

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

**MEETING MINUTES
FEBRUARY 6, 2018**

Present: Kristin McKeon, Lucky Evans, John Zannotti and Alternates Eric Barron, Joe Hanzalik and Joe Parisi

Absent: Lance Zinn and Selectboard Representative Norman VanCor

The Zoning Board of Adjustment met at the Chesterfield Town Offices on February 6, 2018. Kristin McKeon called the meeting to order at 7:00 p.m.

The purpose of this meeting is to review the draft ZBA meeting minutes of January 9, 2018 and the transcript of the recorded discussion of the hearing for Xpress Natural Gas prepared by McKeon. McKeon stated that legal counsel has asked that the ZBA members go over the minutes from last month to be sure that it was exactly as all members remembered and if there was anything missing or corrections to be made. The meeting minutes will then be sent to legal counsel before the February 13 meeting and he will advise the Board from there. He advised McKeon to review the recorded minutes of the January 9 meeting. McKeon transcribed only the public portion of the Xpress Natural Gas hearing and provided copies for their review.

Zannotti noted that at the last meeting, the Board needed to get counsel in terms as how to answer questions so that it didn't open up a big book and we would be looking for guidance on the wording to try to restrict. McKeon noted that that was one of the reasons why they wanted to look at the minutes to hear what went on at the meeting (January 9). Legal counsel will be coming to sit with the ZBA next week about 6:00 p.m. before the (scheduled) meeting. McKeon will check to be sure of the time. This will be a non-meeting and it is different from a nonpublic because a non-meeting is not noticed and there are no minutes or notes taken and is lawyer-client privileged and it is not open to the public. McKeon noted that counsel will sit in on the meeting as well.

McKeon noted that the Board needs to be sure that the questions that the Board had asked at the meeting were included in the minutes.

The minutes of the hearing for the museum was discussed and corrections were made.

Evans stated that he made a point of asking about the number of lanes, including acceleration and deceleration lanes, travel lanes and turning lanes that were at the intersection near the museum for traffic and safety reasons. Barron noted that a question was asked if there is a turning lane onto Rt. 63.

McKeon noted that a question came up of whether the museum has a gift shop or if more vehicles start parking there, which was one other question that the Board wanted to get advice from legal counsel. McKeon added that the applicant had noted that there wouldn't be very many people at the museum. The Board wanted to know how an increase of vehicles were going to impact, and if the use was going to increase the use or size more than 20%, the applicant would need to come back to the ZBA.

McKeon noted that the ZBA can put restrictions or requirements and limits on a decision of a request. She warned that the ZBA should be very careful on how to grant a variance because

variance approval stays with the property and a decision should stay as close to the spirit of the ordinance as possible.

The Board moved on to discuss the minutes of Xpress Natural Gas.

McKeon stated that she would like to have Nancy Eddy's letter included in the meeting minutes (of January 9, 2018). She noted that everything that has been submitted for this hearing will become part of the file for the record. Parisi noted that the transcription of the minutes should also be noted that it was transcribed by McKeon.

McKeon noted that the Board wanted to request:

- A definition of what constitutes using the property as a truck terminal
- Does occasional use count
- Does casual owner use count
- What is meant by continuous use

The question was asked if a special exception was granted for them to use it as a trucking terminal. McKeon replied that it was a special exception. She noted that a special exception is something that, under certain conditions, is allowed in that zone. If certain requirements are met you could have that. A variance is something that is not allowed and the board is given the applicant permission to do that. Another question was what allowed the applicant to use that property as a trucking terminal. McKeon replied that it is allowed in our regs by special exception. Another question was asked when that special exception was granted and do we have the language of that grant and when was that decision made. This will be a question at the meeting. The Board would like to know the nature of the original exception. McKeon noted that from the minutes of January 9 that special exception was either granted around 1985 or before that.

McKeon noted that she has requested that there be police present during the Xpress Natural Gas hearing at the next meeting. It was not okay that someone left before the hearing ended at the January 9 meeting because they felt intimidated.

Parisi made a motion to accept the amended minutes and to add the transcript as transcribed by Kristin McKeon. The motion was seconded by Barron. Motion passed unanimously.

Parisi made a motion to adjourn the meeting. Evans seconded the motion, which passed unanimously. The meeting adjourned at 8:25 p.m.

The next meeting will be held in the Town Offices at 7:30 p.m. on February 13, 2018.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Kristin McKeon, Chairman
Zoning Board of Adjustment

Date