

8-10-22: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, August 10, 2022
Approved Minutes**

(The meetings are broadcast live on Channel 20, and available on the Town's cable TV streaming service - go to <http://www.vod.chesterctv.com> and click "Watch Now".

Members & Staff Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Richard Snyder, Member
Mike Weider, Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Town Planner

Members Absent:

Elizabeth Richter, Member

Guests and Members of the Public Present:

Russell Quintal, 24 Carkin Street
Frances Bechtold, 4 Donna Street
Tim Lavelle, James Lavelle Associates
Brian Malone, 218 Fremont Road
Jane Alisey (sp?), 218 Fremont Road
Sarah & Joe Surrette, 232 Fremont Road
Chester PACT and others unknown to the Recording Secretary

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes for the 7/27/22 and 8/3/22 PB meetings.
3. Draft Letter of Credit – Southwoods subdivision.
4. Garabedian gravel pit application update.
5. Land Use Board changes.

7:15 PM – Appointments

None scheduled

7:15 PM – Public Hearings

1. Lot-Line Adjustment application from Russell Quintal, 24 Carkin Street (Map & Lot 005-071-000), and the Frances Bechtold Family Trust, 4 Donna Street (Map & Lot 005-070-000).

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2. Site Plan Review application of Sarah & Leon Surette (owners) for a private school, located at 232 Fremont Road (Map & Lot 009-021-003 in Chester, and Map & Lot 21-67 in Sandown).

Potential Non-Public Sessions

Meeting Minutes

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

7:00 PM – GENERAL BUSINESS

1. Review & approve invoices, sign documents etc.

There were no documents or invoices to review or sign.

2. Review & approve the minutes for the 7/27/22 and 8/3/22 PB meetings.

Mr. Snyder noted that on line 76, the word "cause" should be in quotations and add, "a vague and undefined term used in either the New Hampshire statute or New Hampshire case law."

Mr. Weider moved to approve the minutes of the 7/27/22 Planning Board meeting as amended. Mr. Snyder seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Mr. Weider moved to approve the minutes of the 8/3/22 Planning Board meeting as written. Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

3. Draft Letter of Credit – Southwoods Subdivision

Mr. Hadik noted he received a draft letter of credit for the Southwoods Subdivision. He reviewed it, clarified a point of confusion on the work needed to be done for Phase 1 and Phase 2, and forwarded it to Attorney Bennett for review. Attorney Bennett made additional edits.

Selectman Myette asked Mr. Hadik about a conveyance document associated with the conservation easement that was not presented to the Conservation Commission. It includes other allowances, such as a recreation area, that are not in the easement. There are inconsistencies between the two documents, which is an issue. Mr. Hadik will look into this.

4. Garabedian Gravel Pit application update.

Mr. Hadik received information from The Dubai Group regarding the Garabedian gravel pit, which he will share with the Board members. He had sent The Dubai Group a list of issues the Board raised regarding the SWPPP permit, which the Group has addressed. They hope to have a public hearing and SPR in September. The road bond issue of Fremont Road remains unresolved.

5. NHMA and the Office of Energy and Planning – Land Use Board Changes

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Mr. Hadik reported that the NHMA and the Office of Energy and Planning released a summary of pointers and guidelines for land use boards. He updated the Board on bills that were passed in the last legislative session that impact Boards and advised the members that they need to be aware of these changes. Mr. Hadik will forward a copy of the digital handbook and NHMA synopsis to the members.

7:15 PM – Appointments

None scheduled

7:30 PM – Public Hearings

1. Lot-Line Adjustment application from Russell Quintal, 24 Carlin Street (Map & Lot 005-071-000), and the Frances Bechtold Family Trust, 4 Donna Street (Map & Lot 005-070-000).

Mr. Hadik stated the application is complete enough for acceptance.

Mr. Snyder moved to accept the Lot-Line Adjustment application from Russell Quintal, 24 Carlin Street (Map & Lot 005-071-000), and the Frances Bechtold Family Trust, 4 Donna Street (Map & Lot 005-070-000) and open the public hearing. Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

The Board reviewed the plans that were approved at the 2021 Town Meeting. No zoning relief is needed for short frontage, as the legislative body voted on this plan as is. The homeowners are willing to discuss granting an easement, but not until a design is submitted. The Board requested that language be included that the approval of these plans is contingent on the granting of an easement. Mr. Hadik noted that because of the approval circumstances at Town meeting, the Board could not set this condition. The Board reviewed the conditions of approval.

Mr. Quintal said he and Ms. Bechtold have discussed the easement issue and are open to granting one as long as they see a plan that is approved by DES and EPA, due to the existence of wetlands on his property. They want the area to remain as close as possible to how it has existed since 1970. Mr. Hadik clarified that the EPA would not be involved in such a project.

Ms. Bechtold expressed she is supportive of granting an easement, but does not want anything to change, including the trees between the two pieces of property. She is concerned over her neighbors' houses flooding and would like this to be resolved. Mr. Hadik explained a survey and hydraulic study of the watershed would need to be done before a design could be completed. She appreciates the Board approving this and would like for the project to move forward.

