

Minutes

Planning Board Meeting

Location: Strafford Town Hall Conference Room

Date & Time: September 2, 2021 7:30PM

Board Members Present:

Charlie Moreno – Chairman
Phil Auger – Vice Chairman
Terry Hyland
Tim Reed
Brian Monahan
Donald Coker - Alternate

Others Present:

Natalie Moles, Strafford Regional Planning Commission,
Economic Recovery Coordinator
Jen Czysz, Strafford Regional Planning Commission,
Executive Director
Steven Whitley, Strafford Town Attorney

The Chairman, Charlie Moreno, called the meeting to order at 7:30PM, recognized the board members present, and indicated the next regular meeting of the Planning Board would be held on October 7, 2021, at 5:00PM. New applications needed to be filed by Tuesday September 14th, and revised applications for projects already under review must be submitted by Tuesday, September 28th. He indicated the meeting would run until 11:00PM and any new business would not be accepted after 10:30PM. There was a lot on the agenda, the board would need to allocate time for each item, and the meeting was to be recorded.

Design Review, Calverly Hill Farm LLC, proposed 6-lot conservation development subdivision, Leonard Caverly Road, (Tax Map 8, Lot 69)

The Chairman asked the board to take a vote to postpone the Caverly Hill Farm proposal to a date a time certain. Phil Auger stated that the Chairman had recused himself as a voting board member and that alternate Donald Coker would be a voting member. Phil Auger made a motion to carry forward the proposal to the October 7th meeting. Donald Coker seconded the motion. All members voted in the affirmative and the motion passed.

Non-Residential Site Plan Review, Jarod Lagsdin, Amanda Lagsdin & Gabrielle Holland, SCCH Ltd, d/b/a Parker Mountain Machine, 19 Fire Road 13 (Tax Map 31, Lot 71 & Tax Map 3, Lot 18-1)

The Chairman indicated the board was reviewing the application for completeness with respect to the board checklist and asked if the applicant was ready to make a presentation to the board. Attorney for the applicant, Josh Lanzette, indicated his understanding from last board meeting was that the application was complete would prefer the application be accepted before any presentation. The Chairman acknowledged this and proceeded to the completeness review of the plan. Tim Reed responded that his checklist review of the application indicated everything as present. Josh offered that they took all the board guidelines indicated at the last meeting, revised the plans to accommodate them, and met with the Planning Commission (“SRPC”). The Chairman noted SRPC’s completeness review using the site plan checklist. Having asked if there were any additional comments, the Chairman asked the board to entertain a motion to accept the application as complete. Phil Auger indicted this

to be so moved, and the motion was seconded by Tim Reed. When put to a vote, all members responded in the affirmative, and the motion carried.

The Chairman asked for the applicant to proceed with their presentation. Attorney Josh Lanzette thanked the board for the vote to accept the application, acknowledged surveyor, Chris Berry, and property owner, Jarod Legsdin as present. Josh pointed out that prior to this point SCCH Ltd d/b/a Parker Mountain Machine had approval from the Strafford Zoning Board of Adjustment for commercial operation as a home occupation, and it was their understanding that commercial activities on the property was not an issue before the Planning Board. He also indicated the building for commercial use was constructed on the exact footprint of a long-term existing barn that was razed by a controlled burn by the Strafford Fire Department. He pointed out that the application did not bring into question the construction of the building nor its use. The application addresses the expansion of commercial use due to the increase in the number of employees engaged in the operation. Further, it was his intention to provide answers to any questions by the board following his presentation. The Chairman responded that the board would guide the process of approval, ask appropriate questions based on board checklist requirements, and allow time for public comments. The Chairman also handed out copies of list of site plan review items to the board and gave one to the applicant upon request. Josh provided an aerial view of the property and conducted an electronic visual tour of the property which included burning of the barn. He pointed out various aspects of the commercial operation including office space, machining equipment, air filtration, an indoor sound-surpressed test firing range, and employee parking area. He also provided a chart indicating the level of noise generated by the commercial operation. Josh acknowledged prior noise complaints regarding the previous use of an outdoor test firing range and indicated this was no longer used in the commercial operation. He also pointed out that Strafford Fire Department conducted a life safety inspection of the property in June 2021, determined that NFPA requirements for operation were met, and so indicated in a Fire Department letter under Chief Whitehouse's signature. He indicated the building was given a certificate of occupancy as constructed in May 2021.

