

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: February 1, 2024 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:

Blair Haney, Strafford Regional Planning Commission, Regional Planner
Dan Howard, Strafford Building Inspector
Scott Whitehouse, Strafford Fire Chief
Robert Fletcher, Minutes Recorder

The Chairman, Phil Auger, called the meeting to order at 6:30PM, 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 Blair Haney and Robert Fletcher.

Continuing Business

Public Hearing – Held in accordance with NH RSA 673: 3 and 675: 7 to present and discuss proposed additions and amendments to the Strafford Zoning and Land Use Ordinances to be presented to the voters on March 12, 2024. Notice was initially posted on the Town of Strafford website, at the Strafford Town Office, and at the Strafford Post Office on December 21, 2023.

The Chairman opened the public hearing at 6:33PM with approximately 30 people present. He indicated that this meeting was the second of two public hearings to allow public comment on proposed Ordinance changes. However, this meeting is not intended to result in substantive changes to the proposed additions and amendments. The first public hearing on this subject, held on January 4, 2024, provided that opportunity. The Chairman stated that changes to Town Ordinances generally result from complaints to the Selectmen and/or Town Boards or the need to clarify written guidelines for zoning and land use within the Town. The proposed additions and/or amendments are as follows:

1. New Section 1.20 Recreational Vehicles.
2. Amendment to Article 1.14.5 [Definitions] Frontage.
3. Amendments to Articles 1.14.12 Accessory Building, 1.14.13 Structure, and 1.14.14 Building [Definitions] to clarify the meaning of “building” and “structure,” stating that all buildings are structures, and that other permanent constructions such as pools, generators, and parking lots are also structures.

The Chairman outlined the proposed new section 1.20 Recreation Vehicles (RV) as follows:

- Approved campgrounds are not affected.
- Short-term use is not impacted.
- Prohibits year-round use of RV as a primary or accessory dwelling.
- RV must remain mobile and legally registered.
- Allows one occupied RV on primary residential lot and one additional occupied RV on a second lot of record (both meeting setback requirements).
- RV may be used for travel, camping, recreational or business purposes from June 1 through October 31. A building permit is required if used longer than seven consecutive days, and external generator use is prohibited if a building permit is required.
- Septic disposal required for permitted RV as follows:
 1. Attachment to legally registered septic system that can accommodate the addition of the RV, the equivalent of a two-bedroom dwelling
 2. Self-contained tank within the RV that is routinely emptied by a licensed septic system removal company.
 3. Properly maintained temporary toilet facility (portalet).
- Up to two unoccupied RVs or one occupied RV and one unoccupied RV may be stored on lots of record.

The Chairman asked the public attendees for comments.

Eric Almanzan, 6 Overlook Lane, questioned if it was already illegal to dispose of sewage improperly. The Chairman responded that it is; however, there is no Town regulation in place to document occupied RV locations, which makes septic disposal enforcement very difficult.

The Chairman also pointed out that an occupied RV cannot currently be legally classified as a residence, which prevents nonresident occupants from becoming town residents. As nonresidents, town services are available to them, but their domicile is not taxed.

Jack, a resident of Second Crown Point Rd, stated that the Board should just call it like it is – they don't want homeless people in town, and the regulation goes too far. The Chairman indicated that in all of discussions on this proposal the word "homeless" had not come up.

Eric Almanzan, 6 Overlook Lane, questioned if a noise Ordinance was currently in effect, and whether it could be changed to address excess noise of RVs using generators. The Chairman stated that there is a noise Ordinance, but RV use is a complicated issue, not just noise. Mr. Almanzan contended that noise was an issue being used to sell the Ordinance change.

C.C. Anderson, Sloper Rd, asked if this would affect an occupied RV on property with a legally occupied residence. The Chairman stated that the RV would be affected in that it could not be occupied year-round. She also asked if it would matter if the occupancy was temporary due to the occupant waiting to build a home. The Chairman indicated that exceptions for construction projects would be addressed separately, but that RV septic would be a concern.

Jay Gagnon, Crown Point Rd, commented on noise with respect to normal use of generators versus RV generator use, which appears to be a double standard. Lynn Sweet stated that a general noise Ordinance is very difficult to enforce and relies primarily on complaints of noise outside of normal work hours.

