

8-9-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, August 9, 2017
Municipal Complex
Approved Minutes**

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member
Aaron Hume, Alternate Member
Jacob Weider, Alternate Member

Members Absent

Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Steph Landau, 662 Candia Road, Chester
Eric Mitchell, Eric Mitchell & Associates, Inc.
Reggie Morrow, Dar Builders
Deb Munson, Conservation Commission Member, 382 Haverhill Road
Chuck Myette, Conservation Commission, Chairman
Mike Oleson, Road Agent
Ms. Mary Plante, Crowley Road, Candia
Penny Williams, Tri-Town Times
Others unknown to this recording secretary

Chairman Sullivan called the meeting to order at 7:00 pm.

Meeting Agenda

General Business

- Review and sign invoices and time sheet.
- Review and approve minutes for 7/26/17 & 8/2/17.
- Review and approve minor field changes to road profile in portion of Mill Pine Village subdivision.
- Discuss expiring road bond/s.

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7:05 PM – Appointments

Eric Mitchell -Discussion about NH DES question about who will be the responsible party for the maintenance of the storm water detention structures in the Crowley Woods subdivision.

7:15 PM – Public Hearings

To Be Continued – 1. Continuation of the subdivision application by Tucker Bay Trust, 37 Coulthard Farm Road, Scarborough, ME 04074, for a 2-lot subdivision of Map 7, Lot 21 on Candia Road, Chester, NH.

2. Continuance of the Public Hearing for the subdivision application by the DAR Builders, LLC, 305 Massabesic Street, Manchester, NH 03104, for a 60-lot subdivision of Map 11, Lots 30 & 30-7, off Crowley Road, Candia, NH.

Future Meeting Dates:

August 23, 2017- Bittersweet Blessings SPR

September 6, 2017 – Hazelton SUB?

September 13, 2017 – Cannata SUB?

Discuss expiring road bond/s.

Mr. Hadik explained to the Board that the road bond for Jenkins Farm will be expiring soon. He said that he had received a letter from Mr. Bennet, the Town attorney. Mr. Hadik and the Board reviewed the letter.

Mr. Snyder made a motion to authorize Mr. Bennet to call the letter of credit (LOC) for the road bond on the Jenkins Farm subdivision if the LOC has not been renewed by August 18, 2017; Mr. Snyder added that the bonds must meet the current Town requirements for sureties, and provide a renewal clause in an amount sufficient to cover the updated bond estimate. Vice Chairman Sederquest seconded the motion. Motion approved, 5-0-0.

Review and approve minor field changes to road profile in portion of Mill Pine Village subdivision.

Mr. Hadik and the Board reviewed and discussed a letter from Mr. Richard Drowne requesting permission for minor field changes to the road profile in a portion of Mill Pine Village subdivision. The Board also reviewed an email from the engineer, Scott Bourcier of DuBois & King, opining the proposed modifications are acceptable.

Mr. Weider made a motion to approve theses field changes to Phase 3 A Mill Pine Village, Black Duck Drive and Pintail Trail; Mr. Snyder seconded the motion. Motion approved, 5-0-0.

7:05 PM - Appointments

Eric Mitchell – Discussion about NH DES question about who will be the responsible party for the maintenance of the drainage structures in the Crowley Woods subdivision.

Mr. Hadik explained that Mr. Adler has recommended that the Town not take responsibility for maintenance of the storm water detention structures in the Crowley Woods subdivision, that the responsibility should fall to a homeowners' association.

Mr. Mitchell said that the State has always had requirements that drainage infrastructure be maintained and that with large commercial complexes or a condominium complex (something that towns are not involved in,) the towns lose track of who is responsible and must chase after who the responsible party is. He noted that in a situation such as this, where the street and detention system are public and the local municipality are plowing the roads and cleaning the catch basins as part of what they maintain, they have found that, although it is a task that must be done, maintenance of the detention system is just the cutting of the brush and ensuring the area doesn't become forested. Mr. Mitchell said that the problem that they have with taking the responsibility of maintaining the detention areas away from the Town and giving it to a homeowners' association, is that the Town still needs protection to be sure the maintenance gets done. He noted that the Town isn't absolved of the responsibility, even the easements are deeded to the Town.

