

TOWN OF CHESTERFIELD, NH
PLANNING BOARD
MINUTES

MONDAY, JUNE 1, 2009

Present: Susan Lawson-Kelleher (Chair), Jon McKeon (Selectmen's Representative), Helga Frohn, Bob Del Sesto, Tom North and Brad Chesley (alternate)

Absent: Stephen Pro (Vice-Chair) and Elaine Levlocke (Secretary)

Call to Order

Lawson-Kelleher called the meeting to order at 7:32 p.m.

Seating of Alternates

Chesley was seated for Pro.

Review of the Minutes

- May 18, 2009

Del Sesto noted the quality and details of the minutes and expressed deep appreciation for the effort put into them. Tom Hanna requested the Board consider revising a portion of the minutes for accuracy. The Board addressed a few additional items for clarity.

Frohn moved to approve the minutes as amended. Del Sesto seconded and the motion carried unanimously.

- May 26, 2009

North moved to approve the minutes as amended. Frohn seconded and the motion carried unanimously.

Appointments

- **Pierre and Tilia Saba/Riverside Hotel** – This appointment was tentatively listed in anticipation of a possible continuation of a public hearing that was previously continued to a site visit on Tuesday, May 26th at 8:30 p.m. for a site development review to amend a previously approved site plan for the property located at Route 9 and Mountain Road in West Chesterfield (Map 14C, Lot B1) in the Commercial/Industrial zone. The public hearing was instead continued to July 6, 2009 at 7:30 p.m. at the Selectmen's Office. There was no discussion this evening.
- **Evangelical Free Church of America Camp Spofford** – This is a continuation of the application for a Site Development Review of property known as Camp Spofford to replace a previously existing structure, a multi-use/chapel, which was destroyed by fire. Replacement of the previously existing building will modify the formerly existing site plan.

Tom Hanna presented the Board with a written follow-up to the May 18 Completeness Review and public hearing. The following were included:

- Revised Use Intensity Statement.
The Board would like the following changes made: change the sentence, “No sleeping quarters are included in the new building” to state that there will be no overnight accommodations and no kitchen facilities or kitchen functions. There shall be a small refrigerator and wash sink, but not full kitchen.”
- Sketch of the previously existing building from David Mann showing dimensions.
The Board was satisfied. Del Sesto stated that he had been viewing the Assessor’s property card and did not realize it was not a part of the applicant’s submissions.
- Revised plans showing the proposed building’s dimensions with detail sufficient to calculate square footage. There was no presentation of the footprint with interior outlay. This is not a general requirement of the Planning Board application as per regulations; it is a part of the permitting process. Because they have not finalized the details, the applicants do not wish to submit information that may be in conflict with submissions to the Code Enforcement Officer when it is time to get the Building Permit.
The Board was satisfied. Square footage will increase by approximately 361’ to 3,861.8 square feet. This is about the size of the handicapped bathroom added.
- Revised plans showing elevations as requested by the Board.
Rear and right side elevations were added to Sheet 8. Maximum height is 33 feet, 7.5 inches to the highest point of the building. The Board was satisfied.
- Information to substantiate that the applicant can satisfactorily meet requirements for handicapped parking.
The Board reviewed and excerpt from ADA Standards for Accessible Design and from American National Standard – Access and Usable Buildings and Facilities as supporting evidence. The Board was satisfied.
- Request to reconsider requiring septic tank to be included in impermeable surface calculations and a letter from M & W Soils to corroborate applicant’s position regarding impermeability.
The Board reviewed the letter from Warren L. Stevens, PE of M & W Soils and revisited definitions in the updated regulations. The majority of the Board agreed that as long as the tank is a low-ground, below-surface septic tank, it does not need to be factored into the impermeable surface calculations. It was noted that there are some structures, mainly commercial that may need to be included in these calculations.

McKeon moved that the Planning Board agrees that below ground septic systems to include tanks, leach fields and accessory items are determined to be permeable surface areas, whereas above-

ground tanks and accessories will be deemed impermeable. North seconded and the motion carried unanimously.

The Board made note that the regulations must be looked over at a later date to ensure that this is clearly represented throughout all parts of the Town's regulations and ordinances.

- Request to make the life safety review a condition to be satisfied prior to the issuance of a building permit;
- Statement that the following permits, to the extent that they are required, will be presented to the Planning Board prior to the signing of the site plan; if a particular permit is determined not to be required, the applicant will state such in writing:
 - Wetland Crossing/NHDES (if wetlands are impacted)
 - Shoreland Protection
 - State Septic

It was noted that satisfaction of all federal, state and local permits are a contingency of all Planning Board application approvals.

Hanna stated that they would like to see the Board grant a conditional approval this evening.

Del Sesto stated that he would not be comfortable doing so until he sees the final documents before the Board.

Lawson-Kelleher felt that the changes the Board will require would not be substantial.

Frohn Agreed with Lawson-Kelleher and felt the matter had been well researched and they had educated the Board thoroughly.

Bergeron stated that it looks good to the Bank when they seek financial backing if they can say they have conditional approval.

Chesley moved to close the public hearing. Frohn seconded and the motion passed by a majority decision (Del Sesto – No, McKeon – Yes, North – Yes, Chesley – Yes, Frohn – Yes, Lawson-Kelleher – Yes). The public hearing was closed.

Frohn moved to grant the application conditional approval contingent upon the following:

- *Independent Life Safety Review*
- *Amended Use Intensity Statement*
 - *statement re: no accommodations for overnight occupancy*
 - *statement re: there will be a small sink and refrigerator; but there will be no full kitchen facilities or kitchen functions*
 - *Full submission of revised final plans*
- *All federal, state and local permit requirements to be satisfied; permits that will not be required shall be identified in writing.*

Chesley seconded the motion.

