

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

**Town of Chester  
Planning Board Meeting  
Wednesday, March 2, 2016  
Municipal Complex  
Approved Minutes**

**Members Present**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Elizabeth Richter, Member  
Cass Buckley, Member

**Members Absent:**

Dick Trask, Ex-Officio Member  
Richard Snyder, Alternate Member  
Michael Weider, Member

**Staff Absent:**

Andrew Hadik, Planning Coordinator

Chairman Brian Sullivan called the meeting to order at 7:10 p.m.

**Agenda**

- Review Invoices
- Review and approve minutes for 11/18/15 and 2/24/16
- Review correspondence
  - Draft – Proposed replacement of Zoning Article 9 – Conversion of Existing Dwellings
  - Draft – Proposed amendments to Zoning Article 6 – Open Space Subdivision
- FYI & Updates: None
- Public Hearings: None
- Future Meeting Dates:
  - March 9, 2016 – PH Babin Subdivision, Multiple Zoning Amendments
  - March 16, 2016?
  - March 23, 2016 – PH Towle, PH Lot Line Adjustment, SPR – Busche Academy, Zoning Amendments

**Review Invoices**

The Board reviewed invoices. There was no further discussion.

**Review and approve minutes for 11/18/15 and 2/24/16**

The following changes were made to the minutes dated 11/18/15: Line 198 should read: Mr. Buckley made a motion to approve the Home Business Application of Sonia Hartl". Mr. Buckley made a motion to accept the minutes of 11/18/15 as amended; Ms. Richter seconded. Motion approved, 4-0.

When reviewing the minutes for 2/24/16, the Board discussed the practice of recording the vote when motions are voted on. The Board also agreed that it was important to identify members voting and members abstaining and instructed the recording secretary to note the vote in the minutes, moving forward.

The following changes were made to the minutes dated 2/24/16: Line 56 should read "Motion approved, 2-0-2; Mr. Buckley and Mr. Trask abstained." Line 60 should read "Motion approved, 4-0.". Line 68 should read "so that these departments have knowledge of them, and can then submit". Line 108 should read "Motion approved, 4-0.". Line 114 should read "He noted that the application includes a letter". Line 143 should read "Motion approved, 4-0.". Line 157 should read "Motion approved, 4-0". Line 182 should read "Motion approved, 4-0.". Line 255 should read "Motion approved, 4-0.". Mr. Sederquest made a motion to accept the minutes of 2/24/16, as amended; Mr. Buckley seconded. Motion approved, 3-0-1; Mr. Sullivan abstained.

#### **Review of Correspondence: Proposed replacement of Zoning Article 9 – Conversion of Existing Dwellings**

The Board reviewed the proposed replacement of Zoning Article 9. The Board compared Article 9 as currently stands alongside the proposed replacement. The Board determined that while the proposed replacement addresses the same elements currently addressed by Article 9 such as lot size, etc., it more closely follows the standards set out in S.B. 146, which is scheduled to go into effect in June 2017.

The Board identified the use of the word "existing" in Section 9.2 ("The addition of a single dwelling unit within or attached to an existing single-family dwelling") and held discussion about whether to eliminate the word "existing". In the past, the Superior Court had interpreted "existing" to mean homes in existence at the time of the article's passage and the Board agreed that the current proposal was not intended to restrict permission to homes built at the time of the Article's passage. Mr. Sederquest expressed concern that if the word "existing" were to be eliminated, however, it would essentially enable a builder to build a new duplex under the regulation. Mr. Sullivan noted that a true duplex has two entrances and exits, while this proposed zoning article would require there be an interior door into a common area; however, Mr. Sullivan also noted that the Town could not require that the interior door remain unlocked. For clarity, the Board changed "existing single-family dwelling" to "single-family dwelling existing at the time of application".

The Board noted that under the proposed replacement, those wishing to build an accessory dwelling unit would apply to the ZBA for special exception. The Board held some discussion about the need to

provide sufficient guidance to the ZBA. The Board agreed that while the Town could not be more restrictive than S.B. 146, it could be less restrictive. The Board also discussed whether or not to refer to S.B. 146 or to cross-reference the items, determining it would be useful as a practical matter, even if not technically needed. The Board then compared elements of S.B. 146 and Article 9. The Board noted that as a practical matter, it would be important to include reference to the need for an interior door between the principal dwelling unit and the accessory dwelling unit in accordance with S.B. 146.

The Board held some discussion about whether or not to include in section 9.4.3. that the applicant(s) must demonstrate adequate water capacity for an accessory dwelling unit. The Board determined that it would be impractical to quantify an adequate water supply and further noted that water usage may be more dependent on who is living in the unit and how much water usage they have versus the size of the unit. The Board also felt that a lack of adequate water supply would necessarily stop homeowners from consideration of an accessory dwelling unit. The Board decided to make no changes to include water capacity.

