

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

**Town of Chester
Planning Board Meeting
Wednesday, February 10, 2016
Municipal Complex
Approved Minutes**

Members Present

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

Members Absent:

Richard Snyder, Alternate Member
Michael Weider, Member

Staff Present:

Andrew Hadik, Planning Coordinator

Chairman Brian Sullivan called the meeting to order at 7:31 p.m.

Agenda

- Review Invoices
- Conceptual Discussion with Jeff Kevan and Jason Hill from TFM, to discuss repurposing the former library building at Busche Academy into a kitchen, cafeteria, and classrooms, etc. prior to application for Site Plan Review.
- Review and approve minutes for 12/9/15, 1/13/16, 1/27/16, and 2/3/16
- Review proposed zoning amendments to Article 6 – Open Space Subdivisions
- Review proposed zoning amendments to Article 5 – changes required for the National Flood Insurance Program
- Review correspondence
 - DuBois & King – McLean Subdivision road inspections and new construction bond estimate
 - Eversource – Public hearing request for trimming trees on a “Scenic Road” – Hanson Rd.
 - NH Solar Garden – Strandell Property
 - Telephone budget line reduction and other budget revisions
 - Information requests
- FYI & Updates
 - 4 Haverhill Road – Asian Takeout Food Restaurant, KD Nails relocation upstairs

- Drowne Composting Facility – applying for Special Exception
- Discuss & approve closing zero balance offsite improvement bank accounts
- Home Business – firearms sales – Hale True Road
- Public Hearings: None
- Future Meeting Dates:
 - February 24, 2016 – PH Eversource Hanson Rd., PHC Berretta, PH – Gillis Home Business
 - March 2, 2016 – AH not present
 - March 9, 2016
 - March 23, 2016 – PH Towle, PH Lot Line Adjustment

Conceptual Discussion with Jeff Kevan and Jason Hill from TFM, to discuss repurposing the former library building at Busche Academy into a kitchen, cafeteria, and classrooms, etc. prior to application for Site Plan Review.

The Board held a conceptual discussion regarding upcoming plans for the former Chester College property with Mr. Kevan, Project Manager from TFM, and Mr. Bill Rohr, Facilities Manager, for the property prior to a Site Plan Review. Mr. Sullivan clarified that this was the first discussion held by the Board with Busche Academy and that this is discussion prior to the Site Plan Review. Mr. Kevan and Mr. Rohr informed the Board that the changes to the property will be made over time and that the first project will not require ZBA approval. Mr. Rohr provided an overview of the plans for the Academy. Busche Academy will host 14-17 year old high school students from China in one-semester academic programs. Busche Academy is planning to begin hosting students this summer and intends to complete some interior renovations to the former library building which include a cafeteria, classrooms and rest rooms, as well as complete an addition for a kitchen. Two additional septic system leach fields will also be built.

Mr. Buckley stated that he would prefer to see the entirety of the Busche Academy plans rather than discrete pieces of the project and Mr. Sullivan informed Mr. Kevan and Mr. Rohr that the Board has encountered problems with incremental build-outs, without reviewing the overall plans. Mr. Kevan and Mr. Rohr informed the Board that currently the property has septic capacity for 75 students and 20 faculty and that the two additional leach fields will enable the long-term capacity of the student body to increase.

Mr. Kevan and Mr. Rohr reviewed the written plans for the library building and discussed proposed areas for improvement which include an addition to the building, an underground cistern for fire suppression, underground propane tanks, paving the loading area behind the cafeteria building, and improvements so that the septic and grease traps flow will be pumped to the main leach field system. In addition, the current gravel walkways between buildings will be paved with asphalt. It was noted that the path already crosses wetlands. Mr. Kevan noted that there will be no other changes needed for this

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summer. Mr. Hadik noted that approximately 15 years ago, Chester College, had submitted plans for 4 leach fields but had only built 2 of the 4. Mr. Sullivan inquired if the fire cistern was sized by the Town Fire Chief and Mr. Rohr stated that it is sized by code and that the Fire Chief has been kept in the loop. Mr. Hadik noted that conditions of approval on the Site Plan Review will include the Fire Chief's approval.

