

## **Planning Board Meeting**

**Location:** Strafford Town Hall Conference Room

**Date & Time:** June 2, 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:**

Blair Haney, Strafford Regional Planning Commission, Regional Planner  
Autumn Scott, Strafford Regional Planning Commission, Regional Planner  
Joe White, Strafford Building Inspector  
Scott Whitehouse, Strafford Fire Chief  
Greg Messenger, Town Road Agent (former)  
Robert Fletcher, Minutes Recorder

The Chairman, Charlie Moreno, called the meeting to order at 7:02PM, recognized Board members Phil Auger, Terry Hyland, Tim Reed, Lynn Sweet, Donald Coker and Don Clifford as present. He also recognized as present Blair Haney, Autumn Scott and Robert Fletcher.

The Chairman announced that the closing date for new applications to be filed for the agenda for the regular July 7, 2022 meeting will be 5:00PM Tuesday, June 14, 2022. Revised applications for projects already under review must be submitted by Tuesday, June 28, 2022, for the July 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 and requested Vice Chairman, Phil Auger, to preside. Mr. Auger appointed Don Clifford as a voting Board member and asked for a motion to continue forward the Design Review until the next meeting, which was so moved by Lynn Sweet, seconded by Don Clifford, and voted upon verbally in the affirmative by all voting Board members. The motion passed. The Vice Chairman passed control of the meeting back to the Chairman.

**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)**

The Chairman indicated that the Board accepted this application as complete at the May 2022 meeting and conducted a site survey in conjunction with the Strafford Conservation Commission on May 19, 2022. He asked Christopher Berry with Berry Surveying and Engineering to address the proposal.

Mr. Berry indicated that the concerns expressed by the Board and Conservation Commission following the site survey resulted in the proposal being viewed as a conservation subdivision rather than a conventional subdivision, which would allow subdivision lot boundary revisions. Proposed Lot 22-1 would be reduced in size by relocating the rear lot line with no change to the lot frontage. Proposed Lot 22-2 frontage would be reduced due to a side lot line adjustment to follow a stonewall and lot acreage would be reduced by relocating the rear lot line. As a result of these adjustments, proposed Lot 22 lot lines are relocated to incorporate relinquished area of Lots 22-1 and 22-2 to allow separate driveway access to a buildable site from the originally proposed driveway to Lot 22 and Lot 23. Proposed Lot 23 would be comprised of the relinquished area of Lot 22, and the remaining area of the original Lot 23, approximately 45 to 50 acres, would be preserved as a separate “open space” conservation area with protective covenants. A waiver to the 100-foot perimeter buffer would be required.

The above adjustments result in the elimination of two significant wetland crossings for the originally proposed driveway, which is now shortened and requires two wetland crossings instead of four. Don Clifford requested clarification on the number of proposed lots in the subdivision. Mr. Berry indicated this was a five lot subdivision with four buildable lots. Donald Coker questioned whether Lot 22-1 was a buildable lot due to it being less than two acres, and was informed that it was allowed as such due to the open space set-a-side acreage. Mr. Coker, who was unable to attend the site walk, asked what the Conservation Commission had concluded from the site walk. Lynn Sweet indicated that the Commission submitted a letter recommending that the crossings be engineered to accommodate proper stormwater runoff and maintain natural inherent wetland functions to include minimizing damage to buffer zones. Phil Auger suggested the use of the existing stonewall to delineate the rear boundary of the proposed lot bordering the open space. The Chairman indicated the need for building envelopes, setback waivers, and a Conditional Use Permit. Tim Reed suggested using open-bottom culverts on the proposed driveway to allow a more natural stream bed flow and rock walls to reduce the impact of driveway side slopes.

There being no further questions or comments, the Board thanked Mr. Berry and the applicant for making the adjustments to the lot lines and subdivision lots and reducing the wetland crossings for the driveway, which made significant improvements to the plan.

## **New Business**

### **Subdivision Application – Terrence and Brianna Hyland, 243 First Crown Point Road, proposed 2-Lot Subdivision (Tax Map 19, Lot 35)**

Terry Hyland, voting Board member, recused himself from consideration of this application. The Chairman appointed Don Clifford as a voting Board member and asked the applicant to address the subdivision proposal.

Ashley Rowe, Norway Plains Associates, Inc., presented a brief overview of the plan to subdivide a current 30-acre lot into two lots with the existing residence on an approximately five-acre lot and a second lot (Lot 35-1) of approximately 25 acres. First Crown Point Road provides frontage for both lots; however, access to proposed Lot 35-1 from frontage on First Crown Point is limited due to the need to cross wetland areas. This necessitates a narrow easement through the south corner of Lot 35 to allow access to Lot 35-1 over an existing road bed to a new residence.

