

8-4-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, August 4, 2021  
Approved Minutes**

(The meetings are broadcast live on Channel 20, and available on the Town's cable TV streaming service - go to <http://www.vod.chesterctv.com> and click "Watch Now". If you would like to participate via the Zoom teleconferencing utility, please go to <https://zoom.us/j/92697843243>, or you may participate 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  
Richard Snyder, Member  
Selectman Chuck Myette, Liaison  
Andrew Hadik, Town Planner

**Members Absent:**

Brian Sullivan, Chairman  
Aaron Hume, Alternate

**Guests and Members of the Public Present:**

Chester PACT

**Meeting Agenda**

**7:00 PM – General Business**

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes for the 7/28/21 PB meeting.
3. Review & approve CPD request to release \$1,677.70 impact fees for PPE.
4. Review & approve bond release for Phase II-D of the Mill Pine Village Subdivision.
5. Status update on LOC for the Southwoods Subdivision.
6. Discuss amending the driveway regulations to include the maintenance of culverts.

**7:15 PM – Appointments**

None scheduled

**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.
2. RSA 91 A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board.

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## Meeting Minutes

Vice-Chairman Sederquest called the meeting to order at 7:03 PM.

### 7:00 PM – GENERAL BUSINESS

#### 1. Review & approve invoices, sign documents, etc.

Mr. Hadik presented one document for signature.

#### 2. Review & approve the minutes for the 7/28/21 PB meeting.

Mr. Snyder noted on line 112, after the words "volume noted," the word should be **on**, not **od**.

***Mr. Weider moved to accept the minutes for the July 28, 2021 meeting as amended. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Myette – aye, Snyder – aye, Weider – abstain. The motion passed 4-0-1.***

#### 3. Review & approve CPD request to release \$1,677.70 impact fees for PPE.

Mr. Hadik presented a request from Police Chief Berube for the fifth and last installment of the Taser 60 program. The program will probably be presented for renewal next year. The amount has remained the same for the last four years.

***Mr. Weider moved to approve the request for \$1,677.70 for the Taser 60 program. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Myette – aye, Snyder – aye, Weider – aye. The motion passed 5-0-0.***

#### 4. Status update on LOC for the Southwoods Subdivision.

After consulting with the Board's Counsel, Mr. Hadik had questioned Attorney Pinard, Counsel for the owners of the Southwoods Subdivision whether the expiration of the Letter of Credit (LOC) was "evergreen" (lasts for 5 years) or lasts only for one year. Attorney Pinard's response was to state that it lasts for one year. The owners have added two months to the expiration date of the renewal LOC to make up for the time that passed while this issue was settled. The new LOC has been reviewed and approved by Attorney Bennett.

#### 5. Review & approve bond release for Phase II-D of the Mill Pine Village Subdivision.

Mr. Hadik contacted the owners seven to eight weeks ago and informed them that the Irrevocable Letter of Credit (LOC) was due to expire on July 17, 2021. He contacted Engineer Mark Goodrich of DuBois & King, who performed the final inspection and generated a letter reflecting that everything has been done, and the remaining LOC can be released. The As-Built plans are completed; they were approved by Scott Bourcier, DuBois & King's former engineer.

The Board was supposed to receive an amended reclamation plan for the ongoing excavation by

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August 1<sup>st</sup>. The amended plan was received on July 30<sup>th</sup>, but the edits made did not cover all the subjects discussed, such as removal of equipment and stockpiled materials. Mr. Hadik has contacted Mr. Hatch and requested the notation to be corrected.

***Mr. Weider moved that the Planning Board reduce the construction bond (LOC) from \$43,450 to \$0 for Mill Pine Village based on the letter from Engineer Mark Goodrich of DuBois & King dated August 3, 2021. Mr. Snyder seconded the motion. A roll call vote was taken. Richter – aye, Sederquest – aye, Myette – aye, Snyder – aye, Weider – aye. The motion passed 5-0-0.***

#### **6. Discuss amending the driveway regulations to include the maintenance of culverts.**

A former Selectman researched RSA 236:13, Section IV, which addresses jurisdiction over the safety of structures, such as driveway culverts and ditches, whether or not they are located in a public right of way. When homeowners do not maintain culverts and ditches on their property, groundwater levels rise. Water can saturate the road base layer where it can freeze in the wintertime and crack the pavement, or run out on the road and freeze creating a safety hazard. He asked the Board to consider Town jurisdiction and enforcement regarding homeowner maintenance as a way to mitigate these issues.

Mr. Hadik sent a list of questions to Attorney Bennett, who suggested that the Driveway Regulations be amended to address this issue. He suggested that the Planning Board or their designee would notify landowners if their drainage ditches overtopped the road due to culvert issues. The landowners would be liable for the cost of maintaining the culvert or ditch. If they are notified and do not take care of the problem in a timely manner, then the Town would do the cleanups and bill the landowners for the cost.

Mr. Snyder suggested asking Road Agent Oleson his opinion regarding this as he is responsible for maintaining culverts, once they present a problem. Mr. Hadik opined Mr. Oleson would be in favor of amending the Driveway Regulations.

The Board also discussed educating the public about this issue, as they are probably unaware of their responsibility to keep the culverts clear. They also discussed the need to amend the regulations, and how this amendment could be enforced. Mr. Weider suggested contacting other towns to find out how they address this issue.

Mr. Hadik will contact Mr. Oleson to discuss this topic.

#### **Non-Public Meetings**

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.

2. RSA 91 A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board.

***Mr. Weider 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***

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***legal counsel is not present, and under RSA 91 A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.***

The Board went into non-public session at 7:31 PM.

***Mr. Sederquest moved to seal the minutes of the first non-public session, under RSA 91 A:3, II (I) Consideration of legal advice, until such time as the Planning Board determines that release will not render the action ineffective. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.***

***Mr. Sederquest moved to seal the minutes of the second non-public session, under RSA 91 A:3, II (e) Consideration or negotiation of pending claims or litigation, until such time as the Planning Board determines that release will not render the action ineffective. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.***

***Ms. Richter moved to adjourn the meeting at ~9:21 pm. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Snyder – aye, Weider – aye, Myette – aye. The motion passed 5-0-0.***

#### **Future Meeting Dates**

- August 11 – Swanson BNB SPR
- August 25 –

*Respectfully submitted,  
Beth Hanggeli,  
Recording Secretary*