The Board held some discussion regarding setting a minimum and maximum size for the accessory dwelling unit under the proposed replacement to Article 9. The Board noted that there is a current minimum requirement of 600 square feet for an accessory dwelling unit but noted this was not included in the draft proposal. The Board noted that while S.B. 146 allows municipalities to establish minimum and maximum sizes, and while it limits municipalities' abilities to restrict maximum size to less than 750 square feet, it does not set a limit on a minimum size. The Board agreed that the purpose of setting a minimum size would be functional: to ensure that the living space would be able to provide adequate living, cooking, and bathing space. Mr. Sederquest noted that 600 square feet was the minimum standard for a house, under regulations. The Board agreed to set 600 square feet as a minimum size for an accessory dwelling unit.

Ms. Richter suggested eliminating the reference to obtaining a variance in Section 9.4.10, leaving only the first sentence, which states "Detached accessory dwelling units are not authorized or permitted by this Article". The Board agreed, noting that homeowners could always apply for variances and that it did not need to be stated.

Mr. Buckley made a motion to move the proposed Article 9, with changes outlined by the Board, to a public hearing on March 9, 2016; Ms. Richter seconded. Motion approved, 4-0.

#### **Review of Correspondence: Proposed amendments to Zoning Article 6 – Open Space Subdivisions.**

The Board reviewed the draft of the proposed amendments to Zoning Article 6 – Open Space Subdivisions. The Board felt it captured everything that they had discussed. The Board agreed that it will mitigate some of the problems that the Town has encountered in the past. The Board also noted that if a builder were to object to the changes around buildable areas, they would have the option to complete a fully engineered septic design rather than have to seek out a variance.

Mr. Buckley made a motion to move the proposed changes to Zoning Article 6 – Open Space Subdivisions to public hearing on March 9, 2016; Mr. Sederquest seconded. Motion approved, 4-0.

**Discussion regarding process for prioritizing and evaluating items for the CIP.**

The Board reviewed the updates to Table 15 of the CIP. Mr. Sullivan noted that the new CIP needs to be adopted by this year's Town Meeting. The Board agreed that the updates were a good product and recognized Mr. Hadik's effort toward this.

The Board held discussion regarding the upcoming meeting between the Planning Board and Town Department Heads to prioritize and evaluate items for the CIP. Mr. Buckley expressed concern about the system used to evaluate and prioritize items and the lack of data given to the Board to support its effectiveness. The Board was uncertain whether it was a widely utilized planning tool. Mr. Sullivan and Ms. Richter noted that one issue is the threshold used in the methodology to determine what is included on the list; understanding why items at the extremes are included or excluded makes sense but it is more difficult to understand the rationale for items just above or below the threshold. Ms. Richter noted that she feels that it is very important for Departments to provide explanation around what they see as their priorities and the reasons.

The Board also held extensive discussion regarding its role in the development of the CIP. The Board discussed whether its role was to facilitate a planning activity or to decide items to include in and exclude from the CIP. Mr. Sullivan stated that he saw the role of the Planning Board as facilitating the planning process. Mr. Buckley stated that he felt that as planners, the Planning Board should be able to eliminate items and recalled that the Planning Board had done that in the past. Mr. Sullivan recalled that Department Heads were in support of removing items from the list. The Board referred to the statute governing the Capital Improvements Program, which instructs the Planning Board to confer in a manner deemed appropriate by the Board to review recommendations of Master Plan in regards to the CIP, study each proposal, advise, and make recommendations. Mr. Sullivan noted that rather than eliminate items, the Board would discuss proposals with Department Heads and provide feedback if items did not seem to be a priority and make recommendations to the Board of Selectmen. Mr. Buckley questioned why the Board of Selectmen were involved in the planning meeting; arguing that they should not be involved in the discussion with the Department Heads as they are responsible for voting on proposals and recommendations received. Ms. Richter noted that it was important for the Board to see how the proposals fit into the CIP and to the Town's Master Plan, to provide feedback on the goals of the Town in accordance with the Master Plan. Ms. Richter noted that according to the statute, the Board's role is an advisory role.

The Board agreed that the planning process needs to be more clearly defined and understood, with the planning tool methodology clarified. The Board also agreed that it was important to better understand how items proposed by Department Heads were removed from the list. The Board also noted that the

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

process used to determine priorities for the CIP has been different each year. The Board agreed that they would like Jack Munn, Chief Planner from SNHPC, to review the process with the Board so that it is made clear and the process can be repeated in the future. The Board also agreed that they would like to receive material to review prior to the date of the meeting.

**Adjournment**

Ms. Richter motioned to adjourn the meeting; Mr. Buckley seconded. Motion approved, 4-0. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Julie Christenson-Collins

Recording Secretary