

DRAFT – NO LEGAL VALUE

Planning Board Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: August 6, 2026 6:30PM

Members Present:

Phil Auger – Chair
Charlie Moreno – Vice-Chair
Don Clifford
Lynn Sweet – Selectman Representative

Alternate Members Present:

Donald Coker
Sue Higgins

Others Present:

Lisa Wise, Strafford Regional Planning Commission (SPRC), Senior Regional Planner
Robert Fletcher, Minutes Recorder

The Chair, Phil Auger, called the meeting to order at 6:30PM and recognized Board members Charlie Moreno, Don Clifford, Lynn Sweet, Donald Coker, and Sue Higgins as present. He also recognized as present Lisa Wise, SRPC Planner and Robert Fletcher, Recorder.

General Public Comment

The Chair asked the public attendees if there were any comments or questions that were unrelated to the items on the agenda. There were none.

New Business

Case 26-006, Lot Line Adjustment Application Review and Public Hearing – MJ Properties NH, LLC, 157 Old Ridge Road (Tax Map 7, Lots 11 and Lot 12, proposed lot line adjustment providing road frontage for Lot 11)

In the absence of Terry Hyland, the Chair appointed Sue Higgins as a voting Board member and asked Ray Bisson of Stonewall Surveying, representing the applicant, to present the case.

Mr. Bisson indicated that the applicant is requesting approval of a lot line adjustment within two adjoining parcels (Lots 11 & 12) owned by MJ Properties NH. He stated that this adjustment will provide 200 feet of frontage for Lot 12 on Old Ridge Road and for Lot 11, which currently has no frontage. The adjustment does not create a new lot but reallocates land within the two adjoining parcels with approximately 7 acres of the 10.82-acre Lot 11 being reallocated to Lot 12 and 0.75-acres of Lot 12 being reallocated to Lot 11. This will create a practical and developable building lot while maintaining compliance with dimensional zoning requirements. Excluding wetlands, slopes exceeding 25 percent, and exposed ledge, Lot 11 as adjusted will contain approximately 87,200 square feet of buildable area which satisfies minimum zoning requirements. However, the lot does not meet the requirement for 60 % of contiguous, buildable area. The lot contains approximately 42,140 square feet

of contiguous buildable area whereas 52,272 square feet are required. The applicant is requesting a waiver for not meeting the minimum contiguous buildable area for Lot 11. Otherwise, Lot 11, as modified, has adequate buildable area, favorable soils, access to buildable area without a wetland crossing, and has received NHDES subdivision approval for sewage disposal.

The Chair confirmed with Mr. Bisson that Lot 11 contiguous buildable area was over 10,000 square feet less than required. Charlie Moreno asked Mr. Bisson to display the plat plan with the existing lot borders. Lisa Wise reminded the Board to consider the application completeness and regional impact prior to further discussion.

Lynn Sweet expressed the opinion that a voluntary merger of the two lots should have taken place before the request for a lot line adjustment because the lot line adjustment is reconfiguring Lot 11 into a buildable lot which would be a subdivision. Mr. Bisson stated that Lot 11 and Lot 12 are two existing lots and the lot line adjustment is only necessary to provide the required road frontage for a buildable lot. The Chair indicated that he has a problem with process of creating a buildable lot with a lot line adjustment.

The Chair requested that the Board consider the completeness of the application. Don Clifford clarified that only the application for the lot line adjustment was being considered at this time. The Board confirmed with Lisa Wise that the application was complete, and the Chair asked for a motion. Don Clifford made a motion to accept the application as complete, which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chair requested that the Board consider the regional impact of the application. Charlie Moreno made a motion that the application presents no regional impact which was seconded by Don Clifford and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Board continued discussion regarding the application. Mr. Bisson asked the Board to provide the regulation definition for a lot line adjustment. Lynn Sweet read the definition from the regulation as follows:

Any application accepted by the Board for consideration for a minor subdivision or that involves a minor lot line adjustment or boundary changes which does not create buildable lots or proposals which do not involve creation of lots for building development purposes may be approved at the same meeting provided 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 that the Chairman or Secretary is authorized to sign said plats once these deficiencies are corrected.

The Chair referenced the Subdivision Site Plan Review Handbook:

Lot line adjustment means adjustments with the boundary between adjoining properties where no new lots are created.

He also did not believe this application was a minor lot line adjustment. Lisa Wise noted that the SRPC recommended a public hearing for this application because it was not clear whether the Board would consider the lot line adjustment to be minor or not-minor. Donald Coker questioned what harm, procedurally, would considering this as a minor lot line adjustment present. Charlie Moreno expressed

his opinion that a lot line adjustment that results in the same number of lots is acceptable. However, the Board should consider the merits of the resulting lots, i.e. do they meet regulatory requirements for a conforming lot, such as, total area, buildable area and contiguous buildable area. He feels the Board should address the lot line adjustment as presented, and it would be unfair to the applicant to start over with a lot merger followed by a subdivision application. Donald Coker noted that the Board is obligated to not allow the creation of a non-conforming lot which this lot line adjustment does. Mr. Moreno stated that the Board must first consider the procedural merit of the lot line adjustment before considering the results of the adjustment.

