

DRAFT – NO LEGAL VALUE

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: November 7, 2024 6:30PM

Members Present:

Phil Auger – Chairman
Charlie Moreno – Vice Chairman
Terry Hyland
Don Clifford

Alternate Members Present:

Susan Arnold
Sue Higgins

Others Present:

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

The Chairman, Phil Auger, called the meeting to order at 6:32PM and recognized Board members Charlie Moreno, Terry Hyland, Don Clifford, Susan Arnold, and Sue Higgins as present. He also recognized as present Owen Corcoran and Robert Fletcher.

Continuing 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, to preside. In addition, Don Clifford recused himself. The Vice Chairman appointed Sue Higgins as voting Board member in place of Phil Auger, and he recognized Susan Arnold as a voting Board member as authorized by Lynn Sweet in her absence. He stated that a subdivision plan presented at the September 5, 2024 Planning Board Meeting was accepted by the Board at that time, and indicated that a site-walk of the property to be subdivided was conducted on October 16, 2024.

Ray Bisson of Stonewall Surveying, representing the applicant, referenced the site-walk and noted Planning Board and public concern expressed at the September meeting regarding the location of the residential structure and the Water Street entry for the driveway, which would cross a brook. He indicated that they located another place for the structure near the southern border of the property. The new location would be accessed via a shared driveway from Tasker Hill Road, which meets slope requirements. Test-pit results near the structure’s new location indicated adequate support for a leach field which was approved by NH DES on October 28, 2024. A request for a waiver to the underground utility requirement has been submitted. He also provided the Board with a copy of the Declaration for Driveway Easement and Maintenance Agreement.

The Vice Chairman noted that the new plan design no longer presented an impact on the brook near Water Street. He confirmed with Mr. Bisson that there was no easement on record for the old farm

path that the new driveway would follow for a portion of the trail. Susan Arnold thanked Mr. Bisson and the applicant for rethinking the proposal which is now dramatically different than the original.

The Vice Chairman opened the meeting for public comments at 6:46PM.

Philip Auger, 47 Browns Pasture Road, expressed concern regarding the contiguous buildable area calculation for the property. He questioned the combination of the buildable area above and below the steep slopes as being contiguous, because it may be totally separated by the steep slopes. Mr. Bisson indicated that the contiguous buildable area is determined by a computer program that factors out steep slope and wetland areas. The Board and Mr. Bisson discussed the calculation at length, and determined that the total property square footage (SF) of 137,160 contained 94,620 SF of contiguous buildable area where only 52,272 is required. Mr. Bisson indicated that the upper and lower buildable areas are connected by a small non-steep slope area on the western border of the property. Mr. Auger shared his opinion that the steep slopes continued through the western border, separating the upper and lower buildable areas, which would not allow a structure on the upper 40,830 SF contiguous buildable area.

The Vice Chairman asked for additional public comments, and there were none. The Board discussed the steep slope separation as depicted on the plan and concluded that the upper and lower buildable areas were connected. The Vice Chairman asked Mr. Bisson to include a note on the plan to indicate that there was no easement for the old farm path where the driveway would be located. He expressed concern regarding the Lot 14-1 septic system leach field location on the edge of the steep slope. The Board also questioned the need to restrict tree removal on the steep slopes and lower area of the lot. The Board discussed at length with Mr. Bisson utility access to the property and the location of one utility pole on the adjoining property (Lot 14-1) to prevent an underground utility necessary to cross Tasker Hill Road.

Philip Auger, 47 Browns Pasture Road, questioned if the updated plan needed to be accepted before the Board could address approval. The Board determined that the acceptance of the plan at the September meeting was sufficient.

There being no further public comments, the Vice Chairman closed the meeting to public comments at 7:15PM.

The Board addressed the under-ground utility waiver request, and determined the waiver should be denied, because utility access to the property will be a combination of above-ground and underground installation. Susan Arnold made a motion to deny the waiver for under-ground utility access to the property, which was seconded by Terry Hyland and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Vice Chairman asked for a motion to approve the proposed plan with conditions. Susan Arnold moved to approve the plan with the following conditions:

1. Trees in the steep slope area and below the mid-point of Lot 14-2 western and eastern boundary (580-foot contour line) be limited to a removal of no greater than 10 percent of the basal area in a 30-year period.
2. Appropriate erosion control measures be installed on the Lot 14-1 septic system leach field.
3. Utility service to Lot 14-2 structure be under-ground from first utility pole located no more than 50-feet from Lot 14-1 boundary on Tasker Hill Road.

