

*These minutes are subject to possible revisions/corrections during their review at a subsequent Planning Board Meeting*

**Town of Chester  
Planning Board Meeting  
Wednesday, January 13, 2016  
Municipal Complex  
Approved Minutes**

**Members Present**

Evan Sederquest, Vice Chairman  
Elizabeth Richter, Member  
Michael Weider, Member  
Andrew Hadik, Alternate

**Members Absent:**

Brian Sullivan, Chairman  
Richard Snyder, Alternate Member  
Cass Buckley, Member  
Dick Trask, Ex-Officio Member

**Staff Present:**

Andrew Hadik, Planning Coordinator

Vice Chairman Evan Sederquest called the meeting to order at 7:15 p.m.

**Agenda**

- Review Invoices
- Review Scope of Work & Cost Estimate for Annual Impact Fee Updates by SNHPC and discuss the Board's budgeting preference.
- Conceptual discussion with Josh Naughton of Greenscape Properties & Building, LLC regarding moving forward with Pipit Estates Subdivision off Rte. 121-A
- Review and Approve Minutes for 11-18-15 and 12-2-15
- Review Correspondence
- Public Hearings
  - Continuation of application by C&D Realty Trust (Map 10, Lot 7) and Robert Ciarlo & Stephanie Levy (Map 10, Lot 16) for a 1-Lot Subdivision and Lot-Line Adjustment.
  - Accept the application by Christopher & Malcolm Stone, 632 Raymond Road (Map 9, Lot 51) and George Geer, Jr., 648 Raymond Road (Map 9, Lot 53) for a Lot-Line Adjustment.

Vice-Chairman Sederquest indicated that Mr. Hadik would be sitting in for Member Cass Buckley as an alternate in order for the Board to meet quorum for the scheduled Public Hearings. Mr. Hadik will recuse himself from all votes.

**Conceptual Discussion regarding Pipit Estates Subdivision**

Mr. Hadik provided the Board with background on the subdivision. In 1998, the owner subdivided the original lot into 3 lots. In 2006-2007, the lot with the right-of-way for the road was subdivided off. This subdivision is considered partially vested because the roadway was cleared and grubbed, storm water management structures were installed, and some base gravel was installed. In 2008, the Board

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approved an Open Space Subdivision with seven single-family units. At present, Greenscape Properties & Building would like to move forward with the original design plans for the road and for a 7 unit cul-de-sac subdivision.

The Board held discussion regarding next steps for the builder with his engineer Jeffrey Burd. The Board felt that a redesign of the road was not necessary, but that drainage structures would need to be reviewed and the base gravel will likely need to be refreshed due to the amount of time that has passed (with the extent of the work to be determined by the Town's Engineer). In addition, the construction security estimate would need to be set. Mr. Burd informed the board that he would like to complete as much of the road construction as possible, and then install the final road wear coat after the construction of the units are completed. The Board indicated that this plan made sense. The Board also discussed the open space area, noting that while the developer could choose to either form a homeowners association and deed a conservation easement or just deed the opens space over to the Town, the Town's preference would be that the land itself would be deeded over to the Town as it would provide for better monitoring of the easement.

Mr. Burd stated that RJB Engineering will be substantially using the original design plans (with permission from the previous designers). The Board informed them that while the process may not be as onerous as the plans have already been approved, given the amount of time which has passed, Greenscape Properties & Building will need to reapply for Subdivision approval to ensure that plans meet current regulations and standards and will be subject to current impact fees. Mr. Burd stated that they are hoping to begin reconstruction of the road in the spring. Mr. Hadik instructed Mr. Burd to revisit the Department of Transportation Road Permit because the plans cannot be recorded without a DOT permit as the road is currently only partially built.

Mr. Burd asked if there were any regulatory changes related to density since the original plans were approved and the Board reported that there had been no changes. Mr. Hadik reported that regulatory changes were largely around language related to the securities bond in order to ensure that estimates don't go out of date over time. Mr. Hadik stated he would email Mr. Burd the relevant portions and that he would meet with Mr. Burd to review the new application process and discuss conditions of approval, which would include a signed and accepted conservation easement, deed restrictions related to groundwater protection, and other information.

Mr. Weider noted that because the subdivision will contain shared driveways which are not built to town specifications, the developer must ensure that there is a clear boundary marking where the Town is responsible for maintenance. The Board also discussed issues related to accurately locating underground utilities on the final As-Built plans, especially in areas the Town will be responsible for maintaining. Mr. Sederquest asked if there was any public input into the conceptual discussion; there was no public input.

