

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, MAY 18, 2009

Present: Stephen Pro (Vice-Chair), Elaine Levlocke (Secretary), Jon McKeon (Selectmen's Representative), Helga Frohn, Bob Del Sesto, Tom North and Brad Chesley (alternate)

Absent: Susan Lawson-Kelleher (Chair)

Call to Order

Pro assumed the Chair for Lawson-Kelleher at 7:08 p.m. The meeting was called to order at 7:42 p.m.

Seating of Alternates

Chesley was seated for Lawson-Kelleher.

Minutes –

- May 4, 2009

Levlocke moved to approve the minutes as amended. Frohn seconded and the motion carried (Del Sesto – Yes, Chesley – Yes, McKeon – Yes, Levlocke – Yes, Frohn – Yes, North - Yes, Pro – abstained).

Appointments

- **Brian S. Simino Trust and Lance Zinn** – Conditionally approved Boundary Line Adjustment of properties located at #19 Old Chesterfield Road (Map 11, Lot C7) and #29 Old Chesterfield Road (Map 11, Lot C2) in the Residential zone. The Board reviewed final submissions to determine if conditions had been met satisfactorily to grant final approval and sign plans.

Frohn moved to grant final approval in the matter of the Zinn-Simino Boundary Line Adjustment. Levlocke seconded and the motion carried unanimously.

- **Bruce Potter and Verizon/T-Mobile** - Telecommunications co-location at 65 Pine Crest: The Board has received Potter's signature on the final plan submissions to allow for a review and final approval signatures if everything is in order. The Board reviewed the list of conditions to be satisfied for final approval and all submissions since the conditional approval was granted.

Del Sesto moved that conditions had been satisfied to grant final approval in the matter of the Verizon/T-Mobile co-location at 65 Pine Crest. North seconded and the motion carried unanimously.

- **Pierre and Tilia Saba/Riverside Hotel** – Application for Site Development Review of property located at Route 9 and Mountain Road in West Chesterfield (Map 14C, Lot B1) in

the Commercial/Industrial zone. Applicant wishes to modify previously approved Major Site Development Plan.

The Board reviewed the criteria for major and minor site plan reviews. The Board deemed the application to be a minor site plan review.

There was discussion as to whether the submissions were suitable to accept an application as administratively complete. Del Sesto asked for clarification of what determined the level of acceptability and how many items could be missing from the checklist and still be accepted as complete.

Although there has been a movement to hold applicants firmly to meeting the requirements and fulfilling the checklist before accepting applications as complete; the Board felt that the submissions would be acceptable to open a public hearing to discuss the applicant's requests. This was not a customary application for initial site development; it was a request to make minor modifications to a previously approved site plan that had undergone extensive review. The applicant was eager to ensure compliance with the Town's regulations and there had been documented concerns of at least one abutter. The majority of the Board felt it would serve everyone's best interest to address the matter, and although the documents submitted were a mockup of the previously approved plans, highlighted and keyed to show the deviations and requested amendments, the submissions would serve to explicate the application's intentions. Actual revised site plans in accordance with the Town's regulation would be required prior to final approval.

Del Sesto moved to accept the application as administratively complete with contingencies; prior to approval, the following must be provided:

- *Signed Inspection Permission*
- *A final plan with:*
 - *Tax Map/Lot #*
 - *Locus*
 - *Location of abutters*
 - *New blank signature block*
 - *Updated revision block*
 - *New Use Intensity Statement; or a statement that there were no changes to the approved Use Intensity Statement*
 - *New, signed and dated Owner Certification Statement*

Levlocke seconded the motion and the motion carried by majority vote (Del Sesto – Yes, Chesley – No, McKeon – No, Levlocke – Yes, Frohn – No, North - Yes, Pro – Yes).

At this time, Pro addressed all those in attendance to ensure the message had come across loud and clear to all that the Planning Board is serious about ensuring requirements will be fully satisfied before they are willing to accept and review applications.

Mike Bentley conveyed to the Planning Board that he and his client, Pierre Saba, had been in attendance in previous months when the Board was discussing this matter. They were fully aware of the Board's expectations of applications; however, it was their understanding that the usual submissions for a site plan review application would not be necessary in this matter.

