

**Town of Chester**  
**Planning Board Meeting**  
**Wednesday, June 26, 2019**  
**Municipal Complex**  
**Approved Minutes**

**Members Present:**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Richard Snyder, Member  
Elizabeth Richter, Member  
Dana Theokas, Alternate Member  
Charles Myette, Ex-Officio

**Members Absent:**

Michael Weider, Member  
Aaron Hume, Alternate Member

**Staff Present:**

Andrew Hadik, Planning Coordinator

**Others Present at Various Times:**

Scott Bourcier, DuBois and King  
Alan Burns, Chester resident  
Joe Ferguson, Chester resident  
Debbie Lewis, Chester resident  
Eric Mitchell, Eric Mitchell and Associates  
Marc Pinard, Attorney for Brady Sullivan  
Jon Rokeh, Engineer for Brady Sullivan  
Mark Viens, Site Contractor for Brady Sullivan  
Others unknown to this recording secretary

Chairman Sullivan opened the meeting at 7:00 pm.

Chairman Sullivan noted that Ms. Theokas is the alternate for Mr. Weider.

Chairman Sullivan welcomed Mr. Charles Myette as the BOS liaison to the Planning Board.

06-26-19 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

## **Meeting Agenda**

### **General Business**

- Review and sign invoices and time sheets.
- Review and approve minutes for the June 5, 2019 meeting.
- FYI: Update on the status of the Villages of Chester subdivision.
- Upcoming discussion of potential amendments to Driveway Regulations

### **7:15 PM – Appointments**

Eric Mitchell re: Pipit Estates final approval and final plan edits.

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

1. Continuation of 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.

The amendments to the plans are required to meet new storm water management standards and runoff mitigation requirements. These new plans have already been approved by NH-DES.

### **Future Meeting Dates:**

- July 3 – G. Benson – Driveway Regs, Review amendments to Subdivision, Site Plan, Driveway and Building Code regulations
- July 10 – S Review amendments to Subdivision, Site Plan, Driveway and Building Code regulations

### **Review and approve minutes for June 5, 2019 meeting.**

The Board reviewed the minutes from the June 5, 2019 meeting.

On line 217, the word “Board” was changed to “Committee.”

Line 266 through 269 was amended as follows:

Original:

“Mr. Weider said that the \$,1400 would not be used for that project, the contract for these funds use does not exist; to roll over the funds, there would need to be an obligation for those funds. He emphasized that the legislative body agreed to the \$8480 for this project, it was put into last year’s budget.”

Amended:

“Mr. Weider said that the \$1,400 would not be used for that project; the contract for the use of these funds does not exist; to roll over the funds, there would be an obligation for those funds. He emphasized that the legislative body agreed to the \$8,480 for this project; it was put into the upcoming FY budget.”

Mr. Snyder made a motion to approve the minutes from June 5, 2019 as amended; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

**FYI: update on the status of the Villages of Chester subdivision.**

Mr. Hadik reviewed for the Board the status of the Villages of Chester subdivision. He noted that there has been a site visit, a punch list has been compiled, and a reminder of “as built” plans has been communicated. Mr. Hadik said that there is some disagreement about gravel shoulders for the roads.

Ms. Richter asked if the gravel helps extend the life of a road.

Mr. Hadik said yes, that the gravel does help extend the life of a road.

**Upcoming discussion of potential amendments to Driveway Regulations**

Mr. Hadik noted that Mr. Grant Benson (not present at this meeting) is coming in next week to discuss his concerns about the Town’s Driveway Regulations.

Mr. Hadik explained that there are two issues to be discussed: the specified material (NH DOT specs) for the gravel base to go under the paving, and the Town’s requirement for the hammerhead turnaround size for fire apparatus for driveways longer than 150 feet.

**7:15 PM – Appointments**

Eric Mitchell re: Pipit Estates final approval and final plan edits.

Mr. Mitchell came before the Board at 7:14 pm.

Mr. Hadik recapped the history of the process for the Board. He said that on September 5, 2018 the Planning Board approved the subdivision. Mr. Hadik noted that there were two minor changes to the Conditions of Approval:

1. The plan would be amended to show the final approved location of the community mailbox and the associated pavement turnout.
2. The source of the water supply.

Mr. Hadik explained that the Board had approved the plan with a community water system; the community water system didn't work out because the company that would be providing the water, Hampstead Water, wanted to sell water obtained from the Open Space, commercially.

