

2-10-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, February 10, 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):

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Selectman Chuck Myette, Liaison
Aaron Hume, Alternate Member (for Mike Weider)
Town Planner Andrew Hadik

Members Absent:

Mike Weider, Member

Meeting Agenda

7:00 PM – General Business

1. Review & approve the minutes for the 2/3/21 PB meeting.
2. Review & approve PD request for release of impact fees.
3. Discuss future PD impact fee release requests.
4. Discuss & vote to replace Jenkins Farm LLC cash surety with approved letter of credit.
5. Public hearing for lot merger?
6. Review & discuss draft of Annual Report.

7:15 PM – Public Hearings - Proposed zoning amendments for the 2021 Town Elections.

1. Proposed zoning amendment to Article 2: Definitions – To add a clarifying definition of “Internal Lot” as referenced in Table 1 and Section 6.12.2 – Internal Dimensional and Design Requirements with respect to Article 6 – Open Space Subdivision and Article 7 – Age-Friendly Subdivision.
2. Proposed zoning amendments to Articles 2 & 5.3.3.12 – Bed and Breakfasts – To allow Bed and Breakfast facilities by Special Exception in the General Residential and Agricultural District (Zone R1), and to add a definition Bed and Breakfast in Article 2 -Definitions.
3. Proposed zoning amendment to Article 4.14.3.1 – Fences - To clarify that fences must be located on the fence owners’ lots.
4. Proposed zoning amendments to Article 6 - Open Space Subdivision -To eliminate the unit-density incentive bonus for age-restricted housing, and commensurately increase the unit-density incentive bonus for workforce housing, to help Chester meet its fair-share obligation to address the State’s critical shortage of workforce housing.

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5. Proposed zoning amendments to Article 9.4.10 - ADU Code Requirements - To amend Section 9.4.10 by adding an exemption to Article 3.1.1.1 of the Town's Building Code, thereby removing the requirement of fire sprinkler systems for Accessory Dwelling Units.

7:00 PM – CALL TO ORDER

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

GENERAL BUSINESS

1. Review & approve minutes for the 2/3/21 PB meeting.

Mr. Sederquest moved to accept the minutes for the February 3, 2021 meeting. Ms. Richter seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – abstained. The motion passed 5-1.

2. Review & approve PD request for release of impact fees.

Mr. Hadik said the Police Department has requested a release of impact fees for a PPE purchase, a duty jacket at \$132.98.

Mr. Snyder moved to release \$132.98 from impact fees to purchase a duty jacket for the Police Department. Mr. Sederquest seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

3. Discuss future PD impact fee release requests.

Selectman Myette asked if it was necessary for the Planning Board to approve small dollar amount items. Mr. Hadik said the usual \$10,000 line item for PD PPE was not put into the FY 2020-21 spending warrant article that authorized the Board of Selectmen to act as agents to expend funds from capital reserve. It was decided that the funding for this project line would be drawn from impact fees. He said the Planning Board can move to authorize the expenditure of impact fees (including what has already been spent) up to \$10,000 and make the Board of Selectmen the agents to expend. Finance Director Smith can then handle the invoices as they come in.

Mr. Snyder asked if this would place a burden on someone else, and who approved the expenditures. Mr. Hadik said Ms. Smith performs this task anyway, it would just be labeled differently. Selectman Myette said the Board of Selectmen would still approve the expenditures, as they do now. Ms. Richter asked if the Planning Board has to evaluate the validity of each request, and Mr. Hadik said the Planning Board is responsible for voting to release the impact fees.

Mr. Hadik has a high degree of trust and confidence in Chief Berube. The rationale behind the funding of this line is so the Chief can take advantage of purchasing in bulk to save the Town money. Selectman Myette suggested that the Chief combine purchases, as it is more cost effective to

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process one invoice instead of multiple invoices. Mr. Hadik said the transfer of funds from the impact fee accounts into the general fund does not occur every time an invoice is received; Ms. Smith processes a few invoices at a time. The Planning Board cannot hold the invoices and approve them all at once, however, because the vendors must be paid in a timely fashion.

The Chief was authorized to start the expenditures on July 1, 2020, so the Planning Board will only be approving these until June 30th. The funds are used on an as-needed basis; they are not all spent every year. The Planning Board agreed to continue to follow the current process, and Mr. Hadik will ask the Chief to combine as many small purchases as possible into larger ones.

4. Discuss & vote to replace Jenkins Farm LLC cash surety with approved letter of credit.

Keith Martel, owner of the Jenkins Farm subdivision, has a cash surety on file in a Town account. He has requested permission to replace the cash in that account with a letter of credit (LOC). Mr. Hadik has discussed the process with Counsel to ensure there is no surety gap. Mr. Martel will submit a draft of a letter of credit, which Mr. Hadik will review, and Counsel will approve. The amount in the account should be sufficient to cover the remaining work required on the subdivision.

Mr. Hadik noted he has requested Jeff Adler, the Town's engineer, to revisit the previous bond estimate that was last updated in mid-2017. He will advise if the roughly \$291,000 balance in the account is still enough to cover the remaining work.

Mr. Snyder moved to authorize the Town Treasurer to issue Jenkins Farm LLC a check for the full amount in the cash bond account, principal plus accrued interest, on condition of receipt of a signed LOC from their bank and receipt of letter from Counsel approving the conditions and format of the LOC. Ms. Richter seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

5. Public hearing for lot merger?

Mr. Hadik has received a signed and notarized application to merge Lots 1-85-3 and 1-85-4. No public hearing is needed to do this; it is an administrative function.

