

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

**Town of Chester
Planning Board Meeting
Wednesday, June 22, 2016
Municipal Complex
Approved Minutes**

Members Present at Various Times

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member

Members Absent:

Cass Buckley, Member
Dick Trask, Ex-Officio Member

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present

Jacob Weider

Chairman Sullivan called the meeting to order at 7:13 pm. Members Mr. Sederquest, Ms. Richter and Mr. Snyder were present. Mr. Weider arrived at the meeting at 7:40.

Agenda

- Review & Sign Invoices
- Review and approve minutes for 6/1/16 and 6/8/16.
- Review impact fee updates emails from SNHPC
- Discuss Highway CIP funding amount to base impact fee on?
- Note Building Inspector's Cease and Desist on Gesel business.
- FYI zoning history for setbacks & buffers of cluster & open space subdivisions.
- FYI Building Code fees will be updated at a public hearing by the BOS on 7/14/16.
- FYI have started updating "The Book." Won't take to the printers until after the fees are updated.
- FYI an abutter called about the 180 acre Crowley Woods parcel. Sold on 6/16/16 for \$1,050,000.
- Discuss Jacob Weider's appointment as Alternate.

- Appointments:
 - 7:15 – Representatives for the Pipit Estates subdivision
- Public Hearings:
 - Home Business Application of Erika & Erwan DeBeckers (Applicants) to operate an in-home veterinary clinic located at 112 Towle Road (Erika & Erwin DeBeckers – owners – Map 9 Lot 37-1.)
 - Site Plan Review Application by Sonia & Heribert Hartl (Applicants) to operate an in-home canine boarding facility located at 292 North Pond Road (Sonia & Heribert Hartl – owners – Map 7 Lot 44-2.) Please note this is a rehearing of the former Home Business application resubmitted now as a Site Plan Review application.
 - Lot Line Adjustment Application by Lawrence Downing (Applicant) for a minor lot line adjustment between Map 5 Lots 107 & 107-3 (Owners – Lawrence Downing & Pipit Estates Trust,) located at 161 Sandown Road / Rte. 121-A.
 - Continued public hearing for the application by Tarrell & Elaine Towle, 351 Fremont Road (Map 9 Lot 19-1,) for a 4-lot Subdivision. (Requested to be continued until 7/13/16.)
- Future Meeting Dates:
 - July 6, 2016
 - July 13, 2016 – PHC Towle Subdivision
 - July 27, 2016

Review and approve minutes for 6/1/16 and 6/8/16

The Board reviewed the meeting minutes from 6/1/16 and made one correction. Line 23 should read Jacob Weider, not Jason Weider. Mr. Snyder made a motion to accept the minutes from 6/1/16 as amended; Mr. Sederquest seconded. Motion approved, 4-0-0.

The Board reviewed the meeting minutes from 6/8/16. Mr. Snyder made a motion to accept the minutes from 6/8/16 as presented; Mr. Sederquest seconded. Motion approved, 4-0-0.

Review impact fee updates emails from SNHPC

Mr. Hadik addressed the Board explaining the conversations Mr. Hadik had with Mr. John Munn of SNHPC regarding updating the Town's impact fees. Mr. Hadik presented to the Board the emails between himself and Mr. Munn from June 21 and June 22, 2016. He gave the Board an overview of their conversations. The Board and Mr. Hadik discussed the cost reduction in the revised scope of work to develop two new impact fees from \$4800 to \$4200. Mr. Hadik asked the Board to vote to authorize Mr. Sullivan to sign two contracts. He noted the first contract is for updating the impact fees that the Board already has addressed. Mr. Hadik said the second contract is for the two new impact fees. Mr. Snyder made a motion to authorize Mr. Sullivan to sign off on the contract dated June 6, 2016, approving the scope of work, with the cost reduction from \$4800 to \$4200; Ms. Richter seconded. Motion approved, 4-0-0.

Highway CIP funding amount

Mr. Hadik stated the Highway Impact Fee needs to be based on a reasonably defensible figure. He noted the CIP currently lists the Highways' funding at \$20 million. Mr. Hadik reasoned a more realistic number to be brought before the Public would be \$600,000. He said he would also discuss this with the BOS.

Building Inspector's Cease and Desist on Gesel business

Mr. Hadik reported to the Board he had received a copy of a Cease and Desist letter from Myrick Bunker, the Town of Chester Code Enforcement Officer, to Ms. Mary Gesel regarding the expansion of Center Scoop, the ice cream parlor owned by Ms. Mary Gesel and operated by Jerome Gesel, to include sandwiches.

Zoning history for setbacks & buffers of cluster & open space subdivisions.

