

1-24-18 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

Town of Chester
Planning Board Meeting
Wednesday, January 24, 2018
Municipal Complex
Approved Minutes

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member (arrived at 7:29 pm)
Aaron Hume, Alternate Member
Cass Buckley, Ex-Officio (arrived at 7:28 pm)

Members Absent

Jacob Weider, Alternate Member

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Carla Beck, Chester, NH
Kevin and Kristy DeCesare, Play, Laugh and Grow, Chester
Jonathan Farr
Kevin Hatch, Cornerstone Survey Associates, Inc.
Jason Hill, engineer, TFMoran, Inc.
John and Rhonda Lamphere, 527 Fremont Road
Stephen MacLead, 243 Shepard Home Road
Ann Parnell, 512 Fremont Road
Bill Rohr, Busche Academy
Kevin Scott, 11 Haverhill Road
Penny Williams – Tri Town Times
Others unknown to this recording secretary

Chairman Sullivan called the meeting to order at 7:00 pm.

Chairman Sullivan noted that Mr. Hume is the alternate for Mr. Weider until Mr. Weider arrives at the meeting.

Meeting Agenda

General Business

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- Review and sign invoices and time sheets.
- Approve release of \$4,647 of Police Impact Fees to help cover the replacement of the 2016 Ford Explorer police cruiser.
- Review and approve minutes for 12/13/17 and 12/20/17.
- Review and approve bond reduction for Gladys Nicoll Lane.
- FYI – Status update of SNHPC RSMS fieldwork / data gathering.
- Reminder – PB Budget Review with BOS Thursday, January 25th, at 7:15 pm.
- CIP project reviews and scoring.

7:10 PM – Appointments

Kevin Scott re: Wayne Gates Subdivision – Map and Lot 1-95-1.

Jonathan Farr re: Conceptual site plan discussion – Map and Lot 9-63.

Public Hearings

- 1. Subdivision application by Rob Brown (Owner), 501 Fremont Road (Map 9 Lot 83), for a 2-Lot Subdivision off Fremont and Shepard Home Roads in Chester, NH.**
- 2. Site Plan Review application by Kristy Decesare (Operator) and Busche Academy (Property Owner) to operate a licensed 40 – child capacity, daycare center in the former CCNE Nutting Hall Building (Map 5 Lot 14), 66 Chester Street, Chester, NH.**

Future Meeting Dates:

February 7, 2018 – Review draft zoning amendments?

February 14, 2018 – CPH Crowley Woods Subdivision. PH to adopt updated CIP? Review draft zoning amendments?

February 28, 2018 –

Approve release of \$4,647 of Police Impact Fees to help cover the replacement of the 2016 Ford Explorer police cruiser.

The Board discussed the request by the Police Department.

Mr. Hadik explained Chief Berube had submitted a letter requesting the release of \$4,647 of CPD impact fees to help cover the cost between the insurance settlement plus deductible and replacement cost for the recently totaled 2016 Ford Explorer police cruiser. Mr. Hadik explained the replacement of police cruisers are included in the CIP, and therefore qualifies for the release of funds from accrued CPD impact fees.

Ms. Richter made a motion to approve the release of \$4,647 of police impact fees to be applied to the cost of the replacement of the 2016 Ford Explorer police cruiser; Mr. Snyder seconded the motion. Motion approved, 4-0-1, Mr. Hume abstained.

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Review and approve the construction bond reduction for Gladys Nicoll Lane.

Mr. Hadik and the Board reviewed and discussed the documents from DuBois and King regarding the bond reduction for Gladys Nicoll Lane.

Mr. Snyder made a motion to amend the bond amount for Gladys Nicoll Lane to \$222,000 per the letter from DuBois and King dated December 22, 2017; Vice Chair Sederquest seconded the motion. Motion approved 5-0-0.

FYI – Status update of SNHPC RSMS fieldwork / data gathering.

