

Town of Chester
Planning Board Meeting
Wednesday, June 5, 2019
Municipal Complex
Approved Minutes

Members Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Richard Snyder, Member
Elizabeth Richter, Member
Michael Weider, Member

Members Absent:

Aaron Hume, Alternate Member
Dana Theokas, Alternate Member
Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times:

Penny Williams, Tri-Town Times

Chairman Sullivan opened the meeting at 7:04 pm.

Meeting Agenda

General Business

- Review and sign invoices and time sheets.
- Review and approve minutes for the May 25, 2019 meeting.
- FYI: update the Villages of Chester situation
- Review proposed amendments to the Subdivision regulations.
- Review proposed amendments to the Site Plan Review regulations.
- Review proposed amendments to the Driveway regulations.
- Review proposed amendments to the Building Code
- Discuss the draft contract from SNHPC for the updating of the Town's seven impact fees and potential rollover request to BOS of \$1,400 in unused Planner funds to cover potential shortfall.

7:15 PM – Appointments

None scheduled.

7:30 PM - Public Hearings

None Scheduled.

Future Meeting Dates:

- June 12 – Pipit Estates SUB
- June 26 – Southwoods SUB PHC, Subdivision & Site Plan regulations

Review and approve minutes for May 25, 2019 meeting.

The Board reviewed the minutes from the May 25, 2019 meeting.

Mr. Snyder requested that more of the discussion of his recap of the ZBA meeting, which began on line 223, be included in the May 24, 2019 Planning Board minutes.

A brief recap was added to the minutes beginning on line 224: “After reading the Chester Zoning Ordinance, Building Code, and definition of multi-family dwellings, Mr. Snyder concluded that ADU’s are not required to have sprinkler systems.”

Mr. Weider made a motion to approve the minutes from May 25, 2019 as amended; Ms. Richter seconded the motion. Motion approved, 4-0-1. Mr. Weider abstained.

Review proposed amendments to the Building Code

Mr. Hadik reviewed with the Board a brief background of the building code amendments. He noted that there is only one new amendment being added to the code:

3.1.1 – Special Provisions

3.1.1.3 Water Well Quality Testing

Mr. Hadik explained that the Building Inspector (not present) requested that this requirement, currently an ordinance by the Board of Selectmen, be added to the Building Code. Mr. Hadik said that it makes sense to put this amendment into the code.

The Board reviewed the amendment and discussed the specifics of the amendment.

Mr. Hadik suggested adding “newly drilled” to the amendment to address a concern raised by Mr. Weider.

Mr. Snyder said that the Board needs to clarify what situations need testing and then address the test results.

Ms. Richter asked Mr. Hadik what the Building Inspector's goal is.

The Board discussed the interpretation of the amendment.

Chair Sullivan said that this amendment will be fine if the results of the testing are just advisory.

The Board agreed with the spirit of the amendment, however, they expressed concerns that the outcome of water testing may result in the Building Inspector requiring mitigation and not issuing a CO until compliance is achieved. Mr. Hadik noted he would consult Attorney Bennett about this concern.

Article 2 – Driveway Regulations

Permit Required

2.1.1 – Temporary Driveway Permits – Temporary driveway permits shall be required for temporary driveways/access points for activities such as logging, and construction activities such as additional construction, septic system construction or replacement, foundation replacement, or water well drilling etc.

The intent of this subsection is to address multiple issues such as restoration of disturbed areas and drainage within the Town's ROW's, proper posting of signage and permits, the proliferation of non-permitted and improperly constructed secondary driveways, and accountability for dragging mud, gravel and other debris out onto the travelled way.

Mr. Hadik explained that this amendment is recommended by the Building Inspector; it is intended to address the proliferation of temporary access points that are put into properties for logging, or construction and then turn into unpermitted driveways. He said that the property owner must get a temporary driveway permit and then return it back to its original state.

The Board agreed with the general intent with this amendment.

