

## Minutes

### Planning Board Meeting

March 1, 2018

Members of the Planning Board in attendance were Don Clifford, Steve Leighton, Scott Young, ex-officio member, and Donald Coker, Alternate member. Steve Leighton served as Acting Chairman and opened the meeting at 7:35 PM and announced the members present. He advised the applicants on the agenda for this evening that there are an even number of Board members which means that a tie vote could be possible, and advised the applicants that it would be up to them if they wanted to go forward with having their applications heard. The closing date for applications to appear on the agenda for the April 2018 regular meeting is 5 p.m., Tuesday, March 13 2018. 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 due to the large audience.

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). Cecil Abels was present accompanied by Julie Labranche. There were no abutters present. Mr. Abels gave Board members one sheet of the original engineered driveway plan associated with the wetlands permitting, noting that he does not believe that the Board has a copy of that sheet. He noted that at the close of the January meeting, he had an issue with driveway easement to overcome. He advised the Board that legal arrangements are being made to swap the easement where one section of the permitted driveway crosses the Tottens' land. Mr. Abels said that his lawyer is drawing up a contract between himself and the Tottens, that could perhaps include the Town. The contract would grant Mr. Abels the right to use the current easement for emergency access for as long as the Tottens own the property, and if the Tottens sell their home, Mr. Abels would agree to either upgrade his current single lane driveway to two lanes or terminate the concert venue. He said that he knows that the town's legal counsel would need to review the contract, but because of the timing, he wants to ask if their lawyer could send out the document for review as soon as it has been drafted rather than waiting for the Board to look it over at the next meeting. It was noted that legal review would be at the applicant's cost. Steve Leighton suggested that he is not comfortable with the idea of a contract rather than an easement, and asked Mr. Abels if he would like the Board to connect with the town attorney before all the work and cost of drafting a contract has been completed.

Discussion then turned to the location of the stage, which is closer to the lot line than required for commercial use. Mr Abels said that because of the geology of the site, it is not possible to move the stage and the Tottens understand this, so they will need to get a variance. Don Clifford asked why they do not consider swapping land with the Tottens through a boundary adjustment. Mr. Abels said that much of the land is wetlands and he would prefer to ask for the variance. Julie Labranche again noted that the stage area is located in a natural amphitheater which helps dampen the sound, so they do not want to move the stage. She also noted that they have some questions regarding the schedule and process going forward. Ms. Labranche then noted that they will need to complete a lot line adjustment for the driveway area, and asked if it would need to be completed before the site plan could be approved. Board members noted that a lot line adjustment could be completed in one meeting and again strongly suggested that Mr Abels work with the Tottens for a lot line adjustment around the amphitheater area as part of the driveway lot line adjustment.

Reviewing the records from January, it was agreed that solving the access issue is the most pressing concern. It was noted that the Board still needs a detail of the First Crown Point Road intersection showing the plans to upgrade to two lanes as requested by the Road Agent. Board members agreed that the site plan would not be formally approved until after Mr. Abels goes through the Zoning Board of Adjustment for approval of the commercial use, in order for any items requested by the Zoning Board to be included in the plan. Mr. Abels indicated that he would forward a copy of the contract proof next week, and requested that the application be continued forward to the next meeting. Julie Labranche advised that the Abels are trying to be sensitive to the Tottens so that their deed is not encumbered by his business. Don Clifford noted that the cost is necessary in order to ensure public safety. Ms. Labranche noted that the Abels may decided to discontinue the venue if the Tottens sell, or they may decide to invest in upgrades to the driveway sooner. Further discussion will take place at the next meeting.

The first item of new business was the application of CALVIN and PENNY SCHROEDER for Design Review for the 2-lot conservation subdivision of their property located at 138 Perry Road (Tax Map 9, Lot 73). Cal Schroeder was present accompanied by his son Scott.; there were no abutters present. Design Review is a non-binding discussion where the applicant and the Board look over the environmental features, proposed plans, layout, engineering, driveways, etc. Mr. Schroeder brought an updated plan showing the wetlands delineations for the house lot, as requested by DES subsurface. The Schroeders hope to divide off their existing home from their remaining property, which they plan to put into conservation. They plan to use deed restrictions to protect the conservation parcel, as allowed under the ordinance. It was noted that several other projects have also used deed restrictions and these documents might be helpful models for the Schroeders. Agreeing that the overall concept makes sense, it was noted that formal review of the application will begin next month.

The second item of new business was the application of CLEAR CREEK PROPERTIES, LLC for a 10-lot conventional subdivision of the 56.02 acres of the former Froio property located south/east of the power lines on Strafford Road/NH Route 202A and Second Crown Point Road (Tax Map 16, Lot 30). Bernard Cote of Geometres Blue Hills presented the application; he was accompanied by Atty. Elizabeth Nolin. Alan Williams of Clear Creek Properties LLC was also present. There were several abutters and interested parties present. Mr. Cote noted that after the last meeting, the owner decided to go forward with the proposal presented as a yield plan, which is now their plan for conventional subdivision. There would be 5 lots on Second Crown Point Road and 5 lots on Strafford Road/NH Route 202A. The lots range in area from 2.43 acres up to 17+ acres for the most westerly lot on Route 202A. Mr. Cote said that they are just looking for the Board to accept the plans as complete for consideration. Board members noted that this is a major subdivision, so acceptance of the plan is the only step that can be completed at this meeting. If the plan is accepted as complete, a public hearing will be opened at the next regular meeting of the Board.

