



1
2
3
4
5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **April 04, 2012**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

12
13 **Members Present:** Mike Houghton, Vice Chairman
14 Jeff Hyland, Secretary
15 Bruno Federico, Selectmen's Representative
16 Bob Baskerville, Full Member
17 Tom House, Alternate
18 Mary Jane Werner, Alternate
19 Christopher Merrick, Alternate
20

21 **Members Absent:** Jameson Paine, Full Member
22

23 **Staff Present:** Lincoln Daley, Town Planner
24
25

26 **1. Call to Order/Roll Call.**

27 Mr. Houghton, Vice Chairman called the meeting to order and took roll call.
28

29 **2. Review/Approval of Meeting Minutes.**

- 30 a. March 7, 2012
31 b. March 21, 2012
32

33 Mr. Daley stated that the minutes are for review only and he will e-mail them to members for
34 them to make any amendments or additional comments they may wish to make. Approval of
35 the minutes can be made at the next Planning Board meeting.
36

37 **3. Public Hearing(s).**

- 38
39 a. **Areta Caley, 70 Winnicutt Road LLC, 70 Winnicutt Road, Tax Map 14 Lot 61.**
40 Subdivision Application to create 2 total lots.
41

42 Mr. Daley provided the Board with an update on the application and explained Section
43 4.4.2. of the Subdivision Regulations which allows for a property owner to subdivide
44 their property to create one additional lot. Mr. Daley mentioned that many abutters had
45 concerns about this development and the attorney for the Spring Creek Homeowners'

1 Association had provided her legal opinion regarding this application. However, due to
2 late submittal, Mr. Daley had not had enough time to review it thoroughly.

3
4 Mr. Houghton asked the Board if they wanted to accept the application as submitted. Mr.
5 Daley recommended that the Planning Board accept the application as complete. Ms.
6 Werner made a motion that the Board accepts the application as complete for Tax Map
7 14, Lot 61, 70 Winnicutt Road. The motion was seconded by Mr. Hyland and passed
8 unanimously.

9
10 Bruce Scamman, Emanuel Engineering, introduced himself as representing the Applicant.
11 Mr. Scamman reviewed the application to create two total lots with the Board and public.
12 He then proceeded to respond to the comments stated within the Town Planner's report.
13 Mr. Scamman commented that he hasn't shown the proposed driveway to the back lot as
14 he is waiting for approval from the N.H. Department of Transportation (NHDOT). He
15 added that his client met with the NHDOT and received a verbal approval. Mr. Scamman
16 informed the Board that all utilities would be placed underground and stressed that the
17 stone wall would not be disturbed. Referring to the driveway, Mr. Scamman said it
18 would meet the Town's specifications and wouldn't be as steep as some other driveways
19 in the Town.

20
21 Mr. Scamman said there had been a typo on the soil-based lot sizing information in the
22 title as it read 150 Winnicutt Road instead of 70 Winnicutt Road. Mr. Scamman
23 submitted a revised version. He then talked through the soil based lot data analysis. Mr.
24 Scamman explained that some trees would need to be cut down in order to construct the
25 driveway. He stated that the area to be cleared would be wide enough to allow sufficient
26 sunlight on the driveway to prevent icing. However, he did say they would try to
27 maintain as many trees as possible.

28
29 Mr. Scamman then referred to the comment from the Town that the back lot would need
30 to be recorded as a non-dividable lot. He said they would be amenable to put that onto
31 the recorded plan or provide a separate document.

32
33 Mr. Scamman addressed the question of measures taken to mitigate the visual impact of
34 the driveway on abutting properties. He provided some pictures to show the approximate
35 location of the driveway. Two large oak trees located on either side of the proposed
36 driveway on Winnicutt Road will be preserved. In addition, the hedgerow running
37 parallel to the proposed driveway will also remain. He continued by stating that the
38 headlights from vehicles exiting the driveway would not shine onto residents due to the
39 angle and grade of the driveway. Mr. Scamman wasn't sure what mitigation was
40 expected for the Winnicutt Road as it was a NHDOT matter.

