

Minutes

Planning Board Meeting

February 2, 2017

Members of the Planning Board in attendance were Charles Moreno, Chairman, Terry Hyland, Steve Leighton, Lynn Sweet and Donald Coker, Alternate member. Donald Clifford arrived at 7:30 p.m. Bill Booth, Building Inspector, was also present. The Chairman then opened a Public Hearing in accordance with NH RSA 673:3 and 675:7 to present and discuss proposed amendments to the Strafford Zoning and Land Use Ordinances and Strafford Building Regulations to be presented to the voters on March 14, 2017. Notice was posted on January 12, 2017 and published on January 20, 2017. The full text of the proposals has been available at the Town Hall. The Planning Board is proposing three amendments to the Zoning and Land Use Ordinances and one amendment to the Building Regulations as follows:

To amend Article 1.4.1 by adding a proposed paragraph 1.4.1 K Accessory Dwelling Unit (“ADU”) to allow the construction of an attached or detached ADU unit by Special Exception as an accessory use to a single family dwelling in order by to comply with state mandated requirements under RSA 674:71-73 which will take effect June 1, 2017. This article includes sections on authority, administration, application and approval process, provisions of accessory dwelling units, minimum lot size requirements, owner residency requirements, and the maximum allowable size for an ADU.

To amend Article 1.4.2 F Land Uses Allowed by adding the word “agrotourism” and to add a new definition 1.14.24 AGROTOURISM. This will clarify review procedures for agrotourism proposals.

To add a paragraph to Article 1.8 to clarify enforcement procedures and to allow better compliance with ordinances and regulations by stating that zoning issues must be addressed in order for permits or certificates of occupancy to be issued.

To add a proposed Building Regulation 4.1.13 Photovoltaic Solar Array to establish a regulation regarding the placement of rooftop solar arrays in order to allow firefighter access to roof edges.

Donald Coker asked whether ADUs would qualify for workforce housing, and it was noted that the NH OEP links to model ordinances in other communities have included the workforce housing language, because ADUs are meant to provide for cost-effective housing for young families or for seniors. The Chairman opened the hearing to the public. Michael Whitcher noted his concern that the ADU ordinance would create a number of rental units in the community and asked the Board to consider requiring increased acreage for a detached ADU in the same way that increased lot size is required for a second residential unit under a common roof. After discussion, Board members agreed to consider the idea. Rick Ferreira has suggested that the requirement that solar panels be set back a full 36 inches from the ridge line might be overly restrictive, given the fact that panels are typically installed only on one side of the roof. After discussion, it was agreed to keep the wording as is for now, noting that if it proves too restrictive, changes can be made in the future.

The Chairman then closed the public hearing. It was agreed that the hearing could be reopened later in the meeting if necessary and Board members will revisit the proposed regulations in order to decide whether to send any or all of the above, as edited, forward to be placed on the ballot for March 14, 2017.. The Chairman then turned to the regularly scheduled business before the Board. It was noted that the March meeting will be held on Thursday, March 9th in order to accommodate schedules. The closing date for applications to appear on the agenda for the March 9, 2017 regular meeting is 5 p.m., Tuesday, February 14, 2017. 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. Board members then turned to the minutes of the previous meeting. It was agreed to wait for consideration of the January minutes until more members are present. Don Clifford then made a motion, seconded by Lynn Sweet, to accept the minutes of the November 2016 regular meeting as presented. There was no further discussion and the vote was unanimous in the affirmative.

The first order continuing business was the application of CALGARY J. MACKENZIE for Non-Residential Site Plan review for the operation of a retail motor vehicle dealer’s business at 10 Lund Drive, Unit #4,

in premises owned by JAMES N. LUND (Tax Map 19, Lot 28-4). Board members conducted on-site review on January 18th and the Board of Adjustment met on January 19th and granted a Special Exception to allow Mr. MacKenzie business use of Unit #4 with several conditions. Copies of the Board of Adjustment decision were reviewed by the Board. Cal MacKenzie advised Board members that the Fire Chief has inspected the garage unit and requested heat detectors, smoke detectors, fire extinguishers, and a heat-proof cabinet. He is working on all of these requests. Don Clifford said that he would like to see final approval from the Building Inspector and Fire Chief before moving forward with the Site Plan. Donald Coker advised that the Board could grant a conditional approval for the Site Plan rather than holding things up for another month. Bill Booth, the Building Inspector, advised the Board that he and the Fire Chief have spoken, but that they did their inspections separately and will need to get together to give final approval. Mr. Booth noted that there are no apparent code violations in the building given the proposed use for car detailing. Donald Coker asked about the floor drain, and Mr. MacKenzie said that he has no idea where it goes. Donald Coker asked if the Fire Chief could put his final approval in writing. There was discussion about various concerns expressed by some Board members during the site review. Lynn Sweet, the Selectman's representative to the Board, noted that the Board needs to let the Building Inspector and Fire Chief make their inspections and make the appropriate recommendations independent of Board oversight.

