

01-23-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, January 23, 2019
Municipal Complex
Approved Minutes**

Members Present:

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

Members Absent:

Michael Weider, Member
Dana Theokas, Alternate Member
Cass Buckley, Ex-Officio

Others Present at Various Times:

Andrew Hadik, Planning Coordinator
Penny Williams, Tri-Town Times

Chairman Sullivan opened the meeting at 7:00 pm.

Chair Sullivan noted Mr. Hume as the alternate for Mr. Weider.

Meeting Agenda

7:00 PM General Business

- Review & Sign Invoices & Timesheet
- Review & Approve minutes for the January 9, 2019 Meeting
- Review & Discuss Article 3.18 of the Subdivision Regulations
- Review preliminary drafts of proposed zoning amendments
- Review memo from Treasurer regarding establishment of escrow accounts for contractors unable to complete "site stabilization and landscaping" during Winter months, to receive temporary Certificates of Occupancy (Cos).

7:05 PM Appointments

None Scheduled.

Public Hearings

1. Adopt updated Capital Improvements Program (CIP) for the Town of Chester.

Future Meeting Dates

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- 39 • January 31 – BOS Meeting – Planning Board Budget Review
- 40 • February 6 – Review proposed zoning amendments
- 41 • February 13 – Review proposed zoning amendments
- 42 • February 27 – Review proposed zoning amendments

43 (Codes: PH – public hearing, PHC public hearing continuance, CD – conceptual discussion, HB – Home
44 Business, LLA – Lot Line Adjustment, SPR – Site Plan Review, SUB – Subdivision)

45 **Review and approve minutes for the January 9, 2019 meeting.**

46 The Board reviewed the minutes from the January 9, 2019 meeting.

47 Ms. Richter recommended grammatical amendments to Lines 132, 164-165 and 215.

48 Mr. Snyder made a motion to approve the minutes from January 9, 2019, as amended. Mr. Sederquest
49 seconded the motion. Motion approved, 5-0.

50 **Review and Discuss Article 3.18 of the Subdivision Regulations.**

51 Mr. Hadik received an inquiry from Mrs. Reishus, Recreation Director inquiring about any requirements
52 in the Town's Ordinances or Subdivision Regulations for developers to provide playgrounds. Mr. Hadik
53 advised the Subdivision Regulations contained language that would allow the Planning Board to require
54 playgrounds at its discretion for larger acre parcels (40 acres plus). This language, developed in the early
55 1990s (pre-Open Space zoning), was intended to be applied to large developments. However, this has
56 not been implemented as many large developments have open space areas which are used for walking
57 and other forms of recreation. A member noted these areas have conservation easements, which do
58 not permit playground equipment, considered to be structures.

59 Mr. Hadik noted the language also contained the wording "schools." Mr. Sullivan believed this language
60 should be cleaned up.

61 Ms. Richter asked about cost and liability. Would the Recreation become responsible for the
62 maintenance of these playgrounds? Mr. Sullivan agreed that if the Town mandates playgrounds and
63 someone gets hurt, the Town could be on the hook (liable). Mr. Snyder opined there is nothing broken
64 in this language that needed fixing. Mr. Hadik referenced an incident that caused the closure of a bus
65 stop on Orcutt Drive which reinforced the need to have playgrounds and equipment monitored and
66 maintained regularly by someone, such as the Homeowner's Association.

67 **Review preliminary drafts of proposed zoning amendments.**

68 Mr. Hadik reviewed some drafts of potential zoning amendments.

69 **Agritourism:** Mr. Hadik advised he had discussions with Board Counsel Attorney Bennett concerning
70 Agritourism. Attorney Bennett recommended being with proactive by defining Agritourism in the zoning
71 ordinance and adding it as a permitted use by Special Exception in the Residential (R-1) District, the
72 same way and reasoning the Board had been proactive with Accessory Dwelling Uses (ADUs).