Mr. Hadik said that Mr. Mitchell is submitting a plan that reflects individually drilled wells and the community mailbox location with the paved turnout. He advised that the Board needed to determine if there is justification for a new Public Hearing, or if the change is minor enough, with previous discussion, as to not require a Public Hearing.

Mr. Mitchell said that they have received State subdivision approval with individual wells as part of the plans. He noted that the only change to the site plans was erasing a water line going down the road, and the name change to the private drive to Robin Way.

Mr. Mitchell explained that, based on the Conditions of Approval, buffer signs need to be installed, and the location of the common mailboxes need confirmation; he noted that there is nothing on the Conditions of Approval that is a problem, but there are individual wells, not a community water system.

The Board reviewed the past discussion of private wells and community wells. They noted that Mr. Weider (not present) had strongly suggested a community well.

When asked about the change to individual wells and the impact on the location of the houses and septic, Mr. Mitchell said that the house locations and the community septic locations have stayed the same.

Mr. Mitchell reiterated that the State has approved the individual wells and the community septic systems.

Ms. Richter pointed out that the change is a minor design change, rather than a substantive change.

Mr. Snyder said that if there had not been discussion of the community water source and individual wells at the previous Public Hearing, and if there was something new to the plan, then the Board would recommend a new Public Hearing, but everything had already been discussed.

Mr. Myette said there is no commercial activity allowed to be operated in the Open Space by the easement's conditions. He said that individual wells inject the water back into the area through the septic systems, so there is not much loss in ground water supply. Mr. Myette explained that with a commercial operation, which pumps water to other neighborhoods, there is a greater negative impact on the water levels within the community.

The Board discussed the community mailbox location.

Mr. Hadik said that the Board had expressed concern for Public safety with the community mailbox being located out on 121 A, and they wanted the community mailbox to be placed somewhere on the cul-de-sac.

Mr. Mitchell said that they have discussed the location of the community mailbox with the Post Office, and that they agreed to put it on Pipit Drive. He noted that the concern they have now, is that the Post Office wants it placed at the beginning of Pipit Drive, where the mail carrier will come in, deposit the mail, and then do a U-turn to leave the road. Mr. Mitchell said that they want to place it up closer to the cul-de-sac for the safety of residents driving in and out of the two-way road.

When asked, Mr. Mitchell said that he is involved in the negotiations with the Post Office, but that the Post Office doesn't really negotiate.

Chairman Sullivan asked the Board if they were all in agreement that the change is minor and that a new Public Hearing is not needed. The Board acknowledged that they agreed.

Mr. Mitchell said that he will communicate with the Board the outcome of the Postal Service negotiations.

Mr. Mitchell departed the meeting at 7:32 pm.

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

- 1. Continuation of 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.**

**The amendments to the plans are required to meet new storm water management standards and runoff mitigation requirements. These new plans have already been approved by NH-DES.**

Mr. Snyder made a motion to approve the application for Southwoods Phase IV (note: the original application is written as Phase III and is being corrected to and written as Phase IV); Ms. Richter seconded the motion. Motion approved, 5-0-1. Mr. Myette abstained.

Mr. Snyder made a motion to reopen the Public Hearing for the continuation of 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; Vice Chair Sederquest seconded the motion. Motion approved, 6-0-0.

The Public Hearing was opened at 7:40 pm.

Mr. Rokeh came before the Board at 7:40pm.

Mr. Hadik explained that the eleven-page plan set is a compilation of certain sheets from the 2005 approval and the 2016 AoT Permit plan set.

Mr. Hadik said that they have a clean letter from DuBois and King dated June 13, 2019.

Mr. Rokeh explained that when the subdivision was originally approved the required distance standards and the curve radius standards were different. He said that they are requesting a waiver from Article 4.5.2.17, (e) and (g), for both roads, as they are private roads, were previously approved as currently designed, and would require a complete redesign to meet the current standards.

Mr. Hadik added that the “landing area” of the two roads does not have quite enough length to meet the current standards, and the curve radius of the road does not meet the requirement. He agreed that both roads are very low speed private roads that don’t need to meet the current requirements. He also noted that the reviewing engineer at DuBois & King concurred with this and stated so in his June 13, 2019 review letter.

