

12-9-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, December 9, 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 (remotely):

Evan Sederquest, Vice Chairman
Mike Weider, Member
Elizabeth Richter, Member
Richard Snyder, Member
Aaron Hume, Alternate Member
Selectman Chuck Myette, Liaison
Town Planner Andrew Hadik

Members Absent:

Brian Sullivan, Chairman

Others Present at Various Times (remotely):

Selectman Stephen Landau
Town Administrator Debra Doda
Road Agent Michael Oleson
Sharon Osborne
Christina Knickerbocker
Lei Wang
Rebecca Owens
Mark Desiderio
Penny Williams
Chester PACT
Jason Gustin (by phone)
and others unknown to the Recording Secretary

Meeting Agenda

7:00 PM – General Business

1. Review & approve minutes for the 12/2/20 PB meeting.

7:15 Appointments

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None Scheduled.

7:15 Public Hearings

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

2. Home Business application of Rebecca Owens (Applicant) to operate Home-School Enrichment Classes located at 55 Chester Street (Map 16 Lot 14).

3. Site Plan Review application of Latitude Learning Resources (Operator) and Busche Academy (Property Owner) to affordable opportunities to homeschoolers including enrichment classes, events, and support, at the property located at 66 Chester Street (Map 5 Lot 14) in the building known as Nutting Hall.

4. Adopt the updated Capital Improvements Program (CIP) for the Town of Chester.

Vice-Chair Sederquest called the meeting to order at 7:00 pm, and stated Alternate Aaron Hume would be active for Mr. Sullivan.

Mr. Hadik read the preamble. Vice-Chair Sederquest asked for a roll call of those present: Evan Sederquest, Aaron Hume, Elizabeth Richter, Michael Weider, Selectman Chuck Myette, and Richard Snyder.

7:00 PM – General Business

1. Review & approve minutes for the 12/2/20 PB meeting.

Mr. Weider motioned to approve the December 2, 2020 minutes. Mr. Snyder seconded the motion. A roll call vote was taken: Sederquest – aye, Weider – aye, Richter – aye, Snyder – aye, Myette – aye and Hume – aye. The motion passed unanimously 6-0-0.

2. Town Planner's Notes

MacLean Subdivision – Pulpit Rock Road - Mr. Hadik reminded the Board that the subdivision approval for the new lot at the end of Pulpit Rock Road was approved last year on October 23rd. Unfortunately, Mr. Ian MacLean passed unexpectedly shortly thereafter. Surveyor Tim Peloquin has informed that the Executrix of Mr. MacLean's estate is seeking to have the subdivision recorded. The one-year approval period expired just over a month ago.

Mr. Hadik asked if an extension of this approval would have to repeat the entire public hearing process. The Board's consensus was to stick to procedure, and require another public hearing with full noticing. Mr. Hadik will notify Mr. Peloquin tomorrow, and will schedule and notice the public hearing (for January 6th).

Jenkins Farm Road Paving - Mr. Hadik informed the Board that due to the onset of cold weather Jenkins

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Farm Road and Wilcomb's Way did not get the wearing courses paved before winter. He reminded all that the annual Road Acceptance Hearing will be held on the first Thursday of June 2021. There will still be ample time in the spring for completing the paving and inspections prior to the hearing.

Lincoln Lane - Selectman Myette informed that the Conservation Commission has met with the Lincoln Lane homeowners. Plastic caps were purchased to be installed on the iron rod boundary markers at the rear of the lots. The Commission will install the marker caps with the help of the homeowners. There has been some encroachment on the 50' perimeter buffer by lawns and, in one case, a septic system. These lawn encroachment areas should be returned to their "natural state".

The old footbridge over the Exeter River "creek" has been located. However, the homeowners prefer not to repair it, and instead recommended using the bridge maintenance funds the Commission is holding for a landscaping project on the cul-de-sac. The bridge, which was installed by the developer to provide access to the subdivision's open space, has been located on an old Class VI road along the lot's southern boundary. Mr. Weider recommended some further research, because the intent of the bridge was for use by the public, not just the homeowners. The fact the homeowners do not want to repair it may not meet with the original intent. There was also a public parking spot located on the paved lip to the left side of the cul-de-sac, on the east side. Mr. Weider recommended putting this issue on a future agenda for further discussion. Mr. Hadik will research this and discuss it with Counsel.

