

**TOWN OF CHESTERFIELD, NH  
ZONING BOARD OF ADJUSTMENT**

**MINUTES  
April 14, 2015**

**Present:** Co-Chairman Harriet Davenport, Lucky Evans, Renee Fales, and Kristin McKeon

**Absent:** Burt Riendeau, John Perkowski and Alternate Roland Vollbeh

The Zoning Board of Adjustment met at the Chesterfield Town Office on April 14, 2015. Davenport opened the meeting at 7:30 p.m. and explained the process of the meeting. She noted that there were only four members of the board present for this meeting.

**Robert J. Kasper, Jr., Attorney for Beach Revocable Trust** requests a Special Exception from Article II, Section 207.4C and RSA 674:41.I.(d) shared driveway for Lots 8-A-4 and 8-A-6 off Forest Avenue. The property is located at Forest Avenue, Spofford 03462 (Map 8 Lot A4 and Map 8 Lot A6) Rural/Agricultural District.  
(Continued from March 17, 2015)

Davenport noted that an email was received from Attorney Robert J. Kasper, Jr., informing the board that his client has elected to reschedule the hearing until May 12, 2015 when a full board will be present.

**Live Free GS Precision Realty LLC** requests a Special Exception under Article II Section 206.3A to allow a new 54,000 sq. ft. manufacturing facility with associated parking facilities on what are now three tracts located on Mill Road in West Chesterfield, NH 03466. (Map 13 Lot E9.1, Map 13 Lot E9.2 and Map 13 Lot E9.3) Commercial/Industrial District.

Present: James Phippard, Brickstone Land Use Consultants, LLC; Norm Schneederger, owner of GS Precision and John Hanley, CFO of GS Precision. Phippard stated that his client is aware that there are only four members present at this hearing and they wish to proceed with their applications.

Phippard stated that GS Precision is seeking approval to construct a new manufacturing facility in Chesterfield to expand their current business in Brattleboro, VT with employees currently from New Hampshire, Massachusetts and Vermont. The facility will need on-site parking for more than 200 vehicles. The applicant has looked at other properties on Stow Drive, a large sloping site, small area with flat land which could not accommodate the size of the area that is required. They also looked at a commercial/retail site on Route 9 next to Perkins Lumber and other properties on Mill Road.

The Mill Road property consists of three parcels of land that are available to accommodate the proposed facility. The corner lot is a vacant property and the next lot has an open storage building and a motor vehicle garage. The third lot is across the street which consists of a truck distribution facility. The proposal would require the removal of the current buildings and merge both lots on the east side, which would allow enough room for the 54,000 sq. ft. footprint, as well as 54 on-site parking spaces and an area for a loading dock to serve the facility. Directly across the street is where the main employee parking lot serving 160 spaces. The applicant is proposing a small fire pond which would support a sprinkler system for the building. There will be a dry hydrant that will be available to the Chesterfield Fire Department to help fight fires in the Mill Road neighborhood area.

Phippard reported that test pits and test borings have been done on the property to identify the soil characteristics of the property and have found excellent soil samples with clean sands and gravels, which will provide runoff and drainage.

Phippard stated that the area is zoned commercial/industrial which requires a Special Exception to allow a manufacturing use within the district.

The Zoning Ordinance specifically authorizes the special exception authorizing places of manufacturing, assembling, testing or packaging of goods, as under Article II, Section 206.3A. The proposed manufacturing activities will be conducted inside the building and will not result in excessive noise, dust, fumes, odors or glare for the neighbors. Phippard stated that GS Precision manufactures metal parts and the metals scraps are recycled. The only outside storage is for paper waste products which will be a dumpster in a screened in enclosure area which will be subject to Planning Board approval. The employee parking area will be adjacent to a residential area that will consist of screen plantings on the northerly end to help screen noise and headlights of cars. The site lighting will be downward facing LED fixtures and will provide wall mounted lights on the buildings. The parking light fixtures will be programmed to reduce the light level after employees have gone home with only leaving the security lights on and will be “dark sky” compliant.

Phippard anticipates that employees or the delivery vehicles will not be using Mill Road residential neighborhood for traveling to and from the facility.