The Board inquired whether faculty would be living on site. Mr. Rohr reported that most would live on site although some would live locally and commute. Mr. Rohr stated that about 20 faculty and staff would be living on campus as the Academy would be a 24-7 facility. Mr. Sullivan asked if there are any external changes planned. Mr. Rohr noted there would be an addition to the building and stated that there would be no additional external changes regarding siding, etc. Mr. Hadik noted that for the Site Plan Review, given there will be no commuter service, Busche Academy may request a waiver from the Traffic Study and noted that a Traffic Study had been completed by Chester College, which had much more traffic than Busche Academy proposes. Mr. Kevan noted that due to decreased traffic, Busche Academy may, in the future, convert a portion of the main parking area to a recreation area such as basketball courts.

The Board reviewed the other buildings that are part of the campus and discussed their planned uses for the future. Mr. Rohr noted that the owner of the Busche Academy property will be purchasing a lot that had been sold off (Map & Lot 5-15 – formerly Nutting & Dalrymple Halls,) so that the entire parcel will include all the original Chester College property of the parent lot. Mr. Rohr explained that of the three dorms included on the original Site Plan, only one was built. The Adams Hall building may be used for faculty initially but will be used as a student dorm as enrollment increases. An additional dorm may be built in the future. The Board asked about where the faculty will be housed. Mr. Rohr explained that some of the faculty will be hired locally and some may live in the dorms, providing supervision to students. Busche Academy will also look to rent property in the neighborhood for faculty.

The Board asked about the student body and timeframes. Mr. Rohr explained that Busche Academy is hoping to bring the first students in September 2016. Because of this, they are hoping to move quickly and will file for a Site Plan Review soon. Busche Academy plans to start with 50 students the first semester and add an additional 50 students the second semester. Mr. Rohr reported that by code, the dorm will accommodate 160 students. Busche Academy will look to ramp up to bring in 150 students per semester. Long-term, Busche Academy plans to build another dorm to hold another 150 students. Students will be at Busche Academy for approximately 2 ½ months, then return home and new students will arrive for the next semester. He noted that Busche Academy will run on a Chinese calendar so that the Academy will be closed December – March as the students will return home during that period for Chinese New Year. He noted that students will be off campus approximately 2-3 days per week for trips. The Board inquired about the transportation plans; Mr. Rohr explained that they will be hiring bus companies to provide the transportation.

The Board discussed plans for recreation areas. Mr. Rohr stated that when Busche Academy re-acquires the Nutting-Dalrymple Halls parcel, they may develop a soccer field behind it. He stated that long-term, they will see how things progress before any decisions are made.

The Board briefly discussed the Site Plan Review and possible site walk-throughs by Board members. There was some discussion that as the purpose of a walk-through is to determine impact on abutters and see parking areas, there may not necessarily be a need for a walk through for this Site Plan as the changes are internal to this very large property. Mr. Rohr stated that the Board and any members of the public were welcome to visit on site to see the proposed plans, which are posted in the lobby of the main building, and noted that Busche Academy wants to be as transparent as possible regarding their future plans.

Review of correspondence: DuBois & King – McLean Subdivision road inspections and new construction bond estimate

The Board reviewed the letter from Dubois and King dated February 4, 2016 regarding the McLean Subdivision Road, Lot 12. Mr. Hadik noted that all the required information has been provided and that a construction bond estimate needs to be set. Mr. Hadik noted that the lower half of the road already has the base asphalt layer paved, but winter weather prevented the upper half of the road from being paved. He noted that the developer needs to put down base gravel on the upper half of the road as well as the binder coat. This section of the road includes the cul-de-sac at the top of the road. Mr. Hadik explained that he will send notice to the parties so that they can seek funding once the construction bond amount is set.

Mr. Trask motioned to set a construction bond amount of \$127,300 based on the letter from DuBois & King dated February 4, 2016; Mr. Buckley seconded. Motion approved.

Review of correspondence: Information Requests

The Board reviewed two letters requesting copies of an opinion of the Board's counsel regarding the property located at 15 Chester St. The Board reviewed Attorney Jennifer St. Hilaire's memo regarding these requests. The opinion will not be released. There was no further discussion.

