

01-08-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, January 8, 2020
Municipal Complex
Approved Minutes**

Members Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Michael Weider, Member
Elizabeth Richter, Member @ 7:07 PM
Richard Snyder, Member
Dana Theokas, Alternate Member

Members Absent:

Selectman Chuck Myette, Liaison
Aaron Hume, Alternate Member

Others Present at Various Times:

Andrew Hadik, Planning Coordinator
Selectman Stephen Landau

7:00 PM - General Business

1. Review & sign invoices & time sheet.
2. Review & approve minutes for the 12/11/19 PB meeting.
3. Discuss a question regarding a pending lot-line adjustment.
4. Review Offsite Improvement Fee account balances.
5. Review Impact Fee account balances
6. FYI, the updating of impact fees has commenced.
7. Discuss "No-Cut" buffers vs. "No-Clearing" buffers.
8. Set a date for a joint meeting with Eversource, NH Fish & Game, Chester PD and Conservation Commission to discuss ORV enforcement on the Eversource powerlines.
9. Discuss whether to meet on January 15th to review draft of the PB's Annual Report.

7:15 PM – Appointments

None scheduled.

7:15 PM - Public Hearing

1. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements
2. Proposed zoning amendment to Article 4.9.2: Home Business
3. Proposed zoning amendment to Article 5.3.5: Dimensional and Area Requirements
4. Proposed zoning amendment to Article 5.7.2 Definitions
5. Proposed zoning amendment to Article 6: Open Space Subdivision
6. Proposed zoning amendment to Article 11.2.2.3: Public Hearing and Notice

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7. Proposed zoning amendment to Article 11.5: Expiration of Special Exceptions and Variances

Future Meeting Dates

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

Chair Sullivan opened the meeting at 7:00 PM and designated Alternate Ms. Theokas to sit in for Ms. Richter until her arrival.

1. Review & sign invoices & time sheet.

The Board signed the invoices and time sheet.

2. Review & Approve minutes for the 12/11/19 PB meeting.

Mr. Weider motioned to accept the minutes for the December 11, 2019 meeting. Vice-Chair Sederquest seconded the motion. A vote was taken, Mr. Weider and Chairman Sullivan abstained, approved 3-0-2.

3. Discuss a question regarding a pending lot-line adjustment.

Mr. Hadik provided the Board with a map showing Lots 5-56, 5-57 and 5-26 which he explained are on Old Sandown Road in the vicinity of the intersection of Route 102, Old Sandown and North Pond Roads. The three lots are owned by the same owners. Two of the lots are non-conforming lot because they do not meet the minimum 2-acre lot size requirement. They each have homes built on them. The third lot will have a conservation easement placed on it. The owners wish to make a lot-line adjustment between the two non-conforming lots.

Mr. Hadik noted the subdivision regulations state, for minor lot line adjustments, that there would be no more than a 25% change in area for either lot. He noted this 25% limitation has been waived by the Board many times. And, he recommended the applicant submit a written waiver for Subsection 2.2.15, and submit a plan showing that there is enough room on lot 5-26 to meet the well and septic requirements after the lot-line adjustment. Mr. Snyder noted a public hearing is not required. Mr. Hadik recommended, however, as a matter of consistency, notifying the abutters and holding a public hearing as has been done for other lot-line adjustments.

4. Review Offsite Improvement Fee account balances.

Mr. Hadik provided the Board with a copy of the Off-Site Improvement Account Balances spreadsheet for Fiscal Year ending June 30, 2020. The current balance is \$7,806.

He noted that some developers have offered to do cash in lieu of Letters of Credit, and these (5) accounts total \$389,102.

Mr. Snyder asked for a summary of what was left to be done at the Jenkins Farm Subdivision. Mr. Hadik noted DuBois & King would provide a detailed punch-list when the time came to accept the road. However, he listed some of the items that had already been brought to his attention, including placing

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the final wearing course, cleaning out the silted in drainage ditches and partially blocked driveway culverts, and a few other minor issues. Mr. Hadik noted that Road Agent Oleson has said that the amount of the developer's surety in the Town's account is enough to cover the remaining work.

Mr. Weider asked if the poly flared ends for the driveway culverts have been replaced. Mr. Hadik said these have been replaced with pre-cast concrete headwalls; however, the Road Agent is concerned because some of them are leaning outwards from the driveways.

Mr. Weider asked if Road Agent Oleson would have enough funds to do what he needs to do if the developer did not finish the work, and Mr. Hadik noted Road Agent Oleson indicated that he would.

5. Review Impact Fee account balances.

Mr. Hadik provided the Board with a copy of the Accrued Traffic Impact Fees for the Town road quadrants A, B, C and D. When asked about the balances of the other six impact fees, he said he wanted to table that discussion for now because he still has a tracking/accounting question about a couple expenditures.

Mr. Hadik noted the impact fees were within one or two fees of totaling \$400,000 collected, and the current combined TD Bank account balance is over \$260,000.

Mr. Hadik asked if Mr. Weider had reviewed the question he had emailed to him. Mr. Hadik said he had reviewed the minutes for all annual Town Meetings back thru 2009 to ensure all capital improvements are being listed in the CIP. He wanted to know if the items funded by sources other than taxation, such as the Police and Fire Special Detail accounts, should be included, but then broken out under the final totals. After much discussion it was decided to handle these expenditures this way. He and Mr. Weider noted some items were funded partially by taxation and/or withdrawals from the undesignated fund balance or the special detail funds.

