

3-8-23: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, March 8, 2023**

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
Richard Snyder, Member
Elizabeth Richter, Member
Andrew Hadik, Town Planner

Members Absent:

Mike Weider, Member
Dana Theokas, Alternate
Selectman Chuck Myette, Liaison

Guests and Members of the Public Present:

Doug MacGuire, The Dubay Group
David Haddad, DJ Development of Derry, LLC
Norman Field, 90 Old Sandown Road
Karen True, 6 Stockman Hill Road
Jeff True, 6 Stockman Hill Road
Mike Doucette, 68 Old Sandown Road
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes of the 2/1/23 PB meeting.
3. Discuss proposed NH Legislature bills that may impact local zoning.
 - HB 44 – Inexpedient to Legislate...
4. Discuss recent activities of the Planning Board Office.
 - Wason Pond Causeway replacement bridge design & cost estimate has been submitted.
 - Discuss “Major Chester Highway Projects Funding & Prioritization” list.
 - Guiding development projects thru their next milestones (Garabedian Gravel Pit, Colby Farm, Rand, Rand, Foscitt, DJ Construction...)
 - Cease & Desist for ongoing operations at Mill Pine Village gravel pit.

7:15 - Appointments

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None scheduled.

7:15 PM – Public Hearings

1. Subdivision application by DJ Development of Derry, LLC (owner), PO 107 Windham Road, Derry, NH 03038, for a 9-unit open space condominium subdivision located at 78 Raymond Road in Chester, NH (Map 5, Lot 20).

Non-Public Session - None scheduled.

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 2/1/23 PB meeting.

Vice Chair Sederquest moved to approve the minutes of the 2/1/23 Planning Board meeting as written. Ms. Richter seconded the motion. A vote was taken. All were in favor except Mr. Snyder, who abstained. The motion passed 3-0-1.

3. Discuss proposed NH Legislature bills that may impact local zoning.

Mr. Hadik reported that House Bill 44 was designated inexpedient to legislate. This bill would have preempted local zoning statewide and allowed three more homes to be added to each lot, depending on type of zoning and municipal infrastructure. This was not a popular bill, as it would quadruple the density of housing in some parts of NH.

Mr. Hadik reported on another House Bill, which is attempting to do away with setbacks and buffers to wetlands by preempting local zoning.

4. Discuss recent activities of the Planning Board Office.

a. Wason Pond Causeway update.

Mr. Hadik reported the Wason Pond Causeway bridge design and cost estimate has been submitted. Including a (15%) contingency, the estimated cost is \$319,000. This does not include the engineering costs of \$64,000, which have already been raised by the Town and the Chester Conservation Commission. The hydrology and hydraulic studies have been completed. Due to a leave of absence by the engineer, a final design approval meeting will not occur until after the end of the month. Upon approval, the design will be finalized and bid packages and Requests for Proposals will be prepared.

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b. Major Chester Highway Projects Funding & Prioritization list.

Mr. Hadik has been asked by the Board of Selectmen to obtain grant funding and better cost estimates for reconstruction projects that include replacing two red-listed bridges and some major culverts. He reported on his progress obtaining this information, which will dovetail into the CIP's Table 10.

\$125,000 per bridge has been raised and appropriated toward the cost of surveying and engineering studies required to replace the Hansen Road and Shepard Home Road red-listed bridges. The surveying has been completed for each bridge, and the hydrology and hydraulic studies will be initiated at the end of the month. Then permitting and other paperwork will be prepared. The goal is to have these projects "shovel-ready" and thus hopefully make it easier to obtain grant funding.

The reconstruction of Halls Village Road is being broken into two phases, as the project cost is too much to fund in a single year. It serves as a major bypass for the intersection in the center of Chester, and the project includes replacing two major culverts that are at peak flow capacity for 50 & 100 storms. Cost estimates have been obtained for the construction of these two phases. The runoff increases from future upstream development in this area will impact these culverts.

Mr. Hadik also reported on the status of the Harantis Lake Road box culvert and Cole Road box culvert replacement projects. These projects are on hold until other issues are settled, including removal of the Harantis Lake dam and potential downstream culvert upsizing under Rte. 102.

