

05-13-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, May 13, 2020
Virtual Meeting
Approved Minutes**

For the duration of the COVID19 pandemic, the Planning Board will be meeting electronically under the emergency provisions of RSA 91A. <https://zoom.us/j/92697843243>, or via telephone - dial (301) 715-8592; the meeting ID is 926 9784 3243.

Members & Staff Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Michael Weider, Member
Elizabeth Richter, Member
Richard Snyder, Member
Aaron Hume, Alternate Member
Andrew Hadik, Planning Coordinator

Members Absent:

Selectman Chuck Myette, Liaison

Others Present at Various Times:

Penny Williams
Eric Mitchell

Meeting Agenda

7:00 PM – General Business

- 1) Review & approve minutes for the 5/6/20 PB meeting.
- 2) Discuss the ATV use along powerline issue.
- 3) Discuss the gravel pit and composting operations at the Mill Pine Village subdivision & the status of As-Built plan.
- 4) Update on the status of the surety negotiations for the Southwoods subdivision.
- 5) Discuss whether parking lots are structures, and therefore not grandfathered the way driveways are if they were built prior to a certain date.

7:15 PM – Appointments

None Scheduled

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Public Hearings

1. Site Plan Review Application of NASR Enterprise, LLC to lease space for an Edward Jones Financial Services Office located on the first floor at 4 Haverhill Road (Map 16 Lot 31).

Meeting Minutes

Chair Sullivan opened the meeting at 7:00 PM with a roll call vote.

7:00 PM – General Business

1) Review & approve minutes for the 5/6/20 PB meeting. - Tabled

2) Illegal ORV & ATV use along powerline easements.

Mr. Hadik said he has been following the illegal ORV and ATV trespassing issues along the Eversource powerline easements. He said there are a lot of recent concerns about the amount of gravel placement and “road building” by Eversource on the powerline access roads.

Mr. Hadik has noted, however, that once the renovations to the powerlines are completed, that Eversource removes the gravel and reseeds where the disturbances occurred. He cited the powerline crossing just past the Derry town line on Rte. 102 as an example.

Mr. Hadik said there is still an issue of a lack of gating of the access roads where they cross State and Town Class V and Class VI roads. He also said he heard some discussion of the possibility of Eversource donating an ATV to the Police Department to help with off-road enforcement.

Mr. Hume reported the Conservation Commission has been following the issue as well, and has discussed gates and guardrails at the road crossings, and a meeting about enforcement with the NH Fish and Game and Police Department has been scheduled. Mr. Hume said the Commission feels the ORV trespassing has gone beyond just the destruction of Town resources and of private property owners.

Mr. Hadik noted many people seem to think they can run their ATVs anywhere. ATVs are prohibited on private properties without having the written permission of the property owners, in wetlands always, and on Class VI roads unless they are specifically designated for such use.

Chair Sullivan offered that the Planning Board could weigh in as well. Mr. Snyder said getting this information out is important.

Mr. Hadik said the Town does have some standing on gating and fencing issues because this is included in the conditions of approval for the Conditional Use Permits (CUPs). Chair Sullivan noted conditions go away once the construction is done.

Mr. Weider indicated the Selectmen got involved as well and asked for signage.

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Chair Sullivan noted the recent modifications allowed more space for vehicles to come onto power lines and this illegal use is unlikely to stop. Police Officers must sit by the entrances, and probably will need to continue to do so. Chair Sullivan indicated he was not in favor of installing guardrails (*as a preventative measure*).

3) Gravel pit and composting operations at the Mill Pine Village subdivision. – Tabled

4) Southwoods Subdivision Surety Negotiations

Mr. Hadik relayed that negotiations are in full swing with the developer, and have not been resolved yet. However, all the boxes for ensuring enforcement are getting checked off. He noted the developer is in arrears for payments owed to Dubois & King, and that Counsel is involved.

5) Parking lots vs. structures. - Tabled

7:15 PM – Appointments

None scheduled.

Public Hearings

1. Site Plan Review Application of NASR Enterprise, LLC to lease space for an Edward Jones Financial Services Office located on the first floor at 4 Haverhill Road (Map 16 Lot 31).

Mr. Snyder motioned to accept the application of NASR Enterprise, LLC and to open the public hearing. Mr. Hume seconded the motion. A roll call vote was taken, Sullivan – aye, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.

Mr. Hadik stated the Board is already familiar with the project. The new plan is very similar to the previous plan, however, the parking spaces that were previously shown on the Town's Right-of-Way (ROW) have been removed.

Eric Mitchell explained that the owner of the Chester General Store is leasing the building next door for an Edward Jones Financial Services office to be located on the first floor of the building. The applicant will be installing a wheelchair lift on the left end of the front of the porch.

Mr. Mitchell reviewed his response letter to the DuBois & King's review letter (dated 5/8/20). The parking striping on Town's ROW was removed from the plan, the setback lines were added, and the rest of it is the same as the previous version. The plan shows 12 parking spaces, where 16 are required by zoning. He did note Mr. Adler's comment that the latest ITE manual would only require 12 spaces.

Mr. Mitchell noted that the easement shown on the plan can be referenced in the deed.

Mr. Hadik asked how many bedrooms there were for each of the apartments, and Mr. Nasr answered each of the two apartments has two bedrooms (*for a total of 4 bedrooms*).

Mr. Snyder recommended adding the date the variance was granted by the ZBA.

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Mr. Hadik reviewed the project-specific Conditions of Approval.

1.a – Chester General Store (#2 Haverhill Road, Building 1 - First Floor)

Hours of Operation: 5:00 AM to 11:00 PM Daily

PB Conditions: None

1.b – Two Apartments (#2 Haverhill Road, Building 1 - Second Floor)

PB Conditions:

1.b.1. The second floor shall be limited to two (2) apartments (with a total of 2 bedrooms apiece).

