

**DRAFT – NO LEGAL VALUE**

**Planning Board Meeting Minutes**

**Location:** Strafford Town Hall Conference Room

**Date & Time:** September 5, 2024 6:30PM

**Members Present:**

Phil Auger – Chairman  
Charlie Moreno – Vice Chairman  
Terry Hyland  
Don Clifford  
Lynn Sweet – Selectman Representative

**Alternate Members Present:**

Donald Coker  
Susan Arnold

**Others Present:**

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

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

The Board reviewed the minutes of the August 1, 2024 Planning Board Meeting. Charlie Moreno made a motion to accept the minutes as written, which was seconded by Don Clifford and voted upon verbally in the affirmative by all Board members present who attended the August 1<sup>st</sup> Planning Board Meeting. The Board also reviewed the minutes of the August 7, 2024 Site Visit. Charlie Moreno provided several corrections and made a motion to accept the minutes as corrected, which was seconded by Don Coker and voted upon verbally in the affirmative by all Board members present at the Site Visit.

**Preliminary Consultation – Harold Searing, home-based business inquiry, 34 Old Ridge Rd (Tax Map 7, Lot 5)**

Harold Searing indicated he is operating a seasonal business that specializes in ebike sales and service, which started out as a hobby. He is currently using the residence garage as a sales and repair shop but hopes to obtain approval to construct a separate structure to accommodate the business. There is a wide driveway and adequate parking area for up to seven vehicles which easily handles the current average of two to three customers per week. The Strafford Fire Department has not conducted a safety evaluation of the business, and the Chairman suggested that Mr. Searing request this evaluation, especially due to the storage of lithium batteries on the property. Mr. Searing indicated that his insurance company is aware of his business and battery storage and has issued a policy to cover the business operation. He does not currently have any employees and does not anticipate the need for any additional help to operate the business. Charlie Moreno indicated that Mr. Searing would

need to reappear before the Board to discuss and obtain approval for any business expansion beyond its current operation. Susan Arnold questioned the type, size and placement of business signage, and the Board clarified the Town requirements. There was no further discussion or comments nor any Board objection to the operation of this business in the Town of Strafford. The Chairman thanked Mr. Searing for providing details of the business, and indicated the willingness to have small businesses operating in the Town,

### **New Business**

#### **Case 24-002, Subdivision Application – Trademark Homes LLC, 2-lot subdivision, 174 Tasker Hill Road and Water Street (Tax Map 3, Lot 14-1)**

The Chairman recused himself and instated Vice Chairman, Charlie Moreno, as Chairman to preside. In addition, Don Clifford recused himself, and the Chairman appointed Susan Arnold and Donald Coker as voting Board members.

Ray Bisson of Stonewall Surveying, representing the applicant, presented the proposal to subdivide Lot 14-1, which had the remaining foundation of a residence destroyed by fire, into two lots. The proposed subdivision creates 3.15-acre Lot 14-2 with 293.35 feet of frontage on Water Street and reduces Lot 14-1 to 2.78 acres. Lot 14-2 contains four wetland areas and steep slopes which limits access to the contiguous buildable area on the lot. The driveway entrance from Water Street will cross a brook via a steel and timber bridge with a 20 to 30-foot span, pending State of NH DES approval. Mr. Bisson stated that, based on a conversation with NH DES, the bridge will not disturb any wetland area and a wetland crossing permit is not needed. No waivers are needed; however, a request for a Conditional Use Permit for the wetland buffer crossing for the driveway has been submitted.

The Chairman noted that the Strafford Regional Planning Commission had reviewed the applicant's plan and found it to be complete in accordance with the Plan Compliance Checklist. He called for a motion to accept the plan, 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. The Board considered the regional impact of the plan with respect to premature or scattered development. Lynn Sweet made a motion that there was no regional impact, which was seconded by Terry Hyland and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chairman summarized several topics for discussion regarding the proposed plan as follows:

- Minor or major subdivision.
- Need for a site visit.
- Contiguous buildable area.
- Bridge design, wetland impact, and Conditional Use.

The Chairman requested the plan legend reflect "Steep Slope Area 25% plus". He questioned the Lot 2 "Suitable Areas" calculation on the plan "Lot Calculation" chart, which indicates 101,060 square feet (SF) of suitable (buildable) area and 94,620 SF as 60% of the suitable area. The 60% calculation (contiguous buildable area) should be 60,636 SF. He asked Mr. Bisson if he could find the 60,636 SF to the East of the steep slopes in the middle of Lot1/Lot2 property line. Mr. Bisson indicated that he would need to run a calculation to determine the actual square footage. Donald Coker questioned how the contiguous buildable area was calculated, and Mr. Bisson indicated it was determined with

use of a software program and specific data point entries. In addition, Mr. Coker stated that this proposal might be a good candidate for a Storm Water Management Plan. The Chairman questioned the soil type depiction on the plan and how they were determined. Mr. Bisson indicated he used Web soil survey data and that no actual soil samples were collected. The Chairman confirmed that the wetland scientist did not obtain any soil samples.