41
42 Mr. Scamman then discussed the comment from the Town that they would prefer the
43 driveway to be built on the most southeastern point of the property. He said that should a
44 site walk take place, people will see that it is probably better to stick with the current plan
45 of locating it more in the center so the big oak trees can be saved. Mr. Scamman
46 continued to respond to the questions asked by the Town in its letter. He addressed the

1 issue of submitting storm water and erosion control plans. He said storm water drainage
2 isn't done until you have over 20,000 square feet of impervious area and this lot is less
3 that that and in his experience; he has never seen storm water drainage done for a single
4 lot. Mr. Scamman confirmed also that they would set the property lot lines.
5

6 Mr. Hyland asked if any ponding would occur on the Winnicutt Road part and wondered
7 where the water would run off. Mr. Scamman said the grades show it as 124 in one
8 place, down to 116 in another place. Mr. Hyland asked if it collects in the lawn area
9 where they are planning to build the driveway and whether this was a concern. Mr.
10 Scamman said that traditionally when a driveway of this type is put in there will be a 12
11 inch culvert put in place which will keep the water flowing. Mr. Hyland commented that
12 the extra flow of water could still impact the trees.
13

14 Mr. Hyland then commented on the location of underground utilities and impact to
15 abutting properties. He observed there was one utility pole just up near the property line
16 of 68 Winnicutt Road. He assumed that Unitil will bring a line from that and put a drop
17 line somewhere inside the planned property. Mr. Scamman agreed that was the typical
18 way that Unitil do things, but had as yet not had a conversation with them as the plan has
19 not yet been approved. Mr. Scamman said that it is typical to speak with Unitil during
20 the construction phase of a project. Mr. Hyland pointed out that the drop poles can have
21 quite a visual impact so it might be worth while at that point to talk to the Town. My
22 Hyland further suggested a screening of some sort around the base of the pole.
23

24 Mr. Hyland then referred to the septic systems on the existing house lot and commented
25 that the Applicant was proposing a new septic system. Mr. Scamman said they were not
26 proposing a new septic system, but when building a subdivision, they need to prove they
27 have a 5000 square feet reserve area that is acceptable to the Town of Stratham. Mr.
28 Scamman continued that the existing septic system is located at the rear of the home and
29 is right underneath the existing driveway.
30

31 Mr. Hyland commented that he appreciated the consideration of headlights on abutters
32 and he asked how steep the driveway will be coming up the hill at its steepest point. Mr.
33 Scamman answered that the driveway will have approximately a 10% slope which is
34 within the allowed grade. Mr. Hyland inquired what impact the grading would have. Mr.
35 Scamman said there would be a maximum cut of 2 feet and a fill of 1 – 1 1/2 feet.
36

37 Mr. Baskerville commented that it would appear that the Applicant had met the criteria
38 for a pork chop lot, but feels there would be a benefit to everybody if a plan could be
39 provided showing the driveway from Winnicutt Road back to the end of the third leg. He
40 added that the driveway is the critical part of this planned subdivision.
41

42 Mr. Daley commented that the plans show the proposed septic area and house in a
43 heavily wooded area located 60 feet from property line from Spring Creek Lane. Mr.
44 Daley asked if it was possible minimize the impact and locate both in an area where
45 fewer trees would need to be cut down. Mr. Scamman said that the Applicant would like
46 the lot to be as secluded as possible and the preference is to preserve as many trees as

1 possible. He mentioned, however, that his client would have no control over whoever the
2 new homeowner may be and what they may want to do about the trees.

3
4 Mr. Daley then addressed the issue of 68 Winnicutt Road, Mr. Tom Gough's property.
5 He asked Mr. Scamman if it was possible to provide more mitigation above and beyond
6 what currently exists and provide more screening between the driveway and Mr. Gough's
7 property. Mr. Scamman said that as you reach the rear of the driveway it drops off and
8 there are already trees in existence. Some trees would need to be cut to allow visual
9 access on to Winnicutt Road from the driveway. Mr. Merrick asked if something could
10 be added to the thinning area shown on the plan. The Applicant said that she was hoping
11 to put up a fence with some nice shrubbery and possibly extra trees to protect both
12 properties. Mr. Daley asked the Applicant to show the proposed fence on the plans.

13
14 Mr. Baskerville asked if there were any easements or documents in place for wells. Mr.
15 Scamman said they had looked at the Registry of Deeds and hadn't found anything. He
16 continued that there are 4 wells and they have made sure there is a 75 feet setback from
17 those wells to protect them. The well radiuses overlap which would might mean moving
18 the septic system slightly back to protect them. Mr. Baskerville confirmed that they
19 weren't planning to rebuild a septic system, but have proven one could be built back
20 there.

21
22 Mr. Houghton opened the floor up for public comments.