The Chair asked the applicant if he had anything further to add. Mr. Bisson re-stated that he considered this application to be a simple lot line adjustment regardless of whether one owner or multiple owners were involved and this was not a subdivision request. Lynn Sweet reiterated her concern that approval of this lot line adjustment attempts to create a buildable lot which, per regulation, as stated earlier, requires the applicant to appear at a subsequent meeting to address the conformity of the created lot. Donald Coker restated his concern about creating a non-conforming lot if the lot line adjustment is approved.

Mr. Bisson re-stated the fact that the lot line adjustment does not create any new lots but allows the existing lots to become two buildable lots that exceed the minimum lot requirements and with the addition of 200 feet of frontage makes the non-conforming Lot 11 more conforming. He believes the subdivision requirement for 60 percent of the buildable area to be contiguous is not a factor for the lot line adjustment because the adjustment does not create any new lots. The contiguous area is only a consideration to make the lot conform and is addressed in the waiver request. The Chair disagreed with Mr. Bisson in that the lot line adjustment reconfigures Lot 11 into a new lot which must meet regulatory requirements. Charlie Moreno stated that, although there are initially two lots and the lot line adjustment yields two lots, the adjustment attempts to create a new buildable lot. As a result, he needed to understand more clearly the frontage and total lot, wetlands, uplands, and buildable square footage of both lots. Mr. Bisson indicated that this was noted on the plan.

The Chair addressed the requirement for 60 percent of the buildable area to be contiguous and questioned what shortfall would be acceptable. Donald Coker stated that it would be a judgement call for the Board based on the totality of the application. The Chair suggested the possibility of having the town's wetland scientist consultant review the application with respect to the contiguous buildable area calculation. Donald Coker believed this would be an unnecessary burden on the applicant and in most cases the Board should rely on the applicant's surveyors and scientists. He also questioned the scientific basis for the 60 percent contiguous buildable area requirement. Charlie Moreno noted that the contiguous buildable area requirement was approved by town vote and implemented to provide adequate waste and well separation when the minimum lot size was increased from one and one-half acres to two acres. Mr. Bisson stated that the lot loading meets the state's criteria. Don Clifford expressed the opinion that Lot 11 did not have space needed to be considered a buildable lot.

Lisa Wise reminded the Board that, when considering a waiver request, they must determine 1) if strict conformity would pose an unnecessary hardship and the waiver is not contrary to the spirit and intent of the regulation, or 2) specific conditions of the land or circumstances of the subdivision indicate that a waiver will properly carry out the spirit and intent of the regulation.

The Chair opened the meeting for a public hearing at 7:08PM.

John McGoldrick, 191 Old Ridge Road, provided comments and questions as follows:

- How confident can one be as to the location and extent of ledges on the property? He believes there is more ledge than is shown on the proposed plan. There appears to be very tight margins between wetland buffers, ledge and setbacks including easements for an existing well. The Chair indicated that test pits and percolation data will determine the capability to support a septic system. Other site data is determined by a physical survey of the area. Mr. McGoldrick asked if a site walk could be conducted and the Chair indicated that the Board could do a site walk if it was determined to be necessary.
- The reason for 60 percent of the buildable area to be contiguous. Mr. McGoldrick stated that his research on this percentage provides adequate area for a structure, septic system and well without harming neighboring properties, wetland areas, or subterranean aquifer. The Chair noted that the lot requirements are also a result of the community desires to maintain a rural atmosphere which is indicated in the Town of Strafford Master Plan.

Kevin Hinrichsen, 33 Goodstein Road, expressed the following concerns:

- Allowing site development of a lot that does not meet minimum requirements, and the effect installation of a septic system would have on the large wetland areas on this and neighboring properties.
- MJ Properties has owned the property for less than a month and he does not see a hardship associated with this application for a lot line adjustment and waiver.

John McGoldrick, 191 Old Ridge Road, asked what the Planning Board would do if, after approving the lot line adjustment and waiver, additional ledge was discovered in the proposed area for the septic system. It is his opinion that there is no extra room on the property for an alternate septic system site. The Chair indicated that it would be difficult to develop the site without an alternate location.

There were no further comments from the public; however, the Chair did not close the Public Hearing but resumed Board deliberation on the application. Charlie Moreno noted that the property was not flat ground but sloped into a significant wetland area with very poorly drained soil. The proposal is trying to squeeze in a building footprint on a very small area of land. Lynn Sweet restated her position on needing a voluntary lot merger and subsequent subdivision application to properly address the applicant's desire for additional buildable lots on these parcels. Donald Coker stated that this application appears to be a very simple request that turned out to be very complicated, and although he will not be voting on the application as an alternate Board member, he recommends that the Board be very cautious about rendering a decision on this application.

Mr. Bisson pointed out in response to the question of ledge that the regulation requires delineation of exposed ledge or area of seasonal high water near a soil depth of less than twelve inches. There is no requirement to identify any sub-surface ledge. In response to the need for an alternate septic system location, Mr. Bisson indicated that it is permissible to fill the entire 4K area to a specified depth for the septic leach field; however, there is four-feet of soil depth in the area of the proposed septic system for Lot11.

