

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, AUGUST 18, 2008

Present: Susan Lawson-Kelleher (Chair), Stephen Pro (Vice-Chair), Elaine Levlocke (Secretary), Jon McKeon (Selectmen's Rep.), Tom North, Bob Del Sesto, Brad Chesley (Alternate), Helga Frohn (Alternate), and Padi Blum (Clerical Secretary).

Call to Order

Lawson-Kelleher called the meeting to order at 7:12 p.m. at the Town Hall.

Seating of Alternates:

Frohn was seated for Pro until his arrival. Chesley was appointed to take Starbuck's seat, who was excused this evening.

Review of the Minutes

- August 4, 2008

Levlocke moved to approve the minutes of August 4th as submitted. Chesley seconded and the motion carried unanimously.

Appointments - (7:30 p.m.)

- **19 Brook Street Realty and Scott Parent** – This is a third continuation of the July 7, 2008 public hearing for a Site Plan Review to address an additional use requested on approximately 2.56 acres located at 11 Brook Street, West Chesterfield, NH (Map 13, Lot E8) in the Commercial/Industrial zone. Applicants would like to set up a mobile food vending cart at the site of Chesterfield Tire.

Lawson-Kelleher re-opened the public hearing.

Parent has submitted a written request for a waiver to the 65-day time clock and has requested a continuation of the public hearing on this matter.

Levlocke moved to continue the public hearing to September 8, 2008 at the Town Offices at 7:30 p.m. Frohn seconded and the motion carried unanimously.

- **David Gale/Rick Lashway/Mary Jo Gaines** – This is a second continuation of the July 21, 2008 public hearing for a Major Site Plan Review to allow construction of a vegetable stand on approximately 1.3 acres located at the corner of Brook Street and Route 9 (Map 13, Lot F15) in the Commercial/ Industrial zone.

Gale has requested a continuation of the public hearing on this matter. It was noted that a waiver to the time clock may be necessary if the Board does not approve or deny this matter at the September 8, 2008 meeting.

Levlocke moved to continue the public hearing to September 8, 2008 at the Town Offices at 7:30 p.m. Frohn seconded and the motion carried unanimously.

Pro arrived and resumed his seat on the Board; Frohn resumed alternate status.

- The Town of Chesterfield Planning Board and State of New Hampshire Department of Transportation, New Hampshire Liquor Commission, and Department of Resources and Economic Development** – This is a public hearing to conduct a Major Site Plan Review of property located off Route 9 in West Chesterfield (Map 14C, Lot D22) in the Commercial/ Industrial zone. Access to the site will be through a right-of-way crossing a parcel identified as Map 14C, Lot D22.4. The subject parcel is owned by the State of New Hampshire. This is a matter of Governmental Land Use as defined in RSA 674:54. The Planning Board will review the proposed site development in connection with constructing and operating a state-owned Welcome Center facility at this location. The Planning Board may issue nonbinding written comments relative to conformity or nonconformity of the proposal.

Doug Graham, the District Highway Manager/NH DOT and Peter Engell of the NH Liquor Commission were in attendance to present the information and answer questions. Questions were allowed as the presentation was given. The engineers and the architect were not present this evening and not all facts and figures were available at the meeting.

Graham reviewed the general layout and drawings of the proposed structure. The access road crosses a right of way through Map 14C, Lot D22.4, owned by Peter Gary, owner of the Pete's Tire Barn. The entrance is along the backside. From the entrance, the liquor store is to the left, the welcome center area and restrooms are in the middle, and to the right is storage. The welcome center area will also provide space for State Police to establish a presence (desk). Travel & Tourism plans to display work from local artists. It is their intention to, at some point, allow for a coffee shop type counter service in the welcome center. Operating hours for the welcome center have not yet been established. They do not intend to remain open 24-hours at this time. There will be a "bomb-proof" restroom accessible from the outside 24-hours. Overnight parking will be allowed. There is separate parking provided for 5 tractor trailers so as not to interfere with smaller vehicle traffic. The combined welcome center/liquor store is to be the model for future welcome centers in New Hampshire.

Many residents were in attendance and asked questions, including Jane Hanson, Heidi Davis, John Zanotti, Gary Davis, Linda Borgeson, Harriet Davenport, Ruth Van Houten, Devin Starlinyl, Peter Gary, (resident of Gulf Rd.), Ann Reed (owner of Prospect Park Press), Marie Del Sesto, Karen –Reed?/W. Chesterfield-- , Joe Kowalski, Bob Brockmann, Peter Brady, Louis Carrier, Cynthia Keats, as well as questions from the Board. John Shea was in attendance this evening; although he did not speak to the floor.