Phippard stated that he has provided a copy of the traffic report including a trip generated summary prepared by license professional engineer Stephen Pernaw. Phippard noted that the day shift start is 7:00 a.m. with an estimated 113 left turning vehicles arriving from Route 9 onto Mill Road. A driveway will not be required from NHDOT but the State will review what the impacts will be at the intersection of Mill Road and Route 9. Upon completion of the review, the State may required the town to fix any impacts that need to be addressed. The applicant has sent the traffic study report to NHDOT and the applicant will be meeting with NHDOT and officials in Concord, NH at the District IV offices next week to discuss the intersection, as to whether they have determined any additional litigation is necessary before this project reaches the Planning Board. Phippard indicated that there should not be any road widening project but may involve additional stripping at the approach to create a left turn. Phippard noted that there are ten foot wide paved shoulders along the roadway to allow for future improvements.

The departure time for work schedules for the facility start at 2:30 p.m. to 3:30 p.m. The second shift departure times are 1:30 a.m. to 2:00 a.m. McKeon had concerns with the busing of students after school and the conflicting times with the end of work shifts. Phippard will contact the bus company to get the bus schedule for Mill Road and Brook Street area before meeting with the Planning Board.

Phippard stated that the first lot (13-E9.2) is a nonconforming lot due to the 1.98 acres lot size, with a minimum lot size requirement of 2 acres for the commercial/industrial district. The applicant will be making it a conforming lot when merging this property with the adjacent lot (13-E9.1) creating a 4.26 acre lot on the east side of the road. There will be just over 3 acres on west side of the road, making both lots conforming lots.

Phippard stated that the facility will have an on-site septic system and an on-site well and the well has to be registered with the State of New Hampshire as a small community well. The applicant has already met with DES to discuss the requirements for the well and to receive approval for the well location. The existing well will not be used for drinking water. The on-site fire pond will have over 100,000 gallon storage capacity. There will also be a dry hydrant installed adjacent to Mill Road with access provided to the Chesterfield Fire Department.

An adjacent property owner has access to the existing well. The applicant has asked the abutters for their permission for the applicant to install a new well for that property. All of the existing septic systems will all be removed and be replaced with a single septic system under the parking lot area. Another small septic system will be installed for processed waste water, which has been permitted by DES. The applicant has talked with two local well companies and DES who felt that there will not be a problem in getting the water that is needed at the facility. Phippard added that there will not be a cafeteria at the facility.

Fales asked what the water process was that will be used at the facility. Phippard responded that a cooling and rinse water process is being used in the facility for the metal parts. Portions are recycled and the water is filtered. The portion that is wasted runs through a different filtration system and goes to a storage tank system, similar to a septic tank where settlement will occur before it is discharged onto a leach field system on the property. The NH DES process will be followed.

Evans inquired as to whether there would be storm drainage in the parking lot. Phippard replied that there will be drainage in two directions, with storm water ponds constructed for infiltration will occur into the ground, with pretreatment of the runoff through grassy areas. The roofs all slant to the rear of the buildings. An alteration of terrain permit is required by the State of New Hampshire, specifically looking at drainage sediment, erosion control and storm water quality. The permit is currently pending. All the processes being used by the applicant are the recommendations from the State of New Hampshire and the EPA. There should be no effect on the neighborhood.

Phippard stated that all three lots have been previously developed. There is a wetland area on the west and north side of Mill Road and the applicant will be altering the wetland by excavating the create a pool of open water. An application has been filed with the NH Wetlands Bureau for this procedure of less than 10,000 sq. ft. The applicant has met with the Chesterfield Conservation Commission at the site and CCC agreed not to intervene.

McKeon had a question on when the delivery trucks arrive. Phippard answered that there is no fixed schedule and there are only one or two deliveries per week, usually by tractor trailer trucks. UPS and FedEx will be used for shipping and receiving products as well. A separate area will be used for UPS and FedEx deliveries.

Evans asked how incoming and outgoing industrial chemicals will be handled. Phippard responded that there are strict State and federal regulations that are followed at all the applicants facilities, if it is a regulated substance.

Evans asked if this manufacturing facility ends up not being used, are there any future plans for demolition. Phippard responded that the applicant has no such plan to tear it down. If, in ten years they no longer occupy the facility, it would go on the market.

The highest part of the building is 27 or 28 feet, with the surrounding being taller than the building. Trees will be added to the street side of Mill Road but will not attempt to hide the building from the highway. There will be landscaping plantings throughout the parking lot. The two entrances will be off Mill Road and not Route 9.

The buildings that will be demolished are a small automotive repair shop, a long open storage building in the back, another outbuilding which has been used as office space, a truck terminal and an office trailer.

