

11-04-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, November 4, 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:

Evan Sederquest, Vice Chairman
Mike Weider, Member
Elizabeth Richter, Member
Aaron Hume, Alternate Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Planning Coordinator

Members Absent:

Brian Sullivan, Chairman
Richard Snyder, Member

Others Present at Various Times:

Tim Peloquin, Promised Land Survey
Reggie Moreau
Eric Mitchell
Jason Gustin
Scott Komisarek, Candia Planning Board
Robert Jones, Alternate, Candia Planning Board
Michael Scott
Shelley Scott
Alice Knapp
Karen Reis, 351 Chester Road, Candia, NH
Patrick Connelly
Daniela Connelly
Chester PACT

Meeting Agenda

7:00 PM – General Business

- 1) Review & approve minutes for the 10/28/20 PB meeting.
- 2) Review first full draft of Capital Improvements Plan. *Tabled*
- 3) Discuss email from Latitude Learning Resources.

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7:15 Appointments

None scheduled.

7:15 Public Hearings

1. Lot-Line Adjustment application by Michell E. Jeans (Owner), 48 Clark Road (Map 7 Lot 7) and Robert S. Knapp Revocable Trust of 1999 (Owner), 50 Clark Road (Map 7 Lot 19) in Chester, NH.

2. Subdivision extension/renewal application by DAR Builders, LLC (Owner), 305 Massabesic Street, Manchester, NH 03104 for a 60-lot subdivision of Map 11, Lots 30 and 30-7 in Chester, NH accessed off Crowley Road, Candia, NH.

3. Site Plan Review application of Patrick Connelly & Daniela Connelly (Owners), 522 Haverhill Road (Map 2 Lot 91) to conduct agritourism activities and events at their farm (Field to Fork Farm).

Vice-Chair Sederquest opened the meeting at 7:00 PM and read the Covid19 preamble authorizing a virtual meeting. Roll Call of members present was taken which included Mike Weider, Elizabeth Richter, Evan Sederquest, Alternate Aaron Hume, and Selectman Myette. Vice-Chair Sederquest activated Alternate Aaron Hume for Chairman Sullivan.

7:00 PM – General Business

1) Review & approve minutes for the 10/28/20 PB meeting.

Ms. Richter recommended edits to Lines 97, 108, 128, 156, 208, and 238.

Mr. Weider motioned to approve the October 28, 2020 minutes, as amended. Ms. Richter seconded the motion. A roll call vote was taken: Sederquest – aye, Weider – aye, Richter – aye, Hume – aye, and Myette – aye. The motion passed unanimously 5-0-0.

2) Discuss the first full draft of the CIP - Tabled.

3) Discuss email from Latitude Learning Resources.

Mr. Hadik shared onscreen a copy of an email received from Sharon Osborne, Director of Latitude Learning Resources who is looking to conduct a homeschool business once a week in Nutting Hall (*at Busche Academy*) in the same building where the Alisha Eckman Art Studio was approved to operate. Mr. Hadik relayed the Site Plan Review application received was sparsely filled out and did not include a narrative. The Building Inspector has advised him that no variance would be required. Mr. Hadik sent a copy of the email to Mr. Snyder and Chair Sullivan who are not present this evening. Mr. Hadik noted that Play, Laugh & Grow child daycare had a similar limited Site Plan Review with the Planning Board focused on matters regarding the safety of the children. That review was also for the Nutting Hall location.

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Ms. Osborne expressed frustration with the process and cost of applying. Mr. Hadik will respond and let her know that she can request waivers from some of the Site Plan Review conditions and some fees. Abutters will have to be noticed. While Latitude Learning Resources is a 501c3 non-profit business, Mr. Hadik noted even non-profits are not exempt from the process.

7:15 – Appointments

None scheduled.

7:15 - Public Hearings

1. Lot-Line Adjustment application by Michell E. Jeans (Owner), 48 Clark Road (Map 7 Lot 7) and Robert S. Knapp Revocable Trust of 1999 (Owner), 50 Clark Road (Map 7 Lot 19) in Chester, NH

Mr. Hume motioned to open the public hearing for Michell E. Jeans (Owner) and Robert S. Knapp Revocable Trust of 1999 (Owner) for a lot line adjustment between Map 7, Lot 7 and Map 7, Lot 19 located on Clark Road. Mr. Weider seconded the motion. A roll call vote was taken: Sederquest – aye, Myette – aye, Hume – aye, Richter – aye and Weider – aye. The motion passed 5-0-0.

