

Minutes

Planning Board Meeting

December 6, 2012

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Lynn Sweet, Mark Whitcher, and Donald Coker, Alternate member. The Chairman called the public meeting to order at 7:34 PM and announced the members present. The closing date for applications to appear on the agenda for the January 3, 2013 regular meeting is 5 p.m., Tuesday, December 18, 2012. The Chairman reminded the audience 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. It was agreed to postpone consideration of the minutes due to the large audience.

The first item of continuing business was the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot, revised to 2-lot, subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). There was nobody present for this item. Chris Berry of Berry Surveying and Engineering has contacted the Board and requested a further continuation of this item.

The second item of continuing business was the application of R. STEPHEN LEIGHTON for a renewal of his permit for Excavation of Earth in accordance with NH RSA 155-E for property located on Sloper Road (Tax Map 12, Lots 52-2 & 52). Lot 52 is owned by Irene Abels; Mr. Leighton owns Lot 52-2. Irene Abels was present. Indra Edmonds and her daughter and Jane Laurion, abutters, were also present. David Whitcher was also present. The Chairman reviewed the status of the application and it was noted that most Board members had gone to look at the excavation area before this evening's meeting and had noted grading changes since last year's site review. Mr. Moreno noted that the purpose this evening is to consider the question of whether to extend the permit for another five years, and for the Board to hear any other input from the abutters. Paul Eaton noted that he had been reading the state regulations and he asked if Strafford zoning allows excavation. It was noted that excavations are an allowed land use under Article 1.3.4. Charlie Moreno noted that under the state rules, reclamation does not have to be immediate. Steve Leighton advised that the agreement to reclaim the site after every two acres of disturbance was a local agreement, not a state requirement, and he noted that the area is now approximately 90% reclaimed. He again noted that he will need to dig on his own lot in order to finish reclaiming Lot 52. Paul Eaton asked about the time frame. It was again noted that the original plan had been to excavate the whole site within a couple of years, but the markets shifted and with the economic downturn, this has not been possible. Steve Leighton noted that blasting has become more cost effective and that there are fewer markets for clean gravel. He noted that this is high quality gravel and that the best use is for septic systems, etc. Mr. Eaton noted that his concern is with the effect of the operation on the neighborhood, and is wondering if it would be appropriate to review to touch base every 2 or 3 years. Steve Leighton suggested that this was why the original permit included the opportunity for annual review. David Whitcher suggested that most towns grant 5 or 7 year permits with occasional reviews, often by the road agent. Mr. Leighton noted that there would be a greater impact on the neighborhood if he needed to complete the excavation quickly and was working on a daily basis. David Whitcher noted that in his experience owner-operated pits are often more acceptable and also noted that the gravel from this pit is good quality and would be wasted if it had to be excavated quickly.

Donald Coker suggested that there are two issues: the renewal, and the frequency of reviews. Terry Hyland asked about the number of hours on the loader and asked if it was dedicated to the pit. It was noted again that the loader has only about 1700 hours over the 11 years that the pit has been in operation. There followed a long discussion of the impact of the operation on the neighborhood and whether similar natural resources operations such as wood operations would have similar or even greater impacts. Several Board members agreed that they do not feel that it is right to disrupt the neighbors. Discussion turned to the annual reviews. It was noted that the original reviews were informal and that nothing had been received by the Board for review. Mark Whitcher suggested that the Board again renew for 5 years, with a formal annual review. Irene Abels addressed the Board and said that she was comfortable with a one-year renewal, provided that the minutes stated that the Board would review progress on completion of the pond after 6 months. She said that the neighborhood wants to use the pond this summer. Board members suggested that the 6 month deadline would be unreasonable because May might be the only month available to work, depending on the severity of the winter. Donald Coker summarized the Board's thoughts, noting that he feels that it is too short a timetable, given the economy and the season, and said that he would be more comfortable with a one-year review.

Discussion turned to what was left to complete on Lot 52 (Abels). Mr. Leighton said that he would need to make a staging area on Lot 52-2 in order to complete the work on Lot 52. Paul Eaton asked if the intent of the review was to check on the status of Lot 52. Other Board members suggested that the idea was to review the general status of the excavation. The Chairman then asked if the abutters had any other questions or comments. Jane Laurion asked if it was necessary to submit concerns to the Board in writing for the reviews, and the Board said that yes, that would be preferred. Mrs. Laurion said that they had been under the assumption that they could just attend the meeting and make comments. She noted that Board members are saying that there have been no complaints made at the annual opportunity for review, and she said that she realized that they had not come forward at the reviews. Board members agreed that the public is always welcome at meetings, but also agreed that it would be better to put concerns in writing and submit them prior to the meetings so that Board members would have a chance to review the information in advance. Steve Leighton suggested a July 1<sup>st</sup> deadline for completing the reclamation of Lot 52. Irene Abels was in agreement, provided that the minutes stated that Mr. Leighton was “committed to” completing the reclamation of Lot 52 by July 1<sup>st</sup>, 2013.

