

6-9-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, June 9, 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:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Selectman Chuck Myette, Liaison
Aaron Hume, Alternate
Andrew Hadik, Town Planner

Members Absent:

Richard Snyder, Member
Mike Weider, Member

Guests and Members of the Public Present:

Scott Bourcier
Jeff Dinopoulos
Nancy Hoijer
Mark Desiderio
Penny Williams
Daniel Tewksbury
Robert Swanson
Ken Walsh
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve the minutes for the 5/26/21 PB meeting.
2. Discuss extension of Impact Fees Update contract with SNHPC.
3. FYI proposed Severino gravel pit.
4. Review active gravel pits in Chester.
5. Discuss the Drowne gravel pit.
6. Discuss conservation easement & buffer sign sizes.
7. FYI ramifications of the expiration of Emergency Order #12.

7:15 PM – Appointments

1. Scott Bourcier – Gale Associates, Inc.
2. Robert Swanson & Ken Walsh – Conceptual discussion re: SPR for the B&B of the unattached cottage behind the house at 504 Haverhill Road.

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7:15 PM – Public Hearings

None scheduled

Non-Public Meeting

None scheduled

Meeting Minutes

Chairman Sullivan called the meeting to order at 7:01 PM and asked for a roll call of those present: Elizabeth Richter, Evan Sederquest, Selectman Chuck Myette, Alternate Aaron Hume (for Mike Weider). Chairman Sullivan read the virtual meeting preamble.

7:00 PM – GENERAL BUSINESS

1. Review & approve the minutes for the 5/26/21 PB meeting.

Selectman Myette said on line 147, the hours of operation should be listed as 24 hours/day, 7 days/week.

Ms. Richter moved to accept the minutes for the May 26, 2021, meeting as amended. Mr. Sederquest seconded the motion. A roll call vote was taken. Sullivan – aye, Sederquest – aye, Myette – aye, Richter – aye, Hume – aye. The motion passed 5-0-0.

2. Discuss extension of Impact Fees Update contract with SNHPC.

Mr. Hadik relayed that there have been some unforeseen delays with SNHPC's updates of the Town's impact fees. The fiscal year closes on 6/30/21, and there is currently \$8,560 in the Planning Board's budget for the update of the impact fees. Mr. Hadik expects to receive a bill shortly that will total about half of the remaining funds.

The existing contract end date needs to be extended to 12/31/21. The SNHPC should finish their work by that date. The funds will return to the General Fund on July 1 if they are not spent or encumbered. An updated contract needs to be on file with the Board of Selectmen and the auditors for the funds to be encumbered.

Ms. Richter moved to authorize Chairman Sullivan to execute on behalf of the Town of Chester the amendment to the June 26, 2019 contract between Chester and the SNHPC to extend the end date under the agreement to 12/31/21. Mr. Sederquest seconded the motion. A roll call vote was taken. Sullivan – aye, Sederquest – aye, Myette – aye, Richter – aye, Hume – aye. The motion passed 5-0-0.

3. FYI proposed Severino gravel pit.

Mr. Hadik updated the Board on the proposed Severino gravel pit. The material will be used for the expansion of the ~22-acre Copart auto auction site in Candia. The site will be adjacent to a really old gravel pit (spanning the Candia / Auburn town line) that has mostly reforested itself. It will be trucked out to Candia via the last ~200 feet of Candia Road in Chester. They will also be back-hauling loam from

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the Copart site to reclaim this site as well as the Town of Candia's gravel pit. There is a preexisting active gravel pit just west of the site in Candia, so the haul road and gate out to Candia Road already exist.

A public hearing and SPR will be scheduled. FYI, the Town's Excavations Regulations state that the applicant is responsible for a proportionate share of refurbishing any existing Town roads that access the excavation site that are damaged as the result of hauling. These costs could be required to be bonded before granting a permit to excavate.

The tax revenue that Chester receives from gravel pit excavations is two cents per cubic yard. Jean Packard in Assessing does the calculations, and bills them directly. She creates the bill and warrant for the BOS, and then it goes to the Tax Collector to be processed.

4. Review active gravel pits in Chester.

Mr. Hadik said there are three active excavation sites in Chester:

- Garabedian gravel pit (*M&L 5-85*): They just applied for a logging permit to clear eight acres. They have an excavation permit that is renewed every year. This operation has not had any noticeable activity in a long time. If it becomes a subdivision and material is hauled out, the Board will have to require bonding in case of road damage. Depending on where the material is going, there is the potential to request they use Old Sandown Road and Route 121A for trucking instead of destroying Fremont Road. Selectman Myette pointed out there is a river without a bridge that prevents them from accessing Fremont Road.
- Mill Pine Village gravel pit (*M&L 10-1*): This will be discussed later in the meeting.
- Mencis (*Nordic Lincoln Trust*) gravel pit (*M&L 9-105-1*): The excavated area is a swimming hole with a recreation area.

5. Discuss the Drowne gravel pit.

Mr. Hadik spoke with Attorney Steven Bennett. The Department of Environmental Services (DES) said the Planning Board is the local regulator with regard to excavation regulations. The burden is on the owners to prove that they have been in continuous operation, that they are grandfathered with respect to specific issues, that they have filed the appropriate permits to excavate below the water table, and that they have filed annual excavation reports with the Town.

