

**Town of Chester**  
**Planning Board Meeting**  
**Wednesday, May 22, 2019**  
**Municipal Complex**  
**Approved Minutes**

**Members Present:**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Richard Snyder, Member  
Elizabeth Richter, Member  
Aaron Hume, Alternate Member  
Dana Theokas, Alternate Member

**Members Absent:**

Michael Weider, Member  
Cass Buckley, Ex-Officio

**Staff Present:**

Andrew Hadik, Planning Coordinator

**Others Present at Various Times:**

Stephen D'Angelo, Chester BOS

Chairman Sullivan opened the meeting at 7:04 pm.

Chairman Sullivan noted that Mr. Hume is the alternate for Mr. Weider.

**Meeting Agenda**

**General Business**

- Review and sign invoices and time sheets.
- Review and approve minutes for the April 24, 2019 meeting.
- Discuss the Recreation Commission's request for the release of \$20,000 in impact fees for the Fitness Trail project.
- FYI: update on SNHPC – NH DES Water Quality and Availability issues presentation.
- Review CFD final inspection letter for 15 Chester Street.
- Discuss G&P/ Your Variety building and future SPRs.

05-22-19 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

- FYI: the Pipit Estates Subdivision will be returning. Requiring full re-noticing due to length of time lapse.
- Discuss Southwoods review/information.

#### **7:15 PM – Appointments**

**All cancelled.**

#### **7:30 PM - Public Hearings**

**Another continuance pending requested.**

Application by Brady Sullivan Southwoods LLC, Owner, 670 N. Commercial Street, Suite 303, Manchester, NH, 03101, for approval of amended plans for the Southwoods Subdivision on Map 1, Lot 76, just off Route 102 (Derry Road) in Chester, NH.

#### **Non-Public Session**

RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board.

#### **Future Meeting Dates:**

- June 5 – Subdivision & Site Plan regulations
- June 12 – Pipit Estates SUB
- June 26 – Southwoods SUB PHC, Subdivision & Site Plan regulations

#### **Review and approve minutes for April 24, 2019 meeting.**

The Board reviewed the minutes from the April 24, 2019 meeting.

Line 107 had “kick-of” changed to “kick-off.”

Line 187 was reworded to read “Mr. Snyder suggested that the issue be addressed prior to the next Planning Board meeting on May 8<sup>th</sup>.”

Mr. Snyder made a motion to approve the minutes from April 24, 2019 as amended; Mr. Sederquest seconded the motion. Motion approved, 4-0-1. Chair Sullivan abstained.

**Discuss the Recreation Commission’s request for the release of \$20,000 in impact fees for the Fitness Trail project.**

Mr. Hadik distributed printouts to the Board of the communication from Attorney Bennett regarding the impact fees for the proposed fitness trail. The Board reviewed the material.

The Board noted that Attorney Bennett (not present), in his email, had said that “the (impact) fees need to be used for recreation projects currently on the CIP. If a project is removed from the CIP, then the Planning Board must no longer consider it a need necessitated by new developments of housing and business.” Once an updated CIP is adopted, items no longer listed in the new CIP are also no longer eligible for the expenditure of impact fees.

Mr. Snyder asked if there was a way to “capture” the information the Board has obtained regarding the CIP.

Mr. Hadik said that the primer he had created a couple of years ago, is being updated with this new information.

**Review CFD final inspection letter for 15 Chester Street. (No final inspection letter yet from BI.)**

The Board reviewed the letter from the Fire Chief Gregory Bolduc (not present) updating the Board on the status of Fire and Life Safety issues at 15 Chester Street.

Two paragraphs of the letter are as follows:

*“On April 25, 2017, the Chester Fire Department along with the NH State Fire Marshal’s Office performed a Fire and Life Safety Inspection and identified many issues that required corrective action. Since that time, the department has been working with the property’s owner to bring this building into compliance. I am happy to report to you that all the issues identified in our Fire and Life Safety Report dated May 12, 2017 have been addressed.*

*Per Chester’s ordinance the building should have a sprinkler system. However, after discussion with the property’s owner, the State Fire Marshall’s Office and the CFD, it was agreed that in lieu of installing sprinklers, they would install a 2-hour fire separation between the upstairs apartments and the business/mercantile uses downstairs. Please note that any future change of use, additions, modifications, or renovations to the building, will require a sprinkler system to be installed.”*

The Board discussed the letter.

Mr. Snyder reviewed with the Board the ZBA meeting discussion about the property. Mr. Hadik opined the requirement for a sprinkler system is up to the State Fire Marshall’s office because they are the “AHJ” (Authority Having Jurisdiction).

**FYI: update on SNHPC – NH DES Water Quality and Availability issues presentation.**

Mr. Hadik gave an overview of the SNHPC – NH DES Water Quality and Availability issues presentation which he had attended. He said the presentation and the verbal comments made by the two DES officials were an eye-opener.

Mr. Hadik also said it absolutely confirmed the Board made the right decision with Pipit Estates and the Hampstead Water contract which would have allowed the unrestricted pumping and sale of water from wells in the Open Space to offsite locations.

Mr. Hadik relayed DES's concerns that Groundwater availability and sustainability are expected to become a huge issue for New Hampshire in the next decade. One comment made was that a lot of bedrock wells are expected to go dry during the next 10 years. Also, currently, as more and more wells are drilled, more and more groundwater is being encountered which is contaminated with iron, manganese, MTBEs and PFAS. The State is currently has an initiative going to map the degree of contamination on a statewide basis.

