

11-29-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

Town of Chester
Planning Board Meeting
Wednesday, November 29, 2017
Municipal Complex
Approved Minutes

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Richard Snyder, Member
Aaron Hume, Alternate Member
Cass Buckley, Ex-Officio

Members Absent

Elizabeth Richter, Member
Michael Weider, Member
Jacob Weider, Alternate Member

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Jason Gustin, 161 Crowley Road, Candia
Steph and Cindy Landau, 662 Candia Road, Chester
Norman and Cindy LeBlanc, Marden Lane (Muriel Estates)
Eric Mitchell, DAR Builders (Crowley Woods)
Penny Williams, Tri-Town Times
Others unknown to this recording secretary

Chairman Sullivan called the meeting to order at 7:02 pm.

Chairman Sullivan noted Mr. Hume is the alternate for Mr. Weider.

Meeting Agenda

General Business

- Review and sign invoices and time sheets.
- Review and approve minutes for 11/1/17.
- Discuss and approve contract for RSMS.
- Reset LOC/construction bond amount for Cedar View Estates/ Hemlock Lane construction.
- Discuss maintenance bond for Isaac Foss Road.
- Review spreadsheet of Road Sureties.
- Discuss status and proposed timeline of Chester's RSMS by SNHPC.

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- Review CIP submittals so far.
- Poll the Board re: attendance for December CIP meetings and schedule meetings with BOS, Budget Comm. and Departments.

7:00 PM – Appointments

Norman and Cindy LeBlanc re: Surety for Marden Lane (Muriel Estates).

7:15 PM – Public Hearings

1. 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 and 30-7 off Crowley Road, Candia, NH.
 - Discuss deeding of Candia portion of the roadway to Chester for plowing and maintenance.
 - Resolve who will be responsible for the maintenance of the storm water management structures for NH DES AoT permit.

Future Meeting Dates:

December 6, 2017 – CIP Review

December 13, 2017 – CIP Review

December 20, 2017 – CIP Review

Review and approve minutes for 11/1/17.

The Board reviewed the minutes of the November 1, 2017 meeting.

Mr. Snyder made a motion to accept the minutes of the November 1, 2017 meeting as presented; Mr. Buckley seconded the motion. Motion approved, 5-0-0.

7:00 PM – Appointments - Norman and Cindy LeBlanc re: Surety for Marden Lane (Muriel Estates).

Mr. and Mrs. LeBlanc joined the Board at the meeting table at 7:04 pm.

Mr. Hadik explained to the Board that the LeBlancs are present to discuss the letter of credit for Marden Lane, Muriel Estates subdivision, a four-lot subdivision on Towle Road, Chester.

Mr. Hadik said that the original bond estimate for Marden Lane was done in 2004. Mr. Hadik explained that he was concerned that the bond amount had become insufficient to complete the construction, and he noted that he had Mr. Adler review the road and recalculate a newer completion estimate in 2015. Mr. Hadik said that it had been determined that the bond estimate had gone from \$14,900 to \$28,350. He said that the letter of credit for \$14,900 has expired, so there is no surety for this subdivision.

Mr. Hadik further explained to the Board that after discussions with the LeBlancs and the Board's legal counsel, the road cannot be changed into a private road per the request by Mr. & Ms. LeBlanc.

Ms. LeBlanc addressed the Board; she explained that because of changes in bank personnel, no letter reminding the LeBlancs was sent. Ms. LeBlanc said that the letter of credit also has a mistake by the

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bank referencing a different subdivision. She said that she will be meeting with the bank on Friday to get everything fixed. She also noted they might be completing the construction in the following year.

Mr. Hadik said that he had reached out to two individuals at the bank two times, however, never received a response.

The LeBlancs and the Board discussed the regulations and other aspects of the bond estimate changes from 2004 to the present.

Mr. Snyder asked the LeBlancs if, when they get the paperwork corrected with the bank, if the bond estimate of \$28,350 is still accurate, will this work for them.

The LeBlanc said that it would work for them, though there was some discussion whether the cost budgeted for As-Built drawings was estimated too high. The LeBlanc's might obtain a cost estimate to refine that amount in the cost estimate.

Chairman Sullivan confirmed that the Board is comfortable letting this continue without any action until the LeBlancs get this matter resolved.

The LeBlancs departed the meeting at 7:21 pm.

7:15 PM – Public Hearing

1. 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 and 30-7 off Crowley Road, Candia, NH.

- **Discuss deeding of Candia portion of the roadway to Chester for plowing and maintenance.**
- **Resolve who will be responsible for the maintenance of the storm water management structures for NH DES AoT permit.**

Mr. Snyder made a motion to reopen 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 and 30-7 off Crowley Road, Candia, NH; Mr. Buckley seconded the motion. Motion approved, 5-0-0.