Mr. Hadik would like to request that Building Inspector Bunker issue a temporary cease and desist order until this issue is resolved. The owners need to show that they are following the excavation regulations. Mr. Hadik has received no response from the owners or the surveyor regarding the Planning Board's request for additional information.

While the excavation has created habitat diversity, the Board wants to ensure that this operation is not open-ended and has a specified sunset date. The subdivision is completed. There needs to be a signed and stamped reclamation plan on file.

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Selectman Myette will take this issue to the Board of Selectmen after Mr. Hadik speaks with Building Inspector Bunker.

6. Discuss conservation easement & buffer sign sizes.

The Board discussed the size of the signs for open space and no-cut buffer areas. The current subdivision regulations require a 6" x 6" sign. Historically, 3" circles were used. The Southwoods subdivision has not yet placed any signage for the no-cut buffer or the open space (*conservation easement*) area. Their engineer has ordered the signs, but they are 4" x 4".

The Board is willing to grant a waiver for 4" x 4" signs if 6" x 6" signs are not a stock size. Selectman Myette suggested having a public hearing in two weeks to recommend changing the wording in the regulations regarding the size of the signs. After the hearing, the Board can authorize the subdivision to use the 4" x 4" sign.

Their representatives will be coming before the Board on 6/23/21 for an extension of the conditions of approval. At that time, a waiver can be discussed. They should know if 6" signs are available by then.

7. FYI ramifications of the expiration of Emergency Order #12.

Mr. Hadik said the anticipated official state of emergency may end on June 11, so the ability to have remote meetings will end. Public bodies can no longer meet solely remotely. There has to be a quorum physically present at an accessible meeting location. Board members can attend remotely as long as there is a quorum present physically. The June 23rd Planning Board meeting will be held in the main meeting room at the Town Hall.

Selectman Myette said the Board of Selectmen has been discussing this issue. They voted on Monday to open municipal offices with masks optional inside and outside the building. The meeting room will be set up to accommodate hybrid meetings.

7:15 PM – Appointments

1. Scott Bourcier – Gale Associates, Inc.

Mr. Bourcier introduced himself. He currently works for Gale Associates, Inc. He serviced the Planning Board for 17 years in his former position with DuBois & King. He expressed interest in continuing that service, but wants to be respectful of Jeff Adler and DuBois & King. He would like to be a secondary technical resource for the Town. He has a signed contract for road reconstruction work with Road Agent Oleson and the Chester Highway Department.

Mr. Hadik said Mr. Bourcier has performed construction inspection service for roads and subdivisions. He has also done design reviews, but he is not looking to do that. He would like to continue performing inspection services. If the Planning Board is willing to consider a two-firm approach in supporting the reviews and the development in the own, his services would best be used out in the field.

Selectman Myette said the Town wants to ensure that consultants are qualified. Projects normally go out for bid. The Town wants to ensure all contracts are appropriate and there is no collusion or conflict

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of interest. He asked Mr. Bourcier to describe the difference between the two companies and if Gale Associates has a different service area that may be beneficial to other depts in the Town.

Mr. Bourcier explained that Gale Associates has a building closure and structural group that can help identify issues so the Town can advertise for appropriate consultants to handle those issues. Chairman Sullivan pointed out that two members of the Board were absent, and he would like the entire Board to examine and discuss this to ensure there will be no conflict created and what is in the best interest of the Town.

Mr. Hadik said there are a notable number of active subdivisions and pending subdivisions. Mr. Bourcier has done an excellent job with the documentation on problem subdivisions and it would be nice to maintain the continuity on those. He would like to set up another meeting to continue this discussion. Chairman Sullivan said experience is valuable in avoiding problems.

The full Board will discuss this issue and meet with Mr. Bourcier again.

2. Robert Swanson & Ken Walsh – Conceptual discussion re: SPR for the B&B of the unattached cottage behind the house at 504 Haverhill Road.

This has been discussed before. Mr. Swanson decided to wait until the zoning amendment related to Bed and Breakfasts passed before applying to the ZBA. The Board of Selectmen has approved the use of Jack Road for customers to access the cottage.

Mr. Swanson said that "The Acorn" was built in 1927 as a seasonal structure. By the terms of the deed, it cannot be lived in year-round. Since it is not attached to the house, it does not fall under the current bed and breakfast regulations. He asked what he needs to do to have this approved.

Mr. Hadik noted there is a zoning issue because the cottage is not attached. The new ordinance requires B&Bs to be attached. Mr. Swanson needs to apply again to the Building Inspector for a commercial occupancy permit. He then needs to take the letter of denial from the Building Inspector to the Zoning Board. The letter will specify exactly what he needs to apply for. Ms. Hoijer said he will need a variance, and that he can apply for a special exception and a variance at the same time.

Mr. Hadik said the Zoning Board will rely on the Planning Board to ensure the SPR is done thoroughly.

7:30 PM – Public Hearings

None planned.

Non-Public Hearings

None planned.

Future Meeting Dates

- June 23 – Brady Sullivan re: Extension of Phase IV approval.

Ms. Richter moved to adjourn the meeting. Mr. Sederquest seconded the motion. A roll call vote was

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236 ***taken. Sullivan – aye, Sederquest – aye, Myette – aye, Richter – aye, Hume – aye. The motion passed***
237 ***5-0-0.***

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239 The meeting was adjourned at 8:37 PM.

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241 *Respectfully submitted,*

242 *Beth Haggeli, Recording Secretary*