Mr. Mitchell said that he didn't think the maintenance is a big issue, more of an inconvenience for which must be planned. He said that if one forces a homeowners' association for the sole purpose of maintaining the detention areas, he doesn't know what the difference in taxes on the property would be compared to someone who has everything maintained by the Town.

Mr. Mitchell noted that the road has curbing, which means it is a closed drainage system; the water goes from the gutter down into the drainage system, then into the pond. He said that the road will be a Public road that the Town maintains. He asked how one can say that once the water goes into the pond, how can it then become the homeowners' responsibility.

Mr. Mitchell said that if this was a condominium project with private roads it would be a different situation. He said that they believe the detention areas should be publicly maintained based on these circumstances.

Mr. Weider noted that this is the first time the Board has been asked, through a developer, because of a request from DES, how they want to structure the documents related to the maintenance of the storm water retention structures. He said that they asked DuBois & King because this is the first time they have received this question.

The Board, Road Agent Oleson, and Mr. Mitchell discussed responsibility of the maintenance of the detention areas, including in the discussion of costs and time associated with the work, the creation of a homeowners' association for the work, and the location of the detention ponds relating to ease of accessibility for maintenance. Mr. Oleson opined that overall it was not a big cost, that is should be scheduled so that the retention structures are inspected annually by the Road Agent and cleaned out every few years by the Highway Department.

Mr. Mitchell returned to his seat in the audience at 7:18 pm.

Continuation of the subdivision application by Tucker Bay Trust, 37 Coulthard Farm Road, Scarborough, ME 04074, for a 2-lot subdivision of Map 7, Lot 21 on Candia Road, Chester, NH.

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Mr. Snyder made a motion to continue the subdivision application by Tucker Bay Trust, 37 Coulthard Farm Road, Scarborough, ME 04074, for a 2-lot subdivision of Map 7, Lot 21 on Candia Road, Chester, NH, to August 23 at 7:15 pm; Ms. Richter seconded the motion. Motion Approved, 5-0-0.

Continuance of the Public Hearing for the subdivision application by the DAR Builders, LLC, 305 Massabesic Street, Manchester, NH 03104, for a 60-lot subdivision of Map 11, Lots 30 & 30-7, off Crowley Road, Candia, NH.

Mr. Snyder made a motion to reopen the Public Hearing for the subdivision by DAR Builders, Crowley Road; Mr. Weider seconded the motion. Motion approved, 5-0-0.

The Public Hearing was reopened at 7:22 pm.

Mr. Mitchell joined the Board at the meeting table at 7:22 pm.

Mr. Hadik reviewed three documents with the Board.

Mr. Hadik explained that the “Crowley Woods/Tanglewood Subdivision Issues” document was a list of issues and concerns compiled from the minutes of the Candia and Chester Planning Boards’ Public Hearings, as well as, from the SNHPC preliminary review letter. He noted that the second document is a list of concerns from BOS Liaison Mr. Buckley, who is absent, and that the third document is a list of concerns with the plan set compiled by Mr. Hadik to be addressed by future amendments to the subdivision regulations.

The Board agreed to focus on the “Crowley Woods/Tanglewood Subdivision Issues” document at the Public Hearing tonight; Mr. Hadik noted that Mr. Mitchell had been emailed a copy of the document. (A copy of the Crowley Woods/ Tanglewood Subdivision Issues document is attached at the end of these minutes.)

Mr. Hadik described the inter-department review committee comprised of Town department heads called the Chester Technical Review Committee (CTRC). He noted that they met twice to discuss the Crowley Woods subdivision which just so happens to be the first subdivision they have been asked to review.

Mr. Snyder said that they need to hear more about the scope of the traffic study, including the safety concerns; he asked if the traffic study will address these issues.

