

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**Town of Chester
Planning Board Meeting
Wednesday, November 20, 2019
Municipal Complex
Draft Minutes**

15 **Members Present:**

16 Brian Sullivan, Chairman
17 Evan Sederquest, Vice Chairman
18 Michael Weider, Member
19 Elizabeth Richter, Member
20 Richard Snyder, Member
21 Dana Theokas, Alternate Member
22 Selectman Chuck Myette, BOS Liaison

23 **Members Absent:**

24 Aaron Hume, Alternate Member

25 **Others Present at Various Times:**

26 Andrew Hadik, Planning Coordinator

27
28 Chair Sullivan opened the meeting at 7:09 PM.

29
30
31
32
33
34
35
36
37
38
39

Meeting Agenda

36 **7:00 PM General Business**

- 37 1) Review & sign Invoices & Timesheet.
- 38 2) Review & approve minutes for the 11/6/19 & 11/13/19 PB meetings.
- 39 3) Discuss updating the procedural requirement for departments for requesting the release of Impact fees for CIP project expenditures.
- 40 4) Discuss this year's new timeline for zoning amendments.
- 41 5) Discuss potential zoning amendments.

42 **7:15 PM Appointments**

43 None Scheduled

44 **7:30 Public Hearings**

- 45 1. Adopt the updated Capital Improvements Program (CIP) for the Town of Chester

46 **Future Meeting Dates**

- 47 • December 4 – zoning amendments
- 48 • December 11 – zoning amendments
- 49 • January 8 – Last Day to hold the 1st public hearing for zoning amendments if two public hearings are anticipated.

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

- 40 • January 8 – Last day to notice for the 2nd public hearing for zoning amendments if two public
- 41 hearings are anticipated
- 42 • January 15 – Last day to notice for the final public hearing for zoning amendments
- 43 • January 29 – Last day to hold the final public hearing for zoning amendments

44 (Codes: PH – public hearing, PHC public hearing continuance, CD – conceptual discussion, HB – Home

45 Business, LLA – Lot Line Adjustment, SPR – Site Plan Review, SUB – Subdivision)

46

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

48 None

49

50 **2. Review & Approve minutes for the 11/6/19 and 11/13/19 PB meetings.**

51 *Mr. Weider motioned to accept the minutes for the November 6, 2019 meeting, as amended. Mrs.*

52 *Richter seconded the motion, approved 5-0-0.*

53 *Mr. Weider motioned to accept the minutes for the November 13, 2019 meeting, as amended. Vice-*

54 *Chair Sederquest seconded the motion, with Chair Sullivan and Mr. Snyder abstaining due to absence*

55 *from that meeting, approved 3-0-2.*

56

57 **3. Discuss updating the procedural requirement for departments for requesting the release of Impact**

58 **fees for CIP project expenditures**

59 Mr. Hadik raised the concern that in the past the Planning Board has received requests from at least two

60 impact fee stakeholders for the confirmation of eligibility and actual release of impact fees without

61 providing the Board with a specific cost invoice or bid estimate. He noted the following problems with

62 this practice:

63 1. That large amounts impact fees have been earmarked for projects that are not being spent. The

64 removal of these amounts from the available fund balances can leave the impression that funding for other

65 CIP projects must come from funding raised and appropriated through additional taxation.

66 Mr. Hadik reviewed an example where over two years ago a stakeholder requested the approval and

67 release of impact fees for several projects. No actual invoices or cost estimates were submitted at the time

68 for the approval of these requests. And, to date, no expenditure requests have been received for two \$10K

69 expenditure approvals. The result is this stakeholder's available impact fee balance appears to be ~\$23K

70 less than it is.

71 2. Earmarking impact fees for long periods of time makes an already complicated tracking situation even

72 worse.

73 3. There is a risk that over time a project for which impact fees are earmarked may be removed from the

74 CIP. Once this occurs, the earmarked funds may no longer be spent on this project.

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

75 4. There is also a risk that unspent earmarked impact fees may inadvertently expire and then must be
76 returned.

77 Mr. Hadik proposed to amend the Planning Board's policy for the release of impact fees into a four-step
78 process:

- 79 a) The stakeholders shall first obtain confirmation and approval from the Planning Board that the
80 proposed expenditure qualifies for the release of impact fees per the CIP, and that the impact fees
81 are available for the proposed expenditure. A cost estimate or bid invoice shall be submitted along
82 with the request by the stakeholder. The request shall also state in when the expenditure will be
83 occurring.
- 84 b) The Planning Board will then notify the BOS that the proposed expenditure qualifies per the CIP.
- 85 c) The stakeholder shall then obtain approval from the BOS for the proposed expenditure.
- 86 d) The BOS will then notify the Planning Board of the approval so the Planning Board can notify and
87 request the release and transfer of the impact fees to the General Fund by the Town Treasurer and
88 Finance Director

89
90 The Board suggested the stakeholders also identify in which fiscal year the expenditure will occur.
91 Selectman Myette noted they could have until the end of that fiscal year to make the expenditures, or
92 then request the BOS encumber the funds over to the next fiscal year. He noted that order to encumber
93 funds, there must be an obligation in the form of a contract or approved bid as required for general
94 budget rollovers. Mr. Weider agreed, adding that when fees sit unused for too long, there is a risk they
95 may expire and must be returned.