Fales asked how much frontage is on the Route 9 corner lot to the east. Phippard replied it is 190 feet, which is the existing nonconforming lot. The applicant has met with Chet Greenwood, Building Inspector to discuss the lot and he noted that the access has to be from Mill Road and the setback has to be 30 feet from Mill Road. When the lots are joined, the percentage of permeable coverage will be reduced to 44% coverage, reduced from the existing 54% on the east side. On the west side of the roadway it is 45% between the pavement and gravel today and that will be reduced to 35%. The building coverage that is being proposed is 30%. There are no floor drains.

McKeon asked how many people can this building be expanded. Schneederger replied that the growth would reflect on second shift, with 200 people at mass capacity on first shift.

Davenport opened up the questions to the public. Art Chickering had a concern as to the process of stopping traffic going through the Cobleigh Estates Road. Phippard replied that if it became a concern, there would be a possibility of closing off a portion of Mill Road, which should not be a cost to the town.

Bob Brockmann welcomes this new facility to Chesterfield.

Brad Roscoe asked how it would affect the site plans if the road needs to be widened. Phippard replied that it would be widening the pavement and not widening the edge of the right-of-way. The edge of the right-of-way is about 50 feet from the edge of pavement. The pavement cross section that is there today is 44 feet paved, which is adequate for a left turn lane without adding any additional pavement. The State officials will have more information next week. It doesn't change the setback because the setback is from the right-of-way.

Bart Bevis had concerns with the traffic coming out of Mill Road heading east. The guard rails obstruct the view of drivers in smaller cars. Evans added that the Japanese knotweed have also created obstruction of view along Route 9 in several areas, including this one. Phippard replied that this is a maintenance issue and the district office needs to be notified.

Anthony Sousa stated that he likes how the vehicles have strategically been placed. He has been customer of the company's coding division and welcomes the company to the town.

Nathan O'Brien pointed out a blind spot in the road going downhill. There is also a runoff that goes into Carey Pond from these properties. Phippard responded that DES covers issues with water quality in the pond. That area is a forested wetland and that tends to treat the Route 9 corridor is treated by vegetation and also keeps the water temperatures cool. O'Brien stated that the pond is currently full of vegetation. Phippard added that a berm will be created that will cut off a portion of the wetland area, creating a ten foot depth in the pool and the temperature of the water cooler.

Davenport stated that the public needs to know that following this process, there is a Planning Board process to follow that will cover these questions in more details.

Francis Walsh stated that GS Precision is a Class A precision manufacturing business and he welcomes them to Chesterfield.

George Burns stated that this facility will be an asset to the Town of Chesterfield and feels that it will be an improvement to the area.

Leslie O'Brien asked for assurance that there would not be a light shining in her window from the parking lot.

Robert Santino asked what the shift hours at the facility. Phippard responded that the first shifts start from 6:00 to 8:00 a.m. and end 2:30 to 3:30 p.m.

Cameron O'Brien asked the time line for the completion of the facility. Phippard answered that it may be as early as this fall for the start of the project, if all permits are received, so the schedule hasn't been set. He added that a facility this size would normally take nine months for construction.

Robert Delsesto asked Davenport how the side setback was going to be handled in the variance. Davenport stated that there are two separate applications. McKeon asked if this application was for an expansion for GS Precision, whereby Phippard answer that it was an expansion.

Fales asked what the signage will be for the facility. Phippard noted that they will be in compliance with the new sign ordinance.

*Fales moved to close the public portion. The motion was seconded by McKeon, which passed unanimously.*

#### Discussion:

Davenport noted that the presentation was well presented and very clear. Traffic, lighting and highway issues were addressed and the applicant has been working with NHDOT. Evans stated that there may need to be an extra lane added. Davenport stated that the applicant is working with the town to make this project an asset to the town.

#### Points Discussed:

Fales stated that the Special Exception on 206.3 in that this exception is allowed as long as the board complies with 601.3 and all the setbacks, in which the applicant has complied with the setbacks. The board noted that the applicant has covered all the Requirements and Restrictions in 206.1a. When discussing 601.3 Special Exceptions, Fales noted that the lighting will be facing downward. The board discussed adding conditions into the Special Exceptions that unless individuals live in the West Chesterfield area, traffic will only be allowed to enter and exit from Route 9 direction. Fales expressed her concerns of gating because it would interfere with emergency vehicles. Davenport stated that the company will create the culture of traffic flow and has already been addressed. Off street parking and loading and unloading was discussed by the applicant. The lots are being joined together making them conforming lots. The fire pond was addressed. The applicant recognized the guardrails height for obstruction of view and will be addressing that with NHDOT.



