

6-23-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, June 23, 2021
Approved Minutes**

Members & Staff Present:

Evan Sederquest, Vice Chairman
Richard Snyder, Member
Elizabeth Richter, Member
Aaron Hume, Alternate (for Brian Sullivan)
Selectman Chuck Myette, Liaison (arrived at 8:15)
Andrew Hadik, Town Planner

Members Absent:

Brian Sullivan, Chairman
Mike Weider, Member

Guests and Members of the Public Present:

Dan Jones, President, Chester Rod & Gun Club
Marc Pinard, Attorney, Brady Sullivan Properties, LLC
John Rokeh, PE, Rokeh Consulting, LLC
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes for the 6/9/21 PB meeting.
3. Discuss the Drowne gravel pit.
4. FYI pending Garabedian gravel pit off Fremont Road.

7:15 PM – Appointments

1. Southwoods Subdivision – Request for an extension of the conditions of approval for Phase IV.
2. Dan Jones, President – Chester Rod & Gun Club – conceptual discussion.

7:15 PM – Public Hearings

None scheduled

Non-Public Meeting

1. RSA 91 A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

Meeting Minutes

Vice-Chairman Sederquest called the meeting to order at 7:01 PM.

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7:00 PM – GENERAL BUSINESS

1. Review & approve invoices, sign documents etc.

2. Review & approve the minutes for the 6/9/21 PB meeting.

Regarding a proposed edit to lines 219-220, the Board discussed whether the Zoning Board of Adjustment can issue a variance and an exception at the same time, as was mentioned at the last meeting during the conceptual discussion re: an SPR for the B&B at 504 Haverhill Road requested by Mr. Robert Swanson. Mr. Snyder verified that the ZBA can consider both of these issues at the same time. Mr. Hadik noted that Mr. Swanson's property appears to be subject to the Jenkins Farm, LLC HOA restrictions. After this discussion, the Board decided not to amend lines 219-220.

3. Discuss the Drowne gravel pit.

This will be discussed in the non-public session.

4. FYI pending Garabedian gravel pit off Fremont Road.

Mr. Hadik reported that the company Groundhog Excavation contacted Road Agent Mike Oleson, who referred them to the Planning Board. They plan to open a 23-acre gravel pit off Fremont Road and will be excavating material for two to three years. They believed they were grandfathered and could begin operations without a permit. Selectman Myette said they are logging and improving the Class VI road. Mr. Hadik spoke with Attorney Bennett, who said they need to obtain a permit from the Planning Board.

Selectman Myette said an application was submitted to the Board of Selectmen earlier this year for the grandfathered Garabedian gravel pit, but that was on the Sandown Road side of the property. This operation is coming in from the Fremont Road side, on the opposite side of the river. There are wetlands and an 80-100' tall hill in between the two areas. A logging permit was requested for eight acres, but the current plan is for 23 acres. It was noted the lot is a 158-acre parcel.

5. Employee Evaluation.

Mr. Hadik reported that employee evaluations need to be done. He will do a self-evaluation, and the Board will need to do one for him as well.

7:15 PM – Appointments

1. Southwoods Subdivision – Request for an extension of the conditions of approval for Phase IV.

Mr. Rokeh discussed what has been done to meet the conditions of approval. The road is already built. The surveyor's certification letter stating that the monuments have been set should be completed as soon as the conservation and no-cut signs have been posted. These signs have been ordered and should be received in about a week.

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A check has been sent to DuBois & King for all engineering and consulting fees. Professional stamps and seals on the final plan will be obtained once the mylar is run (*printed*). They will have the LCHIP check payable to the Registry when they deliver the mylars. The conservation easement document has been created except for inserting the metes and bounds of the open space area. They have worked with DuBois & King on the as-built plans and are compiling information from a number of sources into one document.

Mr. Rokeh said the 20 units, in 10 duplex buildings, will be built right away. Brady Sullivan plans to manage these as rental units. Mr. Hume asked if the open space border is as it is described in the deed. Mr. Rokeh said it is what was approved by the Planning Board. Mr. Hadik said building permits can be pulled as soon as the conditions of approval and the mylars are recorded. He recommended that if Brady Sullivan wants to pull the building permits right after the recording, then they should consider being proactive by submitting the design plans for the units as soon as possible to the Building Inspector for review.