Mr. Snyder made a motion to grant the waiver request in the letter dated June 10, 2019 from Rokeh Consulting, LLC, and as recommended by DuBois and King; Ms. Richter seconded the motion. Motion approved, 6-0-0.

The Board reviewed, discussed and amended the Conditional Subdivision Approval.

The Board discussed number 12 of the conditions regarding maintenance of the road including snow plowing, sanding and salting. They agreed to replace the original condition with the more detailed condition from Mr. Bourcier’s June 13, 2019 letter.

Original:

12. If, during the time prior to the acceptance of the roads as Town-maintained roads and, including the intended private roads, the Town must provide emergency road maintenance for residents such as snow plowing, sanding and salting, the developer shall be billed for the services at triple the Town’s customary rate.

Amended:

12. The Developer/Owner shall maintain the roadway until such time the Town has accepted ownership/responsibility of the road. In the event the Town is required to perform maintenance activities, including but not limited to, snow plowing, sweeping, restoration, etc., the Town shall

charge the Developer/Owner three (3) times the cost to perform the completed tasks. The Town's performance of any maintenance due to the Developer/Owner's lack of maintenance shall in no way signify, directly or indirectly, the Town's acceptance of ownership/responsibility of the roadway.

Mr. Hadik gave an overview of the status of the bonding for the four different roads. He noted he had received a phone call this morning from a resident (present) inquiring about the status of the bonds.

Chairman Sullivan asked for Public comment at 8:09 pm.

Mr. Burns came before the Board at 8:09 pm.

Mr. Burns asked how the current bond of \$93,000 will work with the multiple roads bonding situation.

Mr. Hadik detailed the newer and different bond amounts for all 4 phases.

Attorney Pinard answered, stating that the bonds may be combined, ultimately, but that doesn't need to be determined here.

Mr. Burns asked if there is any deadline attached to the bonding. He noted that their section has been there since 2009, and they are having issue with the pavement at the entrance of Granite Lane.

Mr. Hadik said it depends on how much construction is left to occur at the top of Granite Lane.

Mr. Burns said that they were told when they bought their property, that once the development was accepted their driveways would be accepted. He said that all the driveways have only base coats and are all "falling apart."

Mr. Hadik said that issue is between the homeowners and the builder; the driveways are outside of the right-of-way of the private road (Granite Lane).

Mr. Burns asked if this meant that the issue is between the homeowners and Brady Sullivan.

Mr. Hadik explained that the Planning Board is not involved in this. The issue is between the homeowners and the Builder.

Mr. Snyder asked for an update on the trash complaint that had been brought up by a Southwoods resident at a previous meeting.

Mr. Rokeh said he hadn't heard of the trash issue.

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297 Mr. Hadik said he had explained the concern to the Chester Building Inspector (not present).  
298  
299 The Board asked if the resident was present or if Mrs. Qualters had the minutes from that previous  
300 discussion about the trash issue. She explained that the resident was Ms. Moore. (Note: Ms.  
301 Moore was not present at this Board meeting.)  
302  
303 Mrs. Qualters, the recording secretary, read Ms. Moore's statements from the minutes of the April  
304 24, 2019 meeting:  
305  
306 *Ms. Moore came before the Board and spoke at 7:36 pm.*  
307  
308 *Ms. Moore noted that she is a Chester resident of Southwoods. She said that she is speaking out*  
309 *to bring attention to the condition the Southwoods neighborhood is being left in by the builders.*  
310 *Ms. Moore explained that for the past two years, while the construction has been going on, the*  
311 *builders have been leaving large amounts of trash on the site that then blows into the*  
312 *neighborhood. She said she picks up trash that blows into her yard and cleans up "all the time."*  
313  
314 *Ms. Moore said that she has advised the developer, Mr. Steve Cotran (not present), of the trash*  
315 *with texts, pictures, videos, emails, and phone calls and asked him to clean the site and put lids*  
316 *on the dumpsters. She notes that he said that they clean the site regularly.*  
317  
318 *Ms. Moore asked the Board if they can put some type of restriction on Brady Sullivan to force*  
319 *them to clean the area on a weekly if not daily basis, as well as, put tops on the dumpsters.*  
320  
321 Mr. Ferguson came before the Board at 8:17 pm.  
322  
323 Mr. Ferguson said he is Ms. Moore's neighbor and that he can attest to the terrible trash problem.  
324 He said the problem seems to be resolved for now; the houses are all built in that area. Mr.  
325 Ferguson said that they are "showing" the houses, and they have replaced the large lidless  
326 dumpster with a smaller dumpster with two lids.  
327  
328 Mr. Ferguson asked why the private road cannot become a public road (Town-maintained) and  
329 must remain a private road.  
330  
331 The Board explained that the developer wanted it that way, and the subdivision was approved by  
332 the Planning Board with certain roads as private roads.  
333  
334 Mr. Hadik said that "in theory" the cost for the developer to build private roads is lower because  
335 they are built to a lesser standard, and the savings is either passed on to the homeowners or kept  
336 by the developer.  
337  
338 Mr. Ferguson said, "The situation is lousy."



