

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, January 9, 2017

Present: Davis Peach, James Corliss, Joe Parisi, Rolland Vollbehr, John Koopmann and Jon McKeon (7:12)

Call to Order

James Corliss called the meeting to order at 7:05

Seat Alternates

Joe Brodbine seated in place of Brad Chesley

Joe Parisi seated in place of Susan Lawson-Kelleher. Joe Parisi was sworn in as a full member when McKeon arrived prior to any votes.

Review of the Minutes

December 19, 2016

Joe Parisi motioned to accept the minutes as presented from December 19, 2016. The motion was seconded by John Koopmann and passed unanimously.

Appointments

Dead River Company, Rick Fleming - This is 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 will begin by presenting any new information obtained since the last meeting and then new testimony will be heard.

John Koopmann noted that he had previously sent a general inquiry along with the proposed use intensity statement to the DOT and at the last meeting it was noted that the Police Chief and Dr. Rydant had both presented the board with some information. Koopmann noted that following the last meeting, he went to the DOT and gave them information received from the PD. It was noted that Dr. Rydant had already been there that morning with his information for them. Koopmann noted that at that time, he also reiterated and reaffirmed that there could possibly be another development adjacent to that property which would also have trucks entering and exiting that intersection of Mill Road and Route 9 with potentially hazardous materials on board. Koopmann noted that their overall conclusion was that they have an evaluation system in place which has a crossover point and that intersection would have to generate 100 turning vehicles an hour in order for them to conduct a study. Koopmann noted that the Boards concerns do not warrant their involvement. It was noted that the DOT did state that the Town can insist on improvements, but the State DOT cannot justify modifications of this intersection. Parisi asked if part of what they were saying is that the material the vehicles are carrying does not affect the analysis. Koopman noted that the number of cars is the driving force for the DOT. Koopmann noted that he did not mention the

fact that there was a Ford Dealership that opened up a couple years ago and a lane realignment was done on Rt. 9 by the State. McKeon noted that the realignment that was done did not have anything to do with that development.

Corliss noted that there was a lot of discussion about traffic in previous meetings, so he went and sat at Route 9 and Mill Road and watched traffic. Corliss noted that there is 11-12 seconds from when you see a car and when it arrives at Mill Road in either direction. Corliss noted that on average there is a car every 6 seconds on Route 9. Corliss noted that he found a document on truck acceleration and it appears that WB50 truck will, in 12 seconds make it 120 feet going 14 miles an hour with a level start. Corliss noted that while checking out the traffic, he happened to run into a couple of surveyors that were looking at the adjacent site for Xpress Natural Gas.

McKeon noted that in a law suit, the court sided with the Town of Winchester stating that the Town can require more than what the State DOT requires regarding traffic.

Corliss noted that Norm VanCor did research with DES and provided some websites for information. VanCor noted that DES declined to come out to the site as they have no jurisdiction over wetlands offsite. The wetlands being discussed are outside the footprint of the proposed site. Corliss noted that from VanCor's research it appears that if our Town was structured with a Conservation Commission to have a level of involvement with this type of project, they could review the plans. Corliss noted that he believes in NH water becomes the responsibility of the next person when it leaves a site. Parisi asked what the charge of the Conservation Commission in Chesterfield looks like. McKeon noted that he could not recite it verbatim, but it is to oversee and manage Town properties such as Town owned forest and wild lands. They are tasked with maintaining the trails and to preserve open spaces. McKeon noted that they do look at wetlands, but the expertise of the people on the board is not in Wetlands study. Peach noted that protected streams also fall under the purview of the Conservation Commission and they played a big role in protecting Catsbain Brook. Peach noted that he is sure the Conservation Commission would object to this project due to the potential danger to Catsbain Brook. Parisi noted that looking at the Conservation Commission's website, it mirrors the RSA and therefore they have some jurisdiction. McKeon noted that they do have some jurisdiction, but they do not have the expertise. Parisi noted they could consult with an expert. VanCor noted that as the Selectmens Rep to the Conservation Commission, he has mentioned the project to them and asked them to weigh in and attend some meetings. Parisi noted that Corliss was tasked with attempting to facilitate the meeting with the Fire Department, the State Fire Marshall and Dead River. Corliss noted that he requested a call from the Fire Chief and has not heard from him. Corliss asked Deputy Fire Chief Steve Dumont who noted that the State Fire Marshall's office has not yet scheduled the meeting.

Mike Como (resident) noted that he has seen many cars racing on Route 9 in that area and they go 60-70 miles an hour. It is a dangerous intersection with cars going that fast.

Nancy Eddy noted that one issue that has been raised but not really addressed is the whole issue of having fossil fuel in Chesterfield at all. Eddy noted that in the context of regional planning one of the big considerations is supposed to be looking into the future and the effects of global warming. Eddy stated that southwest New Hampshire is experiencing a moderate drought and there is already insufficient water to fight a fire on that site. Eddy noted that some rivers and streams are going to change paths creating flooding and putting a fuel depot at the edge of wetlands threatens groundwater. Eddy provided the board with a letter with her concerns expressed.

Kristin McKeon noted that the appraisal value study that was completed compared apples to oranges. Kristin McKeon noted that the tanks in those sites are horizontal and there are no residential houses directly abutting those sites.

