

2-22-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

Town of Chester
Planning Board Meeting
Wednesday, February 22, 2017
Municipal Complex
Approved Minutes

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Aaron Hume, Alternate Member

Members Absent

Cass Buckley, Ex-Officio
Richard Snyder, Member
Michael Weider, Member

Staff Present

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Michelle Stein

Chairman Sullivan called the meeting to order at 6:54 pm.

Chairman Sullivan called the meeting to order at 7:12pm.

Chairman Sullivan said Mr. Hume is the alternate at this meeting for Mr. Weider.

Agenda

General Business

- Review & sign invoices & time sheet.
- Review & approve minutes for 2/8/17.
- Review & approve non-public minutes.
- Review and approve document detailing the collection / appropriation and expenditure of impact fees, CIP capital reserve funds, and offsite improvement fees.

7:15 Appointments

None.

7:45 Public Hearing

2-22-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

Continuation of hearing to consider whether the Planning Board shall revoke the Conditional Site Plan Approval of the Site Plan Review Application of Michael and Michelle Stein to operate a retail store and convert an existing barn into a single family residence at 20 Chester Street (Map 16 Lot 20,) Chester, New Hampshire. The reason for revocation of the Site Plan Approval is the failure of the property owners to obtain a variance from Zoning Article 5, Section 5.3.4 (Prohibiting Uses) and Section 5.5.5 (Dimensional Area Requirements) as required by condition #1 of the Site Plan Approval of November 30, 2016.

Future Meeting Dates:

- March 1, 2017 -- Sylvia von Aulock, SNHPC – Complete Streets Toolkit pilot program
- March 8, 2017 -- PH Zoning Amendments
- March 22, 2017 – PH Zoning Amendments

Review and approve minutes of 2/8/17

The Board reviewed the minutes from 2/8/17. Chairman Sullivan made a motion to approve the minutes dated 2/8/17 as written; Ms. Richter seconded the motion. Motion approved, 4-0-0.

Review and approve non-public minutes of 2/8/17

The Board reviewed the non-public minutes from 2/8/17. Chairman Sullivan made a motion to approve the non-public minutes dated 2/8/17 as written; Mr. Sederquest seconded the motion. Motion approved, 4-0-0.

Mr. Hadik mentioned that that there was another non-public minutes transcription that was somewhat light on details that he would likely be calling Mr. Sullivan to discuss in the near future.

Deputy Town Clerk Barbara Cannon recently informed Mr. Hadik that she had found some non-public Planning Board minutes as she has been organizing Town files. The Board of Selectmen, for example, are currently unsealing minutes from the early 2000s in non-public sessions to determine which may be left unsealed. Apparently, the length of time each transcription was to remain sealed was not indicated on some envelopes. Chairman Sullivan remarked that Planning Board typically seals non-public session minutes for an indefinite period; and Ms. Richter felt that after a certain period of time (perhaps 10 years) these minutes become public record. Mr. Hadik will research and confirm retention criteria.

Review Process for the Collection and Expenditure of Impact Fees Document

Mr. Hadik distributed a document entitled *Process for the Collection and Expenditure of Impact Fees* to the Board for review. The many questions received on the subject and interchangeable use of the terms “Impact Fees” and “Offsite Improvement Fees” had prompted Mr. Hadik to generate this document;

which had already been reviewed by Town Treasurer Rhonda Lamphere and Finance Director Joanne Smith. Chairman Sullivan suggested placing the document online and Mr. Hadik agreed this would be a good idea.

Ms. Richter made the following suggestions:

- The second to last line of page 1 should read either “expenditure is not” or “expenditures are not.”
- The first sentence of the Offsite Improvement Fees section on page 3 needs either a semicolon instead of a comma after the word “assessed” or to become two sentences.
- The second sentence of the section mentioned above should indicate that fees *must* be spent on road improvements in the Town quadrants from which they were collected.

Warrant Articles – Selectmen’s Meeting

As invited by BOS Vice Chairman Trask, Mr. Hadik plans to attend tomorrow’s Board of Selectmen’s meeting to discuss Warrant Articles for CIP projects. Mr. Hadik compiled a summary of funds complete with two (2) spending scenarios: conservative and less conservative, dependent upon Table 10. It was agreed that CIP matters had been progressing well; Ms. Richter noted that the CIP was still in the process of getting buy-in, and comfort levels were increasing.

Plans Received – Crowley Woods

Yesterday Mr. Hadik received a single set of revised plans for the Crowley Woods subdivision from Chris Hickey of Eric Mitchell’s office. Town Engineer Jeff Adler called Mr. Hadik today to discuss the subdivision, and it was noted that the number of proposed units had decreased over the last several years from sixty-five (65) or more originally to sixty-three (63). Mr. Adler will begin his review upon receipt of a retainer and signed review contract. Mr. Hadik mentioned that Impact Fees totaling four hundred thirty-six thousand dollars (\$436,000) are anticipated for this Open Space subdivision if sixty-three units are built.

