

Planning Board Meeting

November 5, 2009

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, James Graham, Donald Rhodes, Lynn Sweet and Alternate member, Kate Sawal.

The Chairman called the public meeting to order at 7:40 PM and announced the members present. The closing date for applications to appear on the agenda for the December 3, 2009 regular meeting will be 5 p.m., Tuesday, November 17, 2009. The Chairman reminded the audience that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM.

The Chairman reviewed the agenda for the evening and announced that the Public Hearing in accordance with NH RSA 231:158 and the Town of Strafford Scenic Roads Ordinance would be the first item of business for the evening. Further discussion of the Damara Mass, Inc. application will take place following the hearing regarding the road. Public notice was published in Foster's Daily Democrat on October 28th and 29th and posted as required.

The Chairman then opened the Public Hearing on the request of DAMARA MASS, INC. for permission to trim and/or remove trees and remove portions of stone walls along a section of Back Canaan Road, a designated scenic road in the southeasterly portion of the Town of Strafford, in order to construct the entrance to a new subdivision road ("Averback Circle") to be located on Tax Map 4, Lot 83-1, and to pave a section of the traveled way of Back Canaan Road between the proposed new subdivision road and the intersection of Back Canaan Road and Canaan Road. The Chairman read from the Scenic Roads Ordinance and reminded the audience that the ordinance covers only work within the road right of way. He then called on Randy Orvis of Géomètres Blue Hills, representing the applicant. Mr. Orvis advised that they are here regarding tree-cutting and removal of the stone wall at the road entrance area and regarding the question of whether Back Canaan Road should be paved up to the entrance to the new subdivision road. Mr. Orvis advised the Board that the applicant does not care if the road is paved, but noted that they will work with whatever the town requests. He noted that there had been discussion at the last meeting about the edge of the road getting damaged from traffic entering and exiting the new subdivision, as well as discussion about the question of maintenance. We are here to find out what the town wants, he concluded. Discussion briefly turned to the proposed entrance, which is designed as a typical street entrance with 22 feet of paving flaring out to meet the travel portion of Back Canaan Road, for a total of about 44 to 45 feet of disturbance of the stone wall and trees in the right of way.

The Chairman then opened the hearing to the public. Jean Chartrand asked why the hearing was being held if the applicants were not requesting to pave the road. Steve Leighton, one of the Selectmen, advised that it was the Town's position that they wanted the road paved. Charlie Burnham asked if the applicant would pay for the paving if required. Mr. Orvis agreed that they would prefer not to, but would pay for the work if required as a condition of approval. Planning Board members advised the audience that a majority of Board members wanted to investigate the question and learn the public response, and also advised that the Board was concerned about the question of maintenance. Mr. Burnham replied that the Board had requested that the development shift the entrance from Canaan Road to Back Canaan Road, knowing that the latter road was not paved. He said that it was his feeling that paving this section would be a foot in the door to paving more of the road, and said that he could see no advantage. He advised that although Back Canaan Road has seen a lot of development in the past few years, all of the residents knew that the road was unpaved when they purchased and have chosen to live there, and further noted that at the time, all residents of the road had supported the petition for scenic road status. Board members replied that they would have only this one opportunity to require the developer to contribute to the increased road costs that would be associated with adding approximately 60 trips per day to this section of road, since each lot is expected to generate 10 trips per day. Discussion then turned to possible options. It was agreed that the options are to pave approximately 350 feet from the end of existing pavement at the Canaan Road/Back Canaan Road intersection to a point past the new subdivision road entrance, not to pave, or to pave only a small stretch right at the entrance point. Mr. Leighton noted that the biggest problem is the point where the gravel meets tar, and that paving only a small stretch would create more of these problem areas. Charlie Burnham asked if the Road Agent might comment, noting that the 350 foot stretch of the road under discussion seems to be one of the best parts of the road. Dan

Phelan then asked for more information on the costs of maintaining gravel versus pavement, especially if the costs of eventual repaving were included into maintenance costs. Mr. Phelan then worked through his six-point list of prepared remarks, focusing, in turn on the following: the scenic nature of the gravel surface; the eco-friendly nature of a gravel, non oil-product, surface; the slowing of traffic on gravel roads; competitive road maintenance costs, if repaving is included in the equation; and three requests: that the developer be asked to donate to the road maintenance budget rather than asked to pave the road; that a plan restriction be added stating that the residents could not ask for their road to become a town road unless it was paved (already addressed because the subdivision road is designed to be paved) and any further deed restrictions that the Board might require.

