

6-6-18 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, June 6, 2018
Municipal Complex
Approved Minutes**

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Aaron Hume, Alternate Member

Members Absent

Michael Weider, Member
Jacob Weider, Alternate Member
Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times:

Rob Brown, 501 Fremont Road
Rhonda Lamphere, 527 Fremont Road
Dana Theokas, Chester Resident
Others unknown to this recording secretary.

Chairman Sullivan called the meeting to order at 7:06 pm.

Chair Sullivan noted Mr. Hume is filling in for Mr. Weider.

Ms. Theokas sat at the meeting table as a guest.

Meeting Agenda

General Business

- Review and sign invoices and time sheets.
- Review and approve minutes for 05-23-18.
- Review and approve request for release of \$11,782 in Highway Impact and offsite improvement fees for the Cole Road work.
- Chairman to sign DuBois & King review contract for Farr Automotive.
- FYI – agenda for 6/13 is to review Crowley Woods Subdivision CoA.
- FYI – heavy agenda for 6/27.

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- FYI – review Busche Academy conceptual discussion with Lei Wang and Bill Rohr.

7:10 PM – Appointments – None Scheduled

7:15 - Public Hearing

1. Home Business Application of Rob Brown (Applicant) to operate a contracting/excavation company business located at 501 Fremont Road (Map 9 Lot 83).

Future Meeting Dates:

June 13, 2018 – Work session – review CoA for Crowley Woods subdivision.

June 27, 2018 – PH Pipit Estates, CPH Crowley Woods

Review and approve minutes for May 23, 2018 meeting.

The Board reviewed the draft minutes from the May 23, 2018 meeting.

Vice Chair Sederquest made a motion to accept the May 23, 2018 as presented; Ms. Richter seconded the motion. Motion approved, 4-0-1, Mr. Snyder abstained.

FYI – agenda for 6/13 is to review Crowley Woods Subdivision CoA.

Mr. Hadik noted the conditions of approval for the Crowley Woods subdivision would be reviewed at the June 13, 2018 meeting.

The Board discussed the review of the conditions of approval.

FYI – heavy agenda for 6/27.

Mr. Hadik informed the Board the June 27, 2018 Board meeting will have a long agenda because of the two public hearings.

7:15 - Public Hearing

1. Home Business Application of Rob Brown (Applicant) to operate a contracting/excavation company business located at 501 Fremont Road (Map 9 Lot 83).

Ms. Richter made a motion to open the Public Hearing for Home Business Application of Rob Brown (Applicant) to operate a contracting/excavation company business located at 501 Fremont Road (Map 9 Lot 83); Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

The Public Hearing was opened at 7:21 pm.

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The Board reviewed Mr. Brown's application and the conditions of approval. Mr. Snyder made a motion to accept the Home Business Application of Rob Brown (Applicant) to operate a contracting/excavation company business located at 501 Fremont Road (Map 9 Lot 83); Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

Mr. Brown came before the Board at 7:26 pm. He gave an overview of the history of the property. He said that he had purchased the property three years ago. Mr. Brown noted that there have been home businesses running out of the property for 40 years or so. Mr. Brown stated that he intends to install a sign that will meet the Town regulations.

Chairperson Sullivan reminded Mr. Brown that vehicles which are parked on the property must be screened as required by the regulations. Mr. Brown acknowledged the equipment is parked behind his house and behind his fence. Chair Sullivan noted he had driven by the property and had not seen anything objectionable parked around the property.

Ms. Richter said her concern would be the place might end up looking like a heavy equipment truck rental place if all of the equipment is home. Mr. Brown said that he wouldn't want this to happen either. He noted that there is plenty of room to park the equipment and he keeps the area clean.

Ms. Lamphere came before the Board to ask questions regarding the home business. She noted she is an abutter to Mr. Brown's property on the east side.

Ms. Lamphere said although Mr. Brown's business does not bother her too much, she is bothered by the fact Mr. Brown is not following the Town ordinances. She said Mr. Brown is working out of a commercial building (garage) built by Mr. Remillard many years ago. Ms. Lamphere noted the Town would not allow Remillard to run the business at this property because there was too much equipment on it.

Ms. Lamphere explained Mr. Brown just subdivided the lot creating two lots: one with the residence and one with the commercial building. She asked if the Planning Board was going to allow Mr. Brown to run a business out of the commercial building which is the garage on the new lot with no residence on the property. Ms. Lamphere said that he doesn't live on the property with the garage. She gave the Board a picture of the property with the garage stating that if Mr. Brown disputes that he is running the business on the property with no residence and only the garage, the picture proves differently.

Ms. Lamphere further explained Mr. Brown came to the Planning Board in February and subdivided the land. She said the commercial building is on the new lot and there is no house on the new lot. Ms. Lamphere said Mr. Brown lives in the house on the original lot.

Mr. Brown said he owns all the property and he does not run his business out of the garage on the new lot. He noted that if one were to look in the garage right now an ATV would be seen. Mr. Brown said

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that he stores stuff in his garage, while he runs the business out of an office in his house. When asked, he did say he sometimes services some of his equipment at the garage.

