

8-24-22: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, August 24, 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:

Jason Lopez, Keach-Nordstrom Associates
Suzanne Rieter & Michel Shea, 100 Sandown Road
Howard & Nancy Dmytro, 193 Haverhill Road
Nate Miller, Deputy Director of SNHPC
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes for the 8/10/22 PB meetings.
3. Southwoods Subdivision LOC.
4. Part-Time Planning Clerk position update.
5. Garabedian gravel pit update.
6. HB 1661

7:15 PM – Appointments

None scheduled

7:15 PM – Public Hearings

1. Continuance of subdivision application by Lifestyle Homes of Chester, LLC (Owner), 3 Myles Drive Derry, NH 03038, for an 11-lot subdivision (aka Colby Farm) located at 181 Haverhill Road in Chester, NH (Map 15 Lot 18 & Map 5 Lot 97).
2. To adopt the following updates to the Town's impact fees:

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- Public Safety (Police & Fire) Impact Fees
- Recreation Impact Fee
- School Impact Fee
- Town Library Impact Fee
- Town Roads Impact Fee
- Municipal Offices Impact Fee

Non-Public Session

RSA 91 A:3, II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this Board.

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.

Documents and invoices were reviewed and signed.

2. Review & approve the minutes for the 8/10/22 PB meetings.

Mr. Weider moved to approve the minutes of the 8/10/22 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. Southwoods Subdivision LOC

A replacement Letter of Credit from Haverhill Bank has been received for the Southwoods Subdivision (DJ Development Southwoods, LLC) from Mr. David Haddad, the new owner of the subdivision. Attorney Bennett and Mr. Hadik have reviewed and approved the LOC. The bonds have been recalculated by DuBois & King, so the amount has been revised from \$452,400 to \$402,100.

Mr. Snyder moved to accept the Letter of Credit from Haverhill Bank in the amount of \$402,100 for DJ Development Southwoods, LLC, for the Southwoods subdivision and release the Letter of Credit for Brady Sullivan. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

4. Part-Time Planning Clerk position update.

Mr. Hadik has received an application for the newly created part-time planning clerk position and will schedule an interview with the candidate.

5. Garabedian gravel pit update.

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Mr. Hadik noted the owners have received a final review letter from Jeff Adler of DuBois & King, who requested that one minor detail be added to the site plan. The application is expected to be submitted soon.

6. House Bill 1661

Mr. Hadik reviewed the impact of House Bill 1661 on training and new procedures for planning board decisions.

7:15 PM – Appointments

None scheduled

7:30 PM – Public Hearings

- 1. Continuance of subdivision application by Lifestyle Homes of Chester, LLC (Owner), 3 Myles Drive Derry, NH 03038, for an 11-lot subdivision (aka Colby Farm) located at 181 Haverhill Road in Chester, NH (Map 15 Lot 18 & Map 5 Lot 97).**

Mr. Weider moved to reopen the public hearing for the subdivision application by Lifestyle Homes of Chester, LLC (Owner), 3 Myles Drive Derry, NH 03038, for an 11-lot subdivision (aka Colby Farm) located at 181 Haverhill Road in Chester, NH (Map 15 Lot 18 & Map 5 Lot 97). Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Chairman Sullivan recused himself from this portion of the meeting.

Mr. Jason Lopez from Keach-Nordstrom Associates reviewed the outstanding items from the prior meeting. It was determined that the Building Inspector will be responsible for noting the number of bedrooms per lot. Mr. Lopez also reviewed how the plans have been altered to accommodate requests to mitigate the impact of the subdivision on abutters. He will meet with Mr. Hadik to discuss the required locations of conservation area and no-cut buffers signs. He also provided the minutes from the meeting of the Exeter Squamscott River Local Advisory Committee regarding the reference line.

Mr. Lopez discussed the regulations regarding wetlands setbacks and explained how the shoreland reference line was established on this property. The Board discussed the location of the reference line and if it is impacted by the current existence of a beaver pond. Mr. Hadik acknowledged Ms. Suzanne Rieter's concerns regarding not locating the reference line in relation to the beaver pond. He explained that although the proposed structure would be within the 250' setback established via this line, it is not disallowed. However, a permit would be needed.

The Board also clarified the number of homes being built in this subdivision. Mr. Hadik explained he noticed for 11 single-family lots, which includes the pre-existing home.

Ms. Suzanne Rieter, an abutter, explained that she spoke with representatives from the New Hampshire Rivers Management and Protection Program regarding not locating the reference line in relation to the

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beaver pond. They affirmed that the pond, which is on her property, should be used to determine the reference line. She would like this information independently verified before any construction begins.

