

4-5-17 – These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

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

Members Present

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

Members Absent

Staff Present:

Andrew Hadik, Planning Coordinator

Others Present at Various Times

Mr. and Mrs. Richard Cannata
Chris Hickey, ECM Associates
Tim Peloquin, Promised Land Survey

Chairman Sederquest called the meeting to order at 7:04 pm.

Agenda

General Business

- Review and sign invoices and time sheet.
- Finish signing the adoption verifications for the proposed 2017 zoning amendments.
- Review & approve minutes for 3/29/17.
- Summarize Chester's Age-Friendly Communities Conference on 4/4/17.
- FYI, ALH to attend Regional Age-Friendly Communities Conference on 4/10/17.
- Review first drafts of proposed amendments to Site Plan review regulations:
 - Article 7.7 – Performance and Maintenance Guarantee (per Counsel)
 - Article 7.15 – As-Built Plans
 - Article 7.19 – Special Flood Hazard Areas (per NH OEP)
 - Appendix A.11 – Streets: maximum grade, minimum width
 - Appendix C.3 – Hydrology/ Runoff Calculation Methods

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- Add a requirement that plans must show driveway cuts and proposed unit locations on the same sheets that show the construction envelopes and topographic contours.

7:15 Appointments

Conceptual discussion with Tim Peloquin of Promised Land Survey to discuss a proposed subdivision on Lane Road.

Discussion with Eric Mitchell of ECM Associates about the applicability of certain zoning requirements to the proposed Crowley Woods subdivision.

7:45 Public Hearings

None scheduled.

Future Meeting Dates:

- April 12, 2017 – HB Smets? Review proposed amendments to Subdivision & Site Plan regulations?
- April 26, 2017-review amendments to Subdivision & Site Plan regulations?

Review and approve minutes for 3/29/17

The Board reviewed the minutes from 3/29/17. To the paragraph beginning on line 92, The Board added “the applicant” and the phrase “inform the ZBA by way of meeting minutes.” Mr. Weider made a motion to accept the minutes dated 3/29/17 as amended tonight; Ms. Richter seconded the motion. Motion approved, 4-0-3, Chairman Sullivan, Mr. Snyder and Mr. Weider abstained.

The Board reviewed the Non-Public minutes from 3/29/17. Ms. Richter made a motion to approve the non-public minutes from 3/29/17; Vice-Chairman Sederquest seconded the motion. Motion approved, 4-0-3, Chairman Sullivan, Mr. Snyder and Mr. Weider abstained.

7:15 Appointments

Appointment #1: Conceptual discussion with Tim Peloquin of Promised Land Survey to discuss a proposed subdivision on Lane Road.

Mr. Peloquin joined the Planning Board at the meeting table at 7:21 pm. He distributed copies of the plan to the Board. He said that he is representing Mr. and Mrs. Richard Cannata of Lane Road who were also present. Mr. Peloquin noted that he understands fully that this discussion with the Planning Board is a non-binding talk, he is just looking for the Planning Board’s opinion if there are any additional issues beyond the variances currently being applied for.

83

84 Mr. Peloquin said that the proposed subdivision is a two-lot subdivision on a 41-acre parcel of land. The
85 parcel is abutted on three side by Town Forest parcels. He noted that the Cannatas want to build one
86 home on the front of their parcel of land, move into that new home, and sell their back lot with the
87 existing home. Mr. Peloquin explained that at the ZBA meeting it was noted by the ZBA that the
88 Planning Board may not approve the lot design. He said the ZBA had asked about two items: a frontage
89 requirement (short frontage on both lots), and encroachment in the setback of the driveway to the new
90 lot line. Mr. Peloquin said that after discussion with Mr. Hadik, he was doing his “due diligence” by
91 coming for a conceptual discussion with the Planning Board. Mr. Hadik added that as Planning
92 Coordinator he always encourages conceptual discussions.

93

94 Mr. Peloquin and the Board discussed the placement of the proposed lot lines, as well as, the issue of a
95 shared driveway. Mr. Buckley had concerns about the lot line placement creating the non-conforming
96 lot shape. Mr. Peloquin and Mr. Cannata explained the reasoning behind the “funky” new lot line is a
97 way to continue to enjoy the property, preserving views of the wetland and meadows, and protecting
98 control of the driveway for the future, while maintaining the most privacy possible.