The Planning Board Secretary confirmed that Bentley had voluntarily offered to fill out the standard application forms and pay for noticing abutters to ensure that the Board had the necessary paperwork to initiate a review and so that abutters could be notified on behalf of Saba.

Bentley confirmed that there were no applicable deeds or easements and all permits necessary to build and operate were already in place. He stated that there were 10 changes that needed formal approval by the Planning Board. Some items were changes required by Code Enforcement; some items were clarification of changes they would like to make or documentation of information that had been omitted on the approved site plan:

Item 1: Deletion of 30 transplant Junipers (orange highlighting). The junipers were deleted due to the fact that once planted, their appearance was not satisfactory and there was much washout of mulch around the junipers onto the lawn area.

Item 2: Old fence removed (light green highlighting). There was a wooden fence which was old and not esthetically pleasing. It was removed.

Item 3: Retaining wall installed (aqua highlighting). A decorative masonry block retaining wall installed to retain the slope of the earth. The retaining wall is estimated to be approximately 2-feet high.

Item 4: Four (4) light poles on top of sonotubes (med. blue highlighting). The approved site plan provides for 15' tall pole mounted lights. Along the southerly portion of the parking area, there are four poles each of which are mounted on sonotubes measuring 34", 31", 28" and 31" respectively, above the finished ground elevation thereby increasing the total height of these four lights to 15' plus the height of each sonotube.

Item 5: Fence (med. green highlighting). The applicant plans to install a decorative fence at each entrance to the Riverside Hotel property consisting of black metal (6-foot, aluminum) fencing attaching to stone pillars on each side of the driveway at each location. The applicants showed a picture of the fencing they would like to put up. This would enhance the esthetics of the property.

Item 6: Flagpole (navy blue highlighting). A flagpole has been installed at the northerly entrance to the facility. The height is purported to be less than the 35' height restriction. Greenwood stated that he estimates this to be correct; he has not measured it. The applicant will return with the exact measurement.

Item 7: Underground Propane Tank (brown highlighting). The location of an underground propane storage tank is now shown. The Planning Board noted that the box indicating the location on the plan must be labeled.

Item 8: Proposed dumpster location (rose colored highlighting). The approved site plan shows the location for dumpsters. At present no dumpsters are present at this location; however, the applicant wishes to reserve the right to place them in accordance with the approved site plan should the actual need arise to have additional dumpsters. There has not been a need for a separate dumpster as business is still slow; they have been using the construction dumpster and will continue to use an existing dumpster belonging to Riverside

Grocery to save on costs until there is a need to place their own. The Board noted that “existing” should be used to label the dumpsters that are currently on-site, and “proposed” should be used to label the location of those they would like continued approval for future placement. Applicants stated they would stake out the proposed placement location as well.

Item 9: Five (5) four-foot (4') lights (yellow highlighting). The approved site plan provides for 15' tall pole mounted lights. There are four lights northerly of the entrance to the hotel and one light southerly of the entrance that are 4' tall and provide safety lighting for the sidewalk to which they are adjacent to. The applicant wishes to retain this lighting for the safety of his patrons.

Item 10: Two (2) additional exterior lights (pink/fuschia highlighting). The applicant was required to install two exterior lights – one on the southeasterly corner of the building above an emergency exit door and one on the westerly side of the building above a stairway. These were required to be installed for safety reasons and were not shown on the original site plan as they were not part of the original construction.

Bentley provided a signed inspection permission form. He hadn't believed it to be necessary as he was under the impression the request to amend would be viewed as a continuation of the original site plan review.

Del Sesto moved to open the public hearing. Levlocke seconded and the motion carried unanimously.

