

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: December 7, 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

Others Present:

Blair Haney, Strafford Regional Planning Commission, Regional Planner
Keri Roman, Planning Board Legal Counsel
Robert Fletcher, Minutes Recorder

The Chairman, Phil Auger, called the meeting to order at 6:30PM and recognized Board members Charlie Moreno, Terry Hyland, Tim Reed, Lynn Sweet, Donald Coker, and Don Clifford as present. He also recognized as present Blair Haney, Keri Roman, and Robert Fletcher.

Continuing Business

Site Plan Review - Navigator Properties LLC (Mariner Tower), Telecommunications Facility: Proposed 160-foot lattice telecommunications tower on the property of Gail J. & Michael A. Barry Jr., 15 Strafford Road (Tax Map 11, Lot 83)

Charlie Moreno recused himself, and the Chairman appointed Don Clifford as a voting Board member. The Board addressed the applicant's Waiver Request for driveway slopes. The 721-foot access to the cell tower site has varied slopes ranging from a minimum slope of 2 percent to a maximum slope of 12 percent, which exceeds the Town requirement for unpaved driveways. Tim Reed stated that access to the site is not really a driveway. It is not an access to a residence and only provides gated and infrequent access to the cell tower site. Attorney Roman indicated that the Board may grant a waiver if it finds that:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit intent of the regulations, or,
2. Specific circumstances relative to the project, or conditions of the land, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Lynn Sweet made a motion to grant the waiver based on the first criteria listed above, which was seconded by Don Clifford, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman noted that the Strafford zoning regulation requires a Special Use Permit approval for this proposal. He then asked for a motion to approve the application for a Special Use Permit, which was

so moved by Tim Reed and seconded by Lynn Sweet. All voting members of the Board voted verbally in the affirmative, and the motion passed.

The Chairman indicated that the Board was prepared to vote to approve the application with several conditions that must be met before a building permit could be issued. Blair Haney stated the conditions as follows:

1. Receipt of a New Hampshire Department of Transportation driveway permit.
2. Executed waiver and release of municipal liability and responsibility.
3. Receipt of an irrevocable letter of credit in the amount of \$25,000 for tower removal.
4. No lighting of or on the tower, only switch controlled building lights, and no 24/7 lighting of any kind on the site, and
5. Payment in full of all invoices for third-party review including, but not limited to, engineering and legal.

The Board confirmed with the applicant that a space below communication carriers on the tower is reserved for Town police and emergency services communication equipment. The Chairman asked for a motion to approve the site plan application with the above conditions, which was so moved by Tim Reed and seconded by Lynn Sweet. All voting members of the Board voted verbally in the affirmative, and the motion passed. The Chairman closed the public hearing for this application.

The Chairman recognized Charlie Moreno as a voting Board member, and reinstated Don Clifford as an alternate Board member.

Conservation Subdivision – Riley Family Trust of 2013, Dal Ray Riley and Joanne D. Riley, Trustees, 2-lot conservation subdivision, 845 Second Crown Point Road (Tax Map 19, Lot 17-1)

Prior to the meeting, the applicant requested a continuance to the January 2024 meeting. The Chairman asked for a motion for a continuance to the January 4, 2024, 6:30PM Planning Board meeting, which was so moved Lynn Sweet, seconded by Tim Reed, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Board Discussion

Review of Conditions of Approval for the application of KRJ Finance LLC for conservation subdivision on Webber Road, Tax Map 1, Lots 22 and 23, conditionally approved by the Board on July 7, 2022.

The applicant is requesting a six-month extension on conditions of approval to address conservation easement restrictions and obtain a wetland permit. The Board previously granted an extension to the December 7, 2023 meeting. The Chairman requested a motion for an extension, and Lynn Sweet made a motion to extend the Conditions of Approval to June 30, 2024, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Mike Whitcher and Chris Berry of Berry Surveying and Engineering were present to discuss the following as they relate to the Conditions of Approval:

- Building areas depicted within the open-space area on the subdivision plans. Mr. Berry indicated that the State Fish and Game Department required a depiction of dedicated areas on the drawings where structures could be located. He confirmed that this was not intended to be

a subdivision of the open-space, but merely an indication of inclusion/exclusion areas to satisfy the State.

- Town provided Conservation Easement Deed Restriction template. The applicant expressed concern regarding the template language that appears to restrict agricultural and/or recreational use of open space beyond that specified in Town zoning and State regulations. The Chairman assured the applicant that the deed restriction template is a starting point that can be modified to develop a document that addresses restrictions for the specific application being considered or approved. He also emphasized that anything not specifically restricted in the deed is allowed.

The Chairman suggested the applicant modify the template in redline/strikeout format and present it to the Board for review

Other Business

The Board reviewed the minutes for the November 2, 2023 Planning Board Work Session. Charlie Moreno made a motion to accept the minutes as written, which was seconded by Lynn Sweet and voted upon verbally in the affirmative by all voting Board members present who attended the November 2nd Work Session. The motion passed.

The Board reviewed the minutes for the November 2, 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 voting Board members present who attended the November 2nd Meeting. The motion passed.

The Board discussed the timing of Public Hearings to address proposed zoning changes to be presented for approval at the March 2024 Town Meeting. The first Public Hearing will be noticed for the January 4, 2024 meeting, and the second Public Hearing will be noticed for the February 1, 2024 meeting.

Master Plan Implementation Update. On December 5, 2023, Charlie Moreno met with town residents to identify committee membership and establish each committee charter or mission. They will meet monthly and report to the Board quarterly. The committees are 1) Natural Resources and Land Use, 2) Community Character, 3) Green, 4) Bow Lake, and 5) Infrastructure. The Board determined that committee meetings need to be open to the public, have minutes recorded and posted, and require 24-hour notice. Charlie Moreno made a motion to adopt these committees to assist the Board in Master Plan implementation, which was seconded by Lynn Sweet and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Cumulative Impact. Attorney Roman provided two options to determine when the Board should consider cumulative impact for further subdivision of previously subdivided property. The Board favored the simplified language option but did not agree to a final version.

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 8:02PM.