

DRAFT—NO LEGAL VALUE

Minutes

Strafford Planning Board Public Hearing

January 28, 2021, continued January 29, 2021

As Chair of the Planning Board of the Town of Strafford, Charles Moreno opened the meeting by stating that he finds that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

The Chair then summarized the following announcements: Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I (the Chair) am confirming that we (the Planning Board) are:

- a) providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means. We are using the Google Meet platform for this public meeting. All members of the Planning Board are able to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing +1 470-319-0366 and using the assigned meeting code or by clicking on the website address: [meet.google.com/cap-fkob-vzj](https://meet.google.com/cap-fkob-vzj).
- b) providing public notice of the necessary information for accessing this meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting via Google Meet or telephonically. Instructions were posted on the website of the Town of Strafford at [www.trafford.nh.gov](http://www.trafford.nh.gov).
- c) providing a mechanism for the public to alert the public body during the meeting if there are problems with public access: If anybody has a problem they were directed to call an emergency telephone number or email [eevans.trafford.nh@gmail.com](mailto:eevans.trafford.nh@gmail.com).
- d) adjourning the meeting if the public is unable to access the meeting: In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

The Chair opened the meeting on Thursday, January 28th at 7:30 PM by taking roll call attendance. Members present were Charles Moreno, Chairman, Phil Auger, ex-officio member Brian Monahan, and Don Clifford and Donald Coker, Alternate members. Noting that two members were absent, the Chairman designated Don Clifford as a voting member in place of Steve Leighton and Donald Coker in place of Terry Hyland for this evening. Atty. Steven Whitley, Town Counsel, was also present. He noted that if the public cannot access the meeting due to an at-large issue (for example if the internet platform goes down, a power outage, etc.), the hearing would be adjourned, however, if one person has an issue, that is not enough to end the meeting. He noted that there is no state requirement for video, and that the phone option is sufficient under the law. A large audience was in attendance including both video and telephone participants, reaching over 105 at one point during the evening; only speakers will be identified below. Steve Leighton joined the hearing at 7:20 PM.

Public notice was posted on or before January 15, 2021 and published in Foster's Daily Democrat/Seacoast Online on January 16, 2021. The Chairman announced that the Public Hearing is being held in accordance with NH RSA 675:3 and 675:7 to present proposed amendments to the Zoning and Land Use Ordinances of the Town of Strafford. The Chairman advised that the Board is proposing nine amendments this year. The full text of the proposals has been available at the Town Hall and on the town web site. The Chairman advised this is one of the functions of the Planning Board and that revisions to the ordinance are proposed almost annually. He advised that the function of the Public Hearing is the conveyance of information; the voters decide by ballot vote at town elections.

The Chairman explained the procedure to be followed: the Board will present the proposed amendments one at a time. The Chairman will then open the Public Hearing on the proposed amendment. Speakers are asked to sign in on the Chat feature to secure a place in the queue. Patrick Grace has volunteered to assist the Board and will be monitoring the queue and coordinating with the Chairman. During the public hearing, speakers must state their name and address; if not residents, please be specific with their interest. He asked speakers to avoid repeating and to keep their remarks relevant. Speakers must take turns and each speaker is limited to 3 minutes. Speakers may return to the end of the queue and sign in again if they desire to speak again. If all speakers have not had a chance to be heard by 11:00 PM, the Public Hearing will be adjourned to Friday, January 29, 2021 at 7:00 PM, using the same Google Meet link and phone access numbers. Following the public hearing, the Board will vote on the question of whether or not to forward the proposed amendment to the ballot for town elections.