Mr. Hadik commented there was an issue pertaining to the Oak Hill I subdivision and their abutters. He presented the Board with a zoning ordinance history of amendments as relating to the buffers and setbacks of open space (formerly cluster) subdivisions. Mr. Hadik noted that his work revealed the need for the Town to be more definitive in the language of "no cutting" versus "cutting of the basal area."

Building Code fees will be updated at a public hearing by the BOS on 7/14/16 and Zoning Book updates to Printer

Mr. Hadik explained he had started updating the Zoning Book with the zoning and subdivision regulations that were voted in last year. He said the Building Inspector is going before the BOS and a Public Hearing will be noticed for July 14, 2016 to update the building code fees. He stated he will not send the book to the printers with the updated Zoning Book until after those fees are updated.

The 180 acre Crowley Woods Parcel sold on 6/16/16 for \$1,050,000

Mr. Hadik noted he had received an anonymous call alerting Mr. Hadik to the sale of the 180 acre Crowley Woods parcel on 6/16/16 for \$1,050,000.

Jacob Weider's appointment as Alternate

Mr. Hadik brought to the attention of the Board a letter from Attorney Jennifer St. Hilaire stating approval for Jacob Weider's appointment to the Board as an alternate. The Board and Mr. Hadik agreed the stipulation to be added to the appointment will be: Jacob Weider will be an alternate on the Board only when his father, Mr. Michael Weider, is not present at a Board meeting. The Board will also have to officially amend their rules of procedure to include this stipulation (in a more generalized sense.)

Representatives for the Pipit Estates subdivision

Mr. Hadik explained to the Board that construction of the road at the Pipit Estates subdivision could not proceed at present because of a large number of open questions pertaining to storm-water management / drainage structures, condition of road base, unrecorded sets of plans, expiration of the seven unit subdivision, missing plan mylars etc.

Representatives for the Pipit Estates subdivision were also present to discuss these issues. Mr. Jeff Burd of RJB Engineering, LLC addressed the Board stating that the first application, the subdivision and design of the road, plan had already been approved in 2006. He noted that since that approval, Sublime Engineering has gone out of business, and a mylar was never made of the original plan. Mr. Burd explained that the representatives of the subdivision are not looking for approval, but instead are asking for ratification of the recreated plan of the road that is being substituted for the original plan. He asked the Board to agree to sign the recreated plan that was already approved in 2006, once a plan mylar is generated.

Mr. Burd described the overall subdivision project as two separate projects. He said the original Lot Line Adjustment plan includes the road construction, and the Open Space development plan includes the seven houses. Mr. Burd stated the Lot Line Adjustment has been approved and grandfathered. He noted the seven unit Open Space project came later and was never grandfathered.

Mr. Burd stated he had come before the Board last October but is trying to finish up the permitting. Mr. Hadik remarked that the problem stems from what the Board approved originally. He stated the Board approved a plan that was a subdivision off of the cul-de-sac. Mr. Hadik explained the lot was exactly the shape of the cul-de-sac and the 60 foot right-of-way. He said that neither the plans for the road or the 7-lot subdivision were ever recorded. Mr. Hadik asserted that the Board had assumed that the Lot Line Adjustment had been done prior to those two plan approvals. He noted that he and Mr. Burd had a

couple of conversations and emails regarding the projects. Mr. Hadik stated that although they had agreed to use the same road design as before, the Board had noted a need for the Town's engineer to review the road design to be sure it met current Town, State and Federal storm-water management regulations. Mr. Burd said he could not change the plans and was not planning to re-engineer the road; he stated the road was vested. Further discussion was had between Mr. Burd and Mr. Hadik regarding the understanding of the road plans.

Mr. Hadik noted additional concerns of the Board stem from questions in a letter from NH DES. He presented a copy of a letter dated May 12, 2016 sent from the Department of Environmental Services to the representatives of the Pipit Estates subdivision requesting additional information required to evaluate the Alteration of Terrain (AoT) Permit for Pipit Estates, as well as, 15 items that need to be addressed by the application. Mr. Hadik asserted that the DES is tying the projects together by referencing both the road drainage design and the subdivision. He explained that even if the designs were approved in 2007, the AoT permit has expired. Mr. Hadik stated the Board will need a letter from NH DES confirming all concerns regarding the road drainage have been addressed before allowing construction to proceed. He pointed out that the Board does not want to have any disclaimers such as, "We built on previous work so we can't help it if those elevations were wrong a decade ago." Mr. Burd agreed that 10 years is a long time and whatever Mr. Jeff Adler, from Dubois and King, needs to move forward from here to have the Town accept the road will be provided. Mr. Burd also stated that an As-Built survey of the road bed had been done back in February, and would be supplied to Jeff Adler.