He noted DES is in the early stages of permitting a large distribution system from Manchester Water Works to bring water through Derry to Windham, and then from Windham to Salem to Atkinson, and then from Atkinson to Plaistow and Hampstead. This will be the biggest water project in the State for the next 4 years, and it's going to be very expensive. There is also recent talk of revisiting the idea of bringing water from Lake Winnepesaukee out to the Seacoast.

Mr. Hadik stated that the presentation reinforced the understanding that Chester must do everything possible to protect its finite ground water resources!

Mr. Hadik noted that next year Chester will be using a grant to update the groundwater protection ordinance.

**Discuss G&P/ Your Variety building and future SPRs.**

Mr. Hadik explained that he had been notified of proposed work/upgrades to the building for the G&P Pizzeria restaurant. He noted that while reviewing his files, he found that the G&P/ Your Variety building pre-dates the requirements for site plan review.

Mr. Hadik noted that he is compiling a narrative history of the building in anticipation of future proposals.

Mr. Hadik and the Board discussed the history of the site plan reviews done at the G&P/ Your Variety building.

**FYI: the Pipit Estates Subdivision will be returning. Requiring full re-noticing due to length of time lapse.**

Mr. Hadik gave an update on the Pipit Estates Subdivision. He noted that the process is starting up again, and, because of the amount of time that has lapsed, that the owner has been asked to do a full re-noticing of all abutters.

**Another continuance pending requested.**

Mr. Hadik said that he received a request from Southwoods for a continuation until June 26, 2019.

Mr. Snyder made a motion to reopen the Public Hearing for Brady Sullivan Southwoods LLC, Owner, 670 N. Commercial Street, Suite 303, Manchester, NH, 03101; Ms. Richter seconded the motion. Motion approved, 5-0-0.

The Public Hearing for the application by Brady Sullivan Southwoods LLC, Owner, 670 N. Commercial Street, Suite 303, Manchester, NH, 03101, for approval of amended plans for the Southwoods Subdivision on Map 1, Lot 76, just off Route 102 (Derry Road) in Chester, NH, was opened at 7:56 pm.

**7:30 PM - Public Hearings (A continuance of the Public Hearing to May 8, 2019, is being requested.)**

1. Application by Brady Sullivan Southwoods LLC, Owner, 670 N. Commercial Street, Suite 303, Manchester, NH, 03101, for approval of amended plans for the Southwoods Subdivision on Map 1, Lot 76, just off Route 102 (Derry Road) in Chester, NH.

Chairman Sullivan read a letter from Marc Pinard (not present):

*"On behalf of Brady Sullivan Southwoods LLC, please allow this letter to serve as a request to continue the Public Hearing currently scheduled for May 22, 2019 to June 26, 2019. The reason for this is to allow additional time for plan revisions to be made and reviewed in response to the review letter just received May 20, 2019."*

Mr. Snyder made a motion to continue Public Hearing for the application by Brady Sullivan Southwoods LLC, Owner, 670 N. Commercial Street, Suite 303, Manchester, NH, 03101, for approval of amended plans for the Southwoods Subdivision on Map 1, Lot 76, just off Route 102 (Derry Road) in Chester, NH, to June 26, 2019 at 7:15 pm per letter dated May 22, 2019; Ms. Richter seconded the motion. Motion approved, 5-0-0.

Ms. Theokas made a motion to close the Public Hearing; Mr. Snyder seconded the motion. Motion approved, 5-0-0.

The Public Hearing was closed at 7:57 pm.

**Discuss Southwoods review/information.**

Mr. Hadik distributed two engineering review letters received from DuBois & King, an email from Counsel for the Applicant, and the email response from the Town engineer. He advised that the Board should peruse the letters and emails, and prepare to discuss the draft conditions for the June 26<sup>th</sup> meeting.

The Board and Mr. Hadik briefly reviewed and discussed the two engineering review letters and emails. Chairperson Sullivan said the engineer's explanation made sense to him. The Board made no decisions.

#### **Other**

Mr. Hadik noted that he has been asked by the SNHPC to give a presentation on Chester's new Age-Friendly zoning amendment.

Mr. Snyder reviewed the ZBA meeting. He said that the ZBA is requesting the Planning Board clarify the sprinkler system requirement for ADUs. After reading Article 9 – ADUs, of the Chester Zoning Ordinance, Building Code, and the definition of Multi-Family Housing in Article 2 – Definitions, his determination was that sprinkler systems are not required for ADUs.

The Board had much discussion about the sprinkler systems requirement.

Chairman Sullivan asked Mr. D'Angelo if he had any topic to discuss with the Board.

Mr. D'Angelo said that he will be asking to be the BOS liaison to the Planning Board.

Mr. D'Angelo remained in the meeting room during the Non-Public session.

#### **Non-Public Session**

**RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board.**

Mr. Snyder made a motion to enter Non-Public session under RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board; Ms. Richter seconded the motion. Motion approved with roll call vote: Chair Sullivan – yes, Vice Chair Sederquest – yes, Ms. Richter – yes, Mr. Snyder – yes, Mr. Hume – yes.

The Board entered Non-Public session at 8:35 pm.

05-22-19 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

249 Ms. Richter made a motion to seal these Non-Public minutes for one year; Mr. Snyder seconded  
250 the motion. Motion approved with a roll call vote: Chair Sullivan – yes, Vice Chair Sederquest –  
251 yes, Ms. Richter – yes, Mr. Snyder – yes, Mr. Hume – yes.

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253 **Adjournment**

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255 Ms. Richter made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion  
256 approved, 5-0-0.

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258 The meeting was adjourned at 8:58 pm.

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260 Respectfully submitted,

261

262 C. Molly Qualters

263 Recording Secretary