99

100 Mr. Hadik clarified the questions the Board and Mr. Peloquin should be discussing. He noted that the
101 frontage and driveway setback variances are moot points. Mr. Hadik said that the Planning Board
102 should be focusing on what other issues may have been overlooked in the design. Therefore, if the ZBA
103 grants the two variances (short frontage and driveway in side setback,) there shouldn’t be additional
104 issues that would cause the Planning Board to not approve the plans.

105

106 The Board and Mr. Peloquin discussed the various issues of the lot lines, frontage variance, size of lots,
107 the shared driveway, and presentation of plans as designed. There was brief discussion regarding
108 changing the lot configuration after obtaining variance approval from the ZBA. Mr. Hadik stated if the
109 ZBA gave variance approval for a specific lot configuration, then a different lot configuration should not
110 be presented to the Planning Board. (Variances are based on the plan/s submitted to the ZBA.)

111

112 Mr. Snyder said that he has been reviewing the lot plan for several weeks, and that the non-conforming
113 lot shape is consistent with the Town’s ordinances and with what is around the large property, and that
114 once one gets used to the “funky” lot line one recognizes the value of doing it that way. Chairman
115 Sullivan agreed, noting that the “funky” lot shape is functional and clever.

116

117 Mr. Hadik stated the facts are this is a 41-acre lot that could support at least a 9 unit Open Space
118 subdivision. If the Cannata’s were unable to subdivide and build their retirement home here, then they
119 may have to sell the property and build a retirement home elsewhere. Once sold, there is no control
120 over what the new owners might do with the property, which might include a multi-unit subdivision.
121 The Board agreed the Cannata’s proposed two-lot subdivision was a much better outcome for everyone.

122

123 Mr. Peloquin and Mr. and Mrs. Cannata departed the meeting at 7:54 pm.

Appointment #2: Discussion with Eric Mitchell of ECM Associates about the applicability of certain zoning requirements to the proposed Crowley Woods subdivision.

Mr. Chris Hickey joined the Planning Board at the meeting table at 7:58 pm. He said that he is representing Eric Mitchell tonight, and that he is here to obtain clarification about certain zoning requirements. Mr. Hickey said that they had submitted plans to Mr. Jeff Adler to start the review process, and that Mr. Adler had several questions about how last year's zoning amendments applied to this subdivision. Mr. Hadik directed the Board to reference the document titled, Article 6 - Open Space Subdivision (last year's zoning amendments to Article 6), noting that the discussion was regarding the second and third paragraphs.

Mr. Hickey said that the first question is about the side setbacks. He noted that the side setbacks for the open space subdivision are 15 feet, therefore, the abutting side setback lines are only 30 feet apart. This results in only a 30-foot separation between the "construction envelopes" of the lots. The ordinance, however, requires a 40-foot separation between occupied dwellings. He said that Mr. Adler wasn't sure if the way the construction envelopes are shown on the plan meet the requirements. Mr. Hadik noted he and Mr. Mitchell had already discussed this matter, and that the houses were not planned to be constructed directly on the edges of the construction envelopes. The Board acknowledged this was a non-issue.

Mr. Hickey explained the second question is about septic systems and the (front) setbacks from the right-of-way. He asked if Crowley Woods needs to follow the 40-foot setback for structures noted in Article 4 - General Zoning, or the 25-foot setback in Article 6 - Open Space subdivisions. The Board first discussed and confirmed septic systems are structures. The Board also agreed the 25-foot front setback would apply here because the proposed subdivision is being submitted under Article 6.

The Board and Mr. Hickey then discussed where a septic system structure ends, and whether any portion of the side slopes from the raised leach bed can extend into the front setback. Mr. Snyder noted that as long as the structure is outside of the 25-foot setback, then it meets the requirements. The Board discussed and agreed the side slopes of the septic system are part of its structure. Mr. Hadik clarified that when the post-development contours show the slopes of the septic system structures, these contours should not fall within the 25-foot setback. Mr. Hickey said that he understands.

Mr. Hickey's last group of questions related to the requirement of fully designed septic plans (certified plot plans) for lots that don't have construction envelopes of at least 0.30 acre with a width over length ratio of 0.60 or greater. He first asked if the Board requires these septic system plans to be approved by the state. He also asked if 20-inch scale plans are required for each of these lots, or if they could do 40-inch scale detailed plans that included three houses in a row, as part of the submission process. Ms. Richter clarified that these plans would only be required for the non-conforming lots that couldn't meet the 0.30 construction envelope requirement. Mr. Hadik asked how many of these lots were being

proposed. Mr. Hickey thought there would be about 15 of these lots, but he wasn't positive. Mr. Hadik noted that 15 is a significant percentage (about a quarter) of the proposed lots.