73 Ms. Richter stated "if you don't include a provision to regulate agritourism, as with ADUs, you can't
74 regulate it". RSA 674:32 references agricultural uses such as hayrides, petting zoos, parks, corn mazes,
75 barn dances, weddings and photography.

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Assisted Living Residences: Mr. Hadik advised he had started drafting wording to allow Assisted Living Residences as a permitted use by Special Exception in the Residential (R-1) District the day before the ZBA's last public hearing. He said he has reviewed the RSAs concerning Assisted Living Residences which are notably defined by the state as "residences" not facilities.

Mr. Hadik advised the Legislature had put a lot of thought into making these possible including limitations/prohibitions in the definition against such uses as homeless shelters, dependency/substance treatment, correctional institutions, psychiatric treatment, hotels or motels and/or temporary recreation and halfway houses. Ms. Richter also noted strong opposition to sober living houses. Mr. Hadik will add the definition for "sober living houses" to the list of prohibitions. He noted Assisted Living Residences would be the second-most benign of the 6+ other uses currently allowed by Special Exceptions in Chester's R-1 District.

Nursing Homes & Elderly Congregate Health Care Facilities (EHCFS): Mr. Hadik advised he had drafted wording to allow Nursing Homes & Elderly Congregate Health Care Facilities as permitted uses by Special Exception in the Residential (R-1) District. All of this was part of Chester's Phase III work from participating in the Southern New Hampshire Planning Commission's Age-Friendly Communities Initiative. There is a significant shortage of these types of facilities resulting in high monthly premiums, the lowest is \$3,600 monthly on up. He then explained the differences between Assisted Living Residences, Nursing Homes and Elderly Congregate Health Care Facilities.

Ms. Richter and Mr. Sullivan asked whether specific zones should be created to which these facilities would be restricted. Ms. Richter said many of the Public seem to support the center of Town which has Mixed Uses. Mr. Snyder added the residents would walk about these facilities, but no one is going to walk to the stores. Mr. Sullivan stated there should be more suitable places and questioned whether the process of zoning through variance made the most sense.

Mr. Hadik noted the difficulties with creating zoning districts, no matter where they are, there would be NIMBY opposition. He also noted that for parcels large enough to accommodate EHCFS, prospective builders would have to compete/battle developers to obtain lots that size. Mr. Snyder noted suitable location requirements could be added to conditions as well as appropriate buffer, screening and setback requirements through the Special Exception approval process. Mr. Hadik opined the best way to site these facilities would be with minimum lot sizes, and appropriate buffers, screening and setback requirements, not by creating new zoning districts.

Some of the Board members wanted to know if Assisted Living Residences, Elderly Congregate Health Care Facilities and Nursing Homes are allowed/empowered by any RSA the same way as, as ADUs are? They wanted to know if there is a benefit or necessity to proactively amending the zoning the way it was done for ADUs, or should the Board not do anything, continuing to have the ZBA deal with these facilities on a variance by variance basis? Mr. Hadik said he would check into this with Counsel.

Review memo from Treasurer regarding establishment of escrow accounts for contractors unable to complete "site stabilization and landscaping" during Winter months, to receive temporary Certificates of Occupancy (COs).

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Mr. Hadik advised there is an information packet from the Town Treasurer concerning the Building Inspector's request to allow escrow accounts for contractors who can't stabilize home lots due to winter conditions, in order that they may be issued temporary certificates of occupancy (CO).

Mr. Sullivan noted it would be a lot of work to keep track of these accounts. Mr. Snyder noted, according to the auditor's email, the BOS would have to approve the creation of these accounts.

Mr. Hadik noted the intent of the Town's ordinances and regulations are to stabilize erosion to prevent ditches and infrastructure from being silted in. He listed some 92 references between the zoning ordinance, subdivision and site plan regulations. Mr. Hadik added this would help the Building Inspector to enforce the ordinance.