The motion was seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Phil Auger resumed his duties, Don Clifford was reinstated as a voting member, and Sue Higgins returned to alternate member status.

Design Review

David & Rebecca Lovely Revocable Living Trusts, proposed 5-lot Conservation Development, 20 Back Canaan Road (Tax Map 4, Lot 83-1)

The Chairman acknowledged the public attendees at the meeting and informed them that the meeting would not be open for public comment during the Design Review. However, he would give them an opportunity to comment when the review was concluded.

Rick Turner a licensed land surveyor, representing the applicant, provided a brief overview of the plan to modify a 40.9-acre lot into a 5-lot conservation subdivision with approximately 29.5 acres (72%) of deed restricted open space and 11.4 acres (28%) for five buildable lots. A duplex is located on the current property with access from Back Canaan Road. The additional proposed lots will be accessed from Canaan Road via an eighteen-foot wide, 800-foot long, gravel driveway with a turnout. Mr. Turner questioned if the duplex would be included in the conservation plan or treated separately, and indicated that information from 2006 subdivision might be used for a yield plan. David Lovely stated that the Town Road Agent visited the property to see the driveway location, and other than indicating a width of 18 feet, saw no problem with it.

The Board addressed the following issues and/or concerns:

- The duplex would be part of the conservation plan; however, minimum lot size for a duplex must be met. The duplex, according to the Mr. Lovely, contains an approximately 900 square-foot living area with handicap provisions, and could be considered an Accessory Dwelling Unit. Additionally, a zoning variance might be needed, because the duplex does not meet the 100-foot setback requirement from an abutting property. The applicant would address the Planning Board first, then the Zoning Board of Adjustment, as needed.
- Use of previous plan information. The Chairman indicated that it may be necessary to determine who provided the information, and Susan Arnold suggested updating the information due to changing conditions since 2006. Mr. Turner stated that he would provide updated information on the proposed buildable lots but would prefer not to provide similar information for the conserved area. The previous subdivision records may provide adequate information for the conserved area.
- Driveway width requirement of 22 feet may be modified for a conservation subdivision. The radius of the 90-degree driveway turn needs to be increased dramatically for emergency vehicle access and a turn-around must be provided.
- Utility access. One pole on the property near Canaan Road then underground service to each lot on the driveway.
- Don Clifford suggested reducing the size of the buildable lots to increase the conservation area. Each lot, other than the duplex lot, could be reduced to a minimum of 1.4 acres based on the prevailing Paxton, soils series and state regulations. Lot 5 would be a separate lot but sold with the open space area.

- Open Space restrictions are such that structures, a well, or septic system cannot be located within it. However, the well radius could extend into the conserved area.
- Use of a deed restriction template developed by the Town is required.

The Chairman closed the Design Review portion of the meeting.

Owen Corcoran indicated that the Town received a Preventive Petition in response to the Notice to Abutters regarding the Design Review for the proposed 5-lot Conservation Development, 20 Back Canaan Road (Tax Map 4, Lot 83-1). He read the Preventative Petition into the records as follows:

“New Hampshire is one of 20 states that allow for a preventative petition to be filed. NH law states; any person who owns 20% of land within 100 feet of proposed development will trigger or enact a 2/3 majority vote or 66.6% to move forward with the process. The reason for this petition is the people who live on Canaan Road and Back Canaan Road do not want to increase the volume of traffic that goes on any more than it already is for the safety of our children and the families that live here. And building a new development will significantly increase the amount of traffic.”

Signed October 27, 2024 by seven residents.

Mr. Corcoran stated that the State statute, RSA 675-5, that addresses a Preventive Petition, only pertains to Zoning Ordinances and amendments, and does not apply to the application before the Planning Board. The Chairman encouraged the public attendees to remain involved in the application approval process if this proposal comes before the Board. He advised them that they could ask the Board during the application process to request a traffic study, and a Planning Board or Zoning Board decision can be appealed within 30 days of the decision. Charlie Moreno stated that the State of New Hampshire recognizes a landowner’s right to legally subdivide their land, and the Board is bound by certain rules regarding conservation development which prevents further development of the open space area. This often results in fewer residential structures than might be allowed with a complete subdivision of the property.

