

1-24-24: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, January 24, 2024  
Approved Minutes**

**The meetings are broadcast live on Comcast Channel 6, and streamed on Government <https://reflect-chesterctv-from-nh.cablecast.tv/CablecastPublicSite/?channel=1> - click "Watch Now".**

**Members & Staff Present:**

Brian Sullivan, Chair  
Evan Sederquest, Vice Chair  
Elizabeth Richter, Member  
Richard Snyder, Member  
Eric Swanson, Alternate  
Selectman Chuck Myette, Liaison  
Andrew Hadik, Town Planner

**Members Absent:**

Mike Weider, Member

**Guests and Members of the Public Present:**

Chester PACT

**Meeting Agenda**

**7:00 PM – General Business**

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes of the 1/10/24 PB meeting.
3. Review & discuss drafts of proposed Subdivision and Site Plan Review amendments & vote on public hearing date.
4. Review & discuss drafts of proposed Zoning amendments.
5. Discuss situations where climate change impacts are exceeding subdivision stormwater design capacities.
6. Discuss suggestion to amend the ADU permitting process.
7. Review & discuss responses to the Selectboard's request for proposals (RFPs) for engineering services.
8. Discuss Emerson Road Extension conservation easement situation.

**7:00 PM – Appointments - None scheduled.**

**Public Hearings - None scheduled.**

**Non-Public Session**

1. RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board.

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## Meeting Minutes

Chair Sullivan called the meeting to order at 7:00 p.m. and announced that Mr. Swanson will sit in for Mr. Weider.

### 7:00 PM – General Business

#### 1. Review & approve invoices, sign documents, etc.

Documents and/or invoices were reviewed and signed.

#### 2. Review & approve the minutes of the 1/10/24 PB meeting.

*Mr. Snyder moved to approve the minutes of the 1/10/24 Planning Board meeting as written. The motion was seconded. A vote was taken. All were in favor except Selectperson Myette, who abstained. The motion passed 4-0-1.*

#### 3. Review & discuss drafts of proposed Subdivision and Site Plan Review amendments & vote on public hearing date.

Ms. Richter joined the Board at this time.

Mr. Hadik presented drafts of the proposed Subdivision and Site Plan Review amendments, with the changes discussed by the Board at the January 10<sup>th</sup> meeting.

Mr. Snyder questioned whether the RSAs prohibit creating a landlocked parcel during the approval of a subdivision with roads. Mr. Hadik will check with Attorney Bennett.

#### 4. Review & discuss drafts of proposed Zoning amendments.

Mr. Hadik presented drafts of the proposed Zoning amendments, with the changes discussed by the Board at the January 10<sup>th</sup> meeting.

- Mr. Hadik noted that Nancy Hoijer, the Administrative Assistant for the ZBA, brought to his attention that, having to request a Special Exception from the ZBA for an Accessory Dwelling Unit (ADU), might be considered a barrier to affordable and workforce housing and it also adds unnecessary costs for the applicants. At the recommendation of their committee on Affordable Housing, the Town of Exeter's planning board agreed to amend their zoning to remove this requirement. Mr. Hadik had discussed this with Building Inspector Bunker who supplied the language for the amendment to remove this requirement. The Board concurred with the concept and draft language for the amendment: 9.2- Approval Process:
  - *"Upon application to the Building Inspector, the addition of a single dwelling unit, within or attached to, a detached single-family dwelling, existing or proposed, at the time of*

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*application, shall be permitted by right, in any residential district, if the requirements of Article 9.4 of the Chester Zoning Ordinance are satisfied."*

- The Board discussed the definition of the term for lot "frontage." Mr. Snyder proposed rewording 2.30 – Frontage to:
  - *"The cumulative distance of a lot line along a Town-approved road that is Class V or better."*
- The language being proposed to be added to 5.3.5.3 – Frontage – Every lot shall have the minimum required frontage on a Class V or better Town-approved highway (see definition of Frontage in Article 2). (5/28/2023) reads:
  - *"Preexisting lots with frontage on more than one Class V or better roads may combine these frontages to meet minimum frontage requirements. All other dimensional requirements shall still apply."*
  - *In cases where a lot fronts on two roads, the front setback requirement prescribed for that zone shall apply to both sides fronting on a Class V or better roads, and the remaining sides shall conform to the prescribed side & rear setbacks. The "internal lots" of open space subdivisions shall be exempted from this specific requirement."*
  - *If a section of a Class VI road is upgraded to Class V or better, the front setback requirement prescribed for that subdivision shall apply to the frontage of any lot along the upgraded section of road."*
- The Board discussed the proposed definition of a general store and added a size limitation. The proposed wording now reads:
  - *"2.3x - General Store – A store selling staple food items such as milk, bread, meats and other groceries, coffee, beer and wine and other drinks, sandwiches and baked goods, household paper and cleaning products, health products and other sundries. The size of the store shall not exceed thirty-five hundred (3,500) square feet."*
- The Board discussed the proposed amendment for the definition of a recreation vehicle 2.46 – Recreation Vehicle which now reads:
  - *"Recreation vehicle" shall mean motor vehicle or trailer that is equipped to serve as temporary living quarters."*
- The Board reviewed the two amendments to Table 1 - Table of Dimensional and Area Requirements which adds a 15% impervious surface limitation for the internal lots of Article 6 and 7 Open Space subdivisions.
- The Board also discussed the Building Inspector's proposed amendments to the regulations for recreational vehicles as they currently pertain to being used for temporary living quarters. Mr. Hadik will ask Building Inspector Bunker to attend the next Board meeting to discuss this.

