

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, MARCH 24, 2010**

6
7 Members Present:

8 Regular

Absent

9
10 Brian Sullivan, Chairman (Sullivan)

11 Evan Sederquest, Vice Chair (Sederquest)

12 Andrew Hadik (Hadik)

13 Liz Richter (Richter)

Richard Snyder (Snyder)

Michael Jung (Jung)

Rob Brown, Ex-Officio (Brown)

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16 Alternate

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18 Michael Weider (Weider)

19 Raymond Boyden (Boyden)

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21 Staff

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23 Cynthia J. Robinson, Planning Coordinator (Coordinator)

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25 Chairman Sullivan called the meeting to order at 7:10 P.M.

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28 **CONTENT**

29
30 1. Accept Minutes –February 24, 2010 and March 3, 2010.

31
32 2. Finalize letter to Board of Selectmen regarding Chester Rod & Gun Club.

33
34 3. Discussion on providing the public with an explanation of what each of the zoning
35 amendments is for and the warrant article.

36
37 4. Chairman discussing resident comment about road conditions.

38
39 7:45 P.M. – Public Hearing

40
41 5. The Subdivision Application of Nicoll Living Trust, Robert T. & Marcia F. Nicoll
42 Trustees, who are requesting subdivision approval for a two (2) lot subdivision
43 located at 160 Harantis Lake Road (001-056-000).

44 a. Acceptance of Application

45 b. Public Hearing

- 47 6. The Home Business Application of Robert & Marcia Grieco who are requesting
48 approval to operate an auto repair shop at 35 Shepard Home Road (013-025-
49 002).
50
51 7. Discussion on Building Permit Fees.
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53 8. Discussion regarding sign ordinance.
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56 **MINUTES**
57

58 **Accept Minutes –February 24, 2010 and March 3, 2010**
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- 60 1. Due to not enough members being at this meeting who were at the February 24,
61 2010 meeting, these Minutes could not be accepted tonight. They will be placed
62 on the agenda for April 28, 2010.
63

64 Board members acknowledged the non-meeting of March 3, 2010 due to the lack
65 of a quorum.
66

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68 **Finalize letter to Board of Selectmen regarding Chester Rod & Gun Club**
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- 70 2. Board members reviewed the draft letter to the Board of Selectmen regarding
71 Chester Rod & Gun Club. Hadik asked to add an explanation that states the time
72 period for appealing the decision had expired when the complaint was filed.
73 Hadik also wanted to add that the Rod & Gun Club told him they would
74 voluntarily work with the Planning Board. The Coordinator stated after tonight
75 the Board doesn't meet until April 28, 2010 so the final letter will have to be
76 approved tonight and Chairman Sullivan will have to come into the office and
77 sign the revised letter. After Board discussion, Hadik proposed additional
78 wording and consensus of the Board was to go along with the changes. The
79 Coordinator asked if a copy of legal counsel's letter could be given to the Code
80 Enforcement Officer. After discussion, consensus of the Board is to give the
81 Code Enforcement Officer a copy of the letter.
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84 **Discussion on providing the public with an explanation of what each of**
85 **the zoning amendments is for and the warrant article**
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- 87 3. The Coordinator explained to Board members that at the Department Head
88 meeting she was asked by a selectman if the Planning Board was going to
89 provide the voters with an explanation regarding the zoning amendments and
90 warrant article. Chairman Sullivan asked why this came up. The Coordinator
91 stated that Selectman Landau said residents were asking him about the
92 proposed amendments. After some Board discussion, Hadik stated he would
93 take a shot at drawing up the explanations for the next Planning Board meeting.
94 The Coordinator will email a reminder to Hadik.

Chairman discussing resident comment about road conditions

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97 4. Chairman Sullivan told Board members about his conversation with Colin Costine
98 regarding the condition of town roads and possible changes to the design and
99 construction standards. Chairman Sullivan suggested inviting Mr. Costine in to
100 talk to the Board regarding this topic. The Coordinator suggested the first
101 meeting in May. Hadik asked if anyone knows whether the Road Agent has
102 drainage calculations done when he up sizes a culvert. The Coordinator stated
103 the Road Agent has talked to her on several occasions about having DuBois &
104 King look at a site that he is considering increasing the culvert size. The
105 Coordinator will speak to the Road Agent about this question.
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108 **Public Hearing**

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110 **MOTION:** Richter made a motion to open the Public Hearing. Sederquest seconded.
111 Motion passed unanimously.
112

113 **The Subdivision Application of Nicoll Living Trust, Robert T. & Marcia F. Nicoll**
114 **Trustees, who are requesting subdivision approval for a two (2) lot subdivision**
115 **located at 160 Harantis Lake Road (001-056-000)**

- 116 5. Acceptance of Application – Board members reviewed the Subdivision
117 Application for the Nicoll Living Trust for completeness. **MOTION:** Hadik made a
118 motion to accept the Subdivision Application of the Nicoll Living Trust and open
119 the Public Hearing. Richter seconded. Motion passed unanimously.
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121 Public Hearing - Brian Nicoll is representing the Applicant. Craig Bailey,
122 Engineer, gave the Board an overview of the proposed two lot subdivision
123 located on Harantis Lake Road. Mr. Bailey stated there is already an existing
124 house on the property. Mr. Bailey stated there would be no impact on the
125 wetlands. Hadik noted the building envelope is very small and any builder should
126 be made aware of the setback from wetlands. The Coordinator pointed out lines
127 on the plan that are close to numbers and the registry is very fussy about this.
128 The Coordinator stated DuBois & King has not reviewed the plan to date.