The Public hearing was opened at 7:22 pm.

Mr. Mitchell came before the Board.

Mr. Mitchell addressed the Board and the Public noting that the subdivision is going before both the Candia and Chester Planning Boards. He then updated the Chester Planning Board on his most recent meeting at the Candia Planning Board on November 15, 2017.

Mr. Mitchell explained that the Candia Planning Board's process for a new subdivision is to have the applicant submit a preliminary plan upon which they do a review. He noted that when the Candia Planning Board feels the preliminary plan is "good enough," they will ask for the applicant to file an application for a formal final subdivision.

Mr. Mitchell said that the Candia Planning Board had some issues that need to be addressed, mostly dealing with the condition of Crowley Road, and that he is scheduled to be back at the Candia Planning Board on December 20, 2017. Mr. Mitchell said that the Candia Planning Board is reviewing the preliminary application and will let him know when the Board is ready to have him submit the formal final application for the subdivision.

Mr. Mitchell said that one of the issues that he would like to have the Chester Planning Board address tonight is to consider the deeding two short portions of the roadway that are in Candia to the Town of Chester for plowing and maintenance purposes.

Mr. Mitchell explained the concern from the Candia Planning Board that, after many years, the agreement for Chester to maintain the two sections of the roadway that access Crowley Woods running through Candia into Chester may be disregarded. Mr. Mitchell said that he had suggested to the Candia Planning that those sections of road in Candia be deeded to Chester. He said that the Candia Planning Board had said that they would agree to this suggestion, but that the Candia Planning Board needs to have a formal response from the Chester Planning Board agreeing to the deeding of the road sections.

Mr. Snyder asked if there was a legal opinion on the deeding of part of a roadway that is in one town to a different town, that “will survive the test of time.” He asked who must approve this deed.

Mr. Hadik said that a quit-claim deed would be prepared that is reviewed by the Board of Selectmen’s council.

Mr. Mitchell, Mr. Hadik, and the Board discussed the process by which the portion of the road in Candia would be deeded to Chester.

Mr. Mitchell said that he needs documentation that he can bring to the Candia Planning Board that shows them that the Chester Board agrees with deeding the road portion to Chester.

Mr. Snyder said that he doesn’t feel comfortable just saying yes. He explained he would say that he agrees with the idea if there is a dual attorney (both Candia’s and Chester’s attorney) review of the request.

Mr. Hadik explained that a legal review should be funded by the applicant. He suggested that the Planning Board might state they are not opposed to the concept of the access road to Crowley Woods that is in Candia being deeded to the Town of Chester with the caveat being “pending legal review,” additionally noting that the Planning Board does not speak for the Board of Selectmen.

Chairman Sullivan polled the Board asking if any Board member is opposed to agreeing to the concept of deeding the two portions of the access road to Crowley Estates (that run through Candia before going into Chester) pending legal review. All members said that they are good with the plan as discussed, and are not opposed.

Mr. Mitchell brought up a second item that he wished to have the Planning Board address: resolution of responsibility for the maintenance of the storm water management structures for NH DES AoT permit.

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Mr. Mitchell said that it is necessary to clarify for the State whether the Town will plow the road, and maintain the retention ponds and clean out the catch basins, or if an association needs to be formed to take on these responsibilities.

Mr. Snyder said that at the meeting when this was last discussed, the last Public hearing, the Chester Road Agent Mr. Mike Oleson (who is not present at this meeting tonight) took part in the discussion about these responsibilities, and at that time the consensus was that there wasn't a need to require an association for this; it was noted that Mr. Oleson had said that the Town would take on those responsibilities.

Mr. Hadik noted there have been at least two prior Board discussions about this issue, and there has been no interest in requiring the formation of associations to be responsible to maintain storm water management structures. He said that there has been no Board opposition to being responsible for those drainage structures because historically the Town has been responsible for maintaining all previously approved drainage structures.

Mr. Hadik noted this is a reality for which the Road Agent is already budgeting for.

Mr. Mitchell said that he will be in front of the Candia Planning Board on December 20, 2017.

Mr. Buckley asked Mr. Mitchell if there is a possibility of Candia requiring changes to the preliminary plans that will affect the Chester plans.

Mr. Mitchell said that he didn't foresee there would be anything that would change for Chester. He noted that the Candia Town Engineer, who has already reviewed the preliminary plans, is concerned with the roads that are in Candia. Mr. Mitchell elaborated on the Candia Crowley Road concerns listing them as: drainage, he said that all the drainage is away from Crowley Road, the condition of Crowley Road, the line of sight distance on Crowley Road, the extra traffic on Crowley Road, and a shim of the entire length of Crowley Road with a one and one-half inch wearing course to put down on Crowley Road.

