

Minutes

Planning Board Meeting

January 8, 2015

Members of the Planning Board in attendance were Charles Moreno, Denise Markow-Speed, and Lynn Sweet. Paul Eaton arrived at 7:30 PM. The Chairman opened the meeting at 7:00 PM. The first item of new business for this evening was to open a Public Hearing in accordance with NH RSA 675:3 and 675:7 to present and discuss proposed amendments to the Strafford Zoning and Land Use Ordinances and Building Regulations to be presented to the voters of Strafford on March 10, 2015. The Chairman then opened the public hearing. Notice was posted at the Strafford Post Office and Town Offices on December 17, 2014 and published in Foster's Daily Democrat on December 27, 2014. The full text of the proposals has been available at the Town Offices.

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

To add a proposed Article 1.4.1 A (2) to allow the creation of a minor subdivision including a single back lot with reduced frontage in certain circumstances where the original lot is greater than 20 acres in area and has between 250 and 400 feet of frontage.

To add a proposed Article 1.4.2 I SMALL WIND ENERGY SYSTEMS to accommodate small wind energy systems in appropriate locations and to establish a permitting process for the construction of small wind energy systems generating up to 100 kW.

To add a paragraph to Article 1.9 BOARD OF ADJUSTMENT to establish a time limit for the vesting of Special Exceptions and Variances granted by the Board of Adjustment which matches the time frame set by regulations for the vesting of Planning Board approvals.

To add a proposed definition 1.14.24 IN-LAW APARTMENT to clarify what constitutes an in-law apartment.

To add a proposed Building Regulation 4.1.12 FENCES to establish regulations regarding the construction and placement of fences.

There was nobody present for the hearing. Board members agreed to postpone further discussion and move forward with the regular agenda. The Chairman then called the meeting to order at 7:30 PM and announced the members present. The closing date for applications to appear on the agenda for the February 2015 regular meeting is 5 p.m., Tuesday, January 20, 2015. 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.

The first item of business before the Board was the application of BRIAN and SANDRA PAYNE for a conservation subdivision development and boundary adjustment on Payne Drive off Roller Coaster Road (Tax Map 7, Lot 8 and Tax Map 37, Lots 11 and 12). Bernard Cote of Géomètres Blue Hills was present representing the applicants. Lissa D'Anjou and Bob McLelland, abutters, were present. Mr. Cote presented revised plans showing a number of corrections and/or revisions as requested by the Board at the previous meeting and revised waiver requests. Board members reviewed the revisions. Mr. Moreno noted that proposed Lot 8-5 is now about 3 acres larger than originally designed, while the other lots have decreased in area. Mr. Cote explained the revisions since the last meeting, noting that the December meeting had tackled odds and ends from the initial review. What is different for January he advised is the location of the road entrance from Route 202A. They are now proposing to bring the road in across Lot 12 where they had previously received a wetlands and driveway permit rather than using the ROW. They know that a new NH DOT permit will be required, including a potential requirement for a deceleration lane. He noted that this proposal is the least impacting alternative for wetlands other than the original proposal to upgrade the ROW. His main concern this evening, he said, was to work with the Board to find out if the location and setup will work. They understand that they still need to provide engineering, stormwater, and DOT

permits. They are now asking for 3 waivers—road length and hammerhead design, pavement, and utility poles (they want to use the existing poles and any new lines would be run underground). He would like to get comments on the new entrance and decisions on the waiver requests so the clients can decide if they are continuing with the project.

Board members looked at the lot layouts and acreages. After lengthy discussion it was agreed that the buildable area calculations need to be clarified to be sure that the project meets the Conservation Subdivision requirements. The open space acreage has declined from the original proposal although is slightly higher than proposed in December. Board members agreed that a new chart should be drafted showing total acreage, total buildable area, and total non-buildable area. Denise Markow-Speed suggested that Mr. Cote should send a draft of the chart to the Board for review and comments. Board members also noted the increase in Lot 8-4 from the original layout, and after discussion about abutting properties, it was agreed that it would be helpful to restore the buffer area behind Lot 8-4 to provide adequate setbacks.

