

01-08-20: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, January 8, 2020
Municipal Complex
Draft Minutes**

Members Present:

Brian Sullivan, Chairman
Evan Sederquest, Vice Chairman
Michael Weider, Member
Elizabeth Richter, Member @ 7:07 PM
Richard Snyder, Member
Dana Theokas, Alternate Member

Members Absent:

Selectman Chuck Myette, Liaison
Aaron Hume, Alternate Member

Others Present at Various Times:

Andrew Hadik, Planning Coordinator
Selectman Stephen Landau

7:00 PM - General Business

1. Review & sign invoices & time sheet.
2. Review & approve minutes for the 12/11/19 PB meeting.
3. Discuss a question regarding a pending lot-line adjustment.
4. Review Offsite Improvement Fee account balances.
5. Review Impact Fee account balances
6. FYI, the updating of impact fees has commenced.
7. Discuss "No-Cut" buffers vs. "No-Clearing" buffers.
8. Set a date for a joint meeting with Eversource, NH Fish & Game, Chester PD and Conservation Commission to discuss ORV enforcement on the Eversource powerlines.
9. Discuss whether to meet on January 15th to review draft of the PB's Annual Report.

7:15 PM – Appointments

None scheduled.

7:15 PM - Public Hearing

1. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements
2. Proposed zoning amendment to Article 4.9.2: Home Business
3. Proposed zoning amendment to Article 5.3.5: Dimensional and Area Requirements
4. Proposed zoning amendment to Article 5.7.2 Definitions
5. Proposed zoning amendment to Article 6: Open Space Subdivision
6. Proposed zoning amendment to Article 11.2.2.3: Public Hearing and Notice

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47 7. Proposed zoning amendment to Article 11.5: Expiration of Special Exceptions and Variances

48

49 **Future Meeting Dates**

50

51

52 (**Codes:** PH – public hearing, PHC – public hearing continuance, CD – conceptual discussion, HB –
53 Home Business, LLA – Lot-Line Adjustment, SPR – Site Plan Review, SUB – Subdivision, CUP
54 Conditional Use Permit)
55

56 Chair Sullivan opened the meeting at 7:00 PM and designated Alternate Ms. Theokas to sit in for Ms.
57 Richter until her arrival.

58

59 **1. Review & sign invoices & time sheet.**

60 The Board signed the invoices and time sheet.

61 **2. Review & Approve minutes for the 12/11/19 PB meeting.**

62 ***Mr. Weider motioned to accept the minutes for the December 11, 2019 meeting. Vice-Chair***
63 ***Sederquest seconded the motion. A vote was taken, Mr. Weider and Chairman Sullivan abstained,***
64 ***approved 3-0-2.***

65 **3. Discuss a question regarding a pending lot-line adjustment.**

66 Mr. Hadik provided the Board with a map showing Lots 5-56, 5-57 and 5-26 which he explained are on
67 Old Sandown Road in the vicinity of the intersection of Route 102, Old Sandown and North Pond Roads.
68 The three lots are owned by the same owners. Two of the lots are non-conforming lot because they do
69 not meet the minimum 2-acre lot size requirement. They each have homes built on them. The third lot
70 will have a conservation easement placed on it. The owners wish to make a lot-line adjustment
71 between the two non-conforming lots.

72 Mr. Hadik noted the subdivision regulations state, for minor lot line adjustments, that there would be no
73 more than a 25% change in area for either lot. He noted this 25% limitation has been waived by the
74 Board many times. And, he recommended the applicant submit a written waiver for Subsection 2.2.15,
75 and submit a plan showing that there is enough room on lot 5-26 to meet the well and septic
76 requirements after the lot-line adjustment. Mr. Snyder noted a public hearing is not required. Mr.
77 Hadik recommended, however, as a matter of consistency, notifying the abutters and holding a public
78 hearing as has been done for other lot-line adjustments.

79 **4. Review Offsite Improvement Fee account balances.**

80 Mr. Hadik provided the Board with a copy of the Off-Site Improvement Account Balances spreadsheet
81 for Fiscal Year ending June 30, 2020. The current balance is \$7,806.

82 He noted that some developers have offered to do cash in lieu of Letters of Credit, and these (5)
83 accounts total \$389,102.

