

**Chichester Planning Board  
Minutes of Meeting  
Thursday February 4, 2021**

**Members Present on ZOOM:** Stan Brehm (Chairman), Michael Williams, Richard Bouchard (ex-officio), Tom Jameson, Allen Mayville, Tom Houle, Dan Humphrey, Dr. Kevin Mara, John Healy, David Jobin and Kristy Willey, Secretary.

**Others present on ZOOM:** Jodi Pinard, Matt Monahan, Chief Quimby, Jonathan Halle, Attorney John Arnold, Mark Blasko, Donna Chagnon, and other members of the public.

**Mr. Brehm called the meeting to order at 6:30pm**

**Mr. Brehm read this into the minutes:**

As Chair of the Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming 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 ZOOM for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # **+1 253 215 8782, : Meeting ID: 812 4413 2712 & Password: 316915**

. Follow along using a digital copy from our website at: ChichesterNH.org. We will also be streaming the meeting as a webinar which you join by going to this link :

<https://us02web.zoom.us/j/81244132712?pwd=Mk9qUlhISE90b3ZDeTRqT1cudGk4dz09>

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

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Board at: [www.ChichesterNH.org](http://www.ChichesterNH.org).

*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 603-798-5350 ext. 201 or email at: [KWilley@ChichesterNH.org](mailto:KWilley@ChichesterNH.org)

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

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let us start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

A roll call vote was taken, and the attendees are listed above.

**Approval of Minutes for 02/04/2021-**

Mr. Jameson found an error on page 5, third paragraph. It should read other and not over.

Mr. Brehm asked that moving forward the pages be numbered to make it easier to find things.

Mr. Williams made a motion and Mr. Houle seconded to approve the minutes with the changes discussed. Roll Call Vote. Brehm, aye. Williams, aye. Bouchard, aye. Houle, aye. Jameson, aye. Humphrey, aye. Mayville, aye. **Motion passes.**

**Continued Public Hearing**

**Site Plan-Chichester Commons**

**Location: 114 & 114A Dover Road, Map 4 Lot 161 & 161-A**

**Developer: Jonathan Halle**

**Developers Attorney: John Arnold**

**Engineer: Bedford Design Consultants, LLC.**

Mr. Arnold stated that he did submit a narrative in support of waiver number 2. This was distributed to the Board ahead of time so they could review it.

**This meeting was transcribed for an accurate record of the meeting.**

Mr. Brehm

All right. Moving on. Let's go to our first continued public hearing for Jonathan Halle, and Chichester commons. Jonathan, you should give us a little overview, and then we will go from there.

Mr. Halle

So where we left off was the last waiver. And I've asked John Arnold, who was the attorney I was working with, that actually worked on the application to join us on this call. I do believe he's there somewhere. Yes, he's there. I think I'd like to ask John to explain our position on that waiver. And then I guess it goes back to you. Is that seem fair?

Mr. Brehm

Yep. Okay. I am just going to make sure if anybody raises their hand, I have to bring it up, so I might not see you, but I have a list up here. So just do that. If you want to speak. Go ahead.

Mr. Arnold

Good evening, Mr. Chair, members of the board. I'm John Arnold. I'm an attorney at Hinkley, Allen and Manchester and represent Chichester commons, the applicant tonight. So, I had submitted a written submittal addressing the waiver issue tonight. I believe you all have it. It's somewhat lengthy. I'm not going to read the whole thing. But I do want to just kind of highlight a few points and summarize it for you. The waiver issue tonight, as you know is to allow 24 units on five and a half acres were 13 acres is required. In terms of background for this project, which I think you're probably fairly familiar with based on the last couple meetings. But just to touch on it briefly. The project initially began in 2015. When Mr. Halle applied for a

density waiver to allow 41 elderly housing units on 2.3 acres. The waiver was sought prior to and separately from any site plan application. There wasn't any site plan application that had been put in at that time. And the reason for that was because the design and financing process for a project like this is both slow and expensive. And the purpose was to determine whether a suitable density would be allowed by the town for Mr. Halle to proceed with the kind of the time and expense of doing a full design and the financing process for it. Back in 2015, the board granted the density waiver along with several other waivers, making several explicit findings regarding the project and how it met all of the waiver criteria. And in reliance on that Mr. Halle proceeded to design and finance the project. Over the course of about a five year period, the project had some minor changes, which brought it back to the board and which you guys are probably familiar with. But in the end, you know, those changes were done to essentially meet financing requirements from the New Hampshire housing Financing Authority. And in the end, he finally ended up with the project that you have and the design that you have before you with this application. And that's essentially the same elderly housing concept that was initially proposed back in 2015. But with roughly half of the units, and with nearly twice the acreage, which results in roughly a quarter of the density that was originally granted a waiver in 2015. I posit to you and I put in my written letter that I believe the 2015 waiver continues to apply to this project. But at the very least, I think that the board's analysis that it conducted in 2015 should guide the board's review of the same waiver criteria tonight. As for those specific waiver criteria, criteria number one is that granting the waiver would not be detrimental to the public safety, health or welfare or cause injury or damage to other property or failed it failed to promote the public interest. The board found in 2015 to 41 units on 2.3 acres would pose none of these harms. The current proposal is reduced that density by roughly 75%. And as such any perceived impacts of the project have only been reduced in kind. Although we are seeking an increased density over what's allowed by right for multifamily housing generally, it's important to realize that elderly housing is typically a less intensive use than other forms of multifamily housing. All the units in this project are single bedrooms, there won't be any kids living here, many of the residents based on the age restrictions will be retired. So there's a decrease in traffic and so on. The actual impacts the development, even with the increased density are therefore relatively minor and don't pose any risks to public safety, health or welfare. I would note that most development regulations recognize this distinction between elderly housing and other forms of multifamily housing. For example, Concord allows greater density for elderly housing, presumably for much of the same reasons, it's a less intensive use than other forms of multifamily housing. In fact, Concord allows 14 units per acre, just as an aside for elderly housing. So this, this development, theoretically could go on a one acre lot and Concord. I'd also note that the DES septic loading requirements are much less stringent for elderly housing than other forms of multi-family housing, particularly workforce housing. And that also reflects the lesser intensity of use. Now the Chichester ordinance doesn't get into this granular level in terms of distinguishing between elderly housing and multifamily how other forms of multifamily housing for purposes of density. But I just want to point out those distinctions and in many cases there, they are treated differently for purposes of density. The basic concept behind this project is that to have a successful elderly housing development, you need to have a critical mass of residents so that it can support adequate services and can generate a sense of community for a population that's often less involved with the broader community and more isolated, the density waivers necessary to create this critical mass and without it, you end up with small scale scattered elderly housing, which quickly becomes unaffordable, and fails to provide any amenities or sense of community that these residents need. So in a sense, granting the waiver for increased density helps to promote the public interest. Criteria number two is the granting the waiver would not vary the intent of the master plan. The master plans goals with respect to elderly housing have remained largely unchanged since 2015. When this this application first came up. senior housing is still identified as the second most desired housing in Chester. It's behind only single family homes. The 2020 master plan update finds the planning for Increased older population with lower incomes will be essential to the future of housing and try Chester and that elderly housing must

have access to appropriate amenities. The master plan also expressing notes that allowing increased density will help reduce the cost of housing for seniors. Our waiver request is aligned with all of these aspects of the master plan. One, it supplies the elderly housing that the town has recognized that it needs to it creates a critical mass necessary to warrant various amenities such as in how social services, bus transportation, common community space for activities, and so on things that you don't have with smaller, more scattered elderly housing projects. And third, it reduces the cost to make the units more affordable for residents. I'd also know that the project will enhance the town's tax base, particularly because there'll be no impact on the school system, there won't be any kids or school aged children living in this development. Criteria number three is the granting the waiver would not substantially compromise the goals objective standards and requirements of the commercial village district. The goal of the commercial village district is to create a village zone has a mix of uses and services. It's designed to slow down traffic coming through that area create a more pedestrian friendly area where you know it has a village feel with a mix of use and services. granting the waiver for this project doesn't compromise any of those goals and actually supports them because it constant concentrates a population and the targeted area and allows a critical mass of residents to create a sense of community as desired in a village area and, and supports the other businesses and services in the area. There are also sidewalks on both sides of Route four in this area, which would serve served as well. Criteria number four is the granting the waiver would be reasonable and appropriate. Due to the scale and size of the proposed project. In 2015, the board found that a project with 41 units would be appropriate for this property, that a project of this scale would bring certain efficiencies along with it, and the requiring a larger lot would be a waste of other valuable land in the town. The current proposal was for a quarter of the density previously approved. So all of this rationale is even more compelling here. The fifth criteria is the granting the waiver would protect natural features that would otherwise be impacted. It's important to note that elderly housing generally has less need for open land because there aren't any families or children living in it. And in many cases, the residents are physically active and less physically active. As I mentioned before, this is often reflected in development regulations allowing increased density for elderly housing and less stringent requirements for the septic loading. Given the senior housing is generally less intensive than the other forms of multifamily housing, it would be a waste of land or require the full 13 acres for this project, which is something that the board noted back in in 2015.