Article 6 – Driveway Regulations

Security for Improvements

6.1 – The Planning Board or its designee may require security in a form and amount acceptable to the Planning Board for improvements to the driveway before any work commences and before any Building Permits are issued. (See schedule of charges.)

Add: Temporary driveway permits may also be subject to a security for restoration costs at the discretion of the Planning Board or its designee.

Mr. Weider expressed the same concern the Town Treasurer had expressed back when the Board discussed requiring a security for a temporary CO when a lawn wasn't loamed and seeded because of seasonal conditions.

When asked, Mr. Hadik said that the Road Agent (not present) had not been involved in drafting this amendment. He said that he would seek to get the Building Inspector and the Treasurer to the Board meeting to discuss this amendment.

The Board agreed that the regulation be clarified by referencing **"restoration within the right-of-way."**

The Board asked who would generate the cost estimates of the securities. Mr. Hadik opined it would likely be the Road Agent.

The amendment is being tabled until the issue of the holding and tracking of securities can be resolved.

Mr. Hadik explained that the wording edits to **Article 7.1 – Driveway Regulations** is only simple "wordsmithing."

The Board agreed with the amendment to 7.1.

Mr. Hadik noted that **Article 9 – Driveway Regulations 9.13** had the second sentence removed. He noted that 9.13 now reads: **9.13 – No driveway shall have a slope exceeding ten (10) percent at any point.**

The Board agreed with the amendment to 9.13.

9.15 – Improvements to a driveway that change the width, length, turnout or parking require a plan and permit. Upgrades to an existing driveway (i.e. paving a gravel drive) without any of the above changes, require a permit only.

After discussion about the above regulation, with many questions, the Board agreed that the Building Inspector needs to be present to help determine the intent and wording of the regulation.

Review proposed amendments to the Site Plan Review regulations.

7.2 – Surveyed Site Plan

7.2.11

From: Existing and proposed driveway locations shall also be shown on the topographic plan (5/24/17)

To: Existing and proposed driveway locations shall also be shown on the same plan sheet along with the topographic contours and the no-cut buffers/structural setbacks/construction envelopes.

The Board agreed with the amendment to 7.2.11.

7.10.3 – Parking Lot Requirements – The following requirements shall govern parking lots.

7.10. 3.2 – Handicapped Parking – The regulations of the US Department of Justice 2010 ADA Standards for Accessible Design, and as may be amended from time to time, ~~Governor's Commission for the Handicapped, New Hampshire Code of Administrative Rules, Part Han 304~~ VEHICULAR PARKING, shall apply.

7.10.3.5 – Parking lots shall have an area designed for handicapped parking and have the proper permanent signs to mark the handicapped spaces (RSA 265:73-a).

The Board agreed with the amendment to 7.10.3.2 and 7.10.3.5.

7.20 – Permanent Monumentation- In addition to the standard boundary monumentation of lots, the following monumentation shall be required for lots where land clearing and/or construction activities are planned:

7.2.1 – Permanent monumentation of the no-cut buffers for the wetlands, creeks and streams, ponds, vernal pools or the Exeter River where these buffers define the building/construction envelopes of lots.

The Board agreed to add two commas and change “define” to “constrain”: ***7.2.1 – Permanent monumentation of the no-cut buffers for the wetlands, creeks and streams, ponds, vernal pools, or the Exeter River, where these buffers constrain the building/construction envelopes of lots.***

7.2.2 – Permanent monumentation of the no-cut buffers of the parent lots of Open Space (Article 6) or Age-Friendly (Article 7) subdivisions.

Said monumentation shall consist of aluminum “No-Cut Boundary” markers affixed to metal delineator posts or trees. The posts shall be at least 4 feet tall, and these markers shall be spaced at least one marker every fifty (50) feet.

The Board agreed with the intent of the amendments to 7.2.1 and 7.2.2.

