

Minutes

Planning Board Meeting

July 12, 2018

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, Terry Hyland, Steve Leighton, and Donald Coker, Alternate member. The Chairman opened the meeting at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the August 2018 regular meeting was 5 P.M. Tuesday, July 10, 2018; the closing date for the September meeting will be Tuesday, August 14th. The Chairman advised 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 and that the meeting will adjourn by 11:00 PM. It was agreed to postpone consideration of the minutes until after the formal business. The Chairman addressed the audience and advised that the meeting will be run following more formal rules of order. Board members are asked to pass all questions through the Chair who will interact with the presenter and the audience is asked to wait until called upon to speak. People should be mindful to speak one at a time. Presenters are requested to speak from the easel in view of both the Board and the audience.

The first item on the agenda was to open the formal public hearing in accordance with NH RSA 231: 158 and the Strafford Scenic Roads Ordinance on the request from Eversource for permission to trim and remove trees along Back Canaan Road, a designated scenic road. Bob Berner, Eastern Region Arborist for Eversource Energy was present. Eversource is requesting approval to remove trees and brush as part of their routine maintenance along the Back Canaan Road power lines. Mr. Berner noted the basic specification for trimming, and the need to keep trees trimmed, especially given the many weather events of recent years. The contractor for the work will be Lewis Tree Service, and they expect the work to be done during the fourth quarter of the year. Eversource will notify landowners before cutting any trees. The Board conducted a site walk with Mr. Berner last month and reviewed all of the trees on the list provided by Eversource showing the size, health, and location of the trees that they are requesting to remove. Board members agreed that many of the trees on the list could be cut, as they are damaged or decaying. At the site walk, it was agreed to remove several trees from the list, and several trees were added. Donald Coker noted that there were some trees that were questionable and asked if everything had been addressed. Mr. Berner has removed the ribbons from the trees taken off the list and ribboned those trees that have been added. He presented an updated list of trees to be cut, which has been matched with notes from last month's site walk. There were no Back Canaan Road residents present. Board members agreed that the review had been very thorough. The Chairman noted that he was designating Donald Coker as a voting member this evening due to absences. Donald Coker then made a motion to approve the list as edited by Mr. Berner following the site walk. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. A letter will be sent to Eversource.

The first item of continuing business was the application of CECIL C. ABELS II for Non-Residential Site Plan Review for a Concert and Outdoor Event Venue to be located at his property at 664 First Crown Point Road (Tax Map 19, Lot 73A). Mr. Abels has requested that this item be continued forward to later in the year; new notices will be sent when the application becomes active again.

The next order of continuing business was the application of CALVIN and PENNY SCHROEDER for the 2-lot conservation subdivision of their property located at 138 Perry Road (Tax Map 9, Lot 73). Cal and Scott Schroeders were present; there were no abutters present. Cal Schroeder gave each Board member a copy of their proposed conservation restriction deed, noting that their attorneys have just given them the draft. Mr. Schroeder noted that he is aware that the town attorney will need to review the document to be sure that it satisfies the requirements of the ordinance. Scott Schroeder then presented the plans to the Board. They are proposing a conservation development of their 28.4 acre property. As they are located in the 800 foot and above elevation zone, and have limited frontage, conservation development offers the family the flexibility to divide the house from the land behind, which the family intends to conserve. The back acreage will all be going into conservation through the deed restriction. The 2 acre homestead lot with the existing house in the front will be pulled out, leaving 26.4 acres to go into conservation. The Schroeders noted that they had met with the Board briefly about six months ago, when NH DES requested that wetlands be flagged on the homestead lot as part of the review for state subdivision approval. NH DES had suggested that the flagging be done by the septic system designer for the home, and the Board had agreed with this proposal. Board members briefly reviewed the plans and documents. Donald Coker

noted that the conservation restriction includes the wording "hunting shall be allowed" and suggested that they might wish to consider different wording. Scott Schroeder noted that it is difficult to balance all of the competing interests, noting that the intent is that the conservation land will remain private. Cal Schroeder asked if there would be any way to amend the conservation restriction deed in the future if necessary, and Steve Leighton noted that they could come back to the Board, as long as they stayed within the spirit of conservation restriction. Charlie Moreno asked if they had considered a conservation easement, noting that easements allow for monitoring, etc. to be sure that the restrictions are being followed. The Schroeders said that the family has put a lot of management into this land and they enjoy the space and want to retain control, and they also noted the stewardship fees etc. that are required in order to put land into easement.

Board members then completed review of the plans with the checklist. There were no items missing. Steve Leighton then made a motion to accept the plans as complete for consideration. Don Clifford seconded the motion, and the Chairman called the vote. The vote was unanimous in the affirmative. The Chairman then opened the public hearing. Alan Williams noted that landowners are allowed to post their property even with an easement. There were no comments on the application. Further discussion was continued to the next meeting to allow review of the conservation deed restriction language.

The second item of continuing business was the application of the MARCY A. WHITCHER REVOCABLE TRUST OF 2002 for the 3-lot subdivision of property located on Drake Hill Road (Tax Map 4, Lot 31). Ashley Rowe of Geometres Blue Hills presented the application; Michael Whitcher was present and Carol Cooper, an abutter was also present. Mr. Rowe presented revised plans to the Board showing a number of changes requested by the Board at the last meeting. Mr. Rowe advised the Board that they do not have any final decision from NH DOT, but that DOT has told them that they want the shared drive at the top of the hill directly across from Mrs. Cooper's home, due to sight distance. The town received notice of the DOT permit application earlier today. Don Clifford said that he would like time to review the changes. Mr. Moreno advised that the Board wants revisions at least two weeks ahead so that the members have a chance to look things over. Board members all noted that when the Board is busy, all revisions and submissions are needed well in advance of the meeting, and agreed that the Board can serve the applicants and the community better if they have a chance to review in advance. After some discussion with Mr. Rowe, Board members agreed to move forward with this application this evening, but advised that going forward, revisions need to be submitted well in advance of the meeting.

