

9-12-18 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester**  
**Planning Board Meeting**  
**Wednesday, September 12, 2018**  
**Municipal Complex**  
**Approved Minutes**

**Members Present**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Elizabeth Richter, Member  
Michael Weider, Member  
Dana Theokas, Alternate Member (arrived at 7:11 pm)

**Members Absent**

Richard Snyder, Member  
Cass Buckley, Ex-Officio  
Aaron Hume, Alternate Member

**Staff Present:**

Andrew Hadik, Planning Coordinator

**Others Present at Various Times:**

Kevin Hatch,  
Eric Mitchell, Civil Engineer  
Reggie Moreau, DAR Builders  
Karen Reese, Candia resident  
Andy Sullivan, Attorney  
Penny Williams, Tri-Town Times

Chairman Sullivan opened the meeting at 7:00 pm.

Chairman Sullivan said that Ms. Theokas is the alternate for Mr. Snyder.

**Meeting Agenda**

**General Business**

- Review and sign invoices and time sheets.
- Review and approve minutes for September 5, 2018 meeting.
- Review and approve bond reduction for the Gladys Nichols Lane Subdivision (Map & Lot 4-67-20) from \$222,000 to \$57,400.
- FYI: the water line for Pipit Estates was installed under Opossum Drive today, just prior to paving which commences tomorrow.

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**7:15 PM – Appointment**

Kevin Hatch re: Towle Subdivision

**7:30 PM - Public Hearing**

1. Continuation of the Public Hearing for the Crowley Woods, aka: Tanglewood subdivision application by DAR Builders, LLC 305 Massabesic Street, Manchester, NH, 03104, for a 60-lot subdivision of Map 11, Lots 30 and 30-7 off Crowley Road, Candia, NH.

**8:15 PM – Appointment**

Eric Mitchell re: Pipit Estates Conservation Easement

**Future Meeting Dates:**

September 26 – Gesel SPR

October 3 – CIP?

October 10 – Gesel SPR? CIP

October 24 - CIP

**Review and approve minutes for September 5, 2018 meeting.**

The Board reviewed the draft minutes of the September 5, 2018 meeting.

Line 70 had “Civil” added before “Engineer.”

Line 281 was changed to read, “Vice Chair Sederquest will attend the BOS, if necessary, in support of Ms. Theokas.”

Mr. Weider made a motion to approve the September 5, 2018 meeting minutes as amended; Ms. Richter seconded the motion. Motion approved, 4-0-1, Mr. Weider abstained.

**Review and approve bond reduction for the Gladys Nichols Lane Subdivision (Map & Lot 4-67-20) from \$222,000 to \$57,400.**

Mr. Weider made a motion to approve bond reduction for the Gladys Nichols Lane Subdivision (Map & Lot 4-67-20) from \$222,000 to \$57,400 per letter from DuBois & King, dated September 11, 2018; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

**FYI: The water line for Pipit Estates was installed under Opossum Drive today, just prior to paving which commences tomorrow. (Kudos to Mike Oleson for working with Hampstead Water Co. and Eric Mitchell for getting this done so quickly!)**

Mr. Hadik noted that Ms. Theokas had brought to the attention of the Board and Mr. Oleson, at the last meeting, the issue of the water line for Pipit Estates being installed prior to repaving Opossum Drive. He

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explained that Mr. Oleson had worked with Eric Mitchell and Hampstead Water Supply to have the water line installed very quickly, completing the work today, just prior to the repaving which begins tomorrow. The Board also recognized Mr. Mitchell's effort in having this accomplished in such a timely manner.

**7:15 PM – Appointment**

Kevin Hatch re: Towle Subdivision

Mr. Hatch came before the Board at 7:11 pm.

Mr. Hatch and the Board discussed in detail the sixty-day Towle Subdivision application extension that ended on September 11, 2018.

Mr. Hatch said the review letter was never generated by Mr. Adler (not present), but that the minutes from the meeting two years ago, at which the subdivision was approved, state that Mr. Adler was provided with the amended plans before the conditional approval meeting. Most recently, Mr. Adler hadn't had a chance to look at the plans.

Mr. Hadik noted that the conditions of approval state that the missing information needed to be added, however, a hardcopy of the amended plan set was never provided to Jeff Adler, which is why he never issued a final approval letter.

Mr. Hatch disputed this. He said the missing items had already been given to Mr. Adler before that meeting over two years ago. Mr. Hadik responded that emailing a digital copy of the plan set has never been acceptable, and Mr. Hatch knows Mr. Adler requires a hardcopy set.

