Chichester Planning Board

Minutes of Meeting

Monday February 4, 2019

**Members Present:** Chairman Stan Brehm, Michael Williams, Richard Moore, Tom Houle, Richard Bouchard ex-officio, Dan Humphrey, and Kristy Barnouski Secretary.

**Others present:** Ewen MacKinnon, Kate Hall, Charlie & Gail Kojian, Paul Adams,Bob Mann, Ashley and Ron Salvatore, Chet McPhail, Tom Jameson and other members of the public.

Mr. Brehm called the meeting to order at 6:30pm.

Mr. Houle made a motion and Mr. Williams seconded to approve the minutes from the previous public hearing held on January 21, 2019. **Motion passes.**

Mr. Brehm opened the public hearing and went over the list of items in the proposed zoning that were publically notified that the Board would be discussing and hearing public input on.

Mrs. Hall asked for rationale for specific changes in the zoning.

Mr. Brehm stated that it has been recommended by our Town attorney to update our zoning for years. Last year at Town Meeting the residents approved a sum of money to do some work and update the zoning along with CNHRPC and the Town attorney. Chichester’ s current zoning is based off of the 1965 USDA soil survey that is very out of date and unreliable. The Planning Board met with community leaders, other Boards and Commissions using the NRI (Natural Resource Inventory) map of 2010 and with the help of CNHRPC put together the new proposed zoning.

Mr. Moore stated that the proposed zoning was not random and a lot of effort was put in by many people to get to the final product. He stated that they tried to keep residential zoning in already populated areas.

Mr. Humphrey stated that our current zoning is so badly flawed that this would be a huge improvement.

Mr. Brehm stated that this proposed zoning doesn’t change current lots, as they are lots of record and will not change assessments. This is a means to control development and the Board tried very hard to remain density neutral.

Mr. Mann stated that this hits the target to get away from soil zoning however he felt the final product defaults to proximity to concord and what’s trending to residential already.

Mr. Brehm stated that Main Street was adjusted at the residents request to move to Agricultural, however there is less 2 acre zoning proposed than what we have today. Also

Mr. Mann asked if the lots are split, how can a cluster be calculated. Does it default to 2 or 5 acre zoning?

Mr. Brehm stated that it would be calculated off of percentages of how much was in the 2 or 5 acre as we do now.

Mr. Adams stated that he has been a resident off and on for 80 years and was on the Planning Board as well as sat as the Chairman of the Planning Board and he does not feel that we should change zoning and should keep the soil based zoning we have now. He stated that it is a mistake because everyone as septic tanks and dug wells and those three things are all interconnected. He stated that he is certified wetland delineator. He feels that no one seems to be paying any attention to wetland guidelines due to not having any education on the subject. Mr. Adams stated that it’s worked for this long and Chichester should keep it the same.

Mr. Bouchard stated that we are not going away from soils for septic’s, buildable soils and wetland. They still have to follow the same guidelines to build. As of now, a developer can come into a 5 acre zone and have a soil scientist do some test pits and determine its residential soil and can have 2 acre lots. It’s very subjective. With the proposed zoning it locks the parcels into place.

Mr. Brehm stated when the Board proposed these districts we decided to use the “buildable acre” which means one acre (43,560 square feet) of contiguous land that is completely free of delineated wetlands and wetland buffers, steep slopes of fifteen degrees (15%) or greater, and areas located within the one-hundred (100) year flood plain. Builders will be required to have a buildable acre in order to subdivide or build. Wetlands will still be very much protected.

A resident asked what exactly is it that is not reliable about soil zoning?

Mr. Williams pointed out that Chichester’s current zoning has 8 different soil types for agriculture and 5 different types for residential. The Soils that that we have listed in the Chichester Zoning no longer exist. As of now any soil scientist can be very objective and come in say a particular soil is residential.

The Board moved on to discuss the new proposed village node, which was suggested by the Charrette team. This area is focused around the Town Hall and is meant to create a developing opportunity for mixed use. Originally there was three nodes proposed but the Board felt that would be too much to start with and chose one to begin with and see how the Town received it. This is an innovative zoning district which gives the Planning Board some flexibility and discretion with waivers and conditional use permits.

