

Minutes

Planning Board Meeting

March 1, 2012

Members of the Planning Board in attendance were Jim Graham, Terry Hyland, and Donald Coker, Alternate member. Jim Graham, Acting Chairman, called the meeting to order at 7:45 PM. Noting the treacherous road conditions due to snow, Donald Coker made a motion, seconded by Terry Hyland, to postpone the meeting for a week out of a sense of fairness to the applicants and abutters. There was no further discussion and the vote was unanimous in the affirmative. Dan O'Lone of Berry Surveying submitted a letter requesting a continuation of the Prevatt application to next month. Donald Coker then made a motion to adjourn the meeting. Terry Hyland seconded the motion, there was no further discussion, and the meeting adjourned at 7:50 PM.

March 8, 2012: Members of the Planning Board in attendance were Charles Moreno, Chairman, Jim Graham, Terry Hyland, Lynn Sweet, and Donald Coker, Alternate member.

The Chairman called the public meeting to order at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the March 2012 regular meeting is 5 p.m., Tuesday, February 14, 2012. 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. It was agreed to postpone consideration of the minutes until after the formal business.

The Chairman advised the audience that Berry Surveying and Engineering has submitted a letter requesting the continuation to the April meeting of the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot, revised to 2-lot, subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). There is no additional information on the applications of Mark and Judith Witcher for boundary adjustment of Tax Map 1, Lots 6-6 and 14, and the 8-lot subdivision of Tax Map 1, Lot 14.

The first item of new business was the application of MARK and JUDITH WHITCHER for boundary adjustment between their properties located on Wild Goose Pond Road and Province Road (Tax Map 1, Lot 6-6, Lot 6-7 and Lot 14). Chris Berry of Berry Surveying and Engineering presented the application; Rick Ferreira, an abutter, was also present, and noted that he was recording the meeting; Ms. Sweet requested that he furnish the town with a copy of the recording. Mr. Berry explained the revised proposal, noting that they hope to split Lot 6-6 through the large wetlands area, adding the northerly part of Lot 6-6 to Lot 14 in order to provide access to the rear of Lot 14 from Wild Goose Pond Road. In order to meet the requirements for Lot 6-6, they will add .19 acres from Lot 6-7 to Lot 6-6. Lot 6-7 will retain 2.66 acres of buildable area. The plans show topography and wetlands delineations. Mr. Berry noted that the wetlands were re-flagged since the original 2002 flagging was gone. They have calculated contiguous lot areas to be sure that all of the lots meet minimum requirements. Mr. Berry said that they were trying to keep the Lot 14 boundary parallel with the original boundary, and noted that with the adjustment, they can separate the uplands area into the two lots so that the uplands on each lot are not discontinuous. Charles Moreno asked about the steep slopes. Mr. Berry agreed that much of the lot is steep, with only 1.02 acres of contiguous buildable area to be transferred to Lot 14. It was noted that the building envelope for Lot 6-6 must be in the 60% contiguous uplands area on that lot. Noting the steepness of the land added to Lot 14, Mr. Moreno asked if they would be likely to build on this area. Mr. Berry said that they probably would not even be able to put a driveway through this area. The buildable area on Lots 6-6 and 6-7 remains on Wild Goose Pond, as it did before the adjustment. WSPCC subdivision approval has not yet been received for the adjustment to Lot 6-7. Lot 6-6 is still greater than 5 acres in total area.