The Chairman opened the meeting for a Public Hearing at 7:19PM, and several residents spoke.

Philip Auger, 47 Browns Pasture Road, addressed several concerns:

- Calculation of buildable area is questionable. There are numerous steep slope areas throughout the lot, and the driveway slope to access buildable area exceeds the maximum allowed.
- Proposed driveway bridge to cross the stream will have negative environmental impacts due to site disturbance to include tree removal, excavation, sedimentation, and other wetland impacts.
- The unnamed stream on the property joins a second stream to the West and the combined flowage is the third highest contributor of the water volume entering Bow Lake.
- The property is mapped as having an abundance of Leicester soils which are poorly drained soils with the water table close to the surface for much of the year. He stated that this is likely to be a “bleeding hillside” in the spring, fall and winter seasons. Also, this stream frequently floods Water Street.
- Placing a residence on the property is questionable, and asked the Board to take a close look at the proposal and the problems it may present.

Mark Adams, Tasker Hill Road, indicated that his attempt to subdivide his similarly sloped, abutting property in 2015 was not approved. The proposed two-acre lot did not provide the required contiguous buildable area. He was told it would take a six-acre lot to meet the requirement.

Jeff Schloss, 30 Bunnell Drive, former assistant director of UNH Center for Freshwater Biology, was concerned about how this approval would affect the water quality of Bow Lake. The streams converging on the proposed lot run to a shallow cove on Bow Lake which routinely experiences cyanobacteria blooms. Development on the proposed lot with the introduction of impervious roof and driveway surfaces would significantly increase the nutrient loading into the stream and Bow Lake.

The Chairman asked Mr. Schloss 1) why is nutrient loading bad, and 2) what causes it. He indicated that nutrients play a big role in determining the lake’s response and its system efficiency to process water inflow. Elements, such as animal fecal matter, septic runoff, natural and fertilizer phosphates and nitrates, negatively affect this process. Residential and commercial development reduces native vegetation, increases impervious surfaces, and allows rapid storm water runoff to carry these elements and sediments into water containment areas. Once nutrient cycling efficiency is diminished, it is very difficult to restore.

Philip Auger, 47 Browns Pasture Road, questioned if the Board had engineering designs for the bridge. The Chairman indicated they did not and confirmed with Mr. Bisson that a design had not been done. Mr. Auger suggested that the application was not complete without a bridge design and that the Town engineering consultant needs to evaluate the subdivision proposal. He also expressed concern about how development on this property may affect the frequent flooding of the roads in this area.

Don Clifford, Tasker Hill Road, suggested the Board consider a site walk of the property.

Polly Archambault 38 Barbara Lane, asked the Board to conduct a site walk to evaluate the stream silt collection and vegetative growth in addition to the steep slopes on the property.

Kerry Omand, 20 Lakeview Drive, stated his primary concern is the negative impact this proposal will have on the watershed into Bow Lake with construction of a home on a property with steep slopes and a stream. Residential development on the other side of the lake is already affecting lake water quality. Bacteria blooms are occurring earlier each year and are more prevalent. He suggested placing the structure at the back of the property and using a shared driveway from Tasker Hill Road to allow additional setback from the stream. At the request of Lynn Sweet, Mr. Bisson stated that a driveway from Tasker Hill Road had been considered but the steep slopes would require a deep cut to achieve maximum driveway slope. This would extend the length of the driveway, which would increase water runoff volume.

Margaret Auerbach, 180 Water Street, expressed concern about the removal of trees and vegetation to construct a residence will affect frequent flooding in the area and the quality of water runoff which enters Bow Lake.

Philip Auger, 47 Browns Pasture Road. Mr. Bisson asked if he had reviewed the test pit information on the plan. Mr. Auger indicated that he did but suggested the Board consult a soil scientist to provide a separate soil evaluation. The Board reviewed the Test Pit and Soil Notes information on the plan.

Rick Young, 180 Water Street, a lifelong resident, provided personal history of the cove fed by the watershed from the proposed lot. Sixty years ago, there wasn't a weed in the cove, and now it is covered in weeds that stick up about 18 inches and the cove is more shallow. Development on the proposed lot with vegetation removal will further negatively impact this area.

The Chairman left the Public Hearing open and asked the Board for comments and concerns. Susan Arnold suggested the need for a site walk. Terry Hyland indicated it would helpful to have consultant information on soils and water flow before conducting a site walk. The Chairman noted the need for an engineered bridge design and a Storm Water Management Plan. Donald Coker suggested a third-party review of water runoff, exposed ledges, bridge design, and wetland areas. Because third-party review costs are borne by the applicant, Lynn Sweet stated that it would be up to the applicant to proceed with or withdraw the application. She suggested the Board provide Mr. Bisson with the things the Board will need to properly address the application, so he can discuss them with the applicant. Mr. Bisson indicated that he has discussed some additional items with his client, such as an engineered bridge design, but believes requiring a Storm Water Management Plan (SWMP) is excessive for a single residence. He also pointed out that many lake-front residences are affecting Bow Lake water quality, and the Town does not restrict the use of fertilizers. The proposed lot with a single residence helps abate our housing shortage, is located away from the lake, and does not significantly affect its water quality. Susan Arnold took exception to this "it's not just me" logic, and believes the Town is at a breaking point with additional development on or near Bow Lake. She feels that the Board scrutiny needs to be elevated, that prior actions may not be the precedent to judge current project, and that we are living in a different time under different climate conditions. Lynn Sweet noted that although a SWMP usually applies to non-residential and road development, a plan may be required as determined by the Board. The Chairman stated that the purpose of a SWMP is to properly manage water flow to allow maximum ground absorption and limit the volume of runoff.