Mr. Mitchell said that a lot of the Crowley Road issues are dependent on the traffic study, so, the traffic study will not just be counting cars. He said it will be looking at turning movements, intersection sight distance: at Crowley Road it will be looking at Candia Road at both ends and Lane Road up at the other end. Mr. Mitchell said that the traffic study will be looking at the width of pavement along Crowley Road and the ability to see. He noted that the first comments on the list about “...have the brush cleared...” will all come up as part of at what they are reviewing. He said the sight-lines at the intersections will be evaluated. Mr. Mitchell said that he believes that they are looking at some traffic counts at Candia Road and Main Street. He said that it is not just trip generation; the traffic study is a look at what is there now, what is being added to it, and what is there for physical concerns relative to sight-distances, stopping distances, and whatever, at the major intersections around the site.

Mr. Mitchell noted that traffic counts have been done and are being processed. He said that they expect to have the study done by the end of the month and they will furnish it to both towns, as soon as they get that

done. He said that they are trying to incorporate all the Crowley Road issues in the first paragraph on the list into the report.

Mr. Hadik reviewed the “Phase I Hammerhead Issues.”

Mr. Hadik said that the proposed temporary hammerhead turnaround will not be acceptable to the CTRC; he then explained the many reasons why the hammerhead turnaround will not be acceptable. Mr. Hadik reviewed the two options for replacing proposed temporary hammerhead turnaround listed on the “Crowley Woods/Tanglewood Subdivision Issues” plan set.

Mr. Mitchell said that they are willing to agree to construction of a temporary gravel cul-de-sac and bond the balance to have it paved and become permanent, if the need arises. He said that there is a flat area where they can build a temporary cul-de-sac instead of a hammerhead turnaround, and they will post a bond to have it become permanently paved in case the road doesn’t continue on in Phase II.

Mr. Weider asked when this Board would make the decision of bonding the next phases. He explained that they are concerned because of experiences with builders suspending or walking away from projects. Mr. Hadik opined this could be addressed if and when the Board sets the conditions of approval.

Mr. Hadik reviewed the issue of driveway slopes and the waiver request for the driveway slopes. He noted that Mr. Adler and the Road Agent, Mr. Oleson, have concerns regarding this issue.

Mr. Mitchell said that they understand those concerns. He described the curbs, drainage, and flow of water down driveways and hillsides. He said that they can review each one of the driveways, working with both the Mr. Oleson and Mr. Adler on the plan for each driveway.

Mr. Hadik asked for Mr. Mitchell’s explanation and assurance to be put in writing for Mr. Adler to review. Mr. Mitchell agreed.

Mr. Hadik noted that the driveway waiver request will not be granted tonight.

Mr. Hadik reviewed the single cistern issue; he noted that the Chester Fire Department (CFD) is very concerned about only there being only one cistern.

Mr. Mitchell said they have proposed is what the ordinance calls for requirements. He said that they would like to have a meeting to discuss these issues with the CFD and they are willing to work with the department addressing these issues.

Mr. Mitchell requested that instead of the condition of having no Building Permits being issued until only after the cistern/s are installed, tested and certified fully operational, this requirement be modified to be contingent upon the issuance of the Certificates of Occupancy. Mr. Snyder said this sounds reasonable.

The Board and Mr. Mitchell discussed the five different concerns related to the remote location, issues created by the location of the subdivision for the services of fire, police and ambulances, and mutual aid issues.

Mr. Mitchell said that they plan to talk to the fire departments and the police departments of both communities to try to address these issues. He said that they plan to facilitate the communication.

Mr. Hadik noted that the conditions of approval would require the developers to have letters on file from all the appropriate parties documenting that all five of the remote location concerns and been reviewed and addressed by the departments of both towns, and that the necessary mutual aid agreements were in place.

Mr. Myette came to the meeting table at 7:55 pm.

Mr. Hadik reviewed the document regarding the section on environmental issues.

