

5-10-23: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, May 10, 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
Richard Snyder, Member
Elizabeth Richter, Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Town Planner

Members Absent:

Brian Sullivan, Chairman

Guests and Members of the Public Present:

Donald Stokes, Community Relations Specialist, Eversource Energy
Spencer Pickett, Project Manager, Eversource Energy
Ashley Friend, Licensing & Permitting Specialist, Eversource Energy
Kaitlin Griffin, Project Outreach, Eversource Energy
Conor Madison, GZA Project Manager
Mark Falkenham, Abutter
Dana Redmond, Lifestyle Homes
Ryan Redmond, Lifestyle Homes
John Bisson, Attorney for Lifestyle Homes
Chester PACT
And two other abutters unknown to the Recording Secretary.

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Discuss updated proposal for the update of the Master Plan.
3. Bridge Engineering contracts

7:15 - Public Hearings

1. Conditional Use Permit application by Eversource Energy (PSNH) for replacement of select utility poles on transmission lines H141 & R393 in Chester.

7:15 PM – Appointments

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1. Dana and Ryan Redmond, Lifestyle Homes, and Attorney John Bisson re: potential title issue of M&L 5-97.

Non-Public Session - None scheduled.

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. Discuss proposal for the update of the Master Plan.

Mr. Hadik passed out an updated draft of the proposal for updating the Master Plan and requested that the Board review the revised schedule and dates. If the plan is approved, Mr. Hadik will send a formal request to the Board of Selectmen to begin the process of updating the Master Plan, so disbursements can begin to be made from the capital reserve fund established for that purpose.

Mr. Weider moved that the Planning Board accept the proposed Master Plan update from the Southern New Hampshire Planning Commission and send a letter to the Selectmen. Ms. Richter seconded the motion. A vote was taken, all were in favor except Selectman Myette, who will vote on this as a Selectman. The motion passed 4-0-1.

3. Hanson & Shepard Home Roads bridge engineering contracts.

Mr. Hadik reported that he forwarded the bridge engineering contracts from DuBois & King to Town Administrator Doda, Administrative Assistant Jalbert, and Selectman Myette to get the work underway on the two bridges. They will continue to get those projects shovel ready for either the State Bridge Aid Funding and/or a congressperson or senator-enabled grant to help fund the other bridge.

7:15 PM – Public Hearings

1. **Conditional Use Permit (CUP) application by Eversource Energy (PSNH) for replacement of select utility poles on transmission lines H141 & R193 in Chester. The structures require replacement due to age and weathering so the transmission lines can continue to function safely and reliably. This work will require temporary impacts to wetlands.**

Vice Chairperson Sederquest requested a motion to open the Public Hearing for Eversource Energy for replacement of select utility poles on transmission lines H141 & R193 in Chester. Mr. Snyder made the motion and Ms. Richter seconded the motion. A vote was taken, all were in favor. The motion passed 5-0-0.

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Mr. Conor Madison from GZA introduced the team from Eversource. He presented plans for the pole replacement of select utility poles on transmission lines H141 & R193 in Chester from wood to steel structures. This is designed to maintain reliability. The poles being replaced are between Route 121 and Wells Village Road in Sandown. Any wetland impacts will be temporary. They are in the process of applying for the required permits. To accommodate the presence of protected species, they will follow practices recommended by New Hampshire Fish & Game, including avoiding vernal pools.

The right-of-way will not be widened and no trees will be cleared. The work areas will be restored at the end of the project. The access to the area is gated. They will reinforce the existing gated area in an attempt to deter ATV riders from going around the gate. The project is scheduled to start in June; the poles will be in place by the end of October.

Mr. Weider asked how much more work will be done in Chester. The Eversource representative said as poles fail inspection, they will need to be replaced.

Mr. Weider explained that the Board is clarifying the term “conditional” when issuing approvals, as there have been projects where the agreed-upon conditions have not been met.

Mr. Hadik noted the Board received a letter from the Chester Conservation Commission communicating their approval of the work being done on these transmission lines in Chester.

Abutter Mr. Mark Falkenham asked if Eversource could use gravel instead of 1.5” rocks on the roadway, as the rocks are harder to navigate on horseback and foot. Mr. Madison agreed this was a reasonable request. Mr. Falkenham asked to be notified of the date the project will start, as he will need to move his cows.

Mr. Hadik presented the conditions of approval, noting where information is still needed.

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.

Mr. Snyder moved to grant the Conditional Use Permit for Eversource Energy for replacement of select utility poles on transmission lines H141 & R193 in Chester. Mr. Weider seconded the motion. A vote was taken, all were in favor except Selectman Myette, who will vote on this as a Selectman. The motion passed 4-0-1.

7:15 PM – Appointments

1. Dana and Ryan Redmond, Lifestyle Homes, and Attorney John Bisson re: potential title issue of M&L 5-97.

Mr. Hadik submitted Attorney Bisson’s communication regarding this issue to Attorney Bennett. Attorney Bennett said Attorney Bisson’s proposal to provide the Town with title insurance for the open space lot sounded reasonable; however, there would need to be a review of the terms and conditions of the title insurance policy.

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Attorney Bisson clarified that the title insurance would be unconditional. When Lifestyle Homes purchased this property, the title company they used had unconditional title insurance. So, if the other parcel is owned by someone else, Lifestyle Homes is fully protected and the title insurance company would take the necessary steps to confirm they have clear, unincumbered title. Attorney Bisson said they are convinced Lifestyle Homes owns the property and would be able to offer the Town the same unconditional coverage. Attorney Bisson offered to give Attorney Bennett a title insurance commitment that proves the unconditional nature of the policy.

Mr. Snyder asked what would happen if it were deemed that the Town does not own the open space lot. Attorney Bisson replied that the insurance company (First American Title Insurance Company) would make the Town whole, but it is impossible to accurately answer this question. He asked if the Town has title insurance on the open space lot, and who has done title on Mr. Redmond's property to establish that he does not own it. He expressed concern that the development is being delayed due to this conclusion from the Conservation Commission that he believes is erroneous.

Mr. Snyder clarified the Conservation Commission had not drawn a conclusion, but has made an observation. He noted while it is impossible to reduce risk to zero, it is unclear what the probabilities of risk are without further research by professionals.

Attorney Bisson believes Lifestyle Homes legally owns this property. He noted that the validity of the conveyance of another property (*M&L 8-16*) to the Town is at question, as the individual who conveyed it did not own the property.

Mr. Snyder noted he would like to know that Attorney Bennett understands the Planning Board's concern regarding the need for the open space. Selectman Myette said a professional will have to determine whether the deeds are correct, where the errors are, and what the parties own. Mr. Hadik said Attorney Bennett will do this title research. Attorney Bisson offered to provide information to Attorney Bennett to aid with this research.

Mr. Weider noted that no one has come forward to pay back taxes on the property. So, any rights would be relinquished by not paying taxes on it.

Mr. Hadik asked if the title insurance was non-lapsing and Attorney Bisson confirmed this. He also asked if there was an adverse possession law and Attorney Bisson said they could not adverse as to the Town. No one can take away Town property by adverse possession. The reciprocal is also true.

Attorney Bisson expressed his desire that this process move quickly. Mr. Hadik will contact Attorney Bennett and request that he conduct research on the deeds.

Future Meeting Dates

- May 24 – Road Acceptance reviews

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

The meeting was adjourned at 8:16 p.m.

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189 Respectfully submitted,

190 Beth Hanggeli, Recording Secretary