

Town of Chester
Planning Board Meeting
Wednesday, October 26, 2016
Municipal Complex
Approved Minutes

Members Present

Evan Sederquest, Vice Chairman
Cass Buckley, Ex-Officio
Elizabeth Richter, Member
Richard Snyder, Member

Members Absent

Brian Sullivan, Chairman
Michael Weider, Member

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Grant Benson
Janet Boyden
Kevin Hatch
Aaron Hume
Rhonda Lamphere
Steph Landau
Jack Munn
Brian Remillard
Joe Wichert

Vice Chairman Sederquest called the meeting to order at 7:08 pm.

Agenda

- Review & sign invoices.
- Review and approve minutes for 10/12/16.
- Discuss DuBois & King review contract for GBN Farms Site Plan Review.
- FYI – Cedar View Estates Pre-Construction Meeting minutes.
- FYI – Attorney’s memo on deed restrictions.
- Rick’s appointment by BOS and the Planning Board representative to ZBA.
- Appointments

- Grant Benson and Kevin Hatch to discuss the expiration of the variances for Cedar View Estates.
- Steph Landau to discuss notification of abutters for conceptual discussions of proposed developments.
- Public Hearings:
 - Continuation of the public hearing for the subdivision application by Dion Construction, LLC (Applicants,) 802 Amherst Street, Manchester, NH 03104, for a 3-Lot Subdivision of Map 2, Lot 49 on Town Farm Road.
 - Adopt Government Buildings Impact Fees for capital facilities and equipment.
 - Adopt updated Traffic Impact Fees for road improvements, equipment and capital facilities.
- Future Meeting Dates:
 - November 9, 2016 – Department CIP reviews
 - November 16, 2016 – CIP Scoring Reviews
 - November 30, 2016 – meet?

Review and approve minutes for 10/12/16

The Board reviewed the minutes from 10/12/16. Mr. Snyder made a motion to accept the minutes dated 10/12/16 as reviewed; Mr. Buckley seconded the motion. Motion approved, 2-0-2, Mr. Buckley and Mr. Snyder abstained.

After reviewing last week's meeting minutes, Mr. Snyder requested clarification regarding the decision last meeting by the Board to not require a new set of site plans on Cedar View Estates. Ms. Richter explained that the Board had discussed the issue in detail at the meeting, and based on the information they have now, the Board had agreed a new set was not necessary.

FYI – Attorney's memo on deed restrictions.

Mr. Hadik presented the Board with several emails between himself, Ms. Jennifer St. Hilaire and Mr. Jim Kerouac of Wadleigh, Starr & Peters, P.L.L.C, referencing deed restrictions requirements set in conditions of approval. Mr. Hadik noted that the emails were in response to an issue that came up when an engineer, who is working on a subdivision in Town, in response to Mr. Hadik's request for drafts of the deed restrictions, stated that the deed restrictions were referenced on the plan set so the restrictions didn't need to be in the deeds themselves. Mr. Hadik said the conditions of approval require the restrictions to be in the deeds for the individual lots. He noted he had contacted Ms. St. Hilaire to discuss this issue. Mr. Hadik said that Ms. St. Hilaire forwarded Mr. Hadik's email to Mr. Kerouac. Mr. Kerouac emailed that "the conditions of approval should require either the recordation of a declaration of restrictive covenants that sets forth all of the covenants on the lots in the subdivision or requires the developer to include the restrictive covenants in each deed to a buyer of the lot."

Discuss DuBois & King review contract for GBN Farms Site Plan Review

Mr. Hadik informed the Board of conversations with Jeff Adler regarding drafting the review contract for the GBN Farm Site Plan review. Mr. Adler stated that if there was no drainage report to review, then there really wasn't much else for him to review. Mr. Alder had also stated he wanted the Board to be aware that the Town has never reviewed any drainage report for this site.

Mr. Brian Remillard and Mr. Kevin Hatch came before the Board at 7:22 pm.