The Chairman opened the Public Hearing and then turned over the presentation to Phil Auger who had prepared a PowerPoint presentation; the presentation has been available on the town website and was displayed at the hearing. Mr. Auger noted that he would not read the presentation word for word, instead allowing people to read the screen. He noted that the board is seeking public input. Mr. Auger then presented the first proposed amendment to the Zoning and Land Use Ordinances: 1) To amend the definition of "frontage" in *Article 1.14.5—Frontage* by stating that frontage must be calculated on a Class V or equivalent road in Strafford, and by referencing procedures for Class VI and Private Roads: further to clarify that the frontage requirements for existing lots of record in *Article 1.3.13* and *Article 1.4.1 A—Minimum Land Requirements* shall match the requirements of the proposed amendment to *Article 1.14.5—Frontage*. He noted that proposing amendments is a key part of what the Planning Board does, and he noted that the board has been working with counsel. The proposal is to update the ordinances, looking to the goals of the Master Plan, with the goal of protecting natural resources and with a concern for the economic impacts on the town. The first proposal is to redefine frontage; he noted that it was an old requirement of zoning that the frontage be calculated on the part of the lot located in Strafford. He noted that the Board has been working on proposing revisions to the Selectmen's Policy on Class VI roads, and noted that the proposals here have been recommended by the Regional Planning Commission and are in place in many other towns. The Board has chosen to suggest that there be restrictions on building on a Class VI road if access to the lot along the Class VI road is more than 800 feet from the nearest Class V or better road in keeping with the town's similar restrictions that dead-end roads are limited to 800 feet. He noted that a number of towns have similar regulations pegged at 600 feet from a Class V road. He noted that under current policy, the town does not allow subdivision on a Class VI road unless the road has been upgraded to Class V standards, noting also that this may be difficult to do given narrow ROW widths, slope, bridges, etc. He noted that even if residents who build on a Class VI road have signed a liability waiver, there are still issues with providing town services, including the bussing of special needs students. Finally, it was noted that the proposed amendments would not apply to existing homes and that zoning restrictions can be appealed to the Zoning Board of Adjustment.

The Chairman then opened the Public Hearing. The first to speak was Bruce Patrick. He noted that the school district has paid parents to bring their children to school from some homes that are difficult to access. He then asked about his own property located at Five Corners, accessed only by a ROW off a road in Barnstead. The Chairman asked Atty. Whitley about cases involving access from other towns; Atty. Whitley noted that each case is different and also noted that property owners can appeal to the Board of Adjustment. 2) Sue and Mike Higgins asked if existing homes are grandfathered. It was agreed that this is so, and it was clarified that Fire Roads are private roads, not Class VI roads. 3) Michael Whitcher said that he feels this would be a taking because there are lots where one could build today and this might change, and he suggested that appeals to the ZBA are expensive and time-consuming. Board members responded, noting first of all that the Board is only proposing and that the voters have final say. Phil Auger noted that part of the proposal was to go back to an earlier version of a zoning provision that the community had wanted, and Donald Coker noted that if access is through another community, that community might not have the same standards. Charles Moreno noted that it is a taxpayer issue, because if a property is difficult to access or can only be reached through another town, Strafford will have the burden forever.

4) Alison Brisson asked why the proposal is coming forward now, stating that her family has hundreds of acres on Class VI roads. She said that she feels that this will be costly to the town for legal challenges. Donald Coker noted that the board has been working on these proposals for some time, and will have other issues by next year. 5) Kaitlyn Whitcher expressed similar concerns. 6) Scott Schroeder asked about the trigger and the fact that social media are suggesting that the proposal targets individuals. He said that he is concerned about the Whitcher argument about rights and compensation. Board members responded, noting that many of the concerns addressed in the nine

proposals have stemmed from conversations with the Building Inspector or Selectmen and triggered by the cumulative impact of events. Phil Auger noted that investments in land on Class VI roads have been risky at best for a long time and this is not changing. Development was possible if the road can handle an upgrade, if there are two entrances, etc. and this proposal does not change that. 7) Laura Patrick spoke about rights and people who have purchased land from the town. 8) Rick Cecchetti asked if he could get a building permit for a generator or an ADU, noting that he is farther than 800 feet from Roller Coaster Road. It was agreed that Brook Lane is a private road not a Class VI road. Mr. Cecchetti noted some confusion and asked if one can get building permits on private roads. 9) Eric Rowe asked about motions that had put these proposals on the table and how many lots would be affected by the Class VI road proposal, noting that he feels this takes the power away from landowners and that the Board is not proposing to abandon any roads. Mr. Moreno noted that roads can only be abandoned by Town Meeting. He noted that the proposal does not affect that many lots, noting also that much of the land on Class VI roads is owned by the Blue Hills Foundation, a conservation foundation. 10) Michael Whitcher said that when he was before the Board of Adjustment, the Police and Fire Department had said that it was not an issue for them to service remote lots. 11) Herman Groth recounted some of his personal history with purchasing an antique home including land on a Class VI road. Brian Monahan advised the attendees of the procedure, saying that all the Board is proposing is to put these items on the warrant. He noted that the Selectmen, based on a proposal voted at a previous Town Meeting, are required to state if they do or do not support an article.