Public Works -- Town Roads

Mr. Hadik announced that the Board of Selectmen recently received the draft Public Works Director assessment report from MRI. Selectmen Vice Chairman Trask has asked him to compile a list including how many miles of road were maintained by the Town, how many miles had been approved but not accepted, and how many more there are in the design and approval stages; Mr. Hadik noted that no one seems to have an exact answer but many seem to suggest the Town currently maintains approximately sixty (60) miles. In the past two (2) years, ~one-third (~1/3) of a mile has been added via acceptance of Lincoln Lane and Evelyn Noyes Lane. Mr. Hadik will continue researching to determine exact mileage of Town-maintained roads.

Zoning Amendments

Possible issues relative to amendment of certain articles within the Zoning Ordinance were briefly discussed. Phrasing of a requirement to screen storage containers and definitions of fences, walls, basal area, and the term “temporary” were noted. Chairman Sullivan felt that it will be necessary to create provisions to feasibly enforce screening of storage containers. He noted how common they were around Town. Ms. Richter referred to Meeting Room RSA volumes and determined that fences are addressed beginning in RSA 473 and continue to RSA 476 and beyond. Determination of the imposition of Impact Fees was discussed; Ms. Richter did not feel right about charging Impact Fees in cases in which a home is torn down and replaced by a larger one.

7:45 Public Hearings

Chairman Sullivan made a motion to open the Public Hearing with Michelle Stein; Ms. Richter seconded the motion. Motion approved, 4-0-0.

Michelle Stein, resident of 169 Candia Road and co-owner of Bittersweet Blessings at 20 Chester Street, appeared before the Board to continue the hearing to consider whether the Planning Board should revoke the Conditional Site Plan Approval of the Site Plan Review Application of Michael and Michelle Stein to operate a retail store and convert an existing barn into a single family residence.

Mr. Hadik explained that the Planning Board had received advice on how the Steins could to proceed to achieve residency on their property. It was not clear, however, on the exact sequence (road map) that should be followed because their business was already in existence. A Planning Board condition that the development of the site be limited to a retail store was mentioned, although there was no precise wording explicitly prohibiting a residence.

The advice was that the Steins may apply for a Home Business permit with conditions. Two public hearings (Home Business Application, Revocation of Conditional Site Plan) could then be scheduled for the same future meeting. Upon successful application for a Home Business permit, conditions would be set for the Steins to apply for the necessary building permits to convert the barn into a residence, establish residency on the property, and also relinquish their variance for a commercial business. By receiving the Home Business permit, the need for the commercial variance would no longer exist, and the original site plan condition (and approval) would be voided. The Board had further discussion on the exact sequence of the steps of the roadmap.

Ms. Stein expressed her thoughts on the matter; primarily that since her last meeting with the Board, she had placed an offer on a nearby home for sale and was under verbal agreement, lacking a timeline because the property was in probate. Should that transaction fail to come to fruition, Ms. Stein might wish to return to the Board in application for the Home Business permit. Ms. Stein noted that she was under the impression (as per the previous Building Inspector, Thom Roy) that she could never live onsite

at Bittersweet Blessings if the business were larger than her home. The Board did not believe this to be correct. Ms. Stein was otherwise agreeable to the suggestion to relinquish the commercial variance, and added that this course could help make transactions relative to the matter “cleaner” for the time being and for the future.

Ms. Stein asked, if she were to buy a different residence, whether she would be able to open the Barn at some point for Commercial use; Mr. Hadik confirmed that she would have to come before the Board for site plan review because of the expansion of use. There was also some question whether the commercial variance would “go with Ms. Stein” should she sell the property or remain with the property. The belief is it would remain with the property, however, another question was raised whether the variance would lapse if the use was discontinued for more than a year.

Chairman Sullivan wished to make it clear that the minutes convey the Steins’ understanding that, upon closing this evening’s hearing, the hearing will be considered incomplete until the Steins decide what they wish to do next. Mr. Hadik reminded Ms. Stein that although no new site plan would be required to come in for a Home Business hearing, the applicant(s) are responsible for additional noticing fees etc.; Ms. Stein understood.

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

Ms. Stein departed the meeting at 8:07pm.

Mr. Hadik asked for the Board’s approval to share the new documentation with the ZBA; the Board agreed.

Adjournment

Ms. Richter made a motion to adjourn the meeting; Mr. Hume seconded the motion. Motion approved, 4-0-0. The Meeting was adjourned at 8:08pm.

Respectfully submitted,
Caroline Rose Wilson, Recording Secretary