

3-22-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

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

Members Present

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Richard Snyder, Member
Michael Weider, Member
Aaron Hume, Alternate Member

Members Absent

Cass Buckley, Ex-Officio

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Tri-Town Times
Mike Oleson, Town Road Agent
Dick Lewis

Chairman Sullivan called the meeting to order at 7:00 pm.

Chairman Sullivan noted that Mr. Hume will be the alternate for Mr. Cass Buckley at this meeting.

Agenda

General Business

- Review and sign invoices and time sheet.
- Review & approve minutes for 3/8/17.
- Review future zoning amendments of Article 9 – Accessory Dwelling Units.
- Review sealed minutes and vote whether to unseal or reseal certain minutes.

7:15 Appointment

Town Road Agent Michael Oleson to discuss the Shattigee Road drainage issue, engineering study and remediation project; the release of off-site improvement and impact fees for the replacement of a

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culvert on East Derry Road; and if there is a location in Chester worth applying for a Road Safety Audit (RSA) by SNHPC?

7:45 Public Hearings

Proposed zoning amendments:

- Article 4.14 – Amend by addition – Storage Containers
- Article 4.15 Amend by addition – 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 by deletion and edits – Various subsections to comply with approval deadlines in RSA 676:13 111 & 2009 IRC R105.5.
- Article 14 – Amend by edits – Various subsections to require all new construction to be subject to impact fees.

Future Meeting Dates:

- March 29, 2017 - PH Zoning Amendments
- April 5, 2017 –
- April 12, 2017 – HB Smets
- April 26, 2017 -

Review and approve minutes for 3/8/17

The Board reviewed the minutes from 3/8/17. Mr. Snyder made a motion to accept the minutes dated 3/8/17 as presented; Mr. Weider seconded the motion. Motion approved, 6-0-0.

Review future zoning amendments of Article 9 – Accessory Dwelling Units.

Mr. Hadik presented the Board with a letter from Mr. Myrick Bunker, Town of Chester Building Inspector, dated March 10, 2017. The letter is a request by Mr. Bunker to add a zoning amendment to Article 9 - Accessory Dwelling Units (ADUs.) He would like the ordinance to include the requirement for the applicants to record a “Notice of Limited Occupancy” with the Registry of Deeds. The notice would be a certification that one of the two dwelling units will be the principal residence and legal domicile of the property owner.

Mr. Hadik explained that the written request was received after he had already submitted the notice for zoning amendments to the newspaper. He noted the deadline for additional zoning amendments had already passed.

Mr. Hadik said that he forwarded the letter and form by Mr. Bunker to the ZBA, and with a request that for the next year, until the amendment is made to the zoning, that the ZBA make recording this notice of

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occupancy a condition of approval when granting Special Exceptions for ADUs. Mr. Hadik noted he received an affirmative response from Ms. Billie Maloney.

Non-Public session minutes template

Mr. Hadik presented the Board with a draft template designed for Planning Board non-public session minutes adapted from the State's Right -to-Know Law. The Board reviewed the template and agreed it would be very useful, both as a format to follow for non-public sessions, and as a method of recording the minutes, votes and any decisions.

7:15 Appointments

Town Road Agent Michael Oleson to discuss the Shattigee Road drainage issue, engineering study and remediation project; the release of off-site improvement and impact fees for the replacement of a culvert on East Derry Road; and if there is a location in Chester worth applying for a Road Safety Audit (RSA) by SNHPC?

Mr. Oleson joined the Board at the meeting table at 7:15 pm.

Mr. Hadik explained there were three items Mr. Oleson was present to discuss with the Board. He said that the first issue to review is the replacement of a culvert on East Derry Road.

Mr. Hadik presented the Board with the invoices that had been submitted by Mr. Oleson with a total cost of repair at \$6,176. Mr. Oleson noted that there is still an outstanding invoice for gravel coming that is not included that will bring the total cost of the culvert replacement to about \$7,200. Mr. Hadik said that there are offsite improvement funds that can be used to pay for the culvert replacement.

Mr. Oleson explained what happened with East Derry Road, noting that he had to close the road due to the failure of the existing culvert. He said he put in a 24" plastic culvert pipe, covered it with a foot and a half of cover material, and built a headwall on either end. Mr. Oleson said that the repair will suffice until East Derry Road is reconstructed.

Mr. Weider made a motion to approve invoices # 12942 for \$3,575.00, #515278 for \$1,460.69, #3231 for \$150.00, #3225 for \$990.00, pending cost for \$1,000.00 for miscellaneous gravel, and to close out the off-site improvement accounts of Harantis Woods (001-056-000) in the amount of \$7199.88 and Harantis Cove II (001-060-001) in the amount of \$00.06; Mr. Snyder seconded the motion. Motion approved, 6-0-0.

Mr. Hadik said that the second item to be discussed with Mr. Oleson is the Shattigee Road drainage issue, engineering study and remediation project. He reminded the Board that he had briefed them on this situation previously.

Mr. Hadik presented the Board with the invoice for the engineer's site visit from Dubois & King Inc., in the amount of \$480.00. Mr. Hadik said that the repair is much more significant than anybody thought, pointing out that the evaluation resulted in an estimate of \$12,800.00 for the engineering study alone.