96
97 Mr. Hadik also explained that once funds are transferred to the general fund, the auditors ask about
98 expenditures and want all the supporting documents.

99
100 Mr. Weider noted once an expenditure request is verified and approved, the project can't be removed
101 from the CIP.

102
103 Mrs. Richter asked Mr. Hadik if he could track funds that are earmarked and withdrawals as well, and
104 Mr. Hadik responded he has been doing this all along.

105
106 **4. Discuss this year's new timeline for zoning amendments**

107
108 Mr. Hadik provided the Board with a schedule of deadline dates for the FY2020 zoning amendments
109 process (listed on their agendas). He noted there are only two Planning Board meetings in December,
110 on the 4th and the 11th. Mr. Hadik noted the dates are crucial deadlines for holding the public hearings,
111 and there may be a need to have two public hearings if there are a lot of proposed amendments. The
112 deadline dates are as follows:

- 113
114 • December 11 – Last day to review the zoning amendments and vote on which ones to move
115 forward.

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

- 116 • December 25 – Last day to notice for the 1st public hearing for zoning amendments if two public
117 hearings are anticipated.
- 118 • January 8 – Last day to hold the 1st public hearing for zoning amendments if two public hearings are
119 anticipated.
- 120 • January 8 – Last day to notice for the 2nd public hearing for zoning amendments if two public
121 hearings are anticipated.
- 122 • January 15 – Last day to notice for the final public hearing for zoning amendments.
- 123 • January 29 – Last day to hold the final public hearing for zoning amendments.

124

125 **5. Discuss potential zoning amendments.**

126 Mr. Hadik explained the first amendment being proposed concerns amending two of the unit density
127 bonuses in Article 6 – Open Space Subdivisions. He provided a first draft for the Board to review. He
128 proposes removing all references to Senior (age-restricted) Housing (SH) and the associated 25% density
129 bonus. He gave multiple reasons for doing this, including many towns are regretting having and
130 subsequently voting out SH housing because it discriminates against children, it artificially segregates
131 populations of residents and creates “us v. them” situations, the expected economic benefits of SH have
132 not occurred etc. Selectman Myette also pointed out that no one has used this density bonus in Chester
133 in the 13-year existence of the ordinance.

134

135 M. Hadik then explained the second part of the amendment would be to add the deleted 25% density
136 bonus for SH to the 25% density bonus for Workforce Housing (WFH) in order to create total 50%
137 density bonus for WFH. He cited the justification for doing this is the concern that no WFH is being built
138 in Chester, and the State legislature is very concerned with the critical shortage of WFH within the State,
139 and he believes this is a huge liability to the Town because of the Britton vs. Town of Chester lawsuit.
140 When asked, he said that SH would still be allowed, however, there would be no density bonus for it.

141 Mrs. Richter asked if the bonus would be for building smaller homes and Mr. Hadik recommended
142 holding off on defining that. Mr. Snyder reminded it is important to have a purpose statement. Mr.
143 Hadik noted it exists in the ordinance, however, it wasn't included in this condensed draft being
144 reviewed. He also said the purposed statement could be amended to bolster the Board's goals.

145 Chair Sullivan requested Mr. Hadik could send out drafts of the proposed amendments ahead of time so
146 the Board can be better prepared for reviews at the meetings.

147 The Board had much discussion about the draft. Mr. Hadik noted there are two examples of how to
148 calculate unit density. He noted average bedroom counts of 3.5 bedrooms per single-family unit or 2
149 bedrooms per family duplex. He noted he was not in favor of clustering (segregating) units by income
150 level within a development, and this was something the Board might discuss rewording.

151 Mrs. Richter recommended having a goal to have smaller lots. Mr. Hadik recommended Board members
152 could provide him with suggested edits to make the ordinance read better.

153 The Board had much discussion about affordability. Mr. Hadik said WF should not be perceived as
154 low-income housing. He read out his research noting the latest (2019) income eligibility limits for WFH:

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

155 “The 2019 HUD one hundred (100) percent MAI (Median Area Income) limit for homeowners in our
156 PMSA, Lawrence, MA-NH, is \$102,100.00 for a family of four. The estimated maximum affordable
157 purchase price limit is \$335,000.00 for a family of four. The 2019 HUD sixty (60) percent MAI limit for
158 renters in our PMSA, Lawrence, MA-NH, \$55,130.00 for a family of three. The estimated maximum
159 affordable monthly rent limit is \$1,380.00 for a family of three.” Mr. Hadik opined builders should be
160 able to build marketable duplex or multi-family units for \$335,000.00 per unit.

