

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: May 4, 2023 6:30PM

Voting Members Present:

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

Non-Voting Members Present:

Don Clifford – Alternate
Donald Coker – Alternate
Susan Arnold – Alternate

Others Present:

Autumn Scott, Strafford Regional Planning Commission, Regional Planner
Lisa Murphy, Strafford Regional Planning Commission, Senior Regional Planner
Robert Fletcher, Minutes Recorder

The Chairman, Phil Auger, called the meeting to order at 6:33PM, recognized Board members Charlie Moreno, Terry Hyland, Tim Reed, Lynn Sweet, Susan Arnold, Donald Coker, and Don Clifford as present. He also recognized as present, Autumn Scott, Lisa Murphy, and Robert Fletcher.

The Chairman announced that the closing date for new applications to appear on the agenda for the regular June 1, 2023 meeting is 5:00PM Tuesday, May 9, 2023. Revised applications for projects already under review must be submitted by Tuesday, May 23, 2023, for the June meeting.

New Business

The Chairman requested a motion to enter a Non-Public Session. Lynn Sweet made the motion, which was seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members. The motion passed, all public attendees were asked to leave the meeting, and the Non-Public Session began at 6:39PM. At 6:50PM, the Chairman requested a motion to end the Non-Public Session. Lynn Sweet made the motion, which was seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members. The motion passed and all public attendees were asked to rejoin the meeting.

Major Subdivision (cumulative impact) - David P. and Susan E. Barry, 2-lot subdivision, 8 Isaac Berry Road and Second Crown Point Road (Tax Map 18, Lot 28-6)

Bevan Timm of Doucet Survey, LLC introduced himself as the representative for the applicant. The Chairman confirmed with the Mr. Timm that this was a further subdivision of an earlier six-lot subdivision known as the Mt. Whittier Subdivision. As such, the application would be considered a major subdivision rather than a minor subdivision. Current ordinance requires a major subdivision proposal to be addressed initially with a preliminary conceptual consultation prior to application submittal. When asked by the Chairman, Mr. Timm indicated that he was appearing before the Board with a subdivision application rather than with a proposal for preliminary conceptual consultation.

The Chairman indicated that the Board must determine whether to address the application or require a preliminary conceptual consultation. Terry Hyland, an abutter to the property under consideration, recused himself as a Board member, and the Chairman appointed Don Clifford as a voting member. The Board determined that the applicant was not properly advised of the need for a preliminary conceptual consultation because the proposal was initially considered a minor subdivision. Proper notice had been given for a major subdivision application. Charlie Moreno stated for the record that this was an unusual situation and addressing the application without an initial preliminary conceptual consultation should not be considered as setting a precedent.

Lynn Sweet made a motion to consider the major subdivision application without first requiring a preliminary conceptual consultation, which was seconded by Charlie Moreno. The Board voted verbally – three members in favor and two members against. The motion passed.

The Chairman asked Mr. Timm to address the major subdivision application. Mr. Timm indicated this to be a two-lot subdivision of lot 28-6, which borders Second Crown Point Road and Isaac Berry Road, a Class VI road. The subdivision plan, dated May 3, 2023, divides 5.1-acre Lot 28-6 into two new lots: 2.2-acre Lot 28-6-1 and 2.9-acre Lot 28-6. Both lots have frontage on Second Crown Point Road, 193.4 feet and 201.0 feet, respectively, but Lot 28-6 has a “dog leg” configuration. On November 17, 2022, the Zoning Board of Adjustment approved a Variance to Article 1.4.1.A of the Zoning and Land Use Ordinance that allows creation of a new lot without the required frontage on Second Crown Point Road. Test pits, topography, well location and protective radius are depicted on the plan, and the proposed lot size meets current minimum standards.

The Board reviewed the application checklist and determined it to be complete. The Chairman asked for a motion to accept the application as complete, which was so moved by Charlie Moreno, and seconded by Don Clifford. All voting Board members voted verbally in the affirmative, and the motion passed.

