

Minutes

Strafford Planning Board Meeting

February 4, 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 +1 402-623-0224 and using the assigned meeting code or by clicking on the website address: meet.google.com/fer-nvbm-szu.
- 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.
- 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 or email 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 at 7:30 PM by taking roll call attendance. Members present were Charles Moreno, Chairman, Phil Auger, ex-officio member Brian Monahan, and Donald Coker, Don Clifford, and Susan Arnold, Alternate members. The closing date for applications to appear on the agenda for the March 4, 2021 regular meeting will be 5 P.M. Tuesday, February 9th, 2021; revised materials for continuing applications must be submitted by Tuesday, February 23th. Noting the absences of regular members, the Chairman then designated Donald Coker to vote in place of Terry Hyland for this evening and Don Clifford to vote in place of Steve Leighton. Board members turned to the minutes of the January meeting. Phil Auger then moved to approve the minutes as presented. Don Clifford seconded the motion. The Chairman called the vote: Phil Auger—aye, Brian Monahan—aye, Donald Coker—aye, Don Clifford—aye, Charles Moreno—aye. The minutes were approved by unanimous vote. Noting the audience, the Chairman quickly ran through the agenda for the evening.

The first order of business was the application of ADAM ROUSSEAU for the 2-lot subdivision of his property located at 151 Wild Goose Pond Road (Tax Map 1, Lot 5-2). Joe Wichert, the surveyor, presented the application; Adam Rousseau was also present. Mr. Rousseau recently purchased the 11.7 acre lot on the south side of Wild Goose Pond Road. There are 546 feet of frontage and an existing cabin near the middle of the property. They propose to split the property in two. The new 5.4 acre lot, about 3 acres buildable, would have 210 feet of frontage; the parent lot would be reduced from 11.68 to 6.24 acres with 336 feet of frontage. There would be no wetlands impacts with the current plan and because the lots are larger than 5 acres, no state subdivision approval is required. The town and county boundary runs along the southern boundary, and this has been labeled as "approximate" in keeping with earlier reference plans. Wetlands have been delineated and coordinated with numbered flags on-site. Steep slopes are indicated by gray shading. 4K areas for septic development are shown for

both lots. The 4K areas are either 75 or 100 feet off wetlands, depending on the wetlands. The wetlands scientist was on site in December 2020 and identified one area as a possible vernal pool based on size and topography, so they have indicated a 100 foot setback. Finally, there is a 2007 boundary adjustment plan that gave the neighboring lot 5 feet of frontage. The plan was approved and recorded but there was no deed transfer. They have included the 5 feet in this plan, but there is adequate frontage if the situation is resolved. He noted that Mr. Rousseau has been in contact with Mr. Bassett.

The Chairman noted that the next step is to review the plans with the checklist. Don Clifford indicated that he had worked on the checklist earlier today. He said that he has a few questions. The first is whether the land is in current use assessment. The lot is large enough, and Board members agreed that current use status should be indicated on the plan. He also noted that a plan set note will need to be added, and he asked where the perc test results are located. Finally, he noted that buildings within 100 feet and roads and driveways within 200 feet should show on the plan, and he said that he thought these items should be checked. Mr. Wichert advised that they will put a note on the plan regarding current use (the lot does not appear to be in current use), will add the plan-set note, and he advised Board members that the perc test results show on the bottom of the separate sheet with the test logs, and they will check on buildings and driveways, as they concentrated on the 100 foot area around the perimeter of the lot. Charles Moreno noted that slope and wetlands are delineated as requested in the regulations, and he asked if there is any ledge. Mr. Wichert indicated that there were boulders but they did not know if they extended into ledge. The Chairman noted that the plans look complete except for a couple of items. Donald Coker then moved to accept the plans as complete for consideration with the condition that the three missing items noted above—current use note, plan-set note, and buildings and driveways—be added/completed. Board members agreed that they wanted to review the test pit data, and Mr. Coker withdrew and then restated his motion to accept the plans as complete for consideration, conditional upon the completion of the four items. Phil Auger seconded the motion, there was no further discussion, and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Brian Monahan—aye, Donald Coker—aye, Don Clifford—aye, and Charles Moreno—aye. The motion carried by unanimous vote.

