

3-8-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, March 8, 2017
Municipal Complex
Approved Minutes**

Members Present

Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member
Aaron Hume, Alternate Member (arrived at 7:41 pm)

Members Absent

Brian Sullivan, Chairman
Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Eric Mitchell

Vice Chairman Sederquest called the meeting to order at 7:03 pm.

Agenda

General Business

- Review & sign invoices & time sheet.
- Review & approve minutes for 3/1/17.
- Review draft of the Planning Board's Annual Town Report.
- Review and approve Recreation Commission's request for release of \$15K in impact fees for irrigation equipment for the ballfields.
- Review drafts of the following zoning amendments:
 - Article 2 – Add – definition for Storage Containers
 - Article 4.14 – Add – Storage Containers
 - Article 4.15 – Add – Fences
 - Article 6.9.4 - Amend by Deletion – Unit Density Bonus for Public Access
 - Article 6.8.4.6 – Amend by Addition – Allow Public Access to existing trails
 - Article 10 – Amend – Various subsections to comply with approval deadlines in RSA 676:13 III.
 - Article 14 – Amend – To require all new dwelling units to be subject to impact fees.

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- Motion & vote to take the proposed zoning amendments to a public hearing at 7:45 pm on March 22, 2017.

7:15 Appointment

Eric Mitchell of ECM re: Crowley Woods Subdivision & proposed Article 6 zoning amendment.

7:45 Public Hearings

None scheduled.

Future Meeting Dates:

- March 22, 2017 -- PH Zoning Amendments
- March 29, 2017 -

Review and approve minutes for 3/1/17

The Board reviewed the minutes from 3/1/17. Ms. Richter made a motion to accept the minutes dated 3/1/17 as presented; Mr. Snyder seconded the motion. Motion approved, 2-0-2. Mr. Snyder and Mr. Weider abstained.

Review and approve Recreation Commission's request for release of \$15K in impact fees for irrigation equipment for the ballfields.

The Board reviewed the letter distributed by Mr. Hadik from the Recreation Commission requesting the release of \$15,000 from their impact fees to accomplish the Wason Pond 2016 Maintenance and Irrigation Plan (included with the letter) proposed by Mr. John Dalrymple and Mr. Tony Amato of the Town Maintenance Department for Wason Pond and. Mr. Hadik explained to the Board that the Recreation Commission's requested funding of the Wason Pond Ballfields' Irrigation plan in the 2017 CIP of \$15,000 had already been removed from the CIP Spending Warrant Article by the BOS in anticipation of the project cost being paid for by the accrued impact fees currently available to the Commission. After minor discussion, the Board agreed to the request.

Mr. Snyder made a motion to approve the request, the request fits within the CIP, and to send a letter to the BOS with the recommendation of the Planning Board's approval of the expenditure; Mr. Weider seconded the motion. Motion approved, 4-0-0.

Review draft of the Planning Board's Annual Town Report.

Mr. Hadik and the Board reviewed and discussed the Planning Board Report prepared and distributed by Mr. Hadik.

The Board had discussion about the Proposed Zoning Amendments. Mr. Snyder noted he likes the wording Mr. Hadik used for the Proposed Zoning Amendments. Mr. Weider questioned the proposal within Amendment #5 "...for the waiver of impact fees...", asking if that meant all impact fees. Mr. Hadik said that the waiving of impact fees in Amendment #5 is only for school impact fees for new developments that qualify for Elderly Housing, so the proposed change should read "...for the waiver of school impact fees..."

Mr. Weider suggested that the list of 13 subdivisions should have a key and asterisk identifying which ones will contribute impact fees. Mr. Hadik agreed.

The Board agreed that they like Mr. Hadik's format of the report and that they were pleased with the report.

7:15 Appointments

Eric Mitchell of ECM re: Crowley Woods Subdivision & proposed Article 6 zoning amendment.

Mr. Eric Mitchell joined Mr. Hadik and the Planning Board at the meeting table at 7:19 pm.