Ms. Richter asked Mr. Brown if all the vehicles are parked on the property on which his house is built. Mr. Brown said that the vehicles are parked in front of the house, along the fence, and next to the side of the garage.

The Board discussed that what is before them is the application for the home business, not code enforcement of the two lots. They discussed the regulations of a home business on two lots owned by one person. Ms. Theokas questioned if this was a zoning issue.

Mr. Snyder said that he thinks that there isn't any problem, as long as Mr. Brown owns both properties.

Ms. Lamphere pointed out when there had been previous home businesses on the property, being run out of the garage, the property was one lot. She noted this no longer the case.

Mr. Snyder said Mr. Brown owns both properties with an imaginary line drawn down it, and there is no issue with the garage being used to service equipment until Mr. Brown sells the property.

Chair Sullivan asked Ms. Lamphere to show the Board the rules which she thought Mr. Brown was violating. Ms. Lamphere said his residence is now not on the same lot with the garage.

Ms. Richter stated Mr. Brown is telling us that he is running his business out of his residence which is allowed by the home business regulations.

The Board had more discussion about hypothetical scenarios.

Ms. Lamphere said although Mr. Brown will receive his permit today, she wants to point out since he has moved to this property he has been in violation of Town ordinances by operating a home business without a home business permit, then he decided to subdivide the land. Ms. Lamphere expressed concern something will change with Mr. Brown and the two lots.

Ms. Lamphere added that she has discussed this Mr. Hadik several times. Mr. Hadik noted that he is not the code enforcement officer. Ms. Lamphere stated that her husband did go to code enforcement twice and the issue was just "laughed off."

Mr. Snyder said unless they can find something specific that is a violation of zoning, there is no reason to deny the application in front of them.

Mr. Hadik said the (code enforcement) "trigger is the transfer of ownership" of the new lot. When this occurs, Mr. Brown should no longer use the garage on the new lot to service his business's equipment.

The Board reviewed the conditions of approval.

Mr. Snyder made a motion to approve the Home Business Application of Rob Brown (Applicant) to operate a contracting/excavation company business located at 501 Fremont Road (Map 9 Lot 83) with the conditions as presented tonight; Ms. Richter seconded the motion. Motion approved, 5-0-0.

Mr. Brown departed the meeting at 7:56 pm.

Review and approve request for release of \$11,782 in Highway Impact and offsite improvement fees for the Cole Road work.

Mr. Hadik explained the paired culverts on Cole Road were washed out after a very heavy rain event. He noted the current new replacement culverts are a temporary fix which, according to DES, will have to be replaced with a permanent \$450K box culvert within five years.

Mr. Snyder asked about the status of the RSMS program. Mr. Hadik said SNHPC is still waiting on NH DOT to approve the latest software upgrade. Mr. Snyder said Candia didn't find their RSMS to be very useful.

Mr. Hadik and the Board had an in-depth discussion of the best way to move forward on the survey of the Town's roads. Mr. Hadik stated he and the Road Agent had been discussing hiring Street Scan to survey some of the more problematic road sections. The Board agreed this would likely produce more useful information than SNHPC's RSMS. Mr. Hadik will investigate StreetScan.

Mr. Snyder made a motion for the release of \$11,782 in Highway Impact and offsite improvement fees for the Cole Road work as stated in the letter from Mike Oleson dated May 30, 2018; Ms. Richter seconded the motion. Motion approved, 5-0-0.

FYI – review Busche Academy conceptual discussion with Lei Wang and Bill Rohr.

Mr. Hadik gave the Board an in-depth overview of conceptual plans for growth and development of Busche Academy as proposed by the new owner, owner of many international schools, including Beijing Royale. He said he had suggested Mr. Wang and Mr. Rohr should schedule to have a conceptual discussion with the Board, however, they had declined for now, just wanting to report the general feasibility of new buildings back to the new owners.

The first project they mentioned was to build a student activity and athletic center to right of the former library, on the site where years ago there was a site plan review for White Pine s College's proposed academic center. Mr. Hadik noted this project might require a variance for the setback to wetlands.

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210 The second project discussed was the building a second student dormitory just downhill from the
211 current one.

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213 The third project discussed was the building of robotics labs in the former Nutting & Dalrymple halls
214 with a federal grant as part of a regional program being spearheaded by Dean Kamen.

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216 The last project discussed was developing the remainder of the property with housing for faculty (and
217 possibly for sale to the public). Mr. Hadik noted he had explained this would have to be closely
218 reviewed by both the Planning and Zoning boards to ensure the unit densities would still conformed to
219 the zoning ordinance.

220

221 Mr. Hadik noted that the expansion project would likely start with a conceptual discussion with the
222 Board, followed by site plan review for the student activity and athletic center.

223

224 **Adjournment**

225

226 Ms. Richter made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion
227 approved, 5-0-0.

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229 Meeting adjourned at 8:28 pm.

230

231 Respectfully submitted,

232

233 C. Molly Qualters

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235 Recording Secretary