Mr. Hadik asked for clarification on the statement from Mr. Adler, that the Town has never reviewed a professional drainage report for this site. Mr. Hatch confirmed the statement is true. He stated that the Town has never seen a drainage report for this site because there have been no changes to the site. He noted that the pre-development conditions are the same as post-development condition. Mr. Hatch said the value of a drainage report would be worthless because the property was not physically changed and there is nothing to report. Mr. Hadik said that because there has never been a professional drainage review by the Town of the site, the Town doesn't know if the run-off from the site is being properly treated. Mr. Remillard pointed out that the site hasn't changed since they originally cleaned up the site when they obtained a site-specific permit from the State.

The Board discussed the history of the site.

Mr. Hatch noted that their permit is called an Alteration of Terrain (AoT) permit. He said there has been no topographic alteration of the terrain. Mr. Remillard added that all they are doing is coming before the Board because they are moving the locations of wood chips and dumpsters (shown as two boxes on the plan) from one place to another on the plan. He stated that when he received the variance from the ZBA, the conditions of approval require them to come before the Planning Board for review of any amendments to the site plan. Mr. Remillard also stated that at some point when he proposed to build a permanent processing facility that a full drainage report would be submitted for the entire site.

The Board noted that some site conditions are currently different than shown on the original site plan. For example the locations of stockpiled materials have changed. The Board wants the amended site plan to show all the changes. Mr. Hatch and Mr. Remillard agreed the updated plans will reflect the current conditions on the site.

Mr. Hadik asked the Board if they agreed that Mr. Remillard did not need to submit a drainage report as part of the review to amend his Site Plan. Mr. Hadik wanted to make sure the Board was fine with this for two reasons. He did not want the issue to come up after the application was submitted and the review process had begun, and he had to notify Mr. Adler whether a drainage report would be part of the review.

The Board said they agreed a drainage report was not required for the proposed changes to the site plan.

Grant Benson and Kevin Hatch to discuss the expiration of the variances for Cedar View Estates.

Mr. Grant Benson and Mr. Hatch joined the Board at the meeting table at 7:31 pm.

Mr. Hadik informed the Board he had been notified last week that the ZBA had been discussing Cedar View Estates. He explained he had been told that a couple of ZBA members were concerned that the variances originally granted back in 2006 had expired.

Mr. Hadik presented the Board with two packets of information. He said he had prepared the one packet that contained information on the history of the amendment of the ordinance regarding the setbacks and no clearing buffers for roads listed on Table 2. Mr. Hadik said he had received the other packet from Ms. Janet Boyden regarding the expiration of the variances for the Cedar View Estates' road. That packet included a letter from the Chester Zoning Board of Adjustment dated October 26, 2016, three ZBA Notice of Decisions dated October 23, 2006, a copy of a portion of the Zoning Ordinance 2006, ZBA meeting minutes dated October 19 and 23, 2006.

Mr. Hadik explained the ZBA's concerns regarding these three variances. The first concern is that the variances have expired and have not been renewed. The second concern is that the variances originally applied to only the 2006 plan the ZBA had reviewed. Mr. Hadik noted the 2006 plan was later revised by the applicant resulting in the deletion of a house lot and an increase in the size of the conservation area. The Planning Board approved this revised plan in 2008. He said the ZBA's position is that the variances granted pertained to the 2006 plan, not the 2008 plan.

Mr. Hadik explained the variances are for four items related to the road, Cedar Drive, which are listed on Table 2 of the Zoning Ordinance: setbacks to wetlands, setbacks to vernal pools, no clearing buffers to wetlands and no clearing buffers to vernal pools. Mr. Hadik further explained that Mr. Kevin Hatch had pointed out in a recent email that the zoning had been amended in 2011, referencing Note 2 on Table 2, which thereby eliminated the need for these variances.

