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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **May 16, 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, Chairman
14 Bob Baskerville, Vice Chairman
15 Jeff Hyland, Secretary
16 Bruno Federico, Selectmen's Representative
17 Jameson Paine, Member
18 Tom House, Alternate
19 Mary Jane Werner, Alternate
20 Christopher Merrick, Alternate
21

22
23 Staff Present: Lincoln Daley, Town Planner
24

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

26 Mr. Houghton took roll call.
27

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

- 29 a. April 25, 2012
30 b. May 02, 2012
31

32 The minutes were tabled to the next meeting on May 16, 2012.
33

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

- 35
36 a. **Makris Real Estate Development, LLC., 32 Bunker Hill Avenue, Tax Map 9, Lot 49.**
37 Twenty Lot Residential Open Space Cluster Subdivision, property located at 32 Bunker
38 Hill Avenue, Stratham, NH, Tax Map 9, Lot 49 submitted by Makris Real Estate
39 Development, LLC. (*Continued to June 6, 2012*)
40

41 The Chairman explained that the applicant Makris Real Estate Development had
42 requested their application be continued to June 6, 2012. Mr. Baskerville made a motion
43 to continue Makris Real Estate Development, 32 Bunker Hill Avenue, Tax Map 9, Lot
44 49 to 6 June, 2012. The motion was seconded by Mr. Paine and carried unanimously
45

- 1 b. **Jason White, 17 Apple Way, Stratham, NH for the property located at 39-41 Union**
2 **Road, Tax Map 10, Lot 78.** Conditional Use Permit Application for wetland crossings
3 associated with the construction of a driveway and single-family residence in accordance
4 with Section 11.4 of the Stratham Zoning Ordinance for the property located at 39-41
5 Union Road, Tax Map 10, Lot 78. (*New Application*)
6

7 Mr. Daley gave an overview of the application to the Board. Mr. Baskerville made a
8 motion that the application is complete. This was seconded by Mr. Hyland and the
9 motion passed unanimously.

10
11 Mr. Baskerville made a motion to open the public hearing, which was seconded by Mr.
12 Paine. The motion passed unanimously.

13
14 Mr. Malcolm McNeill, attorney for the applicant Jason White, introduced himself, the
15 applicant, Christian Smith of Beal Associates, Project Engineer, and Jim Gove, the
16 environmental consultant. He then proceeded to outline the application and the purview
17 of the Board under Section 11.4.1 of the Zoning Ordinance. Mr. McNeill explained that
18 the one house being built will be set back further from the road than the surrounding
19 properties and will have no adverse affects on adjoining properties. He continued that
20 there are significant wetlands to one side of the property which is why the applicant has
21 focused all his building activities on the other side of the lot which Mr. McNeill referred
22 to on the plan. He commented that every attempt had been made to avoid wetlands to the
23 maximum extent, they used D.E.S. standards of avoidance and minimalization and they
24 are proposing the least impacting alternative while at the same time permitting a person
25 to make reasonable use of a 6 acres parcel of land that has upwards of 3 acres of uplands
26 to build one house.

27
28 Mr. McNeill explained that the septic system for the single-family residence previously
29 approved by the ZBA will still need to be approved by the NH DES.

30
31 Mr. McNeill reminded everybody of the characteristics of the site and then addressed the
32 relevant issues in the Ordinance asking if this would adversely affect the environment,
33 abutters, and/or result in increase stormwater.

34
35 Mr. Christian Smith ran through the proposed formal design of the driveway and culverts.
36 The geometry of the driveway has been changed modified to take into account comments
37 received from Mike Cuomo, Rockingham County Conservation District. He explained
38 that the four crossings are equipped with culverts of varying sizes. The modified design
39 reduced the wetland impact by approximately 385 feet.

40
41 Mr. Smith was asked about utilities. He said that his presumption is that the applicant
42 wants to come in on the community poles as a drop pole and have underground utilities.

43
44 Mr. Gove said he did the wetland delineation, test pits with Mr. Cuomo, and completed
45 the high intensity soil survey. He then described the lot and location of the house. With
46 the use of an aerial photograph, Mr. Gove showed the location of the requested wetland

1 crossings. He also said there really was no other choice available for the location of the
2 driveway.

3
4 Mr. McNeill then addressed the criteria of Section 11.4.1. Mr. McNeill added that the
5 Town Planner's memo found that the application is in reasonable compliance with
6 Section 11.4.1. He pointed out that the Town Planner stated a wetland permit application
7 will need to be filed with the NHDES and he recommended that this be added as a
8 condition in the Notice of Decision. Mr. McNeill said he agreed with that. Another
9 recommended condition from the Town Planner the applicant shall agree to submit the
10 performance security to the Board of Selectmen. The security will be submitted in an
11 amount satisfactory to the Board of Selectmen and approved by the Town Counsel SEL
12 to ensure the construction is carried out in accordance with the approved design. The
13 surety will be submitted and approved prior to any issuance of any permit authorizing
14 construction. Mr. McNeill said they agree.

