

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, November 20, 2019  
Municipal Complex  
Approved Minutes**

**Members Present:**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Michael Weider, Member  
Elizabeth Richter, Member  
Richard Snyder, Member  
Dana Theokas, Alternate Member  
Selectman Chuck Myette, BOS Liaison

**Members Absent:**

Aaron Hume, Alternate Member

**Others Present at Various Times:**

Andrew Hadik, Planning Coordinator

Chair Sullivan opened the meeting at 7:09 PM.

**Meeting Agenda**

**7:00 PM General Business**

- 1) Review & sign Invoices & Timesheet.
- 2) Review & approve minutes for the 11/6/19 & 11/13/19 PB meetings.
- 3) Discuss updating the procedural requirement for departments for requesting the release of Impact fees for CIP project expenditures.
- 4) Discuss this year's new timeline for zoning amendments.
- 5) Discuss potential zoning amendments.

**7:15 PM Appointments**

None Scheduled

**7:30 Public Hearings**

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

**Future Meeting Dates**

- December 4 – zoning amendments
- December 11 – zoning amendments
- January 8 – Last Day to hold the 1<sup>st</sup> public hearing for zoning amendments if two public hearings are anticipated.

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- January 8 – Last day to notice for the 2<sup>nd</sup> public hearing for zoning amendments if two public hearings are anticipated
- January 15 – Last day to notice for the final public hearing for zoning amendments
- January 29 – Last day to hold the final public hearing for zoning amendments

(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 & time sheet.**

None

**2. Review & Approve minutes for the 11/6/19 and 11/13/19 PB meetings.**

***Mr. Weider motioned to accept the minutes for the November 6, 2019 meeting, as amended. Mrs. Richter seconded the motion, approved 5-0-0.***

***Mr. Weider motioned to accept the minutes for the November 13, 2019 meeting, as amended. Vice-Chair Sederquest seconded the motion, with Chair Sullivan and Mr. Snyder abstaining due to absence from that meeting, approved 3-0-2.***

**3. Discuss updating the procedural requirement for departments for requesting the release of Impact fees for CIP project expenditures**

Mr. Hadik raised the concern that in the past the Planning Board has received requests from at least two impact fee stakeholders for the confirmation of eligibility and actual release of impact fees without providing the Board with a specific cost invoice or bid estimate. He noted the following problems with this practice:

1. That large amounts impact fees have been earmarked for projects that are not being spent. The removal of these amounts from the available fund balances can leave the impression that funding for other CIP projects must come from funding raised and appropriated through additional taxation.

Mr. Hadik reviewed an example where over two years ago a stakeholder requested the approval and release of impact fees for several projects. No actual invoices or cost estimates were submitted at the time for the approval of these requests. And, to date, no expenditure requests have been received for two \$10K expenditure approvals. The result is this stakeholder's available impact fee balance appears to be ~\$23K less than it is.

2. Earmarking impact fees for long periods of time makes an already complicated tracking situation even worse.

3. There is a risk that over time a project for which impact fees are earmarked may be removed from the CIP. Once this occurs, the earmarked funds may no longer be spent on this project.

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4. There is also a risk that unspent earmarked impact fees may inadvertently expire and then must be returned.

Mr. Hadik proposed to amend the Planning Board's policy for the release of impact fees into a four-step process:

- a) The stakeholders shall first obtain confirmation and approval from the Planning Board that the proposed expenditure qualifies for the release of impact fees per the CIP, and that the impact fees are available for the proposed expenditure. A cost estimate or bid invoice shall be submitted along with the request by the stakeholder. The request shall also state in which fiscal year the expenditure will be occurring.
- b) If the project qualifies, the Planning Board will then notify the BOS that the proposed expenditure qualifies per the CIP.
- c) The stakeholder shall then obtain approval from the BOS for the proposed expenditure.
- d) The BOS will then notify the Planning Board of the approval so the Planning Board can notify and request the release and transfer of the impact fees to the General Fund by the Town Treasurer and Finance Director

The Board suggested the stakeholders also identify in which fiscal year the expenditure will occur. Selectman Myette noted they could have until the end of that fiscal year to make the expenditures, or then request the BOS encumber the funds over to the next fiscal year. He noted that order to encumber funds, there must be an obligation in the form of a contract or approved bid as required for general budget rollovers. Mr. Weider agreed, adding that when fees sit unused for too long, there is a risk they may expire and must be returned.