That's a summary of the waiver criteria itself, I would just like to wrap up by saying that I understand that this has been a very long, arduous process, both for the board and for the applicant that's been going on for several years. Ultimately, we feel that it's resulted in a final design that has your impacts less intensive lower density is more aligned with the zoning requirements in the town. Not only has there been a reduction in the density by about 75%. But the applicants made several other changes to make the project more conforming in terms of reducing the building height, changing the grading around the site and eliminating some of the waivers that were previously required. We do firmly believe the project is well suited for the location and it will help serve the town's expressed need for affordable elderly housing. And even if you set aside any disagreement over the effect of the 2015 waiver that was granted, this project satisfies the waiver criteria for the increased density. And, and we appreciate your time and your thought that you've put into this. And we're happy to answer questions but we respectfully ask you to do approve this way, right.

Mr. Brehm

Okay, I have a couple of quick questions based on something you just said. First, you've referred to this project being a quarter of the size I come up with approximately 60%, 24 units as opposed to 41 units. It's more like 60%. It's not one quarter.

Mr. Arnold

So there's two things that have changed in terms of density. The first is that the number of units is decreased from 41 to 24. Right? It's changed is that the lot size is increased from 2.3 acres to 5.5.

Mr. Arnold

Right? Okay. All right.

Mr. Arnold

That's what I'm referencing for the quarter. The last merge, the initial waiver was granted for 2.3 acres. It's a land condo now. You know, even if even if you still consider it 2.3 acres as a land condo, it's you're correct. It's roughly 60%, or just over half of it.

Mr. Brehm

And then the other thing you just mentioned, use the term lower income housing. And I don't believe in all our notes and all the meetings we've ever said that there was going to be any limit on the income that was with the project that had 13 units, but I don't believe it's been stated that these will qualify for like workforce housing or anything? No, is there an intention to have lower income housing here?

Mr. Arnold

I'll let Jonathan address that. Okay.

Mr. Halle

So two things, I just want to go back to the density issue. The 2015 application also had a 10,000 square foot retail building, part of that approval process. So when you talk about density of 41 units plus 10,000 square feet of retail space, that was conceptually approved, the density No, and then you add the additional size of the lot. The density is, is sizably. decreased the issue of affordable housing this, this is an over 55 affordable housing project. It is not classified a workforce housing, workforce housing is workforce, over 55 is designated over 55. Housing. In fact, NFFA qualifies it as over 62. Housing. So over 62 housing. And again, this is not we haven't been awarded financing, yet the application is pending approvals. But my assumption should we be granted funding would be that people would have to make 60% of make less than 60% of mean income to be able to live here. So it is affordable, classified over 55,000. Okay,

Kristy Willey

The guidelines will not be chosen until your until you're approved. Correct?

Mr. Halle

No, that is not a certain it depends on the funding pool that never pulls their money from the more restrictions, the higher its scores. So at this point, it's classified as an over 55 housing project in an application to NFFA. Then they go through their funding criteria and how they review their applications. They score those applications, certain projects score better than others, certain projects will get different financing than others.

Mr. Brehm

Okay, I have a couple of hands raised from board members, Dan. Richard. Yeah, I see him. Dan, go ahead.

Mr. Humphrey

Just a couple of points. There is reference to the 2015 approval. I just want to point out that this is a new project, the 2015 approval, I don't think has much impact on this current project. And this is all in reference to point number four. So being reasonable and to scale. You also mentioned that Concord zoning is 14 units per acre. I mean, obviously, we're not concord, we have a completely different master plan and goal with our zoning. This also appears to be fairly well outside of our current zoning, you're looking for the project to be approved on five and a half acres versus the 13 acres that would be required if we were to adhere strictly to our zoning. 13 acres might be too much or unreasonable. But this is certainly much, much less than that. As I said, it's outside of our current zoning quite a bit. I also point out that we do need housing, we do need affordable senior housing. And I think that that was kind of the extent of my comments. I mean, this, this is a very tricky project. It's a very small lot compared to our current zoning. And I'm really having a hard time wrapping my head around. Why this particular waiver number four should be granted. And as I said, I mean it's an it's a project that's needed, but it's also a project that's trying to be squeezed in on an area that is quite a bit smaller than what it should be required.

Mr. Bouchard

It's just a quick one, it's about the density as well. And we're referring to what's five and a half acres. And Dan just referred to it's with the calculations of 13 acres. If it's five and a half acres, when we joined both blocks together, there's still another building and parking on that other lot. And so that's all going to be taken into consideration that that's all gone away. So it isn't five and a half acres of buildable acres for this 24 unit. So it does scale back towards the two and a half acres of three acres, whatever it ends up being, so the density is increased. And the numbers are different that way. So that's just one of the points I wanted to bring up for now.

Mr. Brehm

Anybody else on the planning board have any comments based on what the attorney just said? Then we're going to go into discussing the waiver. The one waiver that we need to deal with this evening.

Mr. Williams

This is a question for attorney Arnold. If he doesn't mind, fielding. If I heard you correctly, I think you stated that the position is the waivers granted in 2015 should be considered kind of open ended, to find a project that would fit into those waivers. And we've been doing that for five years. If we approve waivers tonight, and if we approve this project, Mr. Halle stated that it hasn't yet been approved for funding. What prevents us from being in this exact same position with compounded waivers five years from now discussing a project that may or may not exist? I mean, I'm a little uncomfortable with having open ended waivers granted five years ago, when whatever we do now, I don't consider to be open ended for another five years. could you address that, please?

Mr. Arnold

I think it's a good point. And I don't think it would be reasonable to suggest that a waiver granted in connection with an application would have an infinite duration. There's a couple of unique things that are going on here. The first is that the waiver that was granted in 2015, wasn't granted as part of any site plan application. And so it was a waiver that was granted before any

applications went in before a project was designed. And I think for that reason, it should be looked at a little bit differently than typical waiver that the board addresses when it's reviewing a specific application for a specific project. And as I said at the outset, I think the reason for the applicant doing that, at that time and for the town entertaining that at that time was the recognition that a lot of work and a lot of time has to go into this project to get it off the ground. And if the applicant knew on day one, the town wouldn't support a density of that time, 41 units, he didn't want to embark on the time and expense of designing a project and doing all that. So I just think that we need to look a little bit differently at the impact of that 2015 waiver, because it was granted in a different context then waivers are usually granted. Now, having said that, I don't think it's reasonable. And I wouldn't suggest to you that, oh, you know, a waiver should last even in that circumstance should last forever. There needs to be some reasonableness to it. And my point tonight, is I think that where we have wound up with this application. And the reasons for its changes over the past few years are reasonable. And I think we're winding up with a project that is better suited for the town. It's a smaller deviation from the zoning requirements. And it makes sense that the 2015 waiver would apply both for the fact that it was granted independently of an application. And because the analysis that went into this specific waiver criteria at that time is even more compelling with the changes that have that have occurred to the project. If I may, well, I have the floor. Is it okay, Mr. Chair to address a couple of the other comments and questions that were just made, or you want me to wait to do that.

Mr. Brehm

Well, um, I guess Mike Williams has a question still.

Mr. Williams

I just have a follow up to what he just said. Okay, and correct me if I'm wrong. I don't mean to put words in your mouth. But if you feel that the 2015 waivers are still applicable at this point, aren't you conceding the fact that it's expired because you applied for a new waiver in January of 2021. If you're contending that those pre existing waivers are still applicable. You've reapplied for a new waiver rather than trying to enforce the 2015 waiver.

Mr. Arnold

I hear what you're saying, it was certainly not the intent. I think Mr. Halle was instructed to put in a new application and new waiver requests, when he initially tried to come in for a site plan amendment for these changes, and has just been trying to comply with the procedure that the board wants to follow. And we respect that. And we're trying to do that. And understand if that's, you know, your position on the matter, but it certainly was not his intent at any point along, you know, the past few years where different applications have come in from or otherwise, do have, you know, waived or forfeited that that 2015 decision. Okay, thank you.

