

08-07-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, August 7, 2019
Municipal Complex
Approved Minutes**

Members Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Selectman Chuck Myette, Ex-Officio

Members Absent:

Michael Weider, Member
Dana Theokas, Alternate Member
Aaron Hume, Alternate Member

Others Present at Various Times:

Andrew Hadik, Planning Coordinator
Lindsey White, GZA GeoEnvironmental, Inc.
Recreation Coordinator Corinna Reishus
Penny Williams, Tri-Town Times

Chairman Sullivan opened the meeting at 7:07 pm.

Meeting Agenda

7:00 PM General Business

- 1) Review & Sign Invoices & Timesheet.
- 2) Review & Approve minutes for the July 10, 2019 Meeting.
- 3) Review & approve SNHPC Scope of Work & CIP Contract for annual CIP update.
- 4) Review & approve the release of \$1,677.70 in Police Department impact fees for the 3rd annual installment of the 5-year Taser 60 (replacement) program.
- 5) Discuss release of Recreation impact fees by BOS.
- 6) Discuss & approve request from Grant Benson for a waiver from 9.12 of the Driveway Regulations which currently require a paved turnaround for fire apparatus for driveways longer than 150'.
- 7) Review spreadsheet of Offsite Improvement Fee account balances for FY 2019.
- 8) Discuss nominating Cass Buckley to the BOS for appointment as an Alternate to the Planning Board.
- 9) Review proposed amendments to Subdivision regulations (3.2, 3.3, 4.1, 4.7.66, 4.13).
- 10) Review proposed amendments to Site Plan Review regulations (7.2, 7.10.3.2, 7.10.3.5, 7.20).
- 11) Review proposed amendments to Driveway regulations (2.11, 6.1, 7.1, 9.4, 9.12, 9.13).

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12) Review proposed amendments to Building Code regulations (4).

13) FYI, received draft copies of the new FEMA Digital Flood Insurance Rate Maps (DFIRMs) for Chester for PB members to view if they wish. Per USGS, cannot be released for public viewing yet.

7:15 PM Appointments

Lindsey White from GZA to discuss the most recent Eversource CUP permit.

Public Hearings

None Scheduled

Future Meeting Dates

- August 13 – BI Myrick Bunker RE: Driveway Regulations
- August 28 – PH?

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

1) Review & Sign Invoices & Timesheet.

The Board signed invoices and timesheets.

2) Review & Approve minutes for the July 10, 2019 Meeting.

The Board reviewed the minutes from the July 10, 2019 meeting.

Mr. Snyder motioned to approve the minutes from July 10, 2019, as written; Mr. Sederquest seconded the motion. Ms. Richter and Chair Sullivan abstained. Motion approved, 3-0-2.

3) Review & Approve SNHPC Scope of Work & CIP Contract for annual CIP update.

Mr. Hadik provided the Board with a copy of the draft 2019 agreement with Southern New Hampshire Planning Commission relative to their services to update the CIP for the Town.

Mr. Hadik noted that other than the date changes, the Scope of Work and Contract are the same documents as the last two years. Mr. Snyder asked what SNHPC will do in the CIP. Mr. Hadik they will update a few of the bar graphs and pie charts, and will do all the updating of the regional growth trend information. Mr. Snyder also noted they provide guidance on what is a capital improvement and what is not.

Ms. Richter motioned to sign the Agreement. Mr. Snyder seconded the motion. Motion approved unanimously 5-0-0.

Appointments

Lindsey White from GZA to discuss the most recent Eversource CUP permit.

Mr. Hadik advised the CUP permit for Eversource created by GZA to do work from Derry thru Chester to Raymond was previously approved. GZA's representatives are here to update the Board on changes which have reduced the wetlands impact by ¼ acre.

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Ms. White passed out amended copies of the plan of the active area between Pingree Hill and Bridle Path roads.

Mr. Snyder questioned how they were able to reduce the impact. Ms. White explained that when they first came in for approval, they did not have the contracts out to bid yet, and after they received the bids, they were able to reduce certain footprints to what the contractors actually needed.

