

**Chichester Planning Board
Minutes of Meeting
Thursday June 16, 2022**

Members Present: Stanley Brehm (Chair), Tom Jameson (Vice-Chair), Richard Bouchard (ex-officio), Allen Mayville, Russell Blaney, Andrea Deachman, John Healy, and Kristy Jobin (Planning Coordinator).

Others present: Attorney Panciocco, Calgary Mackenzie, Jon Rokeh, Aaron Hirsch, Ian MacKinnon, Ed Unger III, Russell Abbott, Jonathan Crowdes, William Young, David Morey, Diane Morey, Meghan Lund, Earl Lund, Ewen MacKinnon and other members of the public.

Mr. Brehm called the meeting to order at 6:04pm

Roll Call Attendance: Stanley Brehm (Chair), Tom Jameson, Richard Bouchard (ex-officio), Tom Houle, Allen Mayville, Russell Blaney, Andrea Deachman, John Healy, and Kristy Jobin (Planning Coordinator).

Mr. Brehm appointed Mr. Healy a voting member for the meeting.

Approval of minutes-

Mr. Blaney made a motion and Ms. Deachman seconded to approve the minutes with changes for May 5, 2022. **Motion passes.**

Ms. Deachman made a motion and Mr. Blaney seconded to approve the minutes with no changes for May 9, 2022. **Motion passes.**

Continued Public Hearing- CM Truck & Trailer Sales, LLC. & CM Storage, LLC.

Owner: Calgary Mackenzie

Location: 46 Dover Road & 53 Cross Road, Map 4 Lot 147 & 147-A1

Engineer: Jon Rokeh

Mr. Rokeh stated that they have a well radius release that is ready to be filed at the MCRD along with a lot merger form. Attorney Panciocco stated that she is filing a new deed for 53 Cross Road so that can be done.

Mr. Rokeh stated that the wetland area is all completed and waiting to be inspected.

Mr. Rokeh stated that he is unsure of the date that a as built will be complete due to outstanding permits that need to be finished such as alteration of terrain.

Mr. Rokeh stated that CM Truck & Trailer Sales does want to sell shipping containers, but they will only be stored in the rear and not in the front of the lot. The note on the plan that indicates possible shipping container storage will be removed and a note will be added for potential parking spots for truck sales with lined spaces.

Trailers will be removed from the State of NH right of way, and nothing will be stored in the Town or State right of way.

Mr. Rokeh stated that they would like to store low body trailers in the front westerly corner on Route 4 and Cross Road.

Mr. Rokeh stated that the fences that are proposed will be rough cut fences.

Mr. Brehm stated that he heard Mr. Rokeh say that the gravel will be pulled back off the road, but it will be denoted where the line is so it's not encroached on in the future. He would like monuments placed down so that does not happen in the future.

Mr. Rokeh stated that pins could be placed in the area to denote them.

Mr. Vignale, the Town engineer, would also like the wetland setbacks to be outlined with pins or monuments/rocks.

Mr. Brehm asked Mr. Rokeh about the notes they received from the Town engineer.

Mr. Mayville asked why they chose a 6ft fence, instead of higher fence to provide more of a buffer.

Mr. Rokeh stated that there has been some question of whether a fence over 6ft would have to be placed 15 ft off the setback or not. On the side it would have to be 15ft of the setback, but in the rear, the fence is 8 ft because it will be placed on the berm which is more than 15ft. away.

Mr. Mayville stated that if a 6ft fence is put in the trench, it will not block anything. The fence needs to be higher if it will be put down low and not at ground level.

Mr. Mayville also asked about the employee parking area and if they still planning on building that.

Mr. Rokeh stated that they had to eliminate the parking lot because the Road Agent would not allow a second driveway access.

Mr. Mayville asked how many employees currently need parking.

Mr. Rokeh stated that there are five employees.

Mr. Mayville recommended that they add parking around one of the buildings instead.

After reviewing the plans further, the Board stated that 2 additional parking spots needed to be added to the residential buildings on the plan. At least two spots per unit.

Mrs. Jobin reminded the applicant that parking areas need to be left open and not used for business or trailer storage.

Mr. Brehm asked about the alteration of terrain permit (AOT).

Mr. Rokeh stated that he needed to wait for this to be approved before he can submit final calculations.