Gary Kinyon, attorney representing David Belanger who is an abutter on Gulf Road, addressed the Board. Kinyon reviewed the existing June 4, 2007 site plan approval and its conditions, and noted Mr. Belanger's proximity to the hotel property:

Four pages of photographs were submitted. The top photograph on Page 1 shows a view of the Hotel property from Mr. Belanger's property. The bottom photograph on page 1 shows the four light poles on cement sonotubes (relating to request #4 of Mr. Saba's Narrative). It was pointed out that the line of 30 junipers to be planted as a condition of the June 4, 2007 site plan approval would have been planted along the line formed by these four light poles (relating to request #1 of Mr. Saba's Narrative). The top photograph on page 2 is an example of a light pole mounted on a sonotube flush with the ground. The bottom photograph on page 2 shows the stone pillars to which Mr. Saba wishes to attach a decorative fence (relating to request #5 of Mr. Saba's Narrative). The top photograph on page 3 shows a nighttime view of the Hotel property from Mr. Belanger's property, and specifically the four light poles (relating to requests # 4, 9 and 10 of Mr. Saba's Narrative). The bottom photograph on page 3 shows the four-foot high lights illuminated at night (relating to request # 9 of Mr. Saba's Narrative), and shows the upward illumination of these lights. The top photograph on page 4 shows a nighttime view of the hotel from Mr. Belanger's property. The bottom photograph on page 4 shows automobile headlights from the hotel shining into Mr. Belanger's property.

Kinyon submitted that this is an unusual application because it seeks to revise a site plan approval from June 4, 2007, despite noncompliance with the conditions of that 2007 approval. When this site plan was approved on June 4, 2007, a clear condition of the approval was that all lighting, either on the property or on the building, was to be 100%

downcast. Mr. Saba has not complied with this condition, and Mr. Belanger has had to live with this situation since the 2007 approval.

The June 4, 2007 approval also required transplanting of 30 Juniper trees. These trees are important as they act as a buffer and screen between the Hotel property and Mr. Belanger's property to block light illumination from the Hotel property, but they were never planted, in clear violation of the June 4, 2007 site plan approval. Now the applicant simply wants to do away with the requirement to plant them.

Kinyon submitted that the Town Code Enforcement Officer, Chet Greenwood, has notified Mr. Saba of violations of the 2007 site plan approval. Letters from Mr. Greenwood to Mr. Saba, dated October 16, 2008, December 1, 2008, and January 15, 2009, were submitted to the Board. It was noted that the January 15, 2009 letter requires that all lighting at the Hotel property be "factory engineered 100% downcast" fixtures.

In addition, Kinyon stated that, out of frustration for the lack of compliance with the 2007 site plan approval, he had written letters on behalf of Mr. Belanger to Mr. Greenwood and the Planning Board, both dated March 11, 2009, citing the violations of the 2007 site plan. Copies of those letters were submitted to the Planning Board.

Kinyon stated that under New Hampshire law, because the 2007 final site plan approval was not appealed, the conditions of that approval are final and cannot be easily removed. The integrity of the Planning Board process in approving the site plan in 2007 would be undermined if the applicant can simply come back now, two years later and seek to escape the requirements of the 2007 site plan approval conditions. If that is permitted in this case, anyone not satisfied with conditions of a site plan approval could come back to the Planning Board at any time to seek changes.

Kinyon states that this is not the law in New Hampshire. The law in New Hampshire requires that once an application is acted upon by a board, a new application must be materially different in nature and degree from a previous application. That is not the case here, because it is obvious that Mr. Saba built the hotel as laid out in the 2007 site plan approval, but now simply chooses not to comply with all the conditions of that approval.

Greenwood was in attendance. The Board and Greenwood related that some of the items were instances where Greenwood, acting in his capacity of Code Enforcement Officer had identified needs to meet codes and regulations outside of the authority of the Planning Board. Saba had made several deviations to the plan under Greenwood's direction; and as such believed he was in compliance. Greenwood required the installation of safety lighting. When complaints were received reporting that Saba was non-compliant, Greenwood attempted to resolve the situation in a way that would satisfy the intent of the Planning Board. When his suggestion to modify the lighting with a shield to restrict lighting and produce a downcast effect did not produce satisfactory results, he then instructed Saba to install "factory engineered 100% downcast" fixtures. The problem with the term "100% downcast lighting", he discovered, is that it is not a defined technical term used in any manual; the Planning Board began using this term to describe the type of lighting they wanted used in applications; the implication was to be "full cutoff" light fixtures. He has sought resolve to the issues that have developed in cooperation with the Planning Board. The Planning Board felt the way to address the changes being sought would be through a

request for amended sight plan approval so that these items could be approved or denied and would be documented; that being in everyone's best interest.

