

8-2-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, August 2, 2017
Municipal Complex
Approved Minutes**

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Michael Weider, Member
Aaron Hume, Alternate Member
Jacob Weider, Alternate Member
Selectman Cass Buckley, Ex-Officio

Members Absent

Richard Snyder, Member

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Penny Williams, Tri-Town Times
Richard Drowne
Norma Drowne
Kevin Hatch

Chairman Sullivan called the meeting to order at 7:07 pm.

Chairman Sullivan noted that Mr. Hume is the alternate for Mr. Snyder.

Meeting Agenda

7:00 PM - Non-Public Session

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.

General Business

- Review and sign invoices and time sheet.

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7:20 PM – Appointments

1. Richard Drowne and Norma Drowne to discuss the new impact fees being assessed for Mill Pine Village.

7:45 PM - Public Hearings

1. Continuation of the subdivision application by Tucker Bay Trust, 37 Coulthard Farm Road, Scarborough, ME 04074, for a two-lot subdivision of Map 7, Lot 21 on Candia Road, Chester, NH.

Work Session to review information for the Crowley Woods Subdivision

- Review and approve minutes for 7/12/17.
- Review Chester Technical Review Committee (CTRC) minutes of 7/24/17.
- Review plan set in detail
- Review SNHPC preliminary review letter
- Develop list of concerns to be addressed, studies to be required etc., for discussion at the August 9th public hearing.

9:00 PM - Adjournment

Future Meeting Dates:

August 9, 2017 – CPH Crowley Woods @ 7:15 pm
August 23, 2017 – Bittersweet Blessings SPR
September 6, 2017 – Hazelton SUB? Cannata SUB?
September 13, 2017 -

(Codes: PH – public hearing, PHC – public hearing continuance, CD – conceptual discussion, HB – Home Business, LLA – Lot Line Adjustment, SPR – Site Plan Review, SUB - Subdivision)

Non-Public Session

Mr. Weider made a motion to go into nonpublic session 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 to enter nonpublic session with all members present at the meeting responding with yes, for a 6-0-0 vote.

The Board entered nonpublic session at 7:07 pm.

Mr. Weider made a motion to leave nonpublic session and return to Public session; Ms. Richter seconded the motion. Motion approved, 6-0-0.

The meeting was reopened at 7:21 pm.

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Chairman Sullivan made a motion to seal the nonpublic minutes for at least one (1) year; Vice-Chair Sederquest seconded the motion. A roll call vote was taken to seal the minutes for one (1) year with all members of the Board present responding in the affirmative, with a 6-0-0 vote.

Expiration of Terms and Selectman's Meeting August 3rd

Mr. Hadik advised that he had been approached by Selectman D'Angelo concerning the Planning Board being rescheduled for tomorrow's BOS meeting. Mr. Hume stated that he had other commitments and needs to be fit in later. Mr. Weider planned to attend. A moratorium of one month is being proposed on the reappointment of expired appointments. Ms. Richter stated that it was her understanding that one serves until one is reappointed or a successor is appointed by the BOS.

7:20 PM - Appointments

Richard Drowne and Norma Drowne appeared to discuss the possibility of a waiver of any or all of the new impact fees being assessed for Phase II B of the Mill Pine Subdivision.

Mr. Drowne presented that they believe the new fees should have been disclosed to them by the Planning Board when the bond reduction was approved last September. The impact fees changed since the initial payment by the Drownes, and Mrs. Drowne argued this could not have been foreseen by them. This results in a hardship because they already have a contract on two units, and they would have to absorb the additional costs for the fees themselves. Mrs. Drowne stated that additionally their community was for 55 and older, and would not be impacting the school district and that the facility had its own trash pickup so it would neither be impacting the transfer station. Mrs. Drowne stated that they had complied every step of the way throughout the process, bringing a new mylar for each phase and argued how many other developers have done that.

Mr. Hadik advised this argument was put to the attorney and he doesn't see it that way. Mr. Hadik said the Drownes weren't present in September when the bond reduction was handled as purely an administrative matter by the Board. Also the submittal of new mylars for recording each phase of this subdivision has no bearing on the issue in question. Mr. Hadik then added there are no deed restrictions on this subdivision to make it a 55 and older community. Mr. Sullivan added the units can be resold to anyone without any restrictions, so the school system may be impacted at a later date.