Ms. Deachman stated that she still has safety concerns about trailer storage in the front westerly corner on Route 4 and Cross Road.

Mr. Rokeh stated that only very low trailers would be parked in that area, and nothing would be tall enough to impede drivers vision.

Mr. Rokeh stated that pins will be set in that corner area to denote where a trailer can be stored and to keep the wetland buffer clear.

Ms. Deachman had concerns about the fence height on the easterly border. She stated that the ditch they propose to put it in is already lower than ground level and she does not believe that it will be a tall enough barrier.

Mr. Rokeh stated that he does not disagree, and that he could move the fence closer to the property line and straighten out the line.

Mr. Healy stated that he has concerns about the integrity of the berm that has not been inspected by the Town engineer. If the berm were to fail, he wouldn't want the Town to be liable for approving it.

Mr. Rokeh stated that if there were any erosion it would come forward off the berm into their own property and not off the rear to the abutter.

Mr. Bouchard also has concerns about the berm. It was built up much higher than ground level.

Mr. Rokeh stated that the DES restoration has been completed and he is currently updating the paperwork and waiting for inspection.

Mr. Bouchard stated that he would like to see the fence go the entire length of the easterly lot line to meet the rear fencing to provide appropriate buffering.

Ms. Deachman agreed and would also like the fence to go all the way to the rear of the property.

Mr. Jameson stated that the lighting plan was showing that the light on the front of the house is has light pollution extending past the property lines.

Mr. Rokeh stated that will be taken care of and removed or changed out to a light that conforms.

Mr. Blaney stated that neighbors have complained about deliveries and asked if the noise ordinance covers that.

Mr. Rokeh stated that all semi-truck deliveries will be done during regular hours. He stated that late night deliveries are done by a regular truck and are not as loud. There could be late night deliveries, but with quieter vehicles.

Mr. Brehm stated that this proposal is past the 65-day clock, and they need discuss that.

Mr. Brehm would like to extend 60 days to have more time to review the plans.

Mr. Rokeh stated that he would advise on extending to following meeting on July 5, 2022.

Mr. Brehm made a motion and Mr. Jameson seconded to extend the 65-day clock to the following meeting on July 5, 2022. **Motion passes.**

Abutter Comments-

Earl Lund and Meghan Lund -43 Cross Road

Mr. Lund stated that he is concerned that the 8ft. fence on the display area at the rear of the property will not be enough buffer for his property.

Mr. Rokeh stated that they will stay along the 514ft. mark to keep the best coverage possible. A note will be added to the plan to indicate this.

David and Diane Morey- 42 Dover Road

Mr. Morey stated that he is concerned that a 6ft. fence is not going to be enough of a buffer and feels that it will not buffer the trailers or the trash blowing on his property.

Mr. Morey is also still concerned about snow being pushed onto his property.

Mr. Rokeh stated that a fence will be in the way, and they will plan to use the snow storage areas marked off on the plan.

Mr. Morey stated that he is very worried about what will happen six months down the road after the approval of this plan. He doesn't want to have to go through this again. He stated that he believes in property rights, however not at the extreme detriment of abutters.

Mr. Morey stated that he wanted to strongly urge the Town to consider a bond due to past performance.

Mr. Morey stated that he is concerned about equipment deliveries. He stated that it is very loud no matter if it's a truck or semi-truck. He does not want to be woken up in the middle of the night. He deserves to enjoy his time at his home and not be disrupted at night.

Members of the public-

Ewen MacKinnon-Bailey Road

Mr. MacKinnon asked what the max height of a low boy trailer would be?

Mr. Mackenzie was unsure, but up to 5ft.

Mr. MacKinnon asked if the snow storage will be pushed into the wetlands or in front of them?

Mr. Rokeh stated that a swale runs around the area which is being used currently.

Mr. MacKinnon stated that the fence is 6-8 feet, but they should consider the addition of a live fence to help buffer the abutters.

Mr. Brehm stated that trees have already been taken down and there is not much room to plant new trees.

Mr. MacKinnon asked if its possible to work with the abutters to plant trees.

Mr. MacKinnon stated that if they went to the Board beforehand, a lot of this could have all been avoided.

