

05-27-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, May 27, 2020  
Virtual Meeting  
Approved Minutes**

For the duration of the COVID19 pandemic, the Planning Board will be meeting electronically under the emergency provisions of RSA 91A. <https://zoom.us/j/92697843243>, or via telephone - dial (301) 715-8592; the meeting ID is 926 9784 3243.

**Members & Staff Present:**

Evan Sederquest, Vice Chairman  
Michael Weider, Member  
Elizabeth Richter, Member  
Richard Snyder, Member  
Aaron Hume, Alternate Member  
Selectman Chuck Myette, Liaison  
Andrew Hadik, Planning Coordinator

**Members Absent:**

Brian Sullivan, Chairman

**Others Present at Various Times:**

Nancy Hoiyer, ZBA Administrative Assistant

**Meeting Agenda**

**7:00 PM – General Business**

- 1) Review & approve minutes for the 5/6/20 PB meeting.
- 2) Update on the status of the surety negotiations for the Southwoods subdivision.
- 3) Discuss proposed edits to Article 3.9 of the Subdivision Regulations.

**7:15 PM – Appointments**

None Scheduled

**Public Hearings**

1. Site Plan Review Application of Jennifer Morin (Owner – Kerry’s Dance Center) to operate a commercial dance center & yoga studio located at 8 Deerwood Hollow Road in Chester (Map 6 Lot 14).

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## Meeting Minutes

Vice-Chair Sederquest opened the meeting at 7:00 PM with a roll call vote and indicated Alternate Aaron Hume was participating for Brian Sullivan.

### 7:00 PM – General Business

#### 1) Review & approve minutes for the 5/6/20 PB meeting.

*Mr. Snyder motioned to approve the May 6, 2020 minutes, as amended. Mr. Weider seconded the motion. A roll call vote was taken Snyder – aye, Hume – aye, Weider – aye, Myette – aye, Sederquest – aye, Richter – aye. The motion passed unanimously.*

#### 2) Southwoods subdivision surety negotiations.

Mr. Hadik relayed that he and Mr. Bourcier (of Dubois & King, Inc.) had reviewed the amended surety amounts proposed by the paving contractor for Brady Sullivan, the owners of the Southwoods subdivision. Mr. Bourcier has also revisited his cost estimates generated on April 23, 2019, as well as NH DOT's current unit pricing averages, which are used to calculate the surety amounts.

Mr. Bourcier has determined that, rather than reduce the surety amounts as proposed by the paving contractor, a case could be made to increase them to reflect DOT's current unit pricing averages. After some discussion with Mr. Hadik, they have decided to stick with the April 2019 surety amounts because the increases are covered by the 25% contingency amounts.

Mr. Hadik noted this was discussed with and supported by the Board's Counsel. Mr. Hadik is continuing to work with Counsel to resolve this matter.

#### 3) Edits to Article 3.9 of the Subdivision Regulations.

Mr. Hadik asked if the Board members had reviewed the proposed edits to Article 3.9 of the Subdivision Regulations. He noted that these edits were requested by the Board to clarify and address a question raised by Mr. Josh Naughton about the surety requirements for Pipit Estates. Mr. Hadik noted the edits were a combination of his and Attorney Bennett's edits, and that Attorney Bennet had reviewed and approved the final draft.

Mr. Weider stated he was fine with the changes. Ms. Richter agreed.

When asked if there were any preparations for reopening the Town's municipal offices, Mr. Hadik noted that the BOS are being proactive, and that a number of safety renovations are underway and/or already completed.

### 7:15 PM – Appointments

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None scheduled.

### Public Hearings

**1. Site Plan Review Application of Jennifer Morin (Owner – Kerry’s Dance Center) to operate a commercial dance center & yoga studio located at 8 Deerwood Hollow Road in Chester (Map 6 Lot 14).**

***Ms. Richter motioned to open the public hearing to accept the application. Mr. Hume seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

Mr. Hadik stated he had reviewed the application for completeness. He and Ms. Jennifer Morin had thoroughly reviewed the application and the checklist. He noted that the name and seal of the wetland scientist does not appear on the plan, and there is no error of closure statement. The Board had no issue with this. Mr. Hadik said that in his opinion the application was complete enough for the Board to consider acceptance.

***Mr. Snyder motioned to accept the application as completed. Ms. Richter seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

Mr. Hadik reviewed the Conditions of Approval (CoA) which he noted were straightforward; the dance center is well known. This site plan review is driven by the change of ownership, and because during the re-permitting process, the center was determined to have evolved over the years from a home occupation into a commercial business.

Mr. Snyder asked how far the CoA have been circulated, and Mr. Hadik said they have been circulated to Myrick Bunker, the Building Inspector (B.I.) for his comments. Mr. Hadik said he had also reviewed them with the applicant.