Mr. Hadik also explained that once funds are transferred to the general fund, the auditors ask about expenditures and want all the supporting documents.

Mr. Weider noted that once an expenditure request is verified and approved, the project can't be removed from the CIP.

Mrs. Richter asked Mr. Hadik if he could track funds that are earmarked and withdrawals as well, and Mr. Hadik responded he has been doing this all along.

#### **4. Discuss this year's new timeline for zoning amendments**

Mr. Hadik provided the Board with a schedule of deadline dates for the FY2020 zoning amendments process (listed on their agendas). He noted there are only two Planning Board meetings in December, on the 4<sup>th</sup> and the 11<sup>th</sup>. Mr. Hadik noted the dates are crucial deadlines for holding the public hearings, and there may be a need to have two public hearings if there are a lot of proposed amendments. The deadline dates are as follows:

- December 11 – Last day to review the zoning amendments and vote on which ones to move forward.

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- December 25 – Last day to notice for the 1st public hearing for zoning amendments if two public hearings are anticipated.
- January 8 – Last day to hold the 1st public hearing for zoning amendments if two public hearings are anticipated.
- January 8 – Last day to notice for the 2nd public hearing for zoning amendments if two public hearings are anticipated.
- January 15 – Last day to notice for the final public hearing for zoning amendments.
- January 29 – Last day to hold the final public hearing for zoning amendments.

## **5. Discuss potential zoning amendments.**

Mr. Hadik explained the first amendment being proposed concerns amending two of the unit density bonuses in Article 6 – Open Space Subdivisions. He provided a first draft for the Board to review. He proposes removing all references to Senior (age-restricted) Housing (SH) and the associated 25% density bonus. He gave multiple reasons for doing this, including many towns are regretting having and subsequently voting out SH housing because it discriminates against children, it artificially segregates populations of residents and creates “us v. them” situations, the expected economic benefits of SH have not occurred etc. Mr. Weider also pointed out that no one has used this density bonus in Chester during the (14-year) existence of the ordinance.

M. Hadik then explained the second part of the amendment would be to add the deleted 25% density bonus for SH to the 25% density bonus for Workforce Housing (WFH) in order to create total 50% density bonus for WFH. He cited the justification for doing this is the concern that no WFH is being built in Chester, and the State legislature is very concerned with the critical shortage of WFH within the State, and he believes this is a huge liability to the Town because of the Britton vs. Town of Chester lawsuit. When asked, he said that SH would still be allowed, however, there would be no density bonus for it.

Mrs. Richter asked if the bonus would be for building smaller homes and Mr. Hadik recommended holding off on defining that. Mr. Snyder reminded it is important to have a purpose statement. Mr. Hadik noted it exists in the ordinance, however, it wasn’t included in this condensed draft being reviewed. He also said the purpose statement could be amended to bolster the Board’s goals.

Chair Sullivan requested Mr. Hadik could send out drafts of the proposed amendments ahead of time so the Board can be better prepared for reviews at the meetings.

The Board had much discussion about the draft. Mr. Hadik noted there are two examples of how to calculate unit density. He noted average bedroom counts of 3.5 bedrooms per single-family unit or 2 bedrooms per family duplex. He noted he was not in favor of clustering (segregating) units by income level within a development, and this was something the Board might discuss rewording.

Mrs. Richter recommended having a goal to have smaller lots. Mr. Hadik recommended Board members could provide him with suggested edits to make the ordinance read better.

The Board had much discussion about affordability. Mr. Hadik said WF should not to be perceived as low-income housing. He read out his research noting the latest (2019) income eligibility limits for WFH:

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“The 2019 HUD one hundred (100) percent MAI (Median Area Income) limit for homeowners in our PMSA, Lawrence, MA-NH, is \$102,100.00 for a family of four. The estimated maximum affordable purchase price limit is \$335,000.00 for a family of four. The 2019 HUD sixty (60) percent MAI limit for renters in our PMSA, Lawrence, MA-NH, \$55,130.00 for a family of three. The estimated maximum affordable monthly rent limit is \$1,380.00 for a family of three.” Mr. Hadik opined builders should be able to build marketable duplex or multi-family units for \$335,000.00 per unit.