The public hearing was opened at 7:22 PM.

Mr. Hadik shared onscreen the plan showing both lots and pointed out the location of the 15 acres to be added from Lot 7, Lot 19 to Map 7, Lot 7.

Tim Peloquin of Promise Land Survey presented the plan on behalf of the Owners explaining that 15 acres would be transferred to the Jeans property (Map 7 Lot 7) by the Robert S. Knapp Revocable Trust of 1999 property at Map 7, Lot 19. The adjustment would increase the existing 29 acres of Map 7, Lot 7 to a 44-acre lot, while Map 7, Lot 19 would decrease from approximately 151 acres to 136 acres. The Knapp property has frontage on Clark Road and Candia Road. It is wooded, has uplands, wetlands, and some steep slopes.

Mr. Hadik shared onscreen the proposed Conditions of Approval, and noted the revision date will be updated once the title block is added. Mr. Peloquin said he will also add the monumentation to the plan. Mr. Hadik noted the Conditions of Approval are dated today, November 4, 2020 and would expire in one year unless an extension is applied for.

Vice-Chair Sederquest opened the hearing to the public for comments and questions at 7:23 PM. There were none.

Mr. Weider motioned to close the public hearing. Ms. Richter seconded the motion. A roll call vote was taken: Sederquest – aye, Myette – aye, Hume – aye, Richter – aye, and Weider – aye. The motion passed 5-0-0.

Mr. Weider motioned to approve the lot line adjustment between Michell E. Jeans and the Robert E. Knapp Revocable Trust of 1999, for the 15-acres to be added to Map 7, Lot 7 from Map 7, Lot 19 on Clark Road. Ms. Richter seconded the motion. A roll call vote was taken Weider – aye, Hume – aye, Sederquest – aye, Myette – aye and Richter – aye. The motion passed 5-0-0.

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2. Subdivision extension/renewal application by DAR Builders, LLC (Owner), 305 Massabesic Street, Manchester, NH 03104 for a 60-lot subdivision of Map 11, Lots 30 and 30-7 in Chester, NH accessed off Crowley Road, Candia, NH.

Ms. Richter motioned to open the application for a subdivision extension/renewal by DAR Builders, LLC (Owner) for a 60-lot subdivision of Map 11, Lots 30 and 30-7 in Chester, NH accessed off Crowley Road, Candia, NH. Mr. Weider seconded the motion. A roll call vote was taken: Weider – aye, Sederquest – aye, Richter – aye, Hume – aye, and Myette – aye. The motion passed 5-0-0.

Mr. Hadik shared onscreen a copy of Eric Mitchell's letter dated September 21, 2020 requesting an extension of the expired Conditions of Approval (CoA) approved in 2018. Another plan set has been submitted. Sheets 1 and 2 were updated to reflect new abutters. There have been no changes to the engineering design or construction details.

Mr. Mitchell noted they still need subdivision approval from the Town of Candia. Candia is also requiring improvements to Crowley Road which are still being negotiated. They have had several meetings with Candia's Planning Board, and on-site meetings with their Road Agent, Select Board and Town Consultant. Mr. Mitchell stated the State Alteration of Terrain has been received. There will be a conservation easement placed on the open space after the subdivision is approved. Mr. Hadik noted there is a long list of deliverables required by Chester's CoA before the subdivision can be recorded.

Mr. Hadik shared onscreen the proposed CoA dated November 4, 2020, with the changes highlighted in yellow. He noted the subdivision will be built in three phases, the east half of Shannon Road starting in from the 90 degree turn on Crowley Road, the west half of Shannon Road back out to Crowley Road, and the cul-de-sac of Black Gum Lane off Shannon Road. The roads are expected to be public roads, and will be presented for acceptance with the Town of Chester.

Included in the list of items required prior to recording the plan are, subdivision approval by Candia, a bond estimate from DuBois & King, an Master Street Address Guide (MSAG), mutual aid agreements with Police, Fire and Ambulance with backup contingencies, a letter from the Road Agent and Mutual Aid agreement with the Candia Highway Department, a detailed plan set showing the proposed improvements for Crowley Road once DAR reaches an agreement with Candia, and a draft of the standard deed restrictions.

