

Minutes

Planning Board Meeting

November 1, 2018

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, Terry Hyland, Scott Young, ex-officio member, and Donald Coker, Alternate member. The Board met with Town Counsel Steven Whitley prior to opening the public meeting. The Chairman opened the meeting at 7:55 PM and announced the members present. The closing date for applications to appear on the agenda for the December 2018 regular meeting is 5 P.M. Tuesday, November 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. Consideration of the minutes was postponed until after the formal business.

The Chairman then briefly reviewed the agenda for the evening. 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). There has still been no word from Mr. Abels, who had suggested that he would begin meeting with the Board after the summer; Mr. Abels had requested that his application be continued forward to later in the year and had agreed that new notices will be sent when the application becomes active again. The second item of new business on this evening's agenda was the application of Michael D'Andrea for Public Hearing in Accordance with the Town of Strafford Policy of the Board of Selectmen Regarding Construction on Class VI Roads: Mr. D'Andrea proposed to upgrade 500 feet at the most northerly end of Roberts Road extending southerly from the intersection with Crown Point Road in order to access a building site on Tax Map 20, Lot 59, owned by Virginia Chadwick. Mike D'Andrea contacted the Board to say that he wished to withdraw his application and thanking the Board for their time. Noting that there are several months of meeting minutes that need to be considered for approval, Don Clifford then made a motion, seconded by Scott Young, to postpone review of the minutes to the end of the meeting. There was no further discussion and the vote was unanimous in the affirmative.

The first item of new business was the application of CLEAR CREEK PROPERTIES LLC for boundary adjustment between three of their recently approved lots located on Second Crown Point Road (Tax Map 16, Lots 30-5 and 30-6) and Strafford Road/NH Route 202A (Tax Map 16, Lot 30-3) (Please note: Tax Map Lot Numbers will not be official until these lots are separately assessed in April 2019). The Chairman addressed the audience and noted the rules for the meeting—there shall be one speaker at a time, and the audience is asked to hold their questions until the meeting is opened for public input. Ashley Rowe presented the application on behalf of Clear Creek Builders. Alan Williams of Clear Creek Properties, accompanied by Attorneys Elizabeth Nolin, Paul Alfano, and Jim Soucy, was present. Mr. Rowe advised that the proposal is to move the rear boundaries of new lots 30-5 and 30-6 back by about 120 feet, adding about 24,000 square feet to the lots and decreasing the area of Lot 30-3 from 10.63 acres to 9.53 acres. The proposal is not complicated, he concluded, and turned the review back to the Board.

Board members then reviewed the plans with the checklist, and asked if there were any new state approvals. Mr. Rowe indicated that no state approvals are needed under RSA 485-A:33 (II) because they are swapping land between abutters and no building is contemplated. Board members asked about the plan set note. The sheet is labeled one of one; Board members asked if a note was needed. Ashley Rowe then advised Board members that the monuments for the new lot lines have already been set, and that the final monuments are now indicated on the revised plan. Donald Coker asked about the pathway to the rear of the lots that the Board had used on the site walks to cross the wet area and which is shown as uplands on the plan. Charlie Moreno said that the path is an old stone culvert. Randy Orvis of Geometres Blue Hills was the wetlands scientist for the project, and was present. Mr. Orvis said that the wetlands area on the rear of Lots 30-5 and 30-6 is not a stream because there is no scoured channel; it is just a wetlands swale he advised. Mr. Orvis said that there is no watercourse under the stone culvert. Board members noted that ledge, soils, and test pits are missing from the plans. Ashley Rowe said that he believes that the Board does not typically require these items for a boundary adjustment and then offered that he had prepared a second plan sheet for this project; Sheet 2 shows some of these details. The Chairman noted that the original subdivision included test pit information and Board members agreed that test pits and perc test data are not applicable for the lot line adjustment proposal. The Chairman advised that it is up to the Board to determine what information that they need to evaluate the application. Board members noted that topography and elevations are also missing from the plan. There was a question about whether new buildings on site and within 100 feet are

needed and whether new driveways on site and within 200 feet are needed. Regarding culverts, discussion came back to the stone culvert at the rear of proposed Lot 30-6. Randy Orvis again said that the soil is compacted over the stone culvert so he believes that water goes over the top. He said that the tote road is at best six inches above the surrounding area. In response to a question, Charlie Moreno noted that the question is accuracy and noted that culverts are a required item on the Board's application checklist. It was agreed to leave the question open for now. Don Clifford noted that the missing items are soils, ledge, topography, etc. Donald Coker asked if the Board has this information on the original plan. It was noted that the original plan shows different lot lines, so to determine buildable area for the three lots being adjusted here, you would need this information. Atty. Whitley asked for a list of the checklist items for which the Board still has questions. The following items were noted as missing and/or needing clarification: ledge, soils classifications, topographic contours, elevations, existing culverts/bridges.