Mr. Houle

A couple points. One being that on July 12, of 2018 we talked about this, this waiver on the 14 unit multifamily had 5.5 acres. And that motion, only passed four to three. So it wasn't like this hasn't been a concern with all of us for quite some time. Also, it was stated somewhere along the line here about zoning hadn't changed any and I believe we did some work with zoning on Main Street and talked about housing in elderly housing in kind of setting up something there for a more of a village type structure, kind of like a heritage heights kind of thing. And in that past was what we did with the density and all that. So we had worked our way to a whole different steam and what was up above with this particular project. And we got a lot of pushback

from people when that first project was brought up, as I recall from different people in town that's kind of why we went with we did with the mainstream. We and the charrette had a lot to do with all that.

Mr. Brehm

All right. John, you had some other comments you want to do address.

Mr. Arnold

Sure, if this is the appropriate time, there were a couple of comments that I did just want to touch on. So, I believe Dan had made a comment that, you know, there he has this sense, this feeling that we're trying to squeeze a project into a you know, a lot that's too small for it. And while 13 acres, maybe too much, five and a half acres isn't enough, and I'm not trying to put words in your mouth. And that's just what I've just got jotted down from my notes. So correct me if I'm wrong. I did just want to say that what we're starting with is a premise here for elderly housing that we need a critical mass of residents and a critical mass of units for it to be successful both for those residents, and for the town and for the developer. And the proposed density of or not the proposed density, but the proposed number of units, 24 units, requires 13 acres. And if you look in the zoning district that we're in, there's only one lot that has 13 acres, and it's the RV dealership, which is already built out. So if the town has a desire to put multiple, excuse me elderly housing in this zoning District, which it does, pursuant to the terms of the zoning ordinance, and the master plan, there isn't a way to do it with the lots to get this many units. And like I said, maybe the board decides that it wants, you know, elderly housing with fewer units. But for the reasons that I've touched on a couple of times, I think that's very problematic, because it results in small scale scattered developments that don't provide the elderly residents, the amenities and services they need. And it often results in increased costs and rental rates for those units that you don't you don't have the efficiencies that you gain with a bigger unit or bigger project. And the second thing was that I just wanted to touch on Mr. Bouchard noted that we're talking about 5.5 acres here and there are other buildings on it. So it's not really 5.5 acres for this use. It's really the 2.3 acres, and I understand that viewpoint and I would just say that even so the depth Isn't increasing, and maybe I misunderstood the comment. The density is decreasing from 2015 by, you know, roughly half or 60%. It is increasing somewhat from the workforce housing projects that came in, in the interim where, where they went down to, I think 13 and 14 units. However, understanding that those workforce housing projects and the number of units were multi bedroom units, as opposed to single bedroom units, so the overall impact is much less minor. But the overall density, even looking at the project as being on 2.3 acres is a much less dense project than what was initially started as the elderly housing concept in 2015. So I just wanted to make those clarifications.

Mr. Brehm

Richard Bouchard read something you want to say.

Mr. Bouchard

John, or attorney Arnold, I just want to make clarification. I own property in the commercial village, and I got over 14 acres that's commercial mixed use and it's right beside and right behind camper world, the RV place. So there are lots available and if you're willing and you have enough money, I'll sell you the lot. So I'm just correcting there are lots available, they might not be for sale today. But there are places in the commercial village that are still available to do develop.

Mr. Brehm



Okay, um, I think at this point, I'd like to have a discussion with the board, as far as the individual criteria are, and then we can have a vote. I think in the end, we should probably have a vote on the merits of the waiver. And just for everybody's record, we have approved the waiver for the size of the footprint of the building, and we no longer need the waiver for the parking or the height because they have reduced the height of the building and added parking.

Mr. Humphrey

It's minor, just to clarify what the attorney was saying. It's more about the size and scope of the waiver, versus the scale, or versus the size of the lot. And I'm really having a tough time figuring out how it's supposed to even remotely fit at our current zoning. And I think that, regardless of my personal feelings about the project, it's our job to be able to justify going this far outside of the current zoning that we have. It's not like a couple of units being extended here and there, off the top of my head of at least one project, which was shut down on density exclusively, and it was a much, much bigger lot. There's obviously a different zoning area, there's a bigger lot with fewer units, and we shut them down based on the zoning we had. So sticking with that precedent, and that train of thought I want it's the size and scope. And I'm really having a tough time figuring that one out. I think it was an open space development project. But I'd have to look back to be specific, but it was sort of the same request. And the outcome was a negative for the owners of the property.

Mr. Williams

This is a for attorney Arnold or perhaps Mr. Halle. I don't want to appear argumentative on this, or disrespectful in any way. But I wasn't on the board in 2015. But I was on the board in the two previous workforce housing applications. But looking at the history of this, this property has had three proposed developments that have all not gone through or failed for one reason or another. I believe their financial reasons. That's immaterial. I'm a little concerned. If we approve this today, and the financing doesn't go through on this project. Where does that leave us after this project? Are you going to come in and expect us to honor the waivers that we granted this time and I don't know. If you can even answer that. The one question I do have for Mr. Hawley is what is the certainty that you're going to get financing for this project, if we approve it? Oh,

Mr. Halle

there is no 100% certainty, I will tell you that this project scored and got tax credits based on the 14 unit application that we had. And for the circumstances, we had to go down to 13. And I got, I literally was within weeks of closing with NHFA, when NHFA came back and said that the pro forma was just too tight that that the number of units and the debt that it had to carry, if I had one unit that went a year vacant, it wouldn't be running in the red. And so they, they pulled their tax credits from the project at that point. Now, I just want to remind the board that in 2015, my initial inclination was to do over 55 housing. And I came before you and got those, those waivers in the next year and a half in terms of developing that scheme. I went to NHFA and sat with them and what came out of it at that particular time was NHFA was only funding one elderly project a year, they had a separate category for elderly housing, they took only one application at a time. They only funded on the calendar annually one time a year. And I was told that there were at least half a dozen elderly projects in the queue that had had applied and were sitting waiting, and that there was very little chance of my getting funding at that point for elderly housing. I turned my focus then to workforce housing based on what their recommendations were, went through the entire permitting. Well, civil engineering, the whole bit ended up where I was when that fell apart here. This last year, I went back to Napa and I said, you know, what do I do? I'm \$200,000 out of pocket. I'm giving you these tax credits back. You know, what are my alternatives? And they said, Well, lucky you, our policies have completely changed. Elderly housing now is scored the same as any other

project. So you compete with a market rate or workforce, whatever you compete based on the merits of the project. So we could fund one elderly project or 10, elderly projects, it just depends on how you score against those others that apply. There's no restriction to the number anymore. So based on that, I retooled and came back to you with an over 55 24 unit, one bedroom apartment complex. And I just want to say that, you know, as you guys all want to argue that these are different projects, but from my perspective, whether you agree with me or not, it has been the same project trying to continually hop along and secure financing. To do this. The My point is that housing is an is a needed resource everywhere, not just Chichester, but everywhere. And in order to make these affordable, you have to get subsidy grants through their funding program. So you can't support the cost of building a 24 unit apartment building with the rents that you're going to get a normalized rent and affordable rent and it sounds crazy, is \$1,000 plus or minus a month that doesn't come near to carry what the cost of this building would be. So, you know, this is this is not something I'm going to flip to the market, because the market can't afford to build it and run it on a private basis. So the programs that the funding programs that you go through for NHFA, are what make these affordable for the community. Now, to your question, you know, what do I do if this doesn't happen? If I'm granted waivers, and I'm granted approval, I'm going to make this application to NHFA if this doesn't happen. I mean, I would I my understanding is the approval would be for two years. If I make the application in June, and I missed one thing I can't apply the next year for the same thing based on retooling the scoring that I might have gotten out of the first round. But if I can't build 20 for you So housing, I'm not going to build any housing on this property. I'll put my hat in hand and walk away because you can't afford to build housing today for the cost of materials.

Mr. Brehm

Okay, I have a quick question. And then David, I know you've had your hand raised. You just mentioned improvers will be for two years. Where does that come from?

Mr. Halle

Well, isn't a planning board approval good for two years?

Mr. Williams

Once substantial progress has been made on that. if you if you do nothing with it for two years, it doesn't. It's not grandfathered.

Mr. Jobin

I just have more of a comment. I have one concern, even from the last meeting, and comparing us with concord, we don't have the resources that Concord has, I know, we get quite a few accidents, right at the light right there and there's going to be quite a few more cars coming in and out. And we have one Fire Department. So that's been on my mind with stretching out our fire department and our resources that we have with besides the rest of the town we have. So I just felt that needed to be said. That's all.