Donald Coker asked fellow Board members to clarify the issues with the adjustment. The Chairman summarized the history of the previous subdivisions and noted the regulation prohibiting 'chimney lots'. He noted that the revised proposal before the Board tonight has widened the area to be transferred to Lot 14 to meet the regulations. It was noted that the rear of Lot 6-6 before adjustment is a good example of why the regulations now prohibit connecting strips, etc. Chris Berry then addressed the question of the rangeway, which was raised by an abutter and is noted on the previous subdivision plan. He noted 1854 legislation regarding roads, but agreed that a right of easement (4 rods or 66 feet) would exist along all rangeways, however, all existing lots in the area have other road access and would be unlikely to need this rangeway. The Board then reviewed the plans with the checklist. There were no items missing. Jim Graham then made a motion, seconded by Lynn Sweet, to accept the plans as complete for consideration. There was no further discussion and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing on the application. Rick Ferreira addressed the Board, noting that he had been present for the first proposal, and has reviewed the files for the previous subdivisions. He said that Mr. Berry had indicated that things matched up with the previous surveys, but he had noted a big difference on wetlands delineations. He also questioned the elevations. There was a discussion of how surveyors calculate elevations, with Mr. Berry noting that datums can be arbitrary, so that if the elevations are off to the same amount, it is likely that different surveyors have just used a different datum. He noted that elevations tend to be close in Strafford because surveyors need to calculate elevation to determine minimum lot size because of the 800 foot elevation rule. Discussion then turned to the wetlands delineations. Mr. Berry said that the new delineations were done by Damon Burt, while the previous survey was based on delineations by David Allain. Mr. Berry then spoke to the question of wetlands delineations, noting that they are not exact—wetlands scientists must identify three parameters—soils, hydrology, and plants. There was a lengthy discussion of the saddle area on Lot 6-7; Mr. Berry said that the hydrology does not support wetlands in this area today. After lengthy discussion, the Chairman asked if Lot 6-7 would still meet minimum lot size requirements after adjustment if the Allain 2002 wetlands delineations were used. Mr. Berry said that it would, noting that there are 2.66 acres of uplands. Discussion of the large wetlands on Lot 6-6 continued. Mr. Moreno noted that forested wetlands are a gray area for delineations. Mr. Ferreira then asked if the Town had a person to review the delineations, noting that the Board has knowledge that the purpose of the adjustment is to capture 200 feet of additional frontage for future subdivision. This transfer is contriving a lot, he suggested. Lynn Sweet responded that the current plan is only for boundary adjustment, not subdivision, and has been stamped by professional surveyors and a wetlands scientist, and meets the Town's requirements. Discussion of the potential difference between wetlands delineations continued, with Board members concluding that the lots would still have the required upland area. Donald Coker suggested that it would be in the Board's purview to request a review of the wetlands delineation, but said that the question does not seem significant enough to warrant taking this step, given the fact that the uplands areas of the lots after adjustment comfortably exceeds the requirements. Mr. Moreno agreed, noting that it looks clear that using the older delineations does not seem to change the lots. The Chairman then closed the public hearing.

Board members then summarized. The plans were complete as submitted, and need only the seal of the wetlands scientist and WSPCC subdivision approval. Jim Graham then made a motion to approve the plans, conditional upon the items noted above. Donald Coker seconded the motion for discussion, noting that he is not familiar with the history, but is comfortable with the plans on the table. There were no further comments. Lynn Sweet seconded the motion. The Chairman then called the vote. The vote was unanimous in the affirmative.

The Board then turned to several items of informal business. The Board first called on Ken and Mary Cook, who had asked for an opportunity to meet with the Board regarding possible subdivision of their homestead on First Crown Point Road to create one new lot. The new conservation development ordinance was discussed, and it was agreed that the Board would confirm that a deed restriction would meet the requirements for permanent protection of the open space land.

The Board next met with Brian Lenzi and Scott Barry regarding a possible gravel operation on Parker Mountain Road. They hope to excavate an approximately 4 acre esker on the Barry's property. The site is between the Isinglass and Mohawk Rivers, but they believe that the site is just outside the Isinglass River corridor. They are having the wetlands mapped and hope to begin working on state permits. Board members noted that RSA 155-E identifies the various requirements. Jim Graham advised that they should reclaim as they go. Mr. Lenzi noted that current regulations require phasing. They were advised to continue working on the various permitting requirements.

There being no further business before the Board, it was moved, seconded and voted to adjourn at 9:45 pm.