Donald Coker turned to Board members and asked how the Board wanted to proceed and whether the plan should be accepted as complete. Scott Young noted that it depends on what the plan is for; if the plan is for single family homes, then no further information is needed as the smaller lots are already of sufficient area for single family homes, but if the applicants plan on doing something else, more information is needed. Atty. Whitley asked if any of the missing items are shown on the original plan set. At this point, Atty. Alfano said that, on behalf of their client, they believe that Don Clifford has pre-judged the application, that he spoke with their client earlier in the day, and that they now want him recused. Atty. Whitley asked Mr. Williams to describe the conversation. Mr. Williams said that they had a casual conversation and that Mr. Clifford had said that he could not approve the plan because it is not good for the town of Strafford. The meeting adjourned briefly for consultation between Board members and Atty. Whitley, Town Counsel.

The Chairman reopened the public meeting. Mr. Clifford advised the audience that he disagrees with the way the conversation has been characterized, but that he agrees to recuse himself in order to move things forward. Board members agreed that they have no questions on the substance of the plan. Donald Coker then made a motion to accept the plans for consideration. Terry Hyland seconded the motion, there was no further discussion, and the Chairman called the vote. The vote was unanimous in the affirmative and the motion was passed.

The Chairman then advised that the plan is now accepted for consideration and noted the list of items for which the Board perhaps needs more information. Donald Coker suggested that the Board could move forward if the applicant's representative would stipulate that they have the required information. Ashley Rowe assented. Scott Young again noted that regarding contours, ledge, etc. if the applicant is going to do anything other than single family homes, the information is needed, but if single family, the necessary information is shown on the previous application unless there is a problem with them cutting into the buildable area on Lot 30-3. The Chairman then reviewed the requirements for single family development, and then the added requirements for 2 or 3 family structures. He said that what the Board is saying is that the smaller lots are being expanded and the Board already has the information that they meet the requirements for single family. The Chairman noted that 60% of the buildable area on the lots must be contiguous. He noted that they may be cutting into the buildable area on the larger lot; the Board does not know the original calculations for buildable area on these lots, but as long as the single family requirements are met for Lot 30-3, the plan could be approved for single family use. Donald Coker talked through the calculations, and it was noted that for two or three family development, the minimum lot size increases, and as the lot size requirement increases, the area of the required 60% contiguous also increases. Board members agreed that they would like to see what is buildable on these lots, what is not, and see the area calculations. Atty. Whitley suggested that the prior plan had included plans showing the buildable areas and tables, and suggested that the Board would like to see the same for this plan. Charlie Moreno agreed yes, if the intention is for greater than single family development, and said that he is also concerned about the larger lot meeting requirements given the decrease in area. Atty. Whitley clarified the discussion, noting that the Board wants to be sure that the total buildable acreage and contiguous buildable acreage of Lot 30-3 meet at least single family requirements.

The Chairman then opened the meeting to the public for comment. Ashley Rowe said that he feels that the Code Enforcement person is responsible to be sure that the lots meet zoning requirements. He said that the additional information was not submitted because it he has never submitted it as part of a lot line adjustment plan. Atty. Alfano said that the question here is a building permit issue. First, the plan submission was what was customarily submitted, secondly, the surveyor has the information, so it is suggested that the Board ask him the questions, and thirdly, he requested that the Board approve the plan with the conditions that the applicants will agree with all town regulations. Alan Williams said that the contiguous building area on Lot 30-3 is not affected by the boundary adjustment. Charlie Moreno advised that the Board is just asking for the appropriate information. Donald

Coker noted that for conditional approval, they must meet all the requirements. Terry Hyland said that if the buildable area table is there, and it sounds like they have the information to make the table, then the Building Inspector would be able to determine what is allowable on the lots. The information can be put on the plan, and they have the information, so that would answer the question. Atty. Whitley suggested that Ashley Rowe present the second sheet that he brought that includes the topography, ledge etc. Scott Young addressed Mr. Rowe and noted that he has heard the concerns, and asked if he can answer the questions. Mr. Rowe again objected to the questions but agreed that he has the information. Donald Coker also asked if Mr. Rowe has the information that the Building Inspector will need. Atty. Jim Soucy asked what standard gives the Board the power to look at use. The Chairman advised that the Board is still trying to determine if the lots, particularly Lot 30-3 still meets regulations following the adjustment. Atty. Whitley advised that the Planning Board cannot approve a plan that violates the regulations regarding buildable area and the requirement that 60% of the buildable area on a lot be contiguous. He continued, if the Board approves the plan, they are saying that there is sufficient land for minimum residential uses. The previous plan provided the calculations but they are now asking to change the configuration of the lots, and those changes may in turn change the calculations. So the issue is calculations and standards, Attys. Whitley and Soucy agreed on this point. It was noted that there was a graphical depiction of contiguous buildable area on Sheet 6 of the original plan set. Charlie Moreno said that a similar table needs to be on the new plan so all the information is in one spot for the three lots at issue. Atty. Whitley noted that the applicants had said that the contiguous buildable area will not change but he noted that with the increased minimums, the Board says yes. If the Board wants the second sheet submitted as part of the plan set, they should ask that it be included. It was agreed that the Board wants the information to be submitted.