Fales made a motion to approve the application for the Special Exception for Article II Section 206.3A to allow the 54,000 sq. ft. manufacturing facility with associated parking facilities on what is now three tracts located on Mill Road in West Chesterfield, NH, Map & Lot 13-E9.1, 13-E9.2 and 13-E9.3.

The Special Exception of the criteria is met under Section 206.3A. Manufacturing is allowed within the Industrial development.

*206.1a Requirements and Restrictions*

- A. **All resulting noise, dust, glare, vapors, smoke odors and refuse are confined to the interior of buildings.** They have shown proof of that. Yes
- B. **The use is not offensive to surrounding properties due to glare, noise, smoke, dust, odors, fumes, vibrations, excessive traffic or blocked views.** They have indicated that their lights low lights and they will be on timers to dim them down to security levels at night time. The lights will all be facing downward as to minimize light pollution and annoyance to neighbors. They don't have any smoke or dust and everything will be confined within their manufacturing processes will be confined within the building with proper filtration and requirements by the State. Yes
- C. **No outside storage of goods or materials except as may be permitted under site plan review.** They won't be storing anything outside, other than trash, which will be fenced and screened. Yes

*601.3 Special Exceptions*

- A. **The special exception is specifically authorized by Article II of this ordinance.** Yes
- B. **The proposed use will not be injurious or detrimental to the neighborhood.** The use is allowed in the commercial/industrial zone. It is not going to be adding traffic to the residential neighborhood. They are going to be using trees for screening and landscaping to make the area more pleasing. Yes
- C. **Any special conditions required by Article II, Article III, Article IV or Article V will be complied with.** Yes
- D. **The proposed use will not generate traffic volumes that will overburden existing roads and streets.** The proposed use will not make an excessive demand on municipal services. There may be some extra repair work required on Mill Road due to the generation of traffic. The length of road is minor of the road should not be an excessive demand on municipal services. Yes
- E. **The proposed use will not generate traffic volumes that will overburden existing roads and streets.** The proposed use will not generate traffic volumes that will not overburden roads and and after the heavy traffic on Route 9. They have developed their parking lot such that the exit will take them away from the residential area that abuts them.
- F. **The proposed use will not have an adverse impact on the natural environment.** They are currently working with the State DES for the installation of their fire pond and getting approval and insuring that no other bodies of water will be affected by their parking lots or structures.

McKeon seconded the motion, which passed unanimously.

**Live Free GS Precision Realty LLC** requests a Variance from Article II Section 206.5 to permit a sidewalk, an entry stair and handicap ramp partially within the 30 ft. setback. Also includes roof canopy over stairs. The property is located on what are now three tracts located on Mill Road in West Chesterfield, NH 03466. (Map 13 Lot E9.1, Map 13 Lot E9.2 and Map 13 Lot E9.3) Commercial/Industrial District.

Phippard stated that GS Precision is seeking approval to build a sidewalk, an entry stair, handicap ramp and a roof canopy over the stairs. All of these items are structures of the Zoning Ordinance and require a variance in order to be constructed within the 30 ft. setback. This will allow the construction of this facility to be an asset to the Town of Chesterfield, with the buildings being valued in excess of \$5,000,000 and will generate well over \$100,000 in annual taxes. It is also in the public interest to allow safety access to the employees to and from this work facility. The setbacks prevent overcrowding, to provide for adequate green space and to maintain adequate rights-of-way from setback area to prevent intrusions. The structure is being located in the central portion of the property. The road crossing by the pedestrians will not create a line of site or safety issues for adjoining property owners. It will provide safe access for employees to get to their cars before and after work.

There are constraints that affect the design of the site plan which lead to the request for the variance. There is a 40 ft. embankment which leads to the large flat terrace that leads to Mill Road. On the other side of Mill Road that leads to another embankment up to Route 9 and a wetland area. The east side of the roadway is where the building will be located. The architects have shaped the building to fit on the property. Phippard stated that the building ordinance requires, that when you build on an area that is adjacent to a steep slope, a 15 ft. area is required between the building and slope. This created an issue of a front setback on Mill Road.

This variance will allow the new facility to offer 200 jobs to this community.

