

## Minutes

### Planning Board Meeting

January 6, 2011

Members of the Planning Board in attendance were Charles Moreno, Chairman, James Graham, Don Rhodes, Lynn Sweet and Mark Whitcher.

The Chairman called the public meeting to order at 7: 10 PM and announced the members present. The first order of business was to open the Public Hearing on Proposed Zoning Proposals, Amendments and a proposed Amendment to the Subdivision Regulations.

The Chairman then opened the Public Hearing, announcing that the hearing was being held in accordance with NH RSA 675:3, 675:6 and 675:7 to present and discuss proposed amendments to the Strafford Zoning and Land Use Ordinances to be presented to the voters of Strafford on March 8, 2011 and a proposed amendment to the Subdivision Regulations. Notice was posted at the Strafford Post Office and Town Offices and published in Foster's Daily Democrat on or about December 26, 2010.

The Chairman then presented the proposed amendments to the Zoning and Land Use Ordinances:

To add a proposed Article 1.4.7 Agricultural Soils Protection Overlay District to preserve areas with soils that are well suited for agriculture and to protect and promote the continuation of farming through minimizing the impact of development on areas with agricultural soils.

To amend and clarify Article 1.4.3 Conservation Development by adopting new expanded guidelines for determining lot density, by adopting revised guidelines for lot size calculations, and by clarifying the application process for conservation development projects.

To add a new definition 1.14.19 Building Envelope to define the term building envelope as used in the proposed revisions to the lot size requirements of the Conservation Development ordinance.

He also presented for discussion the following proposed amendment to the Subdivision Regulations:

To revise Article 2.6.5, Section D, of the Subdivision Regulations, to allow an exception to the requirement that there be no more than 10 lots on a dead-end road for Conservation Development projects.

The Chairman then summarized the Board's proposals, noting that they had come out of a groundswell of concern about and support for the development of measures to enable the preservation of prime agricultural soils. These soils have been identified by the State and have been mapped by SRPC. Mr. Moreno noted that most of the audience would have properties that included these soils, and advised that the provisions of the Agricultural Soils Overlay District as proposed tonight would only come into play for subdivisions creating more than two new lots, at which point the applicants would need to apply for a conservation development project. This would allow/require them to keep some of the land intact, while allowing the creation of smaller house lots for development. In addition, the Board is proposing some amendments to the Conservation Development Ordinance to make it easier to use, including the addition of a formula approach to determining lot yield, and a new section on building envelopes.

A lively discussion followed, with local farm families, many from the Strafford Ridge area where there are many prime soils, expressing their concerns. Most expressed their desire to avoid regulation, and expressed frustration with the suggestion that they create smaller house lots. Following the discussion, Mr. Moreno summarized the current suggestions, as based on ideas expressed by the audience: 1) the Board should look into

redefining the Soils district by eliminating soils of local importance; 2) the Board should consider reducing the area of prime soils that must be preserved/conserved; 3) the Board should not change the existing subdivision regulations. It was agreed that the Board would consider the various suggestions, and hold a second public hearing. Board members noted that without regulations, it would be difficult for the Board or for local landowners to deal with developers from outside the community, but all agreed that the most important item would be educating people about the importance of these natural resources.

The Chairman then closed the public hearing. Following discussion, it was agreed that the Board would schedule a work session for Thursday, January 13<sup>th</sup> to address the comments and suggestions made at the Public Hearing. The Board then scheduled a second Public Hearing for Tuesday, January 25<sup>th</sup>, 2011 for the Board to present their zoning proposals, as may be revised following discussion.

The Board then turned to regular business. The Chairman announced that the closing date for applications to appear on the agenda for the February 2011 regular meeting will be 5 p.m., Tuesday, January 18, 2011. 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.

The application of ROBERT, ELAINE, and REBECCA WHITE for Non-Residential Site Plan Review for the Whitehouse Early Learning Center, 352 Province Road (Tax Map 8, Lot 75) has been closed at the request of the applicants, who have been licensed to expand their family day care to include more children. There are no plans to open a pre-school at this time. The Whites will work with the Board if they decide to further expand the day care in the future.