The Chairman then opened the public hearing on the application. There were no comments. The public hearing was then closed. Board members agreed that they want a table added to the plan showing map and lot, total new lot area, non-buildable area, buildable area, and the 60% contiguous area calculation. A similar chart is already on Mr. Rowe's Sheet 2; the contiguous buildable area will need to be added. It was noted that the plan set note now needs to be added and that the title block on the cover sheet should be changed to read Sheet 1 of 2. Atty. Whitley asked for clarification on whether this was something that the Board needs to evaluate and approve once submitted or whether this is an administrative matter. It was agreed that the condition is administrative in nature and an additional public hearing will not be required. The 30-day appeal period was noted. Terry Hyland then made a motion to accept and approve the plans for boundary adjustment with the following conditions: that the plan set include two sheets, one for recording and the second including the topography, ledge, etc. detail of the buildable/non-buildable land. The buildable/non-buildable chart now on Sheet 2 should be added to Sheet 1 and the 60% contiguous buildable area calculation should be added for each of the lots. The title block should be updated and the plan set note added. Scott Young seconded the motion, and there was no further discussion. The Chairman called the vote. The vote was unanimous in the affirmative of the four members voting on this item. Final plans should be submitted to the office for signatures accompanied by checks for recording at the Strafford County Registry of Deeds once the 30-day appeal period has passed. Mr. Williams departed accompanied by Attys. Alfano and Soucy; Atty. Nolin remained for the rest of the meeting.

After a brief break, Board members then turned to several informal discussion questions. The Chairman first acknowledged receipt of a letter from Atty. Nolin/Alfano Law Office regarding the Clear Creek Properties land located on Route 202A and Second Crown Point Road, warning Board members that they cannot enter the property. Donald Coker asked if the Board would be willing to write a letter to asking the letter to be rescinded given the approval just voted. Other Board members suggested that it was not worth the time. The Board then turned to Richard Omand, who was present to meet with the Board regarding his proposal to add a second apartment over his machine shop located on Province Road. Board members agreed that the machine shop and apartment date back to the beginning of zoning and are grandfathered, but that adding a second unit would make it more non-conforming; the combination of the machine shop and the rental units would be considered commercial use. Concerns include parking, septic, and the question of whether there is adequate land area for two units. It was agreed that the plan will likely also require Board of Adjustment approval for the increased use. Scott Whitehouse, the Fire Chief, advised that mixed occupancy will have fire and safety codes that need to be met. Donald Coker advised Mr. Omand that the discussion is informal and non-binding, and Board members encouraged Mr. Omand to consider the various options.

The next item of informal business was a letter from Leighsa O'Shea regarding her proposal to open a business at her home (Timberledge Wellness, LLC) offering esthetician services and reiki. The office would be located in finished space above their attached garage; the home is located at 68 Old Gray Farm Road (Tax Map 19,

Lot 26-3). Board members suggested that Ms. O'Shea attend the December meeting. There were several questions regarding waste disposal, and it was agreed that Ms. O'Shea should provide the town with copies of her state licenses for the files once established. Board members noted that they were pleased to see that the proposal was for working with one client at a time, as this would minimize traffic and parking concerns. As presented, it was agreed that the proposal seems to qualify as a home business, as long as there is just one employee. Finally, Board members turned to the question of Parker Mountain Lodge, the proposed wedding event venue located on Parker Mountain Road (Tax Map 10, Lot 3) at the former Camp Xavier property. It was noted that the owners have received the reminder letter sent as agreed at the last meeting and the property manager, Carey Garneau, is currently in the process of putting together a site plan application. Scott Whitehouse advised the Board that he has also been in contact with the owners and has also advised them that they must come into compliance or there should be no events scheduled for 2019. He noted that they have used large commercial tents for several events and that tents require trained personnel due to safety concerns. Board members hope to have the application in time to schedule initial review for the December meeting.

Finally, Board members addressed several sets of minutes. Scott Young made a motion to accept the minutes of the October meeting as presented. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Donald Coker then made a motion to accept the minutes of the September meeting as presented. Scott Young seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Don Clifford then made a motion to accept the minutes of the July meeting as presented. Donald Coker 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 to adjourn was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 10:40 PM.