

1 These Minutes are subject to possible revisions/corrections during their review
2 at a subsequent Planning Board Meeting.

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4 **CHESTER PLANNING BOARD MINUTES**
5 **WEDNESDAY, FEBRUARY 24, 2010**

6
7 Members Present:

8 Regular

Absent

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11 Evan Sederquest, Vice Chair (Sederquest)
12 Andrew Hadik (Hadik)
13 Liz Richter (Richter)

Brian Sullivan, Chairman (Sullivan)
Richard Snyder (Snyder)

Michael Jung (Jung)
Rob Brown, Ex-Officio (Brown)

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16 Alternate

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19 Raymond Boyden (Boyden)

Michael Weider (Weider)

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21 Staff

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23 Cynthia J. Robinson, Planning Coordinator (Coordinator)

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25 Vice Chairman Sederquest called the meeting to order at 7:00 P.M.

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27 Vice Chairman Sederquest announced that Alternate Raymond Boyden would be sitting
28 in for Regular Member Richard Snyder.

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30 **CONTENT**

- 31
32
33 1. Accept Minutes of January 27, 2010, February 3, 2010 and February 10, 2010.
34
35 2. Gary Lamy – conceptual discussion regarding the subdivision of the Dolloff
36 property on Halls Village Road.
37
38 3. The Home Business Application of Richard and Natalie Lewis who are requesting
39 approval for a home office and to park a logging truck at 135 Haverhill Road
40 (015-013-000).
41
42 4. Review first draft of Town Report.
43
44 5. Review of Warrant Article and comments by Selectmen’s legal counsel.
45
46 6. Proposed zoning amendments – “New” septic system replacement
47 Table 1 (C2)
48 New Light Commercial/Limited Light Industrial

MINUTES

Accept Minutes of January 27, 2010, February 3, 2010 and February 10, 2010

- Board members reviewed the Minutes of January 27, 2010. **MOTION:** Hadik made a motion to accept the Minutes of January 27, 2010 as written. Richter seconded. Three ayes [Hadik, Boyden and Sederquest] and one abstention [Richter]. Motion passed.
- Board members reviewed the Minutes of February 3, 2010. Richter noted in lines 157-158 after the word “grant” remove the words “a the” and make the word “Permit” plural. **MOTION:** Hadik made a motion to accept the February 3, 2010 Minutes as amended. Richter seconded. Motion passed unanimously.
- Board members reviewed the Minutes of February 10, 2010. Richter noted in line 40 there is no apostrophe in the word “Hick’s”, in lines 87-88 the word “off set” is one word, line 90 the word “standard” should be plural, line 96 remove the comma after the word “section” and add a comma after the word “require”, Hadik added a hyphenate in the word “cross section”, line 102 the word “over seen” is one word, consensus was to change the word “overseen” to “governed”, line 147 add an apostrophe to the word “counsels”, line 162 remove the comma after “Election”, line 167 add a comma after the word “limited”, line 171 add the word “to” after the word “talk”, line 185 add an apostrophe to the word “counsels”, line 192 the word “base line” is one word, line 200 replace the comma with a semicolon after “their job”. Hadik asked to add the following to line 197. After the first sentence add, “Hadik polled the Board as to whether the Club would need a site plan review if they were to make modifications to reduce the noise for abutters. The Board consensus was it would not.” Second sentence after “Hadik” remove the word “will” and add “asked the Board if it was okay to share counsel’s opinion that the Club should have been required to do a site plan review, and to ...”. Consensus of the Board was these statements were correct. **MOTION:** Hadik made a motion to accept the Minutes of February 10, 2010 as amended. Boyden seconded. Motion passed.