84 Mr. Snyder asked for a summary of what was left to be done at the Jenkins Farm Subdivision. Mr. Hadik
85 noted DuBois & King would provide a detailed punch-list when the time came to accept the road.
86 However, he listed some of the items that had already been brought to his attention, including placing

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87 the final wearing course, cleaning out the silted in drainage ditches and partially blocked driveway
88 culverts, and a few other minor issues. Mr. Hadik noted that Road Agent Oleson has said that the
89 amount of the developer's surety in the Town's account is enough to cover the remaining work.

90 Mr. Weider asked if the poly flared ends for the driveway culverts have been replaced. Mr. Hadik said
91 these have been replaced with pre-cast concrete headwalls; however, the Road Agent is concerned
92 because some of them are leaning outwards from the driveways.

93 Mr. Weider asked if Road Agent Oleson would have enough funds to do what he needs to do if the
94 developer did not finish the work, and Mr. Hadik noted Road Agent Oleson indicated that he would.

95 **5. Review Impact Fee account balances.**

96 Mr. Hadik provided the Board with a copy of the Accrued Traffic Impact Fees for the Town road
97 quadrants A, B, C and D. When asked about the balances of the other six impact fees, he said he wanted
98 to table that discussion for now because he still has a tracking/accounting question about a couple
99 expenditures.

100 Mr. Hadik noted the impact fees were within one or two fees of totaling \$400,000 collected, and the
101 current combined TD Bank account balance is over \$260,000.

102 Mr. Hadik asked if Mr. Weider had reviewed the question he had emailed to him. Mr. Hadik said he had
103 reviewed the minutes for all annual Town Meetings back thru 2009 to ensure all capital improvements
104 are being listed in the CIP. He wanted to know if the items funded by sources other than taxation, such
105 as the Police and Fire Special Detail accounts, should be included, but then broken out under the final
106 totals. After much discussion it was decided to handle these expenditures this way. He and Mr. Weider
107 noted some items were funded partially by taxation and/or withdrawals from the undesignated fund
108 balance or the special detail funds.

109 **6. FYI, the updating of impact fees has commenced.**

110 Mr. Hadik reviewed his meeting with Southern NH Planning Deputy Director Nate Miller. He said they
111 had decided to start with updating the impact fees for Government Buildings and the Library.

112 Mr. Hadik noted that Mr. Miller was reviewing the CIP to ensure any expenses listed, that were part of
113 the impact fee calculations, were not merely maintenance items. Mr. Weider noted, as an example, for
114 a roof replacement, where replacing shingles with like kind would be maintenance, but upgrading a
115 shingled roof to a different kind such as a metal roof would be an improvement.

116 Mr. Hadik said he wants to make sure the calculations of the impact fees will survive any legal
117 challenges.

118 **7. Discuss "No-Cut" buffers vs. "No-Clearing" buffers.**

119 The Board agreed to table this discussion to a date when Selectman Myette is in attendance.

120 **8. Set a date for a joint meeting with Eversource, NH Fish & Game, Chester PD and Conservation**
121 **Commission to discuss ORV enforcement on the Eversource powerlines.**

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122 Mr. Hadik noted the article in the Tri-Town stating that the Conservation Commission will be scheduling
123 the meeting. Chair Sullivan questioned the role of the Planning Board in enforcement.

124 Mr. Hadik noted the improvements, especially the upgrades to the access roads, on many of the
125 Eversource easements. Mr. Weider said Eversource would likely remove the gravel once the work was
126 completed and to relocate it to their next job site.

127 **9. Discuss whether to meet on January 15th to review draft of the PB's Annual Report.**

128 The Board agreed to review the Annual Report at the January 22nd meeting.

129 Mr. Hadik noted the Senate Commission meeting is on Friday.

130 He also advised a new house bill is under consideration to change the noticing requirements for
131 publication in a newspaper if the Town posts on the Town webpage instead.