Much further discussion was had regarding the Pipit Estates subdivision plans. Other representatives of the Pipit Estates subdivision were present to discuss the matter with the Board, including Keith Coviello, a former co-owner of Sublime Engineering, and now of Longbeach Designs, who did the original road and subdivision design, James and Tim Lavelle, the original and current surveyors on the project, and Joe Saltalamacchia, Construction Manager at Earth 2 Sky Construction LLC. Mr. Coviello volunteered additional information intended to clarify the old set of approved plans. Mr. Lavelle came before the Board to clarify the surveyed lot lines. The Board and many of the representatives discussed the issue of the past approval by the Board, and, the added issue of the plan not being recorded.

Chairman Sullivan clarified that representatives for the Pipit Estates subdivision will reapply for the residential subdivision plan approval, but, representatives for the Pipit Estates subdivision will not need to reapply for approval for the "right of way" subdivision with the road plan. Many of the people involved in the discussion agreed with Chairman Sullivan's clarification. Ms. Richter noted the plans do not look the same. Mr. Burd said they are the same. Mr. Hadik added the caveat that no construction is to occur on that road until all of the requirements by Mr. Adler are met. Further discussion by the Board and the representatives was had regarding what exactly was being approved at this meeting. Many of those involved in the discussion agreed that the Application for the Lot Line Adjustment between Map 5 Lots 107 & 107-3 (Owners – Lawrence Downing & Pipit Estates Trust,) located at 161 Sandown Road/Rte. 121-A be withdrawn. The Board ascertained that at this time they are not giving their approval, the Board is only coming to a consensus. Mr. Hadik confirmed with those in the discussion that no building

of the road would begin until Mr. Adler approves the plan and until the plan was recorded. Mr. Coviello confirmed that the building could start once the plan was recorded. Chairman Sullivan clarified the need to have Mr. Adler review all the plans again for drainage and elevations, and all approvals before any construction begin. Mr. Weider asserted that he needed to see all appropriate updated stamps and signatures. He asked if they had signed a contract with DuBois and King to start the review process. Mr. Weider explained that they would need to have a supervision contract be signed and in place before Pipit Estates road construction can move forward. He noted the Board will be notified of this signed contract, and the Board needs to be notified that the contract has been signed before the next meeting with the Pipit Estates people.

Chairman Sullivan asked for any Public comment; there was no Public comment.

Mr. Saltalamacchia further clarified that the road can be started once Mr. Adler's requirements are all met, but, that the plan doesn't have to be recorded. Mr. Hadik stated that the Board needs to be "ok" with this. Mr. Weider explained some of the history and agreed that once Mr. Adler is completely satisfied, then they can move forward.

Mr. Burd made a verbal request to formally withdraw the Application for the Lot Line Adjustment between Map 5 Lots 107 & 107-3 (Owners – Lawrence Downing & Pipit Estates Trust,) located at 161 Sandown Road/ Rte. 121-A.

Mr. Burd agreed they would come back at some point with the road plan mylar. Mr. Hadik affirmed he would develop a concurrence with Mr. Burd on the checklist to get the mylar to the signing point.

The representatives for the Pipit Estates subdivision departed the meeting at 8:12 pm.

Mr. Hadik mentioned a "note-to-self" that future conditions of approval should define what minimum improvements need to be built to achieve "vesting."

Mr. Weider made a motion to open the Public Meeting; Ms. Richter seconded. Motion approved 5-0-0. The Public Meeting was opened at 8:13 pm.

Public Hearing: Home Business Application of Erika & Erwan DeBeckers (Applicants) to operate an in-home veterinary clinic located at 112 Towle Road (Erika & Erwan DeBeckers – owners – Map 9 Lot 37-1.)

Mr. and Ms. DeBeckers came before the Board to submit their application to operate an in-home veterinary clinic located at 112 Towle Road. Mr. Snyder made a motion to accept the application as submitted; Ms. Richter seconded the motion. Motion approved, 5-0-0.

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The Board and the DeBeckers discussed the specifics of the business. The Board determined the businesses hours of operation will be: Monday – Friday 8:00 am – 5:00 pm, Saturday 8:00 – 4:00. Ms. Richter addressed the need to clarify number three on the application as: two receptionists who work off site, two technicians who come and pick –up a truck at 7:00 am and leave the site, two non-family employees who work at the DeBeckers’ residence.

Chairman Sullivan noted that these are the current conditions of approval. Mr. Hadik noted that in the future, should they wish to change their hours or something such as that, they would need to come back to the Board for approval.