The Board considered the plan’s regional impact, and Lynn Sweet made a motion that there was no regional impact, and Tim Reed seconded the motion. All voting Board members voted verbally in the affirmative, and the motion passed.

The Board expressed several concerns with the proposed plan:

- Creating a “dog leg” lot to satisfy lot frontage requirement on a Class V road.
- Lot 28-6 dog leg does not meet the 75-foot minimum lot width.
- Driveway access from a Class VI road, which requires Board of Selectman approval.
- Residential access from Class VI road exceeds maximum of three.
- Need for a recorded Class VI road maintenance agreement and release of liability.

The Board suggested two ways for the applicant to address the above concerns:

1. Retain current plan, request waiver to 75-foot minimum lot width, and improve Isaac Berry Road to town standards from Second Crown Point Road to the first driveway as determined by the Town Road Agent.
2. Modify current plan lot lines to eliminate the Lot 28-6 dog leg and reduce the size of Lot 28-6-1, request a Zoning Board of Adjustment lot size Variance, and improve Isaac Berry Road to town

standards from Second Crown Point Road to the first driveway as determined by the Town Road Agent.

A continuance is required for the applicant to consider these options. Lynn Sweet made a motion for continuance to the June 1, 2023 Planning Board meeting, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman reinstated Terry Hyland as a voting member and returned Don Clifford to non-voting status.

Other Business

The Board reviewed the minutes of the April 6, 2023 Planning Board Site Walk. Don Clifford made a motion to accept the minutes as written, which was seconded by Tim Reed and voted upon verbally in the affirmative by all Board members attending the Site Walk.

The Board reviewed the minutes of the April 6, 2023 Planning Board Meeting. Lynn Sweet made a motion to accept the minutes as written, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all Board members present at the April 6, 2023 Planning Board Meeting.

Independence Inn

Liz Evans from the Town Office informed the Board that the new owners of the inn requested an official letter to document town authority to allow outdoor seating and a “farmers market”. The original site plan approved in 2001 indicated a dining capacity total of twenty-two patrons, including inside and outside dining, and alcohol to be served only in the dining area. There were several unanswered questions about this, and the Board was not in favor of providing any operational authority in a letter. The Board suggested that the owners or their representative(s) appear before the Board to discuss their request.

Cell Tower Applications

Liz Evans informed the Board that she is expecting to receive two cell tower applications on Tuesday, May 9, 2023. The cell towers would be located on two of the Town-approved tower locations. Application completeness must be determined within 30 days from receipt. Addressing the applications at the June 1, 2023 Planning Board Meeting would not allow enough time for the town engineering consultant to provide their review within the 30-day requirement. Liz requested permission from the Board to allow an engineering consultant to begin evaluating the applications immediately. The Board unanimously agreed to allow an immediate consultation with the same engineering firm that assisted with Town with a previous cell tower project. The Board also suggested that the Town Attorney be notified of the applications.

Master Plan

The Board discussed the status of the Master Plan editing process. Autumn Scott will finalize the prior edits in advance of an additional Planning Board Work Session on Tuesday, May 9, 2023, at 6:30PM. The Board will address and finalize all goals and actions at the Work Session in preparation for a final

review at the Work Session scheduled for Tuesday, May23, 2023, at 6:30PM. Phil Auger will work with Autumn to finalize maps, charts, and community profile.

Class VI and Private Road Building Policy

Lynn Sweet provided the Board with a draft of a new Class VI and private road building policy based on a similar policy from Barrington. The Board of Selectmen are requesting Planning Board recommendations regarding the draft policy. The Board had several questions about the policy and requested a word version be sent to all members to allow complete review and editing.

There being no further business before the Board, Tim Reed made a motion to adjourn the meeting, which was seconded by Lynn Sweet. The Board voted unanimously in favor, and the meeting adjourned at 8:50PM.