The Board discussed the details of the 2006 variances and the 2011 zoning amendment. Back in 2006, at the time of the public hearings, a member the ZBA's had pointed out that portions of the ordinance on Table 2, relating to the setbacks and no clearing buffers for wetlands and vernal pools, were unworkable when it came to the locating of roads. The Board reviewed the minutes leading up to the 2011 zoning amendment of Table 2 that resulted in the addition of Note 2. All agreed the discussions were poorly documented, and the amendment of Table 2 should have been worded better. The Board discussed that the intent was that the setbacks and no clearing buffers for wetlands and vernal pools would not apply to roads that received state approvals for their Aot and wetlands permits. The Board agreed this should have been properly documented in the 2010 and 2011 minutes.

Mr. Snyder stated that the good news is that at the time of the 2008 review, he had reported to the ZBA that the Planning Board was very satisfied with the attention the Cedar View Estates' site plan paid to the best protection possible for the wetlands and vernal pools. Mr. Snyder and Ms. Richter both agreed that the wording of Note 2 on Table 2 should be changed as soon as possible. Mr. Hadik pointed out that the road plans never changed in any way to cause additional impacts to the wetlands or vernal pools.

Ms. Janet Boyden came before the Board at 7:43 pm, to discuss the variances. She stated that the variances are now null and void. Ms. Boyden said that to clean up the paperwork, and to follow proper procedure, the applicant should reapply to renew their variances. Mr. Snyder pointed out that as of 2011, the variances are no longer required.

Mr. Hadik stated the Board needed to reach a consensus, considering the zoning amendment research and the information submitted by the ZBA, about the need for the variances. Mr. Snyder said that the way it reads on Table 2 in the Zoning Ordinance, variances would not be required as of 2011. Ms. Richter and Mr. Buckley agreed.

Ms. Boyden said that the Board must fix the wording of Table 2 for clarification purposes. She pointed out that the Town has people, including the ZBA and Code Enforcement Building Inspector, who think there are variances that are currently required. Mr. Buckley stated that although variances were originally required, they no longer apply, so the applicant doesn't need the variances. Ms. Boyden asked the Planning Board to give the ZBA and the Building Inspector a detailed explanation of what they found by researching the minutes of the 2011 zoning amendment and the issue with the Note 2 on Table 2, to fully explain to those people concerned about the lapsed variances why the variances are no longer needed.

Steph Landau to discuss requiring notification of abutters for conceptual discussions for proposed developments.

Mr. Steph Landau came before the Board at 7:52 pm to discuss requiring notification to abutters of conceptual discussions of proposed developments. He explained to the Board that he was at the meeting as a private citizen. Mr. Landau said there are rumors there will be a 63-house development proposed near his home, and many abutters have asked him questions about the development. He stated that he is coming to the Planning Board to ask them that when a major development (not two or three houses, but something more) is proposed, if it would be possible to have the Planning Board come up with a change to the subdivision regulations, so that the abutters be notified of the preliminary, conceptual discussion meeting between the developer and the Planning Board. Mr. Landau said that this notification would benefit both the abutters, as well as, the developer. He pointed out that the abutters (the future neighbors) may have an idea or suggestion helpful to the developer. Mr. Landau asked the Board to consider some type of notification proposal to bring to the May Town meeting.

Mr. Hadik noted that he has a running list of subdivision regulation changes, and this could be added. Ms. Richter asked who would bear the cost of the notification. Mr. Landau said he didn't think the notification needed to be certified.