Mr. Ferguson said that the buyer expects the road will eventually become Public, but now if the road fails, the Homeowners' Association is responsible for the road.

The Board explained that buyers need to do their due diligence about which roads will be private or public when purchasing properties.

The Conditions of Approval were reviewed by the Board and the representatives for Brady Sullivan.

Ms. Lewis came before the Board at 8:25 pm.

Ms. Lewis asked for an explanation of the retention ponds on the plans. She said that she lives down the hill from the development; she is concerned about the runoff coming down the hill. She said that the original retention pond has failed completely and is not retaining any water.

Mr. Rokeh pointed out the 4 proposed additional retention ponds on the plan; he said that the pond closest to her property is a detention pond, and the pond before that pond is a retention pond.

The discussion of detention ponds versus retention ponds was had.

*A detention pond only holds water for a short period of time.*

*A retention pond holds water for a longer period of time allowing for infiltration of the water.*

Ms. Lewis said that she is disappointed that the pond closest to her property is only a detention pond. She said she is concerned about the water runoff onto her property containing pollutants going into the wetlands. She said that there is always water coming down the hill, "it is always wet, always running."

Mr. Rokeh said Ms. Lewis is better protected with the change in regulations and the change in the plans as they are now compared to when they were originally designed. He explained that the location of the detention pond can't have an infiltration pond because the ground water is already so high in that location.

A discussion was had about who is responsible for maintaining the detention ponds/retention ponds.

After careful examination of the plans, the Board determined that the retention/detention ponds will not be part of the Town's deeded right-of-way (when the Town accepts the road) and are, therefore, not the Town's responsibility.

Mr. Hadik said that the owner is responsible for maintaining the ponds, and eventually the Homeowners' Association is responsible.

Mr. Pinard suggested that the Homeowners' Association discuss this as annual maintenance with their landscape contractor and roll it all into the landscapers budget.

Mr. Ferguson returned before the Board at 8:49 pm.

Mr. Ferguson expressed concern about the Homeowners' Association and possible environmental impact of the retention/detention ponds.

The Board explained to Mr. Ferguson how the landscape contractor can maintain the ponds.

The Board stated that the Association that is taking over a development should make themselves aware of what their responsibilities are. The Board gave the Association members present copies of the plans.

Mr. Burns returned in front of the Board and asked if, prior to the Town's acceptance of the roads, the ponds will be reviewed to determine if they meet the required standards.

Mr. Hadik said that the Town's engineering firm representative and the Town's building inspector will walk the site and make sure that all the structures are functioning properly. He said that the Planning Board will review all the documents and then send a confirmation to the BOS that everything is functioning, prior to the acceptance of the two public roads and roundabout.

Mr. Snyder made a motion to close the Public Hearing; Ms. Richter seconded the motion. Motion approved, 6-0-0.

The Public Hearing was closed at 8:58 pm.

The Board discussed and approved two amendments to the conditions of approval. The first was the amendment of condition 12 discussed on lines 237 to 256. The second was the addition of a condition stating the homeowners association will be responsible for the maintenance of the drainage infrastructure and detention & retention ponds located outside of the Town right-of-ways in the subdivision.

Mr. Snyder made a motion to approve the conditions as amended this evening; Ms. Theokas seconded the motion. Motion approved, 6-0-0.

## **Adjournment**

Ms. Richter made a motion to adjourn the meeting; Ms. Theokas seconded the motion. Motion approved, 6-0-0.

06-26-19 These minutes are subject to possible revisions/corrections during review at a subsequent  
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425

426 The meeting was adjourned at 9:08 pm.

427

428 Respectfully submitted,

429

430 C. Molly Qualters

431 Recording Secretary