

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, October 3, 2016

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

Call to Order

James Corliss called the meeting to order at 7:01

Seat Alternates

Joe Parisi seated in place of Susan Lawson-Kelleher

Review of the Minutes

September 19, 2016

Joe Parisi motioned to accept the minutes as presented from September 19, 2016. The motion was seconded by Brad Chesley and passed unanimously.

Appointments

Dead River Company, Rick Fleming - This is a continuation of an application for a Major Site Plan Review of property located at 22 Mill Road (Map 13 Lot E9.1) consisting of approximately 2.27 acres in the Commercial /Industrial Zone.

Corliss went over the procedure for the public in attendance of the meeting.

Corliss noted that he sent an email to Lachenal requesting it be forwarded to the board, the applicant and Fire Chief. Corliss noted that the email addressed the PB concern that there has not been enough information presented to make an informed decision about the fire safety issues. Corliss noted that it seems odd to him that in this particular application that the Fire Department and the applicant have not met to discuss the issues and work through them. Corliss noted that deprives the Planning Board of the information they need to make a decision. Corliss noted that he received an email from the Fire Chief on Friday regarding the Fire Safety assessment that the applicant completed and presented to the board. Corliss noted that the assessment was done with none to very little input from the FD which puzzles him and makes it difficult for the Planning Board to do its job. Corliss noted that the only way to move forward that he can see is for the Planning Board to hire its own expert to work with Dead River and the Fire Department to tell this board where the issues are and if they can or cannot be resolved. Corliss noted that he hopes if this occurs, he would hope that the Fire Department would be willing to discuss the issues with the expert.

Chesley noted that he was under the impression with the burying of the tank, a fire analysis was no longer required. Corliss noted that verbal testimony has indicated that an unreasonable amount of water is needed for a fire at this site.

Peach noted that he believes the Fire Department has responded and given specific concerns. Peach noted that the Fire Chief indicated that a 6,000 gallon cistern is not enough water and he has not seen a plan that includes the distillates on site or a safety plan for the workers to prevent an accident. Chesley asked if the fire analysis was still required. Brodbine noted that the state does not require it for a buried tank. Parisi noted that a fire safety analysis is required whether the tank is buried or not. Parisi noted that he spoke with the State Fire Marshall's office and they have been provided a copy of the Fire Safety Analysis, however they have no jurisdiction over this issue unless they are requested by the Town or the Fire Chief. They did make some informal assessments which included the belief that all pieces of the site need to be included in the analysis. Peach noted that we have a statement from the Fire Department and maybe we should hear from Dead River if they are willing to meet the suggestions made by the Fire Department. Corliss indicated that the Fire Department has not made suggestions about what it will take to solve the issues. Peach noted that he believes that each party should be asked if they are willing to get together and discuss solutions to the issues. McKeon noted that we could ask the NH State Fire Marshall to get involved. Chesley noted that if we are able to ask for assistance from the Fire Marshall, we should ask for the assistance. Parisi noted that the Fire Marshall's office should be engaged in this project.

Koopmann noted that he believes there is still an environmental issue that needs to be addressed. Koopmann noted he went to the site and got a new appreciation of the slope at the back of the stie. Koopmann noted that he did not understand the slope before and the impact a potential hazardous situation would have on the brook and properties below. Corliss noted that the applicant has indicated they will be required to apply for a DES permit.

Fire Chief Rick Cooper noted that the letter the Planning Board received from him was written at the suggestion of the Fire Marshall's office. Cooper noted that the Fire Marshall's office was provided the information on this proposed project and it has been discussed. It was noted that 6,000 gallons of water in a cistern on site is not nearly enough water. Cooper noted that he has met with Dead River three times already. Cooper noted that the Fire Department has done everything that has been asked of them. Corliss noted that it is his goal to be fair to the Fire Department and Dead River. Corliss noted that he would have liked to see the applicant and the fire department working together to come up with solutions. Corliss noted he would think that the FD and Dead River could come to an agreement on why this could go forward or why it cannot go forward. Cooper noted that he has noted several concerns many times. Cooper has issues with the environmental impact especially with the steep bank, the fact that there is no water in the area and the concern of the amount of manpower needed to fight a fire at this type of facility and the need to have manpower to evacuate the area and shut down of Route 9. Parisi noted that he has heard that 6,000 gallons is not enough, but has not heard a number that would be adequate according to the FD. Cooper noted that he would like to see 100,000 gallons of water on site.