***Mr. Snyder moved to take the changes reviewed for Articles 4, 5 and 6 of the Subdivision regulations; Article 6 and Appendix A of the Site Plan Review regulations; and Articles 2, 5, 9 and Table 1 of the***

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***Zoning Ordinance as proposed to be amended to a public hearing on February 28, 2024. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion carried unanimously.***

**5. Discuss situations where climate change impacts are exceeding older subdivision stormwater design capacities.**

Mr. Hadik shared an email from relatives of an abutter to the Jenkins Farm subdivision expressing concern over the amount of runoff impacting their parent's lot. He also provided an aerial photograph and a section of the drainage plan of the locale at the intersection of Route 121 and the northern end of Jenkins Farm Road. He noted that the email came after a big rain event which was magnified by frozen ground conditions.

Mr. Hadik wondered how future deficiency issues of stormwater treatment systems should be handled, especially since rainfall amounts have increased as a result of climate change. He questioned how the deficiencies should be addressed by the Board as these issues emerge over time.

Chairperson Sullivan said this particular site has had excessive runoff for several years. Mr. Snyder noted the treatment swales are located on land owned by the HOA. The Board agreed this is not a Town or Planning Board issue, and will suggest the abutting homeowner contact the HOA to resolve it.

**6. Discuss suggestion to amend the ADU permitting process.**

Mr. Hadik noted this subject had been discussed under the proposed zoning amendments.

**7. Review & discuss responses to the Selectboard's request for proposals (RFPs) for engineering services.**

Mr. Hadik recalled the Board had reviewed three RFPs for engineering services back in December. (See *PB minutes for 12/20/23.*) He noted the Board had deferred making a decision until a larger quorum of the Board would be present, and suggested the Board should formally decide whether to add another approved engineering firm to the Planning Board's list of approved engineering consultants.

***Mr. Snyder moved to include Gale Associates on the list of approved engineering firms. Ms. Richter seconded the motion. A vote was taken. All were in favor except Selectperson Myette, who abstained because the Selectboard is still finalizing their own list of approved consultants. The motion passed 5-0-1.***

**8. Discuss Emerson Road Extension conservation easement situation.**

Mr. Hadik reviewed the situation of the open-space conservation easement paperwork associated with the 4-lot subdivision at the end of Emerson Road Extension. Only two of the four deeds for these lots reference the easement, and the language of those two deeds do not match. The Chester Conservation Commission had been looking to resolve this issue; however, they were unable to proceed because the developer's estate had not been probated. Last month the probate of Mr. Abdallah's estate was finally completed, so the easement documentation can now be corrected.

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Selectman Myette noted there is a request for abatement to the developer. The Town would like to write it off the books, now the estate is no longer in probate. He has spoken with one of the two property owners whose deed does not mention the easement. He noted the next step would be to contact both property owners about revising their deeds. He said this is a Planning Board issue, as it should have been done as part of the subdivision. Mr. Hadik said this occurred a long time ago, and the subdivision process has been amended to avoid this issue in the future.

Mr. Hadik asked who should bear the cost of preparing and recording new deeds. The homeowners cannot be forced to do it. Selectman Myette noted this needs to be done, as these homeowners have no responsibility for the open space and could control it differently. Mr. Hadik said Attorney Bennett has stated the Town can step in if anyone violates the conditions of the conservation easement. Selectman Myette noted a third deed needs to be edited, so all deeds reflect the same language.

Mr. Hadik will contact the Board's attorney who will then contact the executor of the estate.

#### **Non-Public Session**

*Ms. Richter moved to go into non-public session per RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board. Vice Chair Sederquest seconded the motion. A roll call vote was taken: Sullivan – aye, Richter – aye, Sederquest – aye, Swanson – aye, Snyder – aye, Myette – aye.*

The Planning Board went into non-public session at 8:02 pm.

The Planning Board came out of non-public session at ~8:45 pm.

*Mr. Snyder moved to come out of non-public. Ms. Richter seconded the motion. A roll call vote was taken. Sullivan - aye, Sederquest – aye, Richter – aye, , Swanson – aye, Snyder – aye, Myette - aye. The motion passed unanimously.*

*Mr. Snyder moved to seal the minutes of the non-public session. Ms. Richter seconded the motion. A roll call vote was taken. Sullivan - aye, Sederquest – aye, Richter – aye, , Swanson – aye, Snyder – aye, Myette - aye. The motion passed unanimously.*

*Ms. Richter moved to adjourn the meeting. Vice Chairperson Sederquest seconded the motion. A vote was taken. The motion passed unanimously.*

#### **Future Meeting Dates**

- February 7 –
- February 8 – PB budget review w Selectboard
- February 14 –
- February 28 –

*A motion was made and seconded to adjourn the meeting. A vote was taken. All were in favor. The motion passed unanimously.*

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228 The meeting was adjourned.

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230 Respectfully submitted,

231 Beth Haggeli, Recording Secretary