

## Minutes

### Planning Board Meeting

November 5, 2015

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, Terry Hyland, Lynn Sweet, and Donald Coker and Denise Markow-Speed, Alternate members. The Chairman opened the meeting at 7:15 p.m. and announced that the Board was holding a brief work session prior to the beginning of the formal agenda. At 7:30 PM the Chairman opened the formal meeting and introduced Board members. The closing date for applications to appear on the agenda for the December 2015 regular meeting is 5 p.m., Tuesday, November 17, 2015. The Chairman noted that one of the regular Board members was missing and designated Denise Markow-Speed to vote this evening. 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. Don Clifford then made a motion to accept the minutes for the October 2015 meeting as presented; Denise Markow-Speed seconded the motion and there was no further discussion.

The first item on the agenda was to hold a public hearing in accordance with NH RSA 231: 158 and the Strafford Scenic Roads Ordinance regarding a request from Eversource Energy for permission to trim and/or remove trees and brush for routine maintenance along power distribution lines located along Jo Al Co Road and Northwood Road, designated Scenic Roads in the Town of Strafford. Eversource would like to begin work following this hearing in the near future. Notice was posted on October 21, 2015 and published in Foster's Daily Democrat on October 23<sup>rd</sup> and 26<sup>th</sup>, 2015. The Chairman then opened the public hearing and called on Bob Berner, who was representing Eversource. He said that Eversource is requesting permission to remove trees and brush along these scenic roads. He said that the tree trimming specifications have not changed and that all debris is removed and chipped. Burnable wood is normally left for homeowners. Property owners are individually notified and must give permission. The letter from Eversource identified four dead hemlocks marked for removal. Mr. Berner advised that the list had been drawn up very early in the year, and that he was not sure if the trees are still standing. He said that he had not had an opportunity to check the roads before the meeting. Don Clifford advised that he had not been able to find any marked trees, although he had noted some dead hemlocks along Province Road west. Bob Berner said that he would like to take another look along the roads since it had been so long since the original survey. He will come back to the Board if he finds anything that is still standing that needs to be cut. He noted that Eversource is still contracting with Lewis Tree Service for the tree work, and that they hope to finish the trimming by the end of the year. Board members agreed that the public hearing will be continued to next month so that the Board can hear back from Mr. Berner. The Chairman then adjourned the public hearing.

The first and only item of continuing business 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 Lot 8-1 and Tax Map 37, Lots 11 and Lot 11-1 and 12). Bernard Cote of Géomètres Blue Hills was present accompanied by David and Jeff Burd, representing the applicants. Lissa D'Anjou and Bob McLelland, abutters, were present. Mr. Whitcher noted that a final draft of the conservation restriction deed had been submitted along with the engineering plans for the Planning Board deadline. It was agreed that the town attorney had completed review prior to the submission on October 20<sup>th</sup>. Board members briefly reviewed the document and noted the email correspondence from the town attorney noting her final comments, which focused on formatting questions. Bernard Cote then submitted a list of the permits still needed in order to complete the project. Mr. Cote then noted several plan revisions to Sheet 1 based on the Board's requests at the last meeting. They have added a 25 foot easement to the hammerhead to allow the request 75 foot turning area. They will add a note referencing the recorded easement. A note is also still needed referencing the recording information for the conservation restriction deed. Donald Coker asked how it would affect the process if one of the permits were to be denied. Mr. Cote said that usually the state will advise how to proceed and noted that they usually give a list of criteria that must be met. Don Clifford asked about the answer to the Board's question on recreation. Mr. Whitcher noted that the wording in the conservation restriction deed has not changed much.

Jeff Burd from Burd Engineering then addressed the Board to present the engineering and stormwater drainage information. The total road is about 1200 to 1300 feet. Mr. Burd said that the first 300 to 400 feet of the road have been realigned to come directly to Roller Coaster Road through Lot 12. Beyond that, they will be

