

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, August 7, 2017

Present: James Corliss, John Pieper, Joe Brodbine, Davis Peach, John Koopmann, Rolland Vollbehr, Joe Parisi and Jon McKeon

Call to Order

James Corliss called the meeting to order at 7:05

Seat Alternates

Review of the Minutes

July 17, 2017

Davis Peach motioned to accept the minutes as presented from July 17, 2017. The motion was seconded by John Koopmann and passed unanimously.

Appointments

Mark Lanoue – This is an application for a Major Site Plan Review of property located at 1763 Route 9 (Map 10A, Lot A5) consisting of approximately 4.17 acres in the office/retail/services district.

Jon McKeon recused himself from the board for this application. Norm VanCor will sit in the place of McKeon on the board for this application.

Ron Bell was present for the applicant. Bell noted that sheet 1 depicts how the property was when it was purchased by Mr. Lanoue. Bell noted that the existing conditions plan is estimated based on google earth and information gained from Lanoue. Bell noted that there is one minor change to the building and that is the addition of an awning on the northeast corner. Bell noted that sheet 2 is the site with the fill. The magenta line is the toe of the existing fill and the blue line is the toe of the proposed fill. Bell noted that the grey area is the existing parking and the shaded crosshatch is the additional paved parking. Bell noted there is also proposed parking to the north that will be gravel. Bell noted that the steep bank will be flattened to 3-1. Bell noted that sheet 3 has detail regarding the silt fence and the storm water swale.

Corliss asked about the increase in impermeable surface. Bell noted that the total is about 19%.

Bell noted that the storm water flows down the middle of the lot, and out into the woods. Corliss noted that it seems that in the back corner there is clay that is being washed down into the woods.

Bell noted it did appear the last load had some clay. Bell noted that by putting the slope back by 3 to 1, it should keep the runoff to the neighboring property to a minimum. Corliss asked if this plan takes all rainfall and channels it to the back of the lot and out. Bell noted that sheet 2 shows how it gets picked up by the drainage swale and gets diverted. Corliss inquired what the flow rate was for the 10 and 50 year storms. Bell noted he had not run those numbers on this site. Corliss asked if

there was going to be an effort to slow or contain the water. Bell noted that the owner would rather not have to dig a detention pond and disturb more of the site. Bell noted that there is room for a detention pond if one is necessary.

Parisi asked if there was a change in use associated with the site changes. Bell noted that there was a variance granted by the ZBA for auto sales.

Koopmann asked if there would be separate parking for the two businesses. It was noted that there are 38 display parking spaces to the rear and 13 to the east. It was noted that the calculations for the required number of parking spaces is not listed on the plan. Corliss noted that the use intensity statement only covers the proposed used car sales and does not include the current business and it should. Bell noted he will add the parking calculations and the narrative will be expanded. Corliss noted he would like real calculations on the drainage and storm water.

Paris noted that it is stated that the existing sign will be replaced. The cut sheet for the new sign was reviewed. It was noted that the plan for the new sign is not in compliance with the sign regulations. Brodbine asked about outside lighting. Lanoue noted that there is no new lighting being proposed. The current fixtures will be changed to LED. Corliss noted that the lighting is required to be cut off at the boundary of the property. Parisi asked if we required an illumination diagram. Bell will provide an illumination diagram.

It was noted that the board would like it noted on the plan where the applicant intends to push and store snow.

Peach noted that the plan indicates ornamental trees on the east side. Peach would like to know what types of trees are being proposed. Bell will add that to the plan.

Koopmann noted that cars will be brought in to be worked on but there is no entrance noted on the plan. Lanoue noted that the entrance for cars is on the northwest side of the building. Koopmann noted he would like to see it on the plan and asked if there would be any activity on the west side of the building. Lanoue noted that all work will be done to cars on the inside of the business.

Koopmann asked about washing and vacuuming of cars and Lanoue indicated that washing and vacuuming of cars will be done inside the building, not outside on the lot. VanCor noted he would like to see some relative comparison between sheet 1 and sheet 2. VanCor noted the match line on sheet 1 shows an outcropping and it does not appear to relate to sheet 2. Bell noted that sheet 1 is a 30 scale and sheet 2 is a 20 and pointed out that the corner of the building outcropping is 230 feet and the property line to the north is almost 400 feet. VanCor asked why the blue proposed line is extending way into the setback. Bell asked if fill was not allowed in the setback. It was stated that a structure cannot be in a setback. Corliss noted he believed that you can re-contour in a setback. Corliss noted that the drainage swale appears to be in the setback. Parisi asked what was allowed in the setback. It was noted that it is not clear what is not allowed in the setback. Parisi asked if a swale was considered a structure. Corliss noted he was unsure if a swale is considered a structure.

The meeting was opened to the public for questions or comments.

Mr. Fuller noted that he lives across the street and would like to know if there is anything happening on the west side of the building. Mr. Fuller noted that he looks at the west side of the building. He is asking if there is going to be a dumpster, cars, lighting or any changes to the west side. Mr. Fuller noted he would like to know if the garage doors will be closed while cars are inside being worked on to prevent noise from leaving the property. Mr. Fuller noted that there has been an issue already with people using the breakdown lane for a passing lane making it a hazard to pull out of their driveway. Mr. Fuller noted there is a lot of traffic in that area and a turning lane should be required.