He noted that new funding has been received that could be used for the Fremont Road Bridge deck re-capping project. The funding comes from two bipartisan infrastructure grants. One grant is for bridges and can be used for this project. The other grant is for roads and can be put towards a CIP road project which would then free up budgeted funds that could be put towards the bridge recapping project.

c. Guiding development projects through their next milestones.

- Mr. Hadik informed the Board he is working with the developers and/or engineers of the Colby Farm and Rand subdivisions to help them get to the point where the mylars and conditions of approval can be recorded.
- He is working with Paul & Sue Foscitt and their engineer regarding the culvert being installed under Pomp Road and the final grading plan.
- He has responded to requests from the Garabedian Gravel Pit. They have been given approval to install signage but not to commence operations. He will send Mr. MacGuire a detailed list of items from the conditions of approval that are still required before operations can begin.

d. Cease & Desist for ongoing operations at Mill Pine Village gravel pit.

Mr. Hadik reported that the reclamation at Mill Pine Village is not complete. All operations did not cease on December 31, 2022 as agreed. A cease and desist order has been issued.

e. Colby Farm Subdivision

Mr. Hadik was notified by the developer that they believe an RSA prohibits towns from requiring the installation of fire sprinkler systems. Mr. Hadik explained to them that Chester's regulation is

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grandfathered because it pre-exists the RSA, so it does not apply for Chester. The developer has hired an attorney to review the matter and will discuss this with the Board's counsel.

7:15 PM – Public Hearings

1. Subdivision application by DJ Development of Derry, LLC (owner), PO 107 Windham Road, Derry, NH 03038, for a 9-unit open space condominium subdivision located at 78 Raymond Road in Chester, NH (Map 5, Lot 20).

Mr. Snyder moved to open the public hearing for a subdivision application by DJ Development of Derry, LLC (owner), PO 107 Windham Road, Derry, NH 03038, for a 9-unit open space condominium subdivision located at 78 Raymond Road in Chester, NH (Map 5, Lot 20). Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed unanimously.

Mr. Hadik has reviewed the application. The design has already undergone two review cycles by Jeff Adler of DuBois & King. Mr. Hadik recommended the application is complete enough for acceptance.

Mr. Snyder moved to accept the subdivision application by DJ Development of Derry, LLC (owner), PO 107 Windham Road, Derry, NH 03038, for a 9-unit open space condominium subdivision located at 78 Raymond Road in Chester, NH (Map 5, Lot 20). Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed unanimously.

Mr. MacGuire presented plans for a condominium development of three- and four-bedroom units on a 27-acre parcel at 78 Raymond Road. This project was previously presented to the Board for a conceptual discussion. The plan has changed to accommodate existing wetland areas. It will include a private roadway designed to Town standards. Over 60% of the parcel will be open space.

Mr. MacGuire clarified that this is a one-lot development; the lines around the units indicate "limited common areas" (not lots), which are exclusive use areas for each unit. The Board discussed the rationale behind this, the potential for confusion regarding ownership of the lots, and problems that could result. Mr. MacGuire noted the subdivision will be self-policing, which should limit any encroachment issues.

Mr. Hadik recommended the "limited common areas" be visibly monumented, especially at the back of these areas. The open space lot will be deeded to the Town, and a conservation easement that will be placed on that lot. He also pointed out that establishing limited common areas for units is not precluded by Town zoning ordinances, so it would be difficult to dictate this cannot be allowed. He also noted precedents in some previous subdivisions where the Board has already approved this. The Board discussed other condominium developments in Chester that have a variety of land ownership situations.

Mr. MacGuire reviewed the engineering letter from DuBois & King. Although Mr. Hadik stated it was not a final "clean" review letter, Mr. MacGuire responded to and clarified the issues noted in the letter. He believes it is a clean letter. Mr. Snyder did not agree.

The Board reviewed two waiver requests. The first was regarding replacing granite curbing with Cape Cod berm-style asphalt curbing. The second was for relief from the Driveway Regulations requirement

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for a hammerhead turnaround for Fire Department equipment when a driveway length exceeds 500 feet.

Mr. Snyder moved to grant the waiver request to allow for Cape Code berm-style asphalt curbing rather than granite curbing per Section 4.7.6.6 of the subdivision regulations.