Mr. Brehm

Okay, anybody else at this point from the planning board? Oh, john, you want to speak again.

Mr. Arnold

Just briefly, I don't want to belabor this. I don't mean to compare Chichester to Concord, by any means. And I'm sorry, if I gave

any board members that impression. My point I was trying to make was only that elderly housing is generally seen as a less intensive method in the US than other forms of multifamily housing. And in most development regulations, both at the state level and other municipalities, their regulations get granular enough to distinguish between those two forms of housing and allow greater density for elderly housing. And I was just giving Concord as an example of allowing greater density for multifamily housing than other forms of multifamily housing. And the same thing with the d s regulation. So my point was really just that your regulations don't distinguish between the two. And I know that some comments were made about denying another project that was a multifamily housing project on a piece of property based on density. And I think the theme to be thinking about just that I'm trying to highlight here is that multi multifamily housing does have some impacts that come along with it. But elderly housing is a subset within multifamily housing. And it's generally recognized that that's a less intensive use, and has fewer impacts and other forms of multifamily housing. So I didn't mean to compare give an impression that you should be allowing the same density for developments as Concord does I recognize their apples and oranges?

Mr. Brehm

Okay, um, how should we proceed? Mike, you have a suggestion to discuss the individual.

Mr. Williams

Yeah, I think that we should go through each of the five criteria and have discussions there. And we'll get a feel for where everybody's thinking and that will give rise to emotion, I'm certain.

Mr. Brehm

So let's discuss the first one, which is not to be detrimental to the public safety, health or welfare, or cause injury or damage to other property or failed to promote public interest. Any comments on that first? Question, our waiver part of the waiver? Go ahead.

Mr. Bouchard

Yes. I commented on this one. And I'm going to stick to with the, with the density from the letter with the fire department. And no, he wrote the letter, he wrote the letter with an intent. He didn't spell out that there's danger or there's going to be stuff that's happening, but he wrote the letter that's possible and he doesn't know how to measure that possibilities from what I got, but from what I gather, so I think with this many people are this size unit with a density with a commercial and being read on for it is definitely an issue and it's just not a single issue of traffic parking. Think it's just all that amount of people on that lot is just I think there's it's too much. So, I think it is a safety issue. And I can put something in writing a little bit better if you'd like to see it too.

Mr. Brehm

Any other comments on criteria number one, from anybody in the board. Okay, go ahead, Mike. I saw you raise your hand.

Mr. Williams

I hear what Richard saying. I don't necessarily disagree. I think I think this project does promote a public interest. The traffic issue, I mean, that it's a State Road, State gave the driveway permit. It's just my personal feeling, I don't think I share the same concerns Richard does.

Mr. Brehm

Okay. So you don't you do not feel that it is detrimental to public safety is what you're saying?

Mr. Williams

I do not feel it is detrimental to public safety.

Mr. Brehm

Anybody else on the planning board? Want to comment?

Mr. Jameson

I agree with Mike. I think, you know, I read that is not as much is it going to be detrimental to the, to the rest of the town? And I don't think it is, you know, I think there may be some elevated, you know, EMS calls or whatever. But, you know, I don't see that as detrimental to public safety. So I guess I'm, I'm not looking at number one as being overly concerning in my book. That's just my two cents.

Mr. Humphrey

Just to sort of to concur. I think anything that goes in there is going to be additional burden on the Town. That's not a concern, though. I mean, we're not supposed to stifle development, just because, you know, might strain the system a little bit. That's what, you know, the increased revenues supposed to offset and I don't see this as being an extreme burden. I mean, traffic is probably lower than, say, the traffic that goes into concrete tractor every day. So I'm not talking about that.

Mr. Healy

Oh, I, I personally think we're the our emergency personnel or get on a volunteer basis. I know there are some people full time there and on duty, but I think with the increase in traffic coming and going out of that, that area, and more than likely more, there is going to be a strain. Strain put on the fire department. That's just my opinion. As far as the safety end of it,

Mr. Brehm

Any other discussion on criteria number one? Okay, let's move on to criteria number two. I don't see any hands raised. Not vary the intent of the town of Chichester masterplan. Any comments on that?

Mr. Brehm

No one says this fit into the realm of the master plan.

Mr. Humphrey

Yeah, I think it fits into the realm of the master plan. I think we're down to technicalities. So it doesn't really apply here. I see it as fitting into the master plan. I think that this is a project that is needed, and certainly fits in with the master plan, and it's in the right zoning area.

Mr. Brehm

Okay, so just to be clear here, so you're okay with this, the size and the scope of the plan as far as the master plan goes to?

Mr. Humphrey

Are we talking about number four? Or are we talking about

Mr. Brehm

Number three? No, number two.

Mr. Humphrey

Number two, I think it does fit in with the master plan. Okay, then we get down further on the list. That's when my concern start being more applicable.

Mr. Houle

I tend not to agree with that, it does not fit really into the master plan. We're supposed to be a rule character. And what I heard from lots of people about all this project from the beginning was, this was not what they wanted to see. They wanted to, you know, this is exactly what they didn't want to see was this kind of building. As far as elderly housing, I could not tell you how many hours I spent with the Charette people. And, you know, again, I'm going to stay to talk about the little village feel like the heritage heights. That's the kind of thing the elderly people were interested in, in our town. And that is what they were looking for. So I mean, that's just A lot of feedback I got, again from the shred and those people involved with that, which was considerable amount of people.

Mr. Brehm

Okay. Any other comments on criteria? Number two? Okay, criteria number three,

Mr. Jameson

I just agree. I mean, I thought the master plan talked about the need for elderly housing, you know, and I also thought we wanted to concentrate stuff on the root four and 28 corridor, keep the town rural, I agree, but I thought that we agreed that Route 28 would be where we would clump, our sort of our industrial and things of that nature. So, you know, the fact that this is being proposed on Route 4, and its elderly, I think that does kind of fit right in there with the spirit of the master plan.

Mr. Humphrey

Yeah, I agree.

Mr. Brehm

Okay. Anybody else? Try to watch the hand raising. Okay, can I go on to criterion number three, everybody comfortable, Substantial, ensure that the goals, objectives, standards, and requirements of this section? are not compromised? comments on criteria number three, not seeing any yay or nay as far as that compromising of the objectives and standards?

Mr. Williams

Go back to that Stan. I'm sorry, I had to step away for a moment.

Mr. Brehm

Okay. Number three is that the goals objectives, standards, and requirements of this section are not compromised? I believe when they say section, this area tell us what they're referring to?

Mr. Williams

I would just for the sake of conversation. The compromise that I see is the density, which I think is more related to number four. But I just wanted to throw it out there. I'm troubled by the density. And I think that's encompassed by number four. So I'm not going to raise a big issue about number three.

Mr. Humphrey

Yeah, the same comment Mike was going to make so the second time.

Mr. Brehm

All right. Moving on. Number four, criteria, number four, be reasonable and appropriate due to the scale and size of the proposed. Who would like to comment about that.

Mr. Humphrey

Just to reiterate, I'm having a hard time wrapping my head around the number of units proposed on the acreage and unused acreage available, and how it's supposed to even remotely fit in with our zoning. I mean, I'd love to get a simple, straightforward answer, because I feel like this might be one of the most out of the, I don't want to say extreme, but it's the only word I can think of extreme variants from variations from our current zoning. And that's the answer that I feel like we all that the answer, we all have to come up with one way or the other, because it's such a huge hang up. I just don't see anywhere around it.

Mr. Brehm

Other comments on criteria number four, Mike Williams.

Mr. Williams

Yeah, it's, um, I wasn't here in 2015. I've stated that a number of times the projects involving either the 14 unit or 13 unit workforce housing. That resonated with me, because we got the benefit of having workforce housing. And that was a big issue. During those times. I thought 13 or 14 units on that lot was pushing it. I think 24 clearly exceeds it. I wasn't around for the 41. So I'm not going to address that. There's a lot of activity going on that lot. Just say that it's a 5.5 acre lot, I think is just a little bit disingenuous, considering you're completely forgetting the fact that there's a strip mall in there as well. So it's a lot of activity on a very small parcel of land, and I do think it is unreasonable and inappropriate due to the scale and size of the proposed property.

Mr. Brehm

Anybody else have any comments? Oh, what John, you want to address that? Go ahead.