Kim Weiland (Dead River) noted that he would like to clarify a few things. Weiland noted that a fire safety analysis is required for liquid over 4,000 gallons so it is still required for this site. Weiland noted that it is not something that is done by Dead River, there is a section for Dead River to fill out and also a section for the Fire Department to fill out. Weiland noted that there is a section regarding mutual aid, which should have been included in the information from the Fire Department as there is a existing and well used mutual aid system in this area. Weiland noted that it is the job of the Fire Department to take the information about the site and make a plan about how a fire there would be handled. He noted if there is something else the Fire Department would like to see, Dead River would be willing to work in that direction. Weiland noted that they have been willing to sit down since the beginning and are still willing to sit down and come to a reasonable resolution. Weiland noted that having 100,000 gallons on site is not reasonable. Weiland noted that he has expressed a willingness to work with the Fire Marshall, but they will not speak with the applicant unless directed to do so from the Fire Department. Weiland noted that at the previous meeting, the

Fire Department clearly stated they are against the project and they have not given Dead River any feedback on what he would like to see. Weiland noted that he came to this meeting prepared to offer the services of an engineer that has worked with Dead River on their Massachusetts properties. Weiland noted that all other conditions have been met and they have been patient through 6 meetings and over \$80,000 in engineering costs, but it is getting to be too much. There has been no information given on how to mitigate risk.

Parisi noted that a 3rd party review should be done by a licensed fire engineer.

Joe Parisi moves that the applicant complete a fire protection analysis to be conducted by a licensed fire protection engineer. The motion was seconded by Brad Chesley.

Discussion:

Parisi noted there are people that are licensed fire protection engineers and they know what they are doing. This board does not have enough information to resolve the issues. Chesley asked if having the fire marshal involved would be enough. Parisi noted that this was an informal suggestion from the fire marshals office.

Parisi moves to amend the motion to include - from a list provided by the NH State Fire Marshalls office. Chesley accepts the amendment.

Chesley noted he is unsure if the Applicant and the Fire Department can come together to get the necessary information together. Chesley noted that he is concerned there will not be a meeting of the minds.

Peach calls for a vote on the motion on the table.

The motion passes with two no's (Chesley and Corliss)

Parisi moves to ask the Chesterfield Fire Chief to formally engage the State Fire Marshall's office in this application. The motion was seconded by McKeon and passes unanimously.

Corliss noted that the applicant will need to request an extension if they would like to continue the hearing past the next planning board meeting on October 17. Weiland noted he would like to continue the hearing to the Planning Boards second meeting in November.

Koopmann noted that the previous application to this site included a modification to the traffic lanes on Route 9. Koopmann noted that there will be a 10 trucks 3 times a day and supply trucks going in and out of this road onto Route 9. Corliss noted that the board went through all the other issues on this application and determined that this board's concern was Fire Safety. Corliss polled the board to inquire if the board would like to speak about traffic again. Parisi and Koopmann noted they would like to revisit traffic. The majority of the board would not like to revisit that issue.

Corliss asked if the public had any questions or comments.

Dan Vanderpoel (lives in the neighborhood) noted that he already does not have enough water. He has 180 gallons of water a day since the last development was approved in his neighborhood. Corliss noted that this site already has a well and an additional one is not being drilled.

Chris Hardee (Stage Rd) asked if the traffic issue was resolved. Corliss noted that the board looked over the plan and noted that the additional traffic was reasonable for the existing roads.

Al Rydant (Farr Road) noted that he used to do this for a living and believes that the board should have a final report with all of the information included. He noted that the board is alienating the public with the piece meal approach they are taking with this application,

Cameron O'Brien (Mill Road) noted he lives on the other side of the pond which abuts Twin State Truck. He noted that his main concern is where we are in the world. O'Brien noted that we all need and use gasses and oil, but some research says that there is only -50-60 years left of oil in the world. O'Brien noted that he is proud to be from Chesterfield and does not understand why we would want this in our town. It is not ideal for Chesterfield moving forward. Corliss noted that it is a commercial lot and the board has been presented with a site plan and it is the charge of the board to evaluate the application to the best of their abilities without a personal agenda. Corliss noted the board must follow the regulations. Corliss noted that if the Town wants a certain type of company to not be allowed, then they would need to change the regulations.

Leslie O'Brien (34 Mill Road) noted that when there was a previous application the public was worried about Carey pond and wanted to know where the water from the cistern comes from. The cistern water is trucked in.