12) Alison Brisson repeated that she does not understand the urgency. 13) Shirley Smith asked if the rules would affect Merrill Road, noting that her family has a seasonal home and land there and hopes to build. Board members replied that Merrill Road is considered a private road. Ms. Smith said that she remembered the town maintaining the road in 1957. Board members said that there is not a public ROW and affirmed that property on a private road would still qualify for a building permit. 14) Ashley Rowe said that he is concerned that “no structures” is too much of a blanket statement, and asked about the impetus for the proposals. Brian Monahan noted that he is the newest member and does not know about earlier concerns; Donald Coker noted that the language about structures comes from concerns expressed by the Building Inspector, also noting concern with permission granted under current rules for construction on a section of Class VI road with a 23% grade. 15) Scott Whitehouse said that David Copeland was trying to connect by phone; the moderator moved to 16) Tara Bailey, who said that she felt the hearing should be held face to face. 17) Julie Clark noted her concern about private roads/Merrill Road had been addressed. 18) Eric Almanzan said that he feels that the proposals would mean a value loss for people. Charles Moreno explained that for private roads and new developments, developers must pay to construct the road, but with Class VI roads, the town ends up with costs if people are too deep in and services are needed. He noted that this is a consideration for all towns, and he also advised that landowners have recourse by going to the Zoning Board of Adjustment, who weighs the hardship issue, weighing the landowner vs. the costs to the town. 19) Donald McCallion— no longer present. 20) Kaitlyn Whitcher again asked about recourse for people who have purchased land and suggested landowners would look to the town for compensation; Board members again responded that purchasing land on a Class VI road is risky and that landowners have the right to go to the Board of Adjustment. 21) David Copeland, Building Inspector, said that he not had much input, but that he has to deal with setbacks all the time. He said that he finds the structure proposals confusing, and that he is most concerned about the impervious surface proposal because it would impact building permit applications. 22) Michael Witonis, who recently purchased an existing home and land on a Class VI road, asked if the whole road would need to be upgraded in order to build on one of the separate lots he purchased, and noted that fire trucks had recently been able to respond to his property without a problem. He also asked if assessment values would decrease for land on Class VI roads. Phil Auger noted the current use assessment program regarding tax assessments. 23) Jessica Baker said that she is concerned that the proposed wording of the frontage definition would impact private roads, and asked if the wording meant that private roads would need to be brought up to Class V standards for new building, asking about the Board’s intent. Charles Moreno noted the difference between subdivision and building, and said that he feels the intent was not to impact private roads. 24) Katrina Labreque asked about the proposed 800 foot limit for Class VI roads and asked why it would be more restrictive for Class VI roads than private roads. 25) Terry Hyland Jr. noted concern with non-specific language, and said that there seems to be some confusion, even if not intended, and asked for the proposal to be tabled, noting that he has heard no support at the hearing.

26) Ashley Rowe spoke again, saying that as written, the proposal is about building, not subdivision, and said that for example, you could now build on Mousam Road, but could not if this proposal was voted into place. The current Class VI road policy was noted. 27) Herman Groth spoke again, noting that the land on Mousam Road was subdivided in the 1980s. 28) Eric Rowe spoke again, saying that he thinks this proposal is looking for problems,

