

2-24-21: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, February 24, 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
Richard Snyder, Member
Mike Weider, Member
Selectman Chuck Myette, Liaison
Aaron Hume, Alternate Member (for Chair Sullivan)
Town Planner Andrew Hadik

Members Absent:

Brian Sullivan, Chairman

Meeting Agenda

7:00 PM – General Business

1. Review & approve the minutes for the 2/10/21 PB meeting.
2. Review & approve PD's request for release of \$634.00 in impact fees.
3. Quick online tour of OSI's 2019-2020 NH Municipal Land Use Regulation Survey. (*Postponed*)
4. Relay Farr's Auto Repair condominiumization question.
5. Discuss fees for expired subdivision and site plan review re-approvals.
6. Review Eversource's restoration to Class VI portion of Clark Road under Line 373.
7. Review & discuss draft of Annual Report.

7:15 PM – Appointments

None Scheduled.

7:15 PM – Public Hearing

1. Site Plan Review application of Heather Peloquin (operator) & Francis Gesel Revocable Trust of 2009 (property owner) to operate a wellness counseling office and herbal retail sales, at the property located at 15 Chester Street (Map 16 Lot 9).

Non-Public Meeting

- RSA 91 A:3, II(I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.
- RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this Board.

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Meeting Minutes

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, Rick Snyder, Evan Sederquest, Mike Weider, Selectman Chuck Myette. Mr. Hadik read the virtual meeting preamble. Vice Chair Sederquest stated that Alternate Aaron Hume would be active for Chair Sullivan.

7:00 PM – General Business

1. Review & approve minutes for the 2/10/21 PB meeting.

Ms. Richter moved to accept the minutes for the February 10, 2021 meeting. Mr. Hume seconded the motion. A roll call vote was taken. Sederquest – aye, Hume – aye, Myette – aye, Richter – aye, Snyder – aye, and Weider – abstained. The motion passed 5-0-1.

2. Review & approve PD request for release of \$634.00 in impact fees.

Mr. Hadik explained the Police Department has requested a release of impact fees to purchase nitrile examination gloves at the cost of \$634.00. Mr. Weider asked why this purchase was not covered by Federal COVID19 reimbursement. Mr. Snyder recommended forwarding this question to the Board of Selectmen for clarification. Mr. Hadik will investigate the possibility of reimbursement.

Mr. Snyder moved to release \$634.00 from impact fees to purchase nitrile examination gloves for the Police Department. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Hume – aye, Myette – aye, Richter – aye, Snyder – aye, Weider – nay. The motion passed 5-1.

4. Relay Farr's Auto Repair condominiumization question.

Mr. Hadik explained that Farr's Auto Repair was approved as a mixed-use building. The owner built an approved apartment in the east end of the building. When the project was initially approved, the construction was to be covered by Small Business Administration financing (SBA). Due to changes in SBA loan regulations, the residential portion can no longer be included in the loan. The owner has been instructed to condominiumize the property. This is a new issue for the Planning Board. The owner asked if Town approval was required. Mr. Hadik discussed it with Counsel who said there was an RSA governing this, and all that is necessary is to follow legal guidelines. But some towns do require Town approval to condo a property. Chester has no regulations in place. Mr. Hadik told the Board they would need to put something into the regulations if they felt approval was needed.

Mr. Weider asked if the apartment was for personal/business use or was intended to be used as a rental. Mr. Hadik said the original use was represented to be the owner's living quarters. Mr. Hadik said if it is used as a rental, it will help diversify Chester's housing situation. Ms. Richter said since it is in the commercial zone, it is in the right part of town to do this. Mr. Snyder said since there is no regulation, the Board does not need to approve the condominiumization of this property.

7:15 PM – Public Hearing

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Ms. Richter moved to open the public hearing. Mr. Snyder seconded the motion. A roll call vote was taken. Sederquest – aye, Hume – aye, Myette – aye, Richter – aye, Weider – aye, Snyder – aye. The motion passed 6-0.

1. Site Plan Review application of Heather Peloquin (operator) & Francis Gesel Revocable Trust of 2009 (property owner) to operate a wellness counseling office and herbal retail sales, at the property located at 15 Chester Street (Map 16 Lot 9).

Mr. Snyder advised the Zoning Board of Adjustment granted permission for this variance. There was discussion about waiving SPR since the location has been reviewed multiple times. Mr. Hadik said he received a ZBA Notice of Decision for a variance from Article 5, Section 5.34 of the zoning ordinance to permit commercial use (light retail) in the R-1 residential zoning district, with no conditions. The Peloquins submitted the site plan that was drawn up by Eric Mitchell. Mr. Hadik has reviewed the application, and believes it is complete and can be accepted.