Lanoue noted that the existing lighting outlets will be utilized, the dumpster will be located on the west side of the property, but will be fenced in and there are no parking spaces proposed on that side of the building.

Mr. Fuller noted that in the past the appliance store has allowed the deposit of old appliances in the rear of the store. Lanoue noted that the old appliances will be picked up more frequently and they will be stored inside the fenced in dumpster area.

Jeff Scott noted that when a car dealership went in down the road on Route 9 years ago, they were required to put in a turning lane and maybe DOT should be consulted and a traffic study done for this property.

Lanoue noted that the additional flow of traffic generated by this business will be minimal. Lanoue noted that most business will be generated by internet sales and there will be little to no advertising done for people driving by the property.

Lanoue was asked to provide an estimated amount of traffic flow to the board. Pieper asked about large auto carriers. Lanoue noted that there will be no large car carrier traffic on the site. Corliss noted that there was no loading/unloading zone and therefore car carriers would not be allowed. Lanoue noted that he does have a pickup and a trailer he will utilize at times when acquiring new inventory. Parisi noted he would like to see the path the cars will take when exiting and entering the garage area to be worked on.

Peach noted that the Highway department and the PD both looked at the plan and there were no comments by either department head.

Jon McKeon (noting that he is speaking as a resident of the Town) noted that there was a variance granted for the property and it is specific on what can happen on that property. McKeon noted that this property is zoned ORS and there is no outside storage allowed. McKeon noted that lights are required to be 100% cut off fixtures. McKeon noted that 403.2 calls for drainage as it is on site now, and it appears that the data has been provided by the owner and given to the engineer and some guess work has been going on. McKeon noted that he is not sure that it is ok to use information that is the best guess of the applicant. McKeon noted that loading, unloading and parking areas are all supposed to be designated separately from the other. McKeon suggested that the board look over the erosion and sediment control plan as what is installed today appears to be willfully inadequate. McKeon noted that the applicant indicated there will be no changes to the building except an awning, but there is a 1000 gallon tank which has been added and that would require some piping within the footprint of the building. McKeon noted that he is unaware of anyone from the Town or the State being aware the tank is there. McKeon noted that the erosion plan is supposed to lay out the sequencing and how it is terminated and how long it stays. McKeon noted that the plan does not comply with the regulation requirements. McKeon noted that the storm water plan does not meet the regulations and he would like to have a 3rd party take a look to make sure what is presented is accurate. McKeon noted that the board asked some good questions and the questions seemed to stump the engineer and that concerned him. McKeon noted that the existing site plan contains screening that is no longer there. Today it looks very different.

Joe Parisi excuses himself from the meeting and John Pieper is seated in his place.

McKeon noted that he has yet to see how an accurate depiction will be portrayed from what storm water on site existed pre-fill.

Corliss asked the applicant if he has any Town or State approval for the holding tank. Lanoue noted that based on his meeting with the Zoning Board, he contacted a man from the State and it was installed according to the specifications he gave when he was at the site. Lanoue noted that the Zoning Board meeting was shut down after the discussion about the tank and he was under the impression that they wanted the tank installed prior to the next meeting. Corliss noted that he would suggest Lanoue fill out a building permit application for the tank.

Jeff Scott noted that if the State had come down and inspected the tank, they would put it in writing.

Lanoue noted that the piping was existing which was dug out and replaced and the tank was set up at the end of the piping. The board would like to know the name and contact information of the man Lanoue dealt with from the State. Lanoue will get that information to the board.

Corliss asked Bell if he understood the requirements for the Erosion control plan. Bell noted that the existing contours cannot be too far off and that he could do some cross sections to show the existing pavement and existing gravel fill and the current fill. Corliss noted that the erosion plan is what gets you from where you are to where you are going to be without causing issues. Bell noted that sheet 3 covers the erosion control. Corliss noted that the site is filled to near vertical at the lot line on the east side and that is eroding over the silt fence. Bell noted that there is a silt fence on the plan and it states it needs to be maintained and repaired as necessary.

Koopmann asked if there was any documentation from Creative Woods that shows the elevations or conditions that existed at that time. Peach noted he would talk about his research during board discussion.

Corliss noted that he walked the site after the last rain and the water was running off into the back and there are 2-3 foot cut erosions and some debris on the surface.

Pieper noted he would like to know the date of the picture located on the first page of the package.

Koopmann noted that recently the board has required clearly noted and marked fire lanes but on this plan, there is parking along the side of the building. Corliss asked if the applicant has consulted with the Fire Department. Lanoue has not consulted with the Fire Department. Steve Dumont did review the plans and commented that the dumpster must be 10 feet from the building, he needs more information on the appliance enclosure and mentioned a Fire Department access road.