Mr. Brehm stated that the Town Attorney and Mr. Monahan are currently working on finishing the language for the ballot, however he could say that it would have to be broken up in to multiple questions.

Mr. Jameson asked if one question failed would they all be passed.

Mr. Brehm was unsure of how the wording would be but he would be contacting the attorney.

Mr. Williams made a motion and Mr. Houle seconded to close the public hearing on proposed zoning. **Motion passes.**

The Board voted on each individual proposal to move it to the ballot:

1. **To update references to NH State Statutes, as applicable**. Mr. Bouchard made a motion and Mr. Williams seconds to send #1as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
2. **To change the basis of zoning districts from soils-based to districts with conventional minimum lot sizes, including adjusting zoning on specific lots from 5 to 2 acres, and 2 acres to 5 acres; revise the zoning map and date; revise frontage and lot configuration standards, including the requirement for a “buildable area;” and, revise lot size requirements for multi-family dwellings**. Mr. Bouchard made a motion and Mr. Houle seconded to send #2 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
3. **To establish a new mixed-use, higher-density village zoning district in the area around Town Hall to be administered by the Planning Board.** Mr. Willams made a motion and Ms. Davis seconds to send #3 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
4. **To establish new standards for commercial parking space requirements**. Mr. Bouchard made a motion and Mr. Houle seconded to send #4 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
5. **To remove redundancies in the list of permitted uses in Section IV.1.a-d of the CI/MF Zone.** Mr. Bouchard made a motion and Mr. Houle seconded to send #5 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
6. **To properly reference the New Hampshire of Environmental Services (NHDES) instead of the New Hampshire Water Supply and Pollution Control Commission (NHWS&PCC) as the NHWS&PCC as it no longer exists.** Mr. Williams made a motion and Mr. Houle seconded to send #6 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
7. **Clarify that the Planning Board is the sole authority to administer the provisions of the Commercial Village District, and, that any appeals to a Planning Board decision are to be made per RSA 677:15**. Mr. Bouchard made a motion and Ms. Davis seconded to send #6 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
8. **To define the location of the Backlands District in the new non-soil based zoning framework**. Mr. Williams made a motion and Ms. Davis seconded to send #8 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
9. **To revise the provisions of the Wetland District in Section 3.16, including defining the location of the District within the new zoning framework; and, to clarify the methods of wetland delineation**. Mr. Bouchard made a motion and Mr. Houle seconded to send #9 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
10. **To revise the provisions of Section 3.19 regarding Open-Space Conservation Developments, including to specify that the Planning Board is the authority to administer the provisions of 3.19 by Conditional Use Permit; to clarify a waiver process; to establish definitions of, and requirements for “homestead lots” and “parent tracts;” to clarify permitted uses in such developments for open space areas and areas of development; to clarify the process for determining allowable density, including the provisions of density incentives; to revise and clarify open space management requirements; to clarify the requirements for condominium association membership; and, home owner association membership**. Mr. Williams made a motion and Ms. Davis seconded to send #10 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
11. **To allow commercial and residential uses on the same parcel within the Commercial-Industrial Multi-Family (CI/MF) Zone.** Mr. Bouchard made a motion and Mr. Houle seconded to send #11 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
12. **To establish that all uses that are permitted by right within the Rural-Agricultural (RA) Zone are permitted by right on lots that are five (5) acres in size or greater in the Residential (R) Zone.** Mr. Williams made a motion and Ms. Davis seconded to send #12 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**
13. **To conduct any non-substantive edits to the document such as spelling, spacing, and numbering that may result from the adoption of any of the aforementioned changes.** Mr. Bouchard made a motion and Mr. Williams seconded to send #13 as written in the public display version of the ordinance for this hearing, to the ballot for consideration by the voters. **Motion passes.**

Mr. Brehm stated that he would be in contact with the Town attorney about whether or not developers needed to be following the proposed ordinances or current.

Mr. Moore stated that he felt it would be very beneficial if to keep putting letters in the Suncook Sun about the zoning. The Board agreed and set a schedule for letters.

**Adjournment-** Having no further business, a motion was made by Mr. Houle and seconded by Mr. Williams to adjourn the meeting at 8:33pm.

Respectfully submitted,

Kristy Barnouski, Secretary

Not approved until signed.

Chairman, Stan Brehm