

These minutes are subject to possible revisions/corrections during their review at a subsequent Planning Board Meeting

**Town of Chester
Planning Board Meeting
Wednesday, January 27, 2016
Municipal Complex
Approved Minutes**

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Cass Buckley, Member
Michael Weider, Member
Dick Trask, Ex-Officio Member

Members Absent:

Richard Snyder, Alternate Member

Staff Present:

Andrew Hadik, Planning Coordinator

Chairman Brian Sullivan called the meeting to order at 7:00 p.m.

Agenda

- Review of Invoices
- Conceptual Discussion with Bryan Remillard about amending the Site Plan for GBN Farm's composting facility on Dump Road for the purpose of processing wood pallets
- Review and discuss Scope of Work & Cost Estimate for Annual Impact Fee Updates by SNHPC and discuss the Board's budgeting preference
- Review and approve minutes for 11-18-15 & 12-2-19
- Review Correspondence
- Public Hearings
 - Accept the application by Kim & Gerald Berretta, 192 Wells Village Road (Map 3, Lot 25) for a 1-Lot Subdivision
 - Amend the Site Plan for the building located at 15 Chester St. (Map 16, Lot 9) owned by Mary Gesel and operated by Jerome Gesel , for the internal expansions of the Center Scoop restaurant and Thorrr Gunsmithing business
- Non-Public Session to review advice of Counsel

Review of Invoices

The Board reviewed invoices. There was no further discussion.

Review and discuss Scope of Work & Cost Estimate for Annual Impact Fee Updates by SNHPC and discuss Board's budgeting preference

Mr. Hadik reported back to the Board regarding further investigation of the proposed scope of work and cost estimate for the annual CIP impact fee updates from SNHPC as directed by the Board at the last meeting. After further discussion with Jack Munn of SNHPC, the recommendation is to remove some of the CIP data tables regarding operating expenses and forecasts on future expenditures and revenues as this information does not affect Impact Fees; with these changes, Mr. Munn anticipates that the CIP and Impact Fees could be updated annually for approximately \$2,000 - \$2,500. By updating the CIP and Impact Fees annually, the need for and cost associated with updating the CIP and Impact Fees every 5-6 years through special warrant articles would be eliminated. The cost of updating the CIP and Impact Fees annually would be approximately the same as going through the larger process every 5 or 6 years.

The Board held some discussion regarding this recommendation. Mr. Hadik and Ms. Richter suggested that this data was originally collected as it was uncertain what data would ultimately be necessary; at this point, it has been determined that some data is not needed in the CIP calculations and can therefore be removed from the CIP. Mr. Hadik noted that he would work directly with the Town Departments to collect data for Table 15. Mr. Weider provided a reminder to the Board that any update of Table 15 must be approved by the Budget Committee and Board of Selectmen in a public forum. Mr. Hadik recommended that the process of making any additions, deletions, reprioritizations in the CIP should be discussed in a joint meeting of the Board of Selectmen, Budget Committee, and Planning Committee and that the meeting should ideally be held in the fall, prior to the start of the budget process. Mr. Weider noted that the Town will have more than the 3 impact fees listed on the Scope of Work provided by SNHPC. Mr. Hadik reported that he had already emailed Mr. Munn to make him aware of that, and was waiting for a revised Scope of Work. The Board held some discussion regarding impact fees, with Mr. Weider noting that impact fees are for "predetermined specific improvements" and must be spent on those specific improvements.

Conceptual Discussion with Bryan Remillard about amending the Site Plan for GBN Farm's composting facility on Dump Road for the purpose of processing wood pallets

The Board held a conceptual discussion with Mr. Bryan Remillard about amending the Site Plan at GBN Farm in order to begin processing wood pallets for bark mulch at the composting facility. Mr. Hadik reported that per the DES Solid Waste Bureau, wood pallets, provided they are not contaminated oil, paint, or other chemicals, are not a regulated solid waste as long as regulations under Solid Waste Rules are adhered to. The processing of wood pallets is not listed, however, as a permitted use under the ZBA's most recent Notice of Decision for this property.

The Board discussed with Mr. Remillard the steps he will need to take prior to amending the Site Plan. The Board directed Mr. Remillard to go to the ZBA to request an amendment to the Notice of Decision to add wood pallet processing. This will require a public hearing.

Upon approval from the ZBA, Mr. Remillard can request an amendment to the Site Plan from the Planning Board, which will also require a public hearing. The Board noted that Mr. Remillard will need to provide some information about where the operation will take place on the Site Plan. Mr. Sullivan noted that the Board will amend the conditions of approval. The Board discussed that this would involve conditions such as how high pallets can be stacked, etc., for fire safety and to minimize other hazards. Mr. Remillard noted pallets will not be stacked, but crushed with a loader in preparation for processing.