The Chairman then opened the floor for discussion. Phil Auger noted that the proposed well radius for the new lot is way back on the lot, and he asked how far back they proposed to locate the house. Joe Wichert said that they are proposing to put the leach field and house on the 700 foot knob, at a similar distance from the road as the existing house. Mr. Auger said that his preference would be to keep the proposed house and human activity as far from the vernal pool as possible, so closer to the road would be better. Mr. Wichert noted that it is not definitive that it is a vernal pool. The Chairman then opened the public hearing on the application, asking speakers to state their name and address. Scott Whitehouse, the Fire Chief, asked about the length of the proposed driveway; it was agreed that the driveway as shown would be about 300 feet or less. There was some discussion about the requirements for turn-arounds at the top of a driveway and the proposed width of driveways under fire codes. Donald Coker asked if this was an enforcement issue. It was suggested that the driveway be built to a width of 20 feet because it extends more than 150 feet from the road. There were no other public comments. The Chairman then read out a letter received from Hercules and Constance Tsirovakas, abutters, who said that they object to the subdivision because they are concerned about wetlands on the property and the impacts of development on wildlife in the area. Phil Auger said that he thinks that they are referring to the large mucky peat wetlands toward the rear of the property, and agreed with their concern, saying that is why he would like to see the houses up near the road. He said that the wetlands is an active wildlife area and that he would like to see human interference kept out. Donald Coker said that they seem to be siting the homes as far away from the wetlands as practical, and asked if there was something that the applicants could do to minimize the impact. The applicants noted that any activity in the wetlands would require permits from NH DES, and that DES would not grant a permit if other options were available. Mr. Wichert said that there is no reason to go farther back than the hilltop, and noted that the grades are difficult beyond that. He also noted that 5 acre lots are desirable because they provide privacy, and that building near the road would defeat the purpose. Phil Auger agreed, and said that the issue is the siting of the high impact human use. He said that if the house is built at or closer to the road than the identified 4K area, he is fine with the proposal. It was suggested that proposed well radius move forward on the lot and that the proposed driveway location end at the 4K area. Mr. Wichert said that the well can be pushed further toward the front. Donald Coker said that anything that they can do would be appreciated. James Anderson, an abutter, then asked about the proposed driveway location for the new lot. Mr. Wichert said that the driveway would be located just a bit north of the Andersen's driveway, at the beginning of the wall, as they must avoid the wetlands and wetlands buffer. There were no additional comments and the Chairman closed the public hearing. The Chairman suggested that he could entertain a motion at this time. Phil Auger moved to approve the application for 2-lot subdivision; Donald Coker seconded the motion. The Chairman

then asked for a motion that includes the conditions noted previously. Phil Auger withdrew and restated his motion to approve the plans for 2-lot subdivision, conditional upon the following: 1) adding a note regarding current use assessment, 2) adding a plan-set note, 3) checking and adding if necessary any buildings within 100 feet and driveways within 200 feet, and 4) a note on the plan regarding NFPA requirements for the driveway if it is greater than 150 feet in length. The Chairman asked if Mr. Wichert had applied for a driveway permit or spoken to the Road Agent. He said that he had not, but that it would be acceptable if this was a condition of approval. He said that he will email the driveway location for Board members to review, and Board members indicated that identifying an approximate location would be fine. It was agreed that the fifth and final condition would be the depiction on the plan of the approximate location for the driveway. Phil Auger stated that he agrees with all the above amendments as part of his motion. 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—aye, Donald Coker—aye, Don Clifford—aye, and Charles Moreno—aye. The motion carried by unanimous vote. The applicants are advised to bring the required copies of final corrected plans to the office for signatures and to provide checks for recording once the conditions have been met.

