

**TOWN OF CHESTERFIELD, NH**  
**PLANNING BOARD**  
**Monday, June 1, 2020**

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-929-205-6009 and password 88551572288 or by going to the following website address:

<https://us02web.zoom.us/j/88551572288>

*b) Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <https://chesterfield.nh.gov/>.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 603-499-6534 or email at: [tricia.lachenal@nhchesterfield.com](mailto:tricia.lachenal@nhchesterfield.com).*

*d) Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

**Present:** Jon McKeon, James Corliss, John Koopmann,, Joe Parisi, Joe Brodbine

**Call to Order**

James Corliss called the meeting to order at 7:00 PM.

**Seat Alternates**

**Review of the Minutes**

May 18, 2020

*Joe Brodbine moved to approve the minutes from the May 18, 2020 meeting as amended. The motion was seconded by John Koopmann and passed unanimously by roll call vote.*

## Appointments

**J.A. Mulligan Associates/FedEx** – a continuation of an application for Major Site Development for property located at Coachman Road (Map 12, Lot A1.28) consisting of approximately 22 Acres in the Commercial/Industrial Zone. This is a public hearing and may result in approval or denial of the application.

Corliss noted that there was an open question last meeting. Corliss noted that he went back and read the application and while it is not stated there, the traffic entering and exiting the industrial park will be using the dedicated left and right turn lanes for the industrial park at Stowe Dr. and RT. 9. Corliss noted that he cannot see what other questions the board could have regarding traffic.

Rob Hitchcock was present for the applicant and noted that he does not see any concern with traffic. Hitchcock noted that he talked to Verne at UNFI and he indicated that UNFI truck traffic is down from 5 years ago and about 6 months ago, they moved one of the financial departments to CT and 60 positions went with it. Hitchcock noted that he went this past Friday am to see what the traffic looked like. He noted that there were virtually no delays or backups coming or going in any direction. Hitchcock noted that Fedex left at 8:40 and were all gone within 30 minutes. Hitchcock noted that although there was no delay, they will be releasing drivers as early as 6:30. Hitchcock noted that we are under the COVID situation, and traffic is down, but some of the UNFI employees will continue to work from home. Hitchcock noted that his clear conclusion from what he saw is that traffic will not be an issue. Hitchcock noted the only improvement that could be made would be to put a light up. Hitchcock noted that there is a one page traffic projection in the application. Parisi noted that he passes Big Deal and all pumps are occupied by FEDEX vans. Parisi noted that there is also a lot of traffic going in and out of there. Parisi noted that downstream is his concern and that would be a Town problem. McKeon suggested that the applicant get something in writing from DOT that there will be no impact and that will cover the Town. Hitchcock noted that he will request a statement from DOT. Brodbine noted that at the last meeting, Aldrich noted she had issues about the water runoff. Corliss noted that Aldrich was worried about the wetlands and it was stated that they are on the other side of the property. Koopmann noted that Aldrich also expressed concern about landscaping and he shares the concern and would encourage something put in to insulate the property visually. Hitchcock noted that the property cannot be seen. McKeon noted that there should be something put there to shade the area as they are putting more pavement down. Hitchcock noted that they will put trees in the islands. McKeon noted that they should be something that will survive the salt and other stuff from the winter. Hitchcock will speak to the landscape architect before the next meeting. Hitchcock noted there are 2 islands and they are willing to put half a dozen trees in those islands. Hitchcock noted that some islands will be without trees due to the buried tanks and the guy wires. It was noted that there is a steep slope along the driveway and therefore they will not be adding trees there. Corliss noted that the landscaping would be easy to do as a condition, but the letter from the State is harder. Hitchcock noted that the State permitting is still pending and therefore they have time to wait.

*James Corliss moved to continue the J.A. Mulligan Associates/FedEx hearing to June 15, 2020 at 7:30 via Zoom. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.*

**Nine A, LLC** – a continuation of an application for a Subdivision of property located at 271 Route 9A (Map 5K Lots B3 & 3.1 and Map 5N Lots B9, B1 and B2) consisting of approximately 10.97

acres in the Spofford Lake District and 95.28 acres in the Residential Zone. This is a public hearing and may result in approval or denial of the application.

Joe Parisi recused himself from the application.

Corliss noted that at the last meeting it was requested that the Town Attorney be asked to review the covenants. Corliss noted that he believed that has been accomplished. Corliss noted that there were a couple of thoughts and he believes there has been discussion between the Town Attorney and the applicant's attorney. Bill Satterly noted that he received the suggestions from Town Counsel and they are acceptable. Satterly noted that he does have some reorganization that he would like to do without changing content as well. Corliss noted that the main substance of that in a couple places were added wording "as approved by the Planning Board", noting that the original wording would have allowed the lot owners to change the covenants. Corliss noted that the Town will be looking to be reimbursed for attorney costs for the review of the documents.

