

5-26-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, May 26, 2021
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:

Richard Snyder, Member
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Town Planner

Members Absent:

Brian Sullivan, Chairman
Mike Weider, Member
Aaron Hume, Alternate

Guests and Members of the Public Present:

Ashley Ruprecht, Eversource
Matthew Flanders, Eversource
Yvonne Vissing
Melissa Juchniewicz
Conor Madison, GZA
Scott Carroll
Penny Williams
Laura Thompson
Nate Miller, SNHPC
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve the minutes for the 5/12/21 PB meeting.
2. Discuss composting facility groundwater monitoring.
3. Reminder – Member reappointments at 5/27/21 BOS meeting.

7:15 PM – Appointments

None scheduled.

7:15 PM – Public Hearings

1. Site Plan Review application of Yvonne Vissing (trustee) to for short-term rentals of her home, at the property located at 726 Raymond Road (Map 9 Lot 67).

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2. Conditional Use Permit application by Eversource Energy (PSNH) for the replacement of a 391 Transmission Line structure (utility pole) on Map 7 Lot 33 in Chester. The structure requires replacement due to age and weathering. This work will require temporary impacts to wetlands.

Non-Public Meeting

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.

Meeting Minutes

Vice-Chairman Sederquest called the meeting to order at 7:04 PM and asked for a roll call of those present: Elizabeth Richter, Richard Snyder, Selectman Chuck Myette. Mr. Hadik read the virtual meeting preamble.

As the legislature failed to extend remote meetings past July 1, 2021, future meetings will be hybrid meetings. The Board of Selectmen has authorized the purchase of a camera for the conference room. Anyone not comfortable meeting in person can still participate remotely.

7:00 PM – GENERAL BUSINESS

1. Review & approve the minutes for the 5/12/21 PB meeting.

Ms. Richter asked about lines 161-162, "borrow material." Mr. Hadik replied borrow material is a historic term. "Borrow material" will be dropped as it is confusing, and replaced with "gravel."

Ms. Richter moved to accept the minutes for the May 12, 2021 meeting, as amended. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

2. Drowne gravel pit

Mr. Hadik advised he has spoken with surveyor Kevin Hatch, who was representing the Drownes, after the last meeting. He has not been in contact with Mr. Hadik since that time. The one-year excavation permit has not been forwarded to the Board of Selectmen; the Planning Board is still waiting for a response regarding information about the amount of material that will be removed. The Planning Board wants assurance as to how much more the pond/s will be expanded, and a sunset date for the project.

The Board of Selectmen want to know if they can sign the permit, as they were supposed to take action within 30 days. Selectman Myette said neighbors are concerned about the excavation noise, and it has become a shooting range on the weekends.

The Planning Board noted the original plan did not show excavation below the water table. The Board does not see how excavation of the ponds can be grandfathered.

Mr. Hadik will send a summary to the Board of Selectmen, and notify them as to whether or not the Planning Board considers the current situation to be grandfathered. The original plan was submitted in

1987, but there is no record that it was accepted and signed by the Planning Board. The current excavation regulations were adopted in 1998, but Mr. Hadik doubts they had gone below the water table at that point.

Selectman Myette asked if there was a discussion at that time about a sunset date. Mr. Hadik will research that issue and share his findings at the next meeting.

Selectman Myette will tell the Board of Selectmen that the Planning Board is very concerned about considering the concept of this being grandfathered.

Selectman Myette asked how many other gravel operations there are in the community that are grandfathered in, and how many are still active. Mr. Hadik does not know of any that are continuously active, but there are a few that are sporadically operational, most of which are small operations.

Selectman Myette said the Board of Selectmen should have an annual reporting of what is occurring at those sites and whether there are taxes due, as is done with timber tax. That way, they will know that the permits they are signing are appropriate, and that the operations are in compliance with the programs or reclamation plans that are in place. Mr. Hadik will check with the Assessor's Office.

3. Discuss composting facility groundwater monitoring.

Selectman Myette said they are supposed to be sending monitoring reports to the Board of Selectmen, but have been somewhat inconsistent. They are not sending a monitoring and evaluation report, just a data file and leaving it up to the Board of Selectmen to determine what is happening. It is not possible to determine if there is an increase in trends of nitrates or other compounds of concern. He would like them to do a trend analysis to document that they are not impacting the baseline conditions of the facility and identify on a map where the different monitoring wells are located. Mr. Hadik will pass this request along to Jonathan Remillard.

3. Reminder – reappointments at 5/27/21 BOS meeting.

Mr. Hadik reminded the Board that three members need to log into the Board of Selectmen meeting on May 27, 2021, for reappointment. They are scheduled at the beginning of the meeting.

7:15 PM – Appointments

None scheduled

7:30 PM – Public Hearings

1. Site Plan Review application of Yvonne Vissing (trustee) for short-term rentals of her home at the property located at 726 Raymond Road (Map 9 Lot 67).

Mr. Hadik said the application is complete and does not rise to the level of needing an engineered plan. In the conditions of approval, there is a waiver from the requirements of the plan. The Zoning Board of Adjustment issued a Notice of Decision granting a variance. This is now also allowed as a special exception use. The dwelling is also located in the C-1 commercial zone.