Board members looked for the frontage calculations for the various lots, and Don Coker asked Mr. Cote to go through and give the Board basic information about each lot. Mr. Cote also agreed to furnish a chart showing the various total frontages so that it is easier to compare lots whose frontage is composed of multiple shorter lengths. There are no existing homes on the property; one existing barn will be demolished soon. The total acreage for the tract includes only that part of the Froio property south/east of the power lines; the deed reference is to the entire Froio parcel that includes the land north of the power lines where Mr. Williams is currently building a house. Sheets 1 and 2 of the current plan set are for recording; additional sheets show topography, wetlands, etc. Mr. Cote noted that wetlands flagging numbers show on the plan to facilitate site review, etc. Board members advised the applicants that they will need to show the 60% contiguous buildable area for each lot, and it was noted that two of the lots, Lot 3 and Lot 8, seem tight. Mr. Cote also noted that there are two proposed shared driveways off of Route 202A in the locations allowed by NH DOT based on sight distance. Mr. Cote noted that the final plans will show the most westerly driveway moved slightly to the west to pull it out of the wetlands area. He said that NH DOT has already agreed to this change. Board members advised that driveway easements will be needed for the lots and that the shared driveways will need to be engineered to driveway specifications (16 feet in width, a deceleration lane off 202A if required by DOT, curves and grades within specifications) and will need turnouts every 400 feet and names. Finally, monuments will be set after final approvals. It was noted that this is a major subdivision that will require phasing, and Mr. Williams asked about the phasing schedule. It was agreed that showing the contiguous building areas and meeting the 60% minimum is the most critical item. Noting that the checklist shows no major items as missing from the plans, Donald Coker then made a motion to accept the plan as substantially complete for consideration as submitted, conditional upon completion of the notations made during checklist review. Scott Young seconded the motion, there was no additional discussion, and the vote was unanimous in the affirmative. Further discussion will take place at the next regular meeting.

The third item of new business was the application of CLIFFORD J. WILLIAMS for 2-lot subdivision of his property located at 1062 Parker Mountain Road (Tax Map 11, Lot 34). Clifford Williams and Rene Masse presented the application; Terry Bickford and Davis and Carolyn Clarke, abutters, were also present. Mr. Williams hopes to divide a new lot off his 6.25 acre parcel. The new lot would be 2.16 acres in area and the lot with the existing home would be reduced to 4.09 acres. They have identified a 4K area for replacement of the septic system for the existing home, if needed, and have received NH DES state subdivision approval. Mr. Masse noted that they have been working with NH DOT regarding the driveway entrances, because they want to move the driveway for the existing house away from the well and all establish a way to access the rear of the 4 acre lot. There is a wetlands area running across the easterly section of the property, parallel with Parker Mountain Road, and they only want to engineer one wetlands crossing.

Board members then reviewed the plans with the checklist. The following items were missing and/or need clarifications: exposed ledge must be shown on the plan; test pits and perc test data must be submitted; soils; buildings within 100 feet; driveways within 200 feet; culverts under and across Parker Mountain Road; building and septic setback lines; buildable area calculations. Board members advised the applicants that wetlands, ledge, and high seasonal water table areas must be deducted from the total area in order to calculate buildable area for zoning minimums. Board members noted that several test pit locations shown on the plan seem to indicate that there is only a thin layer of soil above ledge in many areas. It was agreed that Board members will consider the layout of the internal lot boundary once the buildable area calculations have been completed. The applicants were advised to look online for the applications for NH DES for the wetlands crossing for the new driveway and were advised to attend the March 5<sup>th</sup> Conservation Commission meeting regarding the wetlands applications. Noting the number of items that need to be completed, Board members agreed to continue further discussion of this application to the next meeting.

The first item of informal business before the Board was to review a letter from Gina Hodgdon regarding her KinderCampus day care/after school care business. She provides services both at her home, 1255 Parker Mountain Road (Tax Map 11, Lot 96) and at the Strafford School after regular school hours. She plans to rent the Bow Lake Grange Hall for a summer program for her students this coming summer. She is due for a renewal of her state license for day care, and she needs a zoning verification form. Board members agreed that they had reviewed her day care facility at their October 2015 regular meeting and that there have been no changes to her program or to her home since that time. Both the Strafford School and the Bow Lake Grange Hall are facilities that are already approved by the Fire Chief. Board members agreed that her day care business still seems to meet the criteria for a home occupation and agreed that the Chairman should sign the zoning verification forms required by the state of NH.

The next item of informal business was to review a letter from Carol Young of 589 Second Crown Point Road (Tax Map 16, Lot 42-1). Ms. Young hopes to run her Occupational Therapy business out of her home, including yoga instruction, serving clients on a one on one basis. Board members expressed a bit of concern about the yoga instruction, suggesting that if Ms. Young expanded to classes, it might create problems for traffic and parking. It was agreed to draft a letter for Board members to review, advising Ms. Young that her proposal seems to meet the criteria for office of a professional person based on the Board's understanding that she will be working with one or two clients at a time, and that if things change or her business expands, she will need to come back before the Board.

Board members then turned to the minutes of the February meeting. Donald Coker then made a motion to accept the minutes of the February meeting as presented. Don Clifford seconded the motion. There was no further discussion and the vote was unanimous in the affirmative.

There being no other business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 10:00 PM.