The Board then agreed to table the motion until after public comment was heard.

Mr. Hadik noted the School Board has requested a trail be created connecting the subdivision to Chester Academy to avoid students walking along Route 102. Mr. MacGuire said this would be difficult, as the trail would cross Town-owned land, which involves liability, and the terrain would indicate a 20-foot climb to the school, and also pass through wetlands. He proposed creating a bus stop at the entrance to or in the subdivision. Mr. Hadik responded the school buses are reluctant to stop at the entrance due to the location (at the bottom of the hill) and will most likely not be willing to travel the private road into the development. The Board pointed out traffic must stop when a school bus stops with its lights on, so the hill should not be an issue.

Mr. Hadik pointed out the proposed private road entrance is being relocated 80 feet south from the existing entrance. The house due north across the street will be impacted by headlight sweep. He requested that this be mitigated for that abutter. Mr. MacGuire said in the past, this road serviced a restaurant, which would have created more headlight sweep. Although this road presents significantly less problem due to less density, they would be willing to discuss possible solutions.

Chairman Sullivan opened the hearing to public comment.

Mr. Norman Field of 90 Old Sandown Road asked if there would be blasting. Mr. MacGuire said this is not anticipated, as there was no ledge encountered in the test pits. Mr. Field asked if the abutters would be notified, if blasting were required. Mr. MacGuire said they would follow the Town requirements.

Ms. Karen True of 6 Stockman Hill Road asked how long the open space will be required to be maintained as open space, once it is turned over to the Town. Mr. Hadik replied there will be a conservation easement placed on it, so it will be maintained as open space forever. It will also be monitored by the Conservation Commission to ensure the open space is not being encroached upon.

Mr. Jeff True of 6 Stockman Hill Road asked if the open space is deeded to the Town, will it impact the subdivision's open space total. Mr. Hadik explained Article 6 zoning allows for a developer to deed over the open space. Mr. True asked if this land then becomes non-taxable, so the Town loses the taxes and Mr. Hadik said this was correct. Mr. True questioned why the land should be deeded to the Town, if it is protected anyway. Mr. Hadik explained it is easier for the Town enforce the conservation easements when the Town is the property owner.

Mr. True also argued against Mr. MacGuire's argument supporting the waiver from the hammerhead turnaround. He said someone could park in the junction of the shared driveway. Chairman Sullivan noted the Fire Department will have to weigh in on this waiver request. Mr. MacGuire pointed out as it is a shared driveway, no one is likely to park at that particular location and block it.

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Mr. Mike Doucette of 68 Old Sandown Road noted there will be a lot of water being pulled from the aquifer by these condominiums. Mr. MacGuire noted there were two community wells onsite for the restaurant that had extremely high yields. He pointed out there are only nine homes in the subdivision and there will also be septic systems, hence return water infiltration. Mr. Hadik noted there are wetland recharge areas on three sides of the development as well.

The Board noted that Mr. MacGuire needs to obtain clarification from Mr. Adler as to his comments in the letter on "lack of detail" for the proposed septic plan and on the right-of-way. Mr. MacGuire disagreed with Mr. Adler's comments and asked Mr. Hadik for his opinion. The Board noted the Fire Chief will need to weigh in on the hammerhead turnaround waiver request.

Mr. Snyder moved again to grant the waiver request to allow for Cape Code berm-style asphalt curbing rather than granite curbing per Section 4.7.6.6 of the subdivision regulations. Ms. Richter seconded the motion.

A vote was taken. All were in favor. The motion passed unanimously.

Mr. MacGuire will contact Mr. Adler about review letter comment regarding the details for septic systems.

Mr. Snyder moved to continue the public hearing to March 22, 2023. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed unanimously.

Mr. Snyder noted in the draft Conditions of Approval, the term "Road Agent" should be changed to "Supervisor of Roads." Mr. Hadik will also change the verbiage from "lots" to "limited common areas."

Future Meeting Dates

- March 22 –

Ms. Richter moved to adjourn the meeting. Vice Chairman Sederquest seconded the motion. A vote was taken. All were in favor. The motion passed unanimously.

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,
Beth Hanggeli, Recording Secretary