Mr. Hadik reviewed the CoA with the Board:

1. The development and use of this site (Tax Map & Lot 006-006-014) shall be limited to the following, and subject to the following conditions:

Hours of Operation: 9:00 AM to 8:30 PM Monday thru Saturday

Number of Employees: One (1) Full-Time, Four (4) Part-Time

Onsite Parking Availability: Twenty (20) spaces

PB Conditions:

1.a - The applicant shall apply to the ZBA for a variance from the Table 1 – Impervious Surface Limitation for exceeding the 15% lot coverage limitation.

Mr. Hadik noted the applicant will need to apply to the ZBA for two variances and any others the BI

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determines. A variance will be needed for exceeding the impervious coverage limit of 15% (which is currently is at 21.5% for this lot). He noted this is within the Site Plan Review regulations, however, because it is also in zoning, the Board cannot waive this.

1.b – The applicant shall apply to the ZBA for a variance from Article 2.51– Setback to allow parking (space 20), other paved and graveled areas, and a portion of a staircase in the lot's western side setback.

Mr. Hadik also noted the applicant will need a variance for the pavement and the portion of the covered staircase located in the western side setback of the lot. He said the BI had reviewed his files for the property and had not been able to find building permits for these structures. If the prior owners are able substantiate the existence of the permits, however, then this variance might not be required.

1.c – The applicant shall apply to the ZBA for all other variances that may be determined by the Building Inspector or Zoning Board.

Mr. Snyder noted he was concerned this condition was overreaching. He stated he believed this condition was unnecessary because this is covered by General Condition #4 which references compliance with the Chester zoning ordinance. The Board agreed.

Ms. Richter asked how the applicant will know what other variances, if any, the applicant will need. Mr. Hadik responded that Ms. Morin will go to the BI to apply for a Temporary Certificate of Occupancy, and the BI will notify her by providing a Letter of Denial which will list the variances required. She will then submit the letter along with the variance application to the ZBA.

1.d (now 1.c) – The shed located in the side setback in the SW corner of the lot shall be relocated out of the lot's setbacks.

1.e (now 1.d) - No parking by business employees, customers or visitors shall occur in the rights-of-way of Deerwood Hollow Road.

There was no discussion on the conditions renumbered 1.c and 1.d.

1.f - The studios shall meet accessibility requirements

Vice-Chair Sederquest asked about the handicapped accessibility of the second floor. Ms. Richter indicated the business is now commercial and was previously a home occupation. Mr. Snyder stated he believed this condition was unnecessary because this is covered by General Condition #4 which also references compliance with the Chester and State codes. The Board agreed.

Items 1.a - 1.f (now 1.d) to be completed prior to issuance of Commercial Certificate of Occupancy (CCO). Failure to obtain any variance or to comply with the above will be grounds to not issue or revoke the CCO.

There was no discussion about this condition.

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Mr. Hadik noted eight (8) waivers are required. He was asked if the applicant has submitted a waiver request in writing, which he confirmed had occurred.

Mr. Hadik read out the waivers requested from the Site Plan Review Regulations which are:

- 1) Section 7.1.15: To not require all physical features and uses of abutting land within 300 feet of the site.
- 2) Section 7.1.16: To not require the shape, size, height, location and uses of structures located within 300 feet of the site.
- 3) Section 7.2.2: To not show the grades and profiles or centerlines of the adjacent existing streets.
- 4) Section 7.3: To not require a stormwater management plan where 15% or 10,000 square feet, whichever is greater, of the site is impervious.
- 5) Section 7.4: Erosion and sediment control plan.
- 6) Section 7.5: Septic Systems requirements.
- 7) Section 7.8: Traffic impact analysis.
- 8) Checklist Item D-10: To not require access plans with sight distance.

***Mr. Snyder motioned to grant the waivers listed above. Ms. Richter seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

Mr. Hadik noted the remaining conditions are the usual general “boilerplate” conditions of approval, and that they are the same as were included in the CoA for the last site plan review. There was no discussion.

Vice Chair Sederquest opened the hearing to the public for questions and comments. There were none.

***Mr. Snyder motioned to close the hearing to the public. Ms. Richter seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

***Mr. Snyder motioned to approve the Site Plan Review application subject to conditions, as amended. Ms. Richter seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

Ms. Morin asked about the next step in the process, and Ms. Hoijer stated Ms. Morin should get the denial letters from the Building Inspector, and then apply to the ZBA for the variances.

Mr. Hadik said he will print the amended CoA, sign, and provide Ms. Morin with a copy to bring to the Building Inspector. Mr. Hadik said during the current emergency Municipal Offices closure, that the Building Inspector is still meeting with applicants outside in the parking lot to conduct business.

#### **Adjournment**

***Ms. Richter motioned to adjourn the meeting at 8:23 PM. Mr. Snyder seconded the motion. A roll call vote was taken, Richter – aye, Snyder – aye, Sederquest – aye, Weider – aye, Hume – aye. The motion passed unanimously.***

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226 **Future Meeting Dates**

227

- 228 • June 3 –  
229 • June 10 –  
230 • June 24 –

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

235

236 Respectfully submitted,

237 Daniel Hoijer

238 Recording Secretary