Kinyon addressed the 10 items listed in Saba's narrative.

Item 1: Failure to plant 30 Juniper trees. Mr. Belanger feels that this is a condition from the 2007 site plan approval that should not be changed; these trees are an important buffer and screen between the Hotel property and Mr. Belanger's property. They submit that since there is a curb along the parking lot next to where the junipers would be planted, this area would not wash out, as suggested in Mr. Saba's Narrative.

Bentley stated that junipers were low-growing plantings that would not provide an effective screen. They were simply proposed as landscaping; Saba thought they would look nice there, but they did not thrive once planted.

Mr. Belanger stated that there were junipers there when he moved into his house in 1994. He believes the junipers that were there were taller (indicated chest height, just below armpits); they were moved prior to construction. There were still junipers in the plaza near the dumpsters, by the post office, from that same vintage that could be viewed; they were of sufficient height to shield his property before they were removed, and he feels they should be replaced in kind. When cars enter and turn, headlights shine onto his property.

Item 2: Old fence removed; Belanger had no objection.

Item 3: Retaining wall installed; Belanger had no objection.

Item 4: Four light poles on top of sonotubes. The 2007 site plan approval required light poles not to exceed 15 feet in height. Since the sonotubes raise the height of the light poles from 28" to 34" above 15 feet, Saba should be required to have them cut down. Photos provided showed similar lighting mounted flush to the pavement (Brattleboro Kentucky Fried Chicken was cited); there is no reason that the sonotubes could not be installed flush to the ground. Kinyon submitted that the greater the height of the light pole, the greater the projection of light to other properties (i.e. Mr. Belanger's property).

Item 5: Fence from stone pillars. It was noted that the location of the stone pillars is within the zoning setback and no variance or special exception has been obtained from the zoning board for the stone pillars. Mr. Belanger does not object to the type of fence Mr. Bentley said would be installed, but requests a condition that the fence would run no farther south along the road than the north side of his driveway (across the road). Belanger believes there are conduits in the pillars and feels that it should also be a condition that no lighting of any kind should be placed on the stone pillars.

Item 6: Flagpole; Belanger had no objection.

Item 7: Underground propane tank; Belanger had no objection.

Item 8: Proposed dumpster location. The 2007 site plan approval places the dumpsters in a specific location on the property. Mr. Saba states that he wants the right to use that approved location in the future. However Belanger felt like there was an omission in that

the location of the dumpsters he is now using near the north entrance of the shopping center on Gulf Road is not shown on the approved 2007 site plan, and stated that early morning trash removal by trucks from these dumpsters causes a great deal of noise and disturbance for the neighbors on Gulf Road. The dumpsters for the property should be only in the location shown on the approved 2007 site plan.

It was noted that the dumpsters Saba is using belong to the Riverside Grocery; they have been in use by that business for 15 years and it is not a part of the Riverside Hotel site plan.

Item 9: Five 4-foot tall lights. As noted on the bottom of page 3 of the submitted photographs, these lights are not 100% downcast, and therefore must be changed because not in compliance with the 2007 site plan approval.

Item 10: Two additional Exterior lights. Again, these lights are not 100% downcast, and are not "factory engineered 100% downcast light fixtures" as required by Mr. Greenwood's January 15, 2009 letter to Mr. Saba.

Attorney Kinyon submitted Proposed Findings and Rulings to the Board to act upon in their deliberations.

Mr. Belanger acknowledged that Mr. Saba has attempted to make reasonable considerations for the neighbors, but these items have not been satisfactorily resolved.

Bentley reminded the Board that he has invited them and feels that they should conduct a site visit at night. The applicants feel that if a problem truly exists, it should be fixed; but they do not feel that is the case.

Pro reminded the Board that they were to discuss and make decisions only on the items before them within the jurisdiction of the Planning Board's authority. Items that were a matter of Code Enforcement would not be a matter of discussion this evening.