Greg Terry, 121 Webber Rd, asked what was involved with the permitting process. The Chairman indicated that permit details had not been determined yet. Lynn Sweet indicated that the permit is an acknowledgment that occupancy will exceed seven days and would be like a building permit.

Tammy Beatty, Second Crown Point Rd, expressed concern that the Town was micromanaging RV use with the seven-day occupancy limit, which restricts RV use for visiting family members.

Mike Witonis, 164 Mousam Rd, was concerned with the permit process and mentioned the 800-foot rule for a Class 6 road addressed in a prior year, indicating that both lacked details before a public vote. He alleged that the Board was not able to give him an answer on how many residents would be affected by the 800-foot rule. The Chairman stated that the Board did provide the number of residents affected. Mike suggested that this change be delayed until more details and public input are available. Lynn Sweet stated that the Selectmen and Boards hold regular meetings and are transparent in their activities. The public is welcome to attend and participate at all meetings. Mike indicated that minutes from the January Planning Board meeting were vague and non-specific. A resident of Second Crown Point Rd indicated she was not always able to be at the meetings, had first heard about this proposal on Facebook, and had problems with the proposal. Lynn Sweet suggested that they support the purchase of a video/audio system for meetings, but at this time, options are to attend meetings and read minutes.

Landy Radwen, Ridge Farm Rd, stated that RVs were not a big issue and the town doesn't need more rules. The Chairman indicated that the town is growing and needs to address this before it becomes more of a problem.

Cheryl Sanborn, 682 Province Rd, asked how an RV is different from a cabin on the lake, how the June to October occupancy was determined, and how the Ordinance would be enforced. The Chairman indicated that an RV is mobile, not a residence, and not taxed. The Board used examples of other town RV Ordinances to develop the occupancy time frame, which was discussed and modified at the first public hearing. Town building inspectors are responsible for enforcement, and action would be taken based on a formal complaint.

Steve Radwan, 15 Ridge Farm Rd, asked if complaints about RVs were documented. He was not sure how much of a problem RVs were creating and thought neighbors should be able to work out any problems before going to the authorities. He also objected to only allowing seven days before a permit is required. Lynn Sweet indicated that the Selectmen have not been successful in resolving RV complaints.

Liz Evans, 537 Province Rd, noted that the proposed Ordinance did not specifically exempt campgrounds, and as in other towns, the Ordinance should address RV exemptions for camping, home

construction, and/ or natural disasters. She felt adequate research had not been considered and the proposed Ordinance change is premature.

Rich Gagnon noted that campgrounds are allowed to operate from April 15th to November 1st. He also objected to the RV setback requirements because he can only park his RV in his driveway, which does not meet setbacks.

Dan Howard, Town Building Inspector, did not believe that the Ordinance, as written, should be presented to the town for a vote.

The Chairman indicated the need to move on to the other proposed zoning ordinance amendments.

Article 1.14.5 [Definitions] Frontage. He stated that the current definition allows frontage to be determined from a combination of two different roads, which is an RSA violation. The proposed amendment defines frontage as the continuous length of the lot bordering on and granting access from a single Class V or equivalent road or a road in a subdivision approved by the Planning Board. The proposal also defines how frontage is determined for lots bordering another municipality or located in both Strafford and another municipality.

Articles 1.14.12 [Definitions] Accessory Building, 1.14.13 [Definitions] Structure, and [Definitions] Building. This proposal clears up the inconsistent and confusing use of this language when referring to the Ordinance for code enforcement.

The Chairman asked the public attendees for comments.

An unidentified attendee objected to an amendment that allows the Town to regulate more things.

An unidentified attendee asked if the proposal affects taxation of temporary or permanent structures. The Chairman indicated that up to 10 foot by 10 foot is not taxed, and there are no tax changes for other structures.

Terry Hyland, Jr., First Crown Point Rd, did not agree with the setback requirements for generators or solar panels. The Chairman noted that setback variances may be addressed with the Zoning Board.

The Chairman closed the Public Hearing at 7:21PM, noted that there were no changes to the proposed Ordinances, and asked the Board for motions to advance or not advance them one by one.

