

2-3-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, February 3, 2021
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 (remotely):

Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Selectman Chuck Myette, Liaison
Aaron Hume, Alternate Member (for Rick Snyder)
Town Planner Andrew Hadik

Members Absent:

Brian Sullivan, Chairman
Mike Weider, Member
Richard Snyder, Member

Guests Present (remotely):

Tim Peloquin
Heather Peloquin
Dan Jones, President, Chester Rod & Gun Club
Kevin LaLiberte, Chief Range Safety Officer, Chester Rod & Gun Club

7:00 PM – General Business

1. Review & approve the minutes for the 1/27/21 PB meeting.
2. Discuss proposed zoning amendments:
 - Article 2 – Internal Lot definition.
 - Article 2 & 5.3.3.12 – add Bed & Breakfasts.
 - Article 4.14.3.1 – Fence location clarification.
 - Article 6 – Open Space Subdivision - amend density bonuses.
 - Article 9.4.10 - ADU Code Requirements – delete a requirement.
3. Review & discuss draft of Annual Report.
4. Discuss House Bill 586.

7:15 PM – Appointments

1. Conceptual discussion regarding Site Plan Review for a Wellness & Herbal retail store at 15 Chester Street in the commercial space formerly occupied by 603 Realty.
2. Conceptual discussion regarding Site Plan Review for proposed safety and other improvements at Chester Rod & Gun Club.

7:15 PM – Public Hearings

None scheduled.

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Vice Chair Sederquest called the meeting to order at 7:00 PM, and asked for a roll call of those present: Elizabeth Richter, Aaron Hume, Selectman Chuck Myette. Mr. Hadik read the virtual meeting preamble. Vice Chair Sederquest stated that Alternate Aaron Hume would be active for Mr. Snyder.

7:00 PM – General Business

1. Review & approve minutes for the 1/27/21 PB meeting

Selectman Myette moved to accept the minutes for the January 27, 2021 meeting. Mr. Hume seconded the motion. Sederquest – aye, Hume – aye, Myette – aye, and Richter – abstained. The motion passed 3-1.

2. Discuss proposed zoning amendments:

- **Article 2 & 5.3.3.12 – add Bed & Breakfasts.**

Counsel suggested adding "and which may offer a breakfast meal." Ms. Richter suggested changing the sentence to be grammatically correct, "...Accessory Dwelling Unit that is used to accommodate transient guests for a fee and that may offer a breakfast meal." She also suggested changing the next sentence to read, "This definition excludes Lodging Houses, Rooming Houses and Apartment Houses."

She asked about the goal of c), no alteration of external appearance. As it stands, it appears to be a blanket prohibition of any alteration of external appearance. She suggested the wording be changed to track the ADUs aesthetic standards clause, stating that any addition should match the architecture of the house and neighborhood. The Board agreed.

- **Article 9.4.10 - ADU Code Requirements – delete a requirement.**

Mr. Hadik said Counsel advised we do not want to subject ADUs to the provision in the building code that requires fire sprinkler systems for multifamily dwellings. Mr. Hadik clarified that Section 3.1.1.1 is a requirement for certain types of housing, but it is optional for others, if someone wants to add them. Counsel clarified that in the state of New Hampshire, "shall" still means "shall," and is not being replaced with the word "must."

- **Article 2 – Internal Lot definition.**

Mr. Hadik relayed that Counsel had no comments on the Board's work on this article.

- **Article 4.14.3.1 – Fence location clarification.**

Mr. Hadik relayed that Counsel did not object to replacing "No fence shall be placed within the right-of-way of a public roadway." With "Fences must be located on the fence owners' lots."

7:15 PM – Appointments

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1. Conceptual discussion regarding Site Plan Review for a Wellness & Herbal retail store at 15 Chester Street in the commercial space formerly occupied by 603 Realty.

Mr. Hadik advised that the Peloquins have applied to the Zoning Board for a commercial change of use variance. Mr. Peloquin explained Ms. Peloquin is a registered nurse, health educator, clinical herbalist, and nutritional counselor. Ms. Peloquin said the business will have established hours, and clients will make appointments for consultations. There will also be a small retail store selling herbal products and nutritional supplements.

Mr. Peloquin said the goal is to open the business on April 1. If they can secure a variance on February 16th, a condition of Zoning Board approval will be site plan approval. He said he has permission to use a five-sheet set of a SPR that Eric Mitchell's office brought before the Board in 2018 as part of his set.

Mr. Hadik relayed there is also an application to return the current woodworking shop located in the same building to its original use as a small hair salon. He said that Mr. Bunker does not believe these two applicants need full SPRs. Mr. Hadik said it is not common for the Building Inspector to suggest waivers, and in this case he does see a reason to disagree with the Building Inspector.

