

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, September 19, 2016

Present:, Davis Peach, James Corliss, Joe Parisi, Rolland Vollbehr, John Koopmann, Brad Chesley, Joe Brodbine and Norm VanCor. (7:26)

Call to Order

James Corliss called the meeting to order at 7:06

Seat Alternates

Joe Parisi seated in place of Susan Lawson-Kelleher

Review of the Minutes

September 12, 2016

Davis Peach motioned to accept the minutes as amended from September 12, 2016. The motion was seconded by Joe Parisi 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 noted that the board received three documents via email last week and he would like to begin with those documents and the changes.

Chris Baldwin noted that some changes were made in response to the Fire Safety Analysis and the concerns previously expressed by the Fire Chief. Baldwin noted that there will be only one LP tank and it will be buried, a setback has been added for vehicle overnight parking and a 6,000 gallon cistern will be buried on site. Baldwin noted those are the only changes reflected in the plans shown. (note the board was no provided copies of the updated plans other than email form)

Kim Weiland noted that this process began early this summer. Inquiries were made regarding this site and the proposed project. The feedback was all good. The application and plans were submitted with no variances or waivers requested. Tens of thousands of dollars have been put into this project. Weiland noted that they have met with the fire chief twice and during the course of the conversations, the concern seemed to have shifted to a structure fire on site. Weiland noted that the information on the Fire Safety Analysis from the Chief does not reflect any assistance from the Mutual Aid system of which Chesterfield is a member. Weiland noted that the mutual aid agreement includes about 50 area departments and is said to work very well. Weiland noted that he heard concerns at the previous meeting and talk of the State Fire Marshall looking over the

proposal. Weiland noted that they spoke with the State Fire Marshall and they will not look over the project unless the Fire Chief requests.

Chesley noted that some of the truck parking has moved 100 feet away, however there are still parking spaces within the 100 feet. The parking that is closer than 100 feet is day parking only. No overnight parking will be allowed within the 100 feet.

Rick Cooper (Fire Chief) noted that 6,000 gallons is not enough water to deal with any issue that may happen at this site. Cooper noted that the mutual aid system does have 50 departments, however there is no guarantee how many people will respond. Most of the departments are volunteer. Cooper noted that the location of this proposal being in a residential area creates the need for evacuation of the area, which requires more man power. Chesley asked with the LP gas tank being buried is the concern a structure fire on the site. Corliss noted that the Chief has expressed concerns with the ability to fight any fire. Parisi asked if burying the LP tank does in fact lessen the risk. Cooper noted that even with the tank buried, there will be lines going to and coming from the tank and even with safety features in place, they can fail. Cooper noted that there are still tanks above ground that also pose a risk. Corliss asked if the Fire Departments suggestion is to deny the entire project based upon the risk of the LP tank having multiple failures. Cooper noted that he is not in favor of the project based upon lack of man power, water supply and potential for EPA issues. Cooper noted that there is a brook just down the hill and that brook empties into the Connecticut River. Troy Phillips (contracted by Dead River) noted that there are redundancies in the safety features. Phillips noted that there is a shut off at the tank and the truck and there will be break away shut off's installed. Phillips noted that there have been no catastrophic incidents on any tank over 4000 gallons since 2011. Phillips noted that in the event of a structure fire on site, the radiant heat would not bother the piping and there is approximately 25 gallons of storage located in the pipes.

It was noted that there are safety features built into the distillate tanks as well. They are in their own containment area and they are subject to EPA review. The slope is positive toward the containment area so if there was a spill, it would be brought back. It was noted that the dike will hold 110% of the largest tank making a need for more than one tank to rapidly fail before it would be an issue. Joe Parisi noted that in reading through the Fire Safety Analysis it is all focused on the liquid propane storage and seems to ignore the distillates located on the property. John Pelletier (Dead River) noted that the analysis is only required for the LP gas and is focused on looking for sources of ignition. Pelletier noted that because the tank is now buried, a fire safety analysis is no longer required. Steve Dumont (Fire Department) noted that when the fire department gets dispatched to a site such as this, they will respond with everything they have as it would not be clear what would be needed. Dumont noted that there will be a truck wash bay which will add to the danger of a structure fire on site. Chris Baldwin noted that the entire truck wash structure will be metal and no combustible materials will be used in erecting the structure. Dumont noted that 6,000 gallons will not be enough water to put out a vehicle fire.

Parisi noted that the board is in a difficult position as there are clear conflicting views between the applicant and the Fire Department and nobody on the board is a fire safety expert. Parisi noted that he would like a 3rd party to review the application and the implications of a fire on the property. Corliss asked the board if they had environmental concerns with drainage runoff. Chris Baldwin noted that the amount of runoff has been reduced from Pre to Post. Baldwin noted that prior to building, the EPA and the State Fire Marshall requires a spill prevention plan and SPCC plan. Dumont noted that under RSA 154 the fire chief has authority and the State Fire Marshall has no authority. Baldwin noted that he misspoke and meant the DES, not the Fire Marshall's Office. The board would like a list of the required permits and the agencies responsible for providing the permits.