1.c – Edward Jones Financial Services Office (#4 Haverhill Road, Building 2 - First Floor)

Hours of Operation: 7:00 AM to 10:00 PM Daily

Parking Allocation: Four (4) Spaces Required - 2 Employees & 2 Clients

PB Conditions:

1.c.1 - The access to this office shall meet accessibility requirements

1.c.2 - The office shall provide an accessibility-compliant restroom.

1.d – Storage space (#4 Haverhill Road, Building 2 - Second Floor)

Hours of Operation: Not applicable.

PB Conditions:

1.d.1 - The storage space shall be used solely for personal use by Mr. Sam Nasr and immediate family. (Mr. Nasr stated he plans to have a personal office there.)

1.e - Parking Area & Other

Onsite Parking Availability: Twelve (12) spaces

PB Conditions:

1.e.1 – The applicant shall apply to the ZBA for a variance from Article 2.52– Front Setback to allow parking in the lot's front setback (spaces 3 thru 9).

1.e.2 - The applicant shall apply to the ZBA for a variance from the Article 4.5 – Off-Street Parking Requirements to allow less parking than required by the zoning ordinance (16 spaces).

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Mr. Snyder recommended referencing Jeff Adler's review letter from Jeff Adler of DuBois & King dated 5/8/20 comment #6: *"DuBois & King has compared the proposed Site Plan parking needs with the current Parking Generation Manual (dated January 2019) as prepared by the Institute of Transportation Engineers (ITE). Based on our findings, the minimum parking spaces required would be 12 spaces."*

1.e.3 – The "landscape" boulders surrounding the parking lot shall be removed or relocated to create the required eight (8) foot snow storage strips.

1.e.4 - No parking by business employees, customers, or apartment residents or visitors shall occur in the rights-of-way of Haverhill Road (NH Route 121) or NH Route 102.

1.e.5 – The large, off-property propane tank shall be brought into conformance with zoning and life, health & safety codes.

1.e.6 – The dumpster shall be situated to comply with setback requirements and be screened per requirements.

Mr. Hadik noted the Board could issue a Conditional approval this evening. The Building Inspector indicated to Mr. Hadik that he would issue a construction permit if the Board grants conditional approval at tonight's meeting.

Chair Sullivan noted the drawing references Haverhill Road, Route 121-A and should be corrected to Rte. 121.

Mr. Hadik noted nine (9) waivers are required. The 8th was discussed conceptually. The last waiver was not to require access with site distance. The Board is familiar with the site distance and low speed traffic in the ROW. All the waivers can be handled by a single motion.

Mr. Hadik read out the waivers requested from the Site Plan Review Regulations which are:

- 1) Section 7.1.15: To not require all physical features and uses of abutting land within 300 feet of the site.
- 2) Section 7.1.16: To not require the shape, size, height, location and uses of structures located within 300 feet of the site.
- 3) Section 7.2.2: To not show the grades and profiles or centerlines of the adjacent existing streets.
- 4) Section 7.3: To not require a stormwater management plan where 15% or 10, 000 square feet, whichever is greater, of the site is impervious.
- 5) Section 7.4: Erosion and sediment control plan.
- 6) Section 7.5: Septic Systems requirements.
- 7) Section 7.8: Traffic impact analysis.
- 8) Section 7.10.6: To permit less than 8 feet strips for snow storage.
- 9) Checklist Item D-10: To not require access plans with sight distance.

After reviewing the criteria for granting waivers, Mr. Snyder motioned to grant the waivers referenced above from the Site Plan Review Regulations. Mr. Weider seconded the motion. A roll call vote was

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230 ***taken, Sullivan – aye, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The***
231 ***motion passed unanimously.***

232 Chair Sullivan opened the hearing to the public for questions and comments at 7:41 PM.

233
234 Mr. Hadik noted he had received approximately a dozen emails and letters in support of the application,
235 and none that were opposed to it.

236
237 Mr. Hadik read out the remaining general “boilerplate” conditions of approval. There was no discussion.

238
239 ***Chair Sullivan motioned to close the hearing to the public at 7:43 PM for deliberations. Ms. Richter***
240 ***seconded the motion. A roll call vote was taken, Sullivan – aye, Richter – aye, Snyder – aye,***
241 ***Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

242 Mr. Hadik noted the Building Inspector’s safety concerns with Space #2 (the ADA parking spot) being too
243 close to, and/or possibly in the ROW.

244
245 There was a suggestion to mark one of the parking spaces in the parking lot as the ADA parking spot.
246 Mr. Hadik said he was told this wasn’t possible because of the excessive slope. He said the only logical
247 spot was to level the area of plantings just off the left of the building, however, the property owner did
248 not want to do this.

249
250 ***Mr. Snyder motioned to approve the plan with conditions dated May 1, 2020, as amended. Mr.***
251 ***Weider seconded the motion. A roll call vote was taken, Sullivan – aye, Richter – aye, Snyder – aye,***
252 ***Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

253 **Adjournment**

254 ***Ms. Richter motioned to adjourn the meeting at 8:07 PM. Mr. Sederquest seconded the motion. A roll***
255 ***call vote was taken, Sullivan – aye, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume***
256 ***– aye. The motion passed unanimously.***

257 **Future Meeting Dates**

- 258
259
 - May 27 – Kerry’s Dance Center SPR
 - 260 • June 3 –
 - 261 • June 10 –
 - 262 • June 24 -

263
264 Respectfully submitted,

265 Daniel Hoijer
266 Recording Secretary