132 **Appointments:**

133 None scheduled

134 **Public Hearings:**

135 ***Mr. Weider motioned to open the public hearing at 7:40 PM. Vice-Chair Sederquest seconded the***
136 ***motion, with all in favor, the motion passed unanimously.***

137
138 Mr. Weider read out loud the purpose statement for each of the following proposed Articles and asked
139 if there were any questions:

140

141 1. Proposed zoning amendment to Article 4.5.2: Parking Lot Requirements

142

143 *Purpose: To change the word "handicapped" to "accessible", and to update the reference to the federal*
144 *and state regulations governing Accessible Parking.*

145

146 2. Proposed zoning amendment to Article 4.9.2: Home Business

147

148 *Purpose: To allow for optional Site Plan Review for some Home Business permit applications.*

149

150 3. Proposed zoning amendment to Article 5.3.5: Dimensional and Area Requirements

151

152 *Purpose: To add a cross-reference to Article 5.3.5 - Dimensional and Area Requirements to Subsection*
153 *5.7.5.2 - Lot Size Determinations (already existing).*

154

155 4. Proposed zoning amendment to Article 5.7.2 Definitions

156

157 *Purpose: To add a definition for "Basal Area," and to reduce the amount of basal area clearing allowed*
158 *annually.*

159

160 5. Proposed zoning amendment to Article 6: Open Space Subdivision

161

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162 *Purpose: To eliminate the unit-density incentive bonus for age-restricted housing, and increase the unit-*
163 *density incentive bonus for workforce housing, in order to help the Town accomplish its fair-share*
164 *obligation to address the State’s critical shortage of workforce housing.*

165
166 Ms. Richter recommended adding “to” to the purpose clause for Article 6 to read”in order to help the
167 Town accomplish” and recommended changing “it’s” to “its” to read “its fair share obligation...”

168
169 6. Proposed zoning amendment to Article 11.2.2.3: Public Hearing and Notice

170
171 *Purpose: To amend Subsection 11.2.2.3 to extend the time period for scheduling an administrative*
172 *appeal hearing to comply with the statutory change to NH 676:7,II.*

173
174 7. Proposed zoning amendment to Article 11.5: Expiration of Special Exceptions and Variances

175
176 *Purpose: To provide for the expiration of unexercised special exceptions and variances approved prior to*
177 *August 19, 2013 as authorized by RSA 674:33, I-a(b) and RSA 674:33, IV(c).*

178
179 Ms. Richter questioned the hyphenation for RSA 674:33 under Article 11.5 “1-a(b). Mr. Hadik will check
180 the RSA.

181
182 ***Mr. Snyder motioned to take to ballot the proposed zoning amendment to Article 4.5.2 Parking Lot***
183 ***Requirements, as well as the proposed zoning amendment to Article 4.9.2. Home Business, as well as***
184 ***the proposed zoning amendment to Article 5.3.5 Dimensional and Area Requirements, as well as the***
185 ***proposed zoning amendment to Article 5.7.2. Definitions, as well as the proposed zoning amendments***
186 ***to Article 6 Open Space Subdivision, as well as the proposed zoning amendment to Article 11.2.2.3***
187 ***Public Hearing and Notice, and finally the proposed zoning amendment to Article 11.5 Expiration of***
188 ***Special Exception and Variance. Ms. Richter seconded the motion, with all in favor, the motion passed***
189 ***unanimously.***

190
191 Mr. Hadik urged the public, when considering the “workforce housing” article (on the ballot, to
192 remember that this is different than affordable housing. Fir workforce housing” the qualifying income
193 limit for a family of four is \$102,100, and the cost limit of a single- family home could be up to \$335,000.
194 He wants to make sure the public does not confuse this to be “low-income” housing,

195
196 ***Ms. Theokas motioned to close the public hearing. Ms. Richter seconded the motion, with all in favor,***
197 ***the public hearing was closed at 8:11 PM.***

198
199 Selectman Landau recommended the Board include the purpose clause of each Article in its Annual
200 Report. He noted there is likely to be an article in the Tri-Town Times before the Town Meeting. Mr.
201 Hadik said the purpose statements are always included in the Board’s annual report, and the report is
202 posted on the website.

203
204 **Future Meeting Dates**

- 205
206
 - **January 22, 2019 review Town Report**

207
208 **Adjournment**

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209 ***Ms. Richter motioned to adjourn the meeting at 8:16 PM. Mr. Snyder seconded the motion, with all in***
210 ***favor, the motion passed unanimously.***

211 Respectfully submitted,

212 Nancy Hoijer

213 Recording Secretary

DRAFT