Surveyor, Chris Berry, in reference to specific plot plans, provided a description of property features as they related to the application process. It was noted that the original plot plan had an incorrect lot line which has now been indicated correctly on the plans before the board. He began by indicating the Zoning Board of Adjustment required either a lot merger or lot acquisition to meet specific ZBA requirements. It was decided to request a lot merger and current plans indicate this merger. He referenced a neighborhood plan indicated existing lot boundaries, site development, and abutting structures within 100' and 200'. A survey of the complete site was performed indicting a total area of over 12 acres with a portion of it in Current Use, and which will remain in Current Use. The plan references a right of way from Water Street to access the property which has been transferred forward by deed. The plan indicates wetlands that run along the west side of the barn (commercial building), the location of a septic field and well servicing the residence on the property, an off-site well, a septic field location if required in the future, and additional isolated wetlands at the rear of the building along with slopes that exceed 25% grade. It was also noted that there are no stone walls or cemeteries on the site. All the aforementioned is an effort to provide the board with information with respect to the applicant's change in operations regarding the number of current employees on site (6) during normal business hours as indicated on the plan with the possibility of expanding to 8 employees in the future. It was also noted that this property is the home for the applicant and the commercial building is his

garage, and as such, during off-duty times it is expected he will use the building for personal use. The plan also indicates a parking area to accommodate six vehicles. The parking area is currently gravel, but if paved in the future, the area will continue to meet storm water run-off rates. All improvements proposed are outside of structural setbacks. Included is an ADA parking site and signage in compliance with state code; however, the business establishment is not open to the public and does not have visitors nor customers. Thus, ADA requirements do not have to be met. Initially, no signage indicated business being conducted on the property; however, a sign at the beginning of the driveway is now planned and its design and placement will be brought before the appropriate board for approval. The number of proposed employees does not trigger sewage loads on site that would require greater than 75' distance from the existing well. Only box truck (40') and panel vans are anticipated to use the driveway to access the business. No tractor trailer units will need to access the site. A storm water run-off analysis is provided due to the proximity of Bow Lake to the property. Concern has been raised with respect to sewage disposal in the commercial building. The conventional home has normal sewage disposal and the shop has an incinerating toilet permitted by building and health codes which satisfies current sanitary needs. Should circumstances change that require hook up to conventional sewage disposal, the plan provides for an additional holding tank and septic field to handle increased volume with proper setbacks. Lighting fixtures which are not commercial lighting are also shown on the plan, and all are shielded and downward projecting.

Upon completion of the presentations, the Chairman indicated the board had a lot to consider for plan approval and the use of a review list would facilitate this process. He also indicated that it would be helpful to consider the request for voluntary lot merger at the same time since the two are linked. He stated that review checklist items need to be discussed among board members and if questions are raised then the applicant will be asked to address them as needed. The board began the process by addressing each of the following:

Hours of operation: Listed as 8:00AM-5:00PM Monday through Friday and Saturday 9:00AM-5:00PM. The town attorney, Steven Whitley, asked for a clarification on the hours. He stated that ZBA records indicated only Monday-Friday hours, but Saturday hours had been added on the plan before the board. Owner, Jarod Legsdin, indicated that normally he does not operate the business on Saturday. Attorney Whitley suggested the board might want to look closely at this to avoid conflict with ZBA operations approval.

On a separate subject, the Chairman asked the applicant what exactly his business does. The applicant responded that he operated a machine shop. The Chairman also asked to confirm six as the number of current employees and as to their status (full time or part time) and the possibility of expanding to eight employees. The applicant indicated all six were full time and reserves the right to expand to eight in the future in order to not need to seek board approval in this regard.