129 Chairman Sullivan asked for abutter input. One abutter asked how many houses
130 are being proposed and could they review the plan. Mr. Nicoll explained the plan
131 to the abutters.

132 **MOTION:** Sederquest made a motion to continue the Subdivision Application of
133 the Nicoll Living Trust to Wednesday, April 28, 2010 at 7:45 P.M. Hadik
134 seconded. Motion passed unanimously.
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139 **The Home Business Application of Robert & Marcia Grieco who are requesting**
140 **approval to operate an auto repair shop at 35 Shepard**
141 **Home Road (013-025-002)**
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- 143 6. Robert and Marcia Grieco were present for this hearing. Board members
144 reviewed the Application. Chairman Sullivan explained the Applicant is
145 requesting approval to operate an auto repair shop that will include brakes,
146 struts, exhaust systems, oil changes, wheel alignment, complete mechanical
147 repair and state inspections. No auto body work will be performed at this site.
148 The work will take place in the garage. Hadik had concerns relative to vehicles
149 being stored and used for parts and the stock piling of parts. Hadik also noted
150 that all fluids must be disposed of in a proper manner. Chairman Sullivan
151 expressed concern about what the difference is between a commercial auto
152 repair shop and an auto repair shop as a Home Business relative to any
153 contractual arrangements for the disposal of fluids. Hadik noted that this Home
154 Business is different than others that the Board has looked at because of the
155 generation of hazardous waste [batteries, oil, anti-freeze, brake shoes, etc].
156 Hadik questioned what governs this type of a business. Hadik recommended a
157 site walk. Abutter Maureen Lein recommended the Applicant go to the NH
158 Department of Environmental Services (NHDES) Hazardous Waste Division
159 website for guidance on what they have to do to dispose of these materials.
160 Chairman Sullivan recommended the Applicant get these answers before they
161 start the business. Hadik stated by disposing of the materials the proper way and
162 having the documentation from the beginning the Applicant would limit the liability
163 issue for a future buyer.
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165 Ms. Lein expressed her concern about possible contamination of the Exeter
166 River corridor where the sand in this area is very penetrable and recommends to
167 the Board that any storage of hazardous materials, whether they are going into
168 the vehicle or are considered hazardous waste, be stored inside the building.
169 Ms. Lein also recommended limiting the number of vehicles that can be stored on
170 the property. Ms. Lein feels this is a large business for a neighborhood, she sees
171 it more as a commercial business than a Home Business. Hadik noted that this
172 type of a business is not prohibited. Mr. Grieco stated he would have a
173 maximum of five vehicles at one time. Chairman Sullivan suggested Mr. Grieco
174 look at secondary containment. Hadik recommended the Board look at the
175 Groundwater Protection Ordinance as it relates to this business.
176

177 Board members will go on a site walk on Saturday, April 10, 2010 at 8:00 A.M.
178 Ms. Lein asked if the public could attend the site walk. Mr. Grieco stated it was
179 fine with him. The Coordinator will send the Board a reminder.
180

181 **MOTION:** Sederquest made a motion to continue the Public Hearing to
182 Wednesday, April 28, 2010 at 7:45 P.M. Motion passed unanimously.
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184 **MOTION:** Hadik made a motion to close the Public Hearing. Sederquest
185 seconded. Motion passed unanimously.
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187 While waiting for Sederquest to return to the table, Board members had an
188 impromptu discussion about the Groundwater Protection Ordinance, as it relates
189 to a home business. No decisions were made.

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Discussion on Building Permit Fees

194 7. The Coordinator brought to the Board's attention the Permit Fee Schedule for the
195 Building Department where the fee for a Driveway Permit went from \$25.00 to
196 \$50.00 for a driveway improvement. The Coordinator pointed out the Driveway
197 Regulations, which includes the Fee Schedule is Planning Board jurisdiction not
198 the Selectmen. The Coordinator reminded the Board they held a public hearing
199 on this several months ago and voted to leave the fee at \$25.00. Hadik
200 questioned whether this should be made an issue of. The Coordinator stated
201 she does not feel the Board should relinquish their jurisdiction over what is their
202 responsibility.

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The Coordinator also expressed concern that Building Permit Fees might not be being set according to the Building Code. The Coordinator pointed out that the Building Code is specific as to how fees are set. Chairman Sullivan asked if other than Driveway Permits is someone else responsible for setting these fees. The Coordinator stated yes. Hadik suggested looking at possibly amending this part of the Building Code next year. Chairman Sullivan stated as legal counsel has pointed out, the Planning Board is limited as to their jurisdiction. Sederquest pointed out that this fee schedule is for existing buildings and the ICC methodology is for new construction. Hadik suggested a letter could be sent to the Board of Selectmen pointing out there is a methodology for setting building permits fees (for new construction) and that Driveway Permit Fees are the jurisdiction of the Planning Board.

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Discussion regarding sign ordinance

220 8. The Coordinator asked the Board for an interpretation of the Sign Ordinance.
221 The Coordinator stated it was her understanding from past use when it came to
222 signs the post that the sign hangs from was to be considered part of the square
223 footage of the sign. Hadik stated only when the sign was part of an elaborate
224 base. Hadik drew an example of this for the Board. Board members reviewed
225 the sign ordinance and the definitions relating to the sign ordinance. Following
226 discussion, it was the consensus of the Board the "sign structure" is not part of
227 the "sign area and size".

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March 24, 2010

234 **MOTION:** Richter made a motion to adjourn at 9:21 P.M. Sederquest seconded.
235 Motion passed unanimously.

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Respectfully submitted,

Cynthia J. Robinson
Planning Coordinator

Dates of upcoming meetings:

April 28, 2010

May 5, 2010

May 26, 2010