saying that improving a Class VI road requires the permission from other landowners because the town only owns the ROW, not the land under the road. 29) Liza Witonis asked why this needs to happen this year, noting that it is hard to determine the outcome and difficult to interpret. There followed a general short discussion of Class VI roads. 30) Michael Whitcher spoke again, asking if the proposals are already in effect or take effect at the vote. Atty. Whitley pointed to RSA 676:12 which would require a moratorium on the issuance of building permits that might not be permitted should the amendments pass. 31) Lynn Sweet noted that the hearing has been in session for three hours, and people are still asking for clarifications, and noted that the intent is not completely clear and that in the future, the Board should provide more specific information. 32) Amanda Chantasin noted that the proposals are confusing, and asked about grandfathering. She said that it needs to be stated that the proposal does not pertain if there is already a dwelling. 33) Ashley Rowe spoke again, his role as ZBA Chairman being noted, and weighed in on grandfathering, suggesting that the wording may need to change to “undeveloped” lots. 34) Cecil Abels—not present. 35) Eric Almanzan spoke again, saying he does not believe that people support this proposal. 36) Scott Whitehouse, Fire Chief, noted concern with road widths, saying that roads need to be 20 feet wide. 37) Herman Groth spoke again, noting that the proposal would decrease the value of undeveloped lots on Class VI roads while increasing the value of already developed lots on the same roads. 38) Laura Patrick said that she feels that it is clear the taxpayers do not want this and asked that the proposal not go to ballot. 39) Terry Hyland Jr. noted the late hour and lack of progress. 40) Sharon Omand spoke, noting that it is difficult for people who choose to try and build on Class VI roads, noting increased insurance costs, the difficulty for getting fire trucks to a property, and said that she does not understand some of the concerns, given the challenges of Class VI roads. 41) Katrina Labreque spoke again, repeating her question about 800 feet. Charles Moreno noted the difficulty of reaching properties located at a distance from maintained roads, the cost of improving the roads, and the difficulty that the ROW remains public and open to public use, even if one landowner has borne the costs for improvement in order to qualify for a building permit. 42) Michael Whitcher again spoke, noting that it is not so easy to apply to the ZBA, saying that it is more expensive now that the ZBA requires a certified plan. 43) David Copeland asked about the procedures and next steps. There were no other comments and no other people in the queue. Donald Coker then moved to close the public hearing. Phil Auger seconded the motion, there was no further discussion, and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Donald Coker—aye, Brian Monahan—aye, Don Clifford—aye, and Charles Moreno—aye. Steve Leighton noted that he was present, and also voted to close the hearing. The motion passed by unanimous vote.

The Chairman advised that the Board will now hold deliberations, and Mr. Moreno called on Board members to respond one at a time. Phil Auger said that he would vote in favor of ending the effort to put forward all the proposals; he said that there are mistakes in the language and the Planning Board should bring in other boards to build consensus. He noted the value other towns have found in videotaping meetings. Donald Coker spoke to the responsibility of the Board to look down the road and demonstrate leadership in thinking about what is best for the town as a whole, asking do we care about the town, the environment, how the town is developed. He noted that goals of the Master Plan to protect the rural nature of Strafford and said that is what the Board is trying to do. He suggested looking at how to move forward with smaller proposals. Don Clifford said that the Board’s intention is good and noted that the protection of Class VI roads is culturally important, but said that the current proposals did not capture the grandfather clause. He noted that the proposals cannot be rewritten now, and said that he feels that the Board needs to pass on this article, but not necessarily the whole package. Brian Monahan said that he, as Selectmen, will need to vote on whether or not to recommend the articles, so he will not vote on whether to move them forward, but noted that the Board has heard from only a small minority of the voters in town, noting that you have to look at the bigger picture, and he thanked the Board for all the hard work. Steve Leighton suggested that the Board draw in other board and the Road Agent, and said that he agrees that the package should not go forward. Charles Moreno addressed the Board and the audience and said that he does not feel frustrated and that tonight’s meeting is part of the process. He noted similarities with the meeting last year. He said that the Board needs to do more background work on this article. He noted that there are still 8 other proposals, and at least one, the proposal regarding impervious surface, is quite complicated. He suggested that the Board vote on the first proposal, and then review the other proposals. Donald Coker, noting the previous comments, said that he is in favor of scrapping the first proposal for this year, but feels the Board should talk about the others. Atty. Whitley noted here that he believes that Brian Monahan can vote on whether to move items forward to the ballot. He also noted that although Steve Leighton has been present, the alternate member should continue to vote as they were designated to vote at the beginning of the meeting.

Don Clifford then made a motion that the Board not move forward with proposed Amendment #1 on frontage and Class VI roads. Donald Coker seconded the motion. There was no further discussion, and the Chairman called the vote: Phil Auger—aye, Donald Coker—aye, Don Clifford—aye, Brian Monahan—abstain, Charles Moreno—aye. The motion passed by majority vote. The Chairman announced that proposed Amendment #1 has been tabled.