Board members then returned to the general permit covering Lot 52-2 as well as Lot 52. Paul Eaton suggested that a 5-year renewal would be fine if the abutters can bring their concerns and the Board can pull the permit. There was a short discussion of the process for pulling a permit under RSA 155-E. Mrs. Laurion again noted that she understands the economy issue, but said that she just doesn’t understand how long the excavation will go on, and noted their hopes to be able to sell their home at some point in the future. Lynn Sweet then made a motion to extend the permit for an additional 5 years with a one-year review and completing the reclamation of Lot 52 by July 1<sup>st</sup>. There was a lengthy discussion of the original permit terms and the annual reviews. Mark Whitcher then restated the motion to grant a 5 year extension with the stipulation that Lot 52 must be reclaimed by July 1<sup>st</sup> 2013, with a review by the Planning Board at the August 2013 regular meeting and annual reviews at the regular November meetings of the Board, with reminders to be sent in October. Lynn Sweet seconded the motion. Paul Eaton addressed the audience and noted that he wanted to make the point that it is not a given that the permit is renewed for 5 years and in the future the Board would need to discuss the length of any future renewal, so the length of this renewal should not be considered a precedent. Charlie Moreno noted that the Board can hold a hearing for the annual review if needed. Lynn Sweet said that it would be preferable that any complaints should be submitted in writing before the November meeting, not at the meeting, so that the Board can be prepared. Paul Eaton noted that it had been noted earlier that abutters can make complaints at any time and bring them forward to the Board. Lynn Sweet recommended that complaints be submitted in writing. It was also noted that Board members will need to look at the pit as part of the annual review so that complaints may be addressed. There being no further discussion, the vote was taken. The vote was unanimous in the affirmative.

The next order of business was to hold a Public Hearing in accordance with NH RSA 675: 6 & 675: 7 to present and discuss proposed amendments to the Strafford Subdivision Regulations and Non-Residential Site Plan Regulations; the full text of these proposed amendments was available at the Town Offices during normal business hours. Notice was posted and published on or about November 21, 2012. The Chairman then presented the proposals to update Section 2.6.1 of the Strafford Subdivision Regulations and Section 3.2.2 of the Non-Residential Site Plan Regulations to require that site disturbance be minimized for development of steep slopes and to require pre and post-construction stormwater management. Also, to add a new Chapter 5 *Stormwater Management Regulations* which will apply to major subdivisions and non-residential development or redevelopment and which will require applicants to consider using Low Impact Development techniques and to conduct a stormwater study and submit a stormwater management plan in order to demonstrate that development creates no negative impacts to water quality and that groundwater recharge volume has been maintained. And finally, to update Strafford Subdivision Regulations and Non-Residential Site Plan Regulations by requiring submission of reduced scale and electronic copies of plans at the time of application, by updating the recording requirements to match current requirements of the Strafford County Registry of Deeds, and by adopting a new paragraph 2.6.16 clarifying expiration dates. The Chairman then opened the public hearing. Herman Groth, Steve Leighton, and David Whitcher were present. Mr. D. Whitcher noted that he had seen the newspaper notice, but had not had an opportunity to come view the complete text. The audience members asked the Board why they were proposing Stormwater Management Regulations. The Board replied that they had been working under a grant from PREP for about two years to develop regulations to manage stormwater runoff, noting that Strafford is part of the Great Bay water system and noting the many well-publicized current efforts to improve the health of the Great Bay estuary. It was noted that the EPA and other federal agencies are requiring stormwater management in many towns now, and we have been advised to prepare. Funding for the PREP grant comes from the EPA and other federal sources. Finally, it was noted that Strafford is at the top of the Great Bay watershed and provides drinking water, through the Isinglass River, to towns downstream. The connection between managing stormwater and maintaining water quality

were discussed.