Greg Messenger, the Road Agent, addressed the group, and noted that he is concerned that increased traffic on that stretch of road will add to the costs of maintenance for the town, but agreed that this section of road is in good shape now. Charlie Burnham noted that the town will still need to maintain another mile of gravel road beyond this point, no matter what happens in this stretch. Jean Chartrand addressed the Board and said that she would like to see the Board support the wishes of the neighborhood. Greg Wilder asked about the Seward family cemetery, which is further up the road and will not be affected. Several abutters spoke in favor of the impact fee idea for using developer funds for maintenance rather than paving. The Selectmen and Board members explained that impact fees cannot be assessed in this way. The Board asked if there was anybody on the road who wanted paving. There were no responses. Jim Graham noted that the new families in the development are not being represented. Neighbors pointed out that buyers would know that Back Canaan Road was a gravel road when they purchased, and again asked the Board for support of the existing residents of the neighborhood. General discussion followed, with neighbors, Board members, and the Road Agent all discussing the maintenance question and the question of responsibility and costs. Paul Eaton asked if there are any other subdivision roads entering onto gravel roads. Mr. Messenger said that he could not think of any. He noted that there is always an issue with the joint, and noted that typically potholes form in this location. Gravel intersections and permeable pavement were all discussed, with the question of the transition area remaining the key. Randy Orvis noted that the intersection is designed so that the water will drain off the gravel road onto the paved surface because of the grade of the land. Lynn Sweet again noted that the town is asking for pavement because of the maintenance costs and noted that they are only asking to extend the existing pavement by about 350 feet. Actual costs for paving were discussed.

The Chairman then recapped the discussion, noting first the points suggested by the neighbors in opposition to the request for paving, including gravel slowing traffic; gravel keeping traffic counts down; ecofriendly considerations, although it was noted that gravel is considered an impervious surface; gravel contributing to the scenic nature of the road; this small paving project potentially acting as only the first step in a larger paving project; and finally, local neighborhood control versus the town. The arguments for paving, the Chairman noted, are the increased expenses for maintenance, and the idea that these are costs that the town should not have to bear, the fact that paving is cheaper to maintain on an annual basis, the fact that the first 130 feet of Back Canaan Road are paved at the intersection and this would only extend that area by 350 feet, the paving would allow continuity with the new subdivision road, and the fact that the town should not turn down the opportunity to have the developer shoulder the costs of paving. There were no additional comments and the Chairman then closed the public hearing.

The Chairman then turned to Board members. Paul Eaton said that he felt that you could make a good case either way, but noting the people here, he said that he felt that the Board should go with the neighborhood, and that the paving would not save much in maintenance, given the rest of the road. Jim Graham said that he agreed with Mr. Eaton, noting that personally he would like to have the road paved, but that he does not live there. Don Rhodes noted that it is obvious that the neighborhood is satisfied with the Road Agent's work. He said that from the Town's point of view, it makes sense to require the paving, but noted that he does hear what the neighbors are saying. Nonetheless, if there is a way to keep costs down, you need to do that, he said. Jim Graham then suggested a compromise, suggesting that the Board require that Back Canaan Road be rebuilt to current specifications but no paving, including a new base and crushed gravel. After discussion, all agreed that this would be a good compromise. Paul Eaton then made a motion, seconded by Jim Graham, that the developer be required to improve a section of Back Canaan Road from the intersection with Canaan Road to the end of the Damara Mass, Inc. property, constructing an improved gravel base according to Town specifications and improving drainage, working within the existing traveled way and no pavement, with no disturbance to trees and stone walls. The Road Agent will inspect the culverts; they are fairly recent but may need to be changed. Discussion on the motion centered on what the town would gain from the improved gravel surface and whether the improvements would address concerns about the intersection and the transition between gravel and pavement. A brief general discussion regarding the transition area

then followed. Randy Orvis suggested again that he felt that the transition would benefit from the fact that the land slopes down into the development. Charlie Burnham, an abutter, noted again issues with the brook and impacts from road work. Jim Graham again noted his suggestion would get the developer to shoulder some of the costs by improving the road bed so that it is ready for pavement, if and when it might be desired. Steve Leighton noted that the apron area would have to be paved because it is part of the subdivision road. There being no further discussion on the motion, the Chairman then called the vote. The motion passed by a vote of 3 aye votes to 2 nay votes of the regular members of the Board.