I just wanted to point out two things with respect to this criteria, there's no question that what we're asking for is, you know, a waiver from what's required technically under the terms of the ordinance. So that's the purpose of the waiver. So in terms of the scope of, you know, what we're asking for, I would say that some of the findings that were made back in 2015, which I think are worth revisiting are that if you were to require this development to go on a 13 acre lot, which is what would be required for the number of units, it would eat up a lot of land that wouldn't be used by the residents in this development. And so the elderly housing development typically has less of a need for open space, because you don't have kids playing outside, you have less outdoor recreation and things like that. And so if you if you require the full 13 acres, for this type of elderly housing project, you're going to use a larger tract, if you can find one, which will detract from the goals and objectives of keeping Chester rural, preserving the open expanses of land and putting them to better uses. In that sense, this is a big ask, but it's appropriate for this property. Because the type of residents that are there won't have as much need for much open space. So if you allow them to go on a smaller lot, you preserve those other bigger and more valuable land areas for purposes that they're better suited for. And then just with respect to the workforce housing project, I just wanted to point out, it's not really comparing apples to apples, when you look at the units that were proposed for workforce housing versus the units proposed for this elderly housing, because the workforce housing project included multi bedroom units, the elderly housing is only a single family units, or excuse me, single bedroom units. So the total number of bedrooms really isn't a whole lot different with the workforce housing project, I believe there were 17 bedrooms, here, there are 24. So you're really only talking about a difference of you know, six, six bedrooms or six people in the elderly housing project. So it's, it doesn't it's not as much of a dramatic difference in density from the workforce housing, in terms of sheer numbers, but both in terms of the impacts of having, you know, families, kids in the school system, outdoor need for outdoor space and recreation. So I just wanted to reiterate those

Mr. Jameson

Okay, I did I just want to, you know, bring up you, it's a 55 and older, and, you know, you're you kind of talking like it's about, you know, 80 year old people, you know, 55-65 -75 year old people love to recreate, look at our Conservation Commission, as you know, they're all over 65 their outdoor people, they hike, you can say that they're elderly, they don't need open space, they don't need land. So I disagree with that. I think 55 and older, you're going to be working for another 10-15 years, some of these people. So you know, let's put it in perspective. It's not, you know, it's not a, an old folks home. So I just want to bring that up because I disagree with that whole premise that they're not going to be needing recreational opportunities. So that's my point.

Mr. Brehm

Okay, um, Dan Humphrey again,

Mr. Humphrey

Just circle back to the 13 acres being required for the zoning. That's not to develop 13 acres but to keep some amount of open space and care in keeping with the rural character of Chichester, you know, this is the commercial village district, so it has slightly different zoning, but the 13 acres is not supposed to be developed. You're supposed to have 13 acres for our zoning to get that many units on it. And believe me, the intention and hope of the town and the planning board would probably be to utilize as small amount of those 13 acres as possible, maybe occupy two acres and have 11 acres of open space. So just to bring it around to that it's not the 13 acres it's supposed to be primarily kept open, not primarily developed.

Mr. Brehm

on criteria number four, anything else? Okay. All right. Criteria number five. And or protect natural features that would otherwise be impacted. Any comments on that criteria?

Mr. Humphrey

Sure, raise my hand, but it kind of ties in with number four 5.5 acres on which has already developed lots of units on a small developable plot. In relation to zoning, I feel like it's impacts that requirement as well, unfortunately. But I still, you know, number four is enough of a hurdle for me.

Mr. Brehm

I haven't spoken. And I'm, I'm speaking as just a member of the board, I was also a member of the board in 2015. I was not Chairman at that point. One of the things that concerns me is Chichester just went through a redistricting of the whole town at the time in 2015, we were based on soils. Now, we've actually increased the possibilities of density, because we're only requiring one buildable acre per lot, where before you had to have 90% of that lot to be of, let's say, residential soil or better. And out of that discussion, and the redistricting of the town, which was a major effort on the part of the planning board, along with regional planning, and at the urgency of our attorney to because it wasn't as definitive as it is. Now, we did a lot of polling with the citizens of this town and the subject of density came up a lot. And we made a major effort not to rezone the town, or redistrict the town in such a way that the density would greatly increase too quickly, because the request of the citizens of this town was to keep the rural character. That being said, there have been lots that have been able to be subdivided now that probably wouldn't have been able to do that. And I believe it's possible to have worked with the land on even Route four, we had wetlands a lot easier now than you could before. The other thing is, in your argument, you refer to the master plan, and when not to excuse me, the master plan, the village district, I was part of that village district. And I think I can say pretty confidently now and there's certain members of board who would agree with me, it hasn't turned out as intended, we had envisioned that there would actually be a slowing down, and we would get a lot of little businesses. Well, that is not what has happened up on Route four, we've actually talked about eliminating that and just continuing the same commercial, commercial district we have throughout route four. At the same time, this little area of town is very unique, because it's the only area of town that you have the right to have asked for a waiver as opposed to going for a variance. So it has given us some flexibility in that in the only waivers that I think we've actually allowed in that or that have come to fruition with development has been the size of buildings, we have seen that the businesses coming in, didn't want to exceed the square footage. And we were comfortable that as a planning board. And as Tom who mentioned earlier, one of the reasons behind creating what we're calling the nodes, the village nodes, one of which is just down the hill on Main Street, you couldn't necessarily do this size project on the same side size piece of property either. But we realized we needed property or land available for development of a sale of a similar nature to the commercial village that the greater density, but off of the main road because of the dynamics of Route four and how it's changed since 2015. And I think that's why this board is also looking at it differently than they looked at it in 2015. Not trying to speak for everybody here. But that's one of the criteria I personally am looking at changes to change, we didn't envision that the traffic count was going to go from whatever it was 2015, to close to 30,000. Now so all those variables have, I think created a different situation than many of us were looking at in 2015. So I've said my piece. Does anybody have any motions or because I think this would be the proper time to come up with a motion based on the waiver for the increased density. Go ahead, Mike.

Mr. Williams



Just based on everything I've heard and my own opinion, I make a motion to deny the waiver, because the waiver would be unreasonable and inappropriate due to the scale and size of the proposed project, which is criteria number four.

Mr. Brehm

Second on that motion

Mr. Bouchard

I'll second

Mr. Brehm

Bouchard has second, discussion on the motion. Anybody?

Mr. Williams

I did not include criteria number one, because the board seemed pretty mixed on that.

Mr. Brehm

what about criteria five?

Mr. Williams

That's not a concern of mine. To any more than it's the degree to which I'm concerned, it's wrapped up into criteria number four.

Mr. Brehm

Mike has made a proposal, and it's been seconded as a motion. It has been seconded by Richard Bouchard. And at this point that I don't see any discussion on the motion unless I'm seeing hands raised. I'm trying to look at the screen at the same time looking for hands on my participants thing here.

Kristy Willey

There are none.

Mr. Brehm

Yeah, none. Yeah. So at this point, let's, let's have a vote on that motion. And I guess it would be nice if anybody has any, any additional why they are supporting are not.

Mr. Brehm

Let's take a vote. All right. Thank you. So if Are you in favor of the motion made by Mike and seconded by Richard? And I'm starting with

Mike Williams. Obviously, yes.

Tom Houle. Yes.

Dan Humphrey. Yes, I think you asked for additional comment. I reread the zoning last couple days. I can't see anyway, for this major variant to fit even close. So yes.

Mr. Jameson

Yes. Based on number four.

Mr. Mayville

yes, people I've talked to do not want this.

Richard Bouchard. Yes. And

Mr. Brehm

Stans gonna agree yes too. So that is a vote of seven in favor of the motion to deny the waiver for the 24 units based on criteria number four. I want that to go on the record that way. Thank you. All right.

**Motion-**

**Mr. Williams made a motion and Mr. Bouchard seconded to deny the waiver, because the waiver would be unreasonable and inappropriate due to the scale and size of the proposed project, which is criteria number four. Roll call vote.**

**Williams, aye. Houle, aye. Humphrey, aye. Jameson, aye. Mayville, aye. Bouchard, aye. Brehm, aye. Motion passes.**

Mr. Williams

It's a vote of five Stan. Isn't it?

Mr. Brehm

We are a seven member board. Yes. Because Richards part of it.

Mr. Brehm

Everybody is recorded here. And I am making sure that Kristy gets it in the minutes and that's why I stated it over again that it was seven. At this point, any comments from Mr. Arnold or Jonathan Halle and then we will bring up move on to our next public hearing.

Mr. Arnold

I don't have any other just thank you for your time. Jonathan, do you have anything?

Mr. Brehm

No. Okay. All right. Moving on to our next public hearing. And I'm going to ask for just a quick minute check here.