Mr. Buckley pointed out that one of the reasons behind the ordinance was that we wanted not just a drawing, but an engineered and approved septic design so that later it would not be able to be changed. Mr. Hadik said the point of a fully engineered septic plan is to prove the lot can fit all the required infrastructure, including the house, septic system, well location, setback radius for the well from the septic system, driveway, deck etc.

Mr. Buckley expressed his concern that issues arise later when there are changes to the placement of things on the lots that cause problems for homeowners and abutters. Mr. Buckley said, "We aren't here to make life easier for the developer." He said if there are 15 lots in this situation and the Board is lenient by not requiring approved lot plans, then we are going to run into problems. Mr. Weider agreed, adding that they would also be setting a precedent for the next development.

Ms. Richter said it is the "catch-22" that needs to be addressed. Mr. Hadik said that the developers are required to submit a fully engineered septic design, but, the ordinance does not say that it must be approved by the State. He said the Conditions of Approval require one to submit the designs for the non-conforming building envelope lots to this Board. The plans will be put on file with the Building Inspector. Mr. Hadik explained that if something starts to get constructed that doesn't conform to that plan, the Building Inspector will call for a cease and desist. Mr. Hadik said that the Building Inspector has a mechanism to make the developer build to the plans on file or make them come back with another engineered plan that still works. Mr. Hickey asked if he would have to come back to the Planning Board. Mr. Hadik said one would not have to come back to this Board. He said that in the initial review, one must show Mr. Adler that you can fit the items mentioned earlier within a reasonable layout.

The Board all agreed that they need to do individual fully-engineered 20-scale plans for the non-conforming (constrained) lots. Mr. Weider said that the Building Inspector will hold the developer to those plans. Mr. Buckley said that the plans should still go through Mr. Adler as a second set of eyes. Mr. Weider clarified the issue, asking Mr. Hickey if the septic system location would change. Mr. Hickey said that the septic placement could be changed. Mr. Weider and Mr. Buckley pointed out that they are concerned that changes of placement of the septic will cause future problems. Mr. Buckley said that if a lot is changing from the approved design that they have, then it needs to be reviewed again.

Mr. Hadik stated to Mr. Hickey that if there are any changes to the original plans, then those changes must be reviewed again by Mr. Adler. He said that they don't have to come back to the Planning Board or go to the State, however, they must have Mr. Adler review and approve the changes.

Mr. Buckley asked Mr. Hickey if he felt comfortable and understood everything that was talked about at the meeting. Mr. Hickey said that he did, and then he reviewed the three major items discussed:

- 25-foot front setback of the septic system with no side slopes within the 25-foot setback,

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- individual 20-inch scale plans done for constrained lots, to be reviewed by Mr. Adler, and to go on file with the Building Inspector,
- and, any changes made to these constrained lot plans must be reviewed by Mr. Adler.

Mr. Hadik pointed out to Mr. Hickey that a traffic impact study must also be done, contrary to the notation on the cover page of the plans. Mr. Hickey agreed, noting this was just standard language from a draft.

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

Summarize Chester's Age-Friendly Communities Conference on 4/4/17.

Mr. Hadik updated the Board on the Age-Friendly Communities conference held on April 4, 2017 at Steven Hall.

FYI: Tufts Age-Friendly Communities Conference in Boston

Mr. Hadik noted that he will be at an all-day conference in Boston on Monday, April 10, 2017. The conference is free of charge.

Review first drafts of proposed amendments to Site Plan review regulations:

- Article 7.7 – Performance and Maintenance Guarantee (per Counsel)
- Article 7.15– As-Built Plans
- Article 7.19 – Special Flood Hazard Areas (per NH OEP)
- Appendix A.11 – Streets: maximum grade, minimum width
- Appendix C.3 – Hydrology/ Runoff Calculation Methods

Mr. Hadik explained that any amendments to Site Plan Review or Subdivision regulations must be properly noticed and public hearings held, however, were not voted on by the legislative body. Mr. Hadik reviewed the amendments, and asked that the Board members take the amendments home and review them for next meeting.

FYI: Emails from the Building Inspector regarding complaint of an internally-lit sign on after hours.

Mr. Hadik mentioned the FYI emails in the Board member's information packets were requested to be shared with the Board.

Adjournment

Ms. Richter made a motion to adjourn the meeting; Mr. Buckley seconded the motion. Motion approved, 5-0-0. The Meeting was adjourned at 9:09 pm.

Respectfully submitted,

C. Molly Qualters

Recording Secretary