Mr. Weider asked what the rate DuBois & King Inc. is charging the Town an hour for the engineering. Other questions were asked by Board members. The Board and Mr. Oleson discussed the specifics of the drainage issue and remediation. Mr. Oleson said that he has already had to fix the driveway downhill of the drainage issue three times this year with gravel in order for the homeowner to be able to get out of their house.

Mr. Oleson said that the Town used to require a driveway profile with the septic plan. He noted that that requirement had been discontinued for reasons unknown to him. He and the Board discussed the merits this requirement. Mr. Hadik said that in order to fix the process both Mr. Oleson and Mr. Myrick Bunker, the Town building inspector have agreed to put the driveway profile and plan back on the septic plan and that they will both approve the plan and permit and also do the inspections. Mr. Hadik said this process will be added to our driveway regulations. The Board agreed to these proposed changes to the current driveway approval process.

The Board decided to table further discussion on the Shattigee Road drainage reconstruction project until next week citing the need for more information regarding the scope and cost of engineering services.

Mr. Hadik said that the third issue that Mr. Oleson was here to discuss is the Road Safety Audit (RSA) application from Southern New Hampshire Planning Commission for an intersection in Town. He asked Mr. Oleson if he had any intersection in mind that might be presented for an RSA. Mr. Oleson stated that he doesn't like the East Derry Road approach to Rt. 102. Perhaps that could be a candidate for an RSA.

Mr. Oleson departed the meeting at 7:46 pm.

Proposed zoning amendments

Mr. Snyder made a motion to open the Public Hearing; Vice Chairman Sederquest seconded the motion. Motion approved, 6-0-0.

The Public Hearing was opened at 7:46 pm.

Chairman Sullivan stated the Public Hearing is to discuss multiple zoning amendments.

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The Board first discussed various questions, concerns and issue they had with the definition of a storage containers relative to permanent and temporary structures, placement of storage containers, effective control and specific aspects of procedures as related to “grandfathered” storage structures, and potential code enforcement issues.

Chairman Sullivan asked for Public input at 8:05 pm.

Mr. Richard Lewis, Halls Village Road, came before the Board at 8:05 pm. He stated that storage containers are crucial to people who farm. He said he doesn’t think this amendment is a good idea and that he is not in favor of it.

The Board had much discussion regarding the necessity of the amendment, reviewing whether it was one they wanted to amend and/or still take before the Town. Ms. Richter said that the goal of an amendment should be to fix a problem. Mr. Snyder said proposed amendments should not be ones that don’t have good chance of passing.

Mr. Snyder made a motion to table Article 4.14, and not take it to Town meeting; Mr. Weider seconded the motion. Motion approved, 6-0-0.

Mr. Snyder made a motion to amend Article 4.15.5 to remove all references to barbed wire leaving only the last sentence prohibiting razor wire; Mr. Weider seconded the motion. Motion approved 6-0-0.

Mr. Snyder made a motion to amend Article 4.15, Sub-section 4.15.3.4 to reduce the figure of 5 feet to three feet; Mr. Weider seconded the motion. Motion approved, 6-0-0.

Mr. Snyder made a motion to take zoning amendment #1 – Article 4.15 as amended tonight, zoning amendment #2 - Article 6 as reviewed, zoning amendment #3 - Article 10 as reviewed, and zoning amendment #4 Article 14 as reviewed, to Town Ballot; Mr. Weider seconded the motion. Motion approved, 6-0-0.

Mr. Lewis departed the meeting at 8:37 pm.

Mr. Hadik informed the Board that because the zoning amendment for the regulation of storage containers was no longer required, then the proposed amendment of Article 2 to add a definition for Storage Containers was also no longer required. Because of this the public hearing scheduled next week for the amendment to Article 2 could be cancelled. The Board agreed.

Review sealed minutes and vote whether to unseal or reseal certain minutes.

The Board agreed to postpone this agenda item until the next meeting.

204 **Non-Public Session**

205

206 Mr. Weider made a motion to enter into Non-Public Session under RSA 91 A: 3, II (C) Reputation; Mr.
207 Snyder seconded the motion. A roll call vote was taken to enter nonpublic session with all members
208 present at the meeting responding with yes, for a 6-0-0 vote.

209

210 The Board entered into the nonpublic session at 8:41 pm.

211

212 Mr. Weider made a motion to leave the nonpublic session and return to public session, Mr. Snyder
213 seconded the motion. The motion passed, 6-0-0.

214

215 The meeting reopened at 9:15 pm.

216

217 Mr. Weider made a motion to seal the nonpublic session minutes for one year; Mr. Snyder seconded the
218 motion. A roll call vote was taken to seal the minutes for one year with all members of the Board
219 present responding in the affirmative, with a 6-0-0 vote.

220

221 **Adjournment**

222

223 Mr. Weider made a motion to adjourn the meeting; Mr. Snyder seconded the motion. Motion
224 approved, 6-0-0. The Meeting was adjourned at 9:15 pm.

225

226 Respectfully submitted,

227 C. Molly Qualters

228 Recording Secretary