

**DRAFT – NO LEGAL VALUE**

**Minutes**

**Planning Board Work Session & Meeting**

**Location:** Strafford Town Hall Conference Room

**Date & Time:** May 5, 2022 7:00PM

**Voting Members Present:**

Charlie Moreno – Chairman  
Phil Auger – Vice Chairman  
Terry Hyland  
Tim Reed  
Lynn Sweet – Selectman Representative

**Non-Voting Members Present:**

Donald Coker – Alternate  
Don Clifford – Alternate

**Others Present:**

Natalie Moles, Strafford Regional Planning Commission, Economic Recovery Coordinator  
Autumn Scott, Strafford Regional Planning Commission, Regional Planner  
Dave Copeland, Strafford Building Inspector  
Robert Fletcher, Minutes Recorder

The Chairman, Charlie Moreno, called the meeting to order at 7:00PM, recognized board members Phil Auger, Terry Hyland, Tim Reed, Lynn Sweet, Donald Coker, and Don Clifford as present. He also recognized as present Natalie Moles, Autumn Scott and Robert Fletcher.

The Chairman announced that the closing date for new applications to be filed for the agenda for the regular June 2, 2022 meeting is 5:00 PM, Tuesday, May 10, 2022. Revised applications for projects already under review must be submitted by May 24, 2022 for the June 2022 meeting.

**Continuing Business**

**Design Review, Caverly Hill Farm LLC, proposed 6-lot conservation development subdivision, Leonard Caverly Road, (Tax Map 8, Lot 69)**

The Chairman recused himself from consideration and asked Phil Auger to preside. Mr. Auger appointed Don Clifford as a voting member and asked for a motion to continue forward the Design Review to the June 2022 meeting, which was so moved by Lynn Sweet, seconded by Terry Hyland, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**New Business**

**Boundary Adjustment, Subdivision and Conditional Use Permit – KRJ Finance LLC, Webber Road, Boundary Adjustment between Tax Map 1, Lots 22 and 23, 3-lot Subdivision of Tax Map 1, Lot 22 and**

Conditional Use Permit application for the construction of a driveway to provide access to a rear building site and to provide access to Lot 23 (Tax Map 1, Lots 22 & 23)

Lynn Sweet indicated there was a potential misnotice of abutter, John Hall. The Town had received a signed USPS certified mail delivery card for the Meeting notice mailing. Mr Hall, who was present at the Meeting, confirmed for the Board that the signature was not his. Lynn Sweet asked Mr. Hall if he was willing to go forward with the Meeting despite the lack of proper notification. Mr. Hall indicated that he was and, having obtained a copy of the notice, noted the time indicated for the Meeting was 7:30PM not 7:00PM. Mr. Hall also noted that he was not indicated as an abutter on the proposed site plans. Tim Reed pointed out that some abutters may not have arrived, because the notice indicated a 7:30PM Meeting. The Chairman delayed addressing this agenda item and moved onto other business before the Board.

**Preliminary Conceptual Consultations/Informal Discussions**

**Informal Discussion**

Marc Belair, 168 Roller Coaster Road, Strafford, NH. Mr. Belair would like to have an informal discussion with the Planning Board about possible recommendations regarding the future use of his property (formerly Strafford Window Manufacturing).

Mr. Belair indicated he is retired, and his son took over the business and relocated to Colebrook, NH. He is interested in repurposing the empty building for either commercial use, self-storage, or apartments. The building is on the same 16.1 acre property as his house, and the current deed to the property restricts any subdivision, although the property frontage is adequate to allow subdivision. Discussion included the following:

- Rental of building to resume currently approved light manufacturing commercial use.
- Change of commercial use to other than light manufacturing, such as heavy manufacturing or self-storage, may require Zoning Board of Adjustment (ZBA) approval and site plan development for Planning Board approval.
- Use of building for residential apartments would require subdivision of the property and would be restricted to a maximum of three units without Variance approval from the ZBA. If Mr. Belair wanted to consider this option, he would need to seek legal advice to determine if the deed could be modified to allow subdivision of the property.

Mr. Belair thanked the Board for their advice.

**Extension Request**

Vertex Tower Assets, LLC, 22 Hillside Drive, Strafford NH 03884 is requesting an extension for a Non-Residential Site Plan Review granted by the Planning Board to construct and operate a telecommunications facility in the referenced property.

Attorney Francis Parisi, Parisi Law Associates, P.C., provided background on project delays, which include supply/logistical issues and not having secured a licensed carrier for communication service, a condition of project approval in order to begin construction. He is concerned about the duration of both site plan approval and protection from site plan amendments.

