

3-22-23: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, March 22, 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:**

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

**Members Absent:**

Brian Sullivan, Chairman  
Richard Snyder, Member  
Dana Theokas, Alternate

**Guests and Members of the Public Present:**

Doug MacGuire, The Dubay Group  
David Haddad, DJ Development of Derry, LLC  
Victor Chouinard, Chairman, Chester Conservation Commission  
Chester PACT

**Meeting Agenda**

**7:00 PM – General Business**

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes of the 3/8/23 PB meeting.
3. State Aid Bridge program update – Shepard Home Road bridge.
4. Review bond estimate for the Colby Farm subdivision.
5. Discuss email from a site plan abutter.
6. Discuss email from Alan Foscitt.

**7:15 – Appointments - None scheduled.**

**7:15 PM – Public Hearings**

1. Continuation of the subdivision application by DJ Development of Derry, LLC (owner), 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.**

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## Meeting Minutes

Vice Chairman Sederquest 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 3/8/23 PB meeting.

On line 122, "thru" should be spelled out (through).

***Mr. Weider moved to approve the minutes of the 3/8/23 Planning Board meeting as amended. Ms. Richter seconded the motion. A vote was taken. All were in favor except Mr. Weider and Selectman Myette, who abstained. The motion passed 2-0-2.***

#### 3. State Aid Bridge program update – Shepard Home Road bridge

Mr. Hadik reported that he applied for the State Aid Bridge program (SAB) for the Hansen Road bridge and the Shepard Home Road bridge. The state has approved Shepard Home Road bridge as number 30 on the list of the 65 bridges to be funded by the SAB. The construction period for these 65 bridges will start in 2027 and be spread across six years, so Shepard Home Road bridge will most likely come up in 2029.

The state will require engineering and cost data at the beginning of 2024. The surveying for the bridge has been completed. The hydrologic and hydraulic studies are scheduled, as are the geotechnical borings. Mr. Hadik said the state DOT calculates the average cost for a bridge at \$1.77 million. Eighty percent of the cost of the Shepard Home Road bridge will be funded by the state. Selectman Myette said the Town's portion will be included in the CIP and funded by warrant articles to fund a capital reserve account. Mr. Hadik noted the funding must be ready when the state requests it.

#### 4. Review bond estimate for the Colby Farm subdivision.

Mr. Hadik presented a bond estimate for the Colby Farm subdivision. The construction management letter from DuBois & King was circulated.

#### 5. Discuss email from a site plan abutter.

Mr. Hadik received an email from an abutter to the Garabedian gravel pit expressing concerns regarding the truck traffic and stating that material added to Stowe Road is creating an impoundment of surface water flow creating standing water in the Class A wetlands on his property. Doug MacGuire from The Dubai Group said if confirmed, he believed they would be willing to install culverts to alleviate the issue as long as the Town approved of this. He commented that currently the water levels on most local properties are high and the issue might disappear in a week or two. Mr. Hadik noted Mr. MacGuire will

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need to present this request to the Board of Selectmen to obtain permission to install a culvert. Mr. MacGuire said his firm will review the surface topography and drainage of the supposedly affected area.

#### **6. Discuss email from Alan Foscitt.**

Mr. Hadik received an email from Alan Foscitt. Mr. Foscitt would like to lease his Like-Nu Auto Body Repairs property and asked what he needs to do for a site plan review (SPR). Mr. Hadik noted variance for a non-conforming use lapses if it has been discontinued for more than a year. The business has been in existence since the 1970s, so there was never a SPR. Mr. Hadik will consult with Attorney Bennett and the Building Inspector to see if the variance has been preserved. If the variance has not been preserved, Mr. Foscitt will need to reapply to the ZBA for a new variance, and then apply to the Planning Board for SPR.

#### **7:15 PM – Appointments**

None scheduled.

#### **7:15 PM – Public Hearings**

- 1. Continuation of the subdivision application by DJ Development of Derry, LLC (owner), 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. Weider moved to open the public hearing for a subdivision application by DJ Development of Derry, LLC (owner), 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 spoke with Jeff Adler regarding questions he had posed regarding this application, with these results:

- Regarding showing a defined right-of-way for the private road, Mr. MacGuire explained the development is on a single lot and the road is equally shared by the condominium unit owners. The road will remain a private road, and therefore does not require a separate right-of-way for a future conveyance to the Town. Mr. Hadik noted this also makes it very hard for the future HOA to request the Town to accept the road as a town-maintained road. He reported he has not received a final letter from Mr. Adler, but he believes Mr. Adler is satisfied regarding this issue.
- Regarding the turnaround at the end of the 500' driveway, Mr. Hadik spoke with the Fire Chief, who had no objection, as he felt the junction of the shared driveways is a logical turnaround. Mr. Hadik supplied the Board with a letter from the Fire Chief, and a three-point turning diagram from the engineer who designed the subdivision, illustrating how the driveway junction could accommodate the fire equipment.
- Regarding whether there is adequate data for proving out the onsite septic locations, Mr. MacGuire said the prototypical leach field and septic tank areas are shown. They performed test pits to verify the receiving layer and those were witnessed by the Building Inspector. Mr. Adler believed that the

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Town required 4K areas to be shown and requested those be added. Mr. MacGuire said 4K areas are not a state requirement in a condominium development. Mr. MacGuire said these have been proven out with test pits, and they have added 4K areas to the plans. Mr. Hadik noted that the 4k areas are a proactive protection requirement in case the location of a septic system is moved to accommodate a swimming pool or deck installation.