The only order of new business was the application of DAVID B. SMITH, 47 Bunnell Drive (Tax Map 3, Lot 2) and PHILIP AUGER for boundary adjustment between the property of Mr. Smith and Mr. Auger's large lot located on Tasker Hill Road (Tax Map 3, Lot 6). Ken Berry of Berry Surveying and Engineering was present representing David Vincent, who had prepared the plans but is tied up at the Barrington Planning Board meeting, as well as NH Soils, who had conducted wetlands evaluations. David Smith and Phil and Carolyn Auger were present. Several abutters were also present, including Rene Grenier, Don Clifford, and the Dekkers. Mr. Berry advised the Board that the original proposal has been revised and that they now hope to reduce Lot 2 to house-lot size, and rearrange the lot line, adding the additional acreage to Mr. Auger's Lot 6. Lot 2 would be reduced to 4.58 acres, while 59.88 acres would be added to Lot 6, which would increase to 148± acres. Mr. Berry noted that there are still a couple of items under negotiation between the owners, but asked that the Board review the plans for consideration, noting that the parties anticipate that they will be resolved in the near future and hope to conclude the project quickly due to long-pending legal issues involving a previous development proposal for the Smith property. Board members reviewed the plans and quickly turned to the question of frontage for Lot 2. The current proposal would give Lot 2 frontage on Bunnell Drive. Lot 6 would then gain the frontage on High Street, an undeveloped paper street that now provides access to one home, as well as frontage along Bunnell Drive. Bunnell Drive is a private road that now provides access for the existing home on the Smith property and one other home. Various suggestions were made regarding the frontage issue. Board members advised that the Bunnell Road ROW should be a well-defined 50 foot ROW 50 separate from the lot, although it can be owned by one lot or another. Board members reviewed the plans with the checklist, and agreed that the plans show the items required, provided that the applicants write a letter requesting a waiver to those elements of the checklist that are not necessary for consideration of a boundary adjustment between existing lots. Jim Graham then made a motion, seconded by Don Rhodes, to accept the plans as complete for consideration, conditional upon the completion of the waiver requests and noted above. There was no further discussion, and the vote was unanimous in the affirmative.

Discussion then returned to the ROW for Bunnell Drive. Board members noted that a turn-around area is required for a dead-end road. Various suggestions were offered regarding the best way to blend a turn-around into the existing roadway. It was suggested that the applicants provide a letter requesting a waiver to the length of a dead-end road and to the street construction standards, noting that the road would only serve the existing home. It was agreed that a note should be added to the plan stating that the road must be brought up to full specs in the case of further development of Lot 6. Board members agreed that the road should be labeled "Private Road for access to existing lots only." Finally, Board members agreed that the turn-around could be located near the 800 foot mark, rather than at the end of the ROW. Mr. Grenier asked about Mr. Auger's plans for Lot 6. Mr. Auger indicated that he intended to maintain the land as a wood lot, and noted he was hoping to qualify to apply for federal conservation programs. It was agreed that the main issues had been addressed. Board

members agreed that the applicants would be able to return to meet with the Board at their previously scheduled work session on January 13<sup>th</sup>. There was no further discussion, and further review of this application will be continued to the next meeting of the Board.

There being no further business before the Board, it was moved, seconded and voted to adjourn at 10:15 pm.

## Minutes

### Planning Board Work Session

January 13, 2011

Members present: Charles Moreno, Chairman, Jim Graham, Lynn Sweet, and Don Rhodes. Paul Eaton also attended, arriving at 7:45.

The Chairman opened the meeting at 7:08 PM. Ken Berry of Berry Surveying and Engineering was present and addressed the Board regarding the application of DAVID B. SMITH, 47 Bunnell Drive (Tax Map 3, Lot 2) and PHILIP AUGER for boundary adjustment between the property of Mr. Smith and Mr. Auger's large lot located on Tasker Hill Road (Tax Map 3, Lot 6). David Smith and Phil and Carolyn Auger were present. Mr. Berry indicated that he was continuing to represent David Vincent, who had prepared the plans. He presented revised plans showing items requested at the last meeting and two waiver request letters, which he read out to the Board. The applicants are requesting waivers to a number of plan requirements that are not necessary for boundary adjustment projects. These items are detailed in the first letter. They are also requesting waivers to several parts of the Street Construction Standards regulations, which were detailed in the second letter. The revised plans show Lot 2 reduced to 3.8 acres and include the well radius, in answer to a question at the first meeting. Board members asked if they had applied for State of NH WSPCC subdivision approval for the reduced Lot 2, which will fall below 5 acres. Mr. Berry noted that it was his understanding that Eric Thomas of DES had told Mr. Vincent that state subdivision approval would not be required because Lot 2 is already developed and the area to be transferred is not being used for effluent disposal. The turn-around area is shown as a 30 by 30 area adjacent to the stone wall at the existing woods road. A new Note 11 has been added, indicating that Bunnell Drive is providing access for the existing home and for the wood lot management of the newly expanded Lot 6. They noted that Note 4 (g) as shown on the plan will be struck on the final mylar at the advice of the attorneys.