The Chairman asked for comments from the public attendees, which covered the following concerns:

- Increased traffic which now includes non-residential cars and commercial vehicles.
- Wetland area consideration with respect to buildable areas and septic systems.
- Safe turn-around for emergency vehicles and buses.
- Driveway setback requirements from abutters residential structure.
- Snow removal drop areas.
- School attendance growth.
- Light pollution.
- Impact on Scenic Road designation.

The Chairman stated that the public will be able to address these concerns if the owner presents an application for Planning Board consideration. The Town is required to notify abutters of the date an applicable application is to be addressed. The Chairman thanked the attendees for their input.

Other Business

At 8:32PM, the Chairman opened the meeting for a Public Hearing to present and discuss proposed amendments to the Strafford Subdivision Regulation, Sections 2.3.9 and 2.5.5. He read, for the record, the following change for each Section:

2.3.9 Subdivision. The division of a tract or parcel of land into two or more lots, or other divisions of land, for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. If any land submitted for subdivision has been part of any previous subdivision approved, constructed, or, created by conveyance, since January 1, 1979 (based on records at the Strafford County Registry of Deeds), any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all subdivision review criteria. Such cumulative review shall consider, among other matters, to what extent the sequential applications, taken together, may present a level of development that is scattered or premature within the meaning of RSA 674:36, II(a). When appropriate to the context of these regulations, the word "subdivision" shall relate either to the process of subdividing or to the land or area subdivided.

1. **Major Subdivision** – The subdivision of a lot of record into four (4) or more lots; or the subdivision of a lot of record into two (2) or more lots that includes the creation of a new street.
2. **Minor Subdivision** – The subdivision of a lot of record into no more than three (3) lots which do not require the creation of new streets.

2.5.5 Approval. Any application accepted by the Board for consideration for a minor subdivision; or that involves minor lot line adjustments; or boundary changes which do not create buildable lots; or proposals which do not involve creation of lots for building development purposes, may be approved at the same meeting, providing that the plat contains all the information required by Section 2.7 and Section 2.8 and that a site review is not deemed necessary by the Board. Conditional approval may be given if the plat contains only minor deficiencies and the Chairman or Secretary is authorized to sign the plat, once these deficiencies are corrected. All other applications require acceptance at one meeting and a public hearing at another meeting, prior to approval. The applicant may waive the requirement for Board action, within the time periods specified above, and consent to such extension as may be mutually agreeable.

The Chairman, noting no comments from the public, asked for a motion to close the Public Hearing at 8:39PM, which was so moved by Don Clifford, seconded by Charlie Moreno, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Class VI and Private Roads Policy

The Chairman identified the proper proposal to update the policy and asked the Board members to review it prior to the next meeting. After a final review, the proposed policy will be forwarded to the Selectmen for approval.

Meeting Minutes

The Board reviewed the minutes of the October 16, 2024 site-walk at 174 Tasker Hill Road. Susan Arnold made a motion to accept the minutes as written with a minor correction, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members present who attended the site-walk.

The Board reviewed the minutes of the October 3, 2024 Planning Board Meeting. Charlie Moreno made a motion to accept the minutes as written, which was seconded by Terry Hyland and voted upon verbally in the affirmative by all voting Board members present who attended the October 3rd meeting.

Natural Resources Inventory

Owen Corcoran provided an overview and cost estimates for a simplified version and an expanded version of a project to conduct a Strafford natural resource inventory. The simplified version could be completed in a four-to-six-month period with limited Strafford Regional Planning Commission (SRPC) support at a cost of approximately \$4,800. It would provide only static maps without charts, graphs, or narrative. The expanded version, costing of approximately \$14,000, would incorporate interactive ARC GIS Story Maps with charts, graphs, and narrative. SRCP would provide additional staff to assist with the project. Grants may be available in July 2025 to cover the cost of either version. The Planning Board discussed the merits of each version and considered beginning the simplified version early in 2025, and then transitioning to the expanded version when grant funds are available.

There being no further business before the Board, Susan Arnold made a motion to adjourn the meeting, which was seconded by Donald Clifford. The Board voted unanimously in favor, and the meeting adjourned at 9:26PM.

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