The Town Attorney, Keriann Roman, responded via email to Natalie Moles on May 3, 2022. In that email, she wrote "Looks like we are dealing with 2 issues, as follows:

1. Whether Vertex's Site Plan approval expires - It does not, so no need to get an extension from the PB just to prevent Site Plan approval expiration.
2. Whether the Site Plan is "protected" from site plan amendments and zoning amendments -
  - a. Can the PB grant an extension from RSA 674:39 to extend out this 24 month protection? RSA 674:39 also provides as follows: "IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph I. The planning board may, for good cause, extend the 24-month period set forth in subparagraph I(a)."
  - b. So, if the approval didn't specify active and substantial development (which I don't believe it did) and if the Site Plan regulations don't define it, the Site Plan is automatically protected for 5 years.
  - c. Otherwise, yes, the PB can also extend the 24 month period by a vote in public meeting."

The Chairman reconfirmed that the site plan approval does not expire and that the site plan is protected from Ordinance amendments for five years subsequent to the date of site plan approval.

### **New Business Resumed**

#### **Boundary Adjustment and Conditional Use Permit – KRJ Finance LLC, Webber Road, Boundary Adjustment between Tax Map 1, Lots 22 and 23, and Conditional Use Permit application for the construction of a driveway to provide access to a rear building site and to provide access to Lot 23 (Tax Map 1, Lots 22 & 23)**

The Chairman noted the time to be 7:30PM and asked the applicant to address the proposal.

Christopher Berry, Berry Surveying and Engineering, representing the applicant, presented an overview of the proposed boundary adjustment between Lots 22 and 23, which provides 50 feet of frontage for Lot 23 on Webber Road.

The Chairman noted that review of the Compliance Checklist by the SRPC had determined the application for boundary adjustment to be complete. He asked for a motion to accept the boundary adjustment site plan as complete, which was so moved by Phil Auger, seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Discussion continued with Mr. Berry addressing the conditional use permit to gain access to Lot 23 and one lot of the proposed subdivision of Lot 22. He indicated this was a driveway, not a road, which would follow appropriate land contours along a 40-foot-wide access and utility easement. He highlighted areas of impact to wetlands and four proposed crossings of these areas to include culvert and head wall placement.

The Chairman indicated the need for the Board to clarify and discuss a number of items:

- 50-foot versus 200-foot minimum frontage. 50-foot minimum frontage is allowed under Town of Strafford Zoning and Land Use Ordinance, Section 1.4.1-A2 Land Requirements; Supplementary Lots greater than 20 acres.
- Locations of culverts on the site plan. Mr. Berry confirmed that four culverts are shown on the drawings. The two culverts closer to Webber Road are proposed to be 24-inch diameter reinforced concrete pipe (RCP) and the two culverts farther back in the property are proposed to be 3-foot-tall and 4-foot-wide concrete box culverts. Drainage calculations were not included in the plan; however, storm water flow calculations were complete for the wetland permit application, and they will be provided at the next Planning Board Meeting.
- Driveway pull-offs. Mr. Berry indicated they would be added to the site plan along with a turn-around at the end of the driveway.
- Conditional Use Permit. The Conservation Commission is involved in permit approval which requires a site visit along the route of the proposed driveway. The Board agreed to conduct the visit on May 19, 2022 at 5:00PM, which requires public notice. The Board would also notify the Conservation Commission of the scheduled visit. Mr. Berry agreed to flag the driveway route prior to the visit.

The Chairman opened the Meeting for Public Comments at 8:10PM and invited the public in attendance to speak regarding the boundary adjustment and conditional use.

John Hall, 99 Webber Road, expressed concern regarding the large pond located on his property which drains toward and eventually crosses Webber Road. Past flooding caused significant damage to Webber Road. He also noted that he was not shown as an abutting property owner on the drawings and snapper turtles were not listed as a species on the site. Additionally, he had some boundary location questions regarding his and the applicant's property. In response to the Chairman's question, Mr. Hall indicated that a survey of his property was conducted in the 1980's. Mr. Berry indicated that Mr. Hall's survey did not conflict with his survey and further indicated that he relied very heavily on Mr. Hall's survey to establish the applicant's property side boundary. The Chairman suggested Mr. Hall and Mr. Berry get together to resolve any boundary issues.

George Johnson, 70 Webber Road, questioned if a major subdivision was for three or more lots, and the Chairman confirmed that it was three or more lots as defined by the State of New Hampshire. He also requested confirmation that access to the property was classified as a driveway and not as a road, which might limit further development of the back lot. The applicant and the Board confirmed access to the interior portion of the property would be via a driveway, which would eliminate any further development.

McKayla Cote, 34 Webber Road, questioned the width of the driveway, which she believed to be 40 feet, and asked how many lots the driveway would access. The Board clarified that the easement for the driveway is 40 feet, but the driveway would be 18 feet wide not including shoulders. Mr Berry confirmed the driveway would access two lots with both building areas set back from Webber Road approximately 500 feet and 1000 feet, respectively.

Bill Price, 73 Webber Road, asked if there was an opportunity to get a copy of the site plans. He was informed there was an email address on the Town website, which could be used to request the site plans.