Mr. Mitchell said that another concern of Candia's Board and Public is the width of Crowley Road. He noted the road is 18 to 20 feet wide right now. He said that per the American Association of State Highway and Transportation Officials (AASHTO), the width of Crowley Road, now, with the currently low traffic volume, is acceptable, but that per Candia's regulations, with the increased traffic from the subdivision, the road will become an "arterial road" per Candia's regulations, and will then be required to be wider per their regulations.

Mr. Mitchell said they need to show what they can do to the road besides paving it. He said there are 20 to 27 trees along Crowley Road, half of which he noted are dead, which may have to be removed for safety reasons. He said the speed limit is currently posted at 25 mph.

Mr. Mitchell and the Board discussed the negative relationship between improving a road and the resulting increased traffic speeds, as well as increasing the traffic volume and those resulting safety issues.

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Mr. Hadik noted that some plan changes have been made and that the Board has not yet received those amended plans.

Mr. Mitchell asked that they be put on the agenda for the second Chester Planning Board meeting in January 2018.

The Board and Mr. Mitchell discussed coordinating the plan reviews and meetings between the two towns.

Mr. Mitchell noted, to have the plans recorded, both Candia and Chester must sign off on both town's sets of plans.

Mr. Buckley emphasized it is very important to incorporate Candia's conditions into Chester's conditions of approval. He said it is important to have one set of plans with all conditions of approval from both Towns on one set of plans.

Mr. Mitchell said the Chester set of plans shows all the plans, and that Candia's plan set only shows Candia's side of the development. Mr. Mitchell said that they would have to work through it.

Mr. Snyder asked who gets to decide if Crowley Road is safe enough or not. He asked if the Chester Board were to decide that those improvements to Crowley Road, in the opinion of Chester Planning Board, aren't safe enough, would the Chester Board have to convince the Candia Board of those problems.

The Board discussed merging the conditions of approval, organizing the order of operations between the two Towns, and working in agreement with Candia to create an agreed upon set of plans, and plan for the construction process.

Mr. Buckley said that he thinks a conversation should be had with the Candia Planning Board about these issues, rather than having Mr. Mitchell act as the go-between, conveying information back and forth.

Chairman Sullivan asked for Public comment.

Mr. Landau came before the Board to speak.

Mr. Landau said that he lives on Candia Road. He explained that because Candia Road is the only road that feeds into the Crowley Woods subdivision from Chester, all the services necessary to go into the Crowley Woods subdivision including fire trucks, plows trucks, road grading equipment, and school buses, must travel Candia Road past about 30 homes on Candia Road. Mr. Landau noted that he is one of a few abutters to Crowley Woods and was therefore the only Chester resident living on Candia Road notified of the subdivision. He said that he believes that only notifying the one abutter on Candia Road out of all the residents who live on Candia Road was a huge mistake.

Chairman Sullivan asked Mr. Landau if notifying the abutters only is the common practice.

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Mr. Landau said that that is the common practice, but, said that it would be a courtesy to tell the Chester residents living on Candia Road that all the services that will be traveling that section of road.

Mr. Landau said that the Candia Planning Board is packed with Candia residents; he noted that the Chester residents living on Candia Road in the section where there is only one way to travel into Crowley Woods should also be made aware of the subdivision.

Mr. Landau addressed the issue of the Candia Planning Board and the Chester Planning Board working together by attending each other's Board meetings because this is a subdivision of a major regional impact. He is asking that a Planning Board member attend the December 20th meeting in Candia.

Mr. Snyder noted that Mr. Landau had made some good points about being involved with Candia's meetings; he explained that the Board has been aware of the meetings and that they have been sending representation from the Chester Planning Board to the Candia meetings.

Mr. Hadik pointed out that Ms. Richter had attended Candia's Public Hearing on Crowley Woods on November 15. He also noted that both Boards share documentation with one another.

The Board and Mr. Landau had more discussion about Mr. Landau's suggestion of notifying the residents of Candia Road from the intersection of Shattigee and Birch Road up to Crowley Road, as well as, discussing what the scope was of the traffic study that was done, whether that included Candia Road, and if the study addressed the capacity of Candia Road.

Mr. Landau volunteered to pay to have the notices sent to the residents living on the discussed section of Candia Road.

The Board and Mr. Hadik had more discussion regarding the oversight of the Crowley Woods subdivision. Mr. Hadik pointed out that Chester and Candia are also working with Sylvia von Aulock, SNHPC, who has been attending the Candia meetings. He noted that the conditions of approval are already nine pages long, incorporating conditions addressing the multitude of concerns already raised at previous meetings.

