

Minutes

Planning Board Meeting

May 3, 2018

Prior to the regular meeting, the members of the Board met at Second Crown Point Road for a site walk at the property of Clear Creek Properties. Members of the Planning Board in attendance for the site walk were Charles Moreno, Chairman, Don Clifford, and Donald Coker, Alternate member. Scott Whitehouse, the Fire Chief was also in attendance. The Chairman designated Donald Coker as a voting member should any votes take place during the site walk. Alan Williams, Atty. Elizabeth Nolin, Bernard Cote, Ashley Rowe, and Randy Orvis were present for Clear Creek Properties. Scott Whitehouse noted that, under fire codes, driveways over 400 feet would require the same conditions as required for Clear Creek's Birch Drive development. He noted that residential sprinklers would cut down the requirements, and that he is a big proponent of residential sprinklers. Without the sprinklers, he is okay with the driveways as long as the fire department's largest equipment can turn around at the house sites. Mr. Williams noted that they have eliminated one of the lots, so both of shared driveways off Rt. 202A each serve two lots. There was a great deal of discussion about the turnouts and minimum standards for a turning radius at the house sites. It was noted that the drives should be built to town standards with the exception of pavement. Mr. Moreno noted that there are three issues—turnouts along the drives, turn-arounds at the end of each drive, and the width of the travel lanes. A quick sketch was added to Sheet 6 showing a tentative plan for the turn-arounds, while it was agreed that the turn-outs as shown on the plans would meet the needs of the Fire Department. It was suggested that a typical turn-around sketch should be added to Sheet 6 for the end of each driveway. Mr. Whitehouse agreed to check on fire code specifications for width of the travel lanes and report back during the meeting. Board members then toured the interior. Randy Orvis explained the way he had delineated wetlands. Charlie Moreno noted that many of the areas under discussion would require a wetlands notification for forestry activities. Mr. Orvis noted that he had added many of these areas to the plans, labeled as ephemeral flow areas. The Board then adjourned back to the Town Hall for the formal meeting.

The Chairman opened the meeting at 7:35 PM and announced the members present. Steve Leighton and Scott Young, ex-officio member, joined the Board. The closing date for applications to appear on the agenda for the June 2018 regular meeting is 5 p.m., Tuesday, May 15, 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.

Noting that the Board had just been on-site for the Clear Creek Properties project, the Chairman advised that the Board would continue working with the Clear Creek application and would postpone discussion of the other items on the agenda until later in the meeting. The Chairman then reopened discussion on 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 revisions to the application; he was accompanied by Atty. Elizabeth Nolin. Alan Williams of Clear Creek Properties LLC was also present. The Chairman noted that the application has been accepted as complete and the public hearing was opened at the April meeting. A site walk was held on April 12th and an additional site walk was held earlier this evening. Bernard Cote then presented the revisions made to the plans since the last meeting, briefly reviewing the project. They have scrutinized the wet areas, he advised, and noted changes to Sheets 3 and 4. He noted that Randy Orvis does not consider all of these areas wetlands, although they have been added to the plans as ephemeral wet areas. They are 100% confident that the buildable land areas are suitable for development. They are now proposing 9 lots; 4 of which would front along Strafford Road/Route 202A. They decided to eliminate the lot that Board members questioned at previous meetings due to ledge. This has allowed them to increase the area of the remaining lots along Strafford Road/Route 202A and reduced the number of lots to two per shared driveway. It was noted that the group is waiting for Scott Whitehouse to arrive with the information regarding fire codes and travel lane width. Steve Leighton noted that Dover requires the construction of a 20' road base even if the travel lane is only 12' in width, which provides more support for heavy equipment and/or safety equipment. It was noted that the turnarounds are needed because of the proposed 90° turns, because the equipment cannot back out. Mr. Leighton noted that finalizing the requirements for the shared driveways would be a condition of approval.

Alan Williams then asked the Board for guidance on the phasing requirement. He asked if the Board would be willing to grant him 6 building permits the first year, because he has eliminated one of the lots in the development. Board members then turned to Article 1.15 and there was a general discussion of the ordinance and how much latitude the ordinance gives the Board. Don Clifford noted that the Board had not asked Mr. Williams to give up a lot. Board members advised that the phasing requirement allows the town a chance to make sure that town services can be provided. Board members agreed that the floor is 5 lots, or 10%. It was agreed that it is the Board's decision. It was noted that evidence shows that single family homes are tax losers and that is why the phasing requirement is in place. The real problem, Board members noted, is that the school budgets are voted a year in advance. Phasing gives the school time to plan. Charles Moreno noted that the Board had agreed a number of years ago that phasing made more sense than an impact fee requirement. Terry Hyland asked if the phasing would stop Mr. Williams from selling the lots, and it was agreed that it would not. They simply would not be eligible for a building permit. Mr. William asked about the timing, and Board members agreed that the clock ticks from the approval date. Mr. Moreno clarified that conditional approval starts on the date of the vote. The Chairman then asked for a motion on the phasing question. Terry Hyland made a motion to keep the number of building permits available for this project to 5 per year due to the impacts on the school. The Chairman called the vote; the motion passed 4 votes in the affirmative to one nay vote. Scott Young said that he feels that in working with the applicant, one building permit would not matter.

