

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, March 21, 2016**

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

**Call to Order**

James Corliss called the meeting to order at 7:04

**Seat Alternates**

Parisi was seated in place of Sue Lawson-Kelleher

**Review of the Minutes**

March 7, 2016

*Brad Chesley motioned to accept the minutes as presented from March 7, 2016. The motion was seconded by Jon McKeon and passed unanimously.*

**Appointments**

**PMP Realty, LLC/Peter E. Prescott** – This is a continuation of an application for a Change in Use for property located at 564B Route 9 (Map 13G, Lots 2.1 & 2.2 consisting of approximately 3.8 acres in the Commercial/ Industrial zone.

Tim Clark was present for the application. Clark provided the board with a plan dated 8/8/05 with a drawn in rubber storage tent and a description of change in use dated March 16, 2016. The board reviewed the documents. McKeon noted that the site is allowed one sign perpendicular to the road consisting of 32 square feet. Clark noted that the EJP sign is that size. McKeon noted that the ARC sign will need to be removed. Clark noted that he will remove the ARC sign from the freestanding sign. It was noted that the banner also exceeds the sign ordinance allowance. Clark noted he will remove the banner. McKeon noted that the regulation does allow for each business to have a sign on the building. Parisi asked if there were any other changes to the property. Clark noted that some of the storage is located in the opposite direction of what is shown on the plan. McKeon noted that there are not enough plans to sign. The requirement is 4 full size paper copies, one 11x17 and one mylar.

The meeting was opened to the public. Jeff Scott inquired as to the nature of the change in use. McKeo noted that ARC is located in the building now, and was not when the site plan was approved. There were no other question/comments from the public.

*Peach moved to close the public hearing. Parisi seconded the motion which passed unanimously.*

Chesley noted that the change in the use intensity statement covers all of the needed items, the tent is shown on the plan as requested. Chesley noted that having some storage going in another direction is of no issue. Koopmann noted that he would like the existing signage on the plan. McKeon noted that they can change the signs as long as it stays within the regulations. Peach noted that the applicant did what we asked him to do at the last meeting and it is adequate. Parisi noted the application and plan are fine as presented tonight. McKeon noted that a note could be added stating that the signage must conform with the current (2016) sign ordinances.

*McKeon moves to conditionally approve the Change in Use Application for **PMP Realty, LLC/Peter E. Prescott** for property located at 564B Route 9 (Map 13G, Lots 2.1 & 2.2) consisting of approximately 3.8 acres in the Commercial/ Industrial zone with the following conditions:*

1. Add note on the plan: Signage must comply with current (2016) signage regulations
2. Upon receipt of a complete drawing package

*The motion was seconded by Joe Parisi and passes unanimously.*

**David Gale/Highlander Arms** – This is a continuation of an application for a Minor Site Development of property located at 20 Brook Street (Map 13, Lot F15) consisting of approximately 1.1 acres in the Commercial/Industrial zone.

The board reviewed the checklist of missing items from the last meeting. It was noted that one of the abutters on the abutters list is not listed on the drawing. McKeon noted that the property is located outside the parameters of the drawing. McKeon noted there was a fence on the last drawing that is not on this drawing. Corliss noted that there is a list of requested waivers. The board reviewed the list of waiver requests.

A waiver is requested for the requirement to show the first floor slab elevation.

*Chesley moved to accept the waiver request for the requirement to show the first floor slab elevation. The motion was seconded by Peach and passes unanimously.*

A waiver is requested for the requirement to produce a topographic and soils plan. Parisi has questions about if the parking lot is staying the same or if anything is changing. The board has some questions and will discuss this waiver again.

A waiver is requested for the requirement to show a full lighting study. Peach noted that there are no close residences to disturb with lighting. The board reviewed the cut sheets provided by the applicant. The board will come back to address this waiver.

A waiver is requested for the requirement to show structures on adjacent property.

*Chesley moves to accept the waiver request for the requirement to show structures on adjacent properties. The motion was seconded by Peach and passed unanimously.*

A waiver is requested for the requirement to produce a full surface water drainage management plan. The board will discuss this again later.

A waiver is requested for the requirement to show all existing utilities, drainage facilities and on site disposal facilities.

*Chesley moves to accept the waiver request for the requirement to show all existing utilities, drainage facilities and on site disposal facilities. Peach seconds the motion. Koopmann noted that the drainage facilities and on site waste disposal needs addressing. Peach moves to move the question, McKeon seconds that motion which passes unanimously. The question is moved. The motion fails. (Yes: Peach)*

Tim Sampson noted that the structure is existing and one small addition is planned. The gravel parking lot will remain the same, there are 10 approved parking spaces that will not change. Sampson noted that it will be a firearms store moving from its current location. There will be no noise that affects the neighbors and it will be self-contained within the building. Corliss noted that there are some waivers requested still up for discussion. Chesley noted that he is concerned with the topo on the site. Sampson noted that the only change is a small addition to the building and a patio. Sampson noted that the patio will be a permeable surface. The new addition is only the entryway. Peach asked if there were any surface changes planned for the parking lot.