Mr. Hadik noted the Alteration of Terrain permit is good for five years. Other conditions include receiving final as-built plans; no materials or equipment, except those expressly connected with the construction of this subdivision, shall be moved onto or stored at this site; and no materials such as topsoil, sand, gravel, rock may be excavated and removed from the site (*so the topography shall remain the same as on the approved plans*).

Mr. Weider questioned the handling of any future increases in impact fees. Currently the impact fees are \$6,927 in accordance with the schedule in the CoA. The seven impact fees are currently in the process of being updated, and may result in future changes to the impact fee schedule. Mr. Weider would like to run this question by Board Counsel.

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Selectman Myette explained that if the property is in current use, which Mr. Moreau confirmed it was, then there would be a 10% penalty assessed per improved lot.

Vice-Chair Sederquest opened the hearing to the public for comments and questions at 7:57 PM.

Jason Gustin of 161 Crowley Road (11-30-8) noted he is the owner of the lot next to the western entrance of Shannon Road. Mr. Gustin questioned why the western-most entrance was not centered on the undeveloped lot retained for that purpose. He said he has small children, and having the road centered on the lot would give him more of a buffer from the traffic noise. Mr. Mitchell explained the site distance and grading issues involved with moving the location. Mr. Gustin asked how much clearing and loss of privacy there would be. Mr. Hadik explained the ROW is 60 feet wide, and with 24 feet of pavement and 5 foot shoulders on each side, at a minimum the cleared area would be 34 feet wide, not including the side-slopes for any cuts and fills dictated by the topography. Mr. Hadik noted his non-binding opinion was that Mr. Gustin could request vegetative buffering by the Builder, however, the entrance is in another Town and therefore he should seek this relief from the Candia Planning Board.

Robert Jones of 109 Patten Hill Road, Candia, NH is a member of the Candia Planning Board. He asked Mr. Mitchell about the anticipated timeframe for DAR's meeting with the Candia Planning Board. Mr. Mitchell noted it will be about a month or so with the second proposal for the improvements to Crowley Road.

Mr. Gustin noted there is a lot for sale on Shattigee Road. He asked why the subdivision property could not be accessed from Chester. Upon further review it was noted the lot does not abut the property.

Mr. Weider motioned to close the hearing at 8:10 PM. Mr. Hume seconded the motion. A roll call vote was taken: Sederquest – aye, Myette – aye, Richter – aye, Hume – aye, and Weider – aye. The motion passed 5-0-0.

Ms. Richter motioned to extend approval of DAR Builders, LLC for a 60-lot subdivision of Map 11, Lots 30 and 30-7 in Chester, NH accessed off Crowley Road, Candia, NH subject to the Conditions of Approval discussed this evening.

Mr. Weider asked to amend the COA to include future increases of impact fees. Mr. Hadik noted he will have to check with Town Counsel. Ms. Richter supported continuing to the next meeting.

Ms. Richter withdrew her motion.

Mr. Weider motioned to continue the extension application of DAR Builders, LLC for a 60-lot subdivision of Map 11, Lots 30 and 30-7 in Chester, NH accessed off Crowley Road, Candia, NH to the December 2, 2020 meeting. Mr. Hume seconded the motion. A roll call vote was taken: Sederquest – aye, Hume – aye, Weider – aye, Myette – aye and Richter – aye. The motion passed 5-0-0.

3. Site Plan Review application of Patrick Connelly & Daniela Connelly (Owners), 522 Haverhill Road (Map 2 Lot 91) to conduct agritourism activities and events at their farm (Field to Fork Farm).

Mr. Weider motioned to open the application of Patrick Connelly & Daniela Connelly (Owners) for Site Plan Review of agritourism activities at Field to Fork Farm, 522 Haverhill Road. Mr. Hume seconded

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the motion. A roll call vote was taken: Weider – aye, Sederquest – aye, Myette – aye, Hume – aye and Richter – aye. The motion passed 5-0-0.

The public hearing was opened at 8:20 PM.

Mr. Hadik noted the application was complete and there were no “terra-forming” activities being proposed.