- Mr. MacGuire noted that the masonry headwall detail has been noted on the current plans.
- Regarding the test pit information, this is an AOT criteria item, and they have since submitted their AOT permit. Regarding the infiltration feasibility of the front retention pond, a test pit was done and submitted to Mr. Adler that shows there is adequate infiltration.

Vice Chairman Sederquest noted there is a waiver request for the driveway regulations for the non-dedicated hammerhead turnaround. Mr. Hadik clarified this waiver is from Article 9.12 of the driveway regulations.

***Mr. Weider moved to approve the waiver request for the non-dedicated hammerhead turnaround required by Article 9.12 of the Driveway Regulations. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed 4-0-0.***

Mr. MacGuire reviewed, and the Board discussed the drainage plan, which is a closed system. As the Town is not maintaining this road, it will not be an issue.

Mr. Hadik received an email from the abutter diagonally across Rte. 102, stating that due to the planned location of the entrance, he does not require mitigation from the headlight sweep of vehicles leaving the development.

Mr. Hadik also received an email from another abutter asking about changes in runoff direction as a result of the construction of the subdivision. Mr. Hadik noted most of the runoff will be going in the same direction it has always gone, which is to the southeast, under Route 121A.

Mr. MacGuire reviewed the layout of the development regarding the limited common area boundaries, which was discussed in detail at the last meeting. The areas will be marked on the corners to avoid confusion. Mr. Hadik noted the development will actually consist of two lots, as the open space lot will be deeded to the Town.

The developer requested the use of a specific road name, "Stacey" Lane, in honor of his daughter-in-law, who recently lost her battle with brain cancer. Ms. Richter reviewed the history of the Town regulations for naming roads, which precludes naming them after individuals who are not historic figures. She noted this is a private road, not a Town road. Mr. Hadik reached out to the Fire and Police Departments to ask if this name would cause confusion for EMS responses, and they said no. The Board agreed there would be no problem with this name.

Vice Chairman Sederquest opened the hearing for public comment.

Victor Chouinard, chairman of the Chester Conservation Commission, requested that this plan be presented to the Conservation Commission, as it involves land that the Commission will be responsible

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for monitoring. He is concerned that the garage is up against the open space / conservation land and there is a septic system that is close to the conservation land, which can be impacted by tree roots growing into it.

Selectman Myette asked why this plan has not been presented to the Conservation Commission. He noted that the conservation easement will also need to be drafted. Mr. Hadik noted he has spoken with Attorney Bennett and has added a condition of approval addressing this issue. The Board discussed the nature and restrictions of the easement.

Mr. MacGuire asked the Board to conditionally approve the application. Ms. Richter asked Mr. Hadik if a clean letter was expected from DuBois & King. Mr. Hadik noted the Board likes to have a clean letter before approving any application.

Selectman Myette explained that if the Town is going to accept a conservation easement, it needs to come before the Conservation Commission at a public hearing. Then, if they vote to accept it, it is presented to the Board of Selectmen. Mr. Hadik explained that subdivisions used to be accepted before the easements were finalized, however, that practice was changed years ago due to follow-through issues.

Mr. Haddad asked for clarification on the restrictions that are placed on open space, and the Board discussed the responsibility for overseeing and monitoring open space in subdivisions.

Mr. Hadik noted the unattached garage and septic 4K areas need to be 25' from the property line. Mr. MacGuire will adjust the orientation of the building or the open space boundary line to accommodate this. He will also address a couple 4K areas being close to the open space as well.

***Mr. Weider moved to close the public hearing. Ms. Richter seconded the motion. A vote was taken, all were in favor. The motion passed 4-0-0.***

Mr. Hadik reviewed the conditions of approval. The Board discussed changes needed, including the monumentation of no-clearing buffer areas and requiring a clean final review letter from Jeff Adler, DuBois & King.

***Mr. Weider moved to conditionally approve, based on approval from the Chester Conservation Commission and the Board of Selectmen, 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), with changes to conditional approvals as noted. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed 4-0-0.***

#### **Future Meeting Dates**

- April 5 –
- April 12 –
- April 26 –

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235 ***Ms. Richter moved to adjourn the meeting. Mr. Weider seconded the motion. A vote was taken. All***  
236 ***were in favor. The motion passed unanimously.***

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238 The meeting was adjourned at 9:02 p.m.

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240 Respectfully submitted,

241 Beth Hanggeli, Recording Secretary