The Board discussed the benefits and disadvantages to notifying the abutters of a developer's conceptual discussion meeting. Mr. Landau said that an advantage is that the abutter may have ideas at the conceptual phase that may eliminate problems that could come up later in the development phases. Mr. Hadik agreed with Mr. Landau, stating that while the conceptual discussion is a nonbinding planning phase, the abutters may be able to provide insightful feedback to improve the overall outcome. Ms. Richter said that although she is not opposed to a formal notification process, she doesn't think one is necessary. Mr. Buckley emphasized that they are not going to create a formal notification process for every subdivision, only for a major subdivision. He said that it makes a lot of sense to get the current residents of Chester abutting this property to give input for possibly valuable insight to the developer, and this is only creating a benefit to the people in Town. Mr. Snyder agreed and asked Mr. Hadik if he could implement this notification process. Mr. Hadik confirmed this could be accomplished without much inconvenience or expense. He asked the Board if they wanted certified mail notification, and what size subdivision would trigger the notification. The Board suggested that the 25-acre threshold for open space subdivisions precipitate the notification process. The Board agreed that they were in favor of using certified mail for the notification. Mr. Hadik said he would put this on the list for amendments to the pertinent regulation or ordinance.

Mr. Landau thanked the Board for their consideration. He departed the meeting at 8:07 pm.

Public Hearings

Mr. Buckley made a motion to reopen the Public Hearing on the Continuation of the Public hearing for the subdivision application by Dion Construction, LLC (Applicants,) 802 Amherst Street, Manchester, NH 03104, for a 3-Lot Subdivision of Map 2, Lot 49 on Town Farm Road; Mr. Snyder seconded the motion. Motion approved, 4-0-0.

The Public Hearing was opened at 8:08 pm.

Continuation of the Public hearing for the subdivision application by Dion Construction, LLC (Applicants,) 802 Amherst Street, Manchester, NH 03104, for a 3-Lot Subdivision of Map 2, Lot 49 on Town Farm Road.

Mr. Joe Wichert came before the Board at 8:09 representing Dion Construction, LLC.

Mr. Wichert presented the 3-lot subdivision plan sets to the Board. He said that the parcel of land is a total of 16.39 acres with frontage on Town Farm Road and Halls Village Road. Mr. Wichert said the

intent is to create three five acre lots. He noted that all lots comply with Town ordinances, with more than enough frontage on all three lots. Mr. Wichert said there is a wetlands complex that runs through the property. He stated that this was the major “hang-up” in their approval process.

Mr. Wichert explained two issues. The first issue was that years ago when the property was logged by the previous owner, a temporary wetlands crossing was installed. Apparently that crossing was never removed per NH DES regulations. The second issue occurred when the contractor was clearing only brush for the two proposed additional home sites, he inadvertently disturbed other wetlands. Mr. Wichert explained that when they became aware of the issue, they went to the NH Department of Environmental Services and explained what had happened, which then put them in the “after the fact” file, adding 30 days onto the window for approval. Mr. Wichert noted that the NH DES has finally approved their wetland dredge and fill permit. He said they left one driveway at the old logging crossing to minimize the wetlands impact. Mr. Wichert also pointed out that because the lots are over five acres, they are not required to obtain State subdivision approval.

Mr. Wichert reviewed the plan changes since the last Planning Board review; the addition of a recordable sheet, the addition of the infiltration ponds details to the topo sheet, the addition of the construction details to sheet four, and the addition of the line of sight details for the driveways to sheet three. Mr. Hadik requested and received the final copy of the drainage report from Mr. Wichert.

The Board reviewed the site plans and final review letter from Mr. Jeff Adler.

Vice Chairman Sederquest asked for Public comment. There was no Public comment.

Mr. Snyder made a motion to close the Public Hearing; Ms. Richter seconded the motion. Motion approved, 4-0-0.

The Public Hearing was closed at 8:17 pm.

Mr. Snyder made a motion to approve, with the conditions as presented tonight, October 26, 2016, the subdivision application by Dion Construction, LLC (Applicants,) 802 Amherst Street, Manchester, NH 03104, for a 3-Lot Subdivision of Map 2, Lot 49 on Town Farm Road; Ms. Buckley seconded the motion. Motion approved 4-0-0.

Mr. Snyder made a motion to open the Public Hearing to review Municipal Buildings Impact Fees for capital facilities and equipment, and review the updated Traffic Impact Fees for road improvements, equipment and capital facilities; Ms. Richter seconded the motion.