Lynn Sweet made a motion to not advance the Recreation Vehicle proposal for town vote, which was seconded by Charlie Moreno. Don Clifford was in favor of advancing the proposal, and not repeating what happened a few years ago when six out of eight proposals were dropped. Charlie Moreno noted that, based on public comments, the proposal needed to be modified. Terry Hyland stated that, despite adequate notice, there was minimal public participation during development of this proposal, which needs to be changed going forward. Donald Coker expressed concern about growth in neighboring communities and protecting the rural nature of Strafford. Tim Reed suggested modifying the proposal to address the issues of setbacks and noise differently for small lots, as found around Bow

Lake, and larger rural lots. The Chairman called for a vote on the motion, and all voting board members voted verbally in the affirmative. The motion passed.

The Chairman asked for a motion to advance or not advance the amendment for frontage definition. Tim Reed made a motion to advance the Frontage proposal for town vote, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman asked for a motion to advance or not advance the amendment for Accessory Building, Structure, and Building definitions. The Board confirmed that parking lots were not included in the proposed Structure definition amendment. Tim Reed made a motion to advance the proposed amendment, without including parking lots, for town vote, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Public Hearing in Accordance with NH RSA 231: 158 and the Strafford Scenic Roads Ordinance.

Eversource Energy/PSNH is requesting 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.

The Chairman requested a motion for continuance to the March 7, 2024 meeting, 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 Chairman asked the Board to review the CMA Invoice, dated January 12, 2024, for activity through December 1, 2023. Lynn Sweet made a motion to approve the invoice, which was seconded by Tim Reed and voted upon verbally in the affirmative by all voting Board members, except Charlie Moreno who recused himself from voting. The motion passed.

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)

The Chairman confirmed that the Board had the latest plan for the subdivision and indicated the need to resolve deed language for wetland buffers, run-in shelters, conservation enforcement, and driveway easement.

Ray Bisson of Stonewall Surveying addressed the 75-foot wetland buffer, which had been discussed previously, determined to be adequate at 50 feet, and reflected as such on the current plans. The Board had no issue with this, and the Chairman asked for a motion to accept a 50-foot buffer, which was so moved by Lynn Sweet, seconded by Terry Hyland, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Ray Bisson presented the applicant's desire to modify the Declaration of Conservation Covenants and Restrictions (Structures and Improvements) to allow one run-in-shed on each deed restricted area, #1A and #1B. The Board did not object to this, and the Chairman called for a motion to accept this language, which was so moved by Lynn Sweet, seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Ray Bisson questioned enforcement provision of the Covenants and Restrictions as it relates to owner responsibility for Declaration violations, such as unlawful entry or trespass by a third party. The Chairman assured Mr. Bisson and the applicant that this provision only applies to violations by the property owner and trespass postings are not required.

The Board confirmed receipt of the Declaration and Agreement of Shared Driveway Easement and Maintenance. They discussed the need for an easement into deed restricted area 1B, as depicted on the plan, and concluded it was not necessary.

The Chairman opened the meeting for public comments at 8:02PM. Scott Whitehouse, Strafford Fire Chief, asked if the driveway could be named to facilitate property location for emergency services. The applicant agreed to provide a posted driveway name. The Chairman closed the meeting to the public at 8:05PM.

The Chairman called for a motion to approve the plan, which was so moved by Charlie Moreno, seconded by Lynn Sweet, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Preliminary Conceptual Consultation – Sean Peters, vacant lots on Leavitt Lane (Tax Map 37, Lots 54-6
Blair Haney indicated that the vacant lots are part of the 1974-75 Beaver Dam Estates subdivision. At that time, only a portion of Leavitt Lane was completed, which does not provide access to Lots 54-62.

Sean Peters indicated his desire, should he purchase the inaccessible, vacant lots, to complete construction of Leavitt Lane or modify it to incorporate a cul-de-sac. Lots 54-62 are lots of record that do not meet current minimum lot size and frontage standards, and current road construction standards may require lot line adjustments, which would not be permitted due to the lots becoming less conforming. Any modification to the lots would require reassessment of shoreline and wetland buffers. Additionally, access to redesigned lots via a dead-end road would exceed the 800-foot maximum; however, it might be possible to access some lots via a shared driveway off a dead-end road.

Other Business

The Board reviewed the minutes of the January 4, 2024 Planning Board Meeting/Public Hearing. Lynn Sweet made a motion to accept the minutes as written, which was seconded by Tim Reed and voted upon verbally in the affirmative by all voting Board members present who attended the January 4th Meeting/Public Hearing.

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 8:38PM.