There being no further comments, the Chairman closed the Meeting for Public Comments at 8:10PM and requested a motion for continuation of the hearing for the Boundary Adjustment and Conditional

Use Permit to the June 2, 2022 Planning Board Meeting at 7:00PM. Lynn Sweet made the motion, which was seconded by Phil Auger and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**Major Subdivision – KRJ Finance LLC, Webber Road, 3-lot Subdivision of Tax Map 1, Lot 22)**

The Chairman asked Mr. Berry to briefly present the subdivision proposal.

Mr. Berry indicated the remaining land comprising Lot 22, following the lot line adjustment between Lot 22 and Lot 23, would be subdivided into three lots – Lot 22, Lot 22-1 and Lot 22-2. Lot 22 would contain the driveway providing access to the Lot 22 and Lot 23 buildable areas. He also indicated, in response to Mr. Hall’s concern regarding snapper turtles, that the site plans indicate the standard threatened species with a note indicating who to call if threatened species are present.

The Chairman noted that review of the Compliance Checklist by the SRPC had determined the application for a major subdivision to be complete. He asked for a motion to accept the major subdivision site plan as complete, which was so moved by Phil Auger, seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Board also considered whether or not the proposed major subdivision would cause any regional impact. The Board concluded there would not be regional impact, and Phil Auger made a motion in this regard, which was seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman confirmed with Mr. Berry that four buildable lots were planned for the entire property and asked Mr. Berry to highlight the major subdivision lot with the driveway (proposed Lot 22). Don Clifford expressed concern about the lot configuration being a double “dog leg” around proposed Lots 22-1 and 22-2. Per Town Ordinance, a lot with a “dog leg” of less than 75 feet is not allowed. The Lot 22 “dog leg” is approximately 200 feet wide. The Board considered rear lot revisions of all the proposed major subdivision lots to modify the Lot 22 “dog leg,” but concluded, due to the width of the “dog leg,” no changes were needed.

The Chairman opened the Meeting for Public Comments at 8:28PM.

McKayla Cote, 34 Webber Road, asked if there was an option of not doing the subdivision at all. The board indicated that her ownership of the property would be the only way to prevent any development.

Bill Price, 73 Webber Road, asked to be shown where the houses would be located on the property. Mr. Berry indicated their approximate locations. Mr. Price also asked if the dark line delineating the rear lot line of Lot 22 was the stream running through the property. Mr. Berry confirmed it to be a stone wall, and the brook referenced was located in a portion of proposed Lot 23.

Ken Berry, 267 Evans Mountain Road, asked Christopher Berry to point out the north end of the property and questioned the ownership of abutting properties. Christopher Berry referred to a complete site plan overview and answered the questions to Ken Berry’s satisfaction.

Bill Price, 73 Webber Road, asked if lot lines would be marked for the site walk. The Board indicated the site walk was needed to evaluate the driveway access route and would not normally provide an

opportunity to fully view all lot lines. Lynn Sweet suggested providing lot line markers along Webber Road, which was satisfactory to all.

There being no further comments, the Chairman closed the Meeting for Public Comments at 8:31PM. Tim Reed requested the stormwater flow calculations be provided to the Board in advance of a follow-up meeting, and Mr. Berry agreed to provide them as requested. The Chairman requested a motion for continuation of the hearing for the Major Subdivision to the June 2, 2022 Planning Board Meeting at 7:00PM. Phil Auger made the motion, which was seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

### **Preliminary Conceptual Consultation**

James Verra of James Verra and Associates, representing Mark Silberman, Trustee of the Mark The Gardner Revocable Trust of 25 Pig Lane Strafford, NH (Tax Map 12, Lot 18-3) – Proposed two lot subdivision with a 2+ acre tract around the existing residence and a remainder lot of 10 acres, more or less.

The Chairman needed to leave the Meeting and asked Vice Chairman, Phil Auger, to preside. Mr. Auger asked James Verra to address the proposal before the Board. Mr. Verra, representing Mark Silberman, referred to a marked up three-lot subdivision plan approved in 2000 following improvements to Pig Lane, a Class VI road. Mr. Verra indicated that the intention is to further subdivide one of the three lots (Lot 25) into two lots, both having frontage on Pig Lane. The Board advised Mr. Verra that Town Ordinance does not allow subdivision on Class VI roads and a waiver would be required to allow the subdivision. It was determined that further improvement to Pig Lane may be required under current Town Policy. The Town Road Agent would determine any need for Pig Lane improvements prior to the subdivision proposal being brought before the Town Selectmen. Mr. Verra thanked the Board for their advice.

### **Other Business**

Phil Auger mentioned the need to begin addressing the steps to address Master Plan development. Lynn Sweet informed the Board that Natalie Moles would be stepping down as the Town's SRPC consultant due to relocating out of state, and Autumn Scott, Regional Planner for SRPC, will be taking her place.

There being no further business before the Board, Tim Reed made a motion to adjourn, which was seconded by Lynn Sweet. The board voted unanimously in favor, and the meeting adjourned at 9:00PM.