23
24 Mr. Tom Gough, abutter 68 Winnicutt Road, requested a site walk as he felt that would
25 be helpful. He asked about headlights coming up the driveway and affecting the opposite
26 property. He commented that the Applicant has no approved septic plans even though
27 the soils information says that everything meets the standards, but test pit 5 says you hit
28 water at 57" and that is not too far from wetlands. Mr. Gough then referred to the 5000
29 square feet being allowed for the reserve area saying that 3 of the test pits taken in the
30 area hit water at different heights. Mr. Gough then spoke to the intended location of the
31 driveway saying the excavation would not help some of the trees and a lot of trees will
32 end up being cut down.

33
34 Ms. Sandy Murray, abutter 69 Winnicutt Road, asked why the lot is shaped as it is. Mr.
35 Daley explained that the design is typical of a pork chop lot. He mentioned, however,
36 that the lot could be improved to a certain degree, but are limited due to the existing
37 conditions and location of abutting wellsites.

38
39 Ms. Murray wondered why the driveway couldn't be built as part of an old road that used
40 to exist to minimize the impacts to Mr. Gough's property and number of trees removed.
41 The Applicant explained that they were trying to avoid wetlands, locate the septic system
42 as far away as possible from the wetlands, and the lot is widened so the grades could be
43 used for the driveway.

44
45 Abutters in attendance requested a site walk by the conservation commission too.

1 The Chairman asked Mr. Scamman if other alternatives were considered for the shape of
2 the lot. Mr. Scamman said they considered probably close to twenty other ways. One of
3 the regulations requires that a lot cannot come to a point. Further, the subdivision layout
4 was primarily dictated by the test pits conducted for the site.
5

6 Mr. Daley asked Mr. Scamman if there was any way to take advantage of the Wood road.
7 Mr. Scamman said that would require easements onto other people's properties which
8 they wanted to avoid.
9

10 Mr. Bill Arsenault, abutter 6 Spring Creek Lane reference the document submitted by the
11 Spring Creek Homeowners' Association's attorney and the process of accepting the
12 application. Mr. Daley said that he did review the documentation and his expectation was
13 that the attorney would be at the meeting to discuss her legal opinion. Mr. Arsenault
14 asked if the Association was going to get an official response from the Town or Town's
15 attorney with regard to the document. Mr. Houghton said the Board hadn't concluded
16 anything at this point. Mr. Federico explained what it means when an application has
17 been accepted by the Board, it refers to meeting all the requirements needed to hold a
18 public hearing. Ms. Werner and Mr. Houghton said they thought the Town Counsel
19 should review the document.
20

21 Mr. John Kauffman, abutter, 7 Spring Creek Lane clarified that the reason the attorney
22 wasn't there is because the homeowners have already invested several thousands of
23 dollars and were putting their hope into the process that is followed by the Board. Mr.
24 Kauffman read out the mission statement of the Planning Board and said that he didn't
25 feel this development enhanced the environment for the people in Stratham in particular
26 the abutter and residents of Winnicutt Road. He said the reality is that if the application is
27 approved, there will be more people unhappy than happy regardless of whether the
28 Applicant meets the requirements for a pork chop lot. Mr. Kauffman asked if the Board
29 were accepting a verbal approval from the NHDOT. Mr. Daley clarified that it takes a
30 while for an application to go through the NHDOT. He continued by stating that if the
31 application is approved, the final decision issued by the Planning Board would include a
32 number of final conditions. One of the conditions would include that the final approval
33 would be subject to receiving all the necessary permits from the State.
34

35 Mr. Kauffman then inquired to what the appeals process is. Mr. Houghton responded
36 that the Planning Board take their mission statement very seriously and are very
37 committed to it. Mr. Kauffman asked no matter whether the regulations are being met or
38 not, the Planning Board does actually have the ability to be able to make a decision on
39 what they believe is the right thing to do for the Town. Mr. Daley replied that if an
40 application meets the requirements of the Town, it is very difficult for a Court of Appeals
41 to overturn that decision. Mr. Kauffman asked if it would ever be linked to public
42 opinion. Mr. Daley said it wasn't, it was based on regulations. Mr. Baskerville added
43 that once a year the Board reviews the Zoning Ordinance and decides what changes it
44 wants to make to the voters, but that is on a Town wide basis and the Board doesn't know
45 every single subdivision. He stressed also that unless something out of the ordinary
46 happens, it is very hard to appeal a decision.

