

Minutes

Planning Board Meeting

June 7, 2018

Prior to the regular meeting, the members of the Board met at Back Canaan Road for a site walk, meeting with Bob Berner, the arborist for Eversource Energy. The purpose of the walk was to review the trees that Eversource is proposing to remove along Back Canaan Road, a dedicated scenic road. Members of the Planning Board in attendance for the site walk were Charles Moreno, Chairman, Don Clifford, Terry Hyland, Scott Young, ex-officio member, and Donald Coker, Alternate member. Board members reviewed each tree on the list provided by Eversource, checking age, health, species etc. A final list was drafted for review at the July meeting of the Board. It was agreed to postpone the formal public hearing on the Eversource request in accordance with RSA 231:158 and the Strafford Scenic Roads Ordinance to the July meeting. The Board then adjourned back to the Town Hall to address the remainder of the evening's agenda.

The Chairman opened the meeting at 7:35 PM and announced the members present. The Chairman designated Donald Coker as a voting member. It was agreed to hold the July meeting on Thursday, July 12th due to conflicts over the Independence Day holiday week. The closing date for applications to appear on the agenda for the July 2018 regular meeting is therefore 5 p.m., Tuesday, June 19, 2018. The Chairman asked applicants to respect the Board's application deadline. The Chairman advised that should applications be submitted late and be found incomplete, the Board will not accept them for the agenda. 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.

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). Mr. Abels has requested that this item be continued forward to later in the year; new notices will be sent when the application becomes active again.

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.

The first order of new business was the application of LANCE KEITH and MERCY SAMPANG for the 2-lot subdivision of their property located at 402 Drake Hill Road (Tax Map 4, Lot 30). Lance Keith was present. Carol Cooper and Michael Whitcher, abutters, were also present. Ashley Rowe presented the application on behalf of Geometres Blue Hills; Mr. Rowe recorded the session for his personal use. The Keiths are proposing a 2-lot residential subdivision of their approximately 12.6 acre lot. Both lots have frontage on Drake Hill Road; the new lot would comprise the southwesterly half of the existing lot. The new lot would be 5.574 acres in area, with 4.655 acres of contiguous buildable land. The lot with the existing home will be 7.103 acres in area, with 5.685 acres of contiguous buildable land. Both lots are in excess of 5 acres so no state subdivision approval is required. Both the Keith's home and the Holland home beyond on Lot 29 are served by an existing woods road. Mr. Rowe said that as part of this plan they intend to lay out the driveway ROW as it exists, parts of which vary somewhat from the original layout. There is a small patch of poorly drained soils at the front of the lot and areas of steep slopes. The developers intend to create a driveway for the new lot off the existing woods road, rather than trying to create a new entrance off of Drake Hill Road. They suggest that the driveway for the new lot would split off the existing woods road about 70-100 feet in from Drake Hill Road.

Board members immediately turned to the question of the existing driveway ROW/woods road, which totals about 1100 feet or more. Board members asked about turnouts, width, etc. The Chairman then explained that the Board would review the plans for completeness with the checklist; if the plans are found to be complete, the Board would then open the public hearing to accept public comment. In review, the following items were found to be missing and/or need clarifications: total acreage; current use note; easement agreement for the maintenance and use of the woods road/shared driveway; road name (required because the drive will now serve three lots). Steep

slopes are shown; Mr. Rowe indicated that there is no ledge, there are no watercourses, and existing deed restrictions (no lots less than 5 acres) are shown in Note 2. Board members agreed that the plan is substantially complete. Donald Coker then made a motion to accept the plan as complete for consideration. 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 application. There were few comments. It was noted that the deed restriction regarding subdivision also applies to Lot 29; Lots 29 and 30 were divided in the 1970s. The Chairman then closed the public hearing.

