

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, December 12, 2016**

**Present:** Davis Peach, James Corliss, Joe Parisi, Rolland Vollbehr, John Koopmann, Joe Brodbine, Susan Lawson-Kelleher and Norm VanCor.

**Call to Order**

James Corliss called the meeting to order at 7:03

**Seat Alternates**

Joe Parisi seated in place of Brad Chesley

**Review of the Minutes**

November 21, 2016

*Davis Peach motioned to accept the minutes as amended from November 21, 2016. The motion was seconded by Joe Parisi and passed by majority.*

**Appointments**

**Town of Chesterfield Planning Board** - A second public hearing will take place to review and vote on the proposed amendments to the Chesterfield Zoning Ordinances: Regulation 207.2 Mother in Law Apartment will be removed and replaced with Accessory Dwelling Unit Regulations 207.2 through 207.2 8.

James Corliss noted that there were two changes made previously that were reflected in this draft. The first change was on page one under 207.2 3 b. It was changed to make it easier for everyone to understand. The second change was on page three under 207.2 5 b. this was strictly a spelling correction. Burt Riendeau noted that he had not been to previous meetings but was wondering what the consideration was for conditional use permits verses a special exception. Corliss noted that the board wanted the Planning Board to look at the process and see how it works and then the plan is to delegate the responsibility in the future. Riendeau asked the board if they considered what happens if an application is denied. Riendeau noted that it is his understanding that it would not go before the ZBA, but straight to court. Riendeau noted that the Town is very used to dealing with special exceptions and this could have been handled using a special exception. Riendeau noted that it appears that the Planning Board is making decisions on zoning ordinances. It was noted that the Planning Board does not deal with any other permits. Davis Peach noted that these regulations were molded after other towns. They were made because the State has changed the law. Riendeau noted if the board considered how many accessory dwelling units currently exist when the regulations were made. Riendeau noted that when the Town decided to get rid of home occupations, it took into consideration how many were in existence and how the existing could be incorporated into the regulations so they were not shut down. James Corliss asked Riendeau if he was talking about

illegal apartments currently in existence. Riendeau noted he could call them that, but they have been used for a very long time. Riendeau noted he is worried these regulations will make a lot of people non-compliant. Riendeau asked if the Town planned on being friendly about the existing ones noting that the intent of the State was for elderly or young people. Corliss noted that the regulations give new opportunity in areas that are zoned for single family residents. Riendeau noted that some do not have kitchens or bathrooms or one of the three criteria needed and that is how they stay legal. Davis Peach noted that this year the board worked on attached dwelling units and next year they will work on detached. It is a work in progress. Riendeau noted he is not sure why the Planning Board wants to act as Code Enforcement and Zoning. Joe Brodbine noted that nothing in the proposed regulation makes anything currently legal become illegal. Corliss asked if the board had any desire to change anything. There were no additional comments from board members. Riendeau asked if the regulation goes before the Town in March. Corliss noted that the Town does vote on it in March.

*Joe Parisi moves that the Planning Board recommend Regulation 207.2 Accessory Dwelling Units, as proposed by the Planning Board, shall be incorporated into the Town of Chesterfield, Zoning Ordinance. Davis Peach seconds the motion which passes unanimously.*

**Town of Chesterfield Planning Board** – A public hearing will take place to review the final draft of the Master Plan update.

The board had no additional comments. There were no questions or comments from the public.

*Joe Parisi moves to accept the 2016 Master Plan as presented. The motion was seconded by Davis Peach and passes unanimously.*

Lachenal will email Chesley informing him and requesting him to contact SWRPC.

Parisi noted that the board does not seem to refer to the Master Plan in the meetings. Peach noted that each member should have the Master Plan in mind when looking at applications. It was noted that the board must follow regulations, but should keep the Master Plan in mind.

**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. (8:02)

The board received an email and new plans last week indicating some changes. Kim Wieland noted that they are no longer planning on having the proposed 30,000 gallon propane tank on site. Wieland stated that they will be reducing the number of trucks parked on site and only distillate trucks will be parked on site over night. Propane trucks will only be onsite during the day for meetings or trainings. The small tank storage will stay and will be limited to a total of 1500 gallons or less on site at one time. The cistern will not be installed. Wieland noted that he believed the board wanted to see a meeting of the minds between Dead River and the Fire Chief and Dead River felt that was not going to happen. Dead River has a greater need for distillates than propane and will just look for propane storage in VT. Wieland noted that there will be 2 30,000 gallon tanks with heating oil, a 15,000 gallon kerosene tank and a tank that is split with on and off road diesel. All tanks will be within the dike and the dike is designed to hold 110% of the largest tank plus any tank displacement. It was noted that there is room in the dike for an additional 30,000 tank with no plans in the near future of expanding. Koopmann noted that earlier discussions refer to the height of the

