

10-5-22: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, October 5, 2022**

Approved Minutes

The meetings are broadcast live on Comcast Channel 20, and streamed on Government
<https://reflect-chesterctv-from-nh.cablecast.tv/CablecastPublicSite/?channel=1> - click "Watch Now".

Members & Staff Present:

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

Members Absent:

Richard Snyder, Member

Guests and Members of the Public Present:

Paul Foscitt
Sue Foscitt
Eric Mitchell, Eric C. Mitchell & Associates
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes for 9/28/22 PB meeting.

7:15 PM – Appointments

Discussion with Paul & Sue Foscitt about request to build on a Class VI section of Pomp Road.

7:15 PM – Public Hearings

1. Subdivision application by Jigsaw Builder, LLC (owner), PO Box 325, Chester, NH 03036, for a 3-lot subdivision located at 685 Candia Road in Chester, NH (Map 11, Lot 20-6).

Non-Public Session

A non-public session scheduled under RSA 91 A:3, II(a), (c), (e), and (l).

Meeting Minutes

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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 9/28/22 PB meetings.

Mr. Weider moved to approve the minutes of the 9/28/22 Planning Board meeting as written. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

7:15 PM – Appointments

Discussion with Paul & Sue Foscitt about request to build on a Class VI section of Pomp Road.

After the previous meeting with the Foscitts, there was confusion as to which RSA to use to address this request. Mr. Hadik spoke with Attorney Bennett, who said this could be handled as a request to the Board of Selectmen to allow a building permit to be issued for their 16-acre lot (M&L 2-38). If the Board of Selectmen grants the permit, it would be exempted from the frontage requirement, as Pomp Road is not being upgraded to a Class V road.

RSA 674:41 I (c) states that the local governing body (BOS) can authorize the issue of a building permit on a Class VI highway. The Planning Board is responsible for providing the Selectmen with feedback about the feasibility of the request. After the Board of Selectmen has approved the request, the Building Inspector can issue a building permit.

The Board reviewed and discussed the conditions of approval (attached). Discussion included who would oversee upgrading the section of Pomp Road that will be utilized as the driveway for this property. The applicants will contract with the Town engineer to oversee this work and also the culvert replacement. Mr. Hadik noted the wetlands will need to be flagged before the homesite is cleared. Selectman Myette noted the Conservation Commission should be consulted regarding protecting the wetlands. The Board also discussed the location of an approved turnaround for emergency equipment.

Mr. Hadik noted that the Foscitts have been totally forthcoming, above board, and very helpful in this process, and have not attempted to duck any financial responsibility for their project. Mr. Hadik also said the Building Inspector has reviewed the conditions of approval and is OK with them. The Foscitts offered to attend the Board of Selectmen meeting when their request is reviewed.

Ms. Richter moved that under 674: 41 I (c), the Planning Board has reviewed this request and concurs that this is an appropriate request, if held to the conditions as amended tonight. Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor except Selectman Myette, who abstained due to his role as a Selectman. The motion passed 4-0-1.

7:30 PM – Public Hearings

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1. Subdivision application by Jigsaw Builder, LLC (owner), PO Box 325, Chester, NH 03036, for a 3-lot subdivision located at 685 Candia Road in Chester, NH (Map 11, Lot 20-6).

Mr. Hadik reported he has reviewed the application for completeness and believes it is ready for the Board to accept.

Mr. Weider moved to accept the application and open the public hearing for subdivision by Jigsaw Builder, LLC (owner), PO Box 325, Chester, NH 03036, for a 3-lot subdivision located at 685 Candia Road in Chester, NH (Map 11, Lot 20-6). Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor. The motion passed 5-0-0.

Eric Mitchell of Eric C. Mitchell & Associates presented the application for this subdivision. Mr. Hadik reported that the Town engineer, Mr. Jeff Adler, has only recently received the plans and has just started his review. The Board reviewed the plans and asked clarifying questions.

Chairman Sullivan opened the public hearing for comments or questions.

An abutter noted the location of the pin that was stated cannot be set because standing water (*in the swamp*) is not actually under water. He would like that corner bound set. Mr. Mitchell responded that they will physically examine the site to see if the pin can be set. The abutter also asked if there would be clearcutting of the wetland, and Mr. Mitchell said they did not intend to clear cut the property. The abutter also noted that due to the speeds driven on Candia Road, occupants of the proposed homes will be in danger of being hit when entering and exiting their driveways, and the future homeowners should be notified of this.

Another abutter asked if there had been any discussion regarding the triangular piece that lies between his lot and the first proposed lot of the subdivision. Mr. Mitchell responded that this piece of property does not have frontage on Candia Road, so is not buildable or accessible. The abutter also asked if the first lot was going to be clear cut. Mr. Mitchell responded that the homesite would be cleared, but trees will be left along the property lines. The abutter asked if it would be possible to have a walk-through once the homesite is laid out (*and before the trees are cleared*), and Mr. Mitchell said that is possible.

Ms. Richter moved to continue the public hearing for the subdivision application by Jigsaw Builder, LLC (owner), PO Box 325, Chester, NH 03036, for a 3-lot subdivision located at 685 Candia Road in Chester, NH (Map 11, Lot 20-6) to October 26th. Vice Chairman Sederquest 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

(a) The dismissal, promotion, or compensation of any public employee

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person,

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing, and

(l) Consideration of legal advice provided by legal counsel.

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Mr. Hadik said a request was received for the release of non-public minutes. He noted that the Board could also discuss the release of non-public minutes that no longer need to be sealed. He consulted Attorney Bennett regarding which RSA would be appropriate for this, who stated that four RSAs would apply: discussion of compensation, reputation, litigation, and legal advice.

Mr. Weider made a motion to go into a non-public session under RSA 91 A:3, II (a), (c), (e), and (l). Ms. Richter 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 8:50 p.m.

The Planning Board came out of non-public session at 9:33 p.m. The Board did not vote to seal the minutes of this non-public session.

The Board agreed to release the no-public minutes of 4/13/22, 6/1/22 Session 2, 6/8/22 Session 1, and 7/13/22.

The Board had intended to review and additional minutes (hence the listing of 4 statutory reasons for non-public discussions), however, the lateness of the evening ended the meeting before this was done.

Future Meeting Dates

- October 12 – ADU Impact Fees PH, Garabedian Gravel Pit SPR Cont., NP
- October 19 – CIP Project Reviews: SAU, Recreation, Police Dept.
- October 26 –
- November 2 – CIP Project Reviews: Government Buildings, Fire Dept., Highway Dept.

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

The meeting was adjourned.

Respectfully submitted,
Beth Hanggeli, Recording Secretary