The Chairman indicated the first consideration before the Board was to determine if the application meets checklist requirements. The Strafford Regional Planning Commission (SRPC) assists the Town in this process, and they determined the plan to be complete in accordance with the checklist. The Chairman requested a motion to accept the plan as complete, which was so moved by Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Board also considered whether or not the plan presents a regional impact. Phil Auger made a motion that the plan had no regional impact, which was seconded by Don Clifford, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Ashley Rowe continued his presentation with reference to slope of the existing road, which in two locations (one at 12.5% and the other at 16.4%) exceeds Town Ordinance maximum of 8%, if unpaved, and 12%, if paved. He indicated both the former Town Road Agent, Greg Messenger, and Town Fire Chief, Scott Whitehouse, walked the road. Mr. Messenger indicated a driveway permit could be issued, and Mr. Whitehouse indicated the road, brought up to driveway standards, would be adequate to support emergency vehicle access. Mr. Rowe indicated the need for three waivers:

- Driveway slope exceeding Town Ordinance maximum.
- Pavement for driveway slope in excess of 8%.
- Engineered design of the driveway in excess of 10% slope.

The Board had several questions:

- How old was the 36-inch diameter road culvert in the proposed easement. Approximately 40 years.
- What is the acreage of the watershed on the property. Unknown.
- Has there been any “blowout” of the road from stormwater. Road Agent was not aware of any.
- Does the 36-inch diameter culvert need to be replaced? Mr. Rowe did not believe replacement was necessary.
- Could the driveway location with 16.4% slope be able to be reduced to 12% through rerouting or build out. The applicant will attempt to limit the driveway slope as much as possible.
- Could the driveway locations with excessive slope be paved. The Fire Chief did not recommend pavement in steep areas. Gravel in steep areas generally provides better traction than pavement.
- Could an alternate access from adjoining family property be used. Applicant, Terry Hyland, Sr, indicated this would be possible in an emergency during the dry season.
- Did the applicant recognize the need for a pullout on the driveway in accordance with Town Ordinance. Yes.

The Board determined that a site walk was necessary to fully evaluate potential driveway slopes and building site location. The site walk, which is open to the public, is scheduled for June 7, 2022, at 6:00PM, and should include current Town Road Agent, Matt Messenger.

Terry Hyland, Sr. informed the Board that an “off-the-grid”, self-sustaining house was planned to be constructed on Lot 35-1 with no utility poles, no yard and with no sight line to any residence on abutting properties.

Terry Hyland, Jr. indicated that they want to use the existing road for the driveway to access the remote location, which they believe will have the least impact to the area.

The Board had no further questions, and the Chairman opened the meeting for Public comments at 8:13PM. There were no public comments, questions or concerns. The Board and SRPC Regional Planner, Blair Haney , expressed concern regarding proper recording of the driveway easement on Lot 35. Mr. Rowe indicated there would be no change of ownership for the lots, so the easement would not be recorded in a deed. However, a declaration of easement could be drafted and recorded, but in his opinion, it would not be enforceable. He believed the recorded plan clearly defining the easement would be adequate to protect easement access to Lot 35-1. The Board recommended that the final plan clearly indicate the driveway to Lot 35-1 as entering from First Crown Point Road. The Board determined that the Town Attorney should be consulted with regard to proper documentation of the easement.

There being no further discussion, the Chairman closed the meeting to Public comment at 8:26PM. Lynn Sweet made a motion to continue forward the hearing to the July 7, 2022 meeting, which was seconded by Phil Auger, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**Preliminary Conceptual Consultation** – Sarah McDuff and Dan Farinella, 1032 Province Road (Tax Map 6, Lot 1). Informal discussion with the Planning Board regarding a potential proposal for the referenced property.

The parties to discuss this proposal were not present at the meeting.

### **Other Business**

The Meeting minutes are not being posted in draft on the Town website and finalized for Board acceptance in a timely manner. The Board determined that the current process to initially review and edit the draft minutes needed to be modified. Phil Auger and Tim Reed will now conduct the initial review/edit of the draft minutes, which will be finalized by the Minutes Recorder and forwarded via email to all Board members.

There being no further business before the Board, Lynn Sweet made a motion to adjourn the meeting, which was seconded by Tim Reed. The board voted unanimously in favor, and the meeting adjourned at 8:45PM.