Discussion then turned to the road. Mr. Moreno said that the old driveway should be retired and restored. Mr. Cote said that they might be willing to do something, but that expense would be an issue. Lynn Sweet suggested that the question might be between the owners. Board members expressed concern that unless the old driveway was retired, it would become a de facto second access. Various options including gates, stones etc. were mentioned. Mr. Moreno suggested taking out the culvert and allowing the wetland to flow and suggested that NRCS could assist. Lynn Sweet asked if anyone else has rights over the ROW, and it was agreed that none others had been found. Ms. Sweet noted that a utility easement along the ROW would still be needed. Returning to the new proposed road layout, Paul Eaton suggested that he feels that the new location is correct, and now it just needs to be engineered. Lynn Sweet advised that David Whitcher had met with the Selectmen, who had advised that the Selectmen feel that the road should be paved. Ms. Sweet agreed that the final decision on waivers rests with the Planning Board. Mr. Moreno said that information from the Selectmen and Road Agent had changed his views on the paving question. Paul Eaton noted that on balance, conservation development is a plus, and he feels that it will only happen if the paving is waived. Denise Markow-Speed suggested that the Board require a conservation easement rather than a conservation deed restriction, as part of a trade-off. Mr. Moreno said that it should also be understood that the road must be brought up to town specifications if it is brought to the Town for acceptance. After discussion, Ms. Sweet suggested that she felt that the Board should decide about the pavement this evening. Denise Markow-Speed asked if the applicants could run quick calculations on the road between from Station 5 to 14, which she feels is the issue. Mr. Cote responded that they do not have an engineer on staff, and noted that they are not asking for any waivers on the road except for pavement. There was a discussion of the probable need for a detention pond as part of the stormwater treatment plan. Ms. Markow-Speed explained that there would be more water to treat if the pavement was required. Mr. Cote said that comparisons would be difficult without fully engineering both options. Mr. Eaton noted that the Board must remember that the project only adds 3 lots. Board members agreed that it was time to move the discussion forward.

Paul Eaton said that he was in favor of the project because it put land into conservation rather than leaving it open for development years down the road. Addressing the Board, he asked what would make this better. Charlie Moreno said that for him, a conservation easement, a no further subdivision clause, building the road to specifications, restoration of the stream under the old ROW, and perhaps shrink the large lot. Mr. Moreno noted that the open space does not need to be held by a homeowner's association, so it could be held by the owner of the large lot. Lynn Sweet noted her recent experience with easements and noted that landowners retain control of land under easement. Denise Markow-Speed asked about the value gaining through easement, and it was agreed that with an easement, you know that the parcel will never be developed. She noted that gravel roads are not bad, as long as they are private. Board members agreed that it would be appropriate to include a note such as the notes on the Lund plan stating that the road Returning to the request for waiver to the requirement for paving, Paul Eaton then made a motion, seconded by Denise Markow-Speed, to approve a waiver to the requirement for paving, contingent upon the following six conditions: 1) putting the open space into conservation easement, 2) restoring the open space acreage to 55% of the total buildable area, 3) no further subdivision, 4) adding a note that the road must be brought up to current town specifications before being brought to the Town for acceptance, 5) add a buffer corridor between Lot 8-5 and Lot 8A, and 6) retirement of the through-road located on the ROW and stream restoration to NRCS specifications. There was no further discussion and the motion was approved by majority vote, with 3 votes in favor and one nay vote. Paul Eaton then suggested that the Board consider the other waivers requested by the applicants. Lynn Sweet suggested that the request to allow the applicants to retain the existing utility poles makes sense. Denise Markow-Speed noted that some of the existing poles may have to be moved during road work. Board

members asked if expense was one of the issues here. Lynn Sweet noted that the utility easement over the old ROW will need to continue because the existing poles run along the ROW. Mr. Cote noted that the waiver request refers to existing poles only and that new lines would be underground. Charlie Moreno, in agreement with the rest of the Board, advised that granting the waiver makes sense here because the poles are an existing condition. Denise Markow-Speed also noted that potential bedrock blasting was an identified concern. Lynn Sweet then made a motion to waive the utility design standards based on the fact that there are existing power poles in place now and recognizing that there are poles along the roadway that may need to be moved. It was recommended that the parties should figure out the current PSNH easement. There was no further discussion and the vote was unanimous in the affirmative. The last waiver request was to the requirements regarding total road length for a dead-end road. Paul Eaton noted that it is in the regulations that the Board has the ability to waive the requirement for a conservation subdivision. Lynn Sweet asked if the applicants had talked to the Fire Chief about the turning radius. Denise Markow-Speed noted that she would like to see the turning template, and asked to have the information added to the plan. Lynn Sweet suggested that the applicants consider adding a dry hydrant for the detention pond. Regarding the road length waiver, Board members agreed that granting the waiver would be conditional upon the project remaining as a conservation development. Mr. Cote agreed to resubmit the request with proper wording. Further discussion will be continued to the next regular meeting.

Board members then agreed to tentatively hold a work session Thursday January 22nd at 6 p.m. to review the zoning change proposals discussed earlier in the meeting. There being no further business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 10:15 PM.