The Chairman then asked Board members about the other amendments, noting that it was nearly 11:00 PM. Phil Auger, Donald Coker, Don Clifford, Brian Monahan all said that they had no problem with continuing. Steve Leighton left it to the Board. Mr. Moreno suggested pulling out the proposals that are complex and will require lengthy review. Don Clifford suggested moving forward with #2 and #3, as well as #7, #8, and #9. Phil Auger noted that Dave Copeland had expressed some confusion with the “structure” proposal, and suggested that it is not then worth pursuing. Dave Copeland said that he thinks that it would be better to get all the Boards together with the Fire Chief. Phil Auger suggested again that all the proposals be withdrawn. Donald Coker seconded Mr. Auger’s proposal, for discussion. Board members noted that #7, #8, and #9 are fairly straightforward. Phil Auger withdrew his proposal. He then moved to bring forward only proposals #7, #8, and #9 for the continued public hearing tomorrow/January 29<sup>th</sup>, tabling all the rest. Donald Coker withdrew his second to Phil Auger’s initial proposal and seconded the motion on the floor to bring forward only #7, #8, and #9 for the continued hearing. There was no further discussion and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Donald Coker—aye, Don Clifford—aye, Brian Monahan—aye, Charles Moreno—aye. The motion passed by majority vote. The Chairman then asked for a motion regarding proposals #2 through #6. Phil Auger then moved to not go forward to the continued public hearing with proposed Amendments #2 through #6. Donald Coker seconded the motion, and there was no further discussion. The Chairman called the vote. The vote went as follows: Phil Auger—aye, Donald Coker—aye, Don Clifford—aye, Brian Monahan—aye, Charles Moreno—aye. The motion passed by majority vote. The Chairman announced that proposed Amendments #2 through #6 will not move forward for public hearing.

Charles then moved to continue the hearing forward to tomorrow, January 29<sup>th</sup> at 7:00 PM, as announced at the beginning of the meeting, with the same Google Meet link and telephone connection as this evening. Phil Auger seconded the motion. There was no further discussion, and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Donald Coker—aye, Don Clifford—aye, Brian Monahan—aye, Charles Moreno—aye. The motion passed by majority vote. Phil Auger then moved to adjourn tonight’s meeting. Brian Monahan seconded the motion, there was no further discussion, and the vote went as follows: Phil Auger—aye, Donald Coker—aye, Don Clifford—aye, Brian Monahan—aye, Charles Moreno—aye. The motion passed by unanimous vote. The meeting adjourned at 11:20 PM.

January 29, 2021

As Chair of the Planning Board of the Town of Strafford, Charles Moreno re-opened the meeting by stating that he finds that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. He then continued with the Covid-19 announcements, and advised the audience that Patrick Grace will again be moderating the Google Meet; the Board will be presenting proposed Amendments #7, #8 and #9 as voted last evening. Speakers are again asked to sign into the queue on the chat function. The following Board members were present: Charles Moreno, Chairman, Phil Auger, Brian Monahan, ex-officio member, and Donald Coker, Don Clifford, and Susan Arnold, Alternate members. Noting the absence of two regular members, the Chairman designated Donald Coker to vote in place of Terry Hyland and Don Clifford to vote in place of Steve Leighton. The Chairman repeated the emergency telephone contact number in case of difficulties. At one point, there were about 35 attendees. The Chairman then stated that public notice was posted on January 15, 2021 and published in Foster’s Daily Democrat on January 16, 2021 and has been posted on the town website. The PowerPoint presentation for this evening’s hearing has also been posted on the website.

The Chairman recapped the January 28<sup>th</sup> hearing, advising the audience that the outcome of the discussion on proposed Amendment #1 was that the Planning Board had voted not to move it to the ballot and to work on it more. The Board had then looked at the other proposals, and for a variety of reasons—more work needing to be done, it would likely take too much time to discuss all the proposals, wanting input from other Boards, it was decided to table proposed Amendments #2 through #6. Proposed Amendments #7, #8, and #9 will be presented this evening. The Chairman advised that the format for tonight’s portion of the hearing will be the same as last evening; the Board will present the information on the proposals, and then open the public session. Once they have heard all the

comments, the Board will make a decision on whether to move the proposed amendments forward to the ballot. The Chairman then turned to Phil Auger to present the final three proposed Amendments.

Mr. Auger summarized the introductory remarks, noting that proposing zoning updates is a key part of the Planning Board's responsibilities, and noting that the Board did use legal counsel. The Board always thinks about the Master Plan, and what people want the community to be doing. Important considerations are natural resource protection and the economic impact on the community as a whole. Mr. Auger noted that Amendment #7 is just a change in language and does not change the content of the article, and the Board is really excited about the opportunity that Amendments #8 and #9 will give them because the Board will be able to really participate in planning, and not just react to finished proposals. The idea is to give the Board a chance for input and to make comments about what the Board sees as issues before a proposal is formalized.

