

09-16-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, September 16, 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:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Mike Weider, Member (@7:50 PM)
Richard Snyder, Member
Aaron Hume, Alternate Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Planning Coordinator

Members Absent:

Elizabeth Richter, Member

Others Present at Various Times:

Christy Ortins
Bill Reishus
Corinna Reishus

Meeting Agenda

7:00 PM – General Business

- 1) Review & approve minutes for the 9/2/20 PB meeting. TABLED
- 2) Review & approve annual PB budget.
- 3) FYI, the annual PB budget review with the BOS is scheduled for October 1st.
- 4) Discuss response from Counsel re: Jack Road signs.
- 5) Discuss response from Counsel re: Triad Winery.
- 6) FYI, CIP submittal reviews w Department Heads, BOS & BC on October 7th, 14th & 21st.
- 7) FYI, East half of North Pond Road reconstruction has been completed.
- 8) FYI, HB 1558 – Electronic Notice of Hearing on Zoning Adoption or Amendment.

7:15 Public Hearings

None scheduled.

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7:15 Appointments

Conceptual discussion with Christy Ortins of Geary Farms, LLC about operating a food truck at Spring Hill Farm.

Non-Public Sessions

1. Pursuant to 91-A:3(II) (a)&(c) public employee and reputation.

Chairman Sullivan opened the meeting at 7:00 PM and read the Covid19 preamble authorizing a virtual meeting. Roll Call of members present was taken which included Mike Weider, Rick Snyder, Evan Sederquest, Chairman Sullivan, Alternate Aaron Hume, and Selectman Myette. Chairman Sullivan indicated Alternate Aaron Hume would be active for Ms. Richter.

7:00 PM – General Business

1) Review & approve minutes for the 9/6/20 PB meetings. TABLED

2) Review & approve annual PB budget.

Mr. Hadik shared the draft of the PB's budget on-screen. He explained the left three expense columns are the actual expenditures for those three years. The light blue cells flag the highest expenditure in that budget line category for those three years. The next column is the current year's budget.

Mr. Hadik explained that because of the change to March Town meetings, the budgeting process is occurring far earlier in the year. He said the big problem with this is there are only 2 months of actual expenditure data from which to forecast a budget year that will start 10 months from now. He then asked the Board if they have any questions or proposed changes to the budget.

Mr. Weider noted the Board would look at the staff line amounts, for the PB Coordinator and to develop a part-time or full-time clerk (*or Administrative Assistant's*) position. He said the Board would provide this information later in the week.

Mr. Hadik noted the \$4,000 in last year's budget under PB SNHPC Planner was for the Town's cost-share for a NHDES grant to update the Source Water Protection Plan. The cost to update the ordinance without the grant is \$20,000. If the Town does not receive the grant, then the update will not be done.

Selectman Myette noted the Town's revenues for the second half of the year were uncertain, and the BOS is asking all Boards and Departments to have level or reduced budgets. Any increase should be accompanied by strong and thorough supporting documentation.

Mr. Hadik posted a spreadsheet of projects with SNHPC including the annual CIP update, the Impact Fee updates, the Source Water Protection Plan update, and the Master Plan update which has a separate warrant article for funding (so it is not part of the PB budget). So far \$40,000 has accrued in the capital reserve fund for this project (\$20,000 of which was approved at this year's Town Meeting).

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3) FYI, the annual PB budget review with the BOS is scheduled for October 1.

Mr. Hadik noted the BOS has scheduled the PB for their meeting on October 1 to review the Planning Board's draft budget. He asked if there any Board members available to attend that evening. Chairman Sullivan and Mr. Weider said they would attend. Mr. Snyder requested the meeting link via Zoom.

4) Discuss response from Counsel re: Jack Road signs.

Mr. Hadik shared an aerial photo of Jenkins Farm on-screen. He pointed out the intersections of Jack and Jenkins Farm roads, and described the surrounding topography, and the center open space area. He noted that two weeks ago, the Board was asked questions about the wording for signage for Jack Road, a Class VI road which cuts through Jenkins Farm Road at two locations. After much discussion, the Board requested him to check with Counsel about what type of posting can be done for Class VI roads.

Mr. Hadik then opened and shared Google Earth window on-screen. He pointed out Jack Road, the ORV traffic thru the wetland, and the ORV damage along the powerlines ROW.