Mr. Snyder moved to approve the requested merger of lots 1-85-3 and 1-85-4 per application by Charles and Louise St. Aubin of 29 Purington Lane, Chester, New Hampshire. Mr. Sederquest seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

7:15 PM – PUBLIC HEARINGS - Proposed zoning amendments for the 2021 Town Elections.

Ms. Richter moved to open the public hearing. Mr. Hume seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

1. Proposed zoning amendment to Article 2: Definitions – To add a clarifying definition of "Internal Lot" as referenced in Table 1 and Section 6.12.2 – Internal Dimensional and Design

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Requirements with respect to Article 6 – Open Space Subdivision and Article 7 – Age-Friendly Subdivision.

The Planning Board had no questions on this proposed amendment.

2. Proposed zoning amendments to Articles 2 & 5.3.3.12 – Bed and Breakfasts – To allow Bed and Breakfast facilities by Special Exception in the General Residential and Agricultural District (Zone R1), and to add a definition Bed and Breakfast in Article 2 -Definitions.

The Planning Board had no questions on this proposed amendment.

3. Proposed zoning amendment to Article 4.14.3.1 – Fences - To clarify that fences must be located on the fence owners' lots.

This amendment is at the request of the Building Inspector. The Planning Board had no questions on this proposed amendment.

4. Proposed zoning amendments to Article 6 - Open Space Subdivision -To eliminate the unit-density incentive bonus for age-restricted housing, and commensurately increase the unit-density incentive bonus for workforce housing, to help Chester meet its fair-share obligation to address the State's critical shortage of workforce housing.

Mr. Hadik reviewed the changes the Planning Board made to this amendment last year. Among the changes were as follows:

- A reference was added regarding Article 7 - Age-Friendly subdivisions.
- The Building Inspector offered refined definitions for both duplex and duplex units.
- The references to Age-Restricted/Senior Housing units permitted was changed because the 25% density bonus was shifted to Workforce Housing.
- The number of bedrooms per duplex was increased by ½ bedroom per unit [now 2 & 3 bedrooms instead of 2 & 2 bedrooms per duplex]: because the bedroom count was low and would not be attractive to families.
- The bulk of the edits occurred in amending the example calculations for single-family and duplex units and the number of bedrooms permitted. Mr. Hadik noted the overall number of dwelling units allowed by the article were not increasing. There is just a reallocation of the units under the density bonus categories.
- The HUD definitions of the MAI limits for a family of four were updated. Mr. Hadik will edit this section to reflect the 2020 MAI values, and add to the explanation that these are the current numbers and are subject to annual updates by HUD. This is not a substantive change that needs noticing.

5. Proposed zoning amendments to Article 9.4.10 - ADU Code Requirements - To amend Section 9.4.10 by adding an exemption to Article 3.1.1.1 of the Town's Building Code, thereby removing the requirement of fire sprinkler systems for Accessory Dwelling Units.

This amendment is at the suggestion of counsel. It is not practical or defensible to subject ADUs to the fire sprinkler requirement of multifamily dwellings. The Planning Board had no questions on this proposed amendment.

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Mr. Snyder asked about the deadline to complete the narrative for the ballot that describes the changes and why they have been made. His concern is that amendments need to be passed, so their purpose needs to be clear.

Mr. Hadik shared the explanatory paragraph for the amendment to Article 6. Selectman Myette revised the paragraph following the purpose statement per the Planning Board's discussion last week to clarify the problem that the Town faces regarding the lack of development of affordable housing.

Mr. Hadik noted the explanatory paragraph is not on the warrant, only in the annual report, so there is time to edit it. He believes they need to draw attention to fact that the legislative landscape has changed. The Governor clearly understands the issue of the shortage of workforce housing and low- to moderately price homes. Mr. Snyder suggested that an item be added to a future agenda to discuss the language used in this paragraph. Mr. Hadik believes the Town has a better chance of preserving the density in the current ordinances against outside challenges if this amendment passes.

Chair Sullivan recalled that the Planning Board at one point wanted to bring in someone such as Eric Mitchell or Bill Gregsak to better understand the impediments to building affordable housing. Mr. Hadik said that was done for the drafting of Article 7 – Age Friendly Subdivision. Mr. Hadik relayed his experiences from being on the SB43 Commission. He noted that due to the cost of land, developers want significantly higher densities to improve their profitability. Selectman Myette said the Planning Board should speak with a developer who is building mixed-use housing to find out how it can be done. Selectman Myette believes this amendment will not have any more impact than the Age-Friendly zoning did, as there is not enough incentive for the developers to increase their profitability. Ms. Richter said that the proposed amendment to Article 6, if passed, will potentially be a good defense against "snob zoning" lawsuits.

Mr. Hadik will arrange to have someone attend a future Planning Board meeting to discuss this issue. He will also draft an additional paragraph for the purpose statement addressing the current legislative landscape.

[No members of the public logged in to participate in the virtual meeting.]

Mr. Snyder moved to close the public hearing and begin deliberation on the proposed zoning amendments. Ms. Richter seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

Mr. Snyder moved to take the proposed zoning amendments to Article 2 definitions, Articles 2 and 5.3.3.12, Article 4.14.3.1, Article 6, and Article 9.4.10 to the warrant article and ballot. Mr. Sederquest seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

GENERAL BUSINESS, cont.

6. Review & discuss draft of Annual Report.

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Mr. Hadik said the explanatory verbiage for Article 6 was the only section of the Annual Report that was being discussed. The Board members have already received the draft of the Annual Report.

Ms. Richter moved to adjourn the meeting. Mr. Snyder seconded the motion. Sullivan – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

Future Meeting Dates

- February 24 - Peloquin SPR
- March 3 – CPH Connelly SPR
- March 10 –
- March 24 – CPH Maclean SUB

(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,

Beth Haggeli, Recording Secretary