Chairman Sullivan asked for Public comment or questions; there was no Public comment or questions.

Mr. Snyder made a motion to close the Public Hearing and open Deliberations; Mr. Weider seconded the motion. Motion approved, 5-0-0. Public Hearing was closed and Deliberations began at 8:24 pm.

Mr. Snyder made a motion to approve the application of Erika & Erwan DeBeckers (Applicants) to operate an in-home veterinary clinic located at 112 Towle Road (Erika & Erwin DeBeckers – owners – Map 9 Lot 37-1) with the conditions discussed; Mr. Sederquest seconded the motion. Motion approved, 5-0-0.

Site Plan Review Application by Sonia & Heribert Hartl (Applicants) to operate an in-home canine boarding facility located at 292 North Pond Road (Sonia & Heribert Hartl – owners – Map 7 Lot 44-2.) Please note this is a rehearing of the former Home Business application resubmitted now as a Site Plan Review application.

Ms. Hartl was present and came before the Board to discuss the rehearing of the application to operate an in-home canine boarding facility located at 292 North Pond Road. The Board and Mr. Hadik discussed an administrative error that dictated the need for the rehearing of the application by Ms. Hartl, with Mr. Hadik apologizing to Ms. Hartl for the inconvenience.

Mr. Weider made a motion to accept the application as submitted and to open the Public Hearing; Ms. Richter seconded the motion. Motion approved, 5-0-0. The Public Hearing was opened at 8:28 pm.

Chairman Sullivan asked for Public comment or questions.

Ms. Mary Matas, a neighbor of Ms. Hartl came before the Board and explained that she was troubled by the statement contained in a document attached to the application that read “...discussion about neighbors deemed unnecessary and deleted from mutual agreement between Planning Board and applicant.” Referencing her attendance at a previous meeting, Ms. Matas said she wants her concerns to be part of the record. Chairman Sullivan explained that Ms. Matas’ concerns are part of the record in

the minutes of the meeting at which she expressed her concerns. The Board discussed the statement, and Mr. Snyder expressed his concern over the wording of the statement.

Mr. Hadik reminded the Board that Mrs. Hartl had attached a narrative to her Home Business application, the same narrative she had submitted to her ZBA application. During the Home Business review, the Board agreed amend the lengthy narrative to the Conditions of Approval because it included a number of potential mitigation suggestions. The Board also suggested that two portions of the narrative contained some unnecessary information about “neighbor relations.” At the Board’s suggestion, Mrs. Hartl agreed to have Mr. Hadik redact these from the narrative. Mr. Hadik said he inserted the two comments “(Note: Discussion about neighbors deemed unnecessary, and deleted per mutual agreement between Planning Board and Applicant.)” in order to document the redactions. Mr. Hadik said he would be happy for any suggestions for rewording this type of statement for use in the future.

Mr. Snyder made a motion to close the Public Hearing and Deliberate; Ms. Richter seconded the motion. Motion approved, 5-0-0.

Mr. Snyder made a motion to approve the site Plan Review Application by Sonia & Heribert Hartl (Applicants) to operate an in-home canine boarding facility located at 292 North Pond Road as presented; Mr. Weider seconded the motion. Motion approved 5-0-0.

Mr. Hadik requested that the motion be amended noting the revision of the parenthetical note. Chairman Sullivan said a motion wasn’t necessary, but that the minutes will reflect that the note was read out of context.

Ms. Hartl departed the meeting at 8:36 pm.

Mr. Snyder made a motion for the public hearing for the application by Tarrell & Elaine Towle, 351 Fremont Road (Map 9 Lot 19-1,) for a 4- lot Subdivision to be continued until 7/13/16; Ms. Richter seconded the motion. Motion approved, 5-0-0.

Application for the Lot Line Adjustment between Map 5 Lots 107 & 107-3 (Owners – Lawrence Downing & Pipit Estates Trust,) located at 161 Sandown Road/ Rte. 121-A.

Withdrawn by verbal request from Mr. Jeffrey Burd earlier in the meeting.

Continued public hearing for the application by Tarrell & Elaine Towle, 351 Fremont Road (Map 9 Lot 19-1,) for a 4- lot Subdivision.

Mr. Hadik relayed a request by Kevin Hatch to be continued until 7/13/16.

Adjourn

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327

328 Ms. Richter made a motion to adjourn the meeting; Mr. Weider seconded the motion. Motion
329 approved, 5-0-0. Meeting adjourned at 8:39 pm.

330

331 Respectfully submitted,

332

333 C. Molly Qualters

334 Recording Secretary