tanks at 30 feet. Wieland noted that is correct, however the dike is set into the ground 3-4 feet. Koopmann noted that he has some concerns with the drain on the dike leading directly to the steep slope on the east side of the property. Koopmann asked if there was any testing of water prior to releasing it into the ground. Wieland noted that it does not drain directly to the ground, it must go through an oil/water separator first. There is no requirement for any chemical testing prior to the opening of the valve. Koopmann asked if the loading and unloading is done on the pad outside of the dike area. Wieland noted that the pad is designed with a positive pitch so if there was a spill, it would spill into the dike area. Wieland noted that Alexandria did have an overflow occur on their site and the spill was entirely directed into and contained by the dike. Koopmann noted that there are wetland markings on the property down by Brook Street. Wieland noted he is not aware of any such markings. Wieland noted that there are two other plants in NH that are on similar sites and in both places, the dike area and oil water separator have been sufficient. Koopmann asked if DES has been notified of the proposed project. Wieland noted that DES is not involved in the project until after site approval is granted. Lawson-Kelleher noted the board could ask them for an independent review if they choose to do so. Koopmann noted that the drainage on Mill Road side will go down the road and into the wetland on the other side of Twin State. Wieland noted that the drainage on the property mostly heads to the back of the property. Norm VanCor asked if it is normal to approve a plan without obtaining information from DES. Corliss noted that it is normal to give approval without first checking with DES. VanCor noted that with this site, it should be considered that if there was a problem all of the thousands of gallons have the potential to go down the road and into the wetlands and the brook. Peach noted that previously the board decided that there has been no change in the topography and the drainage was acceptable. Peach noted that the State will look over the plans once the approval is given at this level. Corliss noted that this board has to approve something and that approved plan goes to the state for approval. Lawson-Kelleher noted that if the board is not comfortable, they can request a third party review. Parisi noted that the board did previously say they were comfortable with the drainage plan, but have received more information and concerns from the public that should be addressed. Corliss noted that the board is used to dealing with drainage having to do with rain, not the possibility of thousands of gallons of distillates draining into the environment. Koopmann noted he his also concerned with the rain falling into the dike and the process of releasing that into the environment. Peach noted that the public is very concerned about property values.

The meeting was opened to the public.

Jeff Scott asked how many board members have taken the plan and walked the site with the plan. Many members noted that they have walked the site. Scott noted that the project is to sensitive a project for the entire board not to go look in person with the plan. Al Rydant asked when the new plan was provided to the board. Rydant noted that the board is asking for the public to comment, but there has been no time given to review the plan. Corliss noted the plan is the same except the propane has been removed. Rydant noted that removing the propane has reduced the fire issue, but there is still new analysis to be completed. Steve Dumont noted that there will still be propane on site and stored there. Dumont noted that bobtail vehicles will be on site during the day and they will have up to gallons stored there at one time. Corliss asked what that means for the Fire Department, what is required with the new changes. Dumont noted that they have not had time to look it over fully to date. Dumont noted that all of the storage will be kept together in the dike or on the pad and that creates a different set of issues. Kristin McKeon noted that the board should keep in mind that the plant is still on the main east west road and the Town still only has a volunteer fire department. Kristin McKeon noted that even if removing the propane technically removes the need for fire department approval, she would hope that the board would take Rick Cooper and his concerns

seriously. Corliss noted that the board has been taking the concerns of the fire department seriously from the beginning. It was noted that even when a fire safety analysis is not required, the Fire Department is asked to comment on each and every application before the Planning Board. Corliss asked that the Fire Department re-respond and let the board know what they come up with. Cooper will look over the new proposal and provide an update before the first meeting in January. Scott Selvidio noted that there is not as big a turnout as the first meeting because it sounded at the last meeting that the next meeting was in January. Corliss noted that it was stated at the last meeting that there would be a meeting tonight with the intent of not having a presentation from the applicant or the public, however there were major changes made which require more information. Nancy Eddy noted that she has more information for the board, which she emailed earlier tonight. She noted she would not read the entire statement but handed a copy to the board for the file and noted that the issues from the last meeting are still outstanding and noted the board should be referencing the Master Plan and the desire to keep this town rural. Nancy Aichelle noted that her house shares the aquifer with this property and any drainage not tested would affect her drinking water. Aichelle noted that even without the propane there is still a threat of fire. Aichelle encouraged the board to also consider the health and safety of the fire fighters that will be asked to go in and clean up anything that happens on this site. Leslie O'Brien noted that property values are her biggest fear as she can sit on her couch and look out the window across the pond to this site. O'Brien noted that she can also see Twin State, but they were there when she bought her property. O'Brien noted that she has been here 26 years and if this is approved she will have to leave town and does not want to have to leave. Al Rydant noted that there are rumors of a compressed natural gas facility wanting to use the space across from this proposal. Rydant noted that if that was the case, it changes the impact this site will have on the area. Rydant suggests the board look at both proposals in conjunction with each other. Jeff Scott noted that we do not live in a perfect world and accidents do happen. Scott requested the board ask the applicant why they would want to be in a town that clearly does not want them. Corliss noted that was not an appropriate question for the board to ask. Scott Selvidio noted that the property values will go down and that will have a major negative impact on the town. Norm VanCor noted that he has a lot of experience with drainage and noted that with the possibility of a major incident, he feels it is too big to ignore. VanCor noted that hopefully the entire board goes out and looks and requests an expert opinion before any kind of approval. Barbara Girs noted that the applicant still has not answered the question about what this proposal will do for the Town. Koopmann noted that he noticed that the side setbacks seem to be ignored by Twin State and they have vehicles parked directly on the property line. Koopmann noted that could cause an issue with hazardous materials. Lawson-Kelleher noted that the current applicant cannot be held accountable for what another property owner is doing. Lachenal noted that Rick Carrier, Town Administrator has spoken with an assessment firm to begin discussions on looking into the effect on property values. Corliss noted that traffic concerns continue to be raised. Corliss noted that the original plan was sent to the Highway and the PD and came back without comments. It was noted that the board would like the Highway and the PD to look at the current plan and be given another chance to comment. Lachenal will forward the information to both agencies for further review. Koopmann noted he is willing to speak with the DOT office and ask them for any input. The board would like Koopmann to take the new plan and use intensity statement to the DOT and ask for their opinion in writing. Parisi noted that someone should be getting in touch with DES and asking for their input. VanCor noted he has contacts at DES and is willing to get in touch with someone and ask them for their thoughts and opinions. The board would like VanCor to go ahead and contact DES. Nancy Eddy noted that the environmental impact of the truck washing bay should be included in the talk with DES.