Mr. Hadik shared onscreen a map of the property described as the old Schneebaum Farm comprised of 77.5 acres of which 67.5 acres is protected by a conservation easement. He showed the proposed locations for parking, overflow parking, temporary event tents and porta-johns, all of which are located outside of the easement area.

Mr. Hadik noted the six proposed locations for camping tents on wooden platforms within the easement area. He noted that Selectman Myette has forwarded him a copy of the conservation deed.

Daniela Connelly presented the application noting they moved to the farm in 2005 and have raised beef, dairy cows, maple, honey, chicken, and pork, and have planted trees and done organic gardening. Mrs. Connelly noted the proposed uses would be education, health and wellness retreats, dinners, weddings, and an overnight stay option in the context of agritourism. Parking would be off street in the location of their current paddock.

Mr. Hadik noted it was hard to draft a set of conditions proposing such varied and loosely defined uses. Counsel has suggested the Applicants apply to the Zoning Board of Adjustment for a Special Exception. The Technical Review Committee reviewed the application on Monday. The Connelys have already been before the Conservation Commission who continued their hearing to the next meeting.

Mr. Hadik noted there would be some overnight use, music sometimes until 10 PM, and no non-family employees. There would be regular parking for 40 cars, and overflow parking for an additional 20 cars.

Mr. Hadik noted NH DOT approval should be required for upgrading the driveway to handle the traffic to the parking and overflow parking areas. Mr. and Mrs. Connelly noted the verification of line-of-sight to DOT standards, as requested by the Building Inspector, may make the project untenable. Mr. Weider informed them that they could apply for a waiver.

Mr. Hadik explained that a small portion of Jack Road is used by the Connelys to access the back of their property. He noted the public has a right-of-way for non-motorized traffic. Selectman Myette added that the use of Jack Road by commercial vehicles would require permission from the Board of Selectmen. Mr. Hadik suggested a site visit to review the line-of-site and access issues. He shared onscreen a plan showing Jack Road. He noted the parking area should not be located within the 25’ setback.

Mr. Hadik stated that according to State law, the erection of event tents would need to be inspected by the Fire Department.

Mr. Weider stated there should be no events, event tents, music or porta-johns in the conservation easement area and no driving out to the camping sites.

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Mr. Hadik shared onscreen the draft CoA. Mr. Weider questioned ADA compliance for the camping areas. Selectman Myette noted that agritourism use was not anticipated when the conservation easement was written. At the next Conservation meeting they will discuss the terms of the easement. Platforms are structures which are not allowed. While overnight stays may be permitted by agritourism, the issue is the easement and what is allowed in that area. Additionally, unless related to farming or forestry, commercial activities that generate revenue are not allowed by the easement.

Mr. Weider, as an example, referenced a large dairy farm in western Massachusetts that began doing folk festivals which evolved into large events with thousands of people over two or three weekends. The farm then had most of its revenue coming from these events. Hayfields and cornfields became parking lots, and no hay or corn was being grown any longer. Mr. Weider noted it is a challenge to know how to control something from evolving into something disproportionately different.

Mr. Hadik noted that an adequate plan shall be provided so the Building Inspector can determine zoning compliance and approval by the Conservation Commission. Mr. Hume agreed to help with this by utilizing his GIS skills. Mr. Hadik also noted that any conditions from the Conservation Commission or the Zoning Board of Adjustment would also be included in the CoA.

Ms. Richter motioned to continue the public hearing for Patrick Connelly and Daniela Connelly for agritourism use at Field to Fork Farm, 522 Haverhill Road to the December 9, 2020 meeting. Mr. Weider seconded the motion. A roll call vote was taken: Weider – aye, Hume – aye, Richter – aye, Sederquest – aye and Myette – aye. The motion passed 5-0-0.

Adjournment

Ms. Richter motioned to adjourn the meeting at 9:20 PM. Selectman Myette seconded the motion. A roll call vote was taken Sederquest – aye, Weider – aye, Richter – aye, Hume - aye and Myette - aye. The motion passed unanimously 5-0-0.

Future Meeting Dates

- November 18 – Draft CIP Review

Codes: PH – public hearing, PHC – public hearing continuance, CD – conceptual discussion, HB – Home Business, LLA – Lot-Line Adjustment, SPR – Site Plan Review, SUB – Subdivision, CUP Conditional Use Permit)

Respectfully submitted,

Nancy Hoijer

Recording Secretary