Mr. Hadik updated the Board on the progress of the SNHPC RSMS fieldwork. He noted that they only need two more days of good weather and clear road shoulders to complete the data gathering.

Reminder – PB Budget Review with BOS Thursday, January 25th, at 7:15 pm.

Mr. Hadik noted that the Planning Board budget review with the BOS will be Thursday, January 25, 2018, at 7:15 pm.

7:15 PM – Appointments

Kevin Scott re: Wayne Gates Subdivision – Map and Lot 1-95-1.

Mr. Kevin Scott came before the Board at 7:10 pm.

Mr. Scott said that he is the executor of the Leroy G. Scott estate.

Mr. Scott explained that he is requesting that the Planning Board remove the designation of “No Construction” on the approval of subdivision status for Lot Number 4 of the Wayne Gates subdivision as recorded at Rockingham County Registry under Plan #D-5452, to sell this parcel of land. He noted that in 1977, Lots 1 and 2 had this designation lifted after engineering was approved. He continued adding that the Lot 4, now Map 1 Lot 95-1, has been engineered, approved and requires no variance to build upon.

Mr. Hadik presented the Board with a time-line history of the Wayne Gates subdivision, minutes from 1975 and 1976, and various related documents. He and the Board discussed the history and the minutes.

Mr. Hatch came before the Board at 7:17 pm.

Mr. Hatch said that he had reviewed the 3-acre lot. He noted that the property’s building envelope is large enough on which to build a house and meet all the setback requirements.

The Board discussed the issue.

Mr. Snyder made a motion to have Mr. Hadik generate a letter to the Registry of Deeds, as written below, to lift the designation of “No Construction” on the approval of subdivision status for Lot Number 4 of the Wayne Gates subdivision as recorded at Rockingham County Registry under Plan #D-5452; Vice Chair Sederquest seconded the motion. Motion approved 5-0-1, Mr. Buckley abstained.

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Mr. Hadik read what the generated letter to the Registry of Deeds will include. He noted that he will be advising them that, “the Town of Chester has approved Lot 1-95-1 (Lot Number 4), being 3.15 acres, more or less, on a plan entitled “Subdivision of Wayne Gates Land, East Derry Road, Chester, NH, Date 17 June, 1975,” by B.V. Pearson Assoc., said plan being recorded on the Rockingham County Registry of Deeds as Plan #D-5452. After the recording of this letter, which is to be cross referenced to the plan, the “No Construction” designation on said lot is to be given no force and effect, said lot being hereby approved.”

Mr. Scott departed the meeting at 7:30 pm.

Jonathan Farr re: Conceptual site plan discussion – Map and Lot 9-63.

Mr. Jonathon Farr came before the Board at 7:29 pm.

Mr. Farr said that he had the site engineered by Bedford Designs in November of 2017. He noted that his original plans to live and work on the site have changed because of requirements for sprinkler systems which significantly increase the construction cost. Mr. Farr said that he is waiting for the Fire Department to confirm the requirements for the sprinkler system.

Mr. Farr and the Board discussed the parking, setbacks, variances, ordinances, and codes for Mr. Farr’s conceptual site plans.

Mr. Farr departed the meeting at 7:47 pm.

Public Hearings

1. Subdivision application by Rob Brown (Owner), 501 Fremont Road (Map 9 Lot 83), for a 2-Lot Subdivision off Fremont and Shepard Home Roads in Chester, NH.

Mr. Snyder made a motion to accept the application by Rob Brown (Owner), 501 Fremont Road (Map 9 Lot 83), for a 2-Lot Subdivision off Fremont and Shepard Home Roads in Chester, NH, and open the Public Hearing; Mr. Weider seconded the motion. Motion approved, 6-0-0.

The Public Hearing was opened at 7:50 pm.

Mr. Hatch came before the Board at 7:50 pm.