Donald Coker readdressed the issue of Saturday hours in conflict with ZBA approval. Josh Lanzette confirmed they would remove the plan reference to Saturday hours. Phil Auger addressed the need for an upper limit on additional employees. Josh stated that they would need to reapply to the board when employees were expected to exceed eight.

Customers and vendors: The applicant indicated there would be none.

Deliveries and shipments: The applicant represented that only box truck and vans would be making deliveries. The Chairman asked if a tractor trailer could fit up the driveway. Chris Berry responded that it could not nor could it turn around. He indicated a flat bed truck might be used to deliver or pick up machines. Donald Coker brought up the possibility of raw material delivery such as long steel bars. Jarod Legsdin responded that one of their neighbors, the Whitchers, allowed deliveries at their property and then materials are moved via small vehicles to the business property.

Zoning: The ZBA granted property commercial use approval based on three preconditions; 1) Planning Board approval, 2) driveway permit, and 3) lot merger. It was noted that there was a need for 200' of road frontage, and a need to satisfy agricultural/residential district land requirements of two acres of suitable land for development. The lot merger satisfies the two acre requirement; however, the 200' frontage may (or may not) require a waiver. The Chairman indicated that this was a lot of record and is grandfathered in that sense and the business was agreed to at a Planning Board meeting seven or eight years ago. Jen Czysz responded to the Chairman's question as to whether or not this needed a frontage waiver by indicated the application was not for new construction and therefore was a pre-existing, non-conforming condition not requiring a waiver. However, a future building footprint alteration would trigger the need for a waiver.

Stormwater: It was determined at a previous meeting that Bow Lake was about 500' from the property. The Chairman indicated the board would circle back to discuss this later with the merger request.

Acreage and Current Use: Phil Auger addressed a number of issues. He confirmed with Chris Berry the total acreage with the merger to be 12.1 acres. He also indicated and confirmed that a portion of the current use land extends into the residential lot. Additionally, one of the plans indicates an existing pistol shooting area, and he questioned whether it was still used or was it the former outdoor range and its inclusion in current use. Chris confirmed the plan should indicate it as former and a willingness to do an area calculation for current use minimums. Phil didn't think the former range would be a problem because of the 12 acres, but the storage container if it was not wheeled could be an issue. Phil readdressed the outdoor pistol range with respect to the capture of bullets, excavation, and number of bullets. Josh Lanzette questioned the relevance of this information. Phil indicated it was relevant with regard to impact to the site and potential lead contamination. Josh questioned if there was some regulation that prohibits this type of activity on the property and declined to answer the question. The Chairman readdressed the overlap of the residential property and the current use area. Chris indicated he had not been given a current use map, but it should be determined if tillage of the site would result in less than 10 acres in current use.

Merger of lots: The pending lot line merger will resolve a number of Planning Board concerns; encroachment on buildings and wetlands setback, two acre lot minimum, and well radius.

Driveway and easements: Question about easement language was addressed by Chris Berry who indicated this had been clarified with Natalie Moles in that the property deed clearly provides easement for access to the property. The Chairman asked the town attorney if he had a chance to look at the deed. He stated he had, and he did not find any indication or language that would prohibit

commercial use within the scope of the easement. In response to a question of the driveway grade needing to be less than 12%, Chris stated it was not indicated on the plan, but he would determine the grade which he believed would be around 8% and provide results to the board. If 12% or greater, a waiver would be required. The question of a driveway permit was discussed with reference to a road agent's letter indicating the need for swale construction should the driveway be paved. Tim Reed commented that this was not a concern since no additional water would be sent down the driveway.

Septic System: Phil Auger asked Chris Berry what the septic system for the business was and whether there was any grey water. Chris indicated there was no septic system and no grey water since there was no water supply to the building. The employees used an incinerator toilet and a dry hand wash station. Chris also indicated that the plan allowed for additional septic requirements to be addressed should a water supply be added to the building in the future. No plans for this have been submitted.