A public hearing should be noticed so the abutters are aware, and have an opportunity to participate and speak. At the public hearing, the Peloquins can submit a request for a waiver from SPR. The Planning Board can issue a document noting that the business has received a waiver from SPR, but is still subject to the following conditions. These would be the standard conditions that the owner, patrons and employees must park in this area and not in right-of-way of Chester Street, or Town Hall and Post Office lots. There are 29 parking spots and this business will not increase that use. Mr. Bunker said there is no feasible correction on this lot for additional parking.

Mr. Peloquin said this business will provide a great service to the town. He will contact Mr. Hadik to set a public hearing date.

2. Conceptual discussion regarding Site Plan Review for proposed improvements at Chester Rod & Gun Club.

Mr. Jones said the Rod & Gun Club needs additional storage for their maintenance tractor and other materials. The first proposed improvement is erecting a prefab unheated metal building on a concrete slab in the parking lot near the existing clubhouse. It will be roughly 30' x 50', with one man door and at least two overhead doors.

The second proposed improvement is the installation of a "No Blue Sky" system on the pistol and rifle ranges to prevent any accidental discharges leaving the ranges. A series of baffles will be installed; it has not been determined what the baffles will be made of. The lower edge of the baffles will be roughly 7' off the ground, and the baffles will be roughly 3'- 4' tall. The firing line roofs will also be extended to be lower, like a shed roof, to possibly only 6'-7' off the ground.

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Mr. Hadik disclosed he has been a member of the Club since 1991; the Club has existed since 1937. He is pleased that the Club is willing to make this type of safety improvement; it shows a commitment to being a safe and responsible facility, and a good neighbor.

Mr. Jones expects the noise perceived off-property will decrease. Mr. Hadik said the baffles will be hard and angled, and will reflect some of the soundwaves into the ground and any echoes will go upwards more than laterally.

The third proposed improvement is to the shooting stations at the sporting clays course. They would like to move the pathway and shooting stations so all discharge will be directed toward the interior of the property. The course is compact, so they have engaged a professional consultant to help with the design. They would also like to remove a few trees to improve the field of view in the shooting lanes.

Mr. Jones is requesting information from the Planning Board as to what is needed for a SPR. Ms. Richter asked if removing trees would increase noise that travels offsite. Mr. Jones said their goal is to remove the bare minimum. Mr. Hadik said they need to clear narrow shooting lanes, but leave trees in the lane to make the shots more challenging, so they do not want to remove any more trees than necessary.

Selectman Myette said the proposed pathway is a few hundred feet closer to the conservation property line [M&L 9-82], and will bring the noise much closer to the conservation trails. He is concerned that the noise might spook horses on the trails. He is concerned the pathway might be within 50'-75' of the Spring Hill trail. Mr. Hume noted he has a GPS track of the Spring Hill Farm trail.

Mr. Jones asked if the Board has guidance as to where the pathway should be. Mr. Myette said due to COVID-19, the Spring Hill Farm trails are being used more heavily than in the past. Mr. LaLiberte asked if the conservation area was open to hunting and Selectman Myette said it is. Mr. LaLiberte noted the shooting stations face in the opposite direction of the conservation property.

Regarding the overall site plan, Mr. Hadik said the 75' wetlands setback line should be added everywhere to the plan. He suggested the plan should also show the abutting conservation trail so the Planning Board will know how close the trail is to the proposed sporting clays pathway. He suggested the Club flag the proposed pathway so Board members can walk it. Selectman Myette asked that the shooting stations be marked as well. Mr. Jones said the Club is open during week for members to shoot, but events are only scheduled on the weekends.

Mr. Hadik said the Club might not be grandfathered if relocating the pathway causes a noticeable increase in the sound heard off-property. Mr. Jones said the Club is willing to consider a compromise, locating the pathway between the current and proposed locations. Selectman Myette suggested conducting tests to determine decibel levels. Mr. Jones said they would investigate this.

Mr. Jones asked if all three improvements need to be approved concurrently. Mr. Hadik suggested separating them into three phases, since the pathway relocation needs further research and

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discussion. He said the first two phases could be approved at the first hearing. He also noted that the Club will incur an additional fee if they split the application into two parts. Mr. Jones said that was fine.

Mr. Jones said the “No Blue Sky” system is their first priority, and would like to have it completed this summer. Mr. Hadik will need a minimum of three weeks to schedule a hearing that meets state noticing requirements after receiving the completed application. Once the wetland setbacks and abutters names and lot numbers are on the plan, he will need a hard copy for the Planning Board to review. The storage building is being installed on an already cleared parking lot, so will not be increasing runoff. The safety improvements do not involve a change in the stormwater runoff. The Board sees no need for an engineering review.

