

**Chichester Planning Board
Minutes of Meeting
Thursday March 3, 2021**

Members Present: Stanley Brehm (Chair), Michael Williams (Vice Chair), Richard Bouchard (ex-officio), Tom Houle, Tom Jameson, Allen Mayville, Dan Humphrey, Dr. Kevin Mara, DV M. and Kristy Jobin, Planning Coordinator.

Others present: Attorney Panciocco, Jodi Pinard, Dave Morey, Bernie Temple, Donna Chagnon, Adjin & Dragana Sarajlic, Robert and Mary Gallagher, other abutters, and other members of the public.

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

Roll Call Attendance: Stanley Brehm (Chair), Michael Williams (Vice Chair), Richard Bouchard (ex-officio), Tom Houle, Tom Jameson, Allen Mayville, Dan Humphrey, Dr. Kevin Mara, DV M. and Kristy Jobin, Planning Coordinator.

Site Plan Revocation-CM Truck & Trailers, LLC.

46 Dover Road, Map 4 Lot 147

This public hearing was originally scheduled for the February 3, 2022 and continued at the request of CM Truck & Trailer, LLC. by Attorney Panciocco to February 17, 2022. The public hearing was closed on February 17, 2022, and the Planning Board continued deliberation to the March 3, 2022, Planning Board meeting.

Mr. Brehm stated that the public hearing has been closed and the Board will be continuing deliberation to consider the revocation of CM Truck & Trailer, LLC's current site plan that was previously approved on December 6, 2018, for Map 4 Lot 147 located at 46 Dover Road,

The Board is considering revocation for the reasons stated below:

- Trailers are being stored in locations not authorized for storage.
- The north end of the site has been expanded onto the abutting property including a large earth berm, a parking area, and a detention basin.
- Stone retaining walls have been constructed on the south side of the site (near the highway) that were not depicted on the approved plans to further expand the trailer parking area.
- The wetland and wetland buffers at the northwest end of the site have been filled in with parking areas or erosion stone. Also, the stone has been placed above the invert of the existing drainage pipe (under the highway) which may cause sediment to accumulate in the pipe reducing its hydraulic capacity. Some fill has been placed in the wetland north of the proposed 12" wide drive. No erosion controls are in place.
- A detention basin without an outlet structure (other than the emergency overflow) was installed at the north of the site in a different location than the basin proposed and mostly on the abutting property

Mr. Bouchard made a motion and Mr. Mayville seconded to revoke the Site Plan for CM Truck & Trailer, LLC. located at 46 Dover Road, Map 4 Lot 147, for being in violation of 676:4-a Revocation of Recorded Approval with violations previously mentioned.

Discussion:

Mr. Williams stated that there are two components to this. Evidence and Argument. He stated that the Board has all the evidence they need and even opposing counsel stating there is enough grounds to revoke the site plan. What we don't have, is an argument to why the Board should revoke. He asked the Board what the purpose is, and if the Board is trying to shut the business down and stop them from running a business in Town or are we trying to bring them into compliance.

Mr. Houle stated that his opinion was that it was discussed with Mr. Bouchard when he stopped by the business, along with the office and this should have been put to bed along time ago. He decided not to push forward and do what he was supposed to do which got him to this point, which is exactly why the Board should revoke the site plan.

Mr. Bouchard stated that there was discussion before he stopped by the business which is why he reached out. He wanted to let Mr. Mackenzie know how great everything was looking and give him the opportunity to fix the things he needed to. He was called in front of the Board of Selectmen, which he never appeared, and eventually counsel was sent on his behalf. He wished Mr. Mackenzie would have come before the Selectboard so things could have been worked things out before it got to this point. He stated that when he stopped by the business, he also left his business card, so he could have reached back out at anytime to discuss things. Mr. Bouchard stated he does not think CM Truck & Trailer will lose a day of business, and that's not what the Board wants, he just needs to comply with the zoning.

Mr. Williams asked the Board what the purpose of delaying the vote was.

Mr. Brehm stated that he was not ready to vote last meeting and needed more time to think about all the information. After going back and reading the site plan revocation RSA, its cut and dry to him. This is the first revocation in Chichester to his knowledge and the Board should stand by the zoning. The intent is not to put anyone out of business, but the Board would not be doing their due diligence if they did not move forward with the revocation.

Mr. Humphrey stated that it is outrageous that the Planning Board has been put in this position and has no choice but to vote to revoke the site plan. He stated that he hopes that it doesn't affect the business and they can move quickly enough to come not compliance.

The Board held some discussion on what it means to revoke the site plan and how long the process is. Mr. Bouchard explained that if the Board chooses to revoke the plan, there is a 30-day waiting period for appeals. After the 30-day waiting period the site plan revocation would be filed at the Merrimack County Registry of Deeds. The previously approved site plan would then be revoked.

Attorney Panciocco stated that she was upset that the Board is deciding tonight without her client present. She was also upset that the Board would not allow more public input, stating that the Board can reopen the public hearing.