#### **Review of Minutes**

The Board tabled the approval of minutes.

#### **Review Scope of Work & Cost Estimate for Annual Impact Fee Updates by SNHPC and discussion of the Board's budgeting preference**

The Board reviewed the Southern New Hampshire Planning Council's Proposal and cost estimate for an Annual Impact Fees update. Mr. Weider brought up a concern that certain impact fees were already figured into the schedule, based on anniversary date, so that fees could not be adjusted. Mr. Hadik reported that his understanding of the issue was different, and stated that according to SNHPC, towns need to update annually. Ms. Richter inquired whether the methodology for determining and updating impact fees changes or if the methodology and formula remain the same while new data is inputted. Ms. Richter asked that if the formula remains constant, would Mr. Hadik be able to input updated data rather than contract with SNHPC for the update. Mr. Hadik stated that one consideration is that there is value in having the update be managed by a party independent of the Town, who would then be responsible for defending the updates. Mr. Weider stated that he questions spending \$3200/year for updating, if updating only consists of data entry into an existing methodology. Mr. Weider also asked about why the proposal included updating the CIP, which stands as a 7-year plan. Mr. Hadik and Ms. Richter stated that their understanding was that the CIP would be reviewed on a rolling basis. Mr. Hadik stated that the SNHPC recommends updating the CIP annually, including holding a public hearing. Mr. Weider noted that in reading the proposal, it appeared that the \$3200 fee doesn't include updating School District Impact Fees. Mr. Hadik noted that while the School District needs to complete its impact fee schedule, once it does so an annual update is included as part of the scope of work of SNHPC's proposal. Mr. Weider inquired as to how other communities manage the updates. Ms. Richter questioned the basis for SNHPC's estimate of 10 hours for the update and asked for additional information about what that estimate was based on. The Board agreed that they would like additional information about how the cost estimates were determined and what the scope of work includes. Mr. Hadik agreed to obtain more information regarding these questions from SNHPC and report back to the Board.

#### **Review Correspondence**

The Board reviewed an email regarding the schedule for the regular minute-taker.

#### **Public Hearing: Application by C&D Realty Trust (Map 10, Lot 7) and Robert Ciarlo & Stephanie Levy (Map 10, Lot 16) for a 1-Lot Subdivision and Lot-Line Adjustment.**

Mr. Sederquest re-opened the Public Hearing for the application by C&D Realty Trust and Robert Ciarlo and Stephanie Levy for a 1-Lot Subdivision and Lot-Line Adjustment at 7:50 p.m. The hearing had been continued from an earlier date. Mr. Joe Wichert, on behalf of Dan Wheldon (C&D Realty Trust) and Robert Ciarlo and Stephanie Levy, reviewed the status of the application. He reported that C&D Realty Trust and Robert Ciarlo and Stephanie Levy had previously asked for a waiver of a boundary survey, which the Board had denied. The survey was completed last month. The Drainage Study was completed with no issues and has been signed off on. There was a revision to the 4k area on Lot 7-1 so that the driveway is completely outside the 4k area. The plan has been stamped by the Engineer. In addition, C&D Realty Trust has obtained state approval for subdivision. Mr. Sederquest noted that the protective well radius should be 100 feet. Mr. Wichert stated that the radius is 75 feet under subdivision regulation and that they have allowed for a 100 foot setback from the septic area. Mr. Wichert also informed the Board that there were some additional adjustments made to address Town concerns: the adjusted new lot is 1.6 acres of contiguous buildable land, and the other lot has no wetlands. Mr. Wichert asked the Board to grant a waiver for a topographic survey of the remaining 26.43 acre parcel. Mr. Sederquest asked for public input; there was no public input.

Mr. Sederquest closed the public hearing at 8:03 p.m. and the Board went into deliberations. The Board discussed the purpose for asking for a topographic survey, and the Board's typical waiving of this requirement for the large parent lots not part of the minor subdivisions. The Board reviewed the plans and documents submitted by Mr. Wichert for review. Mr. Weider noted that the acreage noted on the plan did not match what was reported by Mr. Wichert. Mr. Wichert stated the corrected acreage was 26.087 acres and amended the plan. Mr. Weider made a motion to approve the waiver on Lot 10-16 from a topographical survey Article 4.1.22 on the 26.087 acre parcel. Ms. Richter seconded the motion. Motion approved; Mr. Hadik abstained.