Mr. Snyder moved to accept the application and open the public hearing. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Mr. Hadik reviewed the details of the application. There is adequate off-street parking and room to turn vehicles around. Ms. Vissing will be renting one bedroom and a kitchen area in her home. The maximum number of guests per night will be four and the maximum number of guest vehicles is two. The hours of operation will be 24 hours a day, seven days a week.

Ms. Vissing thanked Mr. Hadik for his assistance in completing the application. She would like to have people periodically stay in the apartment and generate income to offset the property tax increases. She is selective about who stays there. She lives in the house, so will oversee all guests.

Mr. Hadik reviewed the conditions of approval. Ms. Vissing is seeking a waiver for her application to be exempt from submitting a surveyed and engineered plan. On March 16, the Zoning Board granted a variance to permit short-term rentals and no conditions were set.

Ms. Richter asked if the Planning Board had to establish a length of stay, but the new zoning amendment covers that. The variance application was submitted before the amendment was voted on. Mr. Snyder said the Zoning Board granted the variance without conditions, but assumed there would be a SPR. It is subject to current zoning.

Selectman Myette noted this application does not fit into a typical bed and breakfast. Ms. Vissing said she has no desire to have people stay long-term, and definitely not more than 30 days. The Board added a condition stating the approval shall be subject to the provisions of 5.3.3.12 - Bed and Breakfasts.

Vice-Chairman Sederquest opened the hearing for public comment. Ms. Melissa Juchniewicz said she lives across the street and is supportive of this application. Ms. Laura Thompson is delighted with the project and does not believe it will bother anyone. She is also in support of the application.

Mr. Snyder moved to close the public hearing and open deliberation. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Mr. Snyder moved to approve the site plan as presented and discussed with the conditions that were discussed. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Vice-Chairman Sederquest said the request is approved.

2. Conditional Use Permit application by Eversource Energy (PSNH) for the replacement of a 391 Transmission Line structure (utility pole) on Map 7 Lot 33 in Chester. The structure requires replacement due to age and weathering. This work will require temporary impacts to wetlands.

The Planning Board has received an application for a conditional use permit from Eversource. It was presented to the Conservation Commission, and they gave their full approval for the project.

Mr. Madison said Eversource is presenting a conditional use application for a maintenance project. They have obtained a state wetlands permit as the project will have a temporary wetland impact. They are replacing a wooden utility structure with a steel one. They will be accessing it from Candia Road. They are not installing new lines, cutting trees, or widening the right of way. They will install erosion controls. GZA is the environmental monitor and will be on site at least once a week. They will avoid impact to the known presence of rare, threatened, or endangered species. They are on an accelerated schedule, beginning in late June and ending in July.

The Planning Board reviewed the conditions of approval. Construction hours are limited, although work will be allowed to continue to mitigate unsafe conditions. Mr. Snyder asked about status of state permitting and Mr. Madison said it was approved on May 19, 2021.

Mr. Snyder moved to accept the application and open the public hearing. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Mr. Flanders discussed ATV activity on the power lines. Eversource has installed gates and boulders as obstacles. They have also posted no-trespassing signs. A contractor has been selected to seed the access road with a conservation mix to obscure the road and decrease the attractiveness to that activity. This is a moving target. They will not cross wetlands to do the seeding, but can do it in the future when they are working on the other side of the wetlands. The seeds might not take due to the drought, so they are open to discussion with the Town to figure out when to seed.

Mr. Carroll asked if gating had been installed between his lot and the Town property accessed via Norton Road. He has put in brush barriers on the preexisting trails, but the ATVs go around them. Most of traffic is coming from the Town property through his lot to the power line ROW. He has put up signs, he been accosted while running. The more Eversource blocks, the traffic funnels outside of the right of way onto private property. Selectman Myette said he has not heard about any activities off Norton Road and will bring it to the Conservation Commission to see if anything can be done.

Selectman Myette asked if this is a specific plan for one tower, is it necessary to identify a number access points when they are only coming in from Candia Road. He said the signage trying to stop the ATVs is also limiting hikers and horseback riders.

Ms. Ruprecht said Eversource is doing the best they can to block access from their easements, but they cannot control private property access.

Vice-Chairman Sederquest opened to the public for input, but there was none.

Mr. Snyder moved to close the public hearing and open deliberation. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Mr. Snyder moved to approve the site plan as presented. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

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Vice-Chairman Sederquest said the request is approved.

Non-Public Hearings

A non-public hearing was scheduled 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.

Vice-Chairman Sederquest asked for a motion to go into non-public session under RSA 91-A:3, II (a) Reputation. Mr. Snyder made the motion and Ms. Richter seconded. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

The Planning Board went into non-public session at 8:25 pm.

Mr. Snyder moved to seal the minutes of the non-public session, under RSA 91 A:3, II (c) Reputation, for one year. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Ms. Richter moved to adjourn the meeting at 9:24 pm. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Myette – aye, Richter – aye, Snyder – aye. The motion passed 4-0-0.

Future Meeting Dates

- May 27 – PB Reappointments at BOS meeting
- June 2 –
- June 9 –
- June 23 -

Respectfully submitted,

Beth Hanggeli, Recording Secretary