Discussion regarding schedule of upcoming Public Hearings

The Board discussed the schedule for upcoming public hearings. On February 24, 2016, the following public hearings will be held: Berretta for Lot Line Adjustment (continuation), Eversource to trim brush and trees on a scenic road, and a Site Plan for an in-home firearms business. Mr. Hadik noted that Eversource will send a check for the fees associated with noticing this hearing twice. Mr. Hadik noted that the in-home firearms business will be similar to Chester Arms in that the owner will keep firearms

on property. Mr. Hadik noted that he has reviewed with the owner the requirements set by the Board for a similar business in preparation.

Review of correspondence: NH Solar Garden on Strandell Property

Mr. Hadik reported that the standstill over the process for the Site Plan Review for the proposed NH Solar Garden has been resolved. Mr. Hadik reported that the NH Solar Garden has countersigned a letter stating that the Board will conduct a Site Plan Review in advance of NH Solar Garden obtaining approval from the Board of Selectmen for placement of the utilities in the right-of-way, while noting that access will need to be approved by the Board of Selectmen and that the Board and Town assumes no liability should the Board of Selectmen not approve the placement of utilities in the right-of-way. Mr. Hadik noted that he has not heard further from NH Solar Garden regarding their plans to come before the Board.

Review of correspondence: DuBois & King Regarding McLean Subdivision dated January 29, 2016

Due to the adjournment of the Planning Board meeting on February 3, 2016 following a power outage, the earlier three construction supervision letters from DuBois & King regarding the McLean Subdivision dated January 29, 2016 were not reviewed. These were prepared before the construction bond estimate letter dated February 4, 2016. Mr. Hadik noted these were included for the Board's information.

Update: 4 Haverhill Road – Asian Takeout Food Restaurant, KD Nails relocation upstairs

Mr. Hadik reported that he received information from Thom Roy that was also sent to Janet Boyden on the ZBA that there are proposals for changes to the business at 4 Haverhill Road. The KD Nails business is proposing to relocate to the second floor of 4 Haverhill Road, while an Asian Takeout Food Restaurant hopes to open in the space vacated by KD Nails. This plan may encounter significant zoning impediments related to the capacity for well, septic and parking. In addition, there are questions whether the building could be made handicapped accessible as the new business would need to meet that regulation.

Update: Drowne Composting Facility – applying for Special Exception

Mr. Hadik reported to the Board that a resident had reported to the Town that an unapproved composting facility is being operated in the Mill Pond Subdivision. The access to the facility is through Sandown. The operators have been notified and are submitting an application with the ZBA. The Conservation Commission has also been notified.

Review of correspondence: Letter from Rhonda Lamphere asking to close zero-balance accounts

The Board reviewed correspondence from Town Treasurer Rhonda Lamphere identifying several zero-balance accounts and inquiring if they could be closed. Mr. Trask motioned to approve the closing of the five identified zero-balance accounts; Mr. Buckley seconded. Motion approved.

Review of correspondence: Telephone budget line reduction and other budget revisions

The Board reviewed some budget revisions. The telephone line item will be decreased by \$200 as an unused fax line will be transferred to the Town Clerk's Office, saving approximately \$20/month. \$225 for a copier line item has been moved to the IT line item under the control of the Selectmen. It will still be listed as Planning Board, but will be under a different budget. \$2500 was also added to the Planner Line for the annual CIP and impact fee updates.

Review proposed zoning amendments to Article 6 – Open Space Subdivisions

The Board reviewed a summary of proposed amendments to Article 6 regarding Open Space Subdivisions and discussed the intention behind the proposals.

The proposed amendment regarding lot frontage would set lot frontage minimums at 150' per lot with 120' for lots located outside circumference of cul-de-sacs. The intent is to allow enough space for "open drainage" systems to fit and function properly; lesser frontage would require "closed systems" (e.g. sewers, grates, curbs, etc.) which are more expensive to install and maintain.

The proposed amendment regarding buildable areas would set the required contiguous buildable areas or construction envelopes of a lot to be at least 0.33 acres of "unconstrained upland" (e.g. no steep slopes, no wetlands, no exposed ledges, etc.). The buildable area would be required to fit into a rectangle with one of the following dimensions: 120'x120' (0.331 acre), 110'x130' (0.328 acre), 100'x140' (0.321 acre), or 90'x150' (0.31 acre). The purpose would be to ensure that the lot can reasonably fit a dwelling unit, septic system and well as have a replacement area if, for example, the well fails. There would be two alternatives to this requirement: submitting a fully engineered septic design for the lots in question that the developer would be required to build to or to obtain a variance. Mr. Buckley recommended changing the language to state that the buildable area must be in the shape of a square or rectangle and express the size requirements of the area as a ratio (e.g. the long side no more than 1.75 times the short side) instead of fixed dimensions. The Board felt this made sense. Mr. Hadik stated that he will develop a ratio and amend this language; Mr. Buckley will review this prior to the Public Hearing.