**Public Hearing**

**Site Plan-Chuckster's, LLC.**

**Location: 9 Bailey Road, Map 2 Lot 81**

**Developer: Mark Blasko**

**Engineer: Anthony Costello, P.E., A.C. Engineering & Consulting**

Mr. Williams

Kristy did you send out the site plan application for Chuckster's?

Ms. Willey

Yes.

Mr. Jameson

I don't remember getting it. When did you send it?

Kristy Willey

It was not long after the deadline so would have been about 3 weeks ago.

Mr. Brehm

The 17th. I think I went back and downloaded it myself

.Mr. Brehm

Can you bring it up on the screen or is well. The next public hearing for site plan amendment to Chuckster's LLC Map 2to lot 81 located at 9 Bailey road for construction of a new bumper boat attraction.

Mr. Williams

Can I just ask does this deviate from the conceptual plan that you showed us at the previous meeting?

Mr. Blasko

No.

Mr. Williams

Okay.

Mr. Brehm

Kristy is bringing up the plan.

Mr. Brehm

I'm trying to watch everything.

Mr. Blasko

Mr. Chairman, should I give you a kind of an overview?

Mr. Brehm

Okay, go ahead.

Mr. Blasko

Okay, to refresh your memory from last month, we'd like to put in a bumper boat pond, an attraction at Chuckster's, that's consistent with some of the other types of family entertainment that we have. It's essentially a 500 square foot inground, pool, shallow, concrete pool about two feet deep.

Mr. Blasko

it's going in an area where we currently have some games. So those games are either being discontinued or moved elsewhere on site. So it'll be kind of flushed with ground level, there'll be 1010, bumper, electric bumper boats in the pond, and one small building that will serve as a pump house. I don't expect it to increase or volume of guests at all, just to give them some different options for activities on site.

Mr. Brehm

Now, this site plan we're looking at, I didn't have time to look at the old one, but this doesn't include the whole site. Right, because you've got the golf carts up there at the top now.

Mr. Blasko

Right. Correct. My understanding is we did not need to show that since we're only impacting that one small area.

Mr. Brehm

I just want to make sure that as a matter of record, and Kristy, I think it's very important, we keep all these site plans, because this is not the complete picture. This is just the additional area that's changing.

Mr. Williams

Yeah, I believe we discussed that at the last meeting that we didn't require him to do an entire site plan.

Mr. Brehm

Well, we want to see how but my point is, this shouldn't be the only plan in the folder. We need the whole right. But I believe he does have a site plan of the whole thing. All he's doing here is changing one of the attractions, which is the whole idea. But the site as an overall project is basically the same. Just there were games there before now there's a pool, right? You're correct, right. Any anything else from you, Mark?

Mr. Blasko

Hey, no, unless there's any questions.

Mr. Brehm

Well, how about the board first, and then abutters? Oh, Tom Jameson. I see your hand is raised.

Mr. Jameson

My only question is, it looks like you're putting this underneath the rope course. So is there any issue with like, you know, people dropping things? When I've done your rope course before you're up in the trees? Are you going to be over the pool?

Mr. Blasko

It's actually not going to be directly underneath any of the trees. It's actually very slightly smaller than what shows here but we will not be underneath any of the overhead attractions.

Mr. Jameson

Okay. No drop phones on people's heads.

Mr. Blasko

No, there shouldn't be anything dropping anyway.

Mr. Brehm

Anybody else in the board have any questions? I don't mean to belittle the project, but it's not a massive change.

Mr. Williams

Looks like a perfect fire pond.

Mr. Brehm

Mr. Bouchard

Do we need to make a motion to accept the application?

Mr. Brehm

Oh, thank you. Yes.

Mr. Bouchard

Then I would like to make a motion that we do accept the application as complete.

Mr. Humphrey

Second.

Mr. Brehm

Okay. Any discussion on that motion. Okay, I'm going to take roll call attendance.

Mr. Bouchard

I get it open. I was just going through the whole application. It looks good.

Mike Williams. Yes.

Tom Houle. Yes.

Dan Humphrey. Yes.

Tom Jameson. Yes.

Allen Mayville. Yes.

Richard Bouchard. Yes.

Mr. Brehm

Stan Brehm. Yes.

**Motion-**

**Mr. Bouchard made a motion and Mr. Humphrey seconded to accept the application as complete. Roll call vote.**

**Williams, aye. Houle, aye. Humphrey, aye. Jameson, aye. Mayville, aye. Bouchard, aye. Brehm, aye. Motion passes.**

Now that we've accepted the application, we need to have a vote of regional impact.

Mr. Williams

I make a motion this is not a regional impact.

Mr. Brehm

Second.

Yes. All right. There's been a motion and a discussion on the motion. Okay. All those in favor of not being regional impact.

Mike Williams. Yes.

Tom Houle. Yes.

Dan Humphrey. Yes.

Tom Jameson. Yes.

Allen Mayville, yes.

Richard Bouchard. Yes.

**Motion-**

**Mr. Williams made a motion and Mr. Brehm seconded that this project is not a regional impact. Roll call vote. Williams, aye. Houle, aye. Humphrey, aye. Jameson, aye. Mayville, aye. Bouchard, aye. Brehm, aye. Motion passes.**

Mr. Brehm

Okay. All right. Now, back to the application at hand. I would like to if there's no other planning board members that have any questions, I would like to ask for any abutters that are on. Anybody in the public, abutters are in the public that would like to comment. Just in case.

Mr. Chase

Guys, so my name is Justin Chase. I bought the property to the east on Route four. I as I understand that this is not expected to increase the traffic at Chucksters, but I did have some concern with the traffic in general, due to the lack of signage at Bailey Road. I don't know if now is an appropriate time is to mention anything related to that.

Mr. Brehm

Sure, I think so. Go ahead.

Mr. Chase

Okay. So to give you guys some perspective, once Chucksters opens for the season, typically on a weekday, there'll be anywhere from 20 to 30 cars that turn around on my property, just past Chuckster's, and on the weekends, we'll see upwards of 50 cars turn around on the property. Now we have two dirt driveways on the property. So over the course of the summer, that means that we have to repair the property multiple times. Now all of these people that are turning around are because they've missed the turn at Bailey road, because you can't really see the road as you come past and you can't tell that that's where you need to interpret hucksters. So what I would ask is that any modifications of the property include the addition of some more functional signage to indicate where the turn is a daily road to reduce the wear and tear on my property.

Mr. Brehm

Are you just up Bailey road on the same side? Are you opposite across the street?

Mr. Chase

So I'm on Route four, East after Chuckster's property. There's a small house and then a dirt lot just after it on the right. I own both of those pieces of property.

Kristy Willey

It's Jason Weir's old house.

Mr. Brehm

Any comments from Mark on this?

Mr. Blasko

I actually agree with him. I trust him on the number of cars. I know that does happen. So I agree with him on that. I've tried actually two or three times over the 14 years that we've had Chuckster's try to put a sign on the corner, because I really think that would be much safer and eliminate a lot of those cars turning around, and was always told that by the sign ordinance where we can't do that, we were able to I think two years ago, get one of the blue, what he call the directional signs, a little bit to the west, so that might help some, but it certainly didn't. So I would love to put a sign on it but not permitted. I've maxed out my square footage and sign it just because yeah.

Mr. Brehm

Well, but I believe at the time. I believe at the time you came in, you also didn't own the corner down to the road. Right. Wasn't that before this date? Could you relocate your sign closer to Bailey road, would that help?

Mr. Williams

We have this exact same issue with Dell Lea. Yeah, people missing the turn there. And we had the road agent put a sign in the right of way, because it's a safety issue. It's not necessarily an advertising issue. So I don't see why we can't do the exact same thing for Chucksters and put a sign there. It's not a sign that he's requesting it's one that we want there to direct traffic appropriately. So it's not an inconvenience to other people.

Mr. Brehm

Yeah. I agree. I mean, I didn't realize it was such a problem, but I can't believe people are going a little bit further and making u turns they're not we'll have danger that dangerous that road is so I agree with Mike. When they worked out that deal with for Dell Lea that was done with the work of the Selectmen? Were you part of that, Richard? When they had that issue of turning it into a heli pad on the road I believe?

Mr. Bouchard

Yeah, Tom Jameson was on a board too.

Mr. Jameson

I would just say I think because there's room for a sign, they'd have to go through the D.O.T for a sign. But I think they do signs for businesses. You know, and I don't know if you've if they've tried that but I agree it's a safety issue. But I think it would have to go through D.O.T. for a sign to go up on route for alerting you to turn on to Bailey road.