Mr. Hadik relayed that he had checked with Attorney Bennett who asked about the history of Jack Road, particularly the terms of its' discontinuance. Unfortunately, there is nothing in the Town's files about the history or discontinuance of the road. Because of this, Attorney Bennett offered the following option for proposed signage: The Select Board has the authority: *"To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways."* RSA 47:17, VIII (a). *That Board may post it to exclude motorized vehicles due to safety concerns resulting from its poor condition and the use of such vehicles on that way will cause it to further deteriorate. The fact that it bisects the open space used for recreational activities in the middle of a residential development could also raise safety concerns."*

Selectman Myette indicated that illegal motorized trespassing has been problematic throughout Town especially since the onset of the Covid19 crisis. It should be looked at as a town-wide issue. Selectman Myette asked if the developer was responsible to put in the signs? Mr. Weider asked how the developer's responsibility could be enforced? Mr. Hadik noted the developer was aware of the punch list put together by the Town's engineer from the plan notes, and the developer does not dispute the requirement. The developer wants to know what wording to use on the signs. Mr. Snyder recommended referencing the appropriate RSA, and to use something like (*Manchester Water Works*) posted at Tower Hill Pond.

5) Discuss response from Counsel re: Triad Winery

Mr. Hadik recounted that three weeks ago, the Board had a conceptual discussion with Bill & Corinna Reishus about the submittal requirements for a site plan review (SPR) application for a wine tasting facility for Triad Winery. The following week he informed the Board about a call from Billie Maloney, the ZBA Chairperson, about her concerns that the applicants were not applying to the ZBA for a variance for a commercial business permit.

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Mr. Hadik also advised that he had forwarded all of the information, including the ZBA's lengthy meeting minutes and the Building Inspector's "permit" letter to Counsel for his interpretation to determine if a variance for a commercial business permit was required. The Board had agreed that Counsel should be consulted.

Subsequently Attorney Bennett wrote a memo advising that the applicants do have to apply for the ZBA for a variance for a commercial business permit. Then Mr. Hadik spoke with Ms. Reishus, who asked when the PB would be issuing a Letter of Denial.

Since then, the Board members received a letter emailed by Ms. Reishus. Mr. Hadik said that several clarifications need to be made. First, Mr. & Ms. Reishus do not need site plan review approval to start preparing the land for spring planting. No Board approval is necessary to plant grapes or other crops. Second, technically, a complete application has not been submitted yet.

Mr. Hadik noted he has only received an emailed application, and no hardcopies of the plan have been submitted. At his request, the applicant retained the check until such time as a complete application could be submitted. Therefore, according to Counsel, technically he cannot yet issue a Letter of Denial. Furthermore, considering the memo from Counsel, he was expecting to discuss all of this at tonight's meeting, to obtain guidance from the Board about how to proceed.

Considering this, Mr. Hadik posed two questions for the Board: does the Board want the applicant to first obtain a variance for a commercial business permit, or is the Board willing to accept an application for SPR (*knowing that any approval will have to be conditioned upon obtaining the variance*).

Mr. Snyder noted it was up to the applicant whether they wanted to first apply to the ZBA for a variance or apply for SPR with the Planning Board knowing approval would be conditioned upon a variance for a commercial business permit. He went on to say that usually the need to seek relief from the ZBA is discovered during the SPR process, however, in this case the need for relief from zoning was discovered before the process commenced.

There was much discussion by the Board about whether the applicants should continue with the SPR application process, or seek relief from the ZBA prior to SPR. The Board decided the applicants should seek relief from the ZBA prior to applying for SPR.

6) FYI, CIP submittal reviews w Department Heads, BOS & BC on October 7th, 14th & 21st.

Mr. Hadik informed he is in the process of setting up the schedule for meeting with the Department Heads, BOS, and Budget Committee to review the CIP projects for the annual update of the CIP. Last year the Board met with eight departments or stakeholders. FYI, this year PACT is not requesting anything, and the Library has only one project which is still 2-3 years out. The Library Patio project has been reviewed several times. Therefore, the Board will be only be meeting with six of the eight CIP stakeholders this year.

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The Board discussed that in general they did want to speak with the department heads or stakeholders about all projects listed in the CIP. Selectman Myette noted that this was critical since there were some very expensive projects scheduled over the next couple years. He thought that the projects need to be thoroughly revisited, both from a necessity and scheduling standpoint.