Norm VanCor noted that McKeon had a question regarding the steep bank drainage. Baldwin noted that there will be no impact on Brook Street. There is a 6inch pipe that goes into rip rap and the flow can be controlled when the valve is opened. Baldwin noted that the distance to Brook Street is well over 100 feet. Baldwin noted that there are no changes in the patterns of drainage and there will be less water leaving the site than currently leaves the site.

The meeting was opened to the public.

Jeff Scott noted that he does not believe a project like this belongs in a residential area. The highway is not far away and it is an east west highway what happens if there is an emergency and the highway is shut down. Scott noted that this is another threat for terrorism right in our backyard. Scott noted that if the Fire Department indicates they cannot handle an event at this site, the Town should listen and not allow it to happen. Corliss noted that the lot is commercial. Scott noted that the immediate area is residential.

Krisitin McKeon asked how much of this site will be visible from Route 9. Kristin McKeon noted that aside from the important safety aspects, the town looks nice and this should be addressed. McKeon noted that overall she does not see any benefit to Chesterfield if this proposal is approved. Barbara Girs noted that she is completely against the proposal. Girs noted that the Fire Departments concerns should be enough to shut the project down. Girs noted that our fire department could be assisting other areas when something happens at this site. Girs noted that if ascetics would concern her if the project went forward. Girs noted that there will be a revolution in town if it does pass. Jeff Scott noted that he would also be concerned with ascetics.

Brad Chesley moves to close the public portion of the hearing. The motion was seconded by Davis Peach and passes unanimously.

Board discussion:

Corliss noted that his biggest question is the concern of the Fire Department and the weight the board will put on that concern. The board agrees by poll vote that the concerns of the Fire Department should be addressed before moving on to other items in the application.

Corliss noted that the Fire Chief has told us that there is no way the department could fight a fire there, that the redundant safety systems are not adequate because everything fails and that it would take a half hour maybe more to get to a fire at this location. Corliss noted that the Chief has indicated it is to big of a fire fighting task for a volunteer department. Corliss noted that the applicant has expressed there are multiple redundant safety features in place and there is a low probability of anything happening at the site. Parisi noted that he believes the board lacks the expertise to make a determination. Koopmann noted that he agrees the board does not have the expertise. Koopmann noted that he has background in dealing with flammables and accidents do happen. Koopmann noted this may not be the best location for this type of business.

Norm VanCor noted that if the Fire Department is saying they cannot guarantee a response to an incident at this location, they cannot guarantee a response to anything that happens in town. VanCor asked if zoning should be changed to exclude this type of thing and save everyone time and money. VanCor noted that he does not like the answer from the Fire Department but is glad they are being honest.

Rolland Vollbehr noted that the board does not have the expertise and needs help. Vollbehr noted he does not know what the board should do with all of the information and a third party should be contacted.

Joe Parisi noted that there are very divergent pieces of information and he would not want to be the one to make a judgment one way or another without additional expertise.

Davis Peach noted that he believes more information is needed before a decision is made. Peach noted that more information should come from fire people, safety people and environmental people. Peach noted that he cannot say yes or no at this time.

Joe Brodbine noted that he is concerned about the Fire Departments concerns. Brodbine noted that one person showing up is not enough. Brodbine noted that the proposed facility with its safety features is probably safer than many other buildings in the Town. Brodbine noted that with the comments from the Fire Department, he is concerned about approving anything as we do not have a fire department that can put out a fire. Brodbine noted if this application is struck down based solely on the fire department concerns, it brings the town down a dangerous path. Brodbine notes that the Fire Safety Analysis needs to include the distillates on site and come back to the board once that is complete.

Brad Chesley noted that the applicant has provided enough information that the board should be able to make a decision without a third party reviewer. Chesley noted that he is not sure if the concerns brought by the Fire Department are overblown. Chesley noted that the number of people that show up to a call is a direct result of the type of call. Chesley noted that the facts are all here and there are other governmental agencies that will come and inspect the property. Chesley noted that this type of business is needed and the board should go forward without a third party.

Corliss noted that he struggles with being within a town that has two fire departments with no known fire fighting abilities. Corliss noted that a fair amount of money is spent and it is concerning to hear that they cannot come up with a response. Corliss noted that the Fire Department comments make him want to go to the Selectboard and find out what the volunteer fire department is capable of doing and if we have the right ones in Chesterfield and Spofford.

Corliss noted that the board appears to have 2 members that would like an expert, two that would like to move forward and two that would not move forward.

Corliss noted that he would like to ask the selectmen representative to act as the full selectboard for some understanding of the Fire Department and their abilities and limitations. Norm VanCor noted he would do that, but wants the board to be aware that the Fire Department is semi-autonomous.

VanCor noted that the selectboard can ask for information, but they do not have to provide the information.

The board took a 5 minute break here.

Corliss noted that he was approached by a couple people during the break that wanted to speak about the capability of the Fire Department. Corliss noted that he refused to discuss this as it was not part of the public hearing. Corliss asked if the board was interested in additional information from the Fire Department.