Corliss noted that the other issue that was up for discussion was a cistern not being the best use of everyone's money and the offer was to provide some equivalent to what a cistern would provide to the Spofford Fire Department. McKeon asked if the rest of the board was going to be able to review the covenants. Corliss noted that he has not seen that he believed to be final, noting the last one he saw was labeled version 7, clean, but noted it did not have all the changes. Satterly noted that they are willing to incorporate everything that Ratigan wants, but would like to reorganize it as well and it should be a day or 2 at most.

Phippard noted that since the last meeting, the applicant has continued their conversations with Dumont and it has been decided that 9A, LLC will be requiring residential sprinklers in each home. Phippard noted there will be language added to the covenants in that regard with a proposal that meets NFPA standards. That will eliminate the cistern and hydrants. Phippard noted that any kind of donation made or not made from 9A, LLC to the Spofford Fire Department is not part of this application. Phippard noted it will be part of the approved subdivision and will be enforceable. Steve Dumont (Spofford Fire Chief) noted that he has spoken with Phippard and 9A, LLC and he has no issue with the sprinkler system being required for all of the homes. Dumont noted that the State Fire and building codes do not require that, but he is ok with their decision. Dumont noted that having the homes with their own sprinkler systems, and having the Fire Department ¼ mile away and able to utilize current water sources will be sufficient for the subdivision. Koopmann noted that there is a dramatic change from 30,000 gallon cistern to none. Koopmann asked if the board is sure they are providing an adequate solution. Corliss noted that the Fire Department states that we are. McKeon asked if there was a need for any tanks onsite for storage of water, or if the source would be the lake. Phippard noted that residential sprinklers are often made with a Fire Department connection directly to the house with a storage tank in the basement. The Fire Department can come in and flow water through the sprinkler system directly through the connection. Phippard noted they are designed to give the occupants time to get out and for the Fire Department to arrive on scene. Phippard noted that the tanks are located in each home and are in a heated basement and the tank size depends on the size of the structure.

Corliss noted that he is aware that the Board of Selectmen and the applicant have been working on agreements regarding the demolition and does not believe the Planning Board needs to get involved in that part of the process.

Brodbine noted that landscaping had been brought up previously between 9A and the development. Brodbine noted that it looks like there are a few nice big trees there now and if those are left in place, that should satisfy the requirement. Corliss noted that on lots 1 and 5, there are trees on the plan that will remain, but he would want to require the landowners to provide screening. McKeon noted that the board needs to start looking at landscaping and screening on every application.

McKeon noted that even if there is a view that should be maintained, the board needs to address that and make that decision. Phippard noted that there are several trees large trees on the boundary that are pretty healthy and they have no intention of removing or altering them. Phippard noted that any damaged or unhealthy trees will be removed and there are a few trees that will be removed to allow for drainage. The trees that are in the lake, have to be left there for the month of June which will be included in our alteration of terrain permit.

The meeting was open to the public:

John Zanotti (interested party) noted that if individual homes have 600 gallons for localized sprinkler systems, how long will that last and is it a sufficient amount of time to respond. Corliss noted that he is sure it depends on how many sprinklers are activated. Dumont noted that each system will be designed by a fire protection engineer. Dumont noted that 600 gallons is the starting point. The gallons will depend on the size of the building. Dumont noted that it is enough time for the occupants to leave the house. McKeon noted that there are NFPA requirements that will have to be met and that will be driven by the number of bedrooms, the size of the house and the building materials.

Jeff Scott asked if there will be anything in the covenants about any work with the stone wall on the lake side. Corliss noted that this board has not required it. Scott asked if the board could require it. Corliss noted that he does not know the answer to that, but does know that the board has not required it. It was noted that it has been discussed at prior meetings and the applicant has indicated that it will be left to the individual lot owners to maintain their shoreline.

*James Corliss moved to continue the public hearing on Nine A, LLC to June 15, 2020 at 7:30 PM via Zoom. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.*

**Mary Johnson Owner of Mary's Kitchen, LLC** – An application for a Small Vendor Permit in conjunction with an existing commercial enterprise on property located at 783 Route 9 (Map 4, Lot A12) consisting of approximately 4.02 acres in the Commercial/Industrial Zone. This is a public hearing and may result in approval or denial of the application.