Mr. Mackenzie commented that Mr. MacKinnon is not an abutter so he doesn't know why he was being allowed to speak.

Mrs. Jobin stated that as a member of the public, he is allowed to give public comment.

Board discussion-

Mr. Jameson asked how many night deliveries are taking place?

Mr. Mackenzie stated roughly 2 times per week.

Mr. Morey stated sometimes its 1-2 times per week but sometimes it's almost every night, but they are always very loud.

Mr. Brehm read the noise ordinance out of the 2022 zoning which he stated covers this because it doesn't allow for noise from 10pm-7am.

The Board had a lengthy discussion regarding if any afterhours deliveries should be allowed at all.

List of items that are outstanding-

Permanent markers denoting display areas and wetland buffers.

Low bed trailers only in front westerly corner on Route 4 and Cross Road.

Remove the note "potential storage containers" note will be removed from plan and a note added for truck sales storage with spaces will be added.

Six-foot fence at ground level from the front setback to rear of property to connect to rear fence.

Rear 8ft fence will be on top of berm.

Berm will be graded to shim top to prevent drainage on abutting property.

Adjust lighting on front of house so no light trespass exceeds property boundaries.

Parking spaces to be added for residential parking in rear unit.

A note on the plan needs to be added that deliveries shall be made between 7am-10pm. Any occasional deliveries made after 10pm shall be subject to the noise ordinance.

A bond posted in the amount to be determined by the Town engineer is required by the developer and will be held by the Selectmen until satisfied that all conditions of the site plan approval and any other pertinent zoning ordinances, subdivision regulations, and other Town ordinances or regulations have been met. This bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen.

Completion of DES reclamation.

Alteration of Terrain permit. (AOT)

Approved septic design on file for septic systems on site.

Lot merger form filed at the MCRD.

Mrs. Jobin stated that she strongly encouraged the Board to require a bond to ensure the site is developed to plan.

Attorney Panciocco stated that she did not feel a bond was necessary.

Mrs. Jobin stated that she disagreed and considering the state of the site currently it is completely reasonable to require a bond.

Attorney Panciocco stated that it has not been proven that her client is in violation so that wasn't fair to say.

Mrs. Jobin stated that the NHDES had already found her client in violation and has required reclamation, as well the Town engineer found a list of deficiencies that she admitted her client was in violation of at the public hearing for the site plan revocation. Additionally, the site still looks the same as the day the cease and desist was ordered and the applicant has made no good faith effort to bring the site into compliance while this plan is being approved.

Attorney Panciocco stated that Mrs. Jobin should not be speaking, due to not being a Board member.

Mrs. Jobin stated that as Planning Coordinator it is her job to provide all information and offer an opinion to help the Board make the best decision.

Mr. Mackenzie stated that Mrs. Jobin has no reason to speak because she is only a minute taker.

Attorney Panciocco abruptly gathered her belongings and walked out of the public hearing.

Mr. Rokeh and Mr. Mackenzie stayed to finish the public hearing.

After some discussion, the Board decided to grant conditional approval.

Mr. Brehm made a motion and Mr. Blaney seconded to grant conditional approval with the following conditions to be completed before final approval:

- Berm will be graded to shim the top to prevent drainage on abutting property.
- Adjust lighting on front of house so no light trespass exceeds property boundaries.
- Parking spaces to be added for residential parking in rear unit.
- A bond posted in the amount to be determined by the Town engineer is required by the developer and will be held by the Selectmen until satisfied that all conditions of the site plan approval and any other pertinent zoning ordinances, subdivision regulations, and other Town ordinances or regulations have been met. This bond may be released in part when the project is substantial completed, at the discretion of the Board of Selectmen.
- Completion of DES reclamation.
- Alteration of Terrain permit. (AOT)
- Approved septic design on file for septic systems on site.
- Lot merger form filed at the MCRD.
- Lot merger to be filed and completed for Map 4 Lot 147 and Map 4 Lot 147-A1.
- Permanent markers denoting display area and wetland buffers.
- Only low bed trailers may be stored in the front westerly corner on the small storage area.
- Remove the note for “potential Conex storage” and change to truck sales and add lined spaces.
- 6FT Fence to be placed level to gravel, from front setback to rear fence.
- 8FT Fence from rear easterly corner to run the length of the berm
- Add two additional parking spaces near barn for residential spots.
- Every effort shall be made to have deliveries before 10pm. Any deliveries between 10:00pm-7:00am are subject to the noise ordinance.
- Well release filed at the MCRD.
- All required permit numbers to be added to the plan including, alteration of terrain permit, NHDES reclamation approval, and NHDES approved septic design.