Mr. Brehm

He has one of the state approved signs. Mark? Do you have one of those already?

Mr. Williams

Yes.

Mr. Jameson

It is on Route four, a little bit off the ramp, or like by weathervane.



Mr. Blasko

It's between Weathervane and Bailey road.

Mr. Humphrey

I can't remember which side of the road it is, but it's very close to Weathervane.

Mrs. Pinard

It's a State Road so he would have to go through D.O.T, we can't give any permission to put anything in the right away on Route four, he would have to go there. Even at the intersection of Bailey and Route four the D.O.T has a right of way. And I want to say it's at least 10 feet off of off the pavement. So anything in addition, any additional signage would be to go through D.O.T.

Mr. Brehm

I don't know what else we can do at this point. Anybody else have any suggestions?

Mr. Humphrey

As far as putting signs on Route four, I don't think that my sign impacted the right away. But D.O.T's concerns, certainly focus on safety. So I think it should be an easy sell regardless of what needs to go in there. I don't know that it actually has to be in it right away. It could be just a rearrangement of the current signage and off the right away. But as far as my experience goes, do it is not super cool. concern is not super difficult to deal with when it comes to safety.

Mr. Humphrey

And one of the problems was the sign. The light gods have given us a hard time about signage anyway, and having more than one sign for that kind of thing. Because I think market talked about having one, just the sight of by, by the Old Bailey road entrance, you know, how that road had changed over the years? I've ever remembers that. But I do be that I lived on it. Um, you know, towards a weathervane. You know, the other side of that pine tree is something where people can see that side. And we decided not to take it on, because we're worried about having a science pass as it was. So we didn't add anything onto that. You know, having more than one sign on, on a property.

Mr. Brehm

He does have unique situation, there's a corner there at the same time. So by the time you see the sign for his business, you are past Bailey road. I'm wondering if this would be an excellent argument to have an additional directional sign or whatever. telling people that you know that it's coming up and they take a right on Bailey road. Probably they see that sign before they even see the one in front of his business. I don't know what else we can say.

Mr. Healy

Yeah, I was with what Mike had said. Would it be beneficial for the town to request the state to put signs in?

Mr. Brehm

Alright, I'm gonna bring this back to the project. As a suggestion, I know Jodi and Richard are on and can discuss this with you

guys at a Selectmen's meeting. Is that the proper?

Mr. Bouchard

Yes, I am fine with that.

Mr. Brehm

Yeah, but you're Alan, maybe you had a thought?

Mr. Mayville

Well, yeah, we needed changes to that road for safety, too, before the chief of police got involved. So why not request that the chief of police get involved with this?

Mr. Brehm

Okay, I think that's a great idea. I think something could be worked out. Just in case you had another question or comment?

Mr. Chase

Yeah, just in regards to the safety issue. There was a pretty significant accident here. Over the summer of someone turning around on my property to get back to Chuckster's. They tried to take a left across the road, and they were t-boned. So there's a multi car accident here just this past summer. So anything related to safety? It would be probably useful to improve that.

Mr. Brehm

I know. I'm glad you brought this up. Do you have any other concerns with the project itself?

Mr. Chase

Nope.

Mr. Brehm

Okay. All right. Anybody and I it's been it's in our minutes, and I would suggest that you contact the selectmen there, they do a meeting by zoom as well and get on their agenda. And this can be discussed, you know, separately, maybe between the road agent and the selectmen or the state, they can come up with some kind of a directory site, if there's certainly a strong argument for it. But I think there's a good argument for safety reasons, just like we did up on Dell-Lea on unpleasant Street. Okay, so moving back to this, we've had a discussion, we didn't have a final vote any other abutters or people online that would like to make a comment in favor, or Mike Williams.

Mr. Williams

Um, after the abutters speak, I just want to make a motion to approve this project. Okay. All right. I

Mr. Brehm

don't think we have any other abutters. Alright. So your motion is to approve the project. I need a second.

So moved.

Mr. Brehm

All right. Any discussion? All right. All those in favor?

Mike Williams Yes.

Tom Houle, Yes.

Dan Humphrey. Yes.

Tom Jameson. Yes.

Allen Mayville. Yes.

Richard Bouchard Yes.

Mr. Brehm

Okay. Motion carries.

**Motion-**

**Mr. Williams made a motion and Mr. Houle seconded to approve the amended site plan for Chuckster's, LLC. to add a bumper boat attraction. Roll call vote. Williams, aye. Houle, aye. Humphrey, aye. Jameson, aye. Mayville, aye. Bouchard, aye. Motion passes.**

Mr. Blasko

Yeah, thanks, everybody. And I certainly will pursue the sign issues with the state. That'd be great.

Mr. Brehm

Yeah, I think that would be a great thing to do. Yeah. Okay. And, you know, I don't know if you've looked at our current sign ordinance, but we did change it since you built yours. And maybe you could have a little more square footage and, and put some other information. But I think where your signs located, I can see this happening now.

Mr. Jameson

Can you

Mr. Williams

Yeah, I just had a quick comment. When I talked about the dehli sign, I just want to make sure that because of safety, that they should be able to put in the sign without going against their allotment for sign square footage.

Mr. Williams

We, either through the Select board or through us, we can waive the additional sign requirements. Because I think the safety is overriding on that. That's all

Mr. Brehm

well, and along with that, I was something that I think we may have to amend our zoning, but something we should seriously think about in my perspective, BobCat a perfect example. While he was waiting to put up his new sign did everybody see the nice signs he had by his entrance to going out? I thought that made a lot of a lot of sense. And it's a lot of logic to that. And you see that with businesses all over when and with as busy as route four and 28 are in our commercial area and the fact that people are doing 65 on their road, I think we should consider that going for forward in site review. So I don't know if that's something we should add to our site review. And maybe that would be simple. It doesn't even take zoning, but directory signs that for entrance and exits, I mean, how many times you've seen a McDonald's on the side of the road, and there's an entrance and an exit. So they're there to, you know, to work with the flow of traffic. Right. Okay. So back to Jon Rokeh is not coming on.

Mr. Jameson

I just wanted to bring up that, you know, I see this a lot in my job, too. You got to be careful with safety. You know, what, what the man explained was an inconvenience that people are turning around in his driveway. But is it a safety issue? I mean, if Pat can say there's been a lot of crashes because of cars turning around, I would agree. But you know, I think Yeah, be careful of saying that, oh, it's a safety issue. We need a sign that, you know, I think you'd have to document that, that there's increased crashes because people are missing that. So I think we got to be careful with using safety and signage. I don't think it's going to fly that well, with, especially with DLT. Because you don't maintain those signs. And there's a cost to that as well.

Mr. Brehm

But just the fact that people are driving past his business, and then turning around in that yard, the fact that they've only been one serious accident, just the fact that somebody is doing that. I mean, that's dangerous right there.

Mr. Jameson

We could put a sign up, no turning, you know, turning a driveway. I see that all the time.

Mr. Brehm

But I mean, how many times do we all drive past a location, go to another business pull a U turn to go back? And it does end with that road? And especially in that location? I mean, I can see people flying off a 393 and going up the hill like that, but we've thought about this.

Mr. Humphrey

He attributed at least one serious crash to somebody turning on his driveway. So I mean, that seems compelling enough. And then, as far as the D.O.T. sign, I don't know about that.

Mr. Brehm

Since Mark is still on and listening here, you just brought up an interesting comment. And we will be having a public hearing at some time for the dispensary. That would like to increase their signage. And one of the privileges we have within the sign ordinance in Chichester is when there's visibility issues, or greater front edge or whatever, we're allowed to increase the signage, I don't remember, your approval goes back to many years for me, but that's a possibility. If an increased size or better location for your sign, I'd be something that also consider so there may be a strong argument for that is what Dan was just saying. Yeah. Um, oh, yeah. I see.

Mr. Humphrey

Yeah, Stan, we have gone through this before with Mark. And it was about having a sign on the other side of Bailey road because of that, because of this. But again, it's because we're all wrapped up with the different stuff going on with signs we had last the year before with zoning. So we get cold feet. That's why we didn't touch this, but we've been there before.

Mr. Bouchard

No, I agree with the safety. I don't I understand what Tom's trying to say too, about how the state looks at safety as far as number of accidents and stuff like that while putting up signs as well. But they get the little jug handle that the state uses it says authorized vehicles only there's plenty of people that pull over in their Park they turn around there I watch them because when I'm coming off the highway 393 to same thing all sudden they stop to pull in it turn around, but I think it is a case that we can push forward and it doesn't hurt if we can put the pressure on the state the same way we did we get in the single lane, going up the hill and stuff trying to slow stuff down. So I think it's worth the conversation.