The Board reviewed the Conditions of Approval and inquired about the status of these conditions. Mr. Hadik stated that he will check the conditions for completion prior to recording the plan. The Board held discussion regarding whether the Town would require collection of two sets of impact fees. Upon review of the regulations, the Board determined that impact fees were collected based on housing units and agreed that there are impact fees associated with both lots. Mr. Hadik reported that he will amend the Conditions of Approval to include Lot 10-7 and add in the additional set of impact fees prior to obtaining the Chairman's signature. Mr. Sederquest made a motion to approve the Conditions of Approval, as amended. Mr. Richter seconded the motion. Motion approved; Mr. Hadik abstained.

**Public Hearing – Application by Christopher & Malcolm Stone, 632 Raymond Road (Map 9, Lot 51) and George Geer, Jr., 648 Raymond Road (Map 9, Lot 53) for a Lot-Line Adjustment.**

Mr. Hadik summarized the application, which involves pivoting a Lot-Line between Christopher and Malcolm Stone's property and George Greer's property. There would be an exact swap in terms of acreage, and would allow a nonconforming lot to gain more frontage (although the lot would still be nonconforming due to acreage).

Ms. Richter made a motion to accept the application and open public hearing. Mr. Weider seconded the motion. Motion approved; Mr. Hadik abstained. The public hearing was opened at 8:27 p.m.

Ms. Richter asked about what triggered the application for the Lot-Line Adjustment. Mr. William Gregsak, PE of Gregsak Engineering, Inc., representing Mr. Malcolm Stone and Mr. George Geer, reported that Mr. Stone had purchased an old parcel that had gone off the books, merging it with his lot. This will enable him to address and correct the issue of having a portion of his driveway cross through Mr. Greer's property if the application is approved. Mr. Greer is in agreement with the adjustment to address that issue.

Mr. Sederquest inquired if there was any public input to the hearing. Mr. George Greer indicated that the Board should approve the application.

Mr. Weider made a motion for conditional subdivision approval for Lot-Line Adjustment. Ms. Richter seconded the motion. Motion approved; Mr. Hadik abstained.

**Correspondence**

The Board reviewed the contract for engineering review by Dubois and King of the pending Babin subdivision to be signed by the Town. Mr. Weider made a motion for Mr. Sederquest to sign off on the contract. Ms. Richter seconded the motion. [JC1] Motion approved; Mr. Hadik abstained.

**Discussion of Planning Board Budget**

The Board reviewed the copy of the updated Planning Board budget and a budget narrative. Mr. Hadik noted that the budget report includes an additional month of expenses and lists new expenses that are pending. The Board agreed to defer discussion about amending the budget for the annual updating of impact fees. Mr. Weider noted that this should be placed under the contracted services line item and not the planning line item. Mr. Weider also noted that the Board of Selectmen has most of the information that they need at this point and that the remaining items could be added at the budget review meeting. By that time there may be another month's worth of expense data to add. Mr. Hadik noted that there has been an uptick in the number of applications being submitted, which has increased the postage and noticing expenses. However, these are offset by revenue.

**Zoning Ordinances**

Mr. Hadik requested approval from the Board to purchase more hard-copies of the Zoning Ordinances as there has been strong demand for them. The Board agreed to purchase 10 hard-copies, which are sold to the public at \$25 each.

The Board revisited discussion on updating zoning ordinances to be in compliance with anticipated changes to NH State Law once SB 146 passes. Mr. Hadik discussed amending Article 9, using SB 146 as a template. He will draft and forward to the Board as a starting point. The Board noted that this will be an opportunity to mitigate criticism and confusion around the zoning approval process under the current Article 9 which has been an issue for the town and the public for many years. The Board agreed to bring the amended Article 9 to the upcoming Town Meeting, whether or not SB 146 passes before then in order to be prepared for its anticipated passage.

**Report on Hazard Mitigation Committee**

Mr. Hadik reported to the Board that he attended his first meeting as a member of the Town Hazard Mitigation Committee. Other members of the Committee include the Emergency Manager, Road Agent, Police and Fire Department Representatives, the Health Officer, a Town resident, and the Maintenance Supervisor. Mr. Hadik reported that there was unanimous agreement at the meeting to decrease the maximum road slope grade from 10% to 8% as 10% presents difficulty for snow plowing and emergency vehicles. He also reported that the Town has received information regarding regulatory changes that must be made in order for the Town to stay current with the National Flood Insurance Program. Mr. Hadik reports that much of the changes appear to be more housekeeping than substantive (e.g. updating references to government regulations, etc.)

Mr. Richter moved to adjourn the meeting. Mr. Weider seconded the motion. Motion approved; Mr. Hadik abstained. Meeting adjourned at 8:51 pm.

Respectfully submitted,  
Julie Christenson-Collins  
Recording Secretary