The Chairman once again asked for public comments.

Brook Dupee, 167 Water Street, questioned if the bridge would need the capacity to allow a fire truck to get to the residence. The Board indicated that it is a regulatory requirement.

Carolyn Auger, 47 Browns Pasture Road, asked if there was a plan to rebuild on the remaining foundation on Lot 1. Mr. Bisson stated that the owner was planning to build on the original foundation. Rick Young indicated that the foundation has been bulldozed down the hill. Lynn Sweet noted that the condition of the foundation and plans to build a residence does not apply to this application for this subdivision.

Donald Coker suggested identifying Board concerns and actions for Mr. Bisson to address with the applicant, which all agreed should be done before a site walk is scheduled. The site walk would be unnecessary if the applicant decides to withdraw the application.

At this point, the Chairman considered closing the Public Hearing but allowed additional public comments.

Carolyn Auger, 47 Browns Pasture Road, wanted to make it clear that Browns pasture Road is a dead end with a lot of houses past the proposed lot and Tasker Hill Road where flooding frequently occurs, which prevents residents from accessing their homes.

Philip Auger, 47 Browns Pasture Road, reiterated the need for a wetland scientist and soil delineations of the property.

The Board identified the following items for the applicant to accomplish or clarify and/or Town consultant review:

1. Provide a Storm Water Management Plan addressing both proposed Lots 14-1 and 14-2.
2. Provide an engineered bridge and driveway design.
3. Town consultant review of wetland scientist and soil delineations.
4. Specifically identify the location of the contiguous buildable area to be reviewed by the Town consultant.
5. Third-party review of all pertinent data associated with the application.

Donald Coker emphasized the Master Plan charter to protect bodies of water as a reason to closely look at this proposal's impact on Bow Lake. Mr. Bisson confirmed with the Board that the proposed subdivision was not in the Shore Land Protection Zone, which is up to 250-feet from the lake shore. Lynn Sweet questioned the proposed septic system design, and Mr. Bisson indicated the plan to use a hydro-zone system. The Chairman noted the need to research prior subdivisions affecting this proposal to determine if it is a major or minor subdivision. Blair Haney noted that notice of the meeting only referenced a two-lot subdivision. He also indicated the need to consider the Conditional Use Permit for the bridge crossing a wetland; however, the public had not been given notice, and it could not be addressed at this meeting.

The Board discussed scheduling the site walk and decided to wait until after the October meeting, pending the receipt of additional plan information requested. Mr. Bisson asked the Board to provide third-party review cost estimates for his client and questioned the need for both he and the Town third-party consultant to conduct surveys and tests to update wetland and soil delineations. The Board agreed to allow Mr. Bisson's consultants to initially provide updated information for Board review.

The Chairman closed the Public Hearing at 8:32PM. Lynn Sweet made a motion for a continuance of the application to the October 3, 2024, 6:30PM Planning Board meeting, which was seconded by

Donald Coker, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Phil Auger resumed Chairman duties. Don Clifford was reinstated as a voting member, and both Susan Arnold and Donald Coker returned to alternate member status.

### **Other Business**

The Board agreed to table the Class VI Road discussion until the next meeting.

The Chairman noted that this was Blair Haney's last meeting as the Strafford Regional Planning Commission (SRPC) representative for the Town and thanked him for his assistance with Planning Board matters. Mr. Haney introduced Owen Corcoran as the new SRPC representative. Mr. Corcoran is a 20-year veteran of the U.S. Coast Guard, a former land-use clerk in Kensington, and currently a Public Administration graduate student at the University of New Hampshire. He began work with SRPC on August 26, 2024.

The Chairman noted the establishment of a Town Technical Review Committee, which will have representation from the Fire Department, Police Department, Road Agent, Code Enforcement, and possibly a Planning Board member. The committee will be consulted as a group as required and in advance when possible before the Planning Board initially addresses an application. The Board, in consultation with SRPC, will determine what items or issues would require committee action.

**KOA Campground.** The letter to the KOA Campground attorney outlining the list of Town concerns has not been drafted. Each of the concerns or questions needs to be based on Town regulations, agreements, Planning Board Meeting Minutes, and/or Notices of Decision. The Chairman will work with SRPC to finalize the letter.

There being no further business before the Board, Charlie Moreno made a motion to adjourn the meeting, which was seconded by Lynn Sweet. The Board voted unanimously in favor, and the meeting adjourned at 8:58PM.