

7-5-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester  
Planning Board Meeting  
Wednesday, July 5, 2017  
Municipal Complex  
Approved Minutes**

**Members Present**

Brian Sullivan, Chairman  
Evan Sederquest, Vice Chairman  
Richard Snyder, Member  
Michael Weider, Member  
Aaron Hume, Alternate Member  
Cass Buckley, Ex-Officio

**Members Absent**

Elizabeth Richter, Member

**Staff Present:**

Andrew Hadik, Planning Coordinator

**Others Present at Various Times**

Jeff Geary  
Bob Marcello  
Ted Scott

Chairman Sullivan called the meeting to order at 7:02 pm.

Chairman Sullivan noted that Mr. Hume is the alternate for Ms. Richter.

**Meeting Agenda**

**7:00 PM - Non-Public Session**

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.

**General Business**

- Review and sign invoices and time sheet.
- Review and approve minutes for 6/7/17.
- Review SNHPC Contract and Scope of Work for annual CIP update.
- FYI – 7/26/17 Road Surface Meeting System meeting with Nate Miller of SNHPC.
- Review & approve \$5,558.80 in expenditure of Traffic Impact Fees for drainage improvements to Shattigee Road.

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- Discuss the Building Inspector and Fire Department's request for the creation of an internal Technical Review Committee (TRC) to include the Police Chief and Road Agent for the purpose of reviewing subdivision plans prior to submittal for application acceptance/ first public hearing.
- Review proposed amendments to Driveway Regulations.
- Subdivision & Site Plan Review regulations to notify applicants of their responsibility to make arrangements with the USPS for mode of mail delivery.

#### **7:45 PM - Appointments**

1. Meet with stakeholders to review proposed amendment to Zoning Ordinance – Section 4.4 – Signs.

#### **7:45 PM - Public Hearings**

None scheduled.

#### **Future Meeting Dates:**

July 12, 2017 – PH Crowley Woods Subdivision, PH Tucker Bay Subdivision

July 26, 2017 – PH Pipit Estates Subdivision, Road Inventory presentation by SNHPC

#### **Non-Public Session**

Mr. Weider made a motion to go into nonpublic session under 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; Vice Chairman Sederquest seconded the motion. A roll call vote was taken to enter nonpublic session with all members present at the meeting responding with yes, for a 6-0-0 vote.

The Board entered nonpublic session at 7:04 pm.

Mr. Weider made a motion to leave nonpublic session and return to Public session; Mr. Snyder seconded the motion. Motion approved, 6-0-0.

The meeting was reopened at 7:50 pm.

Mr. Snyder made a motion to seal the nonpublic minutes for six months; Mr. Buckley seconded the motion. A roll call vote was taken to seal the minutes for six months with all members of the Board present responding in the affirmative, with a 6-0-0 vote.

#### **7:45 PM - Appointments**

#### **Meet with stakeholders to review proposed amendment to Zoning Ordinance – Section 4.4 – Signs.**

Mr. Hadik gave a summary of the sign ordinance topic. He explained that the sign ordinance had been amended a year and a half ago because of the Supreme Court sign ordinance ruling, noting that they (the Town) tried to maintain the old ordinance while at the same time trying to meet the Supreme Court's interpretation. Mr. Hadik said that the reason for revisiting the current ordinance again is because the

Building Inspector is getting active with code enforcement in Town, especially when related to signs. A number of owners of agricultural operations have contacted Mr. Hadik about their being told to remove certain signs. He said he has had conversations about the sign ordinance with various Town residents who have requested modifying the sign ordinance to allow for seasonal signage for agriculture. Mr. Hadik pointed out that the State has made a special emphasis in the last few years to support the “Granite State Farm to Food Plate” policy and principles.

Mr. Hadik explained that he has drafted the sign ordinance to include a section for agricultural that mirrors the home business, to include a sign that identifies the farm, a secondary sign to identify the farm stand sales location which is the equivalent to the home business sales occupation sign, and temporary signs for each commodity for the item that is being sold at that time (one sign per agricultural commodity).

Mr. Hadik noted that stakeholders have been invited to this meeting to provide their feedback on the proposed changes. Chairman Sullivan asked if there are other entities that should be involved besides the invited stakeholders. Mr. Snyder said that if there are they will let us know.

Mr. Buckley asked if everything that exists today is grandfathered from the proposed changes. Mr. Hadik said yes, however, only if it conformed to previous zoning.

Mr. Snyder asked for the stakeholder input.

Mr. Jeff Geary, 217 Chester Street, Mill Creek Dairy, came before the Board at 8:01 pm.

Mr. Geary said that the draft that Mr. Hadik has made is a step in the right direction, but, he has concerns with some of the language in the draft because he is a full-time farmer. He said that he has product every day of the year, he sells eggs every day of the year. Mr. Geary explained that he is not temporary, he is a full-time producer.