Mrs. Drowne restated they should have been notified of the new impact fees. Ms. Richter advised the Drownes that "ignorance of the law is no excuse."

Mr. Weider asked the Drownes, only as a suggestion, if they would consider a deed restriction for either of the two units and/or a waiver of part of the new impact fees, as follows: \$1,082 instead of \$2,730 with \$1,142 in exchange for deed restriction. Mrs. Drowne stated that she would do that for \$7,000.00. Ms. Richter advised that a deed restricting children would make those units less valuable.

Mr. Hadik explained the Town will be drafting an ordinance for 62 and older age-restricted subdivisions. The language for this type of a subdivision is much more enforceable. He is currently exploring grant possibilities and working with SNHPC and Plan NH to get the proper advice to amend the ordinance.

Selectman Buckley argued that having a deed restriction on only two units would be cumbersome for the School District to monitor.

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Chairman Sullivan advised the Drownes to put their request in writing. He also thought that further relief may be obtained through the Zoning Board. Ms. Richter advised the Drownes that appeal of the Board's decision would fall into either category of possibly Zoning or Superior Court.

Mr. and Mrs. Drownes agreed that they would draft and submit a letter requesting the waiver of the new impact fees and departed the meeting.

7:45 PM - Public Hearings

1. Continuation of the subdivision application by Tucker Bay Trust, 37 Coulthard Farm Road, Scarborough, ME 04074, for a two-lot subdivision of Map 7, Lot 21 on Candia Road, Chester, NH.

Kevin Hatch appeared briefly and submitted a written request for a continuation of the public hearing until August 9th.

Selectman Buckley motioned to reschedule his appointment until August 9th. Mr. Weider seconded his motion, with all in favor, none opposed, 6-0-0, so moved.

Kevin Hatch departed the meeting.

Ms. Williams departed the meeting at 8:20 pm.

Letter to remaining developers:

There is a table of the current impact fees located on the website. Mr. Hadik would like to notify the other developers by mail of the recent changes to the fees, and the Town's intent to assess impact fees on all unbuilt lot as allowed by zoning and the RSAs. Ms. Richter advised that they should be careful not to accidentally omit anyone. After some discussion, the Board decided that Mr. Hadik would both post a general letter on the website and mail notices to the developers of record.

Review and approve minutes for July 12, 2017

Mr. Weider made a motion to accept the July 12, 2017 minutes, as written; Selectman. Buckley seconded the motion. Motion approved, 4-0-2, Mr. Weider and Selectman Buckley abstained.

Work Session to review information for the Crowley Woods Subdivision

Mr. Hadik laid out the marked plan set for review by the members of the Planning Board, and advised these had been fully reviewed and approved by Jeff Adler, the Town's engineer.

Mr. Hadik explained the color coding system. He said these plans were very complex in general and hard for lay people to review, and the color coding was needed to fully understand the plans. Mr. Hadik said

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he would be listing and cataloguing some issues with the format used. He hoped to amend the Subdivision Regulations at some point so this situation would not occur again.

Mr. Hadik guided the Board page by page through the plan set.

Mr. Hadik and the Board reviewed a list of concerns regarding the Crowley Woods subdivision (attached.) He said these concerns were mined from the minutes of Chester & Candia's planning board meetings (the two public hearings so far,) the preliminary review letter from SNHPC, and the minutes of the Chester Technical Review Committee CTRC meeting on July 24th.

The narrowness of Crowley Road and the lack of snow storage space in winter is a serious safety concern. The road should have the brush cleared back 6'+ on both sides, and the gravel shoulders widened. Some trees close to the edge of pavement should be removed as well. The Board agreed.

The intersections of Crowley Road and Candia/Chester Road & Brown Road require substantial safety improvements. The traffic island should be removed, and the line of sight, especially towards Chester needs substantial improvement. Also vehicle congestion caused at this location by the twice-daily Candia school bus pickup and drop-offs is a significant safety concern which should also be addressed. The Board agreed.