Gary Lamy – conceptual discussion regarding the subdivision of the Dolloff property on Halls Village Road

2. Gary Lamy and Christopher Lamy came before the Board to discuss a conceptual subdivision plan for the Dolloff property on Halls Village Road (2-55- & 2-55-1). Mr. Lamy presented the Board with a conceptual drawing for four (4) lots and noted there are two existing houses on Lot 2-55. Mr. Lamy stated that some of the conservation land would be used as area for one of the four lots. Hadik asked Mr. Lamy if he was planning on subdividing the conservation land (2-55-1). Mr. Lamy stated no, they would just be using the area and frontage from that parcel for one of the lots. Hadik discussed the shared well on Lot 2-55 near the cape and stated the well at the farmhouse

96 became contaminated years ago. Mr. Lamy stated there are three (3) wells
97 on Lot 2-55-1. Hadik stated he would want an opinion from counsel regarding
98 the use of Lot 2-55-1 as part of the subdivision of 2-55 because of the
99 conservation easement and the parcel is already a lot of record. Hadik
100 discussed the plan to use 2-55-1 as open space for an open space
101 subdivision in order to get around the lack of frontage. The Coordinator
102 noted that in order to do an open space subdivision their needs to be 25
103 acres, this plan only has 16 acres. The Coordinator questioned whether a
104 one acre parcel could be subdivided out of 2-55 and attached to 2-55-1 to
105 create a buildable lot. Hadik reiterated the need to speak to counsel
106 regarding the terms of the easement. Mr. Lamy explained how the lots would
107 be subdivided noting that the by-laws state he can use the frontage of Lot 2-
108 55-1 provided it is contiguous. Mr. Lamy stated that Tim Peloquin, LLS also
109 stated this. The Coordinator questioned how the Board can approve a one
110 acre lot on 2-55.

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The Home Business Application of Richard and Natalie Lewis who are
113 **requesting approval for a home office and to park a logging truck at 135**
114 **Haverhill Road (015-013-000)**
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117 3. Vice Chairman Sederquest opened the public hearing for the above
118 Application. Mr. Richard Lewis and Attorney Steve Clark were present for this
119 hearing. Attorney Clark explained the reason Mr. Lewis is before the Board is
120 because he attempted to register his business vehicles at his home address
121 and was denied even though he has been doing this since the 1970's.
122 Attorney Clark noted that nothing with the business has changed. Attorney
123 Clark stated that Mr. Lewis is asking to do what he has always done.

124
125 Hadik stated he thought this policy was no longer being enforced. Richter
126 explained to Attorney Clark how this policy came about. Attorney Clark stated
127 he has spoken to the Department of Motor Vehicles regarding the local
128 registering agent [Town Clerk] being involved with zoning enforcement.

129
130 Abutters were asked for comment. One resident expressed concern about
131 not being able to register vehicles in the town where one lives. Mike Willinsky
132 stated he is an abutter to Mr. Lewis and has no issue with what Mr. Lewis is
133 requesting. Mr. Willinsky noted that this practice is forcing residents to go out
134 of town to register their vehicles resulting in lost revenue for the Town.
135 Several other abutters noted that the equipment is shielded from public view
136 by the way the equipment is parked. Hadik noted that this enforcement
137 mechanism is being used to rein in those businesses that have expanded
138 beyond what is permitted in the residential zone. Attorney Clark stated for the
139 record that with enforcement there is the "reasonableness" to enforcing a
140 zoning ordinance noting Mr. Lewis has operated in the same manner since
141 his business started and a court would recognize this. Attorney Clark stated
142 the Applicant is here because he has no other choice not because he agrees
143 with the policy.

144 Board members went down the Checklist with the Applicant. Hadik read the
145 individual questions and Mr. Lewis answered “True” to each question. Hadik
146 asked Mr. Lewis about the equipment he will have on site. Mr. Lewis stated
147 the tractor is a farm [industrial] tractor with a bucket and a logging truck. Mr.
148 Lewis described the screening on each side of the equipment, as it currently
149 exists. An abutter stated that she would not want any additional screening
150 noting all you can see from the road is the front of the truck. Consensus of
151 the Board is screening is not an issue but by virtue of past practice a
152 condition regarding screening will be set. Equipment on-site will be a farm
153 tractor with bucket and a logging truck. **MOTION:** Hadik made a motion to
154 close the Public Hearing. Richter seconded. Motion passed unanimously.
155 **MOTION:** Hadik made a motion to approve the Home Business Application
156 of Richard and Natalie Lewis to operate a home office and park a logging
157 truck at 135 Haverhill Road subject to the conditions limiting the equipment to
158 a farm tractor with a bucket and a logging truck and screening of the
159 equipment by natural or man made material. Boyden seconded. Motion
160 passed unanimously. Vice Chairman Sederquest will sign the Permit
161 tomorrow morning and Mr. Lewis will have someone pick it up around 9:00
162 A.M.