Discussion included:

- How green would the building be?
- Could the building be more creative to showcase rural nature like Vermont welcome center structures?
- Traffic safety concerns at the entrance and on Route 9
 - Will turn signals be provided?
 - Turning traffic
 - Long enough distance for slowing/turning
 - Full dedicated turn lane in both travel directions
 - Roundabout suggested
 - Speed limit is not adhered to
 - Tractor trailers with full loads have a much greater stopping distance
- Is there a design available for traffic?

- Allowing overnight parking
- Noise, diesel fumes; how will idling of trucks be addressed? Must be a method of enforcement.
- Number of parking spots for tractor trailers
- Sidewalk provisions and consideration of pedestrian traffic
- Bicycle traffic
- Dog walking area
- Attention to the footbridge
- Will local contractors be used?
- Who awards the contracts?
- Who will maintain the area?
- Who will comprise the staffing and how will they be trained?
- Sign sight (make sure vehicles can see and judge oncoming traffic, and consider snow, guardrails, etc. when factoring)
- Will there be any commercial equipment (State Police) that will interfere with the emergency radios? – EPZ limitations
- Will it be possible for non-profits to hold fundraisers?
- Will there be any site work done in the area of the steep bank by Gulf Rd?
- Will there be any planting to put more “green” back in the area? (no landscaping indicated on plans)
- Impact on local police force
 - should be State Police responsibility
 - will the Town have enforcement ability?
- Increased after-hours activity; illegal activity – safety and monitoring
- Some feel that a welcome center representing the State should not be housing a liquor store; feeling that it sends a bad message about the beliefs of the residents.
- Another resident noted that generally the liquor stores are on interstates and we are a rural area. The liquor store accounts for 60% of this building; is this unusual?
- If the State does not install the safety measures at Route 9; the cost will become a burden to others who may develop commercially on abutting properties.
- When the State already has bridges and roadways needing repair, and an existing liquor store; why are they investing in the welcome center and not expending funds on issues that need to be maintained?
- Will permeable asphalt be used?
- Would like to see a welcome center with no commercial venue; display of local goods and crafts, etc. like Brattleboro’s welcome center and promoting agriculture.
- Residents questioning State’s ability to put in what they want regardless of zoning, master plan, local regulations
- Question on one entrance to the welcome center and 2 commercial lots – if properties change on either side, they will have to get permits to address access. Cautioned to be sure that in working with the abutters they will be able to meet the local ordinance and meet setback requirements.
- 1200 cars per day over 12 hour period; would like to see formula/calculations how it is determined whether a traffic light is necessary and how/when numbers would tip that to require a light.
- Although the cost burden would become the responsibility of the developer who “tips the scale” regarding traffic lights; would the State be willing to at least make provisions to share the cost somehow if a light becomes necessary after abutting properties potentially develop commercial interests?
- When will construction begin?
- When would 90% - 100% drawings be available? Would the State come back with those drawings for further review and feedback to the unanswered questions this evening?

- Is the State required to meet the same permitting process as other applicants?
- Didn't the State require a separate turn lane where the State now wants to utilize a wide shoulder from someone who wanted to develop there previously? Why then is the State not required to?
- By who and when were the "recent studies" conducted? Would like to see reports for the analysis and information presented.
- Are safety improvements being addressed insufficiently because sufficient safety improvements are not in the budget for this project?
- What happens when there are more than 5 tractor trailers?
- Concerns that the welcome center will become a "truck stop"
- What about travel trailer and RV parking?
- With the local businesses, United Natural Foods in town and C&S in Brattleboro, etc. – expect a much larger increase in tractor trailer and turning traffic than State is anticipating.
- Can they look at the welcome center in Brattleboro in regards to tractor trailer parking?
- Concerns about environmental impact right on top of Connecticut River
- Size of parking lot
- Erosion protection for winter
- Test Pits show water level at 50" at one site; only 48" at another – shallow?
- Could the State be sure that the Civil Engineer/Design Engineer was available at the next meeting?
- Signage
- The Board's opinion of lighting differed amongst members, but the Board would like to see a responsible lighting plan.
- Trash/Clean up
- Reports that the State has not been cooperative/responsive to pleas for assistance in maintaining local property in the past; or assistance with traffic and safety issues
- Verified all restrooms shown on plans

They have surpassed executive order from Governor that dictates energy efficiency for new buildings: radiant flooring, lighting (inside and out), etc.