Sampson noted it is currently gravel and will remain gravel. Koopmann noted that there is a big drop off to the stream which is not shown on the plan. Sampson noted that there was no need to show the drop off as there will be no change. McKeon noted that the patio appears to be within the setback. Sampson noted that the patio will be pavers only with no covering. McKeon noted that the Catsbane Brook has been identified by the Town as a protected stream. The trailer will be a box trailer or a tractor trailer, and there will be no changes to the surface underneath. Chesley noted that they are not changing the elevation or the topographical characteristics of the property.

*Chesley moves to accept the waiver for the requirement to produce a topographic and soils plan. The motion is seconded by Peach and passes unanimously.*

The board reviewed the waiver request for the requirement to produce a full surface water drainage management plan. McKeon noted there was a drainage study done on the previous application which was approved in 2008. The board reviewed the old file.

*Chesley moves to accept the waiver request requiring a full surface water drainage management plan. The motion was seconded by Peach and passed by majority (Abstain: Parisi)*

The board reviewed the waiver request for the requirement to show all existing utilities, drainage facilities and on site disposal facilities. McKeon noted that the only question is if the applicant is sure they do not want a dumpster. Rob Hodgkins noted that he is sure he does not require a dumpster.

*Chesley moves to accept the waiver request for the requirement to show all existing utilities, drainage facilities and on site disposal facilities. The motion was seconded by Peach and passes unanimously.*

Sampson noted that he has provided cut sheets for the lights, but has not been specific due to the fact that the Police Department and the Fire Department will have some input on where the motion sensor lights are placed on the building. Sampson noted that the lights will be full cut off and not adjustable. Sampson noted that the applicant will accept a condition that light will not leak onto adjacent properties.

Margaret Halpert (Abutter) noted that her house is on the other side of Route 9 and she is in support of the application, but has some concerns with lighting. Halpert noted that she would like to know the plan for when lights will be on and what time they will go off at night. Rob Hodgkins noted that lights will not be left on overnight except for the motion detector security lights. Hodgkins noted that after hours, there will sometimes be someone at the shop doing paperwork. Hodgkins agreed to have all lights off within an hour after close of business, unless the building is occupied, with the exception of motion security lights. McKeon noted that there is no lighting for the sign indicated on the drawing. Hodgkins noted that there is tube and wire in the ground for illumination of the sign. McKeon noted that if the sign is to be lit, it needs to be shown on the drawing. Sampson noted he will get cut sheets for the sign lighting. Margaret Halpert (abutter) asked if the sign would remain lighted when closed. Sampson noted the sign will only be lit when open and will follow 401.1. Jeff Foster (public) noted that he believes that the motion detector lights will have minimum impact.

*Chesley moves to accept the waiver for the requirement of a full lighting study. The motion was seconded by Peach and passed unanimously.*

Parisi noted that he found the information on the drainage in the old file and although he cannot change his vote, he would no longer abstain from the vote and would vote to approve the waiver request for the requirement to produce a full surface water drainage management plan.

Margaret Halpert asked if there is no dumpster planned, will there be piles of rubbish outside. Hodgkins noted there will be no piles of rubbish outside. Halpert asked if there would be firearms being fired outside and if there is ammunition stored on site and there is a fire, is there danger of rounds flying everywhere. Hodgkins stated firearms will not be fired outside because of location, any test firing will happen inside a test vessel. Hodgkins noted that when ammunition catches on fire, it pops and does not project. Halpert indicated that is that its not uncommon for some businesses to have special nights or sales extending hours and she is not opposed to it, just not every night. Hodgkins noted that they are open enough hours and the hours do not change.

Anthony Souza (abutter) stated that he believes this application will make a wonderful addition to the neighborhood and will have less impact than Chesterfield Tire. Lisa Sillanpaa (public) wanted to voice her support of the project. Jim Starkey noted that although some will recognize his name from the Westmoreland Planning Board, he is present as a supporter of Highlander arms and not part of the Westmoreland Planning Board and noted that his comments are his own personal comments. Starkey noted that he has worked with Highlander Arms and wanted to mention that they are not only interested in selling guns, but in educating and talking about guns. Starkey noted he is in full support of the application.

McKeon noted that there are a few necessary items that need to be addressed on the drawings. Drawing A1 where it states first floor and second floor plan, the existing building and the proposed addition distinctions are switched and on Drawing A0, halfway down the page, Highlander is spelled incorrectly. McKeon mentioned that the use intensity statement includes information about the current location/business and that the use intensity statement should only include information on the application, not the current location. It was noted that the drawing does not show the parking calculations. Parisi noted that code enforcement has indicated that the blocks are in the setback. McKeon noted that decorative elements are exempt from the regulation prohibiting them from being in the setback. Koopmann asked if the current septic system is capable of handling the additional employees and public. David Gale (property owner) noted that the septic system installed was much larger than what was needed for the vegetable stand and was provided with the previous application. It was noted that there are no dimensions listed for the patio. Parisi noted that the patio is not allowed where it is located as it is in the setback. Hodgkins noted he will remove the patio from the application. McKeon noted that the trailer location is 13 feet from the brook and needs to be at least 20 feet. The applicant will put the 20 foot stream setback on the plan and show that the trailer will not be located within the 20 foot stream setback.