Mr. Hadik reviewed the application onscreen with the Board.

Mr. Snyder moved to accept the application for a site plan review application of Heather Peloquin & Francis Gesel Revocable Trust of 2009 to operate a wellness counseling office and herbal retail sales at the property located at 15 Chester Street. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Hume – aye, Myette – aye, Richter – aye, Weider – aye, Snyder – aye. The motion passed 6-0.

Mr. Peloquin said the business will provide a good service for the community and it is a good location for the service. Ms. Peloquin plans to begin setting up the business on March 1st, and hopes to open on April 1st.

Mr. Hadik reviewed the conditions of approval onscreen. There will be two employees, Ms. Peloquin and a part-time employee. There are four parking spaces, two for employees and two for visitors. Ms. Peloquin requested the ability to open from 9 am until 9 pm Monday through Saturday, although she may not need all of those hours. There will be no offsite parking by the owners, employees, or patrons on the adjacent Town property or on the right-of-way of NH Route 121. There are two variances regarding the sign (2018) and permission for light retail use in the R-1 residential zone (2021). Mr. Hadik also reviewed the standard general conditions.

No members of the public were in attendance.

Mr. Snyder moved to close the public hearing and begin deliberation. Mr. Weider seconded the motion. A roll call vote was taken. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

Mr. Snyder moved to approve the site plan for Heather Peloquin and & Francis Gesel Revocable Trust to operate a wellness counseling office and herbal retail sales (not a dispensary) at the property located at 15 Chester Street (Map 16 Lot 9). Mr. Weider seconded the motion. A roll call vote was taken. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

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General Business, continued:

5. Discuss fees for expired subdivision and site plan review re-approvals.

Mr. Hadik asked if an applicant should be charged a new set of fees when subdivision and site plan reviews expire before being acted on, and no extension is requested. He has asked for a renewal of the noticing fees because those fees have been spent, but has not asked for any other fees. He asked for a consensus from the Board on how to proceed. Mr. Weider would like to know how other communities handle this issue and the other Board members agreed. Mr. Hadik will investigate.

6. Review Eversource's restoration to Class VI portion of Clark Road under Line 373.

Regarding the disturbance on the Clark Road Extension, the Class VI portion where it crosses the power lines, Mr. Hadik met with Eversource and they have restored access and remedied the situation. He shared before & after photos onscreen. They will use conservation seeding to prevent erosion once the project is complete. Mr. Hadik relayed this information to Ms. Clark. He will reach out to Matt Flanders to remind him of the reseeding to mitigate erosion. They also discussed adding a set of no trespassing signs at the location where Clark Road intersects the Chester Turnpike.

7. Review & discuss draft of Annual Report.

The Board members reviewed the revisions to the Annual Report and found no issues. Selectman Myette asked Mr. Hadik to add a sentence with respect to by passing this, it demonstrates that the Town is making a good faith effort to address the statewide workforce housing shortage issue. Mr. Snyder agreed.

3. Quick online tour of OSI's 2019-2020 NH Municipal Land Use Regulation Survey.

This agenda item was tabled until next week's meeting.

Non-Public Sessions

Mr. Snyder moved to go into non-public session under RSA 91 A:3, II(I) Consideration of legal advice provided by legal counsel, and non-public session under RSA 91 A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of this Board. Mr. Weider seconded the motion. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

The recording was stopped at 7:52 PM.

At 9:08 PM a motion was made to come out of non-public session.

Mr. Snyder moved to come out of non-public session. Ms. Richter seconded the motion. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

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Mr. Weider moved to seal the minutes of the first non-public session, on RSA 91 A:3, II(I) legal advice by counsel, for a period of one (1) year. Ms. Richter seconded the motion. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

Mr. Weider moved to seal the minutes of the second non-public session, under RSA 91 A:3, II(c) reputation, for a period of one (1) year. Ms. Richter seconded the motion. Weider – aye, Sederquest – aye, Hume – aye, Myette – aye, Richter – aye and Snyder – aye. The motion passed 6-0.

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

- *March 3 – CPH Connelly SPR*
- *March 10 –*
- *March 24 – CPH Maclean SUB*

***Respectfully submitted,
Beth Hanggeli, Recording Secretary***