Corliss noted that the first thing the board needs to do is find the application complete enough for review in order to discuss it.

*Joe Parisi moved that the application for Mary Johnson Owner of Mary's Kitchen, LLC is complete enough for review. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.*

Coliss stated that normally the applicant describes the plan. Mary Johnson noted that she started talking about having a food truck and everyone she talked to thought it was a great idea and that Chesterfield would be a good location . Johnson noted she spoke with the Town Clerks office – Corliss interrupted and noted that the board is more interested in the plan. Johnson noted that the cart would serve hot dogs, hamburgers and good homemade food. Johnson noted that she would like to be open from May 1<sup>st</sup> to November. Johnson noted that this is a good opportunity for people to have food local and not have to drive to Brattleboro or Keene. Corliss noted that the site plan is important. Johnson noted that the property is across from Stowe Drive and is owned by CRR leasing.

Corliss noted that the board would have to accept the waiver request to continue with the hearing. Johnson noted that there is an updated plan that zones in on the area that would be utilized by this project. Corliss noted that the applicant provided a site plan that was not accepted by the Planning Board, but would like the board to accept it as acceptable. Koopmann stated that he presumes that the abutters are not updated. Johnson noted that the abutters were updated. Corliss noted that there

is a waiver request for a waiver and asked what the board wanted to do with that. It was noted that the property was divided on the plan, but it is one lot. McKeon noted that he believes this proposal may work, but the question remains that we need to decide if we let things go on the property that is already being used without a site plan. Parisi noted he is ok with waiving the existing site plan requirement, but the proposed site plan has a number of errors that would not allow him to be comfortable approving as it is provided.

*Joe Parisi moved to approve the waiver request for requiring submission of the existing site plan. Joe Brodbine seconded the motion.*

*Discussion: McKeon noted that his reservation would be that it may provide a cover for what is there now and create an inability of the Town to have that property come into compliance. Corliss noted he drove by and could not discern what the activity is currently on the site. Brodbine noted that he does not see approving this application as an indication that the board is blessing on what is there or not there. Parisi noted he has no problem with waiving the required existing site plan, but once this goes in, it lays claim to the full site. Parisi noted that we are waiving it for this application, not granting any authority on the rest of the lot. McKeon noted that the lot is zoned commercial and has not been commercial at any time this property has been used. McKeon noted that the owner would need to come to the Planning Board to get approval for anything on the site. Brodbine noted he believes that this application would not take away the Towns ability to address the property as a whole.*

*The Vote on accepting the waiver: No: Corliss, Mckeon. Yes: Brodbine, Koopmann and Parisi. The Motion passes by majority.*

Johnson noted that she was listening to the fedex application and they spoke to a couple people about traffic and they are right across the street. Corliss asked if she provided a traffic study.

Johnson noted she spoke with Andy and he had spoken with DOT and they came up with a plan to block half of the entrance and only allow one way traffic. Johnson noted that Andy spoke with Chief Chickering about the one way traffic and Chief liked the idea a lot. Johnson noted that the area is well known and people know to slow down in that area. Corliss noted that Chief Chickering provided a detailed report. Parisi noted that he believes that Chief Chickering raised some serious concerns about traffic in that area. Brodbine noted that although Chief raised some serious concerns, this regulation allows us to rescind an approval and that means we do get more than one bite. Johnson noted that she understands some concerns about the traffic, but it is no different than going into united foods or FedEx. Johnson noted that everyone pays attention in that area. Corliss asked the applicant if she is familiar with left turn lanes and right turn lanes and their purpose.

Johnson noted that she does drive. Corliss noted that there are left and right turn lanes to allow safe turning into Stowe Drive. Koopmann noted that another element would be anticipated pedestrian traffic attempting to cross Route 9 from Stowe Drive. Koopmann noted that would be a terrifying prospect. It was noted that Chief Chickering did mention that in his report as well.

The meeting was opened to the public:

Bob Maibusch noted that he fully supports this application. Maibusch mentioned that someone brought it up earlier; this type of application affords the Planning Board the ability to reassess if there is an issue. Maibusch noted that he has heard a lot of people talking about economic development and this is one way to do it. Maibusch noted Mrs. Johnson should be given a chance. McKeon noted that if we are looking at this from a regulation standpoint, there is a curb cut off Route 9, but the ingresses and egresses should be from the lesser traveled road, which is Poocham Road. Corliss noted that option is not before the board. McKeon noted that he is looking to alleviate some of the concern. McKeon noted that he hears Mr. Maibush's point, and would like to help establish a business, however serious injury or death as a result of an accident here is the concern and the damage will have been done before the board has a chance to reassess the lot. Brodbine noted that if they used Poocham Road, they would have the same issues as turning into the lot.