Board members returned to the question of the driveways. Board members called on the Fire Chief, thanking him for attending. Don Clifford noted that he feels that the same questions as raised for the Clear Creek Properties project need to be asked here, noting that the Fire Department needs to be able to turn without backing out onto Route 202A/Drake Hill Road. He requested the same turnouts as designed for the Clear Creek Properties project. Discussion turned to the existing woods road. It was agreed that the existing road is about 15 feet in width and both Scott Young and Chief Whitehouse agreed that they have been down this woods road and that it is in good shape. Chief Whitehouse said that he needs to be able to swing his largest truck into the new lot and that they need to maintain the 15 foot width of the existing woods road, although he feels that the road may be grandfathered beyond the new lot. Board members suggested that if since the applicants are creating a new lot and thus changing the use of the drive, the Board can require upgrades if Fire and Safety codes require them. Ashley Rowe said that the road was built to town specifications in the 70s and has been well maintained. There was extensive discussion. Charles Moreno asked Chief Whitehouse what he needs to be able to turn into the new lot. Scott Whitehouse replied that he will need an entrance that is 18 feet or more in width—he would like about 20 feet at the neck. Board members noted the typical turn-around designed for the Clear Creek Properties project. Mr. Rowe said that he would prefer to add a detail box to the plan. Donald Coker asked Scott Whitehouse if he was comfortable with the rest of the driveway. Mr. Whitehouse said that the Fire Marshall could impose requirements, but that he has been up there and feels that there is no problem and he does not know how they could impose more, given that the drive beyond the new lot is existing and is of adequate width and well maintained. Board members discussed whether or not they felt that they could require upgrades to the existing drive/woods road as part of the subdivision approval. Scott Whitehouse said that they need an approved road surface and proper turn-out by code. Discussion then turned to monumentation. Board members asked that the long lines be blazed, noting consistency with other recent projects. Ashley Rowe asked that they be allowed to place more permanent markers in the area where the new lot line runs close to the woods road because blazing would be unsightly. Board members agreed. Monuments should be set every 200 feet or blazing every 100 feet. Wrapping up the discussion, Terry Hyland then made a motion to approve the plans for two-lot subdivision, conditional upon the completion of the following six items: monumentation as discussed; revising the shared driveway easement; current use note; total acreage; road name; and adding a typical turnout detail for the driveway opening to the new lot from the existing woods road that meets the Fire Chief's approval. Scott Young seconded the motion, there was no further discussion, and the Chairman called the vote. The motion passed by majority vote with one abstention and no nay votes. The applicants should bring the final plans to the office for signatures and recording once all conditions have been met.

The second item of new business was the application of the MARCY A. WHITCHER REVOCABLE TRUST OF 2002 for the 3-lot subdivision of property located adjacent to and southwest of the preceding application on Drake Hill Road (Tax Map 4, Lot 31). Ashley Rowe of Geometres Blue Hills presented the application; Michael Whitcher was present and Carol Cooper, Lance Keith, Martin Mistretta and the Yossarians, abutters and interested parties were also present. The applicants are proposing to divide the existing 19+ acre property into three lots, each with road frontage on Drake Hill Road. Running north to south, Lot 1 would be 6.619 acres; Lot 2 would be 6.571 acres; and Lot 3 would be 6.263 acres. Right now the plans show a single shared driveway at the crest of the hill, but they are working with NH DOT, and DOT has not yet looked at their application, so they may be allowed two driveways. Mr. Rowe said that there are no poorly drained soils on the lot, and because the steep slope area bisects the lots, they are proposing to develop close to the road. Board members reviewed the regulations regarding lot layout because the lots are over 1600 feet deep and narrow to about 100 feet at the rear. Mr. Rowe advised that the average width of the lots is about 200 feet in the area for development. As the lots exceed 5 acres, they are not required to apply for state subdivision approval.

Board members then reviewed the plans with the checklist. The following items were missing and or need clarifications: bar scale; total acreage; wetlands seal; current use note; plan set note; buildings within 100 feet (Carol Cooper's home and Martin Mistretta's shed); driveways within 200 feet (Lance Keith and Martin Mistretta); access easement layout and specifications for the shared driveway; adjust abutters to reflect the adjoining subdivision now