The proposed amendment regarding community wells would require lots of less than 1.25 acres to be serviced by a community well system. The purpose of this requirement would be to ensure that lots are large enough for alternate well locations should an original well fail. Mr. Buckley inquired if setting minimum frontage standards would solve the issue of ensuring enough locations for alternative wells as fewer houses could be built; Mr. Hadik was unsure. Ms. Richter inquired about whether an alternative

well could be placed on a 1.25 acre lot. Mr. Hadik responded that it appeared so, according to his calculations. Ms. Richter asked whether the 1.25 acre requirement could be increased. Mr. Hadik stated that increasing the acreage would conflict with the intent of an open-space subdivision.

The proposed amendment regarding maintenance of storm-water management structures outside of new road (Town) right of ways would affect both open space and standard subdivisions. In the proposed amendment, for future subdivisions, homeowners associations would be required to maintain their drainage control structures such as retention ponds, level spreaders, and filter strips, etc. that are built outside of the new road's right-of-way. Upon official notification by the Road Agent or his designee, the maintenance must be performed within a specified time limit, or the Town will complete the work to ensure the structures won't fail and would then place liens on the individual units to ensure repayment. Mr. Hadik noted that this is already required in other towns and the intention would be to reduce future maintenance costs of the subdivision to Town taxpayers at large. Mr. Sullivan clarified that the homeowners associations would be responsible for the maintenance, not the individual homeowners. Mr. Buckley inquired whether homeowners associations could be responsible for closed systems in a roads' right of way. Mr. Hadik stated that homeowners associations could not be responsible where the Town has the right of way. The Board discussed whether or not Open Space Subdivisions needed to have a homeowners association. Mr. Hadik stated that they do, except when a subdivision deeds the open space to the Town. However, the Board noted that one could include language in the deed around this requirement. The Board discussed the issue of placing liens on properties and questioned whether bills would be sent prior to the placement of liens; Mr. Hadik stated that Attorney Jennifer St. Hilaire will provide clarifying language for this.

The proposed amendment regarding maximum road slope/grade limitation would set a maximum slope or grade of 8%. The purpose is to meet requests by the Town Fire and Highway Departments to minimize the safety issues associated with steeper grades in winter driving conditions. Mr. Buckley noted the current slope/grade is 10%.

The Board also discussed the idea of requiring engineering oversight of the installation of foundations/location of units, and the excavation and final grading of lots. The purpose would be to avoid significant drainage issues for future homeowners, as dramatic alteration of terrain during construction can occur. The Board felt that this issue does not have an easy solution and agreed to revisit this issue at a later time. The Board also agreed to revisit the issues of consolidated mail delivery box locations and issues related to showing driveway cuts/proposed unit locations at Site Plan Review at a later date.

Review of Proposed Amendments to Article 9 regarding Accessory Dwelling Units

Mr. Hadik reported to the Board that S.B. 146 passed and that it formed the basis for the proposed zoning amendment which is intended to replace Article 9. The effective date of the S.B 146 legislation will be June 1, 2017. Ms. Richter clarified that S.B. 146 sets the statutory minimum requirements and

set out what areas can be regulated by the Town. Mr. Hadik reported that he reviewed the items that can be restricted. He further noted that the legislation does allow for impact fees and suggested that the Board revisit the impact fee schedule around this. Ms. Richter inquired whether the legislation allows Towns to restrict detached accessory dwelling unit; Mr. Hadik replied that it does. The Board held some discussion around detached accessory dwelling units, noting that in certain situations a detached unit may make sense (e.g. converting an unused barn). Mr. Hadik reported that residents could apply for a variance even if detached accessory dwelling units are restricted. Mr. Hadik noted that the legislation says that restrictions cannot be more restrictive than restrictions on a single family unit; he understands that to mean on lots in conventional subdivisions, not in open space subdivisions with much smaller lot sizes, but noted that the attorney Jennifer St. Hilaire will review. For example, the Town could not restrict an accessory dwelling unit to one-bedroom (although the owner could choose to build a one-bedroom accessory dwelling unit). The Board asked about the lot area requirement and whether it applied to external accessory dwelling units only or also internal units; Mr. Hadik stated it applied to external accessory dwelling units.