Board members then reviewed the revised plans. It was agreed that the plan set note on the recording page should include a reference to the requirement for the Fire Chief's approval for the shared driveway construction. Additional information on the access easement and the specifications for the driveway have yet to be provided; as noted above, NH DOT has not yet approved the driveway location. Mr. Rowe said that he has given driveway specifications to DOT and can provide the Board with copies. Board members advised that the shared driveways, because they will provide the only access to the lots, need to be engineered/designed to the same detail as was provided for the recent Clear Creek Properties plans produced by Geometres Blue Hills. The design will need to meet the Fire Chief's requirements, given the distance to proposed Lot 31-2. Discussion then turned to the monumentation. The revised plans show monuments to be set every 200 feet along the lengthy interior boundaries. Steve Leighton said that he prefers blazing. Charles Moreno asked if there was any agreement about the ROW to the abutting property. Ashley Rowe asked if the Board had referred the question to town counsel. Board members replied that it had been left that the Board wants the two parties to come to an agreement. Mr. Rowe said that the ROW has no driveway permit and DOT does not want it used because of sight distance. He said that Michael Whitcher has made contact but has not heard back from the abutter. Mr. Whitcher said that the deed will not be changing so in his opinion an agreement is not needed and it is not a Planning Board issue. A ROW exists and he will still have a right to pass and repass. Carol Cooper said that she is concerned about sight distance for the new driveway because of the hill. The Chairman noted that the abutter had strong feelings about the ROW, and had asked them to address the ROW on the plan. Steve Leighton said that he feels that it should shown on the plan but that he thinks that it could show as a note that a ROW exists across that lot. He said that he has worked with many ROWs and the location can change as long as the owner offers comparable access. A note on the plan would alert anybody who wants to buy the lot that there is a record that the ROW exists. There was continued discussion about the deed language and whether it does or does not describe an exact location and a lengthy discussion about whether a note on the front would be adequate. Don Clifford suggested a note and checking with the town attorney. Donald Coker agreed, noting concern for the applicant and the town. Mr. Rowe asked if the Board would like a sign-off line for the Fire Chief if he needs to approve the final plans. The Board agreed that this would be appropriate, but noted that there would be a discussion prior to any final approval about whether the Fire Chief needs to approve the plans,

the construction, or both. In summary, Board members agreed that the following items were still pending: NH DOT approval, designed shared driveway specifications, note on Lot 31-2 regarding the ROW, and the Fire Chief sign-off for the shared driveway design. Board members will forward the question about the ROW location and note to the town attorney. Discussion turned back to blazing vs. setting monuments on the long boundary lines. Board members again said that the applicants should have used the natural boundaries/stone walls for the bounds between Lots 31 and 31-1. Mr. Rowe and Mr. Witcher had indicated that they felt that the surveying of the stone walls would be too expensive. After some discussion of the merits of blazing over setting monuments, Mr. Rowe said that changing the plans, which now show monuments, would be too expensive. The applicants suggested that they did not want blazing near the homes because the lots are so narrow. Board members requested that blazing be added in the rear, but said that paint would not be necessary.

In closing, Board members requested the driveway design by July 26th in order to prepare for the August meeting. They asked that the plan set note be improved to direct construction inspection/officials to Sheet 2 by adding the words "see Sheet 2 for any restrictions and specifications". Third party inspection of the shared driveway construction was mentioned. It was noted that the shared driveways will need to be built or bonded as a condition of approval. Board members hope to have a response from the town attorney regarding the ROW and whether a note will suffice by the August meeting. Further discussion will be continued to the next meeting.

The final order of formal business was the application of Clear Creek Builders/Alan Williams, Member for Voluntary Merger under NH RSA 674:39-a of his two contiguous lots located on Dillon Drive East (a.k.a. Birch Road) (Tax Map 33, Lots 68 and 75); Lot 68 will includes the new home and Lot 75 is the corner vacant lot. Mr. Williams has a mortgagee, who has submitted a letter approving the merger, as required by the statute. Don Clifford requested additional time to review the proposal. It was generally agreed that the proposal would not violate zoning. Steve Leighton then made a motion to accept and approve the request for voluntary merger of Lots 68 and 75 on Tax Map 33. Terry Hyland seconded the motion; there was no further discussion, and the motion passed by majority vote with one abstention.

Mr. Williams then requested that Board members make a final review of the Clear Creek Properties plans and go forward to sign the plans this evening. Confirmation that the financial guarantee for the shared driveways had been posted was received earlier this afternoon. Board members looked over the plan sets and the Chairman signed the plans. Board members reminded Mr. Williams about the phasing requirement and agreed to write a letter to the Building Inspectors to alert them to the phasing schedule. Board members also advised that they will be spot checking blazing, monumentation, and stone walls. Board members then met informally with Rick Turner regarding a possible back lot subdivision in Crown Point. Board members reviewed the requirements of the zoning ordinance allowing the creation of one supplementary lot under Article 1.4.1 A (2) and discussed possible alternative layouts. There being no further business, the Board returned to the minutes of the previous meeting. Terry Hyland then made a motion to accept the minutes of the June meeting as presented. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. There being no further business before the Board, a motion was made and seconded to adjourn the meeting. The vote was unanimous in the affirmative and the meeting adjourned at 10:00 PM.