General Business, continued:

- **Article 6 – Open Space Subdivision amend density bonuses.**

Mr. Hadik said the wording of the workforce housing article is exactly what was fielded last year. Selectman Myette asked regarding the calculations in the paragraph addressing the mix of housing types. Mr. Hume said the numbers are being rounded off in the calculations. Mr. Hadik noted there is a rounding guideline toward the beginning of the article. Selectman Myette said he was OK with his question.

3. Review & discuss draft of Annual Report.

On the Annual Report, Mr. Hadik will update the amount totals for the assets, accounts, and sureties that the Board is managing. He asked the Board to review the zoning amendment purpose statements. Counsel has already reviewed them.

Regarding Article 6, Open Space Subdivision. Mr. Hadik has not received the new Median Area Income (MAI) limits and rental guidelines for 2021. House Bill 586 increases the 100% MAI limit to 120%, which raises the annual income limit to qualify as workforce housing from \$98,00 to \$117,600 for a family of four. He feels this is very generous. This is not “low-income housing”.

Mr. Hadik said he has done a lot of work and research on the paragraph explaining why the amendment of Article 6 should be approved. It condenses a lot of information. He believes the Town will be in a better position by being proactive. He noted the recent creation of a state “Housing Board of Appeals”. Anyone can appeal the decision of a local planning board with the Housing Board of Appeals or the Superior Court. Article 6 seeks to eliminate the 25% density bonus for age-restricted or senior housing and add that 25% to workforce housing, which would still be accessible to seniors. Chester’s age-restricted density bonus has never been used in the 15 years of its existence, and has been repealed by several surrounding towns.

Ms. Richter asked if it was worth adding a sentence regarding the composition of the Housing Board of Appeals. Mr. Hadik said he believes the Supreme Court appoints the three members. Ms. Richter

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said workforce housing is needed. She agreed it is important to be in control of density requirements, and not have them forced upon the Planning Board by adverse appeals board or court decisions.

Selectman Myette thinks the average person will not understand this paragraph. He believes wording should be included that addresses the reason the Board is promoting open space and workforce housing: houses are being constructed in Chester that people in the \$90,000-\$120,000/year salary range cannot afford. He would like to see a limit of \$350,000. This helps developers by promoting density, and brings in more of those houses so that young people and seniors can live in Chester. He feels that what is currently in the paragraph does not help sell the open-space and workforce section.

Ms. Richter said an explanation to the Town residents is important because the knee-jerk reaction to the Board's proposal to increase density is not necessarily favorable. She agrees that the average reader will not understand the implication that zoning that conflicts with state law will be successfully challenged, and the resulting forced projects could be worse for the Town than well thought-out open space subdivisions. She thinks what will resonate with townspeople.

Mr. Hadik said overall, the amendment does not increase density because it is still possible to build an open-space subdivision and achieve the combination 50% density bonus by using both the 25% age-restricted and 25% workforce housing.

Selectman Myette said the paragraph needs to define what the problem is. It does not say that Chester has a critical shortage, or that Chester house costs are high across the board. The price of housing in Chester does not allow seniors to downsize or young people to buy homes.

Mr. Hadik will send this Word document to the Board members, and asked them to edit it using the track changes feature. Mr. Hadik noted some of what was discussed is already included in the "purpose statement", but Selectman Myette said it is masked. Mr. Hadik said the purpose statement is on the ballot; and the paragraph being discussed is only in the report. Mr. Hadik would like to send this section for Article 6 to counsel and have him review it, and give his opinion.

This discussion is being continued to the February 10, 2021 meeting.

4. Discuss House Bill 586.

Mr. Hadik said House Bill 586 plans states that if a Town has zoning that allows increased density for the age-restricted housing, then it must allow an equal amount of workforce housing. The Planning Board was ahead of curve in 2005 when they proposed this in Article 6. The House is just now putting this into law.

Mr. Hadik also noted that any future Board decision will have to include specific written findings of fact, especially if it is a disapproval. The approval time periods have been increased. The new procedure states that if at the end of 65 days the Board determines that it lacks sufficient

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260 information to make a final decision, it can deny application without prejudice, and the applicant can
261 resubmit the same or a similar application. This changes the Board's ability to act on an application
262 from 30 to 65 days.

263

264 ***Ms. Richter moved to adjourn the meeting. Mr. Hume seconded the motion. Hume – aye, Sederquest***
265 ***– aye, Myette – aye, and Richter – aye. The motion passed 4-0.***

266 **Future Meeting Dates**

- 267
 - February 10 – PH for Zoning Amendments

268
 - February 24 -

269

270 ***Respectfully submitted,***

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272 ***Beth Hanggeli, Recording Secretary***