

## Minutes

### Planning Board Meeting

October 6, 2011

Members of the Planning Board in attendance were Charles Moreno, Chairman, Jim Graham, Lynn Sweet, Mark Whitcher, and Terry Hyland, Alternate member.

The Chairman called the public meeting to order at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the November regular meeting is 5 p.m., Tuesday, October 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. It was agreed to postpone consideration of the minutes until after the formal business.

There were no items of continuing business for this evening's meeting. The first item of new business was the application of BEAR-PAW REGIONAL GREENWAYS and BLUE HILLS FOUNDATION (Tax Map 5, Lots 24 and 25), Evans Mountain Road, for boundary adjustment with the TOWN OF STRAFFORD CONSERVATION COMMISSION, off Evans Mountain Road (Tax Map 5, 23). Phil Auger presented the application on behalf of Bear-Paw Regional Greenways; a number of abutters and interested parties were present. He noted that the property was originally listed as 1015 acres, but had surveyed out to about 970 acres. The property is now being split approximately in half, with half going to each of the original major contributors to the conservation project: Blue Hills Foundation and the Town of Strafford Conservation Commission. Bear-Paw Regional Greenways will hold the conservation easements required by the granting agencies (LCHIP and NH DES ARM) that provided final funding for the project. A letter from all three applicants requesting waivers to several of the subdivision plan requirements was submitted to the Board. The boundary will follow natural monumentation as much as possible. The Town's portion will be merged with the adjoining 54± McCabe lot, creating a 522.06± acre lot. The Town portion includes the snowmobile trail and the lower altitude parts of the property. Blue Hills Foundation will retain the remaining 502 acre lot (Lot 25). Both the Town portion and the Blue Hills Foundation portions include land on both sides of Evans Mountain Road, formerly known as Lot 24 on the western side of the road and Lot 25 on the northern and eastern side of the road. Charles Moreno asked where the ridgeline falls and asked if there were any differences in public access between the two portions. Dan Kern, Executive Director of Bear-Paw Regional Greenways advised that the provisions for public access are the same for both portions due to the requirements of the granting agencies. He noted that Blue Hills has no obligation to make trails on their portion, but there is an obligation to provide access. The Town portion will include the snowmobile trail and the Conservation Commission and Blue Hills intend to work together to run a through trail between Parker Mountain Road/Storer Lot and Evans Mountain in the future. Any work on the properties must be approved by Bear-Paw Regional Greenways, the easement holder. Mr. Auger noted that the language of the easements has already been agreed upon, and at the closing, the properties will transfer and the easements will be put in place.

Board members then reviewed the plans with the checklist. Dan Kern explained how the funding for the project had been raised, noting that the property is now owned by Bear-Paw and Blue Hills, with the Town holding an executory interest. Lynn Sweet asked about the grantor requirements. Phil Auger and Dan Kern addressed the question, noting that a final plan is the next item; DES has approved the easement language and the property split. Bear-Paw typically does not own property, they hold easements and enforce the terms of the conservation easement. Noting that the major items on the checklist were complete, Jim Graham then made a motion to accept the plans as complete for consideration. Terry Hyland and Mark Whitcher both seconded the motion. There was no further discussion and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing. He then read the letter requesting waivers to a number of plan requirements, including topography, wetlands delineations, setback lines and building lines due to the large size of the lots and the fact that the property will be under conservation easement and cannot be developed. Lynn Sweet said that she agreed with the request and spoke in favor of the project. Jim Graham noted the great expense that would be involved to meet the plan requirements and agreed that it would not make sense since the property will never be developed. Mark Whitcher and Terry Hyland agreed. The Chairman noted that although the Board is concerned with precedents, waivers to the requirements for these items are often granted for boundary adjustments, and he noted in this case, the property is part of a large conservation project which makes this a special case. He noted that there have been a number of studies of this property, and there will be more to come as management plans are drafted, so he said that he feels that it is very appropriate to waive the requirements in this case. Jim Graham noted that this is a boundary adjustment, not a subdivision, and no new lots are being created.

The Chairman then turned to the audience. Paul Eaton asked whether there would be continued public access along the ridgeline along the existing trail and asked if the Board could require that the trail be built. Phil Auger noted that both prospective land owners are talking about making a through trail, but suggested that requiring a trail should not be part of a lot line adjustment. He noted again that both parties are in full agreement about a trail. Carolyn Page addressed the Board and said that there have been efforts to conserve this land for 30 years and that she hoped the Board would approve the plans. Eric Rowe then addressed the Board and began by respectfully asking that the Board delay action until he could be represented by counsel. Mr. Rowe then addressed Lynn Sweet, the Selectmen's representative, and asked if the Selectmen had approved the plan. She advised that it is the role of the Planning Board to approve the plan and that her role as the Selectmen's representative was to maintain communication between the Boards. Mr. Rowe asked if the deeds had been approved. It was noted that the plans must be finalized in order for the deeds to be written. Mr. Rowe expressed concern that Blue Hills might be able to use their lot as a house lot. Phil Auger then explained the conservation easement and George Lovejoy, representing the Blue Hills Foundation, explained the Blue Hills acquisition of the adjacent Boy Scout property and the Foundation's interest in protecting the higher terrain and sensitive environmental areas. Mr. Rowe then said that with the Town having a significant role in the property and with Bear-Paw preparing to host an event at the property, he feels that everyone needs to sit down and have a conversation about the road, which is a Class VI road now maintained by Mr. Rowe, who owns a home beyond the main access point for the Evans Mountain properties. The Chairman asked if Mr. Rowe's primary concern was concern about an increase in traffic with public ownership of significant frontage along the road. Mr. Rowe said that the previous owner of the land had promised that they would restore the road, and Mr. Rowe said that he objects to the idea of making a parking area for the trails and feels that the Town needs to ante up and help with maintenance. He added that he is a huge proponent of people enjoying the mountain and said that he agrees that the conservation sale has resulted in less 4-wheeler traffic. Ken Berry, another abutter, said that he shares Eric Rowe's concern about traffic and said that he feels that the pressure for public use will increase the traffic significantly. Lynn Sweet responded to the concerns, saying that she feels that the Selectmen will need to come up with a plan of action for the future. Charles Moreno noted that it would be appropriate to see how the traffic develops, and it was noted that the Conservation Commission will need to raise funds before any parking area or trail work could be completed, so these concerns could be included in any future projects.

