

Minutes

Planning Board Meeting

October 4, 2018

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, and Scott Young, ex-officio member. The Chairman opened the meeting at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the November 2018 regular meeting is 5 P.M. Tuesday, October 9, 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 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 been no word from Mr. Abels, who had suggested that he would begin meeting with the Board after the summer. Board members agreed that a letter should be sent to Mr. Abels asking him to come back before the Board to resume working on his proposal. It was noted that an event of some sort had recently been held at the location. 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 next item listed on the agenda 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 noted that Alan Williams and Atty. Elizabeth Nolin were present. He said that he knows that they would like to move forward, but on the advice of the town attorney, plan review needs to be moved forward to the next meeting and new notices sent. Atty. Nolin said that she was aware, and she then submitted a copy of her letter to the Board to each of the Board members present. Board members asked for a brief synopsis of the letter. She advised that the letter addresses issues regarding the Clear Creek project and the behavior of the Board. She said that they are well within their right to develop the property and that the Board is causing real and tangible damages. She said that the application had been filed in accordance with state law, and that it needs to be heard. The Chairman said that her concerns are duly noted and that the Board will see you next month. Don Clifford asked for examples, and Scott Young asked what she wanted tonight. Scott Young said that her concerns were duly noted and that the Board intends to rectify procedures. Mr. Williams departed; Atty. Nolin remained for the rest of the meeting.

The first order of informal business was to call on Mike D'Andrea regarding his request to meet informally with the Board for advice regarding his proposal to apply for permission to upgrade a portion of the Class VI section of Roberts Road by Crown Point Road in order to access a building area on a large parcel of land currently for sale (Tax Map 20, Lot 59). The lot has legal frontage on both First Crown Point Road and Crown Point Road, but the Crown Point Road frontage is wet because it runs along the Berry River. He noted that he does not want to buy the land if he is unable to access his preferred building site, and that he would need to use about 500 feet of the Class VI road in order to do so. The Roberts Road appears to be a 2-road road in this area, judging from the distance between the stone walls. Mr. D'Andrea would construct a driveway going into the interior of the lot off the Class VI road. Board members reviewed the Class VI road policy and maps and topography of the Roberts Road in this area. It was noted that the construction standards listed in the Class VI roads policy are minimum standards, and that if successful, Mr. D'Andrea might want to reconstruct the road noting the specifications for base layers and depth of gravel in the town specifications diagram in the Subdivision Regulations. Driveway construction standards were also noted. Mr. D'Andrea was advised to go forward and submit an application to the Selectmen so that a public hearing can be scheduled with the Planning Board at the next meeting. Board members agreed to take a look at the road before the next meeting.

Before moving to the next order of business, Charlie Moreno asked Board members to take a minute to read the letter submitted by Atty. Nolin. Mr. Moreno asked for a chronology of the Board's review of the Clear Creek Builders plan. The plan was accepted at the March 1, 2018 meeting and received conditional approval at the May 3rd meeting. The Board discussed the plan at the March, April and May meetings, and conducted two site reviews, one on April 12th and one on May 3rd before the regular meeting.

The next item of business was to open a Public Hearing in accordance with RSA 675:6 and 675:7 in order to discuss proposed amendments to the Subdivision Regulations and Site Plan Regulations. Public notice was published on July 21, 2018 and has been posted since July 18, 2018. The proposal is to update Section 2.6.5 of the Strafford Subdivision Regulations by adding a new section I (2) to standardize construction requirements for shared driveways to conform to current fire and safety code requirements. Also, to update Strafford Subdivision Regulations by clarifying the definition 2.6.3 Frontage, clarifying 2.8.1 by requiring submission of three full copies of final approved plans in addition to any sheets for recording as well as waiver requests, and by updating 2.9.1 to reflect electronic availability. 2.6.15 Variances and 3.2.4 Waivers (Non-Residential Site Plan Review) will also be clarified. It was noted that under state statutes, once these proposals were posted, no plans could be accepted for consideration that did not meet the new proposed requirements.

The Chairman read the hearing notice. Don Clifford noted that the Board has been talking about these updates for some time and noted that the driving issue was the shared driveways for the Clear Creek project. Scott Young noted that the Board has already implemented the shared driveway requirements and agreed that the Board has been working on this for some time. It was agreed to go forward with the public hearing this evening as a result. The Chairman then opened the public hearing on the first item: to amend the Subdivision Regulations Paragraph 2.6.5 I by adding a new section to standardize shared driveway construction requirements. Board members reviewed the new wording and the new diagram for the turn-arounds at the end of the shared drives. Don Clifford again noted that this started with Clear Creek and now the Board has something to use going forward that the Fire Chief has approved that will meet fire safety requirements. Atty. Nolin addressed the Board speaking on behalf of Clear Creek Builders and asked what would be the criteria for a possible exception to the new rules. Don Clifford said that he did not know why an exception would ever be granted, but Board members agreed that the exception language allows leeway for unique situations. Board members agreed that the language should be kept but also agreed that they did not anticipate any exemptions. The Chairman closed the public hearing on this item. Don Clifford then made a motion to accept and approve the proposed amendment to Paragraph 2.6.5 as presented. Scott Young seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing on the second item in the notice; the proposal to amend Paragraph 2.6.3 Frontage by adding clarifying language regarding road frontage and frontage on cul-de-sac roads. It was noted that the amendment was proposed in order to close a loophole and clarify the language regarding curves and cul-de-sac roads. It was noted that this applies in subdivisions. There were no comments. The Chairman closed the hearing. Scott Young then made a motion to accept and approve the proposed amendment to Paragraph 2.6.3 Frontage as presented. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing on the third item in the notice; the proposal to amend submission requirements to include 3 full sets of plans and 3 copies of any documentation, including waiver requests. The criteria for granting waivers to the subdivision and site plan regulations is also clarified. It was noted that the proposed language regarding the criteria for waivers is quite standard. There were no comments. The Chairman then closed the public hearing. Scott Young then made a motion to accept and approve the proposed amendment to the specifications for final plat and waiver requests in Paragraph 2.8.1 and 3.2.1. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing on the fourth and final item in the notice; the proposal to update Paragraph 2.9.1 to reflect electronic availability of the zoning ordinances on the town web page. The Chairman noted the new language to be added. Scott Young noted that the new language would reflect what we are doing anyway. There were no comments. The Chairman then closed the public hearing. Don Clifford then made a motion, seconded by Scott Young, to accept and approve the proposed amendment to Paragraph 2.9.1. There was no discussion of the motion and the vote was unanimous in the affirmative.

Board members then turned to several informal discussion questions. The first question came from Richard Omand, who was not here this evening. He is hoping to add a second apartment over the machine shop that he owns on Province Road. He is also considering adding residential space in the commercial building also located on the lot closer to Province Road. Board members agreed that this might require site plan review in the same way the James Lund went through site plan review for his lot that includes both residential units and garage space. It was agreed that it would be better to have the whole Board consider the question. Wetlands and concerns about buildable

acreage were also noted, due to the large beaver wetlands behind the machine shop structure. The second question was the lack of response from Parker Mountain Lodge. The Planning Office has recently received an email stating that they are working on the site plan, but plan on changing the deed. It was agreed that a letter should be sent asking them to submit an application for site plan review as soon as possible.

Board members agreed to postpone the minutes until next month, since there were only two Board members present who had attended the July meeting and only two who had attended the September meeting. Don Clifford then made a motion to adjourn the meeting. Scott Young seconded the motion and the vote was unanimous in the affirmative. The meeting adjourned at 10:00 PM.