Mr. Hadik and the Board would like to see the results of the traffic study which may identify additional issues.

Selectman Buckley advised that when problems are presented to the developer, it is a good idea to be ready with solutions.

Mr. Hadik noted the CTRC has serious safety concerns about the proposed temporary hammerhead turnaround at the end of the road section proposed for Phase I. Instead of a hammerhead turnaround, the Chester Fire Department (CFD,) Road Agent (RA) & School District all believe there should be a proper turnaround for school busses, fire and highway department equipment until the Phase II portion of the road is completed. They all recommend requiring the construction of a temporary gravel cul-de-sac with all of the necessary drainage installed as part of the approval process for Phase I.

The Board agreed this is a serious concern, however, they discussed either building and/or bonding the entire road section for Phases I & 2 at the same time, instead of building a temporary cul-de-sac. From the past history of subdivisions in Chester, there is the concern the hammerhead might be in place for many years if there is a downturn in the economy or other financial issues arise.

The Board was concerned about the waiver request for the driveway slopes at road junctures. This may affect 20+ lots. The concern is that water sheeting out into the road could cause icing conditions in winter. The Board believes more discussion needs to occur to better understand the ramifications of this granting this waiver request.

221

222 Mr. Weider reminded the Board it has not been historically is not in favor of “closed drainage systems”
223 such as was used for Red Squirrel Lane. Vice-Chair Sederquest agreed and suggested that this should be
224 included in the ordinances and regulations.

225

226 Mr. Hadik stated the Chester Fire Department and Building Inspector are very concerned only one cistern
227 is being proposed for this large of a subdivision. They believe there should be a study by a professionally
228 licensed Fire Protection Engineer (FPE) to determine if more than one cistern is required. This FPE would
229 take into consideration distance and response time from first responders, the size of the structures, the
230 local availability of water for fire suppression and other factors.

231

232 Mr. Weider argued that one home should be treated as importantly as 60 homes and Mr. Hadik agreed
233 that was true, but the number of homes however increased the probability of a larger fire incident
234 requiring additional water.

235

236 Mr. Hadik listed numerous environmental concerns raised by the Chester and Candia conservation
237 commissions, SNHPC and local residents. He listed numerous items on the attached review list.

238

239 Mr. Hadik strongly recommended a community water supply system be requested for this subdivision
240 because the design has so many small lots with wetlands and the 25’ No-Cut buffers as part of the
241 individual lots. This situation would cause all kinds of enforcement issues with setbacks and wetlands
242 protection. He said a community water supply system would allow for smaller lots, and the lot lines
243 could be redrawn to omit the wetlands and No-Cut buffers. Chairman Sullivan agreed that requiring a
244 community water supply system together with a redraft of lot lines intended to omit sensitive areas
245 would resolve several related concerns.

246

247 Mr. Hadik stated the Conservation Commission and SNHPC have concerns the wetland No-Cut buffers on
248 individual lots will need to be properly marked. He mentioned SNHPC recommended re-purposing stone
249 walls slated for removal be relocated to mark the no-cut boundaries. Mr. Weider agreed with this idea.

250

251 Mr. Hadik also passed on the recommendation from SNHPC that a Well Yield Probability Study should be
252 conducted. The potential for a negative impact to abutters along Crowley Road should be investigated.
253 He also passed on the concern about the potential liability if there was not enough water for this
254 subdivision at a later date. Selectman Buckley and Mr. Weider said that liability should not be a concern,
255 there is no liability for the Town.

256

257 Mr. Hadik noted that while the Crowley Woods subdivision was very complex, and legally new territory
258 for the Board, it was also an opportunity to learn from and amend zoning going forward.

259

260 **Review CTRC minutes of 7/24/17 and question: *Can it be shared with both Candia and the Applicant?***

261

262 The Board agreed these minutes should be shared with both Candia and the Applicant.

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263

264 **Adjournment**

265

266 Ms. Richter made a motion to adjourn the meeting; Mr. Weider seconded the motion. Motion approved,
267 6-0-0. The Meeting was adjourned at 10:07 pm.

268

269 Respectfully submitted,

270 Nancy J. Hoijer

271 Recording Secretary