

Planning Board Public Hearing

Location: Strafford Town Hall Conference Room

Date & Time: December 15, 2021 7:00PM

Board Members Present:

Charlie Moreno – Chairman

Donald Coker – Alternate

Phil Auger – Vice Chairman

Don Clifford – Alternate

Terry Hyland

Suzan Arnold – Alternate

Tim Reed

Lynn Sweet – Selectman Representative

Others Present:

Natalie Moles, Strafford Regional Planning Commission, Economic Recovery Coordinator

Jen Czysz, Strafford Regional Planning Commission, Executive Director

Robert Fletcher, Minutes Recording

The Chairman, Charlie Moreno, called the meeting to order at 7:00PM, and indicated the Public Hearing was being conducted both at the Town Hall and virtually via Zoom link. He recognized Board members Phil Auger, Terry Hyland, Tim Reed, Lynn Sweet, Donald Coker and Don Clifford as present. Also present were Natalie Moles, and virtually via Zoom, Jen Czysz and Suzan Arnold. The Chairman indicated the purpose of the Public Hearing was to present and discuss proposed amendments to the Strafford Zoning and Land Use Ordinances to be presented to the voters on March 8, 2022. Each amendment would be described and open for public comment separately.

Proposed Amendments:

1) *To amend the definitions in Section 1.14, Definitions, of the Zoning Ordinance to clarify the definitions of Accessory Buildings, Structures, and Uses; Structures; Buildings; and to correct citations of these terms throughout the Zoning Ordinance.*

The Chairman indicated the amendment purpose was to clarify definitions and correct citations in order to bring the ordinance up to date. He opened the hearing up for public comment.

Kurt Wuelper, 1336 Parker Mountain Road, questioned what was driving all the changes to the ordinances, although he didn't find anything objectionable in the amendments. Phil Auger responded that it is the responsibility of the Board to update ordinances to provide clear guidance for the Building Inspector and the Board. Lynn Sweet provided a few examples of issues brought before the Board where more clear guidance would have been helpful in reaching a resolution. The Chairman clarified that the Town Attorney had reviewed and provided the Board with guidance for each amendment.

The Chairman addressed the insertion of a new definition regarding "temporary structures", which he felt needed further discussion. The proposed definition for temporary structures stated that they were designed to be used for a short duration and in no case more than six months in one year, do not require a building permit, but must meet all Ordinance provisions including minimum setback

distances. This was visually displayed for both in-person and virtual attendees with the assistance of Natalie Moles. Don Clifford objected to this language as being too restrictive with regard to the time limit and the eventual need for a building permit and a certified plot plan. Lynn Sweet also expressed concern in this regard. The Board, following a brief discussion, agreed to remove the proposed definition and leave the current temporary structure language which states, "Temporary structures do not require a building permit but must meet all provisions of the ordinances". Next, Tim Reed questioned parking lots being included in the Structure definitions. Following another brief discussion and request for further public comment, the Board decided to eliminate the reference to parking lots in the Structure definition. As with the temporary structure change, the Chairman indicated that this change would require a re-notice to the public for a second Public Hearing.

With no additional public comments, the Chairman closed the Public Hearing on Amendment 1 and moved on to Amendment 2.

2) To amend the Preamble of the Zoning Ordinance by adding the word "integrity" so that the first sentence reads "In order to preserve the beauty, integrity, and rural appearance of our Town..."

In addition, the Chairman indicated the word "building" in this preamble was changed to "structure". He opened the hearing up for public comment.

Kurt Wuelper, 1336 Parker Mountain Road, questioned the need to include the word "integrity". After a brief discussion, request for additional public comment, and no clear indication whether or not to insert the word in the preamble, the Chairman requested a "straw poll vote" by the Board. A majority of Board members voted to remove the word. As a result, the second proposed amendment to address this was no longer needed since the "building" to "structure" change would be included in Amendment 1.

The Chairman closed the Public Hearing on Amendment 2 and moved on to Amendment 3.