They feel the structure is tasteful and has a rural feel without copycatting other structures.

Graham said their studies show that they do not tip the scale to require a traffic safety light. This could change down the road and it will be monitored. Traffic traveling west will have a dedicated turn lane, and eastbound traffic will utilize a wide shoulder; there will be a sliver-widening of the road eastbound.

Graham did not have a traffic design available.

Idling will be addressed by signs stating "No Idling," as at all rest areas; the DOT works with them on their anti-idling policy. The policy is "promoted"; there is no enforceability as there are no laws, fines, etc. Graham also believes that the rise in fuel costs will serve to prohibit trucks from idling.

There are 8 warrants/criteria for determining whether a traffic light is required. Graham said it is impossible to forecast what factors could be the determining factors to tip the scales at this location.

It was noted that 5 spaces are not likely to be enough for tractor trailers. If you put in 5, they will be used; if you put in 25 they will be used – how do you accommodate the demand without creating a truck stop environment. And if you allow for overnight parking, there will be people idling, especially in cold weather.

Staff will be made up largely of volunteers and retirees (handling tourism); the staff will need to maintain a pleasant relationship with visitors.

There will be no communications equipment at the welcome center; the State Police will have a desk and a place to log in on computer/laptop.

The latest the liquor store will be open is 10:00 p.m. The liquor store and welcome center will have the ability to operate independently.

The Liquor Commission stated that they (DRED) have a standing rule regarding non-profit fundraising onsite; they allow one entity in place per day and there are no sales allowed – only donations.

They will not be disturbing the steep bank down in the area of concern – Gulf Road.

Graham stated that there are not many trees on their parcel to be disturbed. There were no landscaping plans available.

Graham feels that the strong presence of the State Police will prohibit much of the illegal activity the residents fear. The State obviously does not want to see dangerous or illegal activity taking place on the site and will do what they can to prevent it. Engell added that there will be extensive video surveillance as well. They will be working with the State Police 24/7 and the State Police will do drive-throughs; it is anticipated that they will be responsible for patrolling the area. Although it was stated to be a Board member's opinion that the police force with the closest available responder would be dispatched to any complaints. Lawson-Kelleher will contact Fairbanks to see if he has any concerns or input.

Graham responded to the combined welcome center/liquor store being placed in a rural setting rather than on the interstate as being ground-breaking in more than one way. They see Chesterfield as a Gateway from Vermont, and therefore a good location for a welcome center.

Concerns about the old iron footbridge are being addressed in the State's 10-year plan. There are also a few grassroots groups working locally and the DOT is working with them.

The bathroom that is accessible 24-hours can be entered from outdoors only (on the backside). It is institutional stainless steel and as vandal-proof as possible. The State feels it is better to address the need for a bathroom than to deal with the alternative if one is not provided.

Concerns about foot traffic will be passed on and reviewed. They also took note of concerns for bicycle traffic. There will be receptacles provided and maintenance to take care of litter concerns.

They are not using the new "permeable asphalt" product. Graham stated that the product is new and it was their experience that it does not perform well in winter. Graham reviewed the impermeable coverage and the drainage measures. The main building is 9,000 SF, there is another building that is not included on the plans at this time, the 1st parking lot is estimated 20,000 SF, and the 2nd parking lot is estimated 12,000 SF.

Lawson-Kelleher pointed out that this parcel is commercially zoned; it has been for years, and the proposed building coverage is well below what our regulations would allow on a parcel this size. Our regulations allow for 50% building coverage (70%

impermeable). This is a 13 acre lot and there is only about 1 acre of coverage. The lot could potentially be developed much more intensely.

Signage should be reflected in plans and the Board would like them to conform to Town's regulations. No neon and continue to reflect the character of the building.

In working with abutters to provide access to their lots, the State is aware that they will need to ensure that the abutters can meet all of the Town's regulations regarding access, setbacks, etc.

The State will return for a follow-up public hearing and provide additional information that is not available this evening, as well as address concerns they have heard tonight. The meeting will be noticed by the Planning Board in the newspapers and at the 5 public posting locations.

Graham stated that as far as traffic safety controls, they can only work off from the figures available today. It has not been their practice to make provisions to share the cost of traffic improvements if it is determined that another business tips the scales to require turn signals, etc. It could be a possibility, but there was no concession to do so at this time. Lawson-Kelleher stated that since this was a model for the State, this might be a good time to think about it.