Mr. Hatch said that the applicant Mr. Rob Brown (not present) has purchased and is remodeling the house at 501 Fremont Road. He said the Mr. Brown is requesting to divide the 4.63-acre lot into two lots. Mr. Hatch explained that the two lots have far more than the required frontage. He noted that the two lots would be 2.03 acres and 2.59 acres.

Mr. Hatch said that the existing house on the lot 83 is a single-family home with an accessory apartment.

Mr. Hadik said that the building inspector (not present) has said that the plans should not reference the lot as having an accessory apartment.

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After some discussion, the Board and Mr. Hatch agreed that the house on lot 83 is a single-family home with no accessory apartment. Mr. Hatch said that he will remove the note referencing the accessory apartment, referencing the house as a single-family house.

Mr. Hatch reviewed with the Board a review letter from DuBois and King; he noted what was requested and what has been completed. Mr. Hadik suggested rather than review and debate the issues listed, perhaps this could be reviewed once a “clean” review letter is obtained from DuBois & King.

Chairman Sullivan called for Public Comment.

Mr. Lamphere came before the Board.

Mr. Lamphere asked the Board for their definition of an accessory apartment to a property.

Mr. Hadik explained that the property is not being represented as a duplex, or as having an accessory apartment until it can be legitimized by meeting certain criteria (code requirements) in the Accessory Dwelling Units- Article 9 and getting special exception from the ZBA. He said that the definition for an ADU can be found in Article 9, but that the Planning Board is considering this property only as a single-family dwelling.

Mr. Lamphere asked the Board if Mr. Brown has plans to live in the new house. He noted that Mr. Brown has an existing garage on the property where he is doing maintenance on his plow trucks and vehicles and doesn’t have a home business permit. Mr. Lamphere asked the Board what their position will be on a home business permit for this property.

Chairman Sullivan noted that the Board is considering a two-lot subdivision at this meeting, not a home business permit. He stated that the need for a home business permit would be considered a code enforcement issue.

The Board suggested that Mr. Lamphere bring issues of which he is aware to the code enforcement officer.

Mr. Lamphere asked the Board if Mr. Brown would be able to live in the existing house and then run his business on the new lot. The Board said again would be considered a code enforcement issue.

Ms. Parnell came before the Board.

Ms. Parnell said that she is an abutter and she noted that her name had been left off the plans. She pointed out that only her spouse’s name, now deceased, was on the mailing label.

Mr. Hatch apologized and said he would make the corrections.

Mr. Stephen MacLead came before the Board.

Mr. MacLead asked about the existing house being listed as a two-family house with an office.

The Board and Mr. Hatch discussed how the house was listed on tax cards, and the listing of the house.

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The Board said that the house is currently being considered as only a single-family house.

Mr. Hadik said that he would email a copy of Article 9 to Ms. Lamphere, which defines an accessory dwelling unit.

Mr. Snyder made a motion to continue the Public Hearing for the application by Rob Brown (Owner), 501 Fremont Road (Map 9 Lot 83), for a 2-Lot Subdivision off Fremont and Shepard Home Roads in Chester, NH to 7:15 pm on February 14, 2018; Vice Chair Sederquest seconded the motion. Motion approved, 6-0-0.

2. Site Plan Review application by Kristy DeCesare (Operator) and Busche Academy (Property Owner) to operate a licensed 40 – child capacity, daycare center in the former CCNE Nutting Hall Building (Map 5 Lot 14), 66 Chester Street, Chester, NH.

Mr. Snyder made a motion to accept the application by Kristy DeCesare (Operator) and Busche Academy (Property Owner) to operate a licensed 40 – child capacity, daycare center in the former CCNE Nutting Hall Building (Map 5 Lot 14), 66 Chester Street, Chester, NH and open the Public Hearing; Mr. Weider seconded the motion. Motion approved, 6-0-0.

The Public Hearing was opened at 8:19 pm.

Mr. Jason Hill, TFMoran, Inc., came before the Board at 8:19 pm.

