2,500.00[. It is the property owner’s responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes];
2. Reroofing-One (1) and two (2) family dwellings or accessory building;
3. Accessory buildings less than 160 square feet in area.

Starbuck opened the public hearing. No public was present.

Starbuck advised of the appropriate text as an error by the secretary has been corrected by Blake for the purpose of signature. [It is the property owner’s responsibility to ensure that any work, including the exceptions listed below, is in compliance with all Town codes]; was to be added to the body of the text and removed from number 1.

Blake moved to close the public hearing, Pro seconded the motion, which unanimously carried.

Pro moved to approve the text as verbally stated by Starbuck and written on the signature sheet Section I: 15.04 of the Building Ordinance and submit to ballot at the Town Meeting in March as “Recommended” by the Planning Board. Lawson-Kelleher seconded the motion, which unanimously carried by a role-call vote.

- 5. **Town of Chesterfield Planning Board** – This is a second Public Hearing to amend the Town of Chesterfield Zoning Ordinance. Pending approval by the Planning Board, the following amendment will be placed on the ballot at the Town Meeting in March, 2007 for consideration to be incorporated into the Town of Chesterfield Zoning Ordinance:

ARTICLE VI BOARD OF ADJUSTMENT

SECTION 601 POWERS AND DUTIES

601.2 Variances

To authorize upon appeal in specific cases variances from the terms of this ordinance. No variance shall be granted unless each of the following conditions is met:

- A. Denial of the variance would result in unnecessary hardship for the property owner seeking it.
- B. The granting of the variance will not be contrary to the spirit and intent of the ordinance.
- C. The variance is in the public interest.
- D. Denial of the variance would result in injustice.
- E. The variance will not diminish the values of surrounding properties.

[Substantial completion of any construction work involved with the variance must be completed within 2 years of the time of variance authorization or such variance will lapse, unless an extension has been previously requested. Satisfaction of the requirements for such substantial completion shall be determined by the code enforcement officer.]

Starbuck opened the public hearing. No public was present.

Pro moved to close the public hearing. McKeon seconded the motion, which unanimously carried.

North moved to accept the proposed amendment to Section 601.2 of the Zoning Ordinance, and to include the item on the ballot at Town Meeting in March as “ Recommended” by the Planning Board. Blake seconded the motion, which unanimously carried by role-call vote.

- 6. **Conceptual Consultation** – Siegfried Richter, Jr. was not present for the consultation.
- 7. **New Town Office Building/Stephen Pro** – tabled to February 5, 2007.
- 8. **Verizon Wireless d.b.a Cellco Partnership** – tabled to February 5, 2007.
- 9. **Verizon Wireless d.b.a Cellco Partnership** – tabled to February 5, 2007.

10. Old Business:

- **Very Mill Corp**
- **Bella Domani aka John Allard**
- **Capital Improvement Plan Committee**
- **Planning Board Membership** – Coulborn was not present to be sworn in.

11. New Business:

- **CIP** – submittal received and to be filed
- **Road acceptance policy** – McKeon advised the Selectboard signs the paper stating it conforms to the criteria set by the Planning Board during Site Plan Review. McKeon stated they are getting away from the Road Agent handling road specification issues and getting someone who handles structural soils and roads. The current policy is not valid since it is up to the Planning Board.
Lawson-Kelleher shared approved subdivisions where the individual went to the Planning Board to not have the road paved; who now determines if that can be done. It was the feeling it was the authority of the Planning Board and was sent to the Board of Selectman. McKeon will look into further.

12. Information:

- ❖ **The Source – Winter 2007 edition**
- ❖ **Town and City – January 2007 edition**
- ❖ **Wiley – Planning & Urban Design Standards**

13. Signatures:

- Minutes of January 8, 2007
- SWRPC Invoice – Master Plan

14. Adjournment

Pro moved to adjourn at 11:25 p.m., North seconded the motion, which unanimously carried.

Respectfully submitted,

Elaine H. Blake

Alternate/acting-Secretary

Approved:

Steve Pro, acting Chairman

Date: _____