3) To amend Article 1.14.5—Frontage, the definition of Frontage, and Article 1.4.1 D Minimum Land Area provisions. The proposed amendments to the frontage definition clarify the road type on which a lot must border, that the same provisions apply to both private and public roads, and that the frontage must be fully within the Town of Strafford. The amendments to the Minimum Land Area provisions clarify the requirements for building on lots that do not meet Strafford's minimum land area specifications

The Chairman stated each Article Amendment would be addressed separately.

Article 1.14.5 – Frontage:

The Chairman opened the hearing for public comments.

Kurt Wuelper, 1336 Parker Mountain Road, asked whether or not this new language regarding frontage would apply to a current residential property located in both Strafford and Barrington. Several

members of the Board indicated it would not effect a lot of record, but would apply to a new application for subdivision of a single property in both Strafford and a neighboring town. There was no further public comment.

The Chairman introduced and read for the record a change to Paragraph C to the Article per advice of legal counsel. The first sentence, "For lots that are situated partly in Strafford and partly in an adjacent municipality, frontage for the purposes of this Ordinance is determined by the portion of the road that is within Strafford." would be removed. The following would be added to Paragraph C: "If the required amount of frontage pursuant to Article 1.4.1 for the lot lies partially within the adjacent municipality, or frontage for the lot lies fully within the adjacent municipality (which frontage satisfies the requirements of that municipality), the minimum frontage requirement on Article 1.4.1 is not required, however, **for new lots** there must be access to the portion of the **new** lot that lies within Strafford from a State-maintained or Strafford town-maintained road or from a road within a subdivision approved by the Strafford Planning Board." The Chairman indicated the proposed language enhances public services access, such as ambulance or fire trucks, to a Strafford property directly from a Strafford-located road; however, this change also requires a re-notice to the public for a Public Hearing.

There was a brief discussion regarding reference in Paragraph A to road spurs or driveway segments built to town specifications which are contrived in order to meet the minimum lot frontage requirement of 200 feet are not allowed. The Board agreed the language was satisfactory.

Article 1.4.1 D – Minimum Land Area:

Phil Auger indicated this Article had been restated to make it less confusing. The Chairman asked for public comments.

Daniel Dupee, 130 Water Street, questioned whether non-conforming lot frontage requirement was 200 feet in order to build a residential structure, since it was not indicated in the amendment proposal. The Board confirmed the 200 foot was required unless it was a lot of record.

There being no further public comments, the Chairman closed the Public Hearing and moved on to the final amendment.

4) To amend Article 1.7.1—Non-Conforming Use to clarify when Special Exceptions or Variances are required, or when neither is needed. Also, it specifies the duration of permits, allowance to rebuild destroyed non-conforming structures, and that permitted non-conforming construction must comply with state laws and town ordinances.

The Chairman stated the basic provisions of this article: 1) if a non-conformity is eliminated by proposed action, a Special Exception is not required, 2) if non-conformity remains the same by proposed action, then a Special Exception is required, 3) if the non-conformity is increased, then a Variance is required. Both Special Exception and Variance require Zoning Board of Adjustment approval. The amendment also addresses discontinuance of one year shall void any vested right to continue a non-conforming use.

The Board briefly discussed the removal of redundant language within the Article.

The Chairman opened the hearing for public comments; however, there being none, closed the Public Hearing.

The Chairman indicated the need for re-notice for a second Public Hearing to address the Ordinance Amendment changes discussed in tonight's meeting. He also indicated the need for a Public Hearing for the proposed Cell Tower Ordinance. The Board agreed to address Ordinance changes at a January 5, 2022 Public Hearing at 7:00PM, with a Planning Board work session either before or after on the same night. The Board also agreed to hear the Cell Tower Ordinance at a January 12, 2022 Public Hearing at 7:00PM.

There being no further business before the Board, the Lynn Sweet made a motion to close the Public Hearing, which was seconded by Phil Auger. The Board voted unanimously in favor, and the Public Hearing closed at 8:30PM.