163
164
165 **Review first draft of Town Report**
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- 167 4. Hadik asked to have the draft Town Report emailed to members so they
168 could review it outside of a meeting as they have done in the past and then
169 discuss it at a future meeting. The Coordinator will email the Report to Board
170 members.

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172
173 **Review of Warrant Article and comments by Selectmen’s legal counsel**
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- 175 5. The Coordinator noted the change recommended by the Board of
176 Selectmen’s legal counsel regarding the Warrant Article being presented by
177 the Planning Board. Hadik reviewed the letter from legal counsel and the
178 Warrant Article as submitted by the Planning Board. Hadik recommended
179 adding to the original Warrant Article after the word “study” the words “for
180 safety and traffic improvements...”. Consensus of the Board was to go along
181 with the recommended change. The Coordinator will present the change to
182 the Finance Director tomorrow.

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184
185 **Proposed zoning amendments – “New” septic system replacement,**
186 **Table 1 (C2) and New Light Commercial/Limited Light Industrial**
187

- 188 6. Table 1 (C2) – The Coordinator pointed out to the Board that the dimensions
189 and area requirements for the C2 zone are not mentioned in Table 1. The
190 Coordinator asked the Board if they want to add C2 to the C1 zone
191 requirements or work on changes while updating the site plan review

192 regulations. Hadik noted that based on what is allowed in the C2 zone, the
193 C1 requirements would not work. Hadik recommended addressing this issue
194 next year because too much research needs to be done regarding industrial
195 structures. Consensus of the Board is to go with Hadik's recommendation.
196 Hadik questioned the 30 foot height limitation on commercial buildings. The
197 Coordinator will check past ordinances to see if the 30 feet is a typographical
198 error.

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200 "New" septic system replacement - The Coordinator reminded Board
201 members about the discussion as to what is considered "new" when it came
202 to existing systems that could not meet current zoning because the lot was
203 too small. The Coordinator expressed concern about amending this section
204 and allowing all lots to be exempt. Board members discussed possible '
205 wording changes. Hadik suggested a footnote that states, "Pre-existing
206 systems on a non-conforming lot that do not have, in the opinion of the
207 designer, any other option for relocation of the system shall not be subject to
208 this constraint." The Coordinator will present this proposed amendment to the
209 Board next week for a vote to go to a public hearing.

210
211 New Light Commercial/Limited Light Industrial – Board members reviewed
212 Tax Map 13 for lots to expand the C2 zone. Lots being considered are 13-12,
213 13-6-2 and 13-10. Hadik asked to have the description of the lots that back
214 up to the Exeter River end at the 300 foot setback from the river.
215 Board members discussed reasons for adding these lots to the zone were,
216 they are near the current C2 zone, Transfer Station and State Highway
217 Garage. The Coordinator stated the area being discussed is part of the
218 recommended area for a commercial/industrial zone noted in the Master Plan.
219 Hadik recommended moving forward with the addition of these lots to the C2
220 zone because it will give the land owners more options for the use of their
221 land. The Coordinator will work on these proposed amendments for next
222 weeks meeting. The Coordinator noted that this proposal is for future land
223 use, if the property owner wants to leave it residential for now they can.

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225 **MOTION:** Richter made a motion to adjourn at 8:55 P.M. Hadik seconded. Motion
226 passed unanimously.

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Respectfully submitted,

Cynthia J. Robinson
Planning Coordinator

Dates of upcoming meetings:

March 3, 2010

March 10, 2010

March 24, 2010