Nancy Aichelle noted that she spoke with someone who runs a business that inspects storage tanks and they were startled to know that the dike containment area was going to be offloaded directly onto the ground. Aichelle noted there are regulations and required cleaning of the oil. It was noted

that the plan does include all of that and if there was a spill in the dike, it would not be offloaded onto the ground. Aichelle noted that the person she spoke with noted a concrete pad should be placed on the site. It was noted that there is a concrete pad on the plans.

Jason Scags (Cross Road) noted that he has 3 kids and they just moved here 3 years ago. Scags noted he loves the area and is concerned to think that his family moved away from Brattleboro to get away from elements such as this proposal. Scags noted that the fact that it is even being considered makes him want to move away as it appears the Town is not looking out for the residents' wellbeing.

Jennifer Campbell noted that the lot is commercial not industrial and it does not appear that the regulations discuss volatile materials.

There were no more comments/questions from the public so the board went into discussion.

Brodbine noted that he would like to get more information from the Conservation Commission.

Peach noted that we know what they will say and it is time for this board to vote. The board was polled to see if they want to go to the Conservation Commission. McKeon noted that he knows

there is no way they would be in favor, but would like to have it in writing. Parisi noted that he also believes having it in writing is important. Brodbine noted that we should get their input. Koopmann noted that sign off is necessary. Peach and Vollbehr voted to not ask the Conservation Commission now. Corliss noted that the Selectmen Representative has urged them to look into this and they have not looked into it and another Selectmen says they do not have the required expertise. Corliss stated that he says no to the task, and concluded that we would not go to the Conservation Commission. In response, McKeon asked why the poll was taken and Parisi noted there was a clear majority in favor of going to the Conservation Commission.

Peach noted that this neighborhood is rural and although zoning may allow this type of facility, it is not appropriate in that neighborhood. Peach noted that he is not against having it in Chesterfield, but not in this neighborhood. McKeon noted that it is the boards' duty to look at and assess the area and the facility that is proposed and although the type may be allowed in that district, that does not mean it should go there. There is elevation which goes down to a protected brook and that is not an appropriate place to store distillates. There is a potential cost to this town and the ground water in this town. Corliss noted that energy must come from where it is produced to where it is consumed, but noted he does not see a safe way to put those trucks out onto Route 9 from that intersection without major construction. The application does not make sense for the Town of Chesterfield.

Vollbehr noted that he has nothing additional to add, and is opposed to the project. Koopmann noted that he has grave environmental concerns, significant traffic concerns and safety concerns, but his biggest concern is the public input and the quality of life in Chesterfield. Joe Brodbine noted that he agrees with the other board members and noted that the appraiser may have said that there will be no change in values, but things are worth what people think they are worth and if the abutters think their home will be worth less, than it will be, which affects the quality of life.

Brodbine noted that the people in Town have spoken and this is not the right location for the project. Corliss noted that it is important to remember the deep concerns voiced by the Fire Department. Joe Parisi noted that it is a matter of risk vs. reward where the project is planned would

result in significant risk, especially to a protected waterway, without any commensurate benefit to the town. As such, he does not support this project at this particular site. Corliss noted that the board's comments are mostly negative, but the majority wanted to hear from the Conservation Commission. McKeon noted that after this discussion, input from the Conservation Commission does not seem that it would hold as much weight.

Jon McKeon moves to deny Dead River Company's application for a Major Site Plan of property located at 22 Mill Road based on the absence of compliance with the Master Plan, the traffic issues that this board sees on trucks entering and exiting Route 9, the exposure to our natural resources if

contaminates leave the site, the fact that approval of this application would result in a negative quality of life for the residents, and the fact that the Fire Department is not equipped to handle an emergency on site should one occur. The motion was seconded by Davis Peach and passed unanimously.

Items for Discussion

Signs

Nothing new to report

Spofford Boat Sales

It was noted that the board has not heard from Mr. Foster in response to their letter. It was noted that it will be put on the agenda for discussion and the board will look at the files and see if what the file indicates matches the current site. Peach noted that there is a sketch drawing in the file. Corliss noted that the board will review the file to make a determination of what the current site plan is according to the Town records. McKeon noted that the easiest way is for the board to look at the documentation and if what is in place today does not match, then a violation is sent. The board will look at the file at the next meeting.

February meeting schedule

Talk again on the 23rd of January

Items for Information

Joe Parisi sworn in as a full member of the planning board (7:24)

Other Business

Master Plan

Lachenal noted that she has received the final bill. The board would like it paid.
Peach will contact Lisa Murphy regarding the rest of the copies of the master plan.

The board would like to add the Conservation Commission to the review process. This changes Land Development Regulations. Discussion will be held next meeting for the changes and a public hearing after that.

Items for Signature

December 12, 2016 minutes

Adjournment

Peach moves to adjourn at 9:00. Mckeon seconded the motion which passed unanimously.
The next meeting will be held in the Town Offices at 7:30 PM January 23, 2016.

Respectfully Submitted by:

Patricia Lachenal
Planning Board Secretary

Approved by:

James Corliss, Chairman

Date