

03-13-19 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

Town of Chester
Planning Board Meeting
Wednesday, March 13, 2019
Municipal Complex
Approved Minutes

Members Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member
Aaron Hume, Alternate Member
Dana Theokas, Alternate Member

Members Absent:

Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times:

Bob Berner, Eversource
Valerie Hoffman, Lewis Tree Service

Chairman Sullivan opened the meeting at 7:00 pm.

Meeting Agenda

General Business

- Review and sign invoices and time sheets.
- Review and approve minutes for the March 6, 2019 meeting.

7:05 PM – Appointments

None Scheduled.

7:15 PM - Public Hearings

1. To hold a Public Hearing requested by Eversource Energy, to trim brush and remove trees adjacent to and beneath power lines on Hanson Road, a designated Scenic Road, pursuant to the requirements set by RSA 231:158.
2. To hold a Public Hearing to act on the following proposed zoning amendments:
 - a. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements – *To update the reference to the federal and state regulations governing Handicapped Parking.*
 - b. Proposed zoning amendment to Article 4.9.2: Home Business – *To allow for Optional Site Plan Review for Home Business permit applications.*
 - c. Proposed zoning amendments to Article 5.3.3: Special Exception Uses and Article 2: Definitions – *By adding Article 5.3.3.9 – Agritourism – to allow Agritourism by Special Exception in the General Residential and Agricultural District (Zone R1), and to add a definition of Agritourism to Article 2.*
 - d. Proposed zoning amendments to Articles 5.3.3: Special Exception Uses and Article 2: Definitions – *By adding Articles 5.3.3.10 -Assisted Living Residences and 5.3.3.11 - Nursing Homes – to allow Assisted Living Residences, Nursing Homes and Elderly Congregate Health Care Facilities by Special Exception in the General Residential and Agricultural District (Zone R1), and to add the definitions of Assisted Living Residences and Nursing Homes to Article 2.*
 - e. Proposed zoning amendments to Table 2: Table setbacks and no Clearing Buffer Zones and Section 6.12.1.2.b – *By replacing the word “Buildings” with “Structures” to better clarify the intent of the zoning ordinance because all the setback definitions reference structures, and not buildings (pre-existing scrivener’s error); and to increase the Town’s setback for septic systems, wells, and underground utilities on an Open Space Subdivision lots from 50 feet to 65 feet to be consistent with NH Department of Environmental Services requirements and amend Section 6.12.1.2.b and Table 2 to reflect this change.*
 - f. Proposed zoning amendment to Article 11.6: Equitable Waiver of Dimensional Requirements – *To replace the language of the article with language directly from NH RSA 674:33-a.*
 - g. Proposed zoning amendment to Article 16.6.9.b: Site Stabilization – *To ensure disturbed areas will be properly stabilized to prevent erosion and surface water and wetlands contamination prior to issuance of certificates of occupancy.*

Future Meeting Dates:

- March 27- 2nd Zoning PH – Age-Friendly Subdivision

Review and approve minutes for March 6, 2019 meeting.

The Board reviewed the minutes from the March 6, 2018 meeting.

Line 60 had “the specific date” removed and “February 27, 2019” added. Line 93 was changed from “amendment, however” to “amendment. However,”. Line 96 had the word “minor” removed. Line 122 had the word “seeded” replaced with “spread out”. Line 146 was changed from “Mr. Snyder” to “Mr. Weider”.

Ms. Theokas made a motion to approve the minutes from March 6, 2018, as amended; Mr. Weider seconded the motion. Motion approved, 4-0-1, Chairman Sullivan abstained.

FYI: Southwoods Subdivision

Mr. Hadik updated the Board on the final housing and roadbuilding phase, Phase 4, of the Southwoods Subdivision. He noted that he had met on Tuesday with the chief architect for Brady Sullivan and site contractor.

Mr. Hadik listed the following items that he reviewed and discussed with them to make them aware of what needed to be accomplished before moving forward on Phase 4.

1. Brady Sullivan must have an Agreement (contract) and Retainer in place with DuBois & King (the Town’s engineering review firm).
2. The Town requires an updated bond estimate by DuBois & King to cover the construction cost of Phase 4. (Note: The Town will require a letter of Credit (LOC) to be in place, after the binder courses are installed, to cover the remaining construction of Phase 4.)
3. Phases 1 and 2 require site inspections by DuBois & King to determine if the bond estimates need to be updated and/or increased. According to Mike Oleson, the Road Agent, the binder course on the Southwoods North & South access roads have deteriorated in places to the point beyond where just crack sealing and shimming will repair the binder so the wearing course can be installed. He has advised the binder course will have to be reclaimed and replaced in places. (There is a possibility that the underdrainage may have failed in these places?) Also, the stability of the side-slopes in the road cuts needed to be verified.