Hazardous substances: No report of hazardous substances had been submitted by the applicant. They determined there were no hazardous substances on site, all shop wastes are captured, stored and taken off site, and the facility has no drains and no water supply to allow any hazardous run off. Further discussion among the board and the applicant addressed the use of machine shop coolant and oils, their subsequent separation, recycle, and removal. The recycle and removal of metal waste was also discussed. Don Coker addressed the presence of lead on the property as an environmental concern due close proximity to Bow Lake and the issue of noise abatement with regard to personal firearm use. After a lengthy discussion, clarification from the town attorney regarding no town authority to regulate personal firearm use, and applicant representation that there is no longer any commercial use of the outdoor range, the board concluded that these two issues are not relevant to the application. The Chairman proposed the applicant provide a list of hazardous materials used in the commercial operation.

At this point, the Chairman recognized the need to allow public comment even though the review process was not complete.

Brian Lake, 9 Fire Road 13, abutter to applicant, spoke in support of the applicant.

Liz Nolan, attorney representing Scott Young, abutter, 32 Lake View Drive, asked if the public will have another opportunity to be heard since the board had not completed its review, to which the Chairman responded that additional time would be provided. Attorney Nolan asked the board to be very clear on any conditions necessary for approval especially regarding an upper limit of employees that if exceeded would require subsequent board approval.

Eric Almezin, 6 Overlook Lane, spoke in support of the applicant. He indicated that in his review of the town master plan and in his opinion, the applicant's business enterprise does not violate any terms of the plan.

Tom Kurnell, 34 Lake View Drive, expressed concern over possible expansion of applicant's business and the possible impact it might have on a residential lakeside community and when it might no longer be allowed. He asked the board to consider an upper limit of employees that would prevent continued operation.

Pat Lavoy, 6 Overlook Lane, spoke in support of applicant and the need to consider his employees and the security of their jobs.

Scott Whitehouse, Strafford Fire Chief, spoke in support of the applicant with respect to the conduct of his commercial operation, secluded location, energy conservation, meeting NFPA requirements, and consideration of future requirements.

Having heard all public comments, the Chairman indicated that in order to allow time for other agenda considerations the board should move on without addressing remaining checklist items, but needed to clearly define requirements for the applicant to address in preparation for the next meeting. Brian Monahan expressed the opinion that the board should complete the approval process now since nothing would be gained by further delay. After some discussion, the Chairman agreed the approval process needed to continue despite the late hour and once again addressed checklist items.

Noise abatement: Don Coker brought up the issue of the previous noise complaint regarding use of firearms on the property. Tim Reed commented that during public comments an abutter indicated he had not heard any noise associated with firearm testing in the indoor range. He also confirmed that the applicant has indicated no further commercial use of the outdoor range for testing.

Floor plans and elevations: The Chairman inquired as to the height of the roof line which was not indicated on the plans. Chris Berry did not know the height, but was willing to provide that information. Tim Reed remarked that the height of the new building did not seem to exceed that of the old barn as viewed in the virtual presentation. Chris Berry confirmed this to be the case and the town building inspector indicated the height of the building was not a concern.

Sanitary facilities: Tim Reed expressed concern regarding lack of water and septic for a commercial operation, the use of a personal residence for this purpose, and how an increase in employees might require the installation of water and septic. Tim also questioned if a commercial building was required to have a water supply. The town building inspector indicated he was not aware of any Strafford building code requirement for this, and that this was a home business. Natalie Moles confirmed this with respect to Planning Board approval guidelines. The town attorney mentioned the plan incorporated septic system improvements or changes for additional capacity which would need to be approved by DES and it would be appropriate to define the point in which this would be required. The Chairman asked for Chris Berry to comment and he indicated that any building expansion or an addition of employees above eight would require consideration and approval by the board. Josh Lanzette indicated that an incinerating toilet and hand wash station was permissible for this operation, but the applicant was prepared to upgrade the facility should the business expand.