Regarding the existing letter of credit (LOC), the Board would like Eastern Bank to confirm whether the LOC is extended to June 26, 2022 or if it is perpetual. Mr. Pinard said it is "evergreen" and thus perpetual, so it would be in effect for five years. Mr. Snyder asked for a statement to that effect on the bank's letterhead by July 6, 2021. Mr. Pinard said the management team has changed at the bank, so there is a new level of hurdles to overcome. He hopes to have the statement by the end of July. If the bank is not willing to make that statement, then the existing letter of credit is in question.

Mr. Snyder suggested that the Planning Board provide conditional approval to extend for six months. Among those conditions is a sub-condition that building permits may not be issued until a letter from the bank is obtained, confirming that the letter of credit is of a perpetual nature or has an expiration date that is extended to June 26, 2022 or later.

Mr. Pinard asked that Section 3a of the conditions be amended to reflect the current situation regarding the phases. Phase 1 and 2 are unchanged, Phase 3 has been completed, and Phase 4 is around \$100,000. Mr. Hadik will amend this section to reflect the bond reductions and also correct the referenced engineering letters.

Mr. Snyder moved to extend the conditional approval of the Southwoods subdivision to June 26, 2022 with conditions that were presented and amended tonight. Furthermore, building permits shall not be issued prior to the receipt of a letter by the Town from Eastern Bank expressly confirming that its ILOC is "perpetual" or that the bank specifically extend the expiration date (automatic call) to a date not earlier than July 6, 2022. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Hume – aye, Myette – abstained. The motion passed 4-0-1.

2. Dan Jones, President – Chester Rod & Gun Club – conceptual discussion.

Mr. Jones asked for clarification regarding the requirement for a sound study. During a discussion with the Chester Rod & Gun Club Board, statements were made regarding a New Hampshire RSA (159-B) that exempts (*grandfathers*) shooting ranges from noise regulations if they were in compliance with their local regulations at the time that the club was incorporated (1935 for the

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Chester Rod & Gun Club). The Club's Board of Directors is concerned that if they do a sound study, a precedent will be opened. The Club is looking for clarification as to how to mitigate any sound concerns without doing the testing.

Mr. Hadik reviewed the issue at hand, which is that the Club would like to relocate the trail where clay pigeons are shot closer to the southern boundary of their property. The Planning Board's concern is that the trail abuts part of the land owned by Spring Hill Farm, which is a conservation property. There is also a horseback trail that runs along that boundary. The Planning Board suggested doing sound level sampling to see if there was a marked increase if the shooting stations were moved closer to the property boundary. The direction of the shooting will be away from the horse trail. The Town does not have an existing noise ordinance.

The Club has suggested a compromise location for the trail. Mr. Jones asked if there is a decibel level that would be acceptable to both the Planning Board and the Chester Rod & Gun Club Board, but there is none. Mr. Snyder said a sound study would verify that the compromise location for the trail would be significantly quieter than the original proposed location.

The Planning Board agreed that a sound study is still necessary in order to obtain approval to relocate the trail. Mr. Hadik said the study will help the Board make a decision, and will also protect the Club if the relocation results in a negligible increase. The Board is aware that there will be an increase in noise, but having specific figures will help them make their decision.

Mr. Jones suggested the Board members visit the property and the Club will conduct shooting exercises that will help the Board better understand what the noise figures mean when they are obtained. He will discuss this with the Club's Board at their next meeting.

7:30 PM – Public Hearings

None planned.

Non-Public Meeting

Mr. Snyder moved to enter non-public under RSA 91-A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Hume – aye, Myette – aye. The motion passed 5-0-0.

The Board entered non-public session at 8:50 p.m.

Mr. Snyder moved to seal the minutes of the non-public session, under RSA 91 A:3, II (I) Consideration of legal advice for one year. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Hume – aye, Myette – aye. The motion passed 5-0-0.

Ms. Richter moved to adjourn the meeting at 9:54 pm. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Hume – aye, Myette – aye. The motion passed 5-0-0.

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188 **Future Meeting Dates**

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190 • July 7 –

191 • July 14 – Severino gravel pit hearing?

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193 *Respectfully submitted,*

194 *Beth Haggeli, Recording Secretary*