Jeff Scott (public) noted that we know there is no benefit to the town for this application and the bigger picture is the safety of the town and the environment. Scott noted that a pipeline just burst in Alabama. Scott noted that if this application is approved, the board would be contributing to fracking and the increased use of fossil fuels, more pipelines and more threats to the safety health and environment of the entire country.

McKeon moves to continue the public hearing to November 21, 2016 at 7:30 in the Town Office Building. Davis Peach seconds the motion which passes unanimously.

Items for Discussion

Master Plan

Chesley passed around a Chesterfield Master Plan Update. Chesley noted a work session was held and SWRPC took notes to use as a guideline for the update. The board reviewed the information. It was noted the board receives 20 printed copy and an electronic copy.

Chesley moves to accept the master plan as presented. Davis Peach seconds the motion.

Board Discussion: Joe Parisi noted it is significantly better than before, however it is still missing some items. Parisi noted he would like to know what % of the tax revenue comes from the lake and note that it does not put a burden, or much less of a burden on the school system.

Koopmann noted that it is an improvement. McKeon noted that the objective was to make the lake more of a feature and that has been accomplished. Corliss noted that there has been plenty of opportunity for people to go to meetings and help with the wording. Vollbehr noted that it is a wonderful document. Joe Brodbine noted that he likes it the way it is.

The motion passed unanimously.

McKeon thanked the three members of the Planning Board that sat on the Master Plan Committee. Brad Chesley, Davis Peach and Rolland Vollbehr

Chesley noted that the next step is to let them know and get the copies made.

Accessory Dwellings

Lachenal will email the final document to the board.

Signs

Corliss noted that the sign regulation changes are a major undertaking. Corliss noted that he does not know how to take what we have and apply the Supreme Court decision. Parisi noted he has no more input. Peach suggested we check with SWRPC for some assistance. Chesley noted that he did mention this issue to Lisa and she noted this was a big can of worms. Corliss noted that the board can try to do something or let it be litigated. Peach noted that the regulations we have now are illegal so something should be done after Dead River and after the ADU regulations are done. Corliss noted that the board does not know what to do. Peach noted the board needs to reach out for assistance. The Municipal Association should help.

Board members are encouraged to look around and see if they can come up with different ideas.

Joe Brodbine noted that other towns must be having the same issues.

Corliss will contact the Municipal Association and ask about what they have been dealing with and if they have any guidance.

Spofford Boat Sales

Meeting set for Nov 7

Items for Information

DES - Best Management Practices Rule for Groundwater Protection

Board went over letter

NH Wetlands Bureau Wetlands Permit by Notification

241 Route 9A

Other Business

Joe Parisi noted he attended a Keene Planning Board meeting last week and would like to talk about how they operate compared to how this board operates. This will be added to an agenda in the future.

The Selectmen have been apprised of issues with the configuration of the table.

Davis Peach noted that he thinks that sending letters to the Fire Department and the applicant while speaking for the board when it has not come from the board is not appropriate. Peach noted that the letter should have come before the board before sending it to the applicant or the Fire Department. Chesley noted that he was also surprised as he was not sure his opinion was as strong as what was indicated in the letter. Chesley noted the letter seemed to be a boards position, but was not directed to be written by the board. Peach noted it would not be appropriate for him to write a letter like that, and therefore it is not appropriate for the chairman either. Corliss noted he does not enjoy writing

letters, and does not routinely do that, but was concerned coming into the meeting where we were and thought that we would probably be hiring or find we needed to hire someone. Corliss noted that he felt that it would be better for everyone to be prepared to discuss hiring a fire expert. Corliss stated he notes the board’s concern.

Davis Peach noted that closing a public hearing and reopening it is a dangerous game and believes it should be looked into before the board continues to do it. McKeon noted that he has learned at seminars it is ok to reopen the hearings, but you must be sure that everyone that was at the meeting in the beginning is still present.

Koopmann noted that he is trying to get a sense of what was approved on Gateway Preserve. Koopmann noted that they came before the board with a second floor and that was rejected. Koopmann noted that the final construction included a stairway to the attic. Koopmann noted that a loft area was constructed with a separate storage area. McKeon noted that the realtor is advertising a third bedroom.

Corliss noted that the building that houses Manny’s seems to have significant changes to the site. McKeon noted that the Code Enforcement office has been instructed to send a letter of non-compliance. McKeon noted he will have more information on this on Wednesday.

Items for Signature

Minutes September 12, 2016

Adjournment

Parisi left at 9:04

Brad Chesley moves to adjourn at 10:00. Rolland Vollbehr seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM October 17, 2016.

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date