Board members then discussed the issues raised. Mark Witcher noted Mr. Rowe's request for continuance. Jim Graham suggested that he felt that the request would hold the project hostage to the concerns about the road. Lynn Sweet noted that the concern about the road is more widespread. It was suggested that the road issue would not be affected by the ownership of the land, however, since public access will be required of any owner. Therefore the road issue is really separate from the lot line adjustment question. After discussion, Lynn Sweet agreed that the road issue will be looked at by the Selectmen and Conservation Commission, but is not relevant to the boundary line adjustment. She said that she is fine with the proposal for lot line adjustment. Jim Graham then made a motion to approve the plans for lot line adjustment. After discussion, Board members agreed that the road concerns do not pertain to the boundary adjustment. Mark Witcher seconded the motion. The Chairman asked that the motion include the request for waivers to the plan requirements. Jim Graham then made a second motion to approve the waivers to plan requirements in paragraph E and M as requested because the plans are for boundary adjustment rather than subdivision and the lots are 500 acres or more. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative with Lynn Sweet abstaining as the ex officio member. Jim Graham then restated his motion for approval and Mark Witcher re-seconded the motion. There was no further discussion and the vote was unanimous in the affirmative with Lynn Sweet abstaining as the ex officio member.

The second item of new business was the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). Daniel O'Lone of Berry Surveying and Engineering presented the application; Janet Prevatt and a number of abutters were also present. Charles Moreno recused himself from the Board for this discussion because he owns abutting property and Jim Graham took over as Acting Chairman. Mr. O'Lone presented revised plans showing only a two lot subdivision; one 2 acre lot around the existing home, Lot 22, and the remaining land as a single 10.52 acre lot, Lot 22-1. They have completed a wetlands survey. A fenced area in the southwest corner is shown on the plan but is not a structure. Board members immediately noted that Lot 22 will need to be increased in area to have a full 2 acres of uplands. Discussion then turned to the condition of Ridge Farm Road, a private road. Terry Hyland advised that the road is in similar condition from the beginning up to his home, farther up the road than the lot under consideration. He advised the Board that the residents come together and have Greg Messenger complete annual maintenance on the road, as well as snow plowing, etc. Mark Witcher asked if there was some provision for future lot owners to contribute to maintenance, but the residents all agreed that their arrangements are informal, and not a true homeowners association.

Lynn Sweet, noting that she is speaking from her position on the Board of Selectmen, then advised Board members that the Selectmen feel that the Board should consider requiring that the road be brought to town specifications prior to any new subdivision. Ms. Sweet noted that the Selectmen have been moving in this direction for years, and also noted that the road work could be bonded rather than built prior to the final approval of the plans. Abutters asked if the same requirement would apply if an existing home was sold. She advised that no, but noted that the Town is facing problems with other private roads that were not constructed to specifications as they should have been. Jim Graham noted that the Board could likely waive the requirement for pavement, given the character of the neighborhood, but that getting the base built up would benefit everyone. Abutters continued to ask about the new rule about private roads, suggesting that the requirement would hurt those living in this neighborhood without benefiting others. Ms. Sweet suggested that Mrs. Prevatt request waivers, give the Board a reasonable layout for upgrades, etc. Mark Whitcher noted that the regulations are meant to provide for emergency vehicles, etc. Abutters again spoke of the condition of the road and the regular maintenance. It was suggested that the homeowners have Mr. Messenger provide a letter regarding the road and consider coming up with a long-term maintenance agreement. Board members agreed that it was hard to decide what number of lots should trigger the requirements. Abutters noted that there are 11 homes on the road now, for about 3000 feet of road.

Board members then reviewed the plans with the checklist. The following items were missing and/or need clarifications: additional area required for Lot 22; plan references; current use notation; test pits and subsurface approval for Lot 22; and remove note 11 regarding the Mohawk River which runs near but does not abut the rear boundary. There was a brief discussion of current use assessment. There being no further discussion among Board members, Mark Whitcher then made a motion, seconded by Terry Hyland, to accept the plans as complete for consideration, conditional upon the completion of the item noted above. There was no further discussion and the vote was unanimous in the affirmative of the members voting. Board members then took a moment to look at the frontage. It was noted that past 128.51 feet, the frontage for Lot 22-1 runs through the lot. It was suggested that the 200 foot mark be shown, and it was noted that any road improvements would only need to extend to the 200 foot mark for frontage calculations. A note should be added to the part of the lot north of the road to show that it is not a separate lot. The Acting Chairman then opened the public hearing. There were no additional comments. The Acting Chairman closed the hearing. Additional discussion will take place at the next meeting.

Board members then reviewed the minutes of the September 2011 meeting. Jim Graham then made a motion, seconded by Terry Hyland, to approve the minutes as presented. There being no further business before the Board, it was moved, seconded and voted to adjourn at 10:00 pm.