The next order of business was to call on KRJ Finance LLC for Design Review for a proposed 4-lot subdivision of Tax Map 35, Lot 1 to be located off Princess Pine Road, a private road located in Northwood. Phil Auger recused himself as an abutter. The Chairman called on Susan Arnold to vote in place of Mr. Auger for this project this evening. Mr. Moreno advised the audience that Design Review is not yet a formal application, but that the review includes notice to abutters and begins the process. He said that they will have the applicants make a presentation, and he advised that nothing stated by the Board is binding. He encouraged Board members to state any concern as this discussion sets the groundwork, but noted that this is not the time for discussion. He noted that there will also be a public session so that people can voice any concerns and make comments. Donald Coker then said that he is concerned about going further this evening, referencing the letter received from James Burdin, the Northwood Planner. He said that he is concerned about proper notice, and asked if Design Review is a public hearing. Mr. Moreno indicated that this is not a public hearing as it is not the formal application. Susan Arnold urged the Chairman to share the letter. Mr. Coker noted that the subdivision regulations state that Design Review must follow the same notice requirements as applications. Mr. Moreno proceeded to read out the letter, which addresses the requirements of RSA 674:53, especially paragraph VII, advising that the Town of Northwood must be given notice as an abutter, and stating that application will also need to be made to Northwood. Mr. Moreno said that the Board could consider noticing Northwood and reconvening, perhaps with Northwood. Don Clifford said that he thinks that would make sense. Susan Arnold noted that there are many issues that involve Northwood. Mr. Moreno asked if Brian Monahan had any concerns as a Selectman, and Mr. Monahan said that he thinks that this is Planning Board to Planning Board at this point. Don Clifford asked if they could hear from the applicant.

Chris Berry addressed the Board, stating that he is representing the applicant and that he is accompanied by the project attorney. He suggested that the Board needs to decide if they are going to continue to hear the case before he goes further. The Chairman said that he wants to move forward, but that they have a letter from Northwood stating that Northwood wants to be part of the process. Donald Coker said that he thinks that there is no sense moving forward without Northwood. Mr. Moreno suggested that it would be better if the Boards could meet together as you never have the same thing twice; he said it would be better if they could all hear the presentation together. Susan Arnold asked if the Board should vote. Mr. Moreno said that he was ready to take a motion. Susan Arnold then moved to postpone discussion until proper notice has been sent according to 674:53 and to provide the applicants with a copy of the letter so that they can follow the steps outlined in the letter. Don Clifford seconded the motion. There was no further discussion and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Brian Monahan—aye, Donald Coker—aye, Don Clifford—aye, and Charles Moreno—aye. The motion carried by unanimous vote. Chris Berry suggested that they would just re-notice for the Design Review and include Northwood. Mr. Moreno said that Strafford would reach out and see if there was any possibility of meeting jointly. Mr. Berry said that they understand that they will need to apply to Northwood, and that the current notice is just for the Design Review.

The first order of informal business was to call on Tyson Bostrom regarding his PuroClean business, which he runs out of his home located at 25 Garland Road (Tax Map 4, Lot 56). Phil Auger returned to the Board. Mr. Bostrom has written up a brief introduction. He had been asked by the Board to come in and meet with them regarding the business use of his home and he has been advised that he likely will need Non-Residential Site Plan review and a Special Exception for business use. Mr. Bostrom asked the Board what they will need from him. Board

members explained that zoning allows home businesses, but that as a rule the Planning Board reviews site plans for businesses where more than one or two people are working in the home. The Chairman asked if Board members had any comments. Phil Auger thanked Mr. Bostrom for coming this evening, and noted that Mr. Bostrom says that he is looking for another location. He advised him to connect with the towns regarding commercial zoning. Mr. Bostrom said that he has a commercial realtor and lender, but that this is a difficult time to purchase property, so he may be working out of his home in Strafford for a while longer. He said that he was not expecting the growth in his business this year, and said that he does not want to get too big. It was agreed that Mr. Bostrom will begin working on the Non-Residential Site Plan application. Don Clifford noted that the ZBA is now asking for certified plans, but that the Planning Board has not voted a similar requirement into the Site Plan Regulations, so Mr. Clifford said that he does not think that the Planning Board can require an engineered plan. It was agreed that the application will need to include a plan drawn to scale. The application also asks for a narrative, and some kind of a map or plan. Mr. Bostrom said that he wants to be part of the community. It was noted that Scott Whitehouse lives nearby and could likely offer assistance with fire code questions. Board members suggested that Mr. Bostrom include plans for some limited additional expansion of his business, noting that frequently the Board will then ask people to come back before the Board if their businesses grow beyond what was anticipated.

The second order of business was to call on David Lovely, who has questions about the possible subdivision of his property located on Back Canaan and Canaan Road (Tax Map 4, Lot 83-1). Board members noted the question of frontage. Mr. Lovely asked about conservation development and strategies to conserve the larger back portion of the property. It was agreed that Board members will review the plans from the proposed subdivision of this lot back in 2004 and informal discussion will continue at next month's meeting.

