

## Planning Board Work Session

**Location:** Strafford Town Hall Conference Room

**Date & Time:** November 22, 2021 7:00PM

**Board Members Present:**

Charlie Moreno – Chairman  
Phil Auger – Vice Chairman  
Terry Hyland  
Don Clifford – Alternate  
Susan Arnold – Alternate

**Others Present:**

Jen Czysz, Strafford Regional Planning Commission,

The Chairman, Charlie Moreno, called the work session to order at 7:00PM and recognized the board members, Phil Auger, Terry Hyland, Don Clifford and Susan Arnold as present. He also recognized as present Jen Czysz, Strafford Regional Planning Commission, Executive Director. The Chairman indicated the need to review changes to zoning ordinances, review Class A trail warrant and Class VI Road Policy, and discuss the Cell Tower Ordinance proposal.

### **Proposed Amendments to Strafford Zoning Ordinance, Section 1.14 Definitions:**

#### **1.14.5 Frontage**

The Board reviewed the proposed language to more clearly define frontage regarding length of a lot bordering a Class V town road, subdivision road, or private road that meets Class V road specifications. Private road spurs or driveway segments are not allowed as additions to meet minimum 200 foot lot frontage. Additionally, for lots situated entirely within Strafford or partially within an adjacent municipality, frontage must be determined by the portion of the road that is within Strafford. If lot frontage lies within the adjacent municipality, access to the portion of the lot that lies within Strafford must be made from a state or town maintained road or road within a subdivision approved by the Strafford Planning Board.

#### **1.14.12 Accessory Building, Structure, or Use**

The Board reviewed the proposed language to redefine and reorganize this section as follows:

**1.14.12 Accessory Building, Structure, or Use.** A building, structure, or use incidental and subordinate to the principal building and its use and occupying the same lot.

**1.14.13 Structure.** Anything constructed or erected, the use of which demands its permanent location on the land, or anything attached to something permanently located on the land, including but not limited to buildings, mobile homes, radio towers, sheds not meeting requirements in Article 1.3.6, storage bins, generators affixed to the ground, storage tanks, in-ground swimming pools, ground-mounted solar, tennis courts, and parking lots. Temporary structures do not require a building permit but must meet all provisions of the ordinances.

The following are governed by other town regulations and/or by state statutes and are not herein defined as structures:

1. Subsurface waste disposal systems;
2. Water wells;
3. Fences and stone walls;

4. Driveways; and
5. Underground fuel storage tanks (but see NFPA requirements).

1.14.14 Building. A structure, including all integral parts thereof, intended for housing or for some purpose of assembly, business manufacture, institutional use, storage, ornamentation, or shelter to persons, animals, or chattels.

**Proposed Amendments to Strafford Zoning Ordinance, Minor Zoning Ordinance Edits:**

The Board reviewed minor edits to Article 1.1, Article 1.3.4, Article 1.3.5, Article 1.3.6, Article 1.4.1 B and C, Article 1.4.4 Section 5.0, Article 1.5.1 B, and Article 1.6.1.

**Proposed Amendments to Strafford Zoning Ordinance, Section 1.7 Non-Conforming Use:**

**1.7.1 Non-Conforming Use, Lot, or Structure**

The Board reviewed proposed additional language to allow by Special Exemption an existing structure which does not conform to setback requirements to be altered, enlarged, or relocated as long as the proposed action results in no increase in non-conformity. If the non-conformity is eliminated by the proposed action, a Special Exemption is not required. If the non-conformity is increased by the proposed action, a Variance is required. The Board agreed to leave reference to a discontinuance of one year shall void a permit rather than address in an additional section.

**1.7.3, 1.7.4, and 1.7.5**

The Board indicated no change to these sections other than renumbering to 1.7.6, 1.7.7, and 1.7.8, respectively.

**Proposed 1.7.3, 1.7.4, and 1.7.5**

The Board reviewed new language for each new section which addresses the following:

1.7.3. Any non-conforming structure destroyed by fire, rendered unusable or uninhabitable by an act of nature or abandonment may be repaired, rebuilt, or replaced with action commencing within one year of the event and completed within one year of the start date.

1.7.4. A non-conforming lot may be used for building purposes only if a Variance is granted and owner complies with applicable Town and State laws and regulations.

1.7.5. In order to protect water quality, use or construction under this Article must comply with applicable Town and State laws and regulations, and specifically Comprehensive Shaorland Protection Act and Town of Strafford Stormwater Management Regulations.

**Proposed Amendments to Strafford Zoning Ordinance, Section 1.4.1D Minimum Land Area:**

The Board discussed the minimum land area with respect to each additional family unit under a common roof and the number of family units under a common roof. Additional sections were reviewed as follows:

1.4.1.D.1. There shall be no more than one residential structure and one accessory dwelling per lot.

1.4.1.D.2. No change to current wording; however, section renumbered to 1.4.1.D.3.

1.4.1.D.2 New. A non-conforming lot may be used to build a new structure for residential purposes if:

- a. The lot has frontage in the Town of Strafford on a Class V or better road; private road frontage may suffice if the road is currently maintained to Class V standards and the owner(s)

- have a legally binding agreement to continue to maintain the private road that has been recorded at the Strafford County Registry of Deeds, and
- b. If all other provisions of this ordinance are met, and
  - c. If the owner obtains a New Hampshire State approved, year-round, septic system design without waiver from encroachment, well setback, or slope requirements.

### **Class A Trail Zoning Warrant Articles**

The Board reviewed and finalized language for five separate warrant articles to establish Class A trails on segments of 1<sup>st</sup> Crown Point Road, Barn Door Gap, Snackerty Road, Willey Pond Road, and Pig Lane.

### **Class VI Road Policy**

The Chairman indicated that no further discussion was needed; however, Phil Auger mentioned that Liz needed to report back to the Board with information about errors that were identified in the Class VI Road Study so corrections can be made.

### **Cell Tower Ordinance**

The Chairman indicated a lot of work needed to be done to develop this ordinance in time for legal review and conduct a public hearing. The alternative to completing this now would be to delay until next year. The Board concluded that it was important enough to do now. The Chairman suggested dividing up approximately 16 sections amongst the Board members and the Cell Tower Committee in order to complete the project quickly. The Board agreed to this approach and would address progress at the December 2<sup>nd</sup> meeting and finalize efforts at a follow-up work session. Depending on ordinance draft completion, and legal review, a mid to late January 2022 public hearing would be scheduled.

### **Public Hearing Schedule**

The Board determined the need for two public hearings to separately address the Class A Trail warrants and the Zoning Ordinance Amendments. They also discussed how to organize the ordinance amendments for the public hearing and ballot presentation. The Board discussed how to conduct the public hearings and decided to offer a hybrid presentation – both in person and via internet. The Board agreed to address the ordinance amendments at the first public hearing and the Class A Trails at the second public hearing.

The Chairman appointed Don Clifford as a voting member, replacing Tim Reed. He then made a motion to present three Zoning Ordinance Amendments; 1) definitions and ordinance edits, 2) Frontage and minimum land area, and 3) non-conforming use, at a public hearing on December 15, 2021. Phil Auger seconded the motion, all Board members voted in favor, and the motion passed. The Chairman also moved to present five separate Class A Trail warrant articles at a public hearing on January 5, 2022. Phil Auger seconded the motion, all Board members voted in favor, and the motion passed.

There being no further discussion, Phil Auger made a motion to adjourn which was seconded by Terry Hyland. All Board members voted in favor, and the meeting adjourned at 9:10PM.