Chair Sullivan clarified that Mr. Hatch is at this meeting to extend the Towle Subdivision application for sixty more days to meet the outstanding requirements. Mr. Hatch said he was asking for that extension.

Mr. Hatch said he gave Mr. Adler the amended plan set right before this meeting.

Mr. Weider made a motion for the Planning Board to extend the Towle Subdivision application, Map 9 Lot 19-1, for sixty days from September 12, 2018; Ms. Richter seconded the motion. Motion approved, 5-0-0.

Mr. Hatch and the Board discussed the Conservation Easement on Mr. Hawkins' property. (Mr. Hawkins is not present.)

Mr. Weider made a motion to authorize Chairman Sullivan to sign the voluntary lot merger for Tax Map 7 Lot 18 and 18-2; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

**8:15 PM – Appointment**

**Eric Mitchell re: Pipit Estates Conservation Easement**

Mr. Mitchell came before the Board at 7:27 to discuss the Pipit Estates Conservation Easement.

Mr. Hadik, Mr. Mitchell and the Board had much discussion about the details of the Conservation Commission's concerns with certain terms of the proposed conservation easement which related to the production and distribution of groundwater.

Mr. Mitchell related these terms are now standard contract requirements by Hampstead Water Supply for agreements to supply water to new subdivisions.

Mr. Hadik relayed Conservation Commission Chairperson Chuck Myette and the rest of the Commission members' concerns that the open-ended wording of the Reserved Rights and Water Rights Deed and Easements could allow "commercial development and mining of groundwater resources within a conservation area" which might ultimately adversely affect abutter's wells and adjacent wetlands.

Mr. Hadik and the Board agreed that Hampstead Water Supply is probably motivated to these terms because, regionally, water resources are becoming more and more in short supply. While the Board basically has no issue with the intent of supplying water to the 4 linked subdivisions, they don't like the seemingly open-ended wording which might to allow the commercial sale of groundwater to outside parties (e.g. pool water supply or bottling companies.)

Chairman Sullivan noted that there will be further discussion on this subject in two weeks with possibly Conservation Commission Chairperson Chuck Myette also in attendance.

#### **Public Hearing**

##### **1. Continuation of the Public Hearing for the Crowley Woods, aka: Tanglewood subdivision application by DAR Builders, LLC 305 Massabesic Street, Manchester, NH, 03104, for a 60-lot subdivision of Map 11, Lots 30 and 30-7 off Crowley Road, Candia, NH.**

Ms. Richter made a motion to reopen the Public Hearing for the Crowley Woods, aka: Tanglewood subdivision application by DAR Builders, LLC 305 Massabesic Street, Manchester, NH, 03104, for a 60-lot subdivision of Map 11, Lots 30 and 30-7 off Crowley Road, Candia, NH; Mr. Weider seconded the motion. Motion approved, 5-0-0.

The Public Hearing was reopened at 7:46 pm.

Mr. Mitchell asked for conditional approval of the Crowley Woods (Tanglewood) subdivision application. He noted that part of the conditions include the approval of the Candia Planning Board.

Ms. Richter confirmed with Mr. Hadik that one of the conditions of approval is Candia's PB approval.

Mr. Hadik pointed out Condition 4.a which he read, "Proof of subdivision approval by the Candia Planning Board prior to recording of the plan." He also noted Condition 4.h which he read, "Plan approved by the Candia Planning Board for the proposed improvements to Crowley Road."

Chairman Sullivan said that at some point one of the two town's planning boards must approve the subdivision before the other, and the conditions are still restricting the final recording of the subdivision

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until both Boards have approved the plans. Mr. Hadik also pointed out the registry will not record the plan mylars for the subdivision unless they are signed by both towns planning boards' chairpersons.

Mr. Hadik distributed the conditions of approval to the Board and Mr. Mitchell.

**NOTE: The Conditions of Approval for the Crowley Woods, aka: Tanglewood subdivision application by DAR Builders, LLC 305 Massabesic Street, Manchester, NH, 03104, for a 60-lot subdivision of Map 11, Lots 30 and 30-7 off Crowley Road, Candia, NH, are attached at the end of this document.**

The Board, Mr. Hadik, Mr. Mitchell, Mr. Morrow, and Mr. Sullivan read, reviewed, and discussed the conditions of approval.

Mr. Weider asked about the distribution of the three and four bedrooms in each phase.

Mr. Mitchell reviewed the number of the bedrooms at each phase. After making a count, he determined that the three and four bedrooms in each phase are equally distributed.