1
2 Ms. Lucy Cushman, Winnicutt Road (non abutter) commented that in the regulations it
3 says that the Planning Board may approve a porkchop lot if they think it is a good use of
4 the land. Ms. Cushman gave the history as to how the pork chop lot regulations came
5 about and felt that the reasons for developing this particular pork lot don't fit the original
6 intent. Ms. Cushman gave her opinion on the shape of the lot and asked how usable it
7 was.
8

9 Ms. Bates, abutter, 65 Winnicutt Road asked Mr. Scamman for clarification on his
10 comment about the proposed driveway off of Winnicutt Road and its proximity to Mr.
11 Gough's driveway. Mr. Scamman showed Ms. Bates what he meant on the plan. Ms.
12 Bates also commented on the hedgerow and wondered if it would stay there indefinitely.
13 Mr. Scamman commented that half of the hedgerow is on the Applicant's property. Mr.
14 Bates, abutter, 65 Winnicutt Road stressed that a site walk needed to take place.
15

16 Ms. Murray asked Mr. Scamman about the driveway opposite the development. Ms.
17 Murray read from the driveway regulations and felt that the driveway could be classed as
18 a negative impact because when somebody drives out of that driveway, they may hit Ms.
19 Laurent's property across the street. She asked if there had been any mitigation or
20 thought about that. Mr. Daley asked Mr. Scamman to explain the NHDOT process for
21 evaluating a driveway permit.
22

23 Mr. Gough asked that if the NHDOT give their permission for a driveway, does the Town
24 accept that or does the Town have the option to make its own decision as to whether this
25 is the best option. Mr. Gough asked the Board to consider that this added driveway would
26 bring the total of driveways within a 400 square feet area to 9 driveways.
27

28 Ms. Myra Citrin, abutter, 10 Spring Creek Lane asked what process the Town goes
29 through when it uses Town engineers. Mr. Daley explained that the Town uses two
30 different consultants. One is the Rockingham County Conservation District to evaluate
31 test pits and the water table. He continued by detailing the results of the test pits for the
32 property. The other consultant used is Civilworks, an engineering company who review
33 the application based on Town regulations for storm water management, lot design and
34 general conformity with the regulations of the Town. Ms. Citrin asked if due to such a
35 mild winter the water table might be different in a snowy winter. Mr. Daley answered in
36 the negative.
37

38 Mr. Bates said he had test pits done when he bought his house and it said that his
39 seasonal water table was 3 feet below the ground so he wasn't sure he believed the test
40 pit results for this development.
41

42 Mr. Houghton thanked everybody for their input and proposed the hearing continue, as a
43 site walk needed to be conducted. A general discussion ensued resulting in a site walk
44 scheduled for April 14, 2012 beginning at 9:00 AM.
45

1 Ms. Werner added it was good to continue this meeting as she would like time to review
2 the Attorney's letter. Mr. Daley then explained the process of a site walk and pointed
3 out that a notice for the site walk would be displayed outside of the Town Hall as well as
4 on the Town's website.

5
6 Mr. Daley summarized the information requested by the Board and staff. .

7
8 Mr. Houghton made a motion to continue the meeting until May 2, 2012. Ms. Werner
9 seconded the motion. The motion was passed unanimously.

10
11 **Public Meeting(s).**

- 12
13 a. **Stratham Plaza Commercial Condominium Association, 72 Portsmouth Avenue,**
14 **Tax Map 9 Lot 8.** Preliminary Consultation Site Plan Review to discuss potential
15 building façade and site improvements.

16
17 Bob Ducharme introduced himself and explained what the Stratham Plaza Commercial
18 Condominium Association would like to do to improve the site of the Stratham Plaza. He
19 continued that they were hoping to complete the changes during the course of the next
20 few years, starting with a new roof and add additional architectural details in general
21 compliance with the Gateway District guidelines. He further commented that the
22 Association is seeking to potentially construct a commercial pad site on the existing leach
23 field area located on Portsmouth Avenue. He is hoping that the Association will have
24 water reports this month for their engineer so they are then able to come before the Board
25 with formal plans.

26
27 Ms. Werner commented that she recalled Mr. Ducharme wanting to locate a building on
28 top of what is currently the septic and asked if he was able relocate the septic and put it
29 behind the plaza. Mr. Ducharme responded that in accordance with NHDES regulations,
30 they would not be able to locate it exactly behind the plaza on their land as it had to be
31 located a certain linear footage away from the well. Mr. Ducharme further explained that
32 they've looked at the idea of using some of the Town's land in the short term until viable
33 municipal sewer system is developed by the Town.

34
35 Ms. Werner asked if Mr. Ducharme was planning on using different signage when they
36 do the new façade. Mr. Ducharme said he was hoping so. Ms. Werner asked Mr.
37 Ducharme if he had an update about Dominoes. Mr. Ducharme said they were hoping to
38 be opened for business in about sixty days.