Screening will be added to the north area by the employee parking area to provide additional protection to screen headlights and noise. Low level lighting is being used in the parking area with LED fixtures on 20 ft. poles. The LED lights are programmable to reduce lighting after hours.

The current existing property contains several old buildings, some are in disrepair and this will add a vast improvement over the area. Landscaping will be added along the roadway, in the parking areas and additional plantings around the fire pond. Property values should be enhanced in this area.

The sidewalk will be flush to the ground. The proposed use is a reasonable one for employees to and from the parking area to the work place. There will be a crosswalk added for additional safety with signage to alert drivers of pedestrians crossing the roadway. The building has been approved for a special exception, so it is a permitted use in this location.

Phippard noted that the company will maintain the crosswalk. The covered landing projects out 8 ft. to a 3 ft. elevation of stairs and the walkway extends across the 30 ft. setback area. The handicap ramp is not a constructed walkway with the ramp being at grade to enhance the appearance of the entrance.

Evans inquired as to the egress points for emergencies. Phippard noted the exit areas to the buildings with the concrete landing areas included. The exits are also handicap accessible. There are also designated evacuation exits that lead to six ft. wide sidewalks. There will be reflective pavement markings on the crosswalks with pedestrian signs in both directions.

Brad Roscoe asked who would be taking care of the crosswalk surface areas. Phippard replied that the applicant will be cutting and repairing pavement in those areas.

*McKeon moved to close the public session. Fales seconded the motion which passed unanimously.*

Discussion:

Fales stated that anything that complies with ADA does not require a variance. She noted that the canopy would be considered a structure.

*Fales moved to approve the request for a Variance for Live Free GS Precision Realty LLC from Article II Section 206.5 to permit a sidewalk, an entry stair and handicap ramp partially within the 30 ft. setback. Also includes roof canopy over stairs that extends out eight (8) feet. The property is located on what are now three tracts located on Mill Road in West Chesterfield, NH 03466. (Map 13 Lot E9.1, Map 13 Lot E9.2 and Map 13 Lot E9.3) Commercial/Industrial District.*

- **The variance is not contrary to the public interest.** Yes, the sidewalk provides a safety measure for allowing employees to walk from the employee parking lot to the main employee entrance and the handicap ramp is required by the ADA. The canopy provides shelter from the elements on the landing going into the building, which provides an additional safety enhancement.
- **The spirit of the ordinance is observed.** Yes, the variance will be consistent with the spirit and intent of the ordinance. The sidewalk into the setbacks is to ensure that we are not overcrowding or getting into neighbors spaces. The sidewalk is within the spirit and intent because this is a safety issue and it is not an actual structure or building that will be in the way of another abutter.
- **Substantial justice is done.** Yes, the sidewalk and handicap ramp will provide a safety measure for the employees to get back and forth from the parking lot to the main building. The canopy provides shelter from the elements.
- **The values of surrounding properties are not diminished.** Yes, the sidewalk will not be elevated in any way. It will not be in the way of the plow trucks and it does not add any kind of visual to the surrounding properties.
- **Literal enforcement of the ordinance would result in unnecessary hardship.**  
**Because of the special conditions of the property that distinguish it from other properties in the area:**
  - a. **There is no fair and substantial relationship between the general public purposes of the ordinance provisions and the specific application of that provision to the property.** Yes, if this variance was not granted, the applicant would not have a safe access into the building and the sidewalks have to cross the property line from the parking lot into the building.  
**AND**
  - b. **The proposed use is a reasonable one.** Yes, it is reasonable to have a sidewalk going from the parking lot into the main building.

*The motion was seconded by McKeon.*

Discussion: Fales stated that she spoke about the canopy going into 8 ft. of the setback and added that this would restrict them too much because if the Planning Board says that they want it further out to cover the stairs, they will have to come back and delay the process.

*Fales amended the motion such that a canopy to provide shelter for safe egress into the building. The amended motion was seconded by McKeon, which passed unanimously.*



**Review March 17, 2015 Meeting Minutes**

The board tabled discussion on review of the March 17, 2015 minutes to the next meeting.

**Next meeting Schedule – May 12, 2015**

**Adjourn:** *McKeon made a motion to adjourn the meeting. Evans seconded the motion, which carried unanimously. The meeting adjourned at 10:00 p.m.*

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

\_\_\_\_\_  
Harriet Davenport  
Vice Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_