Mr. Brehm

Okay, Justin has Comment. Justin Chase.

Mr. Chase

Sure. Two quick responses to the concerns of Tom brought up. One, I would love to put a sign on my property saying no turn around. But the state actually owns about 30 feet in from my property. So I can't do anything with signage, I can't put gates up, I can't put fences up, I can't do anything. I actually put cones up in the summer to prevent people from trying to get there. And they typically drive over them or drive between them. So that certainly doesn't work. The second thing is that we're actually just before the turning lane that was put in on Route four. So I assumed that that was put in to reduce traffic or the potential for accidents, allowing people to turn across traffic, and we're right at where that stops. So that doesn't really help us here, it actually makes it a little bit harder, because people are used to kind of splitting both ways. So I know from living here, it's real hard to take a left out of here. And the last thing you want is an extra 50 cars a day trying to turn left across the side of the road.

Mr. Brehm

Okay. If there's nothing else on the parking issue, I did have one thing. The regional Planning is getting close to finishing our master plan. They're, they're waiting on the Conservation Commission to get back on their chapter. And they are actually meeting soon. The Conservation Commission, I believe is the week of the 15th. Maybe it's either the 15th or the 16th. So everybody has agreed if the planning board is willing to do it, to have if we had a work meeting on the 18th to work on the master plan, see what they've come up with. I've had email chatter between Katie as you've all met, Mike Todd, and Zach from conservation. So they've been working on this. So if everybody's agreeable, I'd like to schedule a work meeting for the 18th. I

know there was an email earlier, when we thought we were going to have to have a public hearing for somebody else, but there's no need for that at this point. Is everybody available for a zoom meeting on the 18th?

Mr. Williams

As long as it stays a work meeting? No putting anything else on the agenda for that day?

Mr. Brehm

Okay, um, you heard him Kristy.

Mr. Jobin

I just wanted to let you know, I'm not available on the 18th. I actually have a work meeting scheduled for that evening.

Mr. Brehm

We did have a TRC. Richard Bouchard did attend. Again, it went very well. It was for DBU's next project on Route four, which is to the west of his current building now. And their plan is to come to us and for our April meeting.

Kristy Willey

I spoke to him, Jon Rokeh. He said that they felt a little defeated by the Conservation Commission, I think and they are going to apply for alteration of terrain permit and do it all at once. They don't want to have to be held up by Conservation.

Mr. Brehm

They want to do the back part also.

Kristy Willey

They are thinking they'll just do everything together. .

Mr. Brehm

Okay, well, but they thought they wanted to build the road at the same time going out back?

Kristy Willey

Um, no, as far as that he wanted to build that after they wanted to start with the front and build that out and then build the road back after. But with Bob's reaction, they're just worried with how hard of a time they had with conservation.

Mr. Bouchard

You were there, it might be standing, he might want to be able to clear the backlot as well. And maybe that's what he's talking about, where he was only he was only bringing the road up to the backlot to get him into there. So he can curtail down into his other lot as well. But I think it's a matter of, he's probably going to do work back there to get everything done as well. And so conservation is having a walk through is it this week still? Or is are they pushing it off?

Mr. Brehm

I think they were pushing it off to the 24th is what I remember hearing.

Kristy Willey

They might push it off all together now. The alteration of train application takes a little bit.

Mr. Brehm

So you're saying he's not even going to come in for his public hearing?

Kristy Willey

No, because they don't want to yet. He doesn't want to do it in separate approvals.

Mr. Brehm

Okay, well, then I guess this is for Another time, but you know, the plans are up on the website for the TRC. Are they not?

Kristy Willey

Not for TRC.

Mr. Brehm

No, they're not okay.. Okay. It'd be nice for the board to see what's going on. But basically, he's building a building out front, that's going to be a one use building, similar to the other one that he will build on that on the lot. But it'll be all one tenant. And then he wants to build a road out to the back acreage that is not in the commercial zone. And he's going to be asking us what he can do there. But I guess the bit of the resistance that Richard is talking about here is the fact and Kristy just mentioned is the fact that they're obviously going across the wetlands. But as our zoning does allow access to property for purposes of development, so and they were working our engineers involved with this, so anything they did would be, I would hope up to par, but the conservation was concerned about building that road and what would happen out back, so I guess, we need to know what they're going to do with that acreage, too. And they're still up in the air with that. So any other questions? Or any other things? Anybody else have? Chris, you have anything else for the board? No. Wow. Oh, 820. Pretty good.

Mr. Williams

Move to adjourn.

Mr. Bouchard

Though I get I just I just got one quick question, because it happens. It's about your last comment, Stan? Is does it if someone needs to build an access road to get to back property, they need to state upfront what the access is going to be what that property is going to be used for in a future. Is that, is that accurate? That we can ask them that? Because I know Bob manded. And I don't want to drag this conversation out. I just want to food for thought in the future when we're talking about stuff is, is a proper to ask the land owner, as the planning board is a personal question. personal question. That's fine. But as it land as a planning board member, what are you going to be doing with the property out back?

Mr. Brehm

Well, if somebody's developing a piece of property like that, it's a part of a commercial establishment as well. I think we do need to know, because what if somebody was, let's say the property was big enough, they would have put up five houses. You know, I think I think it is part of the project, to be honest. And that could be just like a Jonathan Halle, though he might want to put up five houses, but as DBU said, he says, maybe I won't, I might put 100 head of cattle out there, and I need a road to get them.

Mr. Brehm

And so it's a good question, in theory, but I think as far as planning goes, why wouldn't you want to know what's going to happen on the property?

Mr. Bouchard

I do when they're ready to develop it. But if they just cut in a driveway, not even, they're just cutting a driveway.

Mr. Brehm

I totally agree with the other day.

Mr. Bouchard

Doesn't matter right now, because you're not developing yet. Right?

Mr. Brehm

Exactly. The product has nothing approved, but a driveway. In fact, the way I understood it was he was going to use that driveway to access out back there to a doesn't have a lot of land to build on. So he needs to store some of the equipment while he's building the project. So I totally agree with that. I think in the end, I can see where Bob's coming from. He wants to know what's going to happen back there. But I don't see how if he had the proper amount of acreage for an apartment building or houses, and it fit well apartment, it would be not in the it's in a residential zone. But if it was single family homes, and you can put five hours back that he'd have to build a road and everything else, it would be different construction.

Mr. Bouchard

But that would be different. But as far as if Bob man wants to ask in a meeting, what are you going to do back there? Or conservation? That's fine, but I just don't think it should be part of as long as it's known as that question. Is it coming from the planning board? So you don't have to answer that question. You can talk to conservation offline or answer to them, but it's not going to. That's the only thing that kind of like brushed me a little bit.

Mr. Jameson

But you know, you have to give them a warning. Because the road would dictate their development. So right, say they said we're going to build a, you know, eight foot wide road, then they said we're going to build a big complex. And we came back and said, Now you got to build a 24 foot rule. You just have to be upfront with them. You do not have to tell us what's back there. But there's standards you would have to meet. You know, I think that is the only thing you'd be upfront about.

Mr. Brehm



Well, and I think that's why he's coming back. That's why he's gonna go through the whole eo T. When he spoke to us the other day, he said he didn't need an eo T for what he wanted to do initially. Obviously now he's planning on thinking about what he will do with that back property. So that's why I think the project has got to change in scope Richard now with the fact that it's You know, and I think he's probably smarter to do that because with all the T's you got across the eyes, you got a dot with an AO T, you might as well get it done. So you know what you're gonna do with the property?

Mr. Williams  
move to adjourn.

Mr. Brehm  
Do I have a second.

Mr. Jameson  
I'll second.

Mr. Brehm  
Okay. All right. All those in favor.

Mike Williams. Yes.

Tom Houle, Yes.

Mr. Humphrey Yes.

Tom Jameson. Yes.

Alan Mayville. Yes.

Richard Bouchard Yes.

Mr. Brehm

Thank you, everybody. Nice. Job was the meeting tonight. And if we don't see you soon, we'll see you all on the 18th

**Adjournment-** Having no further business, a motion was made by Mr. Williams and seconded by Mr. Jameson to adjourn the meeting at 8:16pm. Roll call vote. Brehm, aye. Williams, aye. Bouchard, aye. Houle, aye. Jameson, aye. Humphrey, aye. Mayville, aye. **Motion passes.**

Respectfully submitted,

Kristy Willey, Secretary

Not approved until signed.

Chairman, Stan Brehm