Mr. Hadik asked the Board their opinion was on notifying the non-abutting residents on Candia Road. The Board said at this point they would not notify non-abutters. Mr. Buckley said they should try to get the word out; he suggested using the Chester Front Porch page on Face Book. Mr. Snyder suggested a flyer.

Mr. Landau said that he appreciated their consideration.

Mr. Gustin came before the Board to speak at 8:30 pm.

Mr. Gustin asked why the west entrance road into Crowley Woods is not centered in the lot through which it is drawn. He explained that his property abuts the lot with that road and that he "didn't buy a lot in the middle of nowhere on a scenic road to abut a 60-lot subdivision." He noted that he has a two-year old.

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Mr. Mitchell addressed the question saying that he believes it is to get the best line of sight distance for the road. The Board asked Mr. Mitchell if the road could be moved further into the lot on which it is drawn to create a larger buffer from Mr. Gustin's property. Mr. Mitchell said he would consider moving the road.

Mr. Gustin asked if AASHTO will be changing Candia Road classification because of the increased traffic. Mr. Hadik said that Candia Road is considered one of Chester's major arterial roads that isn't a State road.

As there was no more Public comment, Chairman Sullivan called for a motion to continue the Public hearing.

Mr. Snyder made a motion to continue 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 and 30-7 off Crowley Road, Candia, NH, to January 10, 2018 at 7:15 pm; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

Reset LOC / construction bond amount for Cedar View Estates / Hemlock Lane construction.

Mr. Hadik reviewed with the Board the documents regarding the new correct bond estimate for Cedar View Estates / Hemlock Lane construction; he noted the correct bond estimate was \$191,400.

Mr. Buckley made a motion that based on the November 1, 2017 letter to reduce the construction bond estimate for Cedar View Estates/Hemlock Lane to \$191,400; Mr. Snyder seconded the motion. Motion approved, 5-0-0.

Discuss maintenance bond for Isaac Foss Road.

Mr. Hadik explained to the Board that there will not be a maintenance bond on Isaac Foss Road. He noted that the road cannot be accepted by the Town until the annual public hearing for new road acceptances held every April, and must be maintained by the owner until that time.

Review spreadsheet of Road Sureties.

Mr. Hadik distributed and reviewed with the Board the Road surety's spreadsheet.

Poll the Board re: attendance for December CIP meetings and schedule meetings with BOS, Budget Comm. and Departments.

Mr. Hadik and the Board discussed how many meetings to hold in December. The Board agreed to holding the December 6 and December 13 meetings.

Mr. Snyder suggested waiting until the December 13, 2017 meeting to decide if they need to hold a meeting on December 20th, or if they can attend the Candia Planning Board meeting.

Review CIP submittals so far.

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Mr. Hadik and the Board reviewed and discussed various sections of the CIP.

Discuss status and proposed timeline of Chester's RSMS by SNHPC.

The Board and Mr. Hadik discussed the RSMS project that is set to begin data collection out in the field on Tuesday, December 5. They reviewed the proposed timeline of tasks and expected completion date; Mr. Hadik pointed out that the timeline could change due to early snow, which would extend the timeline / completion date.

Mr. Buckley asked if the study was going to prioritize the road work. The Board discussed the value of the RSMS and whether the \$70,000 study is the best tool they can use to get the highway / road information they need.

Mr. Hadik said that the goal is to have the study completed before the Annual Town Meeting, so it can be used to help prioritize the Highway CIP projects to be submitted at this meeting.

Mr. Buckley said that something went wrong if we are only doing a \$10,500 RSMS. This isn't the \$70,000 engineering study which was proposed at Town meeting.

Mr. Hadik said that the SNHPC and the NH DOT feel very strongly that the RSMS is the most economical process a Town can use to determine where to target its road repair resources. Once completed, the RSMS will help identify where additional resources should be targeted such as certain proposed improvements requiring substantial engineering design.

The Board and Mr. Hadik had much discussion and debate about the benefit of the RSMS.

Mr. Hadik reiterated the RSMS is a very cost-effective focusing tool, to help identify and focus on where additional engineering resources should be spent. He noted that the Board only became aware of the opportunity to have an RSMS done by SNHPC after Town Meeting was held.

Mr. Hadik noted at the Planning Board meeting when the RSMS was presented as a tool to target road repairs (for which the Town would only pay half and NH DOT would pay the other half), everyone, including some of the Selectmen and Budget Committee members who were in attendance, agreed that this was a great option to get the road reconstruction process started. He said that no one objected to the RSMS option at the time. He also noted that he expects there will be more focused engineering studies & expenses required for the more complex reconstruction projects.

Adjournment

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

The meeting was adjourned at 9:32 pm.

Respectfully submitted,

C. Molly Qualters

Recording Secretary