The Chairman then read the proposed amendment #7 to the Zoning and Land Use Ordinances: To amend Article 1.15 to clarify the intent of the Phased Development Ordinance by changing the wording of the title and preamble from Growth Management Ordinance to Phased Development Ordinance in order to match the actual wording of the ordinance as adopted in 2003, and to delete incorrect statutory references (RSA 674:22) and retain the correct reference (RSA 674:21). He noted that Article 1.15 was approved about 15 years ago. It limits large developments to building only a certain percentage of homes per year. It began when the Board was looking at a 732 lot development as well as several other large developments, and there was a concern for overwhelming town services and the schools, so the idea is to phase in developments so the town can handle that. The article is already in the books, he noted, the idea is just to change the title to conform to the law. The Chairman then read #8: To add a new Article 1.18 to clarify the process for applying to the Planning Board for Subdivision by requiring that applicants for Major Subdivision meet with the Planning Board for non-binding conceptual consultation prior to submitting a formal application, and #9) To add a new Article 1.19 to clarify the process for applying to the Planning Board for Non-Residential Site Plan Review by requiring that applicants for Site Plan Review meet with the Planning Board for non-binding conceptual consultation prior to submitting a formal application. Mr. Moreno said that Phil Auger had given a good explanation of these last two proposals. Don Clifford agreed, and the Chairman then turned to the public hearing. He noted that Patrick Grace will be monitoring the Chat and that speakers should queue up using the chat. He asked that audience members remain muted until their turn to speak, and again noted that each speaker will be given 3 minutes; if they wish to speak again, they should re-join the queue.

The first to speak was Alison Brisson, who wanted to know why the reference to RSA 674:22 was being deleted from Article 1.15; she also said that she does not think that preliminary consultation should be a requirement—people that want to meet with the Board should, but it should not be required, she said. It was clarified that 674:22 refers to Growth Management zoning, while the reference to 674:21, which will remain in the Article, refers to phased development. Donald Coker said that meeting with applicants in advance helps resolve issues that might otherwise only arise in the 2<sup>nd</sup> or 3<sup>rd</sup> hearing. Preliminary discussion is non-binding. Charles Moreno said that the Planning Board is all volunteer, people voted by the community—there is no charge for the preliminary consultation and it helps the process go smoothly and may avoid expensive third-party costs and may make for a better project. He said that preliminary consultation has been optional for many years, but very very few have used it. 2) Herman Groth said that he understands preliminary consultation for commercial projects, but that he can imagine subdivisions that do not need the input. He said that applicants are paying for engineers, and so it should be up to the applicant if they want the Board's input. He said he thinks it could cost money and time. Donald Coker noted that there is no need for professionals for preliminary consultation because it is conceptual and would happen before engineering was completed. 3) Michael Witcher said he thinks that preliminary consultation should be up to the applicant, noting that it takes months for professionals to do their work, although granted it could be helpful. 4) Eric Almanzan said that he thinks it should be optional, and said that if it was a requirement, the Board should schedule extra meetings for a quicker response. He asked about liability, and Board members reiterated that the preliminary review is non-binding. Charles Moreno said that preliminary review would head off problems at the beginning, and the problem is that nobody uses it, so the Board is suggesting that it be made a requirement. 5) Kaitlyn Witcher said that she thinks that non-binding discussions are a problem because of information that is not required and suggested that there should be meetings that are binding so that the information provided is accurate. 6) Alison Brisson again expressed a concern with requiring the preliminary consultation, saying that she thinks that the Board needs to market the preliminary consultation option better. She said that it can be a good service, but some people already know what to do so it would be a waste. Donald Coker disagreed, saying that cities like Portsmouth have technical review committees, etc. but Strafford does not. He said that he thinks that the process is a win-win and

both the applicant and the community will benefit. Don Clifford noted that preliminary consultation would only be required for major subdivision, not smaller family projects, and it gives everyone the chance to look at things before you hire engineers and make plans that cost money. 7) Scott Schroeder said that he would like to find a middle ground, and asked if applicants could go forward to full plan review at the same meeting as the conceptual consultation for a straightforward plan. The Board explained that the idea of preliminary consultation is to meet before engineering, and it was noted that public notice requirements would not allow plans to be reviewed without proper abutter and public notice. 8) Jamie Boynton said that the intent sounds wonderful, but said that he does not believe that the town should be regulating best practices. He suggested promoting and communicating how the consultations might benefit applicants and the community. There were no other speakers in the queue.