Storage: Other than a dumpster on site, no other issues were identified.

Utilities: None were noted to be addressed.

Lighting: Fixtures were downlit and shielded with no resulting effect on night sky.

Fire prevention: Strafford Fire Chief's letter referenced as sufficient.

Signage: Proposed sign at entrance to driveway would require a separate permit.

Parking and Landscape: Currently parking for six employees with expansion to eight is incorporated in the plan.

Stormwater: Tim Reed addressed the need to change inspection requirements following rainfall on sheet five of the plan from 2½" to .25" as indicated in the storm water maintenance plan. It was determined that 2½" rainfall was correct and the storm water maintenance plan should be changed. Tim also noted that plan sheet five, note 20, indicated a reduction in impervious area; however this was noted as increasing by 768 sq ft, and the note needs to be removed or stated correctly. Additionally on plan sheet five, Tim questioned if the proposed contours for a few parking spaces for the residence were the same as other parking spaces. Chris Berry confirmed this and indicated it would be detailed in the plan. Also, a snow storage area needs to be identified on the plan and proper perimeter control methods determined. Chris indicated the snow area would be added and that a number of perimeter control methods on the plan where there to allow a contractor to select a proper method. Chris also explained to the board's satisfaction the reference in the O & M manual to a level spreader. The plan also needs to reference a proper method to control and remove ground water during excavation. The board agreed to provide a list of the above changes and considerations to the applicant.

Wetlands: The Chairman indicated this to have been previously and adequately addressed.

Having completed the review list, the Chairman asked for further comments from the board. A brief discussion of specific requirements where the applicant would need additional board approval included number of employees exceeding eight, building foot print changes, change of property use, and noise level changes. Discussion took place regarding use of a noise level table as referenced in the applicant's presentation as a baseline limit that when exceeded would require further board approval. Upon the town attorney's recommendation, the board accepted any commercial use of the outside test firing range as a reason for the board to re-assess commercial use approval. Additionally, the applicant agreed to provide the noise level table for inclusion in the board proceedings record.

The Chairman once again allowed for public comment, including any from the applicant; however, there was none, and he closed the meeting to public comment.

The board proceeded to discuss a number of conditions for approval that would be read into the motion for plan approval. The Town attorney suggested prior Zoning Board of Adjustment proceeding with regard to this property use be incorporated into the Planning Board record. Additionally, it was determined, as not a condition of approval, applicant would provide a list of hazardous materials used in the commercial operation.

Upon completion of discussion, the Chairman made a motion to approve the site plan as presented with the following conditions (**not to be considered final version**):

1. Change reference to existing shooting range to former commercial shooting range.

2. Provide town an updated Current Use map.
3. Obtain DES approval for the septic system.
4. Add note to plan indicating no commercial shooting on outdoor range
5. Total number of employees on site at one time, excluding owner, limited to eight.
6. New sight plan required with change in business use or building square footage area increase and/or condition number 5 exceeded.
7. Stormwater Maintenance Plan (detailed list to be provided by Tim Reed).
 - Change rainfall amount in storm water maintenance plan to 2½”.
 - Change Note 20 to read increase in impervious area by 768 sq ft or remove it.
 - Indicate snow storage location or indicate not in the rain garden.
 - Indicate flow of watering – practical use of water bags.
 - Update the O & M plan.
8. Indicate driveway grade in the plan.
9. Remove any reference in plan materials for Saturday hours of operation.
10. Delete note 20 on sheet 5 referencing a reduction in impervious area (addressed in 7 above).
11. Provide a list of hazardous materials (agreed above to not be a condition of approval).

Brian Monahan seconded the motion. There being no further discussion, the Chairman put it to a vote which was unanimous and the motion passed.