It was noted that the Fire Department needs more time to look over the new plan and will get questions/comments to the board as soon as they look it over.

*James Corliss moves to continue this meeting to December 19, 2016 at 7:30 at the Town Office Building. The motion was seconded by Davis Peach and passes unanimously.*

### **Items for Discussion**

Norm VanCor noted that Joe Parisi will be a full member of the board and Susan Lawson-Kelleher will no longer be on the board at the end of December.

### Signs

No new information

### Spofford Boat Sales

Letter went certified and was refused. James would like to send again plain mail only to give him the opportunity to read what we have written without admitting he received it. Parisi noted it was a possibility to have the sheriff deliver them. Koopmann noted the Police chief may be able to do it. Corliss noted we are not looking for him to do anything and therefore there is no need to have it delivered by law enforcement. Letter will be sent via regular mail to assist in getting him the information.

### Brad Rosco – Broadband

Rosco brought in a map of the Town with dots representing residences and business and their access. Rosco noted that he is looking to improve service to the residents. Rosco noted that there would be a few poles and one tower put up around town in the right of way of the Town or the State. Rosco noted that the Town would own the poles/towers and the provider would own the equipment on the pole/towers.

Rosco noted that he is looking to know what is required for this project to go forward. He looked through the regulations, but it was not clear to him. Corliss noted that there is a telecommunication section in Zoning starting on page 39. VanCor noted that the way he read the regulations, it exempts the Town from having to go through the Planning Process. It was noted that it would have to go before Town meeting to be approved. The poles are approximately \$5,000 and tower is \$30,000. Rosco noted that revenue will be generated by leasing the poles to the provider.

Susan Lawson-Kelleher noted that RSA 674:54 deals with this issue. Corliss noted that he believes that Zoning does apply. Corliss noted that a site plan should be done for each site to give the public a chance to see it and weigh in on it if they choose. Davis Peach noted that the Master Plan does include the fact that the town does need more coverage. James Corliss noted he will form a question and speak with LGC regarding this issue.

### Keene PB Procedures

Parisi noted that Keene has 2 full time staff people that do most of the leg work for the board before the public meeting. They have 19 criteria/points which are part of the decision making process and that is driven by the Master Plan. Corliss noted that some effort was put into the checklists that the board currently uses. Peach noted that he likes the fact that Keene deals with issues one at a time and then moves on. Parisi noted that they do not really deal with one issue at a time, but it is much more structured. They listen to the applicant, the public for the project, the public against the project and then the public that is not for or against and then they have discussion. Parisi noted that there was not a lot of discussion after all of the input received and he did leave surprised by the decision.

January and February Meeting Schedules

The first and third Monday's in January are holidays, the meetings in January will be held on January 9 and 23, 2017.

Memo from BOS 7:14

The board reviewed a memo from the Board of Selectmen noting that they would like any motion made that will expend money, to express that as part of the motion.

**Items for Information**

**Other Business**

Norm VanCor noted that in the future the Board of Selectmen hope that the Conservation Commission will be given a chance to look over planning board plans and weigh in prior to a decision being made.

**Items for Signature**

11/7/16 minutes  
Sebastian Plans

**Adjournment**

*Peach moves to adjourn at 10:36 Lawson-Kelleher seconded the motion which passed unanimously.*

The next meeting will be held in the Town Offices at 7:30 PM December 19, 2016.

Respectfully Submitted by:

**Patricia Lachenal**  
**Planning Board Secretary**

Approved by:

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**James Corliss, Chairman**

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**Date**