7:15 – Appointments

None Scheduled.

7:15 - Public Hearings

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

Mr. Hadik read the Public Hearing notice.

Ms. Richter motioned to open the public hearing for the Site Plan Review application of Patrick and Daniela Connelly, Map 2, Lot 91, 522 Haverhill Road to conduct agritourism activities and events at their farm (Field to Fork Farm). Mr. Weider seconded the motion. A roll call vote was taken: Richter – aye, Myette – aye, Sederquest – aye, Hume – aye, Weider – aye, and Snyder – aye. The motion passed 6-0-0.

Mr. Hadik shared onscreen a copy of the Connelly's written request that hearing be continued until January 13, 2021.

Mr. Weider motioned to continue the public hearing for the Site Plan Review application of Patrick and Daniela Connelly, Map 2, Lot 91, 522 Haverhill Road to conduct agritourism activities and events at their farm (Field to Fork Farm). Ms. Richter seconded the motion. A roll call vote was taken: Richter – aye, Hume – aye, Sederquest – aye, Myette – aye, Snyder – aye, and Weider – aye. The motion passed 6-0-0.

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2. Home Business application of Rebecca Owens (Applicant) to operate Home-School Enrichment Classes located at 55 Chester Street (Map 16 Lot 14).

Mr. Hadik read the Public Hearing Notice, and stated the application was complete enough for acceptance.

Ms. Richter motioned to open the Public Hearing for the home business application of Rebecca Owens, Map 16, Lot 14, 55 Chester Street to operate home-school enrichment classes. Mr. Weider seconded the motion. A roll call vote was taken: Richter – aye, Weider – aye, Sederquest – aye, Myette – aye, Hume – aye, and Snyder – aye. The motion passed 6-0-0.

Mr. Hadik shared onscreen an aerial photo of the premises.

Mrs. Owens stated that the small home school enrichment classes take place mostly outdoors or in the barn, one to two days per week, with approximately 4-6 students and their parents per session, focusing on animals, horses, and goats. Mrs. Owens noted she was cited for running a home business without a permit after two to three months of activity.

Mr. Weider asked if there had been any other business operating in this location, and Mrs. Owens stated that she did not plan to continue the social media consulting business.

Mr. Hadik shared onscreen the proposed Conditions of Approval.

The Board discussed the location of parking with the applicant, the number of cars that could fit in the driveway, and cautioned against allowing clients to back out onto Chester Street (Route 121). A parking condition was set limiting the number of non-family vehicles to four (4).

The Board discussed with the applicant the number of employees, and Mrs. Owens noted there would be none other than herself.

The Board and Ms. Owens discussed the days and hours of operation, and agreed the business would be open from 9:00 am to 4:00 pm Monday through Saturday.

The Board discussed the location of bathroom facilities, and Mrs. Owens stated they were located within the home.

Mr. Hadik amended the Conditions of Approval to reflect the Board's changes relative to parking, employees, days and hours of operation, as well as the amendment to the "one-year lapse clause" due to inactivity.

Vice-Chair Sederquest opened the hearing to the public for comments and questions at 7:42 pm. There being none, he asked for a motion to close the public hearing and begin deliberations.

Mr. Snyder motioned to close the public hearing for the home business application of Rebecca Owens at 55 Chester Street to operate home-school enrichment classes. Mr. Weider seconded the motion. A roll call vote was taken: Weider – aye, Hume – aye, Richter – aye, Sederquest – aye, Myette – aye and Snyder – aye. The motion passed 6-0-0.

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Mr. Snyder motioned to approve the application of Rebecca Owens for a home business at 55 Chester Street to operate home-school enrichment classes with the conditions as amended tonight. Mr. Weider seconded the motion. A roll call vote was taken: Hume – aye, Myette – aye, Sederquest – aye, Weider – aye, Snyder – aye and Richter – aye. The motion passed 6-0-0.

Mr. Hadik advised that the Chair or Vice-Chair will sign off on the Conditions of Approval and the applicant will need to do so as well.

3. Site Plan Review application of Latitude Learning Resources (Operator) & Busche Academy (Property Owner) to affordable opportunities to homeschoolers including enrichment classes, events, and support, at the property located at 66 Chester Street (Map 5 Lot 14) in the building known as Nutting Hall.