Roll call vote. Brehm, aye. Jameson, aye. Bouchard, aye. Mayville, aye. Healy, aye. Blaney, aye. Deachman, nay.
Motion passes.

Public Hearing-Site Plan

Owner: Acorn Properties, applying on behalf of CI Chichester

Address: 263 Dover Road, Map 3 Lot 32

Engineer: Ian MacKinnon

Mr. MacKinnon presented on behalf of Campers Inn for site plan approval for camper sales. This location is currently an auction yard that will be converted into a sales lot. The main building will stay unchanged and be utilized for the business.

Representatives from Campers Inn came before the Board to discuss the business moving to Chichester. They stated that Campers Inn currently has 34 locations total, and they will be using this location as a test store first before expanding the site. If it does well, they plan to build it out more in the future. As of right now, they plan on utilizing what is currently there and only doing minor alternations, such as removing some trees to open things up.

Mrs. Jobin stated that the Road Agent could not attend the meeting, but he did have some comments that he wanted to share with the Board which included requiring a traffic study, putting in stop bars on the driveway as well as Mason

Road and making the current driveway two separated lanes in and out and wider. This would also require some work to the existing driveway and culvert.

Campers Inn indicated that a new store like this will have roughly 5-10 visitors on a weekday and 15-20 on weekends. They stated that they do not believe that the traffic will increase and will be very similar to what is occurring now.

Mrs. Jobin stated that if the Board does not require a traffic study now, that in the future any expansion of use would require an updated site plan and most likely a traffic study.

Mr. MacKinnon stated it was not possible to widen the driveway due to wetlands.

Mr. Brehm stated that he would like the applicants to check with NHDOT regarding accessing Route 4 and make sure DOT does not have any changes.

Mr. Jameson would like display areas clearly defined on the site plan.

Mr. MacKinnon stated that camper repairs will be done in the bays that exist currently in the building.

Ms. Deachman made a motion and Mr. Bouchard seconded to accept the plan as complete. **Motion passes.**

Ms. Deachman made a motion and Mr. Blaney seconded to grant conditional approval with the following conditions to be met:

- Building setbacks be shown on west side of property.
- Shade in and define gravel storage area on plan.
- Meet with Road Agent an update driveway permit for Mason Road to meet standards.
- Check with D.O.T. that nothing must be updated and Route 4 access from Mason Road is still acceptable.
- Note on the plan that all lighting will comply with the lighting ordinance.
- Wetland stamp added to plan.
- Snow storage added to plan.
- Must apply for a Chichester Business Permit.

Motion passes.

Public Hearing-Site Plan

Owner: William Young Properties

Address: 69 Dover Road, Map 4 Lot 146-1

Engineer: T.F. Bernier- Jonathan Crowdes

Mr. Crowdes came before the Board to present the updated site plan for William Young Properties. The existing conditions plan shows what exists today and the proposed site plan shows the proposed commercial rental units as well as additional parking needed.

Mr. Brehm made a motion and Mr. Mayville seconded to accept the plan as complete. Motion passes.

Mr. Jameson made a motion and Ms. Deachman seconded to find no regional impact. Motion passes.

The Board stated that the checklist needs to be updated with initials.

Mr. Young stated that he would like to use two of the units as residential rentals as opposed to commercial. He asked the Board if that was possible.

After some discussion, the Board determined that it would be possible to do that if he did a lot line adjustment and took some acreage from his adjacent lot.

Mr. Crowdes is going to rework the plan to meet the requirements of adding residential units to the plan.

Mr. Bouchard made a motion and Mr. Healy seconded to continue the public hearing until the next public meeting on July 7, 2022.

Adjournment- Having no further business, a motion was made by Mr. Mayville and seconded by Mr. Blaney to adjourn the meeting at 10:01pm. **Motion passes.**

Respectfully submitted,

Kristy Jobin, Planning Coordinator

Chairman, Stanley Brehm

Not approved until signed