The Board requested verification from Mr. Lopez that the reference line is determined from the banks of the river and not from any artificial structure, and if a beaver pond falls within this definition. Mr. Lopez consulted the RSAs and clarified that the high-water mark of a river is used to determine the reference line. This is something the New Hampshire Department of Environmental Services (DES) would determine. Mr. Lopez clarified that any artificial structure, such as a beaver pond, would need to be greater than 10 acres to be considered when establishing a reference line.

Ms. Rieter referenced the Protected Shoreline FAQ issued by the New Hampshire DES, which identifies the reference line as being located at the edge of a water body at full volume.

The Board requested that Mr. Lopez contact NHDES to obtain an unambiguous response as to whether or not the edge of the beaver pond should be used to define the reference line. If so, a permit would be required, as the proposed structure in question will be within the 250-foot setback. Mr. Lopez asked that all other items be resolved so that this is the only issue pending for the next meeting. The Board presented him with the draft conditions of approval.

Mr. Weider moved to continue the subdivision application by Lifestyle Homes of Chester, LLC (Owner), 3 Myles Drive Derry, NH 03038, for an 11-lot subdivision (aka Colby Farm) located at 181 Haverhill Road in Chester, NH (Map 15 Lot 18 & Map 5 Lot 97) to September 7, 2022. Mr. Snyder seconded the motion. A vote was taken. All were in favor. The motion passed 4-0-0.

2. To adopt the following updates to the Town's impact fees:

- **Public Safety (Police & Fire) Impact Fees**
- **Recreation Impact Fee**
- **School Impact Fee**
- **Town Library Impact Fee**
- **Town Roads Impact Fee**
- **Municipal Offices Impact Fee**

Mr. Nate Miller, Deputy Director of SNHPC, presented the updated impact fees and explained how they were calculated. Attorney Bennett has reviewed and approved the updated fees. A third-party peer review was also performed by Bruce Mayberry of BCM Planning, LLC, a recognized expert, who concurred with the methodology, calculations, and assumptions the fees are built upon. The most defensible data sources were used when updating the fees.

Existing impact fees from 2016 were \$6,946 for a single-family home across all six categories. The fees as proposed are \$8,875, which is an increase of 26.5%. However, total inflation from 2016 to the present is approximately 25%. The result is generally an inflationary adjustment. Mr. Hadik noted that the increases are not proportional, as some fees are increasing while some are decreasing.

Mr. Snyder moved to open the public hearing to determine whether or not to adopt the following updates to the Town impact fees, including Public Safety, which is Police and Fire; Recreation; School;

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Town Library; Town Roads; and Municipal Offices. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Mr. Hadik said he has read through the ordinances and contacted Mr. Miller with a few minor corrections that have been made.

Mr. Snyder noted this is the culmination of an enormous effort from Mr. Miller and the Planning Board in reviewing numerous presentations for each of the fees looking to be adopted. Mr. Miller reiterated that Mr. Mayberry was a valuable resource and the impact fees have been developed in large part thanks to his guidance, and that his expertise was appreciated. The Board also thanked Mr. Hadik for his tireless effort in bringing this project about. Selectman Myette said the end result is very much appreciated by the Town.

Mr. Snyder moved to adopt the impact fees, including Public Safety, which is Police and Fire; Recreation; School; Town Library; Town Roads; and Municipal Offices Impact Fees. Mr. Weider seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

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

Non-Public Meeting

A non-public hearing was scheduled under RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this Board.

Mr. Weider made a motion to go into a non-public session under RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this Board. Mr. Snyder seconded the motion. A roll call vote was taken. Sullivan – aye, Sederquest – aye, Myette – aye, Snyder – aye, Weider – aye. The motion passed 5-0-0.

The Planning Board went into non-public session at 8:38 p.m.

The Planning Board came out of non-public session at 9:18 p.m.

Vice Chairman Sederquest moved to come out of non-public. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Snyder – aye, Sullivan – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.

Vice Chairman Sederquest moved to seal the minutes of the second non-public session until such time the Board determines that release of the minutes will not render the proposed action ineffective. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Snyder – aye, Sullivan – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.

Future Meeting Dates

- September 7 – David Haddad appointment
- September 14 – Foskitt CD re: Pomp Road lot., Garabedian Gravel Pit SPR?

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236 ***A motion was made and seconded to adjourn the meeting. A vote was taken. All were in favor. The***
237 ***motion passed 5-0-0.***

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239 The meeting was adjourned.

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241 Respectfully submitted,

242 Beth Hanggeli, Recording Secretary