Mr. Hadik read out loud the Public Hearing Notice and indicated the application was mostly complete for acceptance purposes, however there was one item for discussion relating to the outdoor play area.

Ms. Richter motioned to open the Public Hearing for the Site Plan Review application of Sharon Osborne d/b/a Latitude Learning, at Busche Academy at 66 Chester Street (Map 5, Lot 14), to operate home-school enrichment classes and events. Mr. Snyder seconded the motion. A roll call vote was taken: Richter – aye, Weider – aye, Sederquest – aye, Myette – aye, Hume – aye, and Snyder – aye. The motion passed 6-0-0.

Mr. Hadik shared onscreen an aerial photo of the premises known as Nutting Hall.

Mrs. Osborne, the Director of Latitude Learning, and Christina Knickerbocker (Assistant Director), stated that the home-school enrichment classes take place once per week with no more than 36 students and their parents, ~11 adults, per session, focusing on providing the space, education, and supplies. Mrs. Osborne stated Latitude Learning is a non-profit organization. Parents are responsible for the student's wellbeing and bring their own food. Students come from Auburn, Hooksett, Nashua, Sandown and Derry, NH. Expansion of the business may include the storage area in the rear (formerly Dalrymple Hall). There will be one "sandwich board style" sign out front during the hours of operation. Evening events may include activities such as the "Trunk or Treat" event they held in October, movie nights, book club meetings, and board games, etc.

Mr. Hadik shared onscreen the proposed Conditions of Approval, and noted he was told the premises are ADA accessible. Mrs. Osborne stated the play areas would be at four locations: the side parking lot* and the grassed area just next to it, the lawn area in front of, and the basketball court behind the cafetorium / classroom building (aka Wadley Library). (* Mrs. Osborne stated the parking area next to Nutting Hall would not be used for parking.) Multiple adults would be present when the play areas were in use. The Board cautioned against having children playing within 40' of Chester Street.

Mr. Hadik advised that the applicant must provide a letter from Busche Academy confirming they may use of the parking areas in front of, and / or behind, Wadley Library for parking. He also stated, in his opinion, the north driveway should be temporarily blocked against traffic during play periods if the Board was going to approve parking area next to Nutting Hall as a play area. The Board agreed.

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The Board discussed Covid-19 safety procedures, however, Mr. Snyder opined this was outside of the Board's purview. There was some discussion about the septic system of Nutting Hall, however, the Board did not set a requirement for documentation of the system.

The Board also discussed the days and hours of operation with Mrs. Osborne, and agreed the hours of operation would be from 8:30 AM to 9:00 PM, Monday through Friday. Mr. Hadik informed the applicant that arrangements should be made with Busche Academy concerning ensuring there is adequate lighting after dark.

Mr. Hadik amended the Conditions of Approval to reflect the discussions regarding various conditions.

Vice-Chair Sederquest opened the hearing to the public for comments and questions at 8:26 PM. There being none, he asked for a motion to close the public hearing and begin deliberations.

Mr. Snyder motioned to close the public hearing for the Site Plan Review application of Sharon Osborne d/b/a Latitude Learning to operate home-school enrichment classes. Mr. Weider seconded the motion. A roll call vote was taken: Weider – aye, Hume – aye, Richter – aye, Sederquest – aye, Myette – aye and Snyder – aye. The motion passed 6-0-0.

Mr. Weider motioned to approve the Site Plan Review application of Sharon Osborne d/b/a Latitude Learning to operate home-school enrichment classes with the conditions as amended tonight. Mr. Snyder seconded the motion. A roll call vote was taken: Hume – aye, Myette – aye, Sederquest – aye, Weider – aye, Snyder – aye and Richter – aye. The motion passed 6-0-0.

4. Adopt the updated Capital Improvements Program (CIP) for the Town of Chester.

Mr. Hadik read out loud the Public Hearing Notice and displayed onscreen Table 10 of the CIP. Mr. Hadik reminded all that the CIP is more than just Table 10 – List of CIP Projects. It is a 53-page document with lots of other information. He informed the Board that, while it has no effect on the CIP's financial numbers, he is still waiting for some regional growth data from SNHPC to complete the CIP.