Corliss noted that there is a breakdown lane and there is a passing lane in the other direction when turning into Poocham Road.

Margaret Helpert noted that she supports the application. Helpert noted that her location is at the corner of Sargent Road and Route 9 and there is no turn lane at that location. Helpert noted that if there are issues, then the board can change it. Jeff Scott noted that he helped with the plan and would like to see Mrs. Johnson succeed somewhere on Route 9, however he is not sure if this is the best location. Scott noted that if you want to experience it, make the left hand turn into the lot. Scott noted that people coming up behind you do not have a lot of notice to slow down. Scott noted he is not sure it is the safest location. Scott stated that all it takes is one bad accident.

Brodbine noted that traffic is the big issue for him with this application. Brodbine noted that the Chief's letter does not say he supports or does not support it, and maybe the board should query the Chief again and ask how strongly he feels. Corliss noted that the Chief did his report noting what he saw, but he does not make recommendations, as that is the job of the board. Parisi noted that he has the same concerns with traffic as everyone else. Koopmann noted that he feels strongly about supporting businesses, however the location terrifies him. Koopmann noted that if the applicant could live with using that site, but entering and exiting on the side road, he could fully support the application. Koopmann asked if it was possible to make a motion to continue if an alternative entrance were being considered. Corliss asked the applicant if she would be interested in a continuance to submit revisions. Mrs. Johnson noted that she does not know what other revisions to make. Johnson noted that she has spent all her money on this project. Parisi noted that the idea that was thrown out was not a different site, but different access to this site. Parisi noted that this will not change the business, but will allow safer access to the site. Corliss noted that the suggestion has been made, but it would not necessarily pass. Corliss noted that the question to the applicant is if there are further revisions that they would like to make and come back again in 2 more weeks with those revisions. Johnson noted that she does not have any revisions to be made.

*James Corliss moved to DENY the Mary Johnson Owner of Mary's Kitchen, LLC Small vendor permit in conjunction with a commercial enterprise application primarily on the basis of traffic concerns. The motion was seconded by Jon McKeon.*

*Discussion: Koopmann asked if denial of this application would prohibit her from reapplying with a different entrance. Corliss noted that she could come back to the board with a significant change. Koopmann noted that the board could continue the application instead of denying it in anticipation of the change in entrance. Corliss noted that the board could do that, but it does not seem to be forthcoming.*

*Vote: Yes: Brodbine, Parisi, McKeon, Corliss. No: Koopmann  
The motion passes by Majority roll call vote.*

## **Items for Discussion**

Corliss noted he is trying to come up with a good way of describing what should and should not go to the board. One didn't go this week, and another that did go with a series of questions. This may not be the right night to do it – it has to be a topic of discussion at some point.

### Dan Garant – Conceptual consultation ADU

Corliss noted that conceptual consultations are non-binding on either party and minutes are not kept.

*Joe Brodbine moved to authorize James Corliss to speak to Code Enforcement regarding the ADU application. The motion was seconded by Jon McKeon.*

*Discussion: Koopmann asked if the board could take that action from a conceptual consultation. Corliss noted that it was moved. Roll call vote was unanimous.*

**Brady – Review for Completeness - BLA**

The board reviewed the application noting the following:

Brodbine noted that the front setback on Farr road may be incorrect. Phippard noted that it is incorrect and will be fixed.

The board noted no other issues or concerns. Phippard noted that he will get a new plan submitted to Lachenal this week.

*James Corliss moved to schedule the public hearing on Peter and Jill Ann Brady on June 15, 2020 at 7:30 via Zoom. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.*

**Items for Information**

Koopmann asked when the board was going to talk about steep slopes. Pairis noted he was tasked with the discussion about that, but due to the severity of the agenda, it has not happened yet.

**Other Business**

**Items for signature**

**Adjournment**

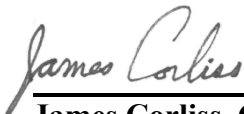
*James Corliss moved to adjourn at 10:12 P.M. The motion was seconded by John Koopmann and passed unanimously by roll call vote.*

The next meeting will be held virtually at 7:00 PM June 15, 2020, please see the Town Website calendar (<https://chesterfield.nh.gov/events/>) for the meeting ID.

Respectfully Submitted by:

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

Approved by:

  
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**James Corliss, Chair**

16JUN2020  
\_\_\_\_\_

**Date**