Mr. Mitchell said that he is here to discuss the 190-acre Crowley Woods II proposed open space subdivision, into Chester off Crowley Road in Candia. He said he had seen on the Planning Board's webpage the proposed zoning amendment to delete the 10% unit density bonus for allowing public access to the open space of Open Space Subdivisions, and the addition of a requirement to maintain, whenever possible, the access for pre-existing trails already in use by the public. He then asked if his design, which has already been submitted to Mr. Adler, would be subject to the new zoning if the amendment passes. He noted that this is a concern for him because the 10% unit density bonus was included in the subdivision's design.

Mr. Hadik noted that no application for the Crowley Woods project has been submitted as of yet to the Planning Board, however, a single set of plans was dropped off the same day a single set was submitted to Mr. Adler, the Town's engineer. Mr. Mitchell said that although they haven't applied for a public hearing yet, they have submitted a set of plans to Mr. Adler, paid the necessary review retainer fee, and Mr. Adler may have started the process of reviewing the application. Mr. Mitchell noted that had he known there was a potential change in the zoning, he may have changed his design or submitted his application earlier. He asked to know what the status of the zoning change might be to this project that is so far along in the process.

Mr. Weider asked when the Public Hearing for the project will be scheduled. Mr. Hadik explained that the Planning Board hasn't received the subdivision application, so no public hearing has been scheduled yet. Mr. Mitchell said they can submit a subdivision application as soon as tomorrow, however, they weren't sure when Mr. Adler was going to be finished reviewing it first.

Mr. Snyder said that he thought it was a wise decision to have Mr. Adler review the application for the project prior to bringing it to the Planning Board and applying for a public hearing date, because it is such a large project. He noted that the timing was unfortunate, because the zoning amendment was noticed March 1. Mr. Snyder explained that once a zoning amendment is noticed, it becomes effective and would apply to the Crowley Woods II project. He said that if at Town Elections the zoning change isn't passed, then it won't apply.

Mr. Hadik gave the Board a brief chronology of the Crowley Woods project, the timing of the review and noticing of the zoning amendment in question, and explained the process they have used in submitting large and complex subdivision applications for review by Mr. Adler and to the Planning Board.

The Board and Mr. Hadik discussed the proposed zoning amendment of the density bonus.

Mr. Mitchell requested that the Board investigate any administrative remedy that would allow for a waiver so the subdivision could be exempted from the proposed zoning amendment. The Board discussed the possibility of a waiver, noting that it would not be in the best interest of the Town, and that the Board was not even sure if they had the authority to provide such a waiver. Ms. Richter noted that the burden was on the applicant to investigate administrative remedies, and the taxpayers should not bear the cost for this.

Mr. Mitchell addressed the Board about his second concern which is with the zoning change itself. He said that by requiring public access to the open space without a 10% unit density bonus in return, he believes this was a type of "taking" and there should be some type of compensation given in return for this access to the developer. Mr. Mitchell said that there are also concerns with insurance and privacy issues. Mr. Hadik explained that the zoning requirement only applies to existing trails currently being accessed by the public, and not the entirety of the open space. Mr. Snyder noted that where before the density bonus required allowing public access to all of the open space, access is now only required to preexisting trails. Mr. Hadik noted that this requirement isn't an absolute, and that the amendment starts with the wording "wherever possible." He also noted that the wording of the conservation easements of the open space could control the type of uses of the trails, if trails even exist on certain properties.

Mr. Aaron Hume arrived at 7:41 pm. He is the alternate for Mr. Sullivan.

The Board, Mr. Hadik, and Mr. Mitchell had discussion about what defines a trail, existing trails and what constitutes an existing trail.

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164

165 Mr. Mitchell departed the meeting at 7:54 pm.

166

167 **Review drafts of the zoning amendments**

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169 Mr. Weider made a motion to take the proposed zoning amendments to Articles 4, 6, 10 and 14 to a Public
170 hearing on 7:45 pm, March 22, 2017; Mr. Snyder seconded the motion. Motion approved, 5-0-0.

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172 Mr. Weider also made a motion to take the proposed zoning amendment to Article 2 to a Public hearing on
173 7:45 pm, March 29, 2017; Ms. Richter seconded the motion. Motion approved, 5-0-0.

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175 **Adjournment**

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177 Ms. Richter made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion
178 approved, 5-0-0. The Meeting was adjourned at 8:00 pm.

179

180 Respectfully submitted,

181 C. Molly Qualters

182 Recording Secretary