The Board identified items that nobody was opposed to (Board, applicant, or public):

- Removal of old fence
- Retaining wall (the Planning Board felt that this possibly should have been foreseen; but no problem with its placement)
- Flag Pole (as long as it does not exceed height restriction)
- Propane Tank (has always been there; just wasn't labeled)
- Lighting referenced in Item 10

The Board inquired of Greenwood, what was the RSA verbiage relative to emergency lighting. Greenwood stated that it must be lit for effective egress in the event of an emergency. The difference between emergency lighting and standard egress lighting was pointed out. Kinyon asked if building code allowed egress lighting to be 100% downcast. Greenwood stated it must provide sufficient lighting to permit safe egress.

Del Sesto made note that the light fixtures used for egress lighting are the same lights being used on the side of the building, yet nobody is calling them into question as being non-

compliant as 100% downcast lighting. He has never seen emergency lights that were 100% downcast.

The Board asked Greenwood if he was willing to accept the lighting referenced in Item 10. Greenwood felt that if you use an appropriate attachment to meet the safety requirements and could restrict the casting of light he would be satisfied. This had been his recommendation to Saba; he noted that you would probably not find cut sheets available from a manufacturer. The Board stated that if this was sufficient for the Code Enforcement Officer, it would satisfy the Planning Board.

Pro stated that the two lights (Item 10) were not under consideration within the requirement for 100% downcast lighting, as they pertain to matters of code enforcement which are beyond the consideration and authority of the Planning Board; the Board does not presume to include such matters in the scope of their reviews.

McKeon commented that he felt if we can meet code in accordance with Planning Board identified concerns it should be done; all other instances should defer to Code Enforcement directly.

It was noted that headlights coming from the hotel service area, designated as a cart path only, had been a source of disturbance for Mr. Belanger. Saba had agreed to put a sign there indicating that lane was only for non-vehicular deliveries and removals. The sign had disappeared during construction. Saba acknowledged that an occasional deliveryman had used the route without his consent; he would ensure the sign was replaced stating "No Vehicular Traffic".

The Board felt that a site visit at dusk would be in order.

Frohn moved to continue the public hearing to a site visit to take place Tuesday, May 26, 2009 at 8:30 p.m. at the Riverside Hotel. Chesley seconded and the motion carried unanimously.

- **Evangelical Free Church of America Camp Spofford** – This is an application for a Site Development Review of property located at Route 9A, Maple Road and Route 9 in the Lake District within the Residential Zone in Spofford. Development areas are described as follows: Map 5N Lots A1, A2, A3 & A4, and Map 5M Lot A14. Applicant wishes to replace the formerly existing structure, a multi-use/chapel that was destroyed by fire. Replacement of the formerly existing building will modify the formerly existing site plan.

The Board reviewed the application. There was no indication of deeds/easements and there was a question in regards to rear and right building elevations and directional labeling. Waivers had been requested to surface water and parking.

Del Sesto asked several times for clarification of what determined the level of acceptability and how many items could be missing from the checklist and still be accepted as complete. He noted that this was not a bias against this application, but he merely did not understand what standards the Board may have put in place in his absence.

Members of the Board stated that there was no magic number; ideally all items would be met satisfactorily up submission of an application. There had been an unsuitably high number of applications wherein there had been no honest attempt to provide professional and/or thorough final documents that could imaginably be conceived suitable for final approval. Applicants were expected to come prepared after thorough review of the regulations, preliminary consultations, appearing before ZBA if necessary, etc. and to furnish documents appropriate for final approvals. There would be times that there could be unforeseen circumstances that would require changes or additions to application submissions and plans, but as long as an honest attempt was made, the application could be deemed administratively complete enough for the Board to realistically pursue a decision of approval or denial.

North moved to accept the application as administratively complete. Frohn seconded and the motion carried (Del Sesto – abstained, Chesley – Yes, McKeon – Yes, Levlocke – Yes, Frohn – Yes, North – Yes, Pro – Yes).

David Bergeron of Brickstone Masons presented the application. Impervious lot coverage will be 19% when construction is complete. The proposed multi-use building will be in approximately the same place as the old building that burned down. The building will provide services, performances, etc. There are existing pathways and gravel road, existing recreational and basketball area, etc.