Review and approve minutes for 11-18-15 & 12-2-19

The Board reviewed the meeting minutes from 11-18-15 and made corrections. Line 78 should read "with the previously discussed", Line 79 should read "Site Plan Review regulations need to be updated". Line 11 should read "even if there are revenues collected". Lines 136-137 should read "to operate an overnight in-home dog care/boarding service". Line 145 should read "The Board reviewed the Plan with proposed new lot lines". Line 152 should read "if a lot line adjustment is the correct mechanism for a change of this nature". Line 155 should read "the Board tried to interpret the meaning". On line 156, the Board noted that "It was unfound as to why this rule was made a requirement" to "The Board did not know the original or rationale for this requirement". Line 172 should read "Chairman Sullivan asked if there were any questions". Line 176 should read "Mr. Trask motioned to approve". Lines 204-205 should read "to operate an overnight in-home dog care/boarding service". Line 216 should read "Mr. Hadik stated that a developer bought more land". Mr. Sederquest motioned to accept the minutes from 11-18-15, as amended. Mr. Richter seconded the motion. Motion approved. Mr. Weider abstained.

The Board reviewed the meeting minutes from 12-2-15 and made corrections. Line 50 should read "gunsmith shop". Line 54 should read "gunsmith shop". Line 80 should read "Mr. Sullivan also noted that as previously stated, the Fire Safety Inspector. In regards to Line 80, Mr. Sullivan clarified that he had not been speaking from personal knowledge, but was repeating information provided by Mr. Gesel earlier in the discussion. Line 137 should read "considering a bill facilitating the". Line 138 should read "development of accessory dwelling units". Ms. Richter motioned to accept the minutes from 12-2-15 as amended; Mr. Sederquest seconded. Mr. Trask and Mr. Weider abstained.

Review Correspondence

Mr. Hadik referenced the report on all work completed by the SNHPC for the Town of Chester in the last year as well as the Executive Summary. The Board discussed including these in the Annual report. Mr. Weider suggested referencing in the Annual Report and putting copies of these on the Town website.

Mr. Hadik referenced the 2015 Traffic Study report completed by the SNHPC. Mr. Hadik noted that at the next Highway Safety Committee meeting in February, additional sites will be identified for traffic studies, and that the 2016 Traffic Study will not cost the Town any money.

Mr. Hadik reported to the Board that at a recent meeting of the Traffic Safety Committee, there was discussion of concerns about poor visibility at the intersection at the Town Center and by contouring back the hill a bit, visibility at the intersection could be improved. This had been a longstanding suggestion by NH DOT engineers, and many have wondered why the decision has never been implemented? Mr. Hadik subsequently contacted DES to ascertain if the improvement would ever be scheduled? He was told his inquiry was being forwarded to the appropriate department. Last week the DOT contacted Mr. Hadik about meeting at the Municipal Building to review drafts of the slope drawings on February 4th at 9:00 am. Notification of this meeting was emailed to the Board of Selectmen, Highway Safety Committee, and the Historic Society.

Public Hearing: Amend the Site Plan for the building located at 15 Chester St. (Map 16, Lot 9) owned by Mary Gesel and operated by Jerome Gesel, for the internal expansions of the Center Scoop restaurant and Thorrr Gunsmithing business

The Board did not open the public hearing, but instead held open discussion with Mr. Gesel and Mr. Seaboyer. Mr. Hadik provided an update regarding the status of Mr. Jerome Gesel's request to amend the Site Plan for the building located at 15 Chester St. (Map 16, Lot 9) owned by Mary Gesel and operated by Jerome Gesel for the internal expansions of the Center Scoop restaurant and the Thor Gunsmithing Business.

The Board had received a letter from the Zoning Board of Adjustment (ZBA) listing the following concerns: Upon review of existing documentation regarding the business by the Town's Land Use Attorney, it was determined that legal variances had never been obtained by the ice cream shop or the gunsmith shop. Because no variances are currently in place for these businesses, the ZBA takes the position, which is supported by the attorney, that prior to applying for site plan review, Mr. Gesel must obtain approval from the ZBA for the ice cream and gunsmith shops.

Mr. Gesel inquired about the reason for obtaining a variance, noting that the businesses currently exist and that the Town has been aware of the existence of the businesses for years. The Board discussed with Mr. Gesel that the ZBA has the authority to require that the new businesses obtain ZBA approval. The Board also noted that until the businesses are permitted with a legal variance, Mr. Gesel cannot move forward to amend the Site Plan. Ms. Richter further noted that the ZBA will set conditions when approving a variance and in this situation it likely that one of the conditions will be a Site Plan Review. Mr. Les Seaboyer, owner of Thorrr Gunsmithing, reviewed the history of the ice cream shop and gunsmith shop and suggested that the businesses should be grandfathered, as they have been in existence for 9 years (the ice cream shop) and 1 year (the gunsmith shop). Mr. Sullivan clarified that the Town is not requiring the businesses to stop operations, but is requiring them to go through the proper process to obtain the required legal variances.