Chair Sullivan noted the approval should not need to be amended if the approved impacts are not being exceeded.

4) Review & approve the release of \$1,677.70 in Police Department impact fees for the 3rd annual installment of the 5-year Taser 60 (replacement) program.

Mr. Hadik provided a copy of a letter dated August 7, 2019 from Police Chief Berube asking the Board for authorization to expend \$1,677.70 in funds from the impact fees associated to the Police Department for the third installment of the Taser 60 Program initiated in December 2017 which allows the purchase of new devices with payments spread over a 60 month period. A copy of the invoice dated July 26, 2019 from Axon Enterprises Inc. was also provided.

Mr. Hadik noted this was the third installment of the five-year taser replacement plan. Approval for the release of impact fees must be on record for the auditors. Selectman Myette questioned whether this was in the CIP originally? Mr. Hadik said yes, this has always been included under Personal Protective Equipment which also includes body armor, firearms, boots etc.

Mr. Snyder motioned to approve the release of \$1,677.70 from impact fees for the taser program. Chair Sullivan seconded the motion. Motion approved unanimously, 5-0-0.

5) Discussion of the release of Recreation impact fees by the BOS.

Mr. Hadik provided the Board with a copy of Counsel's email dated July 16, 2019. Mr. Hadik advised that at the BOS meeting on 7/11/19, the BOS voted to spend \$5,150 of the Recreation Commission's impact fees for the engineering of a pavilion at the Wason Pond Recreation area. The project is listed in the currently adopted CIP. Neither the Planning Board nor the Recreation Commission were consulted about the release of these impact fees.

Mr. Hadik noted that historically the release of impact fees is first requested from the Planning Board by the party for whom the fees were collected. The PB then reviews the request to ensure expenditure is qualified according to the currently adopted CIP. If so, the PB sends a letter to the BOS advising the request is qualified and then the BOS supervises expenditure of the fees. It has been the understanding that the release of impact fees is, by statute, under the control of the PB.

Selectman Myette indicated they wanted to set up engineering for the pavilion in order to get pricing for the future build. Mr. Hadik noted the pavilion is in the CIP for FY 2020-2021. Mr. Myette advised this has been a part of the Master Plan and part of the CIP since 2010. Ms. Reishus noted there are security concerns about non-residents and has already been vandalism at the covered bridge, so they wanted to wait to address that first. Ms. Reishus noted the Recreation Commission was not ready to fund the engineering at this time. The Recreation Commission will meet with Wason Pond Conservation and Recreation Commission.

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Selectman Myette indicated Wason Pond C&RC went down to the area where it would be put. Ms. Reishus expressed concerns a variance may be needed if it is too close to wetlands. Selectman Myette said it would not need a variance because it is not within the buffer zone. He noted Rockingham Conservation may need to approve the footprint.

6) Discuss & approve request from Grant Benson for a waiver from 9.12 of the Driveway Regulations which currently require a paved turnaround for fire apparatus for driveways longer than 150’.

Mr. Hadik provided an email from Grant Benson dated August 6, 2019 requesting a waiver from the 150 feet paved driveway turnaround regulation for 54 Hemlock Lane which will be 220 feet. Mr. Hadik noted the driveway regulations per Article 9.12 require a paved turnaround for driveways on excess 150 feet in length. He reminded the Board that they had discussed amending this regulation to 1,200 feet, and that the Building Inspector would be coming to next week’s meeting to discuss this and other Driveway regulations.

Mr. Snyder motioned to waive the fire apparatus turnaround for 220.’ Ms. Richter seconded the motion. Chair Sullivan abstained. Motion approved 4-0-1.

7) Review spreadsheet of Offsite Improvement Fee account balances for FY 2019.

Mr. Hadik provided a spreadsheet entitled Off-Site Improvement Account Balances for Fiscal Year ending June 30, 2019.

8) Review spreadsheet of Impact Fee account balances for FY 2019-2019.