The Shoreline Protection Zone runs through the site, partially through the building. They meet requirements for a permit; they need only apply.

Some trees were damaged by fire; they have been removed and some trees will be relocated.

An ADA accessible route will be included that was not existing previously. Appropriate signage was discussed.

Sewer will tie into existing. They will replace the pump station and tank. The old building did not have any sewer or water; will now have both. The septic tank must be submitted to the State for approval. The water line is to tie into existing. The well was identified; will tie into the line that serves the infirmary. There will be no showers, cooking, or cleaning (dishes, etc.). One buried propane tank was identified. There is an existing electrical panel to be tied into the building; electrical will run underground.

The building site is pretty flat, level. The surrounding slope and grade was explained. There will be very little change; just raised a couple of feet to raise the building a bit. Drainage and silt fencing was identified on the plans. A Minimum Impact Expedited Permit will be obtained; this will be temporary, not permanent.

Details include planting, parking, sewer and water. They want an ADA Parking site. Sign detail provided. Del Sesto commented that the parking space must be lined in compliance with ADA regulations; the Board cannot waive required markings. The applicants and Del Sesto disagreed as to whether the applicants' solution to adequate space, marking and signage would satisfy requirements. Del Sesto stated that he wants to see written documentation demonstrating that the applicant's measures would be sufficient to meet ADA regulations.

Chesley asked why a larger footprint was being presented. The occupant load will remain the same. The proposal provides bathrooms that did not exist in the former building.

Pro asked if an Alteration of Terrain Permit was necessary. Bergeron stated that it was under 15,000 and did not require it.

Impervious is 19%; 20% is allowed.

McKeon said it was his understanding that the last time the applicant came before the ZBA they were told that no more expansion could take place on site, was that correct?

Attorney Tom Hanna, representing the applicant, supplied the Board with a copy of the June 28, 2006 court-approved Stipulation Agreement which demonstrated that the property was a permissible use of the property rather than a grandfathered permissible use; future proposed uses to be permissible under zoning unless a variance or exception is granted by the ZBA. The document states that “the Camp shall continue to be subject to the zoning ordinance’s dimensional requirements, State land use law and other Town ordinances and regulations, subject to the Camp’s existing vested rights to the extent applicable.” Hanna stated that the only applicable restriction was the 20% impervious requirement; the only question was whether this was a conforming use, and the Board found it was a conforming use. If this was a non-conforming building, nothing in the agreement would eradicate the grandfathering.

Greenwood noted that the impervious coverage calculations did not include or show the leach field. McKeon agreed that it should be included. Bergeron stated he would recalculate the impervious, but the present calculations indicate 19%; 20% is allowed and the additional areas to be calculated will still result in far less than 20%. David Mann stated that there was a specific exemption in the definitions – Impermeable Coverage. The Board referred to page 56 – definition of “Structure”. Some Board members felt that the measure of permeability was accurate and this leach would not change permeability from natural land.

There will be 5-6 tanks and 6 pump stations resulting in approximately 60 square feet of additional coverage if it were included in the figure. The current total site is shown as 763,829 square feet. The 1% they have to spare would be 7,638.29 square feet to spare. The Board was in agreement that the change would not impact the application to a degree that would affect the ability to meet impervious. Del Sesto felt the application should be updated to reflect accurate figures. The Board was in agreement that the leach field was not impervious; the tanks would be impervious. Bergeron will amend the plans to reflect this, but stated his feelings for the record that the tank structure is underground and the definition of permeability is the ability to seep into the ground; if the structure is underground it will not interfere with the ability of water to permeate the surface.

The Board asked if activities in the building would be restricted to only campers. Rookie Olson, Administrative Director of Camp Spofford, stated that the building would be opened for community uses outside of the camping groups. The building would be used for talent shows, staff activities, game nights, parent nights, etc. Del Sesto questioned how the applicant would address community concerns for affiliated groups that could affect parking on the street, unacceptable noise and activities, etc. Olson stated that those things absolutely

will not happen. Groups must restrict parking to only on their grounds and these events will happen only on non-summer months when there are no campers.