Audience members responded to the Board; Mr. D. Whitcher suggested that the cost of preparing stormwater management studies for subdivisions would make it too expensive to subdivide and Mr. Leighton suggested that he did not feel that 25% slopes were steep. Board members noted that they had proposed making the new regulations apply only to major subdivision and/or to land near the Isinglass River. Mr. Whitcher also suggested that developers are required to address stormwater issues by state and federal regulations, and noted that his company had hired an engineer to address stormwater management for the recent AMI commercial expansion. Mr. Whitcher suggested that the Board might table the effort and work with local volunteers to draft a regulation. It was noted that the current grant-funded effort had been going for at least two years and has been noted in the Board's annual reports, and that the Board had held a number of work sessions for this project. Paul Eaton advised the audience that without specific stormwater regulations, our ordinances and regulations have had no teeth to require stormwater retention, so addressing stormwater was a perceived need. Herman Groth expressed a general dislike of any regulation. There followed a vigorous discussion of stormwater and groundwater and the effectiveness of the shoreland protection rules and the merits of additional local regulations for stormwater management. Mr. D. Whitcher suggested that the rules should apply only for commercial developments, suggesting initially a threshold of 2500 square feet. He later suggested that 5000 square feet of impervious surface would be a better threshold. It was agreed among Board members that stormwater should be addressed for new roads. It was suggested that perhaps the regulations should simply be required at the discretion of the Board, although it was agreed that such language is difficult for developers who would not know whether they might or might not be subject to the requirements. The Chairman then closed the public hearing. Terry Hyland then proposed an edited version of the applicability section for Chapter 5 Stormwater Regulations, changing Paragraph 5.2 to read: These regulations shall apply to all subdivisions platting new roads, and Non-residential land development activities and multi-family developments creating 5000 square feet impervious surface, and redevelopments which disturb 20,000 square feet or more of ground, in all zoning district(s), and may apply elsewhere as determined by the Board (Reference Chapter 2 Subdivision Regulations and Chapter 3 Non-Residential Site Plan Regulations). Mark Whitcher then made a motion, seconded by Terry Hyland, to approve the adoption of Chapter 5 Stormwater Regulations with the edited language for Paragraph 5.2. There was no further discussion and the vote was unanimous in the affirmative.

Discussion then turned to the various housekeeping measures proposed, including the proposals regarding submissions and recording of plans, and the clarification regarding expiration dates. After reviewing the proposed language, it was agreed by consensus among all Board members that the record should show that at the time of adoption of Subdivision Regulations Paragraph 2.6.16, the intent of the Board is to renew approvals upon the request of the subdivider unless there have been changes to the regulations or new information has been received. It was agreed that the Board's records should indicate that future Boards should look to the record of this meeting in order to establish the intent of this new paragraph. It was suggested that the Board should send notice to applicants when the expiration deadline is approaching. There being no further discussion, Lynn Sweet then made a motion, seconded by Paul Eaton, to approve the adoption of the various housekeeping changes to the Subdivision Regulations and Site Plan Regulations (2.6.16 and 3.2.3A Conditional Approval, 2.7.1 detailing the requirements for completed applications, and 2.8.3 Recording of Final Plat) as proposed. There was no further discussion of the motion and the vote was unanimous in the affirmative.

The Board then returned to the proposed new language regarding steep slopes for both subdivision regulations (2.6.1 G) and site plan regulations (3.2.2 K). The intent of the proposed language is to control development on steep slopes as part of the effort to control stormwater because stormwater infiltration is much less on steep slopes, often resulting in erosion. Board members discussed the section clarifying how slopes are calculated. After discussion, Board members agreed to postpone final decisions on these paragraphs until next month. The Board then turned to the proposed language for Paragraph 2.6.4 of the Subdivision Regulations, which would require Best Management Practices and alert applicants to the Stormwater Regulations section, if appropriate. Lynn Sweet then made a motion, seconded by Mark Whitcher, to approve the adoption of the amended wording. There was no further discussion and the vote was unanimous in the affirmative.

The Board then reviewed several plans ready for signatures. The subdivision plan for Nancy Hill was signed. The boundary adjustment plan for Herman Groth still needs the required note. The plans are ready for signature once revised. The subdivision plans for the Cooks are ready for signatures once the Town Attorney approves the deed for conservation restriction. The draft deed has been submitted. The subdivision plans for Colwell and Hodges have

been reviewed and are ready for signatures once Mr. Colwell has met with the Selectmen regarding the financial guarantee for the improvements to Caswell Road. There being no further business before the Board, a motion to adjourn was made and seconded. There was no further discussion and the vote was unanimous in the affirmative. The meeting adjourned at 10:30 PM.