The Board then called on Scott Whitehouse who had arrived with the information on the fire codes. It was agreed that the typical turnaround sketched out during the site walk should be added to the driveway sheet of the plan set as a condition of approval. A turnaround must be built on Lot 30-3 for the driveway which will serve Lots 30-2 and 30-3 and on Lot 30 for the driveway serving Lots 30 and 30-1. Because the shared driveways can be construed as dead-end roads, the turnarounds at the end are necessary. It was agreed that the turnarounds should be within 50' of the closest access door to the structures on Lots 30-1 and 30-2, creating a 30' by 15' L turnaround for the safety equipment. If the turnarounds meet this criteria, Mr. Whitehouse said that he would not hold the developers to building to a 20' wide travel path, and he said that he recommends that the Planning Board accept the sketch for the turnarounds as is with a note added to the plans requiring that the typical turnarounds must be constructed. He said that the other stipulations for fire/safety access are to build the turnouts as shown on the plans and to maintain an open travel path by keeping the vegetation cut back and making sure that there is additional parking for responders, etc. Mr. Williams said that NH DOT had approved the driveways and he believes that they looked at the engineering for the whole driveway length, not just the point of entrance to the state highway. It was noted that the Messengers would likely be doing the work. Board members agreed that the driveways should be built with a 15' travel bed plus shoulders with the normal underlayment and gravel per town road specifications [see Figure 1, Section 2.6.5 of the Subdivision Regulations]. In short, Steve Leighton said that the Board is otherwise okay with the proposal based on following the current specifications to include turnouts and the new turnarounds. Board members then noted other conditions of approval: state subdivision approval, build the drives or post bonding/financial guarantee for the shared driveways, plan updates/corrections to include the turnarounds, phasing as agreed in the motion approved by the Board, and monuments set to include blazing of trees along the long interior lot lines. Don Clifford then made a motion to accept and approve the plan for 9-lot subdivision based on the four conditions noted above (state subdivision approval, build or bond the driveways, plan updates, and monumentation) and the phasing agreement as voted earlier. Scott Young seconded the motion; there was no further discussion. The Chairman called the vote; the vote was unanimous in the affirmative. The applicant should either build the shared driveways or meet with the Selectmen to determine the required financial guarantee and final plans should be brought to the office for signatures once all conditions have been met.

The next 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 now present. He approached the Board and noted that the last time, the Board had voted against using his proposed contract for the emergency access. He had not planned on building the 2-lane entrance road, but he has now been talking with surveyors regarding upgrading his driveway to the 2 lanes. He is now asking the Board for additional time, and is requesting a continuance to allow him to work on these plans. He said that he will need to do a lot of the work himself and that he has a busy summer ahead. In understanding that the emergency access contract was not acceptable, he needs time to work with his engineer and come back with a plan. He hopes to get funding going and to come back with engineered plans in September. Board members noted that a continuance can go for months or more if people agree and asked if there were any proposed activities this summer. Mr. Abels said that only personal activities are planned, not commercial activities. Donald Coker asked how Mr. Abels defined commercial, and Mr. Abels replied that he feels that personal means that they are not

providing income or making sales. Steve Leighton said that it would go to the Selectmen to determine if activities at the site should be considered commercial or not. Scott Whitehouse noted that he has grave concerns but suggested that for private functions there would be little the Fire Department could do. Steve Leighton suggested that the only question for the Board is whether or not to grant the extension, as enforcement would be for other town departments. Don Clifford noted that the Board would like to work with Mr. Abels and that one of the big issues was leasing to others. It was requested that Mr. Abels alert the Board by the application deadline before he next wishes to have his application heard so that abutters could receive updated notice, given the length of time that the application has been under review. Mr. Abels agreed. Don Clifford asked if Mr. Abels was going forward with building more tent platforms and Mr. Abels indicated that he was not and noted that the Board had said that he would need building permits to do so. Steve Leighton then made a motion that the Board agree to continue this application forward to a time indefinite agreeable to both parties with an agreement to renotice before the application is heard. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman noted that 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). The Schroeders were not present. Cal Schroeder had previously contacted the Board and requested a continuation while they drafted the conservation restriction deed required for their subdivision; there were no abutters present.

There being no further business, the Board returned to the minutes of the previous meeting. Don Clifford then made a motion to accept the minutes of the April meeting as presented. Terry Hyland 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 9:45 PM.