Mr. Hadik noted his recently added amendment Condition 6.h, the ground water protection zoning article 16.6.9, which he read, "All land cleared and drained for establishing lawns must be finish graded with at least four inches of good quality loom/topsoil to reduce the demand for lawn irrigation."

Mr. Weider asked what the Town plowing rate would be for Condition 14, which reads, "at triple the Town rate." He said he wants a specific rate established for the plowing that would then be tripled. Mr. Hadik explained that this Condition was recommended by the Technical Review Committee. Mr. Weider argued for a specified rate to be listed. Mr. Hadik said this subdivision will be under construction for 4.5+ years, and the plowing rates are amended by the Selectmen every fall, so listing a specific rate is not practical.

Mr. Morrow came before the Board at 8:10 pm.

Mr. Morrow explained that a rate can't be set because of what vehicle type is used depends on what must be done, and the work is determined by the Town's Road Agent.

Mr. Mitchell said he is concerned about a portion of Condition 3.h which reads, "...the relocation of the telephone pole." Mr. Hadik changed Condition 3.h to read, "...the relocation of the telephone pole, if required by Candia."

Attorney Andy Sullivan came before the Board at 8:13 pm.

Mr. Mitchell asked if any of the traffic impact fees could be allocated to Candia's improvements to Crowley road.

Mr. Hadik explained that the statute related to Traffic impact fees require these impact fees to be spent in the corresponding Town quadrant which the subdivision impacts. He noted the impact fees would probably be spent on improving Candia Road.

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228 Mr. Mitchell was told the impact fees must be spent in Chester. (Attorney Andy Sullivan confirmed this  
229 for the developer, Mr. Moreau, while seated in the audience.)  
230

231 Ms. Theokas asked about the response time from the police and fire departments.  
232

233 Mr. Mitchell said times were not established, but that each Town has a mutual aid agreement with the  
234 other Towns.  
235

236 Mr. Hadik noted that he does not yet have any signed letters from the mutual aid services which are  
237 required as sub-conditions in Condition 4.  
238

239 Chairman Sullivan clarified that signed letters from Derry Ambulance Service, and the Chester and  
240 Candia fire chiefs and police chiefs, while they are not in hand, are required as part of the conditions of  
241 approval.  
242

243 Chairman Sullivan asked for Public Comment at 8:20 pm.  
244

245 Ms. Reese came before the Board at 8:20 pm.  
246

247 Ms. Reese asked what research has been done about water supply issues. She explained that she is  
248 aware of short water supply in that area of Chester. Mr. Mitchell said they researched wells at the  
249 Water Well Board which has records of all the wells that are drilled, their depth and capacity. He said  
250 that they researched wells in the area have gotten water, and are not excessively deep.  
251

252 Ms. Reese asked about accessory dwelling units. Mr. Hadik said that ADUs are allowed in Chester, but,  
253 the home owners must first obtain Special Exceptions from the ZBA, which requires proof that the septic  
254 and water infrastructure can support the additional bedrooms.  
255

256 Chairman Sullivan asked for other Public Comment. There was no other Public Comment.  
257

258 Mr. Weider made a motion to close the Public Hearing; Ms. Richter seconded the motion. Motion  
259 approved, 5-0-0.  
260

261 The Public Hearing was closed at 8:25 pm.  
262

263 The Board deliberated.  
264

265 Chairman Sullivan commented that the whole process was a learning experience for the Board.  
266

267 Ms. Richter noted, based on the final engineering review letter (dated 8/31/18) from Jeff Adler, PE of  
268 DuBois & King, that the subdivision met and complied with all of Chester's subdivision requirements.  
269

270 Ms. Richter made a motion to grant conditional subdivision approval for the Crowley Woods, aka:  
271 Tanglewood subdivision application by owner of record DAR Builders, LLC 305 Massabesic Street,  
272 Manchester, NH, 03104, for a 60-lot subdivision of Map 11, Lots 011-30 -000 and 011-30-007 off Crowley  
273 Road, Candia, NH, dated February 7, 2017, subject to the conditions as amended this evening; Vice Chair  
274 Sederquest seconded the motion. Motion approved, 5-0-0.

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275

276 **Adjournment**

277

278 Mr. Weider made a motion to adjourn the meeting; Ms. Richter seconded the motion. Motion  
279 approved, 5-0-0.

280

281 Meeting adjourned at 8:34 pm.

282

283 Respectfully submitted,

284

285 C. Molly Qualters

286 Recording Secretary