It was noted that the chapel's occupancy load was 299. If over occupancy the Fire Department must be on-site. Pro requested that the applicant include a statement to address functions in the Use Intensity Statement.

Del Sesto and Frohn noted that not all of the dimensions of the components of the building were labeled. They felt all dimensions should be shown so that they could add up the figures and match them to the total area dimensions listed. Bergeron understood Del Sesto's reasoning and agreed, but clarified that the components were covered porches. Pro felt the representation was accurate.

Bob noted that the demolished building totaled 3,172 square feet with porches, etc. The proposed new building would be 690 square feet larger, is this correct? He wondered where the figure from the old building came from and if the figures were the latest, accurate figures. Mann stated that he has the plans from the original building; the figures stated are correct.

Hanna stated that this is not an expansion of a non-conforming use.

Olson added that there would be no accommodations for occupancy overnight and no kitchen facilities.

Pro felt that only the final number is important if they meet requirements.

Mann will provide the information that Del Sesto is looking for.

The Board identified information that would be needed to continue the review:

- Independent Life Safety Review (like Osterman Propane & Riverside Hotel) – the Planning Board will select a reviewer from a list of qualified individuals, hire a candidate that can reasonably provide the review in a timely manner, and pay the reviewer directly; the applicant is responsible to reimburse the Planning Board, and must do so before the Board would sign their approval to final plans.
- Revised Use Intensity Statement -
 - clarify parking on-site
 - statement re: no accommodations for overnight occupancy
 - statement re: no kitchen facilities or kitchen functions
- Septic tank information to be included in permeability.
- Dimensions
- Elevations; and
- Show old dimensions and updated figures if applicable

Bergeron asked if instead of the final approval signatures being contingent upon satisfactory completion of the independent life safety review, could it be a condition of getting a building permit instead? The Board must get further into building details before that decision could be made.

Levlocke moved to continue the public hearing to June 1, 2009 at 7:30 p.m. at the Selectmen's office. Frohn seconded and the motion carried unanimously.

Items for Discussion

- **State of NH/Welcome Center** – Doug Graham of NHDOT was expected to furnish information to allow the Planning Board to form an informed opinion so that they might draft a written response to the proposed site development in connection with constructing and operating a state-owned Welcome Center facility on Route 9.

The Board reviewed Graham's letter and enclosures. They also reviewed a letter issued by the Select Board to the State regarding the Welcome Center.

It was noted that there were some items promised to the Board that were omitted or not answered satisfactorily. Graham had spoken to the State Police Troop Commander C. Graham had also committed to having a discussion with Chesterfield Police Chief Lester Fairbanks and to submit a written report of that discussion. There was no indication of any such meeting. Also, there was no firm response as to what level of presence the State Police would have on-site. The Board would like these items addressed and a committed response from Troop Commander C, as well as a discussion with our local police force before the next meeting so that they can draft a final response. If there is no firm response indicating the hours of presence by State Police by that time, the Board will be forced to assume that there will be none. Thursday, May 28, 2009 was set as a deadline for receipt of a response.

The Planning Board directed the Clerical Secretary to write a letter to Michael Pillsbury, who will be acting on Graham's behalf during Graham's vacation through approximately July 1, 2009. The letter will indicate the Board's requirements in response to Graham's statement that he believed his response to be complete and to let him know if anything was missing.

Non-binding written comments to be issued in accordance with RSA 674:54 -Governmental Land Use were tabled to June 1, 2009.

Items for Information

- **Chesterfield Select Board** – The Planning Board reviewed a copy of a letter from the Select Board to the State of New Hampshire regarding the proposed Welcome Center (see
- **NH LGC** – NH Town and City: May 2009 edition

Items for Signature

- **Brian S. Simino Trust and Lance Zinn** - Boundary Line Adjustment
- **Bruce Potter and Verizon/T-Mobile** - Telecommunications Co-location

Adjournment

Levlocke moved to adjourn at 11:53 p.m. Frohn seconded the motion, which carried unanimously.

Respectfully Submitted by:

Patricia L. Blum

Approved June 1, 2009:

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

June 15, 2009
Date