Jeff Scott noted that the applicant has indicated that sales will be via the internet, but noted that everyone that buys a car does test drive it before purchasing it. Scott noted that he believes the PD should be made aware of the magnitude of the proposal. Corliss noted that he has asked the applicant to cover the actual traffic in an updated use intensity statement.

Rolland Vollbehrr moves to continue the hearing to August 21, 2017 in the Town Office building at 7:30 PM. The motion was seconded by Norm VanCor and passed unanimously.

Jon McKeon returns to his seat on the board relieving Norm VanCor. (9:20PM)

Items for Discussion

7/13/17 NH Building officials meeting notes – Rod Parsons

Rod Parsons, Code Enforcement officer, was present to discuss the Building Officials Meeting. Parsons noted that there are a number of communities that are seeing signs along the road from woodsmen offering free take down of trees in groups of 45 or more. Many residents lack the understanding of the term slash and are not getting an agreement, leaving them with the burden which is quite expensive to remedy. The Town is providing anyone that comes in with an intent to cut, information on slashing and asking that they initial that they received the information. This is a courtesy to residents to make them aware there are implications that the woodsmen may not have mentioned.

Parsons noted that there are some places such as Stonewall Farm in Keene that have an agricultural presence and are drawing people in to learn about it and at the same time taking the opportunity to rent rooms or host weddings. The events are secondary uses to the primary agricultural use.

Agritourism is a way to introduce secondary uses into a property and currently there does not appear to be any regulations against this practice.

Parsons noted that the Town is blessed with the ADU ordinances written recently by the Planning Board and it does put us ahead of many communities. There are three (3) bills to make amendments to the ADU RSA's. There is a bill that would prohibit ADU's from being converted into condominiums and that one has passed. There is a bill to not require a septic review if an existing bedroom is being converted to the ADU. This item is still open. Parsons noted that our ordinance is strong stating that certification by a septic engineer is required. It has also been brought up that there is no term for the usage of the ADU, leaving them open for use as a B&B or renting on the weekends. There is currently nothing in place to stop this from occurring. Parsons noted that there have been some challenges in some parts of the State regarding owner occupancy as there is no regulation on how many months of the year the owner must occupy the residence. Parsons noted with some challenges around the State, it appears Chesterfield has done a good job on the regulations.

Parsons noted that a review of RSA 664:17 shows that the law is much more restrictive than is common practice in placing signage. These signs should not be on telephone poles, public buildings etc. and does require permission of landowners.

Spofford Boat Sales

No new information

Items for Information

Corliss noted that he was present at a Selectboard meeting where they discussed the signage at Perkins. Corliss noted that Parsons was in attendance and had done his research looking at Zoning Board minutes and the sign ordinance in effect at the time, and it appears (to Corliss) that Parsons did not realize that the letters moving is what the board was referring to when it stated moving signs.

Parsons noted that he went through the history and the only thing he found was a decision allowing a sign where it is currently located. Parsons noted that in 2013 Peter Brady approached Chet Greenwood with a new sign idea and was told that there was no issue with the proposal and he could upgrade the sign. Parsons spoke with Brady and Brady is aware that the sign does not meet the current ordinance, but noted it did meet the ordinances when it was approved. Parsons read the current sign ordinance and the previous one noting that the new language includes scrolling. Parsons noted that his interpretation is that the sign was not in violation at the time it was installed. Corliss noted that he was here for the change in ordinance and the board was aware that people were starting to create motion in digital signs and the language was added to make it clear that was not acceptable in Chesterfield. Corliss noted that his recollection is that the board found that a frequently changing sign was considered a moving sign.

McKeon noted that this board was looking and judging on sign applications that came before us and it had scrolling letters it was considered a moving sign. McKeon noted that from what the board understood, the applicants did not believe we were clear enough in the wording, so it was updated to make it easier to understand. McKeon noted that Peter Brady told the Zoning Board members that the sign would not change more than two times.

Koopmann noted that he does not remember this board's discussion being a reaction to the Perkins sign.

Parisi noted that he remembers acknowledging the Perkins sign when discussing the sign ordinance and noting that this board did not want people riding down Route 9 and being distracted by

something moving on the side of the road. Parisi noted that he agrees with Rod that the sign was ok when it was installed.

McKeon noted that when letters are moving, it is considered a moving sign and the Planning Board changed the language to make the original intent of the ordinance clear.

Other Business

John McKeon moved to go into non-public under RSA 91-A:3 I e for litigation. The motion was seconded by John Koopmann and passed unanimously.

Jon McKeon moves to close the public hearing. The motion was seconded by Rolland Vollbehr

Moves to seal the non-public meeting minutes until Tuesday August 15 2017. Davis Peach seconds the motion which passes unanimously.

John Pieper asked how the Land Development Regulations are changed. Pieper noted he would like to suggest that plans not be different scales. McKeon noted that sometimes you are trying to give more detail and the scale would need to be different. McKeon noted that electronic copies should be required. Corliss noted that we will talk about the plan scale and electronic copies at a later meeting.

Items for Signature

Minutes 6/19/17

Adjournment

Davis Peach moves to adjourn at 9:29. John Koopmann seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM August 21, 2017

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:

James Corliss, Chairman

Date