161

162 Mr. Weider indicated 3-bedrooms are not small and will not cause smaller homes to be built, but he did
163 not have any other suggestions at this time. “Developers will find loopholes. Just don’t see that type of
164 home being built here.” Mr. Hadik noted he had lived in two different 3-bedroom houses that were
165 under 1,300 sq.ft. Mr. Snyder noted the Planning Board can’t control whether someone takes
166 advantage of this. Selectman Myette noted there are more allowed condominiums in bigger cities that
167 we can’t do here. Mr. Snyder noted a transit system would also incentivize workforce housing. Chair
168 Sullivan asked if a 3.5 average bedroom count was a problem. Ms. Theokas opined a square footage
169 limitation would work better. Mr. Snyder agreed that if the footprint was small, all costs go down.
170 Selectman Myette noted the children per household has been dropping statewide. Ms. Theokas
171 questioned who tracks the income restriction? Mr. Hadik noted this was a separate discussion to have,
172 and he had brought it up at the NH Senate Commission meetings on Barriers to Workforce Housing.

173

174 **Appointments**

175 None scheduled

176

177 **Public Hearings**

178 1. Adopt the updated Capital Improvements Program (CIP) for the Town of Chester.

179 ***Mr. Weider motioned to open the public hearing at 8:25 PM. Mrs. Richter seconded the motion, with***
180 ***all in favor, the motion passed unanimously.***

181 Mr. Weider wanted the accuracy of the numbers of the various CIP expenditures voted over the last
182 decade verified. Mr. Hadik noted he had reviewed the minutes of the annual Town meetings to develop
183 this list. Mr. Weider noted a few discrepancies and requested all the minutes be reviewed again. Mr.
184 Hadik noted the 2019 Highway Grant amount was a “cut & paste” error”. Mr. Richter suggested Mr.
185 Hadik could use a proofreader. Mr. Hadik noted he would have to go through a lot of records, and
186 there is no administrative support (for proof reading or anything else) because this was removed from
187 his budget by the BOS.

188 Mr. Weider noted \$1.9 million was funded in 2019 for capital improvements, and maybe just
189 consistently fund \$1 million from now on so we’re building up the CIP capital reserve fund balances.

11-20-19: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

190 Mr. Hadik noted he has not yet received the surrounding demographic data from SNHPC for the last
191 paragraph on page 45. He will add this information as soon as he receives it. He also added this data
192 has no effect on any costs listed in the CIP.

193 The Board discussed removing projects for which there are no cost estimates or only “guesstimates”.
194 Mr. Weider indicated it may be best to remove them if there are no cost estimates. Mr. Snyder felt it
195 was best to leave the projects in, but to not use made up numbers. Mr. Hadik noted some projects are
196 included as placeholders, to counter the complaints of “why have we not heard of this project before?”
197 He said it has been done this way for years, however, he agreed there are too many cost “guesstimates”
198 included.

199 Selectman Myette advised that the BOS agreed to approve the release of impact fees for REC’s picnic
200 tables. A caveat was made that the tables should be made immovable by being secured to the ground.

201 ***Mr. Snyder motioned to close the public hearing at 8:45. Mr. Weider seconded the motion, with all in***
202 ***favor, the motion passed unanimously.***

203 ***Mr. Weider motioned to adopt the updated CIP (2020 to 2027) pending the addition of minor***
204 ***demographic data from SNHPC. Mrs. Richter seconded the motion, with all in favor, the motion***
205 ***passed unanimously.***

206

207 The Board continued discussing potential zoning amendments.

208

209 Mr. Hadik advised he wasn’t sure if he had enough time to create an ordinance to allow the transfer of
210 development rights (TDR). He wondered if zones or districts might have to be created to specify where
211 these rights would come from and/or be used.

212 Mr. Hadik discussed the possibility of adopting an ordinance which would terminate all unused variances
213 or special exceptions authorized prior to 8/19/2013 (“zombie approvals”). He said that, if passed, the
214 terminations would have to be noticed for one year, and then would not take effect until two years after
215 the noticing expired. In effect, by that time the “youngest” unused approval being terminated would be
216 10 years old. Mr. Snyder indicated the ZBA supported the ZBA supported the concept.

217 Mr. Hadik noted he will be asking Attorney Bennett to draft the ordinance. The Board supported
218 drafting this zoning amendment.

219

220 **Adjournment**

221 ***Mrs. Richter motioned to adjourn the meeting at 8:52 PM. Mr. Snyder seconded the motion, with all***
222 ***in favor, the motion passed unanimously.***

223 Respectfully submitted,

224 Daniel Hoijer
225 Recording Secretary