Koopmann moved to re-open the public hearing for testimony from the Fire Department. The motion was seconded by Davis Peach .

VanCor noted that if the FD is allowed additional testimony, the applicant and public should be allowed to speak if they wish.

Davis Peach withdraws his second and the motion dies.

Koopmann moves to reopen the public hearing for testimony regarding the fire department. The motion was seconded by Davis Peach and passes unanimously.

Rick Cooper noted that he has volunteered for the Fire Department for 39 years and was offended by the comments made by the board during their discussion. Cooper noted that the board slammed the fire department saying they do not know how to fight fire. Corliss noted that he believes a

comment was made about the inability to get manpower, not inability to fight fire. Corliss noted that he does not believe it was turned around to an inability to fight a fire, but just an inability to foresee when volunteers will be able to show up. Cooper noted that talking about speaking with the selectmen about addressing the issue is a good idea if the town is ready to pay for a full time department.

Dumont noted that the Fire Department has proven it can put out fires. Manpower is always an issue on volunteer squads. Volunteering for a Fire Department is a huge commitment of time and can be very dangerous. The comments made by the board indicate they believe the fire department is inept, but the concerns with this project are strictly with a proposal of this type in this type of area.

Troy Phillips noted that there is a new facility in Swanzey and maybe the Chesterfield Fire Department could go to them and ask them what they are doing. Phillips noted that he has 30 years experience in the fire service and training normally deals with propane. Phillips indicated a willingness to assist in training if wanted/needed.

Corliss noted that the main point seems to be the time it would take to get enough local volunteers that are qualified to the site to prevent any issue from becoming a bigger issue.

Davis Peach moves to close the public hearing. The motion was seconded by Joe Parisi and passes by majority.

The board reviewed the previous missing items list.

Fees have been paid.

The board would like a separate list of local and state permits required.

The building elevation plans must be part of the plan package.

Corliss noted that the applicant will come back at the next meeting with full documentation package and the board will then decide if it is complete.

Parisi noted if he had to make a decision based upon what is known now, he would not be able to make a decision. Parisi asked what is being done in the next two weeks to address the nub of the core issue. Corliss noted that nothing has been proposed yet.

Joe Brodbine asked if all other aspects of the application have been dealt with except the fire safety issue. The board noted they have no other issues with the proposal.

Corliss noted that his intent at the next meeting is to review the complete package, make sure all the details are there and get the board to vote to approve or deny the application.

Corliss moves to reopen the public hearing and continue it to October 3, 2016 at 7:30 PM. The motion was seconded by Brad Chesley and passes unanimously.

Items for Discussion

Master Plan

Brad Chesley noted that the Town applied for a grand and received it. Chesley noted that there has not been a meeting in a while due to scheduling conflicts. Chesley noted an email went out today to Lachenal with some talking points and that email will be forwarded to the board for questions/comments. Chesley will speak with Lisa from SWRPC to schedule a meeting. Some dates that work for the committee are September 22, 27 and the 29th.

Accessory Dwellings

Corliss noted that the draft Accessory Dwelling Unit Regulations are almost complete. Corliss noted that the regulation 207.2 “Mother-in-Law” Apartments will be removed and this will be put in its place. Corliss will look at the final document and a public hearing will be scheduled for the next available meeting. Joe Parisi noted that at the last meeting there was a decision made regarding detached accessory dwelling units being deferred to a later date, which prompted a discussion about the common heated wall and if that should be a requirement and left in the regulations. Parisi inquired if this was still up for debate or if the issue was put to bed. Corliss noted that the public can bring the issue up if the public hearing.

Signs

It was noted that the discussion at the last meeting showed the magnitude of the difficulty in creating new regulations following the new decision. The board will keep working.

Spofford Boat Sales

Lachenal noted there has been no new information.

Items for Information

Planning Board Budget

The board reviewed the proposed budget. Davis Peach noted that he would like a different table configuration which has an area for presenters and allows both the public and the board to see the presentation. Peach noted that he does not like having his back to the public. Chesley asked if a discussion should be held with the Town Administrator to talk with other boards and the selectboard. Koopmann noted he will be attending the selectboard meeting Wednesday (9/21) and will bring it up to the selectboard.

Other Business

Parisi noted that he has driven by Manny’s and noticed that they are doing a lot of digging and changing the site. Parisi asked if they have a modified site plan. Corliss noted that as far as he is aware, there is no permission granted other than the existing signed site plan. Parisi asked if code enforcement is aware. The board has requested Lachenal speak with Code Enforcement regarding how Manny’s site is allowed to be modified without a new site plan.

Items for Signature

Minutes August 15, 2016

Adjournment

Chesley moves to adjourn at 10:47 P.M. Davis seconded the motion which passed unanimously.

The next meeting will be held in the Town Offices at 7:30 PM October 3, 2016.

Respectfully Submitted by:
Patricia Lachenal

Planning Board Secretary

Approved by:

James Corliss, Chairman

Date