7) FYI, East half of North Pond Road reconstruction has been completed.

Mr. Hadik noted the reconstruction of the eastern half of North Pond Road has been completed. He recommended if the Board members have not had a chance to drive it yet, then they should go check it out. He asked they note the addition of the right-hand turn lane at Rte. 102. This was a goal that was set back in the late 1990s.

Mr. Hadik noted the guardrails will be added in the spring (about 2,000 feet of it). He also relayed that Mr. Oleson had asked our engineer if the need for the guardrails could be avoided, however, because of the narrow width of the ROW, this resulted in side-slopes steep enough to require the guardrails. In Mr. Hadik's opinion, the project turned out well.

8) FYI, HB 1558 – Electronic Notice of Hearing on Zoning Adoption or Amendment

Mr. Hadik relayed that the 2020 NHMA Legislative Update Bulletin lists this change of note for planning boards: Chapter 8 (HB 1129) allows a planning board to post notice of a hearing on a proposed zoning ordinance or amendment on the municipality's internet website in lieu of publishing it in a newspaper of general circulation. The notice or a link to it must appear prominently on the home page, and it must remain posted on the website until the hearing. Notice must still be posted in two other public places. *(The statute amended is RSA 675:7. E.D. September 8, 2020. See also sections I, III.)*

Mr. Hadik noted the NHMA's annual meeting will be a virtual event this year, consisting over two days of eight periods of legal seminars.

Mr. Hadik noted the RSA for warrant articles for Bonding has been amended from requiring a 2/3rds majority vote to a 3/5ths majority vote for passage.

7:15 - Public Hearings

None scheduled.

7:15 – Appointments

Conceptual discussion with Christy Ortins of Geary Farms, LLC about operating a food truck at Spring Hill Farm.

Mr. Hadik displayed an aerial photo of Spring Hill Farm on-screen which he asked if the applicants could use in lieu of a site plan for the SPR. The Ortins are currently renting the High Tunnel greenhouse at Spring Hill Farm. They have requested to operate their food truck several days a week next to the

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greenhouse at the farm. The food truck already operates a few days per week in Sandown. They serve vegetarian wraps and vegetables grown in the High Tunnel greenhouse.

Mr. Hadik noted this is an ancillary use to Spring Hill Farm. They still need go to the BOS for approval. Selectman Myette noted RCCD (*the easement holder*) said it was consistent with the easement. Ms. Ortins noted that Maintenance has requested a trash barrel in the event food was eaten on site, however, most customers would pick up their food and/or vegetables and leave the premises.

Non-Public Sessions

Mr. Weider motioned to go into non-public session pursuant to 91-A:3(II) (a) & (c) public employee and reputation. Mr. Snyder seconded the motion. A roll call vote was taken Sullivan – aye, Sederquest – aye, Snyder – aye, Weider – aye, Hume – aye and Myette – aye. With all in favor, the motion passed unanimously.

The meeting was closed to the public at 8:47 PM. Mr. Hadik turned over control of Zoom to Mr. Weider, and logged out.

Mr. Weider motioned to come out of non-public session. Mr. Snyder seconded the motion. A roll call vote was taken Sullivan – aye, Sederquest – aye, Snyder – aye, Weider – aye, Hume – aye and Myette – aye. The motion passed unanimously 6-0-0.

The meeting was reopened to the public at 9:43 PM.

Mr. Weider motioned to seal the minutes of the non-public session for one year. Mr. Snyder seconded the motion. A roll call vote was taken Sullivan – aye, Sederquest – aye, Snyder – aye, Weider – aye, Hume – aye and Myette – aye. The motion passed unanimously 6-0-0.

Adjournment

Chairman Sullivan motioned to adjourn the meeting at 9:45 PM. Mr. Sederquest seconded the motion. A roll call vote was taken Sullivan – aye, Hume – aye, Snyder – aye, Sederquest – aye, Weider – aye and Myette – aye. The motion passed unanimously 6-0-0.

Future Meeting Dates

- September 23 –
- October 1 – PB budget review with BOS
- October 7 – Pipit Estates, PH, CIP submittal reviews w Department Heads, BOS & BC
- October 14 – Eversource CUP PH, CIP submittal reviews w Department Heads, BOS & BC
- October 21 – CIP submittal reviews w Department Heads, BOS & BC

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)

Respectfully submitted,
Nancy Hoijer, Recording Secretary