

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, March 16, 2015

Present: James Corliss, Brad Chesley, Jon McKeon, Joe Parisi, Davis Peach, John Koopmann, and Rolland Volbehr.

Call to Order

Corliss called the meeting to order at 7:03

Seat Alternates

Joe Parisi is seated for Susan Lawson-Kelleher

Review of the Minutes

March 2, 2015

Joe Parisi motioned to accept the minutes as presented from March 2, 2015. The motion was seconded by Rolland Vollbehr and passed unanimously.

Appointments

Conceptual consultation – Richard Drew – Stones Mill Road – No minutes were taken as conceptual consultations are non-binding on either party.

Area 51 Fireworks Store/D&T Partners LLC/Brickstone Land Use Consultants LLC – This is a continuation of an application for a Major Site Plan review for property located at 7&11 Brown Ave (Map 14C, Lot D1 & D2) consisting of approximately 2.93 acres in the Commercial/Industrial zone.

David Belanger (Abutter) provided the board with a letter and pictures. Belanger stated that he does not believe the lighting needs to be higher than 15 feet. He is concerned with the lighting hitting his property.

Jim Phippard noted that the lights are set at 20 feet above the pavement to provide a uniform spread of light. If the light poles were lower, there would need to be more lights to maintain the uniformity ratio. Phippard noted that the applicant is using the IES national standards for lighting in a parking lot. The light levels are in place to prevent liability issues. Phippard noted that the light fixtures are all cut off lights that cast forward. They are LED light fixtures that can be programmed so that some lights can be turned down after hours if needed. Phippard noted that sheet 5 identifies light levels and the levels quickly go to 0 on the slope toward Gulf Road. Phippard noted that the program used, does not take into consideration the vegetation or fencing and the perimeter is still at 0 foot candles.

Brad Chesley noted that he visited the property and took some pictures from the abutters property lines as well. He noted that you would be able to see one light from Gulf Road. Chesley noted that if you look up, you will see the underside of the light. Phippard noted that under the right conditions you may be able to look up the hill and see the underside of the light. Phippard noted if the light is an issue for the board, they can instruct the applicant to remove it, but it will not be his recommendation and will not follow code. Phippard suggested allowing the proposal and holding a compliance hearing to see if the light is an issue. Phippard noted that the zone is commercial/industrial and therefore lighting will be part of the process and believes that as long as the standards are followed, it should not be an issue. Phippard noted that they have added a fence to prevent lighting from parking cars to bother the neighbors.

Phippard noted that another change was made by the request of the Fire Department. They requested outside access to the pump room and a bulk head access has been added to the plans per that request.

Phippard noted that Chief Chickering of the Police Department noted a couple concerns. Chickering noted that most traffic leaving the store would be heading west. The concern he has is with traffic crossing the center lane. Phippard noted that the engineer feels that the center lane is a benefit. Phippard also noted that the driveway permit from the State of NH is pending and they will be looking at this information as well. It was noted that the traffic study shows July 3rd numbers to be higher than July 4th. Phippard noted that the driveway has a capacity of 14 stacked cars, and the traffic study shows a maximum of 10 cars at the peak periods. Chief Chickering noted his concern about flashing lights from police cars being a distraction for drivers. Phippard noted that he believes that people will slow down and be more aware of their surroundings with the flashing police lights, however if the on-scene officer feels that the lights are a distraction, they can turn them off. Phippard noted that the parking lot contains 73 spaces, which far exceeds the 43 required by the regulations.

The board received suggested conditions of approval from the applicant as requested at the last meeting.

The architect Dan Scully noted that there was a question at the last meeting regarding lighting from the inside of the building spilling out. Scully noted that they have designed an interior lighting plan and very little light will spill out from the windows outside. It was also noted that the building is 200+/- from Route 9, therefore you would be able to see that the lights were on but there will be no glare. Also, there are no windows at the back of the building so there will be no inside light shining outside in the rear of the building.

Phippard noted that Bart Bevis (Road Agent) had expressed some concerns regarding drainage and there were some minor changes made to the position of drainage. Phippard noted that the drainage plan has also been submitted to the DOT and it is being reviewed.

Jeff Scott (public) asked how much of the building will be exposed to Gulf Road. Chesley noted that by the pictures that he took, it appears you will not be able to see much, if any of the building from Gulf Road.

Phippard noted that there are also no lights, doors or windows facing Gulf Road.

Belanger noted that he would like to solve the issues he foresees with the lights without having to get into costly litigation. Phippard noted that the applicant is not opposed to having a compliance hearing after the building is completed to see how it is/is not affecting the neighbors. Phippard noted that there are metal plates that can be added to further cut off lights if necessary.