approved; show the ROW to the Mistretta property. Martin Mistretta, an abutter, advised Board members that he feels that some items are missing from the plans, particularly the ROW to his property. He advised the Board that the "existing woods road" shown on the plan is a deeded ROW to his lot. Ashley Rowe and Michael Whitcher both said that a ROW was deeded but that the location is not defined. Mr. Mistretta disagreed, noting the deed. He also noted that his shed and dug well are within 100 feet of the property line and do not show on the plan. Ashley Rowe and Michael Whitcher claimed that the Board cannot require that the well location to be shown until they design a septic disposal plan. Board members discussed the question and agreed to determine if it is required. Martin Mistretta also noted his concern that not all abutters had been properly notified because two of the notices had been returned for outdated addresses. There was discussion of whether Mr. Mistretta was entitled to speak. Don Clifford said that he feels that there are too many items missing from the plans for the plans to be accepted as complete for consideration. Donald Coker said that the proper term is incomplete as presented, and said that he feels that public input is okay at this stage to gather information. Scott Young said that he wanted to go forward. Terry Hyland then made a motion to accept the plans as complete for consideration. Scott Young seconded the motion. There were three aye votes and two nay votes and the motion passed. The Chairman then opened the public hearing and asked Mr. Mistretta to continue. Mr. Mistretta began with questions about the driveway. Michael Whitcher said that DOT has not come out to look, so they cannot verify, but that if the state gives them a second driveway opening it would be near the Mistretta property. Charles Moreno quickly asked Scott Whitehouse for his requirements for the shared driveway, and he confirmed that he needs a 15 foot road bed with shoulders, so overall about 18 feet. There was discussion that a typical section for driveway construction needed to be added to the plans, the same as the Clear Creek Properties project. Board members agreed that they need to research the well and noted the possibility of requiring blazing along the lines.

Discussion then focused on Martin Mistretta's ROW. He noted that the ROW is in his deed, the previous Herson deeds, and the Wroblewski to Whitcher deed and he requested a site walk with the Board, noting that he would like to be present. Board members reviewed the deed. The Luttle cellarhole is by his existing home. He said that he continues to use the old ROW if he is having trouble with his other driveway, and noted that the ROW is well established. Ashley Rowe said that the deed language defining the location goes back to the 19th century, so therefore modern surveying would not consider the location as being defined and said that you cannot tell if the current path is the one designated in the deed. Donald Coker said that he is concerned that this is not a simple thing. Don Clifford said that he is certain that Michael Whitcher will give Mr. Mistretta a ROW and Scott Young agreed, but Terry Hyland noted that Mr. Mistretta's concern is that the existing ROW will be blocked by a house. Don Clifford said that he thinks that the ROW location should show on the plan and the Board should take the ROW into account. Terry Hyland asked Mr. Whitcher if the ROW can remain on the existing woods road and Mr. Whitcher indicated that it cannot. Charles Moreno said that he knows that the woods road is there and advised that part of the woods road is lined with stone walls, which are actually shown on the subdivision plan. If the landowner has been using the ROW, this is an issue, he said, and suggested that a site walk would be in order. Terry Hyland said that he feels that the existing location for the ROW is grandfathered. Donald Coker said that the Board needs to urge the applicant and the abutter to come to an agreement that satisfies both parties before the next meeting, and advised that once agreed, the ROW could go on the plan. Carol Cooper noted that the Hersons were using the existing woods road as their driveway when she came to her home 42 years ago.

Ellen Yossarian said that she has read the Master Plan and that she feels that this subdivision makes the area suburban and changes the character of the town. Charles Moreno asked how it is different from Whig Hill and she replied that Whig Hill is more of a neighborhood with more space. Don Clifford noted that this plan meets requirements. Martin Mistretta said that the Master Plan calls for sensitive development and asked if this subdivision is in the spirit of the plan. He said that he doesn't think people want 'cigarette' lots, and said that he understands that this is within the ordinance but said that the Master Plan should be the guideline for making decisions. Going back to the deeded ROW, Ashley Rowe said that he thinks that an attorney would send the question back to the surveyor, and noted his position as the surveyor. Board members discussed whether to schedule a site walk, and finally agreed that it is not needed until Mr. Whitcher and Mr. Mistretta come to agreement. Scott Young noted that they may want to look at the shared driveway. Charles Moreno noted the monumentation question. It was noted that there is an existing stone wall running close to one of the proposed interior boundaries. Ashley Rowe said that using the stone wall would be expensive to survey and said that the regulations encourage but do not require using existing stone walls. He said that doesn't disagree that it would be best practice. Scott Young said that he feels that it is okay to leave the line as shown and returned to the blazing suggestion. General discussion continued regarding the requirements for monuments. There being no further comments, discussion of this application was continued forward to the next meeting. Board members would like a written agreement regarding the ROW location.

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 May meeting as presented. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Board members then scheduled a work session for Tuesday, July 10th at 6:30 PM to work on updating the subdivision regulations, to include finalizing standard requirements for shared driveways, etc.. 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 11:45 PM.