6. FYI, the updating of impact fees has commenced.

Mr. Hadik reviewed his meeting with Southern NH Planning Deputy Director Nate Miller. He said they had decided to start with updating the impact fees for Government Buildings and the Library.

Mr. Hadik noted that Mr. Miller was reviewing the CIP to ensure any expenses listed, that were part of the impact fee calculations, were not merely maintenance items. Mr. Weider noted, as an example, for a roof replacement, where replacing shingles with like kind would be maintenance, but upgrading a shingled roof to a different kind such as a metal roof would be an improvement.

Mr. Hadik said he wants to make sure the calculations of the impact fees will survive any legal challenges.

7. Discuss "No-Cut" buffers vs. "No-Clearing" buffers.

The Board agreed to table this discussion to a date when Selectman Myette is in attendance.

8. Set a date for a joint meeting with Eversource, NH Fish & Game, Chester PD and Conservation Commission to discuss ORV enforcement on the Eversource powerlines.

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Mr. Hadik noted the article in the Tri-Town stating that the Conservation Commission will be scheduling the meeting. Chair Sullivan questioned the role of the Planning Board in enforcement.

Mr. Hadik noted the improvements, especially the upgrades to the access roads, on many of the Eversource easements. Mr. Weider said Eversource would likely remove the gravel once the work was completed and to relocate it to their next job site.

9. Discuss whether to meet on January 15th to review draft of the PB's Annual Report.

The Board agreed to review the Annual Report at the January 22nd meeting.

Mr. Hadik noted the Senate Commission meeting is on Friday.

He also advised a new house bill is under consideration to change the noticing requirements for publication in a newspaper if the Town posts on the Town webpage instead.

Appointments:

None scheduled

Public Hearings:

Mr. Weider motioned to open the public hearing at 7:40 PM. Vice-Chair Sederquest seconded the motion, with all in favor, the motion passed unanimously.

Mr. Weider read out loud the purpose statement for each of the following proposed Articles and asked if there were any questions:

1. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements

Purpose: To change the word "handicapped" to "accessible", and to update the reference to the federal and state regulations governing Accessible Parking.

2. Proposed zoning amendment to Article 4.9.2: Home Business

Purpose: To allow for optional Site Plan Review for some Home Business permit applications.

3. Proposed zoning amendment to Article 5.3.5: Dimensional and Area Requirements

Purpose: To add a cross-reference to Article 5.3.5 - Dimensional and Area Requirements to Subsection 5.7.5.2 - Lot Size Determinations (already existing).

4. Proposed zoning amendment to Article 5.7.2 Definitions

Purpose: To add a definition for "Basal Area," and to reduce the amount of basal area clearing allowed annually.

5. Proposed zoning amendment to Article 6: Open Space Subdivision

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Purpose: To eliminate the unit-density incentive bonus for age-restricted housing, and increase the unit-density incentive bonus for workforce housing, in order to help the Town accomplish its fair-share obligation to address the State's critical shortage of workforce housing.

Ms. Richter recommended adding "to" to the purpose clause for Article 6 to read "...in order to help the Town accomplish" and recommended changing "it's" to "its" to read "its fair share obligation..."

6. Proposed zoning amendment to Article 11.2.2.3: Public Hearing and Notice

Purpose: To amend Subsection 11.2.2.3 to extend the time period for scheduling an administrative appeal hearing to comply with the statutory change to NH 676:7,II.

7. Proposed zoning amendment to Article 11.5: Expiration of Special Exceptions and Variances

Purpose: To provide for the expiration of unexercised special exceptions and variances approved prior to August 19, 2013 as authorized by RSA 674:33, I-a(b) and RSA 674:33, IV(c).

Ms. Richter questioned the hyphenation for RSA 674:33 under Article 11.5 "1-a(b). Mr. Hadik will check the RSA.

Mr. Snyder motioned to take to ballot the proposed zoning amendment to Article 4.5.2 Parking Lot Requirements, as well as the proposed zoning amendment to Article 4.9.2. Home Business, as well as the proposed zoning amendment to Article 5.3.5 Dimensional and Area Requirements, as well as the proposed zoning amendment to Article 5.7.2. Definitions, as well as the proposed zoning amendments to Article 6 Open Space Subdivision, as well as the proposed zoning amendment to Article 11.2.2.3 Public Hearing and Notice, and finally the proposed zoning amendment to Article 11.5 Expiration of Special Exception and Variance. Ms. Richter seconded the motion, with all in favor, the motion passed unanimously.

Mr. Hadik urged the public, when considering the "workforce housing" article (on the ballot, to remember that this is different than affordable housing. For workforce housing" the qualifying income limit for a family of four is \$102,100, and the cost limit of a single-family home could be up to \$335,000. He wants to make sure the public does not confuse this to be "low-income" housing,

Ms. Theokas motioned to close the public hearing. Ms. Richter seconded the motion, with all in favor, the public hearing was closed at 8:11 PM.

Selectman Landau recommended the Board include the purpose clause of each Article in its Annual Report. He noted there is likely to be an article in the Tri-Town Times before the Town Meeting. Mr. Hadik said the purpose statements are always included in the Board's annual report, and the report is posted on the website.

Future Meeting Dates

- **January 22, 2019 review Town Report**

Adjournment

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209 ***Ms. Richter motioned to adjourn the meeting at 8:16 PM. Mr. Snyder seconded the motion, with all in***
210 ***favor, the motion passed unanimously.***

211 Respectfully submitted,

212 Nancy Hoijer

213 Recording Secretary