The Board asked for a recap of any changes made since the last detailed review. Mr. Hadik relayed that the BOS had moved the replacement of the Police Department's pickup truck from 2023-24 to 2021-22 to provide the Maintenance Department with a vehicle. Mr. Weider expressed his concerns with the BOS's decision.

The Board discussed the Highway Department request for a Fire Alarm System, and Mr. Weider recommended obtaining more information. Road Agent Oleson informed the Board that Granite State may be able to connect a land line and get the alarm installed for less money and a lower monthly monitoring cost than the estimate provided, which was \$21,000 for equipment and installation and a \$900 per year monitoring fee. Town Administrator Doda noted the insurance carrier, PRIMEX had made a recommendation not a requirement that the alarm be installed.

Mr. Hadik noted that in the upcoming fiscal year, the Highway Department plans to finish North Pond Road, and then move on to grind and repave sections of Parker, Holman, Rand and Jennifer Drive in Highway Quadrant B depending on funding. Road Agent Oleson noted the first half of North Pond Road

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was \$150,000 under budget. Selectman Myette expressed concerns about planning for the funding of the projected \$19 MM in road reconstruction over the next seven years.

Selectman Myette asked about Hanson Road being “red listed”. Road Agent Oleson informed the Board the State assessed the bridge as deficient, and they had seven years to correct it, however it could deteriorate or wash out sooner than that. Also, the Shepard Home Road culvert has similar issues, and is a very big culvert replacement project. The Board discussed and agreed on making a recommendation to the BOS to also establish a capital reserve fund (CRF) for CIP-listed bridge and major culvert replacements.

Mr. Hadik noted there is potential for substantially reducing the cost of the six \$450K culvert replacements, by upsizing to larger concrete culverts with concrete upstream headwalls, instead of installing concrete arch culverts. However, there may be risks that these might not be rated FEMA-compliant for emergency relief if damaged in a rare, major storm event. Mr. Weider noted a risk assessment analysis should be done and the Board agreed.

Mr. Hadik summarized, saying that while there are big costs listed in the CIP, there are a lot of positives now when compared to the Town’s financial position of 5 or 10 years ago. The Undesignated Fund Balance (UFB) percentage is currently over 19%, where only 12%-17% is recommended by the NH DRA. The Town has established multiple CIP CRFs (Municipal, Highway, Historic Buildings). The Board has made and provided recommendations to the BOS to create two more CRFs to fund the replacement of the Fire Department’s Engine 1 and Engine 2. The surplus finds in the UFB could be used for the initial funding of these CRFs. Regular annual funding of all of these CRFs will greatly reduce the future impacts to the tax rate and taxpayers.

Mr. Weider noted the Town’s financial rating is good, it has no debt, and the school also has zero debt and an number of CRFs as well. Mr. Hadik noted the current \$7.02 tax rate has a lot of CIP funding already built into it. Selectman Myette added that the funding of CIP projects should be leveled out so as not to be required to be higher in one year versus another.

Vice-Chair Sederquest opened the hearing to the public for comments and questions at 9:10 PM. There being none, he asked for a motion to close the public hearing and begin deliberations.

Mr. Weider motioned to close the public hearing and begin deliberations. Mr. Snyder seconded the motion. A roll call vote was taken: Sederquest – aye, Weider – aye, Snyder – aye, Richter – aye, Hume – aye, and Myette – aye. The motion passed 6-0-0.

Mr. Weider motioned to approve the CIP as amended. Mr. Snyder seconded the motion. A roll call vote was taken: Sederquest – aye, Weider – aye, Snyder – aye, Richter – aye, Hume – aye and Myette – aye. The motion passed 6-0-0.

Adjournment

Ms. Richter motioned to adjourn the meeting at 9:11 PM. Selectman Myette seconded the motion. A roll call vote was taken: Sederquest – aye, Weider – aye, Richter – aye, Hume – aye, Snyder - aye and Myette - aye. The motion passed 6-0-0.

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Future Meeting Dates

- *January 6 – MacLean SUB PH, DePeron HB PH, proposed zoning amendments?*
- *January 13 – Connelly SPR CPH, proposed zoning amendments?*
- *January 27 – proposed zoning amendments?*

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,

Daniel Hoijer

Recording Secretary