Lisa Wise noted that it was within the applicant's right to apply for a lot line adjustment rather than a voluntary lot merger. If the lot line adjustment and waiver are not approved, would there be other ways to develop the property in its existing configuration. Lynn Sweet indicated that the existing Lot 11 was not large enough to allow a back lot with a right-of-way easement from Old Ridge Road. Additionally, approval for a wetland crossing to get to the existing Lot 11 from Old Ridge Road would be questionable and costly.

The Chair suggested a course of action for this application would be to approve the lot line adjustment but deny the waiver, conduct a site walk, and address the contiguous buildable area shortfall at a follow-on meeting. Charlie Moreno suggested addressing the waiver first. If is not approved, then the lot line adjustment could not be approved because it would create a non-conforming lot. Lynn Sweet again recommended the applicant request a voluntary lot merger which would result in one lot with adequate frontage on Old Ridge Road to allow possible future subdivision. Donald Coker agreed with Lynn Sweet's recommendation. The Chair indicated that the Board could schedule a site walk while the applicant processes a voluntary lot merger and then address a subdivision at a future meeting. Mr. Bisson stated that he would have to address this with his client.

The Chair asked for further public comments.

John McGoldrick, 191 Old Ridge Road, asked about the application for the subdivision of Lot 12 if it were adjusted by the proposed lot line adjustment. The Chair indicated that the Board could not address that application until it came before the Board. However, Charlie Moreno questioned if the subdivision application was part of the public record. Lynn Sweet confirmed with Lisa Wise and Mr. Bisson that abutters were notified of both the lot line adjustment and the subdivision applications in the same letter of notification. As a result, the Board allowed Mr. Bisson to briefly describe the proposed subdivision of Lot 12 into two lots with frontage on Old Ridge Road.

There being no further comments from the public, the Chair closed the Public Hearing at 7:36PM.

The Board discussed the next steps with Mr. Bisson who asked for a decision on the waiver request because it would determine whether or not to proceed with the lot line adjustment. Donald Coker, although not a voting member, urged the Board to deny the waiver. Charlie Moreno made a motion to deny the waiver to requirement for 60 percent of contiguous buildable area because the proposed contiguous area is too small and located too close to wetland areas. The motion was seconded Don Clifford who noted that the contiguous area shortfall was about 20 percent. The motion was voted upon verbally in the affirmative by all voting Board members. The waiver request was denied.

Mr. Bisson requested a continuance to keep the application open in case the applicant wants to explore alternate ways to meet the minimum contiguous area requirement. If he does not want to do that, then Mr. Bisson will pull the application and proceed with a voluntary lot merger. The Chair encouraged Mr. Bisson to complete the lot merger and follow it up possibly with a three-lot subdivision rather than continue with a modified lot line adjustment. Lynn Sweet made a motion to continue forward the lot line adjustment application until the Planning Board meeting on September 10, 2026 at 6:30PM which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chair asked for the Findings of Fact for denial of the waiver. Lisa Wise indicated that it was the consensus of the Board that the waiver was contrary to the spirit and intent of the regulation, and the specific conditions of the land indicate that a waiver would not properly carry out the spirit and intent of the regulation. Charlie Moreno reiterated his earlier comments regarding the contiguous buildable area requirement, the aesthetic and rural character of the community, and the small building site that slopes toward a poorly drained wetland area. The Chair asked for a motion to accept the above as Findings of Fact which was so moved by Don Clifford seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Lynn Sweet noted the need to schedule a site walk. The Chair indicated that it would have to be via email and Mr. Bisson indicated he would be available for whatever date the Board scheduled. Charlie Moreno asked how the abutters would be notified. It will be posted on the town website.

Mr. Bisson asked for a continuance of the application for the two-lot minor subdivision of the proposed reconfigured Lot 12. Lynn Sweet made a motion to continue forward Case number 26-006 LLA & SUB until the Planning Board meeting on September 10, 2026 at 6:30PM which was seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

It was subsequently noted that the case number applied to both the lot line adjustment and the two-lot subdivision. Thus, Lynn Sweet amended her motion for continuance of the application for a two-lot minor subdivision of the proposed reconfigured Lot 12 until the Planning Board meeting on September 10, 2026 at 6:30PM which was seconded by Don Clifford and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Other Business

The Board reviewed the minutes of the July 2, 2026 Planning Board Meeting. Lynn Sweet made a motion to accept the minutes as written, which was seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members present who attended the July 2nd Planning Board Meeting.

Legislative Updates. The Board briefly discussed those effecting the town.

Tiny Houses. The Board interpreted this as guidance rather than a mandatory requirement.

Data Centers. The Chair expressed the desire to have a public session to present pros and cons of data centers.

There being no further business before the Board, Charlie Moreno made a motion to adjourn the meeting which was seconded by Sue Higgins. The Board voted unanimously in favor, and the meeting adjourned at 8:14PM.

Minutes Prepared by Robert Fletcher