Mr. Snyder asked him what type of sign would he want. Mr. Geary said probably not something that they would not agree on. He explained that he is on a 40-mph road, and that the “Best Management Practices for Effective Agricultural Signage” from the UNH Cooperative Extension recommends signs on each of his commodities and the minimum size of each letter has to be 5 inches. Mr. Geary said he has 12 different products and doesn’t have time to remove twelve signs every evening. Mr. Hadik said that the signs do not have to be removed each evening, the signs can remain up overnight while the agricultural commodity is being sold.

Mr. Geary expressed concern over having a two-sided sign citing discussion with the Town’s Building Inspector. Mr. Hadik said that that was a good point and modification should be made to indicate a two-sided sign is allowable.

Mr. Geary, Mr. Hadik and the Board discussed the exact meaning of the draft ordinance sign dimensions allowed.

Mr. Hadik explained that you can have a sign saying “Mill Creek Dairy,” and you can have a sign that identifies that you do sales, you have a farm stand, and then you have the third category for the individual product sales.

Mr. Geary and the Board discussed various sign shapes, what sizes will be allowed, how best to display temporary and permanent commodities, and where the signs can be displayed. Much discussion was had on the total size of a sign with all allowed signs combined.

Mr. Geary said that if he could take his existing six square foot (his “grand-fathered size”) Mill Creek Dairy sign and incorporate that with the additional four square feet that you are saying I’m allowed to say “Farm Stand Here,” as well as, my commodities of what I am selling year-round, and incorporate all that in one sign, then he would be more than pleased.

Mr. Snyder used the white board to draw various sign shapes for discussion.

Mr. Geary said that all he wants is one sign. He said that if they moved forward with an amendment to the sign ordinance, he would feel responsible for making sure his signs are updated with the commodities he is selling.

Chairman Sullivan said that they are trying to craft the amendment in such a way that helps people get what they are trying to without incurring code enforcement issues. Mr. Hadik added that the Town routinely has “round tables” asking people what they like about Chester. He said that the response is always the rural and agricultural nature of the Town, and that they don’t like signs. Mr. Hadik noted, however, if one is going to keep Chester rural and agricultural, then one must tolerate some signs that support the farms.

Mr. Geary asked if the two sign allotment can be combined to make one 10 foot square sign, because he has heard that people don’t like all the scattered signs. Mr. Hadik said that the problem is that then every home business in Town will be asking for a 10-foot square sign. He explained that they must be careful not to discriminate.

Mr. Geary and the Board discussed specific shapes and sizes of signs, the definition of agriculture, the definition of commerce, and the definition of a sign, which led to a discussion on signs painted directly on a barn or building.

Mr. Snyder noted that a lot of good points were made, but, they are not going to be able to lock it down and craft all the exact wording tonight. He said that he is concerned that Mr. Geary is beginning to equate adding up all the signs to make one large sign. Mr. Geary said that he only wants to combine the two allotted signs with a 10-square foot sign on top with a smaller piece underneath equaling one sign. Mr. Hadik said that he is going to take a stab at crafting it with the new points stated tonight, but, would like to hear from Mr. Scott.

Mr. Geary sat down at 8:39 pm.

Mr. Ted Scott, 121 Derry Road, came before the Board at 8:39 pm.

Mr. Scott said that he had emailed Mr. Hadik a couple of his concerns. He said that one of his concerns is that the four-square foot area instead of the six-foot area is too small, it won't fit the entire name of his farm. Mr. Scott said that according to the Town Building Inspector's letter, however, he has a grandfathered six-foot sign, with which he can be happy.

Mr. Scott said that we pay a lot of lip service to promoting farms in Chester, but, tonight's discussion was only with those farms on the main road. He said that anyone else must get people to turn off the main roads, and by not allowing off-site signs for some of these things, they have no chance of being agricultural. Mr. Snyder and Mr. Buckley agreed that those are situations that have to be looked at on a case-by-case basis. Mr. Scott said that there must be provisions for them to get people to turn off the main roads, other than going to the State and paying for the "blue" signs.

Chairman Sullivan noted that this is a can of worms because when you start talking about off-site signs for the purpose of providing business for some, then you are being discriminatory to other businesses.

Mr. Scott disagreed stating that they are trying to promote agriculture, not other types of businesses. Mr. Hadik said that you can't write an ordinance that allows a sign to be placed on other people's property, or in the State's right-of-way.

Mr. Buckley said that it is important to be proactive to promote the rural character of Chester. He said that there has to be something written into the ordinance so that the other farms are not being disadvantaged.

Mr. Weider asked if there was a provision for someone to apply and receive a State blue sign. It was noted that yes, one can apply for a blue sign, but one has to pay for it.

Mr. Scott and the Board discussed applying for State blue signs.

Mr. Scott asked if they were just going to say they were supporting agriculture or if they were going to support agriculture.

The Board had much discussion about signs.

Chairman Sullivan noted that this issue is not going to be solved overnight.