The Board, Mr. Gesel, and Mr. Seaboyer held further discussion regarding the history of the businesses, identifying some of the past issues that led to the current situation, and the outlining the process to

obtain the legal variances. Mr. Seaboyer requested a copy of the attorney's opinion. The Board refused, noting that it was privileged information. The Board directed Mr. Gesel to speak with Janet Boyden, the Zoning Assistant, to schedule a public hearing and to get information on the application process and documentation needed for the process. Mr. Sullivan discussed that by going through the process now, it will facilitate the process in the future should Mr. Gesel want to make any additional changes to the business.

Public Hearing: Accept the application by Kim & Gerald Berretta, 192 Wells Village Road (Map 3, Lot 25) for a 1-Lot Subdivision

The Board reviewed the application by Kim and Gerald Beretta, 192 Wells Village Road, for a 1-Lot Subdivision for completed. Ms. Richter noted that question B.2-d regarding soil data on prime farmland was left blank. Mr. Weider inquired of Mr. Bill Gregsak, the engineer representing Amerisite Land Survey and Kim and Gerald Berretta, if that was intentional. Upon review of the Town Agricultural Soils Map by the Board and Mr. Gregsak, it was determined that the lot was not on prime farmland and B2d should be marked n/a. Mr. Weider motioned to accept the application as complete and open the public hearing; Ms. Richter seconded the motion. Motion approved. The Public Hearing was opened at 8:10 p.m.

The Board discussed the issue of the driveway that is currently on the subdivided lot in terms of the requirement for a sight distance plan. Ms. Richter noted that there are two driveways and noted that the driveway was presumably reviewed at some point. Mr. Beretta stated that the driveway was there when she bought the house on the parent lot in 1998.

The Board reviewed the first request for waiver of the subdivision regulation 4.3.7 "side lot lines shall be substantially at right angles or radial to street lines whenever possible" as creating a perpendicular line would result in being unable to create the 2-acre lot due to minimum frontage requirements. In reviewing the map, the Board noted that the newly-created lot matches the angles of the parent lot. Mr. Weider inquired as to when the first variance was submitted; the date was unknown. Mr. Weider motioned to waive the subdivision regulation 4.3.7; Mr. Buckley seconded. Motion approved.

The Board reviewed the waiver for the sight distance plan. Ms. Beretta reported to the Board that when the Penacook Development, which is approximately across the road, was built, the road was straightened out. The Board reviewed the map in an attempt to determine if the sight distance was acceptable. Ms. Richter and Mr. Buckley noted that it was difficult to ascertain from the map if the sight distance was acceptable and stated that they did not feel comfortable waiving the sight distance plan. The Board discussed with the applicants what was needed for the sight distance plan and agreed to table this Issue until the next meeting.

Mr. Sullivan asked for any public comments. Mr. Matthew Russell, of 176 Wells Village Road, Sandown, an abutter to the proposed lot, asked for the Board's consideration, based on the fact that it is a

nonconforming lot, to ask the applicant to reduce the building envelope and use the high ground for building as he feels that a house built in the location submitted on the map would negatively impact his enjoyment of his property as it would be too close to the back deck of his house. Mr. Gregsak noted that the property owner is not looking to build herself, but rather to sell the lot. Mr. Buckley asked about the significance of the house on the plans. Mr. Gregsak reported that they had to include it on the plans in order to show septic, drainage, etc. The Board discussed the request, determining that the Board doesn't have the authority to restrict where a house is to be built. Furthermore, the Board noted that while they could make suggestions, there is no house being built at this time.

The Board made several suggestions regarding Mr. Russell's concern. Mr. Hadik suggested that if the applicant was willing, she could create a deed restriction that includes a 50 ft. no-cut buffer and that the future buyer would be held to that restriction. Mr. Gregsak commented that no-cut zones could be problematic if any tree within the zone needed to be cleared for certain reason (e.g. dead tree). Ms. Beretta noted that she believed that the orientation of any house built would not face Mr. Russell's property. Mr. Russell stated that he believed placement of the house in that location would still decrease the value of his property. Mr. Weider noted that while the Board will listen to public comment, it cannot tell an applicant to restrict building when nothing is planned. Ms. Richter noted that in the past, in a similar situation, an abutter came to a private agreement with the developer around the siting of the building. Mr. Russell inquired if there was a DES Dredge and Fill permit issued for the subdivided lot. Mr. Hadik informed Mr. Russell that the Board doesn't have this information as it is not included with the Board's application. Mr. Weider motioned to continue the hearing until February 24, 2016; Mr. Buckley seconded the motion. Motion approved.

Nonpublic Meeting

Mr. Weider motioned to go into nonpublic session to review letter from counsel; Mr. Sederquest seconded. Roll call vote: Mr. Weider, Aye. Mr. Buckley, Aye. Mr. Trask, Aye. Ms. Richter, Aye. Mr. Sederquest, Aye. Mr. Sullivan, Aye. The Board entered into nonpublic session at 8:55 p.m.

Adjourn

Mr. Buckley motioned to adjourn the meeting; Mr. Sederquest seconded the motion. Motion approved. Meeting adjourned at 9:08 p.m.

Respectfully submitted,
Julie Christenson-Collins
Recording Secretary