

Minutes

Planning Board Meeting

July 24, 2017

Members of the Planning Board in attendance were Don Clifford, Terry Hyland, Lynn Sweet, and Donald Coker, Alternate member. Scott L. Young was also present; he will take over for Lynn Sweet as ex officio representative for the Board of Selectmen. Don Clifford served as Acting Chairman and opened the meeting at 7:20 PM. The closing date for applications to appear on the agenda for the August 2017 regular meeting has passed; the deadline for the September regular meeting is 5 p.m., Tuesday, August 15, 2017. The Chairman advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM and that the meeting will adjourn by 11:00 PM. It was noted that the June 2017 meeting had been canceled. Board members agreed to postpone consideration of the May 2017 minutes until after business has been addressed. Donald Coker was designated as a voting member due to absences.

The first item of formal business was the application of JAMES and JEANNINE VAHEY and DOUGLAS and JODIE DAUDELIN for 2-lot subdivision of their property located at 135 Sloper Road (Tax Map 16, Lot 4-5). Corey Colwell of MSC Engineers presented the application. Doug Daudelin, the applicant was present. Bruce and Anne Smith, Bob Fletcher, and the Cooperman family, abutters, were also present. Mr. Colwell presented color versions of the plan that showed the 2-lot subdivision, highlighting field/uplands, young forested areas, and wetlands. They Vahey/Daudelin families hope to subdivide their 58± acre parcel using the relatively new back or supplementary lot provision. The parcel has about 315 feet of frontage and therefore qualifies for the supplementary lot provision. Proposed Lot 1 would contain the existing duplex on 4.39 acres with 3.14 acres of uplands. Proposed Lot 2 lies behind Lot 1 and would include 53± acres with 72 feet of frontage on Sloper Road. This project would replace a conditionally approved 5-lot subdivision from 2004 which was never completed. The current proposal eliminates a proposed new subdivision road and significantly reduces the wetlands impacts associated with the original development. Board members noted the wetlands area crossing the access strip to the back lot. Mr. Colwell advised that the owners have no plans on building on the back lot immediately, but would need a wetlands permit to cross this area once they decide to build. He noted that the wetlands area is poorly drained soils rather than very poorly drained soils, and he feels would not qualify as a major wetlands impact. He noted that if you are crossing a wetlands to get to a building site on uplands, the state is typically willing to issue a permit, but that permits only last for 5 years, so the owners want to wait until they are ready. Board members agreed that if the subdivision is approved as shown, the burden of creating the access would be on the applicants. Mr. Colwell noted that their "Plan B" would be to include an access easement across Lot 1 for the benefit of Lot 2 at the time that Lot 1 sells. Board members agreed that this would also be a good solution, as you would be able to use the existing driveway to access the uplands area on Lot 2 beyond the wetlands area. Sheet 2 of the plan set shows topographical information and state subdivision approval is pending; the state has conducted a site walk. Mr. Colwell noted that Lot 1 is oversize based on carrying capacity. There is a well radius easement area on Lot 2 to allow for the full well radius for the existing well serving the home on Lot 1.

Board members then completed their review of the plans with the checklist. The following items were missing and/or need clarifications: driveway easement, septic setback/update note on wetlands to include references to soils, correct cover page tax map number typographical error, and seals of the wetlands scientist and surveyor. Noting that these are all minor and do not impact review, Scott Young made a motion to accept the plans as complete for consideration conditional upon completion of the items noted above. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Mr. Clifford advised the audience that the public hearing on this application will be held at the next regular meeting, but he noted that the Board is willing to take comments this evening, and he then opened up the meeting to the audience. Bob Fletcher requested that the project include a covenant/restriction to no pre-fab or mobile homes, noting similar covenants on neighboring lots along Sloper Road. Doug Daudelin noted that he has no objection to including a restriction. Board members suggested that the restriction not include pre-fab homes, noting the many upscale homes now being constructed as modulars. Bruce Smith asked Mr. Daudelin if they could arrange a walk along the back part of the easterly boundary, which can be difficult to locate. Mr. Daudelin noted that this area will remain as part of Lot 2, and agreed to the walk. Mr. Colwell noted that the monuments shown on the plan are along the front portion of the easterly side boundary. The Coopermans expressed concern about a typically wet area at the top corner of their lot (Lot 4-6) along the westerly side of the property and noted that they want to be sure that wetlands buffers are