Mr. Myette gave an overview of concerns relating to environmental issues; he noted that this subdivision is at a headwaters area, impacting the area regionally rather than just locally.

Mr. Myette explained that even though the project is a single project, the regional aspect of a single project's impact is cumulative from one location to the next. He said that what they have started talking about with larger projects is how to minimize the overall flow and the net effect from one property to the next, and determine if there an impact at the next stream down gradient. Mr. Myette said that the regional aspect is looked at to see if there are changes in the quality in the sensitive areas.

Mr. Myette pointed out that in 2004 wetland studies were conducted for this area; he noted that he had those studies in the books he brought with him to the meeting. He said that the study looked at every two-acre and larger wetlands, then they looked at what was prime quality wetland within the area, identifying what might be a sensitive area. Mr. Myette said that in this case there is an old growth forest of Black Gum trees, an eight to ten-acre Black Gum swamp. He noted that the Black Gum swamp is a rare and sensitive pristine area, and this swamp is at about the northernmost range found for this type of tree making it even more important.

Mr. Myette said that they need to think about minimizing the overall impact to the regional area through proper sizing, proper infiltration, and try to move more towards zero net run-off versus just a reduction in peaks.

Chairman Sullivan asked how realistic it was to achieve zero net run-off.

Mr. Myette said that the larger the subdivision the more realistic it is, one can mitigate it with other structures.

The Board, Mr. Hadik, Mr. Myette, and Mr. Mitchell discussed the type of soil in the Crowley Woods area.

Mr. Mitchell said that they have 25 percent more onsite infiltration than what there is required to be. He said that he isn't sure what zero net run-off is; they are not going to dam up all the water so there is no run-off.

Mr. Mitchell said he would like to meet with the Conservation Commission before they come back to the Planning Board. He said that the short answer is that they have satisfied the alteration of terrain requirements, and they have a little bit more infiltration, but that maybe there are some things they can look at to provide a little bit more infiltration or address some of Mr. Myette's comments.

274
275 Mr. Hadik asked for an aerial photo with the subdivision superimposed on it including at least a half mile
276 outside the parent lot, to understand the context of the subdivision in the surrounding area. Mr. Mitchell
277 agreed.
278
279 Mr. Snyder said that he thinks that there should be no impact to the Black Gum swamp.
280
281 Mr. Hadik and Mr. Myette discussed how rare a Black Gum swamp is, especially for this region.
282
283 Mr. Hadik explained that overall the subdivision is in the middle of an unofficial greenbelt between towns;
284 he noted that the Conservation Commission is concerned about the type of culverts which could impact
285 wildlife crossings. Mr. Hadik asked if the culverts will be natural bottom culverts.
286
287 Mr. Mitchell said that they are box culverts with the concrete buried in the ground covered on the bottom
288 with streambed rocks and sand. Mr. Myette recommended that they be aware that the larger velocity can
289 erode these materials exposing the concrete. Mr. Mitchell responded these are specially designed with
290 riffles to help mitigate that problem.
291
292 Mr. Mitchell said they have done a turtle study and a bat study, both have been given to NH Fish and Game.
293
294 Mr. Myette reviewed the use of and impact of chemical and pesticide run-off. He said that the buffers are
295 going to be particularly important in this area. Mr. Hadik added that they are going to push for ensuring the
296 regulation in Groundwater Protection (Article 16) requiring four-inch quality loam for lawns be strictly
297 followed.
298
299 Mr. Hadik reviewed the concerns about the impact of clustering so many wells and septic systems in such a
300 concentrated area; he said that they believe a hydraulic, well-yield probability study should be conducted.
301
302 The Board, Mr. Hadik, and Mr. Mitchell had an in-depth discussion of the Planning Board's recommendation
303 of a community well system, including lot sizes, lot lines, no-cut buffers, encroachment on wetlands, well
304 failure, proximity of wells and septic systems, and zoning variances.
305
306 Mr. Mitchell said that water supply is not expected to be a problem, and that to require a community water
307 system would change everything for the project, adding another cost layer, and doesn't make sense.
308
309 Mr. Weider disagreed and explained what he said are the benefits of a community water system. Mr.
310 Mitchell and Mr. Weider discussed the advantages and disadvantages of community well systems.
311
312 Mr. Morrow joined the discussion of a community water system at 8:37 pm.
313
314 Mr. Weider recommended that they talk to some professionals and that they do their due diligence by
315 taking a serious look at this scenario and consider installing a community water system.
316
317 Mr. Mitchell explained he understands what the Board is saying, that the lots must be at least an acre
318 without a community water system, and that on some of the lots the acreages encroach into the buffers or
319 wetlands. He said that if they made the lots three-quarters of an acre, and took the lot lines out of the