Board members then turned to the Non-Residential Site Plan checklist. Board members agreed that Mr. MacKenzie's application materials addressed the various items on the checklist in order, which is very helpful. Fencing, lighting, and signs were all noted in the Board of Adjustment decision, which emphasized Stafford ordinances regarding dark-skies compliant lighting and the maximum size for signs. Mr. MacKenzie is having a 24 inch by 30 inch sign made and it was noted that he could paint his name on the glass window in the door as well. Mr. MacKenzie has also agreed to put a fence around the outdoor pad to provide privacy and to screen the area from residential neighbors. After a brief consultation with the Building Inspector, Don Clifford noted the codes that applied to the construction of the AMI building and advised the Board that he still wants the Building Inspector and Fire Chief to look into the things that concerned him during the site review: a handrail along the stairs to the second floor office space, the overly large platform at the base of the stairs, the question of whether the internal door between units needs to be a fire door, and the question of whether the ceiling needs to be covered in sheet rock. Bill Booth noted that the use of this space as approved by the Board of Adjustment is quite specific; he agreed that if customers are going up the stairs, Mr. Clifford has a point about the handrails. After general discussion, Steve Leighton said that an approval conditional on meeting the recommendations of the Building Inspector and Fire Chief would be appropriate and it would not be necessary to hold things up another month. Donald Coker agreed that the Board can agree on a conditional approval. The Chairman then listed the items noted in discussion: 1) platform at the base of the stairs; 2) handrail; 3) whether or not a fire door is needed; 4) whether ½ inch sheetrock is needed, and the Fire Chief's list of recommendations regarding heat and smoke detectors, extinguishers, and the cabinet. Noting this list, Steve Leighton made a motion to grant conditional approval for the Non-Residential Site Plan, subject to the terms of the Board of Adjustment decision and the items listed by the Chairman. The motion was seconded and the Chairman called a vote. The motion was passed by majority vote. Mr. Moreno advised the Building Inspector that once all the conditions have been met, he should give the Chairman a letter to sign, and then a CO can be issued for the use. Don Clifford advised Mr. MacKenzie that these are all items that Jim Lund, as the landlord, should be required to address, and Board members agreed.

The first order of new business was the application of PATRICIA FABIAN for 3-lot subdivision of her 517 First Crown Point Road, with additional frontage on Cross Road and Second Crown Point Road (Tax Map 19, Lot 55). This is a major subdivision (3 lots or more/cumulative impact), so the public hearing on this application will be held at the March meeting. Joe Berry and Dan O'Lone of Berry Surveying and Engineering were present representing the applicant. Mr. Berry handed out color-coded copies of the proposed subdivision, which is quite helpful. Mrs. Fabian hopes to split off her home located on First Crown Point Road on its own 11.58 acre lot (5.27 uplands), and then create one smaller 5.16 acre (3.35 uplands) building lot along Cross Road at the southwesterly corner of the property. The remaining 59 acres will remain as one large lot. Ledge and test pits are shown for the smaller lots. They have proven out a buildable area on the larger lot at the Second Crown Point Road end of the property. The second sheet of the plan set shows topography. The plan set includes three sheets for recording, one for each parcel. Board members asked if there were any cemeteries on this lot. Mr. Berry advised that none were observed in the area of intensive survey. Mr. Berry advised that the applicants are requesting a number of waivers regarding the large lot. They noted the expense of showing all metes and bounds and physical features on the larger parcel, originally 73 acres, as well as the expense of conducting a full wetlands delineation on such a large parcel. They have provided full detail and wetlands delineations on the area near Second Crown Point Road to prove that

the larger lot meets all minimum lot size requirements of the Zoning Ordinance. Finally, they have requested a waiver to the requirement that all setbacks be shown on the larger parcel because they do not have the detailed information required to locate setback lines from wetlands. Don Clifford asked if the Board grants the waivers for this application, whether the waiver would apply to later subdivisions or whether they would have to provide detailed information. Board members all agreed that the waiver would only apply to this application and any future subdivision application would be a whole new application. Steve Leighton noted the issue of current use assessment. The existing home is out of CU on 1 ½ acres, so the new 11.58 acre lot around the existing home would be able to stay in CU.

Board members then reviewed the plans with the checklist. The following items were missing and/or need clarifications: CU note 12 should be added to Sheet 1; seals will be required before recording; correct the placement of abutters' names on Sheets 3 and 4; remove the note regarding boundary adjustment with Lot 55-1 and add the deed reference for the recent transfer that completed the boundary adjustment; work with the Road Agent to determine an approved driveway location for the lot on Cross Road and add the location to the plan. Noting that all of these items are minor, Steve Leighton then made a motion to accept the application as complete for consideration conditional upon the completion of the items noted above. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Board members agreed that this is fairly boilerplate application. The Chairman then addressed the audience and noted that the public hearing on this application will take place at the March meeting, and invited Chris and Karen Dunn and Chris Hislop, abutters, to speak if they would like. Dan O'Lone advised that Mrs. Fabian hopes to market the new small lot but not to sell the remainder. There were no additional questions. Board members then turned to the waiver requests. Steve Leighton made a motion to grant all the waivers, noting that full details are available on the smaller lots and the information that the Board needs is present and the regulations make allowances for larger parcels. Donald Clifford agreed that the waivers make sense and Donald Coker explained the waiver process to the audience. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Board then returned to the minutes of the January meeting. Don Clifford asked that the description of Cal MacKenzie's proposed business be clarified to say that he intends to sell online but will complete sales in the office at the garage. There was no further discussion and a motion was made and seconded to accept the minutes as amended. Board members then returned to the zoning ordinance and building regulations updates discussed at the beginning of the meeting. Board members agreed that they had discussed the various proposals at length while drafting the ordinances, and they agreed not to change the proposed ADU ordinance at this time. It was agreed that changes could take place in future years if needed. Steve Leighton then made a motion to forward all four of the proposed amendments to the ballot for voting on March 14, 2017 as drafted for this hearing. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Board members agreed that it would be important to provide information to voters so that they understand the proposals, particularly the ADU proposals and that it might be helpful to have Board members present to campaign on behalf of the amendments on election day.

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.