The Board explained that the public hearing was already closed, and they were only deliberating and deciding to either vote or continue to the next meeting.

Mr. Williams stated that it would be a violation of RSA to reopen the public hearing without giving the proper 30-day notice.

Attorney Panciocco and others present on behalf of CM Truck & Trailer were asked several times to stop speaking, which they refused and continued to speak over the board Members.

Previously made motion:

Mr. Bouchard made a motion and Mr. Mayville seconded to revoke the Site Plan for CM Truck & Trailer, LLC. located at 46 Dover Road, Map 4 Lot 147, for being in violation of 676:4-a Revocation of Recorded Approval with violations previously mentioned.

Roll call vote. Mr. Brehm, aye. Mr. Bouchard, aye. Mr. Mayville, aye. Mr. Houle, aye. Mr. Williams, nay. Mr. Humphrey, aye. Mr. Jameson, aye. 6-aye. 1-nay. **Motion passes.**

Public Hearing-Site Pan

Owner: Ajdin Sarajlic

Location: 119 Dover Road, Map 4 Lot 164

Engineer: Jon Rokeh

Mr. Temple came in place of Mr. Rokeh, who could not be in attendance. He presented the plan for 119 Dover Road representing Mr. Sarajlic. The plan proposes the existing house to be used as a single-family rental and the existing garage/workshop to be used as a commercial garage that will also be rented.

Mrs. Jobin created a memo for the Board with the following information:

The applicant, Adjin Sarajlic, submitted an application for Map 4, Lot 164, located at 119 Dover Rd. within the Commercial Village, totaling 4.77+/- acres on land owned by Adjin Sarajlic for the purpose of creating a multiuse property. The existing house is proposed to be used as a single-family rental, and the existing garage/workshop is proposed to be used as a commercial garage that will also be rented. The property has traditionally been used as a home occupation.

The Town of Chichester received a set of plans for the proposed Site Plan on 02/02/2022. The plan sets reviewed were entitled Partial Existing Conditions Plan, Adjin Sarajlic and dated 01/22/2022 and consisted of 1 sheet as prepared by James O'Neil and Jon Rokeh.

A number of items are missing from the plan including, abutters names, handicap parking space, wetlands delineation, lighting, and an updated D.O.T. driveway permit and a waiver request to waive the requirement to do a full boundary survey, topography, and wetland survey on the entire lot.

There has been a report by the tenant of the garage that there are major water issues and possible wetland violations.

A waiver Request for the automotive repair use in the Commercial Village was submitted at the time of application by Jon Rokeh.

Mrs. Gallagher stated that she did speak to DES regarding the wetland issue and was directed to also contact the Town with concerns.

Mr. Humphrey made a motion to accept the application as complete with the following conditions:

- Abutters added to plan
- Waiver for partial delineation of wetlands,
- Lighting added to plan
- Waiver request for partial boundary survey
- Handicap parking spot added
- Update of D.O.T. permit
- Clarification on property line (squiggly line on westerly front corner of

Mr. Jameson seconded. **Motion passes.**

Mr. Williams made a motion and Mr. Humphrey seconded to find no regional impact. **Motion passes.**

Mr. Humphrey made a motion and Mr. Williams seconded to continue the public hearing for Adjin Sarajlic, 119 Dover Road, until the April 7, 2022, Planning Board meeting. **Motion passes.**

Public Hearing-Site Pan Amendment

Owner: Mal-Mar, LLC. -Bobcat

Location: 9 Dover Road, Map 4 Lot 150C & 150E

Engineer: Jon Rokeh

Mr. Temple presented on behalf of Mr. Rokeh who could not be in attendance for the site plan amendment for Bobcat located at 9 Dover Road. The proposed amendment is an expansion of the approved uses of the property to allow for storage of third-party trailers, campers, etc. Also, an approval of a new storage building. The proposal has no additional disturbed area. The building and storage areas are all located in existing approved gravel storage yard areas. No retail sales of third-party storage items are proposed from this location.

The Board reviewed the application and noted that a cover sheet be added to show the entire site and abutters, lighting be added to the proposed building, and D.O.T. be contacted to update the existing driveway permit.

Mr. Williams made a motion and Mr. Humphrey seconded to accept the application as complete. **Motion passes.**

Mr. Humphrey made a motion and Mr. Williams seconded to find no regional impact. **Motion passes.**

The Board requested a defined area for the storage areas along with the square footage noted of the area.

Mr. Houle made a motion to approve with the following conditions:

- Cover page showing the entire site and abutters
- Lighting plan for new building
- Updated D.O.T permit
- Defined storage areas with square footage noted.

Mr. Williams seconded. **Motion passes.**

Other Business-

The Board scheduled a workshop meeting for March 17, 2022, at 6:00pm.

Adjournment- Having no further business, a motion was made by Mr. Humphrey and seconded by Mr. Williams to adjourn the meeting at 8:19pm. **Motion passes.**

Respectfully submitted,

Kristy Jobin, Secretary

Chairman, Stanley Brehm

Not approved until signed