The Board discussed whether or not the owner would need to meet all the requirements, even if that requirement wasn't needed. Mr. Sullivan provided the example of an accessory dwelling unit housing an elderly parent who doesn't drive; would the requirements around space for parking need to be met. The Board discussed that while there may be gray areas, where the ability to regulate may be unclear, it would be reasonable to set regulations and move forward. Ms. Richter noted that Attorney Jennifer St. Hilaire will review the regulations and restrictions to ensure that they meet the statutory requirements. Mr. Hadik noted that he will ask the Attorney to review soon as the Board will need to schedule two Public Hearings for these proposed amendments.

Review proposed zoning amendments to Article 5 – changes required for the National Flood Insurance Program

Mr. Hadik reported that there are certain legislative changes to the National Flood Insurance Program at the national level. He has been working with SNHPC and Jennifer Gilbert, Zoning Specialist at the Office of Zoning and Planning to review Chester's ordinance to identify changes to be made to ensure it is in alignment with these recent federal changes. The Board also reviewed Section 7.19 Special Flood Hazard Areas, which will be added to the end of the Site Plan Review. Mr. Hadik stated that a Public Hearing must be held for this, but that the proposed amendment of Site Plan review will not need to go before the voters. He further stated that it won't happen until Article 5.6 is approved by the voters. Mr. Hadik stated that the changes are mostly referencing and are not substantive. The Board reviewed the language and had no comments. The Board agreed that Mr. Hadik could make the draft changes and notice the public hearing.

Information regarding Quarterly Highway Safety Committee Meeting on 2/18 at 1 pm

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Mr. Hadik reported that at the upcoming Quarterly Highway Safety Committee Meeting on 2/18 at 1 pm, the committee will review minutes from the 2/4 meeting with Department of Transportation Engineers regarding cutting back the slope at the traffic light at the Town Center in order to increase sight distance to 35 mph/390 feet. Once approved, the minutes will be sent to the Board. Mr. Sullivan noted that he saw similar cutbacks that were paved with granite at an intersection elsewhere and that it looked great. He hoped this would be the case with this project.

The Board discussed this proposed plan further, noting that the intersection needed attention to improve safety. Mr. Hadik reported on some of the issues related to a cutback in that area: two parking spots will be lost, a gravity-fed hydrant will need to be shortened and fiber optic cable will need to be reburied deeper. In addition, the property is on the National Register of Historic Places, which will impact the approval process. Mr. Hadik noted that the timeline is long, that even if the proposal were approved today, it would not be built until 2018 or 2019.

Review of Correspondence: letter from SNHPC regarding Regional Warrant Study

Mr. Hadik informed the Board that a copy of a letter from the SNHPC regarding a Regional Signal Warrant Study is being provided to them for their information. There was no further discussion.

Review of Minutes

The following changes were made to the minutes dated 12/9/15: Mr. Trask noted that he was absent, not present for that meeting. Line 74 should read "there was no documentation that a site plan review". Line 94 should read "review and amend the original Site Plan with the proposed changes". Ms. Richter motioned to accept the minutes of 12/9/15 as amended; Mr. Buckley seconded. Motion approved; Mr. Trask abstained.

The following changes were made to the minutes dated 1/27/16: Line 141, correct spelling of Thorrr Gunsmithing Business. Line 145 should read "Upon review of existing documentation regarding the business". Mr. Sederquest motioned to accept the minutes of 1/27/16 as amended; Mr. Trask seconded. Motion approved.

The following changes were made to the minutes dated 2/3/16: Line 27 should read "the discussion was tabled". Mr. Buckley motioned to accept the minutes of 2/3/16 as amended; Ms. Richter seconded. Motion approved; Mr. Trask abstained.

Adjournment

Ms. Richter motioned to adjourn the meeting; Mr. Trask seconded; Motion approved. The meeting was adjourned at 9:23 p.m.

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367 Respectfully submitted,
368
369 Julie Christenson-Collins
370 Recording Secretary