The next order of business was correspondence from Eric Rowe regarding the conditions of approval for his site plan application for an agrotourism wedding/event venue. Mr. Moreno read out the letter and said that he had been in touch with counsel who had said that the letter needs to be referred to them. Don Clifford noted that the parties had already agreed to the required road improvements, while Phil Auger noted that both the Road Agent and Fire Chief had met with the parties. He noted that Mr. Rowe's son had produced the plans. He also noted that the ROW for Evans Mountain Road is of varying widths, and is especially wide in the steepest area; he believes more than 4 rods. He said that the ROW has been established by the surveyors and shows on recorded plans. Board members agreed that the conditions of approval were known at the time of approval. Board members asked Scott Whitehouse if Mr. Rowe would need an assembly permit for events, and Mr. Whitehouse agreed that he would. Board members asked if safe access would be required, and Mr. Whitehouse agreed that this would be necessary. Donald Coker finally noted that the letter should be turned over to the attorney. There were no further comments.

The final order of business was to call on Ken Pitman, who has contacted the Board regarding the subdivision of the land of Mark and Judith Whitcher (Map 1, Lot 20) heard at the January 7th meeting. Charles Moreno recused himself and tapped Phil Auger to serve as Acting Chair for this discussion. Mr. Pitman was not aware that the application heard in January was different than the application heard at the November meeting, so he did not participate in the January meeting. He has expressed concern about access to Waldron Road, which Berry Surveying indicated that they have confirmed is a Class VI road. He is particularly concerned that he and his family maintain access to the southern part of their land from Waldron Road. He noted that the Whitchers had put up a locked gate a few years ago, and he now has a key so he can access the road. However, he feels that if the driveway for the new lot uses Waldron Road for access, then improvements will be made to Waldron Road, and over time people will lose sight of the fact that the road is a public way. He said that he has experienced this elsewhere and that it could ultimately restrict access for others who need Waldron Road for timber harvesting, for the Fire Department, etc., potentially including concern about logging trucks damaging a paved driveway, etc.; things that are not an issue today. Phil Auger advised that the ROW will remain open but agreed that some Board members had wanted the driveway for the new lot to come off Province Road. He said that supposedly the applicants know that Waldron Road will have to remain open, and he said that these are the kind of problems that arise from development on Class VI roads, which is why the Board had been trying to work on updating the policies. Mr. Pitman suggested that the record of the Planning Board meeting would allow people in the future to know about this discussion. Donald Coker suggested that the recourse to any problems would come through the town. Phil Auger suggested that these might be issues for the Selectmen and suggested that Mr. Pitman meet with the Selectmen. Susan Arnold noted that Mr. Pitman's concerns have been raised within the 30-day appeal period. Board members noted that Mr. Pitman could submit his comments as a letter and appeal the final approval of the plans. Donald Coker asked if there was something concrete to appeal. Charles Moreno, asked if a release and waiver would be required for the new

driveway off the Class VI road. Lynn Sweet, former Selectman, was still in the audience and asked if they had contacted the Road Agent and asked what he might have said. She said that she thinks that Waldron Road would have to be brought up to town specifications in order to build the driveway off the road. Board members agreed that if Mr. Pitman wants to appeal/re-open discussion on the final approval of the subdivision plan, a letter should be finalized before February 7th.

Looking forward, Don Clifford asked if the Chairman was planning on scheduling any work sessions with the other Boards. Mr. Moreno suggested waiting until April so after elections and town meeting because the next month is very busy. He said that people need to decide what they want to focus on first.

David Copeland then said that he feels left out of the loop and said that he had met with the Board of Selectmen, who will now require that he, as Building Inspector, receive copies of all Planning Board correspondence going forward as if he were a member of the board. Brian Monahan confirmed the new requirement.

There being no further business before the Board, Phil Auger made a motion to adjourn the meeting. Brian Monahan seconded the motion. There was no further discussion and the Chairman called the vote. The vote went as follows: Phil Auger—aye, Brian Monahan—aye, Donald Coker—aye, Don Clifford—aye, and Charles Moreno—aye. The motion carried by unanimous vote. The meeting adjourned at 10:21 PM.