Mr. Hill presented the plan to develop Busche Academy's Nutting Hall Building into a licensed 40-child capacity, daycare center. He described construction planned, including fencing that would be installed in front and on the side of the hall, and parking area reconfiguration.

Mr. Hill and the Board discussed the amount and location of parking. Mr. Hadik pointed out that the numbers for the parking spaces didn't match calculations on the plan; he suggested that Mr. Hill amend the notations on the plans.

The Board, Mr. Hadik, and Mr. Hill discussed the zoning of daycare centers, if they are considered residential or commercial. Mr. Hadik reviewed the zoning of the daycare's location, noting that in Article 5 of Zoning Regulations educational institutions, and childcare centers are permitted uses.

The Board and Mr. Hill had much discussion about the fence that is planned to run across the front of the building. The Board expressed concern about the aesthetics of a chain link fence in front of a historical building in the center of Town.

Ms. Kristy DeCesare came before the Board.

Ms. DeCesare described the fence she plans to install in front of the building as a four-foot chain link fence. She said that a fence is necessary for the safety of the children.

The Board suggested that cutting a door into the side of the building to access the play area would be a safer, more aesthetic solution, that may be less expensive than the proposed extra fencing.

Mr. Kevin DeCesare came before the Board.

Mr. DeCesare said that they could install a decorative fence to go with the design of the building in front of the building.

Mr. Buckley said that he wants the DeCesares to research costs for installing a door in the side of the building.

There was much discussion about installing a fence in front of the building versus installing a door in the side of the building.

There was additional discussion about the installation of a fence, and where the fence would start and end. The original plans had the fence starting at the side of the front door and running across half of the front of the building. The Board agreed that if a fence must be installed in the front of the building it should run across the whole front of the building to be more aesthetically pleasing. The Board said that they would prefer a door be installed on the side of the building versus installing a fence across the front lawn.

Mr. Rohr came before the Board.

Mr. Rohr explained that he thought it would be very expensive and impractical to cut a door in the side of the building.

Mr. Snyder suggested that the DeCesares come back to the Board with a proposal of appropriate fencing for the front of the house with pictures of the fencing. The Board agreed that the DeCesares should create a proposal for a fence and/or a door and return to the Board to make their presentation.

The Board and Mr. Hill discussed dumpster usage. Mr. Rohr said that the DeCesares have use of the existing Busche Academy's dumpsters as part of their lease agreement. Mr. Hadik said that the Planning Board will need a note from the owner of Busche Academy stating that they (the DeCesares) have permission to use the Busche Academy dumpsters.

Chairman Sullivan called for Public Comment.

Ms. Carla Beck came before the Board.

Ms. Beck said that as a parent she is concerned that the building is too close to Chester Street; she noted that no fence no matter how high will make the property safe enough for the children.

Ms. Beck asked Ms. DeCesare how long she plans to have the business at that location.

Ms. DeCesare said she plans to be there for at least five years. She and Mr. DeCesare noted that they have been running daycares for twelve years.

Ms. Beck and the Board discussed the driveway widths and other issues.

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321 Ms. DeCesare said that she does not do before and after school care so that there will be no bus stop in
322 front of the business.

323

324 Mr. Weider made a motion to continue the Public Hearing for the application by Kristy DeCesare
325 (Operator) and Busche Academy (Property Owner) to operate a licensed 40 – child capacity, daycare
326 center in the former CCNE Nutting Hall Building (Map 5 Lot 14), 66 Chester Street, Chester, NH to
327 February 14, 2018; Mr. Buckley seconded the motion. Motion approved, 6-0-0.

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329 **Adjournment**

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331 Mr. Snyder made a motion to adjourn the meeting; Mr. Weider seconded the motion. Motion
332 approved, 6-0-0.

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334 Meeting adjourned at 9:24 pm.

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336 Respectfully submitted,

337 C. Molly Qualters

338 Recording Secretary