Voluntary Lot Merger, Jarod Lagsdin, Amanda Lagsdin & Gabrielle Holland, SCCH Ltd, d/b/a Parker Mountain Machine, 19 Fire Road 13 (Tax Map 31, Lot 71 & Tax Map 3, Lot 18-1)

Having been previously discussed, the Chairman ask for a motion to accept the voluntary lot merger which was so moved by Phil Auger and seconded by Brian Monahan. When put to a vote, all responded in the affirmative, and the motion carried.

Major Subdivision, Chistopher & Stephanie Wilson, 3-Lot Subdivision (Tax Map8, Lot 28 and Lot 28-1)

After a short break, the meeting continued, and the board considered plan approval. Robert Stowell, Trittech Engineering Corp, representing the Wilsons, indicated the site walk was productive and prior board meeting requirements were incorporated into the plans; indicating monument for Class A trail, relocating a turnaround and driveway, adding note about public roadway and Class A trail, and updated lot lines and trails. Tim Reed questioned what the 4000 sq ft rectangles were on the plan. They represented septic system placement, but needed to meet the 100’ setback, and should be adjusted on the plan. Discussion concluded, and the public was invited to make comment.

Bob and Pam (last name unknown), 116 Range Road, abutter, question legality of the plan with respect to frontage on Range Road and concern about the agricultural and rural nature of the area being disrupted by further residential development and road upgrade which would change the quality of life in the area. Phil Auger indicated that each proposed lot had legal frontage on Range Road. Donald Coker commented that landowners have the right to subdivide their land as long as it meets Planning Board criteria.

Unidentified speaker, long term resident, indicated concern about increased traffic and effect on rural nature of the area.

Daniel Moers, 134 Range Road, commented that plan appeared to be improved, but expressed concern for increased traffic impact on the dirt road and safety of the residents.

There being no further public comments, the Chairman closed the public session and asked for a motion for approval with conditions, so moved by Phil Auger and seconded by Tim Reed. All voted in favor and the motion passed. The board then discussed the condition of approval to the relocation of the 4000 sq ft area on Lot B to allow proper septic setback. Once again a vote was taken with all in favor which granted approval of the plan.

Major Subdivision, Patricia Fabian, Cross Road (Tax Map 10, Lot 55-4)

Dave Vincent, Land Surveying Services, was present to represent the Fabians. The Chairman indicated that no presentation was required since the board was only considering application acceptance. A written waiver request is on record for lot line setback for wetlands; however, 75' well radius depiction, note for exposed ledge and soil classification, and a plan set note need to be added to the plan. Tim Reed questioned whether waiver approval was required prior to approval. Natalie Moles indicated acceptance was an administrative process that does not imply adequacy or merit and further conditions/requirements, such as waiver approval, would be addressed in the plan approval process. When asked about cemeteries on the property, Dave indicated he had not viewed the entire property, but the owners were not aware of any.

The Chairman called for a motion to accept. Terry Hyland moved to accept the plan with conditions. It was seconded by Phil Auger; however, discussion of these conditions continued resulting in the following:

1. Wavier for septic setback line.
2. Plan set note along with plan set recording.
3. Plan set note for exposed ledge.
4. Plan set note delineating soil classifications.
5. Plan missing cut-off lot line for Lot 55-5.
6. Plan missing 75' well radius depiction
7. Change of plan title to major subdivision not minor subdivision.

With these conditions specified, the Chairman brought the motion by Phil Auger to accept the plan for consideration to a vote. Tim Reed seconded the motion. All voted in favor and the motion carried.

Review of the subdivision and public hearing will take place at the next Planning Board meeting on October 7, 2021.

Voluntary Lot Merger, Patrick and Danielle Doughty, 22 Extension Road (Tax Map 9, Lots 26 & 25)

The board briefly addressed this voluntary lot merger with regard to its location and abutting properties. Upon completion of discussion, Phil Auger moved to accept the merger, Terry Hyland seconded, all voted in favor, and the motion carried.

There being no further business, Phil Auger made a motion to adjourn, seconded by Tim Reed. All voted in favor and the meeting adjourned at 11:40PM.