4. The Town requires an updated LOC to be in place to cover the construction completion costs of Phases 1 and 2.

5. Due to the passage of time, Phase 3 needs a site inspection to determine if there are any conditions requiring bonding. If so, then a LOC to cover the remaining work needs to be in place. Erosion control measures and drainage infrastructure are key concerns.

The Board discussed the impact fees this phase of the subdivision would be required to pay.

7:15 PM - Public Hearings

1. To hold a Public Hearing requested by Eversource Energy, to trim brush and remove trees adjacent to and beneath power lines on Hanson Road, a designated Scenic Road, pursuant to the requirements set by RSA 231:158.

Mr. Snyder made a motion to open the Public Hearing, Mr. Weider seconded the motion. Motion approved, 5-0-0.

Public Hearing for Eversource, to trim brush and remove trees adjacent to and beneath power lines on Hanson Road, a designated Scenic Road, pursuant to the requirements set by RSA 231:158, was opened at 7:17 pm.

Mr. Berner from Eversource joined the Board at the meeting table at 7:18 pm.

Mr. Berner said that Eversource is seeking the Chester Planning Board approval to trim and remove trees and brush along Hanson Road, which is a designated scenic road by the Town. He said that they will remove limbs and branches growing within eight feet to the side, ten feet below, or fifteen feet above the conductors, and brush growing underneath the wires will be removed as well. Mr. Berner said that they have identified two dead trees, a pine and a maple, within the scenic right-of-way, that they would like to remove. He said they intend to begin work after the next few weeks, once they conclude their current work outside of Town.

Mr. Berner noted that they have contracted with Lewis Tree Service to perform the actual clearing of trees.

Mr. Hadik said that Eversource trimmed and cleared trees and brush in 2016 on Hanson Road. He noted that at that time there was no negative feedback or complaints from residents about the work Eversource had done.

Ms. Richter requested clarification that the two trees within the scenic right-of-way are dead.

Mr. Berner confirmed those two trees within the right-of-way are dead. He noted that any other trees that are on private property that may need to be trimmed or removed will be identified, and then their removal will be negotiated with the property owner.

Mr. Berner explained that all the property owners will be notified 45 days before the work begins, and if there are any questions or concerns a representative will be sent to speak with them.

Mr. Berner said that all brush and limbs cut on the roadside locations will be chipped. He noted that all wood cut will be left on site for the landowner, unless otherwise directed by the landowner.

Chairman Sullivan asked for Public Comment.

There was no Public present, therefore, there was no Public Comment.

Mr. Snyder made a motion to approve the cutting as described on Hanson Road; Mr. Weider seconded the motion. Motion approved, 5-0-0.

Mr. Snyder made a motion to authorize Mr. Hadik to write a letter verifying the Planning Board has given their permission to allow for Eversource to perform the cutting; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

Mr. Berner and Ms. Hoffman departed the meeting at 7:26 pm.

Mr. Weider made a motion to close the Public Hearing on the Eversource Energy Public Hearing, to trim brush and remove trees adjacent to and beneath power lines on Hanson Road, a designated Scenic Road, pursuant to the requirements set by RSA 231:158; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

Mr. Weider made a motion to open the Public Hearing to act on the following proposed zoning amendments; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

The Public Hearing to act on the following proposed zoning amendments was opened at 7:28 pm.

Mr. Hadik reminded the Board that they usually bring no more than six proposed zoning amendments to the Town election ballot.

Mr. Weider read each proposed zoning amendment, which was then discussed by the Board.

a. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements – *To update the reference to the federal and state regulations governing Handicapped Parking.*

The Board had no discussion on proposed zoning amendment a.

b. Proposed zoning amendment to Article 4.9.2: Home Business – To allow for Optional Site Plan Review for Home Business permit applications.

The Board had no discussion, at this time, on proposed zoning amendment b.

c. Proposed zoning amendments to Article 5.3.3: Special Exception Uses and Article 2: Definitions – By adding Article 5.3.3.9 – Agritourism – to allow Agritourism by Special Exception in the General Residential and Agricultural District (Zone R1), and to add a definition of Agritourism to Article 2.

Mr. Hadik noted that proposed zoning amendment c. was highly recommended by the Board's, Counsel, Mr. Bennett. Mr. Hadik pointed out that this gives the Town the opportunity to regulate Agritourism, from a public safety standpoint.

d. Proposed zoning amendments to Articles 5.3.3: Special Exception Uses and Article 2: Definitions – By adding Articles 5.3.3.10 -Assisted Living Residences and 5.3.3.11 - Nursing Homes – to allow Assisted Living Residences and Nursing Homes and Elderly Congregate Health Care Facilities by Special Exception in the General Residential and Agricultural District (Zone R1), and to add the definitions of Assisted Living Residences and Nursing Homes to Article 2.

