

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: January 5, 2023 7:00PM

Voting Members Present:

Charlie Moreno – Chairman
Phil Auger – Vice Chairman
Terry Hyland
Tim Reed

Non-Voting Members Present:

Donald Coker – Alternate

Others Present:

Blair Haney, Strafford Regional Planning Commission, Regional Planner
Robert Fletcher, Minutes Recorder

The Chairman, Charlie Moreno, called the meeting to order at 7:05PM and recognized Board members Phil Auger, Terry Hyland, Tim Reed, and Donald Coker as present. He also recognized as present Blair Haney and Robert Fletcher. The Chairman appointed Donald Coker as a voting Board member.

The Chairman announced that the closing date for new applications to appear on the agenda for the regular February 2, 2023, meeting is 5:00PM Tuesday, January 10, 2023, and revised applications for projects already under review must be submitted by Tuesday, January 24, 2023, for the February meeting.

Preliminary Conceptual Consultation/Informal Discussion – Terry Hyland, Jr. (Tax Map 19, Lot 35-1).

Terry Hyland, Sr. recused himself as a Board member for this discussion and Donald Coker agreed to act in his place. The Chairman announced that he received an email from the Town attorney, Keriann Roman, indicating that Terry Hyland, Jr. had contacted her regarding the proposed lot line revision. The Chairman advised Mr. Hyland that because the attorney represents the Town for legal matters, it is not appropriate for him to be contacting her directly. Mr. Hyland indicated that he contacted her to obtain a personal reference for land use consultation. Additionally, the Chairman indicated that the Town attorney provided comments that the Board may need to discuss during the consultation.

The Chairman asked Terry Hyland, Jr. to begin the discussion by presenting the proposed lot line adjustment. Mr. Hyland began by indicating that the lot line revisions were proposed due to the current Lot 27 owner's financial need and desire to sell a large portion of the lot, most of which is conserved by deed restriction. He explained that a primary goal in the merger is to limit expenses. One option that would reduce survey costs would be to develop a plat that incorporates the deed restricted portions Lot 27 into Lot 35-1, which he currently owns. Mr. Hyland explained that he needed guidance from the Board regarding use of existing land surveys and what subdivision regulations are relevant to the proposal. He indicated that there are no plans for property subdivision, buildings, or a septic system on the transferred portion of Lot 27, and wetland areas had been delineated previously.

The Board reviewed the 2014 plat map for Lot 27, which indicated a large area of the Lot in conservation. The anticipated lot line revision is the exchange of a section of land from one existing lot to another existing lot. Specifically, existing Lot 35-1 would receive the deed restricted portion of existing Lot 27. The proposal begins with two lots and ends with two lots, and therefore, is not considered a subdivision where an additional lot is created.

The Board needed to discuss the Town attorney comments regarding this proposal in a non-public session. Phil Auger made a motion to enter a non-public session, which was seconded by Donald Coker and voted upon verbally in the affirmative by all voting Board members present. All public personnel left the room, and the Board conducted a closed-door session at 7:20PM. At 7:37PM, Phil Auger made a motion to open the meeting to the public, which was seconded by Donald Coker and voted upon verbally in the affirmative by all voting Board members present.

Discussion resumed with both Terry Hyland, Jr. and Terry Hyland, Sr. in attendance. The Board provided the following guidance to Terry Hyland, Jr. on how to proceed with the proposed lot line revision:

- Combine the Berry Surveying and Engineering original survey for Lot 27 with the Norway Plains Associates original survey of Lot 35-1 to create a map that will establish a modified Lot 27 and 35-1, and depict the proposed metes and bounds for both lots. Also, his surveyor must clearly indicate lot lines to combine the portion of Lot 27 with Lot 35-1.
- Shade or crosshatch the portion of Lot 27 being combined with Lot 35-1 and provide a note indicating a deed restriction for that portion.
- Provide a note indicating no further subdivision of Lot 35-1 will be allowed.
- Update reference to owner of Lot 35-1 as previously subdivided.

Other Business

Tim Reed expressed concerns regarding how the Permit Renewal for Gravel Excavation presented at the December 2022 Planning Board meeting was addressed. The applicant was not present at the meeting but was in contact with a Planning Board member by text message during the meeting to address questions. Additionally, the Board was not provided sufficient time to review information or visit the site to determine if the excavation operations comply with permit conditions and State law, which is the responsibility of the Board. The vote was rushed due to concern that the current permit was about to expire. The Board concluded that text communication with an applicant by a Board member is not appropriate nor authorized because not all Board members are in the direct communication with the applicant. Additionally, the Board questioned whether they had the authority to extend the current permit to allow time to evaluate the excavation conditions. The Board addressed the possibility of changing 30-day notice of permit expiration to 90 days to allow time for inspection. Blair Haney indicated that there is a permit condition allowing the Board to conduct an excavation inspection annually. The Chairman instructed Board members to question procedural matters at meetings when they are evident so the Board can address them.

The Board reviewed the minutes of the December 1, 2022, Planning Board Meeting. Donald Coker made a motion to accept the minutes as written, which was seconded by Phil Auger and voted upon verbally in the affirmative by all voting Board members present who attended the December 1st Planning Board Meeting.

There being no further business before the Board, Donald Coker made a motion to adjourn the meeting, which was seconded by Phil Auger. The Board voted unanimously in favor, and the meeting adjourned at 8:05PM.