Mr. Weider indicated 3-bedroom homes are not small and will not cause smaller homes to be built, but he did not have any other suggestions at this time. “Developers will find loopholes. Just don’t see that type of home being built here.” Mr. Hadik noted he had lived in two different 3-bedroom houses that were under 1,300 sq.ft. Mr. Snyder noted the Planning Board can’t control whether someone takes advantage of this. Selectman Myette noted there are more allowed condominiums in bigger cities that we can’t do here. Chairperson Sullivan asked if a 3.5 average bedroom count was a problem. Ms. Theokas opined a square footage limitation would work better. Mr. Snyder agreed that if the footprint was small, all costs go down. Selectman Myette noted the children per household has been dropping statewide. Ms. Theokas questioned who tracks the income restricted housing. Mr. Hadik noted this was a separate discussion to have, and he had brought it up at the NH Senate Commission meetings on Barriers to Workforce Housing.

#### **Appointments**

None scheduled

#### **Public Hearings**

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

***Mr. Weider motioned to open the public hearing at 8:25 PM. Mrs. Richter seconded the motion, with all in favor, the motion passed unanimously.***

Mr. Weider wanted the accuracy of the numbers of the various CIP expenditures voted over the last decade verified. Mr. Hadik noted he had reviewed the minutes of the annual Town meetings to develop this list. Mr. Weider noted a few discrepancies and requested all the minutes be reviewed again. Mr. Hadik noted the 2019 Highway Grant amount was a “cut & paste” error. Ms. Richter suggested Mr. Hadik could use a proofreader. Mr. Hadik noted he would have to go through a lot of records, and there is no administrative support (for proof reading or anything else) because this was removed from his budget by the BOS.

Mr. Weider noted \$1.9 million was funded in 2019 for capital improvements. The Town could just consistently fund \$1 million from now on so we’re building up the CIP capital reserve fund balances.

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191 Mr. Hadik noted he has not yet received the surrounding demographic data from SNHPC for the last  
192 paragraph on page 45. He will add this information as soon as he receives it. He also added this data  
193 has no effect on any costs listed in the CIP.

194 The Board discussed removing projects for which there are no cost estimates or only "guesstimates".  
195 Mr. Weider indicated it may be best to remove them if there are no cost estimates. Mr. Snyder felt it  
196 was best to leave the projects in, but to not use made up numbers. Mr. Hadik noted some projects are  
197 included as placeholders, to counter the complaints of "why have we not heard of this project before?"  
198 He said it has been done this way for years. He agreed, however, there are too many cost  
199 "guesstimates" included.

200 Selectman Myette advised that the BOS agreed to approve the release of impact fees for REC's picnic  
201 tables. A caveat was made that the tables should be made immovable by being secured to the ground.

202 ***Mr. Snyder motioned to close the public hearing at 8:45. Mr. Weider seconded the motion, with all in***  
203 ***favor, the motion passed unanimously.***

204 ***Mr. Weider motioned to adopt the updated CIP (2020 to 2027) pending the addition of minor***  
205 ***demographic data from SNHPC. Mrs. Richter seconded the motion, with all in favor, the motion***  
206 ***passed unanimously.***

207

208 The Board continued discussing potential zoning amendments.

209

210 Mr. Hadik advised he wasn't sure if he had enough time to create an ordinance to allow the transfer of  
211 development rights (TDR). He wondered if zones or districts might have to be created to specify where  
212 these rights would come from and/or be used.

213 Mr. Hadik discussed the possibility of adopting an ordinance which would terminate all unused variances  
214 or special exceptions authorized prior to 8/19/2013 ("zombie approvals"). He said that, if passed, the  
215 terminations would have to be noticed for one year, and then would not take effect until two years after  
216 the noticing expired. In effect, by that time the most recent unused approval being terminated would  
217 be 10 years old. Mr. Snyder indicated the ZBA supported the concept.

218 Mr. Hadik noted he will be asking Attorney Bennett to draft the ordinance. The Board supported  
219 drafting this zoning amendment.

220

221 **Adjournment**

222 ***Mrs. Richter motioned to adjourn the meeting at 8:52 PM. Mr. Snyder seconded the motion, with all***  
223 ***in favor, the motion passed unanimously.***

224 Respectfully submitted,

225 Daniel Hoijer

226 Recording Secretary