Ms. Richter pointed out that the reference to Elderly Congregate Health Care Facilities under the Purpose in proposed zoning amendment d. should be removed. Mr. Hadik noted it was a cut & paste error. The purpose statement for amendment d. was changed to read:

d. Proposed zoning amendments to Articles 5.3.3: Special Exception Uses and Article 2: Definitions – By adding Articles 5.3.3.10 -Assisted Living Residences and 5.3.3.11 - Nursing Homes – to allow Assisted Living Residences and Nursing Homes by Special Exception in the General Residential and Agricultural District (Zone R1), and to add the definitions of Assisted Living Residences and Nursing Homes to Article 2.

Mr. Hadik noted that the proposed amendment d. wording included requirements that the lots for assisted living residences and nursing home facilities must be 10 acres or larger. To protect the abutters, a minimum 100-foot vegetative buffer is also required. The prohibition against infrastructure within the buffer areas was also discussed.

The Board and Mr. Hadik discussed the best way to reach out and educate the Public on what the proposed amendment d. would mean.

Chairman Sullivan and Mr. Snyder noted that two significant informative facts, the 10-acre minimum lot size and 100-foot buffer requirement could be noted in the amendment's purpose (descriptive) statement.

Mr. Hadik said that he would redraft the proposed purpose statement for amendment d. to include the 10-acre minimum lot size and 100-buffers, and have it reviewed by Attorney Bennett.

- e. Proposed zoning amendments to Table 2: Table setbacks and no Clearing Buffer Zones and Section 6.12.1.2.b – *By replacing the word “Buildings” with “Structures” to better clarify the intent of the zoning ordinance because all the setback definitions reference structures, and not buildings (pre-existing scrivener’s error); and to increase the Town’s setback for septic systems, wells, and underground utilities on an Open Space Subdivision lots from 50 feet to 65 feet to be consistent with NH Department of Environmental Services requirements and amend Section 6.12.1.2.b and Table 2 to reflect this change.***

Mr. Snyder suggested simplifying the wording of amendment e’s purpose statement.

Mr. Weider pointed out that the table and the amendment don’t match.

The Board discussed fixing the inconsistency.

The Board agreed to amend Table 2: The setback for **Wells** under **Open Space** was changed from 50 feet to 65 feet. A line item was added for **Underground Utilities** with N/A under all items except **Open Space** which had the 65-foot setback added.

The purpose statement for amendment e. was rewritten to read:

Proposed zoning amendments to Table 2: Table setbacks and no Clearing Buffer Zones and Section 6.12.1.2.b – *By replacing the word “Buildings” with “Structures” to better indicate the intent of the zoning ordinance. Furthermore, to increase the Town’s setback for septic systems, wells and underground utilities on Open Space Subdivision lots from 50 feet to 65 feet to be consistent with NH Department of Environmental Services requirements and amend Section 6.12.1.2.b and Table 2 to reflect these changes.*

The Board discussed that all the changes that were made at the meeting this evening were to clarify the amendments; they agreed that they did not substantially change the intent of the proposed amendments. They agreed that because they were clarifying the amendments by making them consistent with the wording and the tables, and not changing the intent, they are able to vote to bring the amendments to ballot without holding another Public Hearing.

- f. Proposed zoning amendment to Article 11.6: Equitable Waiver of Dimensional Requirements – *To replace the language of the article with language directly from NH RSA 674:33-a.***

Mr. Hadik noted that proposed zoning amendment f. is at the direct request from the ZBA’s Chairperson (not present). Mr. Hadik said that he used is the exact language from the RSA.

Mr. Hadik and the Board had much discussion about the best wording to use for purpose statement for amendment f. They agreed on the following wording:

f. Proposed zoning amendment to Article 11.6: Equitable Waiver of Dimensional Requirements – *To clarify the waiver process by replacing the language of the article with language directly from NH RSA 674:33-a. (There is no change to the actual process.)*

The Board reviewed the purpose statement for amendment e.

g. Proposed zoning amendment to Article 16.6.9.b: Site Stabilization – *To ensure disturbed areas will be properly stabilized to prevent erosion and surface water and wetlands contamination prior to issuance of certificates of occupancy.*

The Board agreed that the wording of the purpose statement for amendment works.

The Board discussed how many amendments would be the best number to bring to ballot.

Mr. Weider made a motion to bring **proposed zoning amendments c., d., e., and f.** to ballot; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0.

Ms. Richter made a motion to close the Public Hearing; Mr. Hume seconded the motion. Motion approved, 5-0-0.

The Public Hearing was closed at 8:33 pm.

Adjournment

Ms. Richter made a motion to adjourn the meeting; Vice Chair Sederquest seconded the motion. Motion approved, 5-0-0. The meeting was adjourned at 8:36 pm.

Respectfully submitted,

C. Molly Qualters

Recording Secretary