The Chairman asked for a motion to close the public hearing. Phil Auger then moved to close the public hearing. Don Clifford seconded the motion and there was no further discussion. The Chairman called the vote. The vote went as follows: Phil Auger—aye, Brian Monahan—aye, Donald Coker—aye, Don Clifford—aye, Charles Moreno—aye. The public hearing was closed.

The Chairman then said that the Board would discuss the comments received and whether to move these proposed Amendments to the ballot or to table them for another time. He thanked the audience for their participation.

The Chairman said that proposed Amendment #7 is just a wording change. He said that he feels that this one can go forward to the warrant. Don Clifford agreed. Phil Auger and Donald Coker both agreed as well. Phil Auger then moved to forward to the ballot Amendment #7 to correct the title and statutory references for Article 1.15 so that it reads Phased Development. Don Clifford agreed. There was no further discussion and the Chairman called the vote. The vote went as follows: Phil Auger--aye, Brian Monahan--abstain, Donald Coker--aye, Don Clifford--aye, Charles Moreno--aye. The motion passed by majority vote. Brian Monahan noted for the group that the Selectmen are required, by a local vote at Town Meeting a few years ago, that they must state whether they recommend or not for all the articles on the warrant.

Moving forward, the Chairman noted that the Board cannot materially change any of the wording of the proposed articles; they must either be forwarded to the warrant or not. Phil Auger said that he believes that the Board could vote on #8 and #9 together as they are very similar. He said that with the lighter turnout this evening, he wants to hear from the rest of the residents by placing the proposals on the warrant, and he then moved to forward #8 and #9 to the warrant. Donald Coker, suggesting that he would second, said that in his opinion, requiring pre-application consultation is a win-win. Applicants will be a better view of the various options and flesh out problems that they might face. The community wins, the applicant wins, and the Board wins as this makes for a smoother process. Susan Arnold said that the role of the Planning Board is to think about planning from the long-term, community level and to think about the Master Plan and what we want to have for a community. The pre-application consultation idea gives the Board an opportunity to think about how a proposal fits into the bigger picture. She said that she empathizes with those who are uncomfortable with the requirement, but it gives the everyone an opportunity to think about how the community and development are balanced without public hearing and ordinances. Don Clifford said that in past years with the Board, they have seen opportunities but it was too late because the plans were already on paper. He reminded the audience that the Board is only talking about major subdivisions, and he noted that there are not many of those types of project. It won't affect many applicants, he said, but it will help the larger projects. Charles Moreno said that the pre-application meetings may not be necessary for the smaller projects, but he agrees that it is the best practice and it will be for the greater good to have the meetings for the larger projects. He said that the town has a good conservation development that never gets used--the Board does not see plans until the money has been spent on engineering and the opportunity has been missed, even though the Board could have given the developer percs to develop using the conservation development model. He finished by saying that he thinks it will be better for Strafford to have the pre-application review.

Mr. Moreno said that he believes that the Board should take the proposals one at a time. Phil Auger then withdrew his initial motion and moved to advance proposed Amendment #8 requiring pre-application review for major subdivisions to the ballot. Donald Coker seconded the updated motion. There was no further discussion and the Chairman called the vote. The vote went as follows: Phil Auger--aye, Brian Monahan--abstain, Donald Coker--aye, Don Clifford--aye, Charles Moreno--aye. The motion passed by majority vote. Phil Auger then moved to forward proposed Amendment #9 regarding pre-application for Non-Residential Site Plan applications to the warrant. Donald Coker seconded the motion. There was no further discussion and the Chairman called the vote. The vote

went as follows: Phil Auger--aye, Brian Monahan--abstain, Donald Coker--aye, Don Clifford--aye, Charles Moreno--aye. Noting that all the business before the hearing is now concluded, the Chairman thanked Patrick Grace for volunteering to assist the Board. He then thanked the audience for their participation. He then asked for a motion to adjourn. Don Clifford moved to adjourn the meeting. Donald Coker seconded the motion. There was no further discussion and the vote went as follows: Phil Auger--aye, Brian Monahan--aye, Donald Coker--aye, Don Clifford--aye, Charles Moreno--aye. The meeting was adjourned at 8:07 PM.

DRAFT