The first order of continuing business was the application of DAMARA MASS, INC. for 6-lot conventional subdivision of their property located at Canaan Road and Back Canaan Road (Tax Map 4, Lot 83-1). Randy Orvis of Géomètres Blue Hills presented revised plans and explained the various revisions to the Board. Mr. Orvis noted that State of NH dredge and fill in wetlands and subdivision approvals are pending but have not yet been received. He also noted that he has a bid from a contractor for the costs of building the subdivision road, but that the bid will need to be updated to include the Back Canaan Road project just approved. Mr. Orvis said that he hopes to meet with the Selectmen soon regarding bonding for the road costs. Steve Leighton noted that the financial guarantee will need to be either a bond or cash; no letters of credit will be approved. Steve Leighton also suggested that the stone walls be turned in along the new road to maintain the stone as required by the scenic roads ordinance, and all agreed that this would be good idea. Board members then reviewed the revised plans and noted the items missing and/or needing completion: conditional use permit for wetlands buffer infringement; state permits; post the financial guarantee for on and off-site improvements, construction inspection, monumentation and silt fence removal post-construction; note that the stone walls should be turned in to re-use the stones on the property; show pavement on Averback Drive to the edge of the Back Canaan Road travel way; complete off-site improvements on Back Canaan Road to the end of the property as agreed during the Scenic Roads hearing and stated in the motion at the conclusion of the hearing, including removal of existing surface and rebuilding the road base; and add wetlands buffer lines to the plan. Discussion then turned to the Conditional Use Permit. Mr. Orvis filed a letter of application for the permit, based upon the plans for construction of Averback Drive as shown in the plan set. The wetlands buffer infringement extends along the edge of the new subdivision road. Board members noted that the roadside ditches drain toward the detention pond. Long term erosion control specifications were reviewed. It was agreed after discussion that long term seeding and staked hay bales in the ditch area are the best solution for erosion control for this site. Reviewing the ordinance, Board members agreed that criteria A through D have been met, and the applicants have applied for a dredge and fill permit from NH DES. The Conservation Commission had no objections to the wetlands application. A motion to grant the conditional use permit per the 10/7/09 application letter was made and seconded. The vote was unanimous in the affirmative. Noting that all of the issues raised during review of the application have been addressed, Lynn Sweet then made a motion to approve the plans for 6-lot subdivision, conditional upon the completion of the items noted above: state permits, financial guarantee, plan revisions as noted above, and the completion of off-site improvements on Back Canaan Road. Paul Eaton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The next order of continuing business was the application of PETER BERUBE II and DONNA BERUBE, 119 First Crown Point Road (Tax Map 20, Lot 43-1A) and PETER and LENA BERUBE (Tax Map 20, Lots 43-1B and 43-1C) for boundary adjustment between their properties. Peter Berube was present. Jon Berry of Berry Surveying and Engineering presented revised plans. They have calculated the area of the driveway accessing Lot 43-1A, and have found that if the remainder of the ROW is added to the back lots, the area will just meet the requirement for 10 acres for current use. Jon Berry then submitted a written request for a waiver to the subdivision regulation regarding lot configuration and the 75 foot minimum width for a lot. Paul Eaton said that he felt that granting the waiver was justifiable since the lots were originally laid out a number of years ago and the width for a ROW remains the same, and the ROW must be owned as part of a lot. He thanked Mr. Berry for submitting a letter with a good explanation of the situation for the files. Board members agreed that there was little to discuss. Paul Eaton then made a motion, seconded by Don Rhodes, to grant a waiver to Article 2.6.2 Lot Configuration, to allow the 50 foot width along this section of the lot. There was no further discussion and the vote was unanimous in the affirmative. Jim Graham then made a motion to accept the plans as complete for consideration. Lynn Sweet seconded the motion; there was no further discussion and the vote was unanimous in the affirmative,

The Chairman then opened the public hearing. There were no comments. Jim Graham then made a motion to accept and approve the plans for boundary adjustment as presented this evening. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The applicant was directed to bring the mylar and copies to the town office for signatures and recording.

The first item of new business was the application of TERRENCE & MARIE HYLAND FAMILY REVOCABLE FAMILY TRUST AGREEMENT of 2009 and WILLIAM C. & MARYANNE MAGUIRE for 2-lot subdivision of property located at 162 First Crown Point Road (Tax Map 20, Lot 46). The Hylands and the Maguires were present. Jon Berry of Berry Surveying and Engineering presented the plans. The Hylands hope to divide the 7.13 acre parcel into two parcels. Lot 46 would be 3.50 acres and would include the existing home. Lot 46-1 would be 3.63 acres, and has more than the required frontage along First Crown Point Road, which runs along two sides of the property. Both lots would meet the requirement for contiguous area for a duplex. Mr. Berry noted that they have not yet applied to NH WSPCC for septic subdivision approval.

Board members then reviewed the plans with the checklist. There were no items missing and/or needing clarifications. Lynn Sweet then made a motion to accept the plans as complete for consideration. Paul Eaton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The Chairman then opened the public hearing. There were no comments from the audience. Don Rhodes asked about the proposed driveway location. Jon Berry advised that there is good sight distance from the corner all along the property boundary and there are no wetlands in the ditch area. Mr. Rhodes noted that they will need a driveway permit. There was a brief discussion about the best location and type for monuments. There being no further discussion, Jim Graham then made a motion to accept and approve the plans for 2-lot subdivision, conditional upon the receipt of NH WSPCC subdivision approval, upon the receipt of a driveway permit, and upon the setting of monuments. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The applicants were advised to bring the mylar and copies to the town office for signatures and recording once completed.

Board members then reviewed recent correspondence. There being no further business before the Board, it was moved, seconded and voted to adjourn at 10:30 pm.