Mr. Hadik provided a spreadsheet dated July 2, 2019.

Mr. Hadik noted the TD Bank account balances as of July 31st totaled approximately \$255,000 with the total unspent balance of approximately \$228,000. Mr. Hadik noted he has been requested to provide quarterly reports to the BOS through Selectman Liaison Myette.

Selectman Myette questioned the unspent funds. Mr. Hadik explained there is a six-year window and none of the funds are in danger of reaching the expiration point yet. Selectman Myette questioned if the department is notified when an item is about to expire. Mr. Hadik noted, given the spending patterns, that has not happened in the past few years; each impact fee needs to be tracked individually as they expire at different times.

The Board asked some questions about tracking the expiration dates of individual impact fees to ensure none would have to be returned. Mr. Hadik noted this was being done with a very extensive Excel workbook with multiple linked worksheets, and both the Treasurer and Finance Director were aware of this. Further discussion ensued. Mr. Snyder offered to meet with Mr. Hadik to show him how to “date tag” cells in Excel.

9) Discuss nominating Cass Buckley to the BOS for appointment as an Alternate to the Planning Board.

Mr. Hadik noted member Aaron Hume has received a job offer in Portland, ME and Mr. Buckley could replace him as an alternate if necessary. Selectman Myette recommended sending an email to Mr. Hume to confirm if he had moved and was resigning his position.

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155 **10) Review proposed amendments to Subdivision regulations (3.2, 3.3, 4.1, 4.7.66, 4.13).**

156 Mr. Hadik provided copies of proposed amendments to Subdivision regulations 3.2, 3.3, 4.1, and 4.13.

157 Mr. Hadik noted the highlighted text replaces what currently exists and should reflect the road
158 acceptance policy. Ms. Richter recommended stating “annual public hearing” rather than a specific date
159 since the date has changed.

160 Mr. Hadik noted the ordinance used to require vertical granite. Now sloped curbing is preferred or
161 asphalt “Cape Cod berms”.

162 Mr. Hadik has also added requirements for a zoning analysis tables and a lot data table.

163 ***Mr. Snyder motioned to take the subdivision regulation amendments to public hearing on August 28,***
164 ***2019 at 7:15 PM. Mr. Sederquest seconded the motion. Motion approved unanimously 5-0-0.***

165 Mr. Hadik advised he has been asked, by one Selectman, to look into a 5G ordinance. The BOS are
166 working with Town Counsel. Mr. Hadik noted in the past there has been a federally controlled
167 ordinance with cell towers and the same thing could happen for 5G. The Board expresses some
168 reservations on the Planning Board expending legal funds on this.

169 **11) Review proposed amendments to Site Plan Review regulations (7.2, 7.10.3.2, 7.10.3.5, 7.20).**

170 Mr. Hadik provided copies of the proposed amendments to Site Plan Review regulation 7.2, 7.10.3.2,
171 7.10.3.5 and 7.20.

172 ***Mr. Snyder motioned to take the Site Plan Review amendments to public hearing on August 28, 2019***
173 ***at 7:15 PM. Ms. Richter seconded the motion. Motion approved unanimously 5-0-0.***

174 **12) Review proposed amendments to Driveway regulations (2.11, 6.1, 7.1, 9.4, 9.12, 9.13) – Tabled**
175 **until 8/14/19.**

176 **13) Review proposed amendments to Building Code regulations (4) – Tabled until 8/14/19.**

177 **14) FEMA Digital Flood Insurance Rate Maps (DFIRMs)**

178 Mr. Hadik noted he received draft copies of the DFIRMs for PB member to view if they wish. (Per USGS
179 they cannot be released for public viewing yet).

180 **Adjournment**

181 Ms. Richter motioned to adjourn the meeting. Mr. Snyder seconded the motion, with all in favor, so
182 moved.

183 The meeting was adjourned at 9:01 pm.

184 Respectfully submitted,

185

186 Daniel Hoijer
187 Recording Secretary