The State would like to begin construction as soon as possible. After contractors provide plans to the State the project will go out to public bid like any other DOT project. When contractors are selected, it goes to Governor's Council and then it is awarded. Then the General Contractor must submit very detailed plans (including erosion). Graham thought that they would have the drawings Del Sesto was looking for within the next few weeks. He will try very hard to ensure the engineers that had the answers he did not would be in attendance when they schedule the next meeting.

Graham pointed out the difference in allowing overnight parking vs. a truck stop that is built primarily for that purpose and provides services (dining, showers, etc.). They have no intention of becoming a truck stop. They are allowing for separate parking intentionally for safety, not to encourage a truck stop.

Lawson-Kelleher pointed out that the testimony of the residents was trying to pass on to the State that businesses and traffic in the area would incur larger numbers than the State was anticipating. It was suggested that the welcome center in Brattleboro be taken in as a role model for consideration of tractor trailers.

Studies the Board would like to see also include lighting, environmental, noise, drainage, and traffic.

Graham stated that lighting would be full downcast lighting. He had no further information on the specs at this time. Cut sheets and a lighting plan would be helpful.

The septic design was sent to DES last week. Graham is hoping to start construction this fall and aiming for completion in late spring to early summer.

Graham stated that many of the points were well received; he will take them back and review. They want to be good neighbors, and nobody is more concerned than he is, as responsibility for this project falls back onto him and he will be the one getting phone calls. They would not have requested a public hearing if they did not want to hear the concerns and he would contact the Planning Board Secretary to try to schedule another hearing for either September 8th or 22nd.

The Board thanked Graham and Engell for their time and being receptive to the Board and the residents. They appreciate the gentlemen putting themselves out there and taking in the public comments, and hope that they can address as many concerns as possible. Lawson-Kelleher suggested the State take a careful look at traffic and consider safety improvements.

- **The Town of Chesterfield Planning Board** – This is a public meeting to review the Town of Chesterfield’s Capital Improvement Program.

McKeon provided draft CIP plans through the year 2014 based on the data collected to date. They had issues getting figures from the school. The draft is in need of some revisions. McKeon asked the Board to take the information home for review prior to the next meeting. McKeon and Levlocke strongly suggested this become a yearly review to update the CIP. It would be easier and there are fairly simple forms available to work with.

Items for Discussion

- NHDES Minimum Impact Expedited Application – Elizabeth M. Anvari, 23 Bittersweet Lane, West Chesterfield: proposed floating dock (6’ x 24’)
- Selectmen minutes of July 24 – Don Emery (road construction and bond)
- Planning Board Secretary: Would like approved PB minutes of 12-17-07 reviewed for possible motion to amend (Mortis & Tennon/Penney/Truck Camper Warehouse)

Del Sesto moved to amend the previously approved minutes of 12-17-07. Levlocke seconded the motion. With Pro abstaining, the motion carried unanimously.

- Blum will meet with Lawson-Kelleher to review office equipment options.
- Regulations to be added to the review list for possible amendments – *none*.
- Town Ordinances to be added to the review list for possible amendments– *none*.

Items for Information

- Cingular Cell Tower Bond – status of bond for Pine Crest Tower. Shannon McMannus, the applicant’s representative, signed all certification statements on August 12, 2008. All conditions have now been satisfied and the Board-signed plats have been released.
- Code Enforcement – Letter to Doug Foster/Spofford Boat Sales (08-18-08)
- State of New Hampshire LCHIP fees for recording plats, etc. – The Planning Board Secretary has been notified by the Town Administrator that we are now being instructed to have applicants make checks payable to the **CHESHIRE COUNTY REGISTRY OF DEEDS**, rather than to the State of NH – LCHIP. A note should be included indicating that the check is for LCHIP. Notices have been updated in the application packets.

Other Business

- Legal Advice – The Town’s attorney has advised that the wetlands protected beyond DES jurisdiction are covered by the appendix on page 58 of the Zoning Ordinance. If the Town wishes to revise, they can update the table or remove it. If the appendix had not been included, the State’s standards for shoreline protection would apply.

Items for Signature

- Minutes of August 4, 2008

Adjournment

Levlocke moved to adjourn at 10:28 p.m. Pro seconded and the motion carried unanimously.

Respectfully Submitted by:

Patricia L. Blum, Clerical Secretary

Approved September 8, 2008:

//s// Susan Lawson-Kelleher
Susan Lawson-Kelleher, Chairman

September 18, 2008
Date