There are no more questions/comments from the applicant or the public.

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

Board discussion:

Koopmann noted that he still has some concerns with the topographic and drainage studies not being required. Parisi noted that the board has already voted to waive the requirement.

Peach moves to conditionally approve the Minor Site Development application for **David Gale/Highlander Arms** for property located at 20 Brook Street (Map 13, Lot F15) consisting of approximately 1.1 acres in the Commercial/Industrial zone with the following conditions:

- ❖ Correct the Use Intensity Statement to only reference the current application and show the number of employees.

- ❖ Provide approval of the septic system consistent with use
- ❖ State on plan - Sign illumination to be downcast lighting per 401.4 of the Zoning Regulations and will only be illuminated during operating hours. Remove "owner to locate" from plan.
- ❖ State on plan - Perimeter lighting off except when building is occupied with the exception of the motion activated lighting.
- ❖ Patio removed from plan
- ❖ Show the 20 foot stream setback to the drawings and show that the trailer is not located in the setback.
- ❖ Update drawings: Drawing A1 where it states first floor and second floor plan, the existing building and the proposed addition distinctions are switched and on Drawing A0, halfway down the page, Highlander is spelled incorrectly.
- ❖ Include parking calculations on the plan

Conditional approval allows applicant to commence renovations for 30 days with chairman's signature on provided plans. New plans will be submitted and all conditions shall be met within the 30 days. Chesley seconds the motion.

McKeon moves to amend the motion allowing the applicant to proceed until April 18, 2016. The motion is seconded by Chesley and passes unanimously.

The motion now reads:

*Peach moves to conditionally approve the Minor Site Development application for **David Gale/Highlander Arms** for property located at 20 Brook Street (Map 13, Lot F15) consisting of approximately 1.1 acres in the Commercial/Industrial zone with the following conditions:*

- ❖ *Correct the Use Intensity Statement to only reference the current application and show the number of employees.*
- ❖ *Provide approval of the septic system consistent with use*
- ❖ *State on plan - Sign illumination to be downcast lighting per 401.4 of the Zoning Regulations and will only be illuminated during operating hours. Remove "owner to locate" from plan.*
- ❖ *State on plan - Perimeter lighting off except when building is occupied with the exception of the motion activated lighting.*
- ❖ *Patio removed from plan*
- ❖ *Show the 20 foot stream setback to the drawings and show that the trailer is not located in the setback.*
- ❖ *Update drawings: Drawing A1 where it states first floor and second floor plan, the existing building and the proposed addition distinctions are switched and on Drawing A0, halfway down the page, Highlander is spelled incorrectly.*
- ❖ *Include parking calculations on the plan*

*Conditional approval allows the applicant to commence renovations until April 18, 2016 with the chairman's signature on the provided plans. New plans will be submitted and all conditions shall be met on or before April 18, 2016.*

*The motion passes by majority. (Yes: Chesley, Peach and Corliss)( No: McKeon and Parisi) (Abstain Koopmann)*

**Items for Discussion**

Conceptual consultation – Jim Scranton – Atherton Hill – No minutes as conceptual consultations are non-binding on either party.

Conceptual consultation – Ben Wyatt – Crowningshield Road – No minutes are taken as conceptual consultations are non-binding on either party.

Master Plan review of Chapters – All of the chapters have been sent to the board.

Parisi noted that the Community Facilities chapter indicates one of the objectives was to renovate/restore/repair the temporary classrooms at the school. Parisi noted with enrollment down there is no need to renovate/restore/repair the temporary classrooms. Peach noted it is a 10 year plan and nobody can predict the population in 10 years. Parisi suggested adding a note that indicates this would be contingent upon the school population increasing dramatically. Chesley will forward this on to SWRPC.

Parisi noted that the Historical and Recreational Resource Chapter indicates that Spofford Lake is the biggest asset in Town, however there is nothing in there to protect the lake. There is nothing in the other chapters indicating protection of the lake. Chesley will look into this.

**Items for Information**

Letter from Brockman

**Other Business**

**Items for Signature**

Atherton Hill Cistern plans – McKeon noted that they were asked to include a note on the plan regarding the need for leak testing, which is not on the plan.

*Chesley moves to sign the plans and have McKeon speak with code enforcement to require leak testing prior to a building permit being issued. The motion was seconded by Peach and passes by majority. (No: McKeon and Parisi)*

**Adjournment**

*McKeon moves to adjourn at 10:38 Chesley seconds the motion which passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM April 4, 2016.

Respectfully Submitted by:

**Patricia Lachenal**

**Planning Board Secretary**

Approved by:

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**James Corliss, Chairman**

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**Date**