Brad Chesley moves to close the public hearing. The motion was seconded by Rolland Vollbehr and passes by majority. (No: Parisi, Corliss)

Board Discussion:

McKeon asked if the lighting issue was the only issue the board had as compliance to the lighting plan can be a requirement for the Certificate of Occupancy.

It was noted that the lighting plan seems to address all of the concerns previously brought up, which only leaves the issue of the one light pole that can be seen from Gulf Road. The board discussed possible solutions and how to include any intended outcome onto the plan. Parisi noted that the plan indicates a foot-candle of 0 at the property line. Rolland Vollbehr noted that he is happy with the lighting plan as it is shown. Davis Peach noted that if the applicant put a shade on the light as they suggested, it should solve the issue.

It was noted that the board had previously discussed a third party reviewer. Parisi noted that the board is not in a position to handle the fire suppression/prevention portion of the plans. McKeon noted that the third party reviewer along with the local fire department and deputy code inspector's are capable of reviewing the plans for life safety compliance.

Koopmann noted that that he would like to see the sign plans included in the plans that require a signature. Phippard will add them to the packet. Parisi would like to have the drawings from the Architect included in the plans for signature as well.

Parisi noted that he feels the public hearing portion was closed abruptly and moves to re-open the public hearing. The motion was seconded by Koopmann and failed.

*Corliss moves that the application for the Proposed Area 51 Retail Store & Warehouse, 7 & 11 Brown Avenue, Chesterfield, NH, Prepared for D&T Partners, LLC by Brickstone Land Use Consultants, LLC, dated January 15, 2015 and revised through March 06, 2015, and including Building Elevations for Area 51, prepared by Daniel V. Scully Architects, dated 1-14-15 and revised through 3-06-15 and the sign detail plan dated 2/16/15, be **CONDITIONALLY APPROVED**.*

Prior to Final Approval and Planning Board Signature the following conditions must be met:

- 1. A NHDES Subsurface System Permit approval for the on-site septic system.*
- 2. A NHDOT Driveway Permit approval for the driveway access and the proposed drainage design.*
- 3. Chesterfield Fire Department approval of on-site circulation and locations of fire connection, fire pump access and dry hydrant.*
- 4. Light sources not visible from the south section of Gulf Road.*

Prior to Issuance of a Building Permit the following condition must be met:

- 1. Third Party Review of building construction plans for compliance with all applicable building and life safety codes to the satisfaction of Chesterfield Code Enforcement. Reviewer to be determined by Chesterfield Planning Board and all plan review expenses shall be paid by the applicant.*

Chesley seconds the motion which passes by majority. (No: Koopmann)

Davis Peach moves to allow Corliss to contract with the third party reviewer for the project. The motion was seconded by Rolland Vollbehr and passes unanimously.

Edward & Mable Bergeron/ Carmella Richardson - This is an application for a Lot Line Adjustment for property located on Stage Road (Map 12, Lots A30 & A30.1) consisting of approximately 75 acres in the Rural/Agricultural zone.

Rob Hitchcock was present for the applicant and noted that the Lot Line Adjustment is really a housekeeping issue. Hitchcock noted that the garage was in the set back and with this change, it will no longer be located in a set back. Hitchcock noted there are no zoning violations. Corliss noted that the applicant is creating a new boundary line on the road which will need a monument. Rob Hitchcock noted that the frontage is not changing and therefore there is no need to add a monument. McKeon noted that there is a right-of-way that is being withdrawn. Hitchcock noted that there was an access that came up between the stone walls and that has been removed.

There are no concerns or questions from the public.

Chesley moves to close the public hearing. The motion is seconded by Peach and passes unanimously.

Chesley moves to approve the application for a Lot Line Adjustment for property located on Stage Road (Map 12, Lots A30 & A30.1) consisting of approximately 75 acres in the Rural/Agricultural zone submitted by Edward & Mable Bergeron and Carmella Richardson. The motion was seconded by Peach and passed unanimously.

Items for Discussion

Master Plan update

Chesley noted that they had another meeting and everything is moving forward. The meetings have been changed to the 1st and 3rd Thrusday of each month. The next meeting will be held on April 2nd 2015 here at the Town offices at 7:00PM.

Browne Limited Partnership

Communication from Steve Dumont noted that they are looking for approval for the type of cistern from the Spofford Fire Department.

Route 63/9 update

No update

Items for Information

Other Business

McKeon noted that we have new zoning books. All of the signing ordinances have been approved. Would like to have code enforcement come to meeting to make sure we are all on the same page.

McKeon noted that the selectboard will notify Chet that his presence is requested at the next Planning Board meeting on April 6, 2015.

Items for Signature

Adjournment

Chesley moves to adjourn at 9:40. Vollbehr seconds the motion which passes unanimously.

The next meeting will be held in the Town Offices at 7:30 PM April 6, 2015

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date