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320 buffers that would be better but, we would need a community water system. He added that the lots could
321 be shaped to be outside of the buffers if you had a community water system.

322
323 Chairman Sullivan said that there is a significant number of lots that are right up to the constraints that are
324 concerns.

325
326 Mr. Mitchell said that they will review this.

327
328 Mr. Hadik wanted to note that Chester's protective well radius is 100 feet, and this is the reason the plans
329 reference 75 feet (the State's protective well radius) and 100 feet.

330
331 Mr. Hadik said that the Conservation Commission and the SNHPC are very concerned about properly
332 marking the no-cut buffers; he said that the SNHPC has asked that the Applicant consider repurposing the
333 many stone walls slated for removal be relocated to mark the no-cut boundaries. Mr. Mitchell said they
334 would give that consideration.

335
336 Chairman Sullivan departed the meeting at 8:49 pm.

337
338 Mr. Myette said he has a couple questions and comments on the conservation easement. He noted that
339 maintaining the easements is a much greater responsibility because it is in perpetuity. Mr. Myette
340 explained that they must contract a third party to monitor the Open Space; he noted that there will be a
341 cost of several thousand dollars a year, as well as, some difficulty in finding the third party willing to deal
342 with Open Space.

343
344 Mr. Myette and Mr. Mitchell discussed the taxes and costs related to the Open Space easement.

345
346 Mr. Hadik noted he checked with Counsel and was advised that having the Open Space deeded to the Town
347 does not provide any liability as relates to the Town's lot-size zoning.

348
349 Vice Chairman Sederquest called for Public Comment.

350
351 Ms. Mary Plante, Crowley Road, Candia, asked what the distances and the response time of the services are
352 from the Chester fire and police departments to the Crowley Woods subdivision. She said that Candia is
353 going to be carrying the burden of providing the services to this subdivision.

354
355 The Board researched the distance and determined it to be roughly 5.9 miles, 11 minutes.

356
357 The Board and Mr. Hadik discussed mutual aid agreements, and they explained that this issue would be part
358 of the mutual aid discussion between the departments of the two towns.

359
360 Ms. Plante said that there are roads that should be added to the traffic study: Brown Road, Depot Road,
361 and Patten Hill Road.

362
363 Mr. Mitchell said that they saw the request for the additional roads. He said that they will do a
364 comprehensive traffic study for where the trends are of the existing traffic, but that they will not be doing
365 traffic counts "off the beaten path."

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Mr. Mitchell and Mr. Myette departed the meeting at 8:55 pm.

Review and approve minutes for 7/26/17 & 8/2/17.

The Board reviewed the minutes of July 26, 2017. Mr. Snyder made a motion to approve the minutes of July 26, 2017 as written; Mr. Weider seconded the motion. Motion approved, 4-0-1. Ms. Richter abstained.

The Board reviewed the minutes of August 2, 2017. Line 96 was changed to replace the “]]” with “pp.” Mr. Weider made a motion to approve the minutes of August 2, 2017 as amended; Ms. Richter seconded the motion. Motion approved, 4-0-1. Mr. Snyder abstained.

Adjournment

Mr. Weider made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion approved, 5-0-0.

The meeting was adjourned at 9:00 pm.

Respectfully submitted,
C. Molly Qualters
Recording Secretary