The matter of parking on-site only has been addressed in the revised Use Intensity Statement received this evening.

Del Sesto requested that if it is determined that Shoreline Protection is not required, a letter from the engineer of record will be provided to the Planning Board.

McKeon proposed an amendment to the motion that the Life Safety Review process be met prior to the Building Permit being issued, including reimbursement of all applicable fees, rather than prior to site plan approval signatures. North seconded the amendment proposal. The motion to amend passed by a majority vote of the Planning Board (Del Sesto – No, Chesley – No, McKeon – Yes, North – Yes, Frohn – Yes, Lawson-Kelleher – Yes).

Del Sesto voiced his concerns that if there are any significant issues identified in the Life Safety Review, the Planning Board will have no say in revoking approval since the Building Permit will be contingent upon approval of the Code Enforcement Officer only. McKeon stated that if there are substantial problems the matter should be referred back to the Planning Board. Del Sesto realizes that is the expectation, but stated that there had been numerous occasions whereupon requirements of the Planning Board had been overlooked once the Planning Board had signed off on the plans. It was noted that the Planning Board could appoint and issue orders to the party to conduct the review. The review could be addressed to the Planning Board or an appointed Planning Board representative to ensure satisfaction.

The original motion as amended to conditionally approve the application passed by a unanimous vote of the Planning Board.

- **Dutch Walsh** – Walsh had requested an appointment to present information and initiate discussion of RSA 674:21 - Innovative Zoning and a Heritage Commission. Walsh did not appear for the appointment.

Items for Discussion

- **State of NH/Welcome Center** – Review NHDOT’s final response received from Michael Pillsbury and comments by Chief Lester Banks so that the Planning Board may draft a response in accordance with RSA **674:54** -Governmental Land Use. The Planning Board may review the proposed site development in connection with constructing and operating a state-owned Welcome Center facility at this location and issue nonbinding written comments relative to conformity or nonconformity of the proposal.

The Board did not feel it was appropriate for the Planning Board to address the concerns regarding the loss of tax revenue created by a Governmental Land Use development.

Some members of the Board were concerned that this development would create a hardship or hinder the ability for abutting landowners to develop their parcels, and were concerned about the loss of limited property available for commercial development in the Town. It was stated that in fact this development would be a boon to the abutting landowners and there were several prospective developments depending on the completion of the Welcome Center.

The Board should reply within 30 days. Lawson Kelleher solicited the opinion of Board members and will attempt to complete a rough draft of the response, in cooperation with the Planning Board Secretary, prior to the next meeting of the Planning Board, to include the following:

- Response based on plans and submissions as a result of the two public hearings held (public hearing dates to be referenced), and subsequent submissions to the Planning Board through June 1, 2009 as promised by Doug Graham of the NHDOT.
- Traffic flow and safety:
 - Best we can hope for, barring a light
 - State is expected to follow through with promise of lengthening the 35 MPH zone. The Board feels that the ideal location for the 35 MPH zone to go into effect would be at Mr. Arthur Drive.
 - State is expected to follow through with promise of dedicated and delineated right and left turn lanes for both east and west bound traffic.
 - Fear that the increased traffic caused by the Welcome Center facility may approach the figure that would trip a warrant for traffic light.
 - Town feels a traffic light would be a nightmare in this location. Discussion of alternatives (roundabouts or otherwise) were not pursued by the Planning Board; but it is clear that a traffic light would **NOT** be desirable.
 - If a light or costly traffic management/safety measures are tripped by the additional traffic created by abutting properties developing in synch with the Welcome Center; the State proposes cost sharing of these safety measures. With any regular application before the Planning Board, a developer causing a disproportionately high influx of traffic would be held responsible for the cost of foreseeable safety measure requirements. Future Site Development applicants in any intersection created by this site development may not be required by the Town of Chesterfield Planning Board to bare the cost of such improvements.
 - The afore-mentioned proposed cost-sharing agreement was to be submitted by the State to the Planning Board; it was never provided for the Board to review.
 - Address concerns for safety of pedestrians and bicyclists when the wide shoulder is utilized for a turning lane.
- The Planning Board agrees with the position of Chief Lester Fairbanks and Chesterfield residents that have voiced concern that there should be State Police presence and enforcement. The State should be complimented for providing a space for State Police operations; and suggest that once it is built it should be monitored closely and there should be additional presence of State Police. We feel that with additional demands on our local police force; the State Police should assist by staffing the State owned and operated facility on Route 9.
- As residents of the State of NH, as well as the Town of Chesterfield, we feel that Chesterfield being a major gateway to the state there should be a Welcome Center here. We do not wish to create an unfavorable response to the project in general; but the Town should not be burdened with the entire cost to monitor and ensure safety.

Items for Information

- **Town of Hinsdale** –Amended Preliminary Conceptual Site Plan and Minutes of May 19, 2009 Hinsdale Planning Board meeting re: Wal-Mart

Other Business - There was none.

Items for Signature

- Amended approval of Brian Simino Trust - Lance Zinn Boundary Line Adjustment: Approval date corrected and initialed by the Planning Board Chair.
- Amended approval of Bruce Potter/Verizon/T-Mobile: Approval date corrected and initialed by the Planning Board Chair.

Adjournment

Frohn moved to adjourn at 10:38 p.m. North seconded the motion, which carried unanimously.

Respectfully Submitted by:

Patricia L. Blum

Approved June 15, 2009:

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

June 15, 2009
Date