Mr. Hadik noted that he would consult with the Conservation Commission about the spacing distance of the monumentation.

Mr. Hadik advised the Board of pending proposed amendments:

Pending: Review of SPRs by TRC (advisory only). This is being drafted by SMB (Attorney Bennett).

The Board discussed the TRC (Technical Review Board).

Mr. Weider expressed concern that the TRC could create some risk to the Town.

Mr. Hadik emphasized that the TRC is completely advisory. He gave examples of situations (Crowley Woods, Pipit Estates & Farr Auto Repair) when the TRC has given beneficial advice. Chairperson Sullivan agreed.

Mr. Hadik said that he is going to email the mission statement of the TRC to the Board.

Pending: Reference to Agritourism as recommended and being drafted by SMB (Attorney Bennett).

Mr. Hadik noted that there were only minor wording changes in 3.2 -Pre-Application Review.

Review proposed amendments to the Subdivision regulations.

3.8 – Approval is No Acceptance of Dedication

The approval of any plan by the Planning Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other Public Open Space.

Acceptance of a new street or highway shall be approved by a vote of the Board of Selectmen at the annual Public Hearing held every April for the acceptance of new roads as Town roads. Acceptance shall not take effect until approval by the Board of Selectmen, which shall not occur until the construction of the street or highway and associated infrastructure depicted on the plans is complete, and all other requirements in the Road Acceptance Policy, as amended from time to time, have been fulfilled.

The Board agreed with the amendment to 3.8.

Mr. Hadik reviewed with the Board other pending drafts of proposed amendments.

FYI: update the Villages of Chester situation

Mr. Hadik updated the Board regarding the letters of credit and pending site visit for the Villages of Chester.

Discuss the draft contract from SNHPC for the updating of the Town's seven impact fees and potential rollover request to BOS of \$1,400 in unused Planner funds to cover potential shortfall.

Mr. Hadik and the Board discussed the letter from the Southern New Hampshire Planning Commission (SNHPC), dated December 4, that addresses the "Scope of Work and Cost Estimate for Impact Fee Updates," and the draft contract requiring signatures agreeing to the cost estimate for impact fee updates.

Mr. Hadik explained that it is necessary to rollover \$1,400 in unused Planner line funds to cover potential shortfall in costs for the update of the seven impact fees.

Mr. Weider said that the \$1,400 would not be used for that project, the contract for the use of these funds does not exist; to roll over the funds, there would need to be an obligation for those funds. He emphasized that the legislative body agreed to the \$8,480 for this project; it was put into the upcoming FY budget.

Mr. Hadik and the Board discussed unused Town Department budget funds.

Mr. Weider explained that unused funds in various departments can be rolled over for work that has an existing contract describing the work such as road reconstruction.

On the contract, the Board made amendments to # 3. Compensation.

Original: **3. Compensation**

The compensation allowed under this Agreement shall not exceed Eight Thousand Four Hundred Eighty Dollars (\$8,480.00) for the tasks outlined in the Dec. 4th Scope of Work and Cost Estimate. Note: if additional work is required beyond the scope outlined, additional funds will be required. This amount represents both direct and indirect costs associated with updating the Town's Impact Fees.

Amended: **3. Compensation**

The compensation allowed under this Agreement shall not exceed Eight Thousand Four Hundred Eighty Dollars (\$8,480.00) for the tasks outlined in the Dec. 4th Scope of Work and Cost Estimate. This amount represents both direct and indirect costs associated with updating the Town's Impact Fees. Note: if additional work is required beyond the scope of work, additional funds will be required.

The Board agreed to signing the contract with the amendment to "Compensation." They agreed to not roll over the unused Planner funds.

Adjournment

06-05-19 These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

297 Ms. Richter made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion
298 approved, 5-0-0.

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300 The meeting was adjourned at 9:03 pm.

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302 Respectfully submitted,

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304 C. Molly Qualters

305 Recording Secretary