following the existing alignment as closely as practical. What has changed, he noted, is the vertical alignment, which has been smoothed out for safe sight distance by shaving the top of the hill and filling the dip to get a good vertical alignment and smoother design. Drainage at the top of the hill is established; the water is sheeting off and not collecting to a closed drainage system. The first half of the road is now designed to collect to a detention pond. He noted that NH DOT will be looking for the detention pond because they do not want to increase the flow toward the culvert under Route 202A in this area. His calculations show no increase in runoff with the new road and drainage structures in place. The 4-bay detention pond will allow sediment to settle out. Donald Coker asked if any maintenance of the drainage system is required and asked if there was a maintenance plan. Mr. Burd said that like any detention pond, you want to be sure that it does not fill up with sediments and you do not want to let trees come into the pond area. Donald Coker asked who is responsible for maintenance, and it was agreed that the owners will be responsible. Lynn Sweet noted that if this road was ever brought to the town for acceptance, a drainage easement would be required. If the drainage system is not maintained, the water will make its way to the culvert under Route 202A/Roller Coaster Road. The overflow spillway would overtop and go the culvert under the state road. In response to questions, Mr. Burd indicated that the road is designed to the required specifications of a 25 year storm event. With the relocation of the entrance, there will be good sight distance, and the new road slopes away from Roller Coaster Road, which is desirable. Mr. Burd advised that there should be a paved apron at the entrance to the road. Finally, he noted that the hammerhead is a fairly standard design, allowing 60 feet from the centerline, but that the applicants have added the requested easement for the full 75 foot distance. Regarding permits, Mr. Burd advised that when the road is constructed, they will need to file with EPA because they will be disturbing over an acre, however the project does not meet the threshold for requiring an Alteration of Terrain permit.

Denise Markow-Speed then addressed Mr. Burd. Ms Markow-Speed has donated her services to review the engineering plans. She went through her comments with Mr. Burd, noting that there are no real show stoppers. After discussion, Mr. Burd noted that the check dams in the drainage ditches that are shown on the plans are meant to be temporary until grass/vegetation is established. This needs to be noted on the plan. There was continued discussion of stormwater treatment, with Mr. Burd noting that treatment for drainage needs to address both quantity and quality. Maintenance requirements for the stormwater system are shown on Sheet 6. It was noted that a paved apron of 25 feet is usually required for a residential use, and 50 feet for a commercial use or for heavy equipment traffic. Don Clifford asked if they would be required to build a turn-out lane, and Dave Witcher said that yes, it would be required and is shown on the plans. David Witcher noted that NH DOT will be concerned about how to close off the existing ROW access. He noted the gate but said that they could/may also put boulders along the entrance from Route 202A.

Mr. Moreno then reopened the public hearing and asked the audience if they had any comments regarding the engineering plans. There were no comments. Board members then returned to the conservation restriction document. Charlie Moreno noted that the *Good Forestry in the Granite State* document needs a specific reference. He said that he also would like to be sure that there are no exceptions allowed to the restrictions regarding building in the open space, as well as mining, quarrying, etc. He said that he would like to see the language tightened up. He noted that a conservation easement is the standard, so that he would like to see similar protections. There was general agreement from several Board members regarding some of the exceptions that are apparently allowed by the legal language of the current conservation restriction document.

The Board then turned to a general review of the items that remain to be addressed, including permits. Donald Coker noted that he would be in favor of a conditional approval as long as there was a safety valve that the plans would return before the full Board for anything more than an administrative condition of approval. There was general agreement among Board members that this would be the appropriate process. David Witcher advised the Board that NH DOT had told him that the location for the new road would be okay because there was a previous, now expired, approval for a residential driveway permit in that location. The engineering changes that need to be addressed are largely what Denise Markow-Speed called QCQA changes, and Ms. Markow-Speed said that she would review any revised engineering plans submitted. It was agreed that the following permits are still needed and/or the following items are still under review and/or need final revisions on the plans: permits from NH DOT, NH DES, NH DHHS/Section 106 review, the language of the conservation restriction deed needs to be reviewed and approved by the Board and finalized, legal costs must be paid, plan revisions and engineering updates need to be completed, monumentation must be completed, and a financial guarantee must be posted or everything shown on the plan must be fully constructed. It was noted that there is one outstanding request for a waiver.

Board members then turned to the waiver request letter. It was agreed that the requested waiver for the length of the road is not necessary because the project is now designed as a conservation subdivision. The waiver request regarding pavement of the road has been addressed in previous meetings. The remaining waiver request addresses the requirement for underground utilities. The applicants would like to use the existing above-ground poles, but agree to underground utilities for anything new, with the understanding that Eversource may require the poles to be moved as needed to meet the specifications of the road design. It was agreed that the road engineering would take precedence. It was noted that the Board had previously agreed to this idea in principle, but had waited to address the waiver request until the road engineering was more fully designed. Lynn Sweet then made a motion to waive the requirements for underground utilities except for any new lines and/or construction on new lots. Terry Hyland seconded the motion; there was no further discussion and the vote was unanimous in the affirmative. Discussion then returned to the process for proceeding on the application. It was suggested that the Board hold a work session to tackle the conservation restriction document so that tonight's meeting can move forward. It was agreed that final wording of the conservation easement could be drafted at the work session. Mr. Whitcher asked if he could have the wording as soon as possible after the work session. Noting that there seem to be no additional items, it was agreed that the Board could move to a conditional approval. Lynn Sweet then made a motion to accept and approve the plans for a 6-lot conservation subdivision, conditional upon the following:

- Permit from NH DOT for the road, and construction of all stormwater, drainage and road construction specifications, including widening of Route 202A and the paved apron as shown on the plan;
- Permit(s) from NH DES including dredge and fill in wetlands;
- Approval from NH DHR/Section 106;
- Conservation Restriction deed language written to the satisfaction of the Planning Board;
- Payment of all costs of legal review;
- Monumentation;
- Posting of bonding/ meeting the requirements for financial guarantee;
- All requested plan revisions and engineering updates

Denise Markow-Speed seconded the motion. There was no further discussion. The Chairman then called the vote. The vote was 4 votes in favor and one nay vote. The motion passed by majority vote. The Board then scheduled a work session for Wednesday, November 11, 2015 at 7PM to review the language of the conservation restriction document. It was agreed to try to get proposed language to David Whitcher by Friday, November 13<sup>th</sup>. Board members will revisit the plans prior to final signatures to insure that all conditions have been met.

The first order of new business was the application of Richard A. Burrows for the 4-lot subdivision of his property located at 1040 Second Crown Point Road (Tax Map 19, Lot 1). Ray Bisson of Stonewall Surveying presented the plans. Richard Burrows was present; Gary Gant and Tammy Martel and Charles Moreno, abutters, were also present. Mr. Moreno stepped off the Board as an abutter. Don Clifford stepped in to serve as Acting Chair and Donald Coker was designated as an additional voting member. Mr. Burrows plans to cut three new lots out of his 25.66 acre parcel, each would have frontage over 200 feet of frontage on Second Crown Point Road. He will retain the large interior parcel with his existing home. Lot 1-1 would be 2.27 acres; Lot 1-2 would be 2.13 acres, and Lot 1-3 would be 2.07 acres. The remaining parcel would be reduced to 19.19 acres. Mr. Bisson referred the Board to slightly revised plans submitted on November 3<sup>rd</sup>, showing revised driveway locations. He noted that he has met with the Road Agent on-site regarding the driveways. The property is surrounded by stone walls, and there is a potential vernal pool at the rear of Lot 1-3. Test pits were dug in October; and one of the test pits was redone on November 3<sup>rd</sup> to meet state requirements for a 64 inch soil depth. He noted that the new plans show a central driveway for Lot 1-2, which differs from the original submission. NH DES approval will be needed for a wetlands crossing for the driveway for Lot 1-1; a draft wetlands application was submitted. NH WSPCC is reviewing the plans for subdivision approval and had requested a better test pit for Lot 1-1. The property is under current use assessment.

Board members then reviewed the plans with the checklist. The following items were missing and/or need clarifications: soil type line off the property on Sheet 2 should be removed; one meets and bounds number is missing; there is a typo in the title block, and it was agreed that building setback lines should be added to the main lot, at least in the developed area of the existing home and outbuildings. Donald Coker asked about wetlands buffers in the area near the wetlands crossing for the driveway for Lot 1-1. It was noted that the wetlands buffer lines should be shown along the wetlands area as it extends beyond the crossing. Mr. Bisson will check the wetlands area on Lot 1-2 to see if the no-cut wetlands buffer line should also be shown for this area. Board members agreed that all of these items are minor and do not affect the overall concept of the proposal. Lynn Sweet then made a motion, seconded by Donald Coker, to accept the plans for 4-lot subdivision, conditional upon the completion of the items noted above. There was no further discussion and the vote was unanimous in the affirmative. The Acting Chairman advised that the public hearing on this application will be held next month. He then asked the audience if they had any informal comments. Ms. Martel said that they moved to Strafford for the rural atmosphere and do not like to see the development, but she said that they have no questions at this time. Mr. Moreno noted that he was glad to see that Mr. Bisson has used the existing stone walls as a boundary for Lot 1-1 and that the other lots fall along the natural boundary of the tree line. Further discussion of this application will be continued at the next meeting.

The next item of business was to hold the required annual review of the gravel excavation under the permit held by Steve Leighton for his property located on Sloper Road (Tax Map 12, Lot 52 & 52-2). Mr. Moreno noted that he had spoken with the abutter, Irene Abels, who had said that she is happy with the restoration of the area on her property. Lynn Sweet said that she had seen the excavation area and that it looks good. It was noted that there have been no written or telephone complaints regarding the operation in the past year. Board members concluded that the terms of the permit are being met.

There being no further business, a motion to adjourn the meeting was made and seconded. There was no further discussion. The vote was unanimous in the affirmative. The meeting adjourned at 9:50 PM.