Ms. Richter asked if this would put the Town in the position of having to hire someone to do this work (if not completed by the contractor). Mr. Hadik said possibly. Mr. Snyder noted the Treasurer does not support this. Mr. Sullivan asked who we were trying to help? – the homeowner. Mr. Snyder noted what if the homeowner says its not a good enough job. Mr. Hadik added the lending institutions approving the mortgage, what will they do if a temporary CO is revoked? Mr. Snyder noted a wise buyer would withhold funds for completion, and someone would have to estimate the cost to complete the work. Ms. Richter agreed it should remain a private issue (not involving the Town).

Mr. Hadik recommended having Mr. Bunker come in to discuss the issue in greater detail.

Public Hearings

1. Adopt updated Capital Improvements Program (CIP) for the Town of Chester.

Mr. Snyder moved to Open the Public Hearing, seconded by Ms. Richter, with all in favor so moved.

The hearing was opened to the Public at 8:00 pm.

Mr. Hadik discussed the only two changes since the Board's project prioritization review (already discussed at the previous meeting).

The first was to the Police Department's software/data conversion project. Initially there was a \$30,000 cost estimate, and the project had been scheduled for FY 20/21. A bid for \$13,600 was submitted, and the project was moved up to FY 19/20 because of because of the life, health and safety considerations.

The second was the Fire Department's emergency egress driveway. Because of the higher priority due to life, health and safety issues, this was split off as a separate project from the Fire Department's expansion and repaving of their parking lot project. The emergency egress driveway project was noted to still be scheduled for FY 20/21.

Mr. Hadik noted the Highway Safety Committee recently unanimously supported moving the emergency egress driveway project up to FY 19/20, and the consensus was the same at the Joint Loss Committee meeting.

Mr. Snyder asked if the Fire Chief was there? Mr. Hadik said yes. Mr. Snyder asked where did the Fire Chief stand on the issue. Mr. Hadik said the Fire Chief was in support.

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Ms. Richter asked if the preliminary work would be done in time? Mr. Hadik advised it has been surveyed and designed and a legitimate cost estimate by a certified municipal has been obtained.

Mr. Snyder noted the School Board sent out letters to parents in December regarding not doubling up exiting traffic lanes at the intersection, which the Superintendent reported resulted in a slight improvement, which may be followed by another letter to parents.

Mr. Sullivan noted placement of removable posts could solve the problem by creating an access lane for the Fire Department's use. Mr. Sullivan asked if there were sight distance issues with the egress in going straight out? Mr. Hadik advised that NH DOT has approved the project, and the driveway has been fully engineered.

Mr. Hadik noted he will fix a summation cell typo on the spreadsheet Table 10.

Mr. Snyder moved to adopt the Town of Chester 2019-2026 Capital Improvements Program, as amended and agreed upon at the last meeting. Ms. Richter seconded the motion, with all in favor, so moved.

Mr. Sullivan closed the hearing to the Public at 8:10 pm.

Budget Presentation with Board of Selectmen on January 31, 2019.

Mr. Hadik reminded everyone the Board is scheduled to present its Budget to the Board of Selectmen on Thursday, January 31, 2019. Mr. Hadik will find out what time the Planning Board is on the agenda and send out a reminder email.

Mr. Hadik noted there is a significant budget increase on the Planner line because, according to the Board's Counsel, the 7 impact fees must be revisited this year. Also, the annual update of the CIP must be budgeted for.

In addition to the Planning Board's budget, Mr. Hadik noted he had submitted a request for a warrant article to create a for the upcoming Annual Town Meeting to create a capital reserve fund for future Master Plan (MP) updates, and to initially fund it with \$20K. The intent is to save up the funding for this large cost in the same way the Town saves up for the periodic town-wide revaluations / reassessments.

Mr. Sullivan asked when the impact had last been updated? Mr. Hadik advised two in 2015 and the other five in 2015-16, so three-four years. Mr. Hadik wording for the warrant article had been forwarded to the Finance Director and the BOS.

Adjournment

Ms. Richter motioned to adjourn the meeting. Mr. Hume seconded the motion. Motion approved 5-0-0. The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary