

Minutes

Strafford Planning Board Meeting

October 1, 2020

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 +1 319-449-0420 and using the assigned meeting code or by clicking on the website address: meet.google.com/teu-hmqi-cos.
- 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 7:31 PM by taking roll call attendance. Members present were Charles Moreno, Chairman, Phil Auger, Terry Hyland, ex-officio member Brian Monahan, and Don Clifford and Donald Coker Alternate members. Susan Arnold, newly named Alternate member, joined the meeting during review of the Perkins application. There were several unidentified call-in members of the audience. The closing date for applications to appear on the agenda for the November 2020 regular meeting will be 5 P.M. Tuesday, October 13th, 2020; revised materials for continuing applications must be submitted by Tuesday, October 27th. Several Board members did not have immediate access to the September minutes and it was agreed to review of the minutes to the end of the meeting. It was noted that one regular members was absent and the Chair advised that Donald Coker was designated as a voting member for this evening.

The first item of continuing business was the application of DAVID and PAMELA PERKINS for the 6-lot subdivision of their 135± acre property located on Province Road near the Barnstead line (Tax Map 1, Lot 18). Ray Bisson of Stonewall Surveying presented the plans. David and Pamela Perkins were present. It was noted that the Board conducted a site review on September 10th; Mr. Moreno noted that although he had missed the site review, he had recently met with Mr. Perkins on-site to look at the property. Mr. Bisson presented revised plans to the Board, noting a few changes from the original proposal. He has added a frontage and area table; he noted a typographical error regarding the frontage for Lot 5, which should be 686. They have also moved the boundary for Lot 1 to the stone wall as suggested by the Board, with the remainder lot keeping a 50 foot ROW along the boundary of Lot 1. Donald Coker confirmed with Mr. Bisson that this solution is acceptable to the Perkins family. He said that their preference was the original layout, but they accepted that the 50 foot ROW was an issue for the Board. Mr. Bisson noted that the advantage of the revised layout is that the driveway for Lot 1 is now located on the lot. The plans now

show a dedicated pedestrian access to the Boody burial ground and also show a pedestrian access easement to the shore of the ponded wetlands area in favor of Lots 4 and 5. Phil Auger immediately spoke of his concern with the impacts of the development on the wetland system, suggesting a more creative layout, perhaps clustering lots away from the wetlands so as to protect the wetlands. He said that he feels that we should be trying to keep people away from the wetland, and spoke of his concern with the fact that the Board is only reacting to the proposal, saying that he wished that the applicants had met with the Board and tried for a more creative solution that focused more on natural resource protection. Donald Coker said that he feels that the Board has the ability to put reasonable conditions of approval on a project, and suggested that this might be a solution, asking what the Board could do to help protect the wetland. Greater setbacks were suggested, and Mr. Auger said that he does not want the access easement for Lots 4 and 5, because fewer people to the wetlands edge is better. Mr. Bisson noted that any buildings on Lots 3, 4 and 5 would be closer to the road, and noted that the easement would just provide an opportunity for people to walk and view the wetlands, as it is not deep enough for boats, a dock, etc. Mr. Moreno said that the cemetery easement seems reasonable, while Mr. Auger suggested that a greater setback might be good. Terry Hyland asked where the cemetery was located on the lot, and suggested that because the cemetery is located away from the probable house site, the setback seems reasonable. He suggested that he does not think that it would make sense to change setbacks requirements during review. Other Board members noted that the Board is allowed to propose conditions of approval such as increased setbacks. Ray Bisson noted that he would be willing to increase the setback around the Boody cemetery to 50 feet, especially as this cemetery has no defined boundary.

Discussion turned to the pond and proposed setbacks. Mr. Moreno noted the purpose of protecting the natural resource/pond. He noted that the state's Shoreland regulations are written for great ponds, so would not apply here, but suggested that maybe elements of the Shoreland regulations could be brought in here. Board members agreed that clustering the homes in the uplands would have been less disturbing to habitat. Phil Auger noted that this is important turtle habitat, and noted the species of concern that probably use this area, saying that he would like to see new houses as far from the wetlands as they can get. Board members focused particularly on Lot 2. Mr. Bisson suggested deed restrictions such as no fertilizers and lawn chemicals. Phil Auger said that it is important to retain natural vegetation around the pond, as lawns cause problems. The Chairman noted that he had walked the site independently, and that he suggests as a minimum that the Shoreland protection rules should be followed. He also suggested considering identifying a no-disturbance zone along the edge of the pond. Phil Auger suggested redesigning the project to cluster the proposed new homes toward the road and protecting the wetlands; otherwise, he said that he would like to negotiate for significant buffers with no clearing, driveways or houses. Terry Hyland asked for clarification on whether the current building setback is a no-disturbance setback or simply regulates buildings. The building setback only controls buildings, although the wetlands buffer requirements in Article 1.4.4 would require a more restrictive 25 foot wetlands buffer zone around this wetlands due to its size, in addition to the building setback. Charlie Moreno asked if a 100 foot no-disturbance buffer would be workable, noting that the key issues are retaining natural vegetation and no stumping. He noted that seeing the wetlands area is part of the value of the proposed lots, and again suggested working from the Shoreland rules. Board members looked at the plans and following a lengthy discussion, it was agreed that a 100 foot setback line would likely lead to the elimination of one or two of the proposed lots. Ray Bisson said that he was concerned that Board members' concerns had not been raised at the September meeting nor during the site walk. He also noted that proposed Lot 5 also includes smaller wetlands areas, complicating the idea of clustering homes in a conservation-style plan. Board members briefly discussed whether and when it is appropriate to comment on the larger merits and design of a plan, and agreed that it would be best if applicants approached the Board before beginning work. It was finally agreed that it would be impractical to require a full re-design at this point in the review process. Mr. Moreno again returned to the proposal to establish a 50 foot undisturbed buffer along the pond/wetlands area, as would be required under the Shoreland rules. Mr. Moreno noted that he had discussed this with Dave Perkins, and feels that this would be a good compromise. A note would be added to the plan, and the restrictions would be included in deeds to the new lots. Phil Auger finally agreed that this would be preferable to a 25 foot buffer. Mr. Moreno asked Board members to explain their greatest concerns, and put together the following list: not disturbing the natural groundcover, no stumping, no fill, no disturbance of the soil and no conversion to lawn. This is similar to the current requirements for the first 50 feet under the Shoreland rules. It was noted that the house locations shown on the plans are just guides and are not fixed. Board members agreed that the plans are well done. There being no further comments, the Chairman then opened the public hearing on the application, asking that people state their name. There were no comments from the audience.

Ray Bisson then advised Board members that he was in contact with the Dave and Pamela Perkins and that they are on board with the 50 foot buffer proposal. He also noted that he will remove the pedestrian easements proposed for pond access for Lots 4 and 5. Mr. Bisson suggested that he could reference Zoning Article 1.4.4, Section 3 on the plan, state that a minimum buffer of 50 feet, natural vegetative cover and no stumping, is being established as a condition of approval from the Board. Mr. Moreno noted that this would dedicate an uplands strip within 50 feet of the wetlands associated with the pond, predominantly on Lots 1 and 2, following the Shoreland protection language. As there is already a 50 foot setback line on the plans, Mr. Bisson suggested labeling the line "50 foot building setback plus Shoreland protection zone--see Note 14" (Note 14 to be created). The Chairman then closed the public hearing.

Board members noted that the following items had been agreed upon: increasing the setback around the Boody cemetery to 50 feet; remove the proposed pedestrian easement to the pond and the associated Note 7; add clarification to the 50 foot setback line and add a note (it was agreed the new note could replace Note 7) regarding the no-disturbance buffer around the pond. There were no items missing on the plan, state subdivision approval has been received, driveway locations have been approved, and all stamps are on the plans. Mr. Bisson had noted a typographical error in the frontage/acreage chart, which will be corrected. The Chairman asked if the Board was ready to approve the plans for 6-lot subdivision with conditions. Phil Auger agreed and so moved to approve the plan with the changes noted above--designate an additional buffer on the burial ground, a 50 foot buffer line around the pond/wetlands/hydric soils area, a note explaining the buffer using language similar to the Shoreland Protection Act, and removing the proposed access easement to the pond for Lots 4 and 5. Donald Coker seconded the motion to approve the plans with the four conditions. The Chairman then called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. Mr. Bisson was directed to bring the corrected and completed plans to the office for signatures, accompanied by checks for recording fees.

The next order of continuing business was the application of the TROY A. ROBIDAS and BETTY A. ROBIDAS REVOCABLE LIVING TRUST for the 4-lot subdivision of their property located at 441 First Crown Point Road (Tax Map 19, Lot 48). Ashley Rowe of Norway Plains Survey Associates presented the plans; Stacy and Douglas Carlson, abutters, were also present. The Board conducted a site review for this property on September 17th, revised plans have been submitted. It was noted that prior to the site walk, the applicants decided to map the wetlands on the front portion of the lot and those plans were provided to Board members at the site walk. As a result the original waiver request has been revised; they are now only requesting a waiver to the requirement to delineate wetlands on the rear portion of the larger lot beyond the area of the new proposed lots along the road. Mr. Rowe noted that the Board had also asked for frontage and buildable area charts, which are now shown on the plan. Mr. Rowe then advised Board members that a new corrective deed to the property is currently being filed because they understand the current deed, which excepts the cemetery from the Robidas property, as reflecting an inadvertent subdivision stemming from the language of the deed from the Redmonds to the Robidas family. The new deed would include the cemetery as part of the Robidas lot, and follows the language of the previous deeds to the property, which did not except the cemetery. Proposed Lot 5 uses the cemetery frontage in order to meet minimum lot size requirements, but Mr. Rowe said that the cemetery area is excluded from the buildable area calculation. Phil Auger expressed concern about the cemetery buffer, and asked if the driveway location should be shown. Mr. Rowe said that driveway locations have not been established for any of the lots, although he said that the Road Agent is aware of the proposed subdivision as he completed the test pits. Mr. Rowe said that he does not want to constrain potential lot owners by identifying driveway locations in advance, and he said that the road is flat with good visibility. He said that it would be acceptable to include a condition of approval that the Road Agent issue driveway permits. Board members then reviewed the revised plans. Noting that the wetlands are in the way, Mr. Moreno asked if they would be willing to put a "no further subdivision" restriction on proposed Lot 4. Mr. Rowe said that he does not think it is necessary because you would have to cross a wetland and a ravine and he's not sure subdivision would even be possible. Mr. Rowe noted that he also added driveways and distances to more distant driveway entrances. Mr. Moreno noted that there is a woods road on Lot 46 near the property line that does not show, but agreed that the regulations may not require it to be shown. There being no further questions or comments on the revised plans, the Chairman then opened the public hearing. Stacy Carlson, 483 First Crown Point Road, asked if the additional lots were likely to have an impact on wells in the area, also noting increased iron in her well water lately. There were. Phil Auger said that there should not be problem with this level of development, and noted the impacts of this year's drought. There were no further questions. Board members turned to the waiver request. It was

noted that there is adequate area to meet lot minimum requirements on the front part of proposed Lot 4 where wetlands have been delineated. Noting the terrain, Phil Auger made a motion to approve the request for waiver. Terry Hyland seconded the motion. Donald Coker asked if there would be any special natural resource concern for this wetland, noting the Perkins project. Ashley Rowe said that because the plan meets the rules, his client would not agree to expand the buffer areas beyond what is required. Phil Auger noted the differences in the land, and said that people are most likely to build in the field and are unlikely to want to build near the buffer. Board members agreed that these are concerns, looking to the future. There being no additional comments, the Chairman closed the public hearing.

Board members then talked about possible conditions of approval, including that Greg Messenger approves the driveways and showing the driveway on Lot 48-5, state subdivision approval, and recording and submitting a copy of the new deed. Ashley Rowe asked if he could submit a letter from the Road Agent regarding the driveways. The Board agreed, noting that they need to be consistent with other applications. Permits would not need to be issued. As long as the Road Agent states that there would be no issues with locating a driveway on those lots, it would be acceptable. Returning to the motion on the waiver, the Chairman asked if there were any other comments on the waiver. There were none. He then called the vote. The vote was as follows: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. Discussion then turned to the overall project, and possible conditions of approval: a letter from the road agent stating that it is possible to put driveways on each lot, showing the approximate driveway location for Lot 48-5 ("driveway must enter in this area"), the receipt of a new deed to the property that does not exclude the cemetery from the lot, and state subdivision approval. Board members returned to a brief discussion of whether the cemetery can be used as frontage, and it was agreed that there is not mention of the question in our zoning. Phil Auger then made a motion to approve the plans with the conditions noted above. Donald Coker seconded the motion to approve the plans with the three conditions. The Chairman then called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. Mr. Rowe was directed to bring the corrected and completed plans to the office for signatures, accompanied by checks for recording fees.

The first and only item of new business was the application of SCOTT B. and KENDAL A. YEATON and ALAN L. and MEGGAN J. YEATON Second Crown Point Road (Tax Map 18, Lot 24-1) and SCOTT B. and KENDAL A. YEATON, 1078 Second Crown Point Road (Tax Map 18, Lot 24A) for boundary adjustment between their properties. David Vincent presented the application, Scott Yeaton was also present. Lot 24A is now about 5 acres; the proposal is to square off the lot by adding 6.9 acres of land from Lot 24-1, which they co-own. Lot 24A will then increase to 12 acres and Lot 24-1 will decrease to 27.81 acres, Lot 24-1 is in current use. Lot 24A is already developed, Lot 24-1 is not. Access to Lot 24A is by a right-of-way across Lot 24-1 as laid out in two previous subdivisions. The extension of the right-of-way through Lot 24A will be eliminated by this lot line adjustment. Mr. Vincent has submitted a waiver request. Phil Auger noted that Lot 24A is a non-conforming lot by current regulations because it does not have road frontage, and he asked if they had thought about trying to give Lot 24A road frontage. Mr. Vincent noted that they are not making it more non-conforming and that the ROW access was conforming at the time that the lots were laid out.

Discussion returned to the waiver request. Mr. Vincent noted that wetlands, contours and abutting lots are shown on the 1989 plan. He said that they are asking for waivers to the requirements for many of the details requested under Paragraph 2.7.1 of the Subdivision Regulations because there is information available from previous plans and the current proposal is making Lot 24A larger. The Yeatons plan to put Lot 24A into current use, which is why they are increasing the lot to 12 acres. There are no structures on Lot 24, although there is an old septic system design plan. Board members then reviewed the checklist. The only missing items were some of the reference plans for the lot and neighborhood, provided that the Board agrees to approve the waivers as requested. Noting that the plans are substantially complete when including the waiver request and available information on reference plans, Donald Coker moved to accept the plans as complete for consideration. Brian Monahan seconded the motion. There was no further discussion. The Chairman called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. The Chairman then opened the public hearing. There were no comments.

Board members then returned to the application. Charles Moreno asked Mr. Vincent to add an additional monument to the long boundary line, and perhaps some blazing. Phil Auger asked about buildings on Lot 20 that are too close to the boundary line. IT was noted that the boundary with Lot 20 is already existing and not part of the current project. Mr. Vincent noted that there is an existing shed on Lot 24-1 that will need to be moved or removed before the new lot line is established. Discussion then returned to the waiver request. Board members agreed to consider the waiver requests in the order presented. Phil Auger moved to approve a waiver to the requirement for a full boundary survey, noting that the information is shown on the various reference plans. Donald Coker seconded the motion, and there was no further discussion. The Chairman called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. The Board then turned to the request for waiver to show natural features; Mr. Vincent noted that Lot 24A is developed and that Lot 24-1 has an existing well and septic design. It was agreed that the information required under Paragraph 2.7.1 is available on other plans. Phil Auger moved to approve a waiver to showing the required natural features. Donald Coker seconded the motion, and there was no further discussion. The Chairman called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. The Board finally turned to the request for a waiver to the requirement that the plans show various physical features. It was noted that the 1989 plan uses 20 foot contours, but that the information provided is sufficient for the current proposal, which involves large parcels under current use assessment and no new lots are being created. Phil Auger moved to approve a waiver to showing the required physical features. Donald Coker seconded the motion, and there was no further discussion. The Chairman called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. There were still no comments from the audience, so the Chairman then closed the public hearing.

Board members then recapped their discussion and possible conditions of approval: monumentation, including the corner and the middle of the long (666+ foot) boundary, and blazing along the forested portion of the new boundaries, remove or relocate the shed that would come too close to the new property line, and add the reference plans. There was no further discussion, and the Chairman asked if there was a motion. Terry Hyland then moved to approve the plans with the three conditions noted above—monumentation and blazing, removal of the shed, and adding the reference plan information to the plan. Brian Monahan seconded the motion. There was no further discussion and the Chairman called the vote: Phil Auger--aye, Terry Hyland--aye, Brian Monahan--aye, Donald Coker--aye, and Charles Moreno--aye. The motion passed by unanimous vote. Mr. Vincent was directed to bring the corrected and completed plans to the office for signatures, accompanied by checks for recording fees.

Board members then turned to informal discussion. It was agreed to schedule a work session for Thursday, October 22nd at 6:30 to work on ordinance updates. There being no further business before the Board, a motion to adjourn was made by Brian Monahan and seconded by Donald Coker. The Chairman then called the vote: Phil Auger—aye, Terry Hyland—aye, Brian Monahan—aye, Don Clifford—aye, and Don Coker—aye. The motion passed by unanimous vote; the meeting adjourned at 10:58 PM.