respected in this area, especially if there is discussion of accessing Lot 2 from Lot 1. Bob Fletcher noted some concern about the Plan A/Plan B access plans for Lot 2. After a brief discussion, Corey Colwell agreed to add a note to the plans stating that in the event that a wetlands permit is not attained for access (to Lot 2), Lot 2 reserves an access easement across Lot 1. Board members all agreed that staying to the right (easterly) of the existing duplex would be the best option. Further discussion of this application will be continued at the next regular meeting.

The second order of new business was the application of KENNETH G. and ELENA SUPER, 5 Evans Mountain Road (Tax Map 5, Lot 1) and ROBERT J. and CANDY M. LECLERC, 23 Evans Mountain Road (Tax Map 5, Lot 3) for boundary adjustment between their two properties located on Evans Mountain Road. The Supers have purchased the former home of Bernhardine Meunier in Barnstead adjoining the Strafford town boundary. The garage for the home, 15 Evans Mountain Road, is located on a small separate lot in Strafford. Ashley Rowe presented the application; the applicants were not present and there were no abutters present. Mr. Rowe explained the history of the lot, noting that Mrs. Meunier had gone to court in Belknap County where she was awarded a strip of additional land in Strafford along Evans Mountain Road. The award and resulting survey plans were never recorded in Strafford County and do not appear in Town of Strafford records. As new owners of the property in both Strafford and Barnstead, the Supers would like to complete a boundary adjustment with the neighboring Leclerc farm in order to take care of the problem and prevent any future title issues for all involved. The new lot line will be a straight line; additional land behind the garage will be transferred to the Supers from the Leclercs and the front line will be adjusted to add a small triangle to the Leclerc land. The revised area for Lot 1 will be $.25\pm$ acres. The Leclerc farm will decrease from $7.58\pm$ acres to $7.47\pm$ acres, which is greater than the minimum lot size in this area. Mr. Rowe indicated that they have checked the Super's lot and there are no wetlands. The Super's lot is non-conforming in area and would not support a home, but is increasing in area and so does not require ZBA action under Article 1.7.1. The existing garage on the lot is also non-conforming to current setback requirements. It was asked if the town attorneys are aware of the project, given the legal history. It was noted that the town attorney was advised of the project and they have no issues.

Board members then completed their review with the checklist. The following items were missing and/or need clarification: add a note indicating that there are no wetlands or exposed ledge. Noting that several items on the checklist are not appropriate for these two lots, which are already developed, Mr. Rowe agreed to provide the Board with a letter requesting a waiver to the requirements that soils, perc tests, topography, and elevations show on the plans. Mr. Rowe advised that he will have the property owners for both lots sign the final plan to indicate their approval. It was agreed that the Super's Strafford home is more than 100 feet from the lot and does not need to show on the plans. Monuments have already been set and are indicated on the plan. Building setback lines are shown for the Super's small lot in the detail area. Scott Young then made a motion, seconded by Donald Coker, to accept the plans as complete for consideration, conditional upon the items noted above. There was no further discussion and the vote was unanimous in the affirmative. The Acting Chairman then opened the public hearing. There were no comments. The hearing was closed and Scott Young then made a motion to approve the waivers to the plan requirements and to approve the plan for boundary adjustment, conditional upon the completion of the items noted above. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Mr. Rowe was directed to bring the final plan and copies and checks for recording fees to the town offices for signatures.