The Public Hearing was opened at 8:18 pm.

Adopt Government Buildings Impact Fees for capital facilities and equipment.

Adopt updated Traffic Impact Fees for road improvements, equipment and capital facilities.

Mr. Jack Munn of the Southern New Hampshire Planning Commission joined the Board at the meeting table.

Mr. Hadik presented the Board with a spreadsheet he had created that gives a breakdown of current impact fees of eight surrounding towns. He and the Board discussed the spreadsheet information.

Mr. Hadik distributed the Traffic Impact Fee and Municipal Buildings Impact Fee reports to the Board.

Mr. Munn addressed the Board explaining how the Municipal Buildings Impact Fee report was created. He noted that the methodology used was the Incremental Expansion Impact Fee calculation. Mr. Munn continued to explain to the Board the information in the Municipal Buildings Impact Fee report, summarizing the report.

Mr. Hadik informed the Board that Ms. St. Hilaire reviewed both impact fee reports, added a few commas and minor deletions, and deemed them legally defensible. Ms. Richter added two grammatical corrections.

Ms. Rhonda Lamphere came before the Board at 8:45 pm to ask why some fees are changing so substantially. She first asked why the fee for Recreation is decreasing. Mr. Hadik said that the Recreation fee is decreasing because when the Recreation Impact Fee was originally developed, the Town was paying off the \$3,000,000 Conservation Bond and building the ballfields. Now the Conservation Bond has been paid off and the Wason ballfields are mostly built. Mr. Hadik said the reduction in those expenses is the main reason the Recreation Impact Fee is decreasing. Ms. Lamphere said she would address the Traffic Impact Fee questions she has after the Board discusses it. She joined the Board at the meeting table.

The Board reviewed the Traffic Impact Fee report. Mr. Munn gave a summary of the Traffic Impact Fee, noting that he had done some research and redone the matrix table using different factors, as requested by the Planning Board.

The Board discussed and agreed to use 100 percent of the Traffic Impact Fee values, and not to apply a 25 percent reduction to all fee categories; they removed the bullet on page four of the Traffic Impact Fee report that referenced applying the 25 percent reduction. Mr. Hadik stated this would make this fee consistent with the other impact fees, because the Board had agreed upon 100 percent fee amounts for all the other impact fees. Mr. Hadik also asked Mr. Munn to verify the word "housing" should be added to the sentence on page eight under Senior Housing at the end of the sentence ending with "...including age-restricted."

326 The Board said the change to the trip length matrix table looks good and seems more accurate and
327 reasonable for Chester.

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329 Ms. Lamphere said she didn't understand how the impact fee is going up so dramatically. She asked
330 how we can justify going from \$1082 to \$2730, what has changed that significantly? Mr. Munn
331 responded that there are three factors causing the increase. He said the average cost to upgrade and
332 build roads has increased, a more realistic trip length model is being used for Chester, and the 25
333 percent fee reduction is not being applied.

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335 Mr. Snyder made a motion to close the Public Hearing; Ms. Richter seconded the motion. Motion
336 approved, 4-0-0.

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338 The Public Hearing was closed at 8:57 pm.

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340 Mr. Snyder made a motion to adopt the Municipal Buildings Impact Fee, as amended by Ms. St. Hilaire
341 and as discussed tonight; Mr. Buckley seconded the motion. Motion approved, 4-0-0.

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343 Mr. Buckley made a motion to adopt the updated Traffic Impact Fee, as amended by Ms. St. Hilaire and
344 as discussed tonight; Ms. Richter seconded the motion. Motion approved, 4-0-0.

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346 **Adjournment**

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348 Ms. Richter made a motion to adjourn the meeting; Mr. Buckley seconded the motion. Motion
349 approved, 4-0-0. The Meeting was adjourned at 9:03 pm.

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351 Respectfully submitted,
352 C. Molly Qualters
353 Recording Secretary