Mr. Berry then turned to the second letter and detailed the requested waivers to the Street Construction Standards, including a request for waivers to the requirements for a dead-end street, geometry, and construction standards. They have not had the ROW engineered. Mr. Berry then advised the Board that David Smith also had two requests: 1) that he, David Smith, retains all rights, including any prior approvals, until the final plan for boundary adjustment has been recorded at the SCRD and 2) that the mylar for the plan stay with the Town until the closing, and that recording take place at the time of the closing.

Discussion then turned to various items noted above. Mr. Berry again noted the message from DES regarding state subdivision approval, although he noted that he had also typically felt that subdivision approval was needed when the area of lot was reduced. Don Rhodes suggested that Mr. Berry get some kind of documentation for the town for the files. Discussion then turned to the Bunnell Drive ROW and how it should be mapped. Ken Berry asked if the ROW needs to be shown as a separate tract on the plan and deed, or whether the lot is one tract with a dedicated ROW area. It was agreed that it should be labeled "Bunnell Drive Extension" and as "Proposed 50 foot ROW". The Chairman then opened the public hearing. Phil Auger advised that the wording for Note 11 should be changed to take out "wood lot management" and include "access rights associated with Parcel A", and it was noted that Bunnell Drive also provides access for another home, so Note 11 should refer to "residential dwellings", a clarification that also should be reflected in Note 4 (b). There were no other comments, and the Chairman then closed the public hearing. Board members then turned to the waiver requests. Jim Graham noted that the first set of waivers involves items that the Board typically waives for boundary adjustments to lighten up the plan, while the

second set of waivers would make sense because Bunnell Drive is an existing access road that will continue to serve only the existing dwellings. The plans already include a notation that any further development would require that Bunnell Drive be brought up to full town specifications. Charlie Moreno asked if they had engineered the turning. David Smith said that he planned to have Greg Messenger build the turn-around and trim out the area. Jim Graham then made a motion, seconded by Don Rhodes, to approve the six waivers as presented in the two different letters, based on the grounds cited, and the fact that Bunnell Drive Extension will only serve two existing homes and as secondary access to the larger Lot 6. Following brief discussion of how to show Bunnell Drive Extension on the plans, Jim Graham then made a motion, seconded by Don Rhodes, to accept and approve the plans for boundary adjustment, conditional upon the following items: label Bunnell Drive as noted above and show the ROW with a dashed line across the end of the road; the Board should receive written communication from DES regarding the exemption from the requirement for state subdivision approval for the reduction in area of Lot 2; Notes 4 (b), 4 (g) and 11 need to be revised and/or clarified as noted above; acknowledgement of the two requests from David Smith regarding final approval, closing of the deal, and recording of the plans.

Board members then turned to a discussion of the concerns brought forward during the first public hearing on the proposed Agricultural Soils Overlay District. After lengthy discussion, it was agreed to follow suggestions put forward by Don Rhodes to bring a proposal to the second hearing that trimmed the proposal. It was decided that it was important to hear from the voters after they have had a chance to digest the proposal. The revised proposal reduces the prime soils acreage that should be kept intact as part of conservation development and to offer a further exemption for projects involving up to 5 lots if the overall project meets the objectives of the district. Board members also agreed that it would make sense to take soils of local importance out of the definition of the district at this time after reviewing maps showing the zone as defined by the two different criteria. These changes will be put forward for public comment at the second hearing.

There being no further business before the Board, it was moved, seconded and voted to adjourn at 9:45 pm.