39
40 Mr. Hyland asked if parking lot improvements were going to be made. Mr. Ducharme
41 explained that the flow would be better and that unfortunately the State would not allow a
42 second curb cut. Mr. Hyland asked if there would be some connection to the Town Hall.
43 Mr. Ducharme said his engineer advised against it due to not knowing the condition of
44 the septic at the old school house which also happens to run underneath the roadway to
45 another building on the other side. The engineer suggested seeking a temporary site for a
46 septic system until such time the Town gets municipal sewage. Mr. Hyland commented

1 that he was referring to a vehicular connection as one of the goals of the Town's Master
2 Plan is inter connectivity between lots and the Town. Mr. Ducharme said it would
3 actually be helpful to have that connection as it would help with the traffic. Mr.
4 Ducharme's concern is how far back it would go and how long it would take for it to be
5 built.
6

7 Mr. Daley asked about the pad site saying that he remembered from a previous discussion
8 with that it was going to be a single story building. Mr. Ducharme responded that they
9 have no intentions to have a second story because it would block all of the others behind
10 it.
11

12 Mr. House asked how big the pad site would be as he was interested in setbacks. Mr.
13 Ducharme said he couldn't remember of the top of his head, but he was able to confirm
14 that the setbacks were being met. Mr. Daley added that the regulations had been changed
15 to be more flexible for parking requirements. Ms. Werner confirmed that under the old
16 regulations the plaza exceeds its allowed use of parking spaces. Mr. House asked if it
17 was permissible for Mr. Ducharme to put an office in at the back of the plaza to
18 encourage traffic. The Board replied yes, but Mr. Ducharme said that wasn't their goal.
19 Mr. Ducharme said they would like the maximum square footage allowed for the pad site.
20

21 Mr. Baskerville asked if Mr. Ducharme was just looking for the Board's comments. Mr.
22 Ducharme said yes because before they go to the bank for financing, they want the
23 Board's general support and guidance. Ms. Werner said that she didn't foresee a
24 problem. Mr. Federico asked if part of the plaza wasn't already two stories. Mr.
25 Ducharme said in the center of the building there is one 3000 sq feet two story unit that is
26 there. Mr. Daley asked if they could expand if they wanted to. Mr. Ducharme said it
27 would involve major reconstruction.
28

29 Mr. Baskerville confirmed that the next plan would have to be for the septic which
30 doesn't necessarily need Planning Board approval. Mr. Daley said what triggered the site
31 plan review was the expansion of the commercial non residential use. Mr. Baskerville
32 said he sees this as a four-step process and ran through those steps. Mr. Daley wanted to
33 confirm his understanding that the applicant wants to approach the NHDES with a septic
34 design for a maximum capacity load for that pad site. Mr. Daley asked Mr. Ducharme if
35 it is possible to appraise the Board when they have new renderings available. Mr.
36 Ducharme confirmed it would not be a problem.
37

38 Ms. Colleen Lake, 156 Portsmouth Avenue commented that this current Planning Board
39 is extremely helpful and she hoped that they will support the traffic flow idea. She thinks
40 the plan is like a mini Gateway and she hopes it will receive the Board's support.
41

42 Ms. Werner checked with Mr. Ducharme that he had all the input he needed from the
43 Board. Mr. Ducharme said that he had.
44

45 **b. Planning Board - Approval of Officers.**
46

1 Mr. Daley explained that the Board of Selectmen had looked at the appointments of the
2 Planning Board and as a result, Mr. Jamie Paine was bumped up from being an alternate
3 to a full time member, Christopher Merrick was appointed as a new member as an
4 alternate and Mr. Wool was unfortunately not reappointed to the Planning Board. Mr.
5 Daley publicly acknowledged his many years of service with the Town.
6

7 After a general discussion among Board members, Mr. Hyland formally nominated Mr.
8 Mike Houghton as Chair of the Planning Board. Ms. Werner said she would like to add
9 to that the motion by nominating Mr. Baskerville as Vice Chair. Mr. Federico said he
10 voted to keep Mr. Hyland as Secretary. The Board voted in favor of all the proposals.
11

12 **4. Miscellaneous.**

13 There were no miscellaneous items to report.
14
15

16 **5. Adjournment.**

17
18 Ms. Werner made a motion to adjourn the meeting at 9:21PM. The motion was seconded by
19 Mr. Hyland. The motion passed unanimously.
20