The final order of formal business was the application of CAC REALTY TRUST/Carol A. Currier for Voluntary Merger under NH RSA 674:39-a of her two contiguous lots located on Tasker Hill Road (Tax Map 3, Lots 9-2 and 9-1); Lot 9-2 includes the existing home and Lot 9-1 is vacant land. Mrs. Currier is selling her property and the prospective buyers' lender would prefer to have the land as one lot. It was noted that Mrs. Currier has no mortgagee, so the new restrictions requiring a sign off from mortgage lenders do not apply. Board members agreed that the proposal would not violate zoning. Don Clifford then made a motion to accept and approve the Patricks' request for voluntary merger of Lots 9-2 and 9-1 on Tax Map 3. Terry Hyland seconded the motion; there was no further discussion, and the vote was unanimous in the affirmative.

The first order of informal business was to call on Cecil Abels regarding the music festival venue at his property located on First Crown Point Road (Tax Map 19, Lot 73A). Mr. Abels recently received a letter from code enforcement and planning which advised him that he needs to apply for site plan review and for non-residential use of his property. Mr. Abels brought Board members a letter and sketch plans in response to the letter. It was noted that the Board cannot review plans unless abutters have been notified. Don Clifford noted that the Fire Chief was pleased with the preparations for the July 1st event. He also noted that the music venue is not a residential use

because there is no residence on the property. Mr. Abels noted several items in response to the letter that he had received. He said that the stage is a floating platform with a roof but no sides crafted by Maple Ridge Outfitters that could be taken apart and moved. Lynn Sweet asked about the square footage. Cecil Abels responded that the stage is 16 by 18 feet. Ms. Sweet advised that anything over 100 square feet must have a building permit. Mr. Abels said that his facility is a pack-in pack-out facility as regards waste, although he noted that the organizers of the Harmonium festival on July 1st, who he said had leased the venue, used Shipyard Disposal for the waste generated during their event. Board members agreed that the waste stream could be an impact on the town. Mr. Abels works with Gosse Septic for portable toilets, and he said that he is exceeding the per person minimum for the number of units. His contract runs through September, he said. He said that vendors that attend the events are required to have all their state permits. He does not provide water, although he has a friend who provides water at some events. Regarding access, he advised the Board that he is planning to swap relinquishing the driveway easement north of the Totten's home for a small piece of land to allow for a new driveway accessing the venue site. The venue site is located in a 5± acre area around the old mica mine on his property. This area is currently still under current use tax assessment, and will need to come out of current use. He said that the events usually max out at about 250 to 300 people. He allows rough camping, but the Fire Chief has said no fires. They do have generators for the venue. Donald Coker asked about insurance, and Mr. Abels said that he does carry insurance and has added his neighbor Ron Totten on the insurance because of the driveway easement. Mr. Abels said that the next event is scheduled for August 19th. It was agreed that if Mr. Abels meets the August 15th application deadline for site plan review, there should be no problem with going forward with the August 19th event. Donald Coker asked about the biggest capacity that Mr. Abels thought that he could handle. Mr. Abels suggested 3,000 would be the most, but said that he wants to maintain the majority of his land in forest, and that numbers from 250 to 300 is what they appreciate, given security concerns, etc. He said that he does not want it to become a party place, but is more interested in a 'blue grass during the harvest' type feeling. He also has ideas for the future such as opening the venue as an outdoor classroom, etc. Don Clifford noted that he felt that the driveway easement across the Totten's land should probably remain as an emergency access. Board members agreed. Discussion will continue once the formal application has been filed.

The Board then turned to several informal questions. Berry Surveying submitted final plans for the Glen Foss subdivision on Second Crown Point Road, but it was agreed to hold these until the August meeting when Board members more familiar with the project were present. The first informal question concerned a proposed boundary adjustment on Brown's Pasture Road for the Musto family, who have several lots on the road and also an interior lot with only a small amount of road frontage. It was agreed to advise them to square off the lots if possible as dog legs and contrived lots are not allowed under the subdivision regulations. It was noted that the Planning Office has again contacted Tyler Ray, who was interested in pursuing a home auto repair business in the house and barn adjoining the town land by the Hill Library. It was agreed that activity seems to have ended at his place for the moment. The Board then returned to the minutes of the May meeting. Lynn Sweet then made a motion, which was seconded by Donald Coker, to accept the minutes of the May regular meeting as presented. There was no further discussion and the vote was unanimous in the affirmative.

There being no other business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 9:50 PM.