Mr. Scott sat down at 8:51 pm.

Mr. Bob Marcello, 58 Derry Road, came before the Board at 8:51 pm.

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Mr. Marcello said to please try to do the right thing to help agriculture in this Town. He said he loves this Town, and has been here for 15 years. Mr. Marcello said he works in Cambridge, MA and loves coming back to Town every day and seeing the horses, cows, and chickens.

Mr. Marcello departed the meeting at 8:52 pm.

#### **Review and approve minutes for 6/7/17**

Mr. Weider made a motion to accept the June 7, 2017 minutes as written; Mr. Buckley seconded the motion. Motion approved, 4-0-2, Mr. Snyder and Vice Chairman Sederquest abstained.

#### **Update on the June 14, 2017 Information Session**

Mr. Hadik reviewed with the Board the information session that was held due to lack of quorum on June 14, 2017. He explained that the Crowley Woods development is a controversial development. Mr. Hadik urged the Board to become familiar with the details of the subdivision in preparation for the public hearing for Crowley Woods on July 12, 2017.

#### **Review SNHPC Contract and Scope of Work for annual CIP update.**

Mr. Hadik said that they would like to update the CIP this fall. He noted that the price has gone up to \$1,600.00. Mr. Hadik said that Ms. Sylvia Von Aulock, the new director of SNHPC, looked at the hours the CIP took to update in the past and came up with the new amount.

Mr. Weider made a motion to sign an agreement with SNHPC to update the Town's capital improvement program; Mr. Snyder seconded the motion. Motion approved, 6-0-0.

#### **FYI – 7/26/17 Road Surface Meeting System (RSMS) meeting with Nate Miller of SNHPC.**

Mr. Hadik informed the Board that Mr. Nate Miller, executive director of SNHPC, will be attending the July 26, 2017 Planning Board meeting. He said that Mr. Miller will be giving the Board a detailed explanation of the program that is used to assess road conditions which in turn helps to formulate a maintenance plan and prioritize the expenditure of the CIP funds.

#### **Review & approve \$5,558.80 in expenditure of Traffic Impact Fees for drainage improvements to Shattigee Road.**

Mr. Hadik reviewed with the Board the distributed invoices pertaining to the Shattigee Road engineering work for drainage improvements.

Mr. Snyder made a motion to approve the expenditure of \$5,558.80 from traffic impact fees for drainage improvements to Shattigee Road; Vice Chairman Sederquest seconded the motion. Motion approved, 6-0-0.

#### **Discuss the Building Inspector and Fire Department's request for the creation of an internal Technical Review Committee (TRC) to include the Police Chief and Road Agent for the purpose of reviewing**

**subdivision plans prior to submittal for application acceptance/ first public hearing.**

Mr. Hadik informed the Board that the Building Inspector and the Fire Department have requested that they form a technical review committee (TRC) that would include the Police Chief and the Road Agent to review subdivision plans being submitted prior to the first Public hearing.

The Board noted that they support the idea, if, Mr. Hadik is on board with the idea. The Board explained that they think the idea is good, but, that the TRC needs to understand that they are not officially part of the subdivision or site plan review approval process.

**Review proposed amendments to Driveway Regulations.**

Mr. Hadik reviewed with the Board the proposed amendments to the driveway regulations. He noted that when the Board last reviewed the proposed amendments six months ago, they became stuck on sections 9.9 and 9.10.

The Board then discussed these two points. Mr. Buckley said that the changes seem to be getting away from a rural character. Mr. Weider noted that the changes would create more run-off and more heat.

Mr. Hadik explained that he was just the messenger of the Fire Department's concerns, and he noted that the Fire Department personnel want to meet with the Board to discuss the proposed amendments.

**Subdivision & Site Plan Review regulations to notify applicants of their responsibility to make arrangements with the USPS for mode of mail delivery.**

Mr. Hadik said that the Building Inspector has reviewed the Proposed Amendments to Subdivision & Site Plan Review Regulations per New United States Postal Service (USPS) Delivery Regulations and is good with the draft. Mr. Weider said that he is fine with the first and second paragraphs, but, under "Plans" he wants to remove the words clustered mailbox units. He said that the Board should not be determining the type of box. Mr. Weider said that the "CBUs" should be removed and the wording should be, "Whatever method is determined by the Post Office will be put into the plan, will be part of the plan set."

Mr. Weider said that under "Code Enforcement" the Road Agent should be brought in as part of the review. He also questioned how under "Maintenance," they are going to ensure the property owner maintains the CBUs or other methods of delivery.

Mr. Hadik agreed to make the changes to the draft as discussed tonight.

**Adjournment**

Mr. Buckley made a motion to adjourn the meeting; Mr. Weider seconded the motion. Motion approved, 6-0-0. The Meeting was adjourned at 9:25 pm.

Respectfully submitted,

C. Molly Qualters

Recording Secretary