Mr. Snyder moved to close the public hearing and begin deliberation. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Mr. Snyder moved to approve the Lot-Line Adjustment application from Russell Quintal, 24 Carlin Street (Map & Lot 005-071-000), and the Frances Bechtold Family Trust, 4 Donna Street (Map & Lot 005-070-000) as presented, with conditions of approval as presented. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

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2. Site Plan Review application of Sarah & Leon Surrette (owners) for a private school, located at 232 Fremont Road (Map & Lot 009-021-003 in Chester, and Map & Lot 21-67 in Sandown).

Mr. Hadik said the application is complete enough for acceptance.

Vice Chairman Sederquest moved to accept the site plan review application of Sarah & Leon Surrette (owners) for a private school, located at 232 Fremont Road (Map & Lot 009-021-003 in Chester, and Map & Lot 21-67 in Sandown) and open the public hearing. Mr. Snyder seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Mr. Tim Lavelle presented the project. The property is in both Chester and Sandown. The administrative portion of the business is conducted in the addition on the house, which is in Sandown. They propose to move the school from the existing building to another building that is further into Sandown. The entrance to the school is in Chester, so access and egress and life health safety come through Chester. So, they need signatures from the Planning Board of both Towns.

Mr. Hadik clarified that both Chester and Sandown fire and police departments would be dispatched in case of an emergency, which is how it has been in the past. Police Chief Berube and Fire Chief Gladu have confirmed they have mutual aid understandings with their counterparts in Sandown. The Board needs to verify that the portion of the school located in Chester, if any, conforms to Chester zoning laws.

Mr. Hadik explained that with over 60 students and 10+ employees, it is in the commercial business realm financially. However, as a school, it is a permitted use per Chester zoning. It was reviewed by the Board in 2016 as a home business for education and childcare. Since then, however, it has grown beyond a home business; it should be classified as an educational institution.

Mr. Hadik has been visited and emailed by abutters with concerns, which include whether this is a permitted use. He said that it is, after research and discussion with Town counsel. The abutters are also concerned regarding traffic, with 30-35 vehicles/day picking up and dropping off children. They also are concerned regarding amplified music.

Mr. Hadik reviewed the conditions of approval. There is a code enforcement issue regarding the driveway, which now encroaches on the site setback due to the driveway being widened. This work was not permitted, per Building Inspector Bunker. This can be brought into compliance by obtaining the appropriate relief from the ZBA or restoration back to original dimensions outside of the site setback. Mr. Lavelle said the owner will probably request relief from the Zoning Board.

Abutter Mr. Brian Malone stated that the original 2015 application was for a family run in-house childcare business. He asked how this morphed into a school with 60 students and 9 teachers and where the application for this enhancement was. Mr. Malone stated the application was not posted online. Mr. Hadik agreed the application was not linked to online, but it has been available in the Town Clerk's office and the Planning Board office. They are generally posted online as a courtesy; it is not a requirement. The Board clarified that this is not an application for expansion of the business.

Abutter Ms. Jane Alisey (sp?) said they are concerned regarding the property value of their house, with a private school next door and the traffic issues. The Board clarified that schools are permitted in residential areas per the zoning.

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Mr. Weider asked why the notes on the plan list 86 students and 12 teachers. Mr. Lavelle said this is in regard to the septic loading to allow for later expansion, but the building will not handle these numbers.

Ms. Sarah Surette said these numbers were obtained per the amount of the available well water. They do not intend to increase enrollment. She clarified that the school programs do not include amplified music, as it is a nature program. However, the family might have played music, as it is also their home. She explained one of the reasons they are moving the school is to be further away from the abutters who have issues with the school. They widened the driveway to assist their other neighbors. They have approached those neighbors and offered to plant trees or install an earth berm, but the neighbors are not interested.

Selectman Myette pointed out there is often amplified noise and shooting coming from the gravel pit. The Board deleted the condition prohibiting amplified music. There is no sound ordinance in Chester.

After some discussion, the Board retained a requirement for a stop sign at the end of the driveway in the conditions of approval, although it would not be enforceable as it would be on private property.

Ms. Surette noted that they go through an approval process with childcare licensing and the New Hampshire Department of Education regularly, where they present their applications and zoning approvals. Mr. Hadik clarified that there is no application requirement for the school to increase in size. The only zoning requirement is that a site plan review is conducted, which is what occurred at this meeting.

The Board discussed condition for a sign, but Ms. Surette noted that she is concerned for the children's safety and does not want to advertise that children are present.

Mr. Snyder moved to close the public hearing and begin deliberation. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Mr. Hadik reviewed the changes to the conditions of approval suggested per discussion and due to the move to Sandown. As the business is no longer in Chester, many of the "boiler plate" conditions will be noted as "if applicable".

Mr. Snyder moved to approve the site plan for Chesterbrook School for Natural Learning, located at 232 Fremont Road (Map & Lot 009-021-003 in Chester), with conditions as amended tonight. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Potential Non-Public Meetings

None were held.

Future Meeting Dates

- August 24 – CPH Colby Farm Subdivision, PH Updated Impact Fees
- September 7 –
- September 14 – Garabedian Gravel Pit SPR?
- September 28 –

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235 ***Mr. Weider moved to adjourn the meeting. Mr. Snyder seconded the motion. A vote was taken. All***
236 ***were in favor. The motion passed 5-0-0.***

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238 The meeting was adjourned at 8:35 pm.

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240 Respectfully submitted,

241 Beth Hanggeli, Recording Secretary