15
16 Mr. Daley asked Mr. Smith what analysis was used to substantiate the size of the
17 culverts. Mr. Smith said it came from visual observation on the site and then looking at
18 what the culvert slopes were going to be to match the existing grade. Mr. Daley said that
19 when he visited the site after some heavy rain he did notice some ponding which
20 extended across the entire wetland area and his concern is whether a 12 inch culvert will
21 be satisfactory to handle that. Mr. Smith said he felt it would be fine because the ponding
22 isn't very deep.

23
24 Mr. Daley raised a concern about future uses on the property and potential impact to the
25 delineated wetland areas. He inquired if the applicant would be amendable to the idea of
26 putting in a conservation easement on the majority of the property with the exception of
27 an envelope around the building envelope extending to the nearest delineated wetlands.
28 Mr. Daley's concern is that the middle upland area on the south side, a barn could be
29 constructed which mean the applicant might ask for an additional wetland crossing. He
30 continued that it is very rare to see four wetland crossings for one property. Mr. Daley
31 addressed the Board saying they might want to consider an easement to prevent any
32 further impervious surface being added to what is being applied for now.

33
34 Mr. McNeill said that they agree to an easement which is in line with the NHDES
35 template.

36
37 Mr. Hyland asked what the finish surface of the driveway would be. The applicant said
38 they would be using an impervious surface. Mr. Hyland then asked about the grading of
39 the driveway and wanted to know it is going to be elevated. Mr. Smith said where the
40 culverts cross the driveway a foot of cover will be maintained. The side slopes will be
41 3:1. Mr. Hyland said he would like to see a grading plan. Mr. Smith said they were on
42 the plan, but it wasn't that clear because it's fairly flat.

43
44 Mr. Hyland said he has concerns with the project wetlands impact of approximately
45 3,500 square feet which he feels is excessive for a single family home. He also asked if
46 the applicant anticipates salt being used for de-icing purposes. Mr. Smith said he doubted

1 it because of the cross slope. Mr. Hyland also mentioned fertilizer. Mr. Daley added
2 that enforcement of those two items would be very difficult.
3

4 Mr. Daley mentioned that he had spoken with the Fire department and they were satisfied
5 with the design of the driveway, but he said the applicant may want to consider an area
6 closer to the house for an emergency to turn around if necessary. Mr. Daley stated the he
7 wondered if the culverts could handle a truck of a certain size. Mr. Smith responded that
8 there should not be any issues with vehicles. Mr. Daley then asked if a maintenance plan
9 had been considered for the culverts. Mr. Smith said there wasn't one, but if the culverts
10 should flood, he hoped that the homeowner would notice and rectify it.
11

12 Mr. Federico said that in the 1973 map it shows a pond, but on the current plan there isn't
13 one shown. Mr. Gove said that the pond is still there, but it's not particularly obvious on
14 the aerial photo and proceeded to identify the pond to the Board.
15

16 Mr. Federico then asked which culvert was being used for the pond. Mr. Gove said the
17 flow of the drainage goes from west to east and travels under the road continuing in an
18 easterly direction. Mr. Federico said he had heard that there had been problems with
19 that particular culvert and asked if this problem had been reviewed with the Highway
20 Department. Mr. Daley said his understanding is that it had been replaced recently to
21 handle the additional capacity. Mr. Federico asked if that was the culvert that had been
22 caused problem by beavers. Mr. Paul Deschaine replied that it was. Mr. McNeill stated
23 that the applicant wouldn't be affecting that drainage. Mr. Federico disagreed saying that
24 they were putting in 900 feet of driveway which is going to make the water run a lot
25 quicker. Mr. Federico said every year there are problems with that culvert and it is not
26 going to get better and he would like to hear from the Highway Department before he
27 gives his approval. Mr. McNeill said that their responsibility was to make sure it didn't
28 get any worse.
29

30 Ms. Cindy Stoddard, current property owner said she had had problems with beavers and
31 the Town would come and dig out the culvert which pushed the beaver back. She has
32 lived there for 15 years and had to trap a beaver in order to keep the water flow down so
33 she could hay the field. Mr. Federico said it will be a continuing problem as the beavers
34 don't go away.
35

36 Mr. Paine asked if any water will drain back into the ground. Mr. Smith said it wouldn't
37 as the soils are not very permeable soils. Mr. McNeill said they would agree to lessen the
38 amount of impervious surface on the driveway.
39

40 Mr. Baskerville said that he believes gravel is also considered an impervious surface by
41 the NHDES and would be more difficult to maintain. Mr. Baskerville then referred to
42 fire trucks and he asked if they looked at whether there was a turnaround area within the
43 driveway. Mr. Daley responded by relating the verbal comments of the Fire Chief stating
44 that emergency vehicles would park at the side of the road or drive right to where the
45 house is located and they turn around there. Mr. Baskerville asked if the silt fencing
46 would be maintained. Mr. Smith said they put a note saying that this was a temporary

1 erosion measure until such time vegetation was established. Mr. Baskerville asked if
2 there was any way to make the pond less conducive to the beaver. Mr. Gove said that
3 beavers have moved further up the stream since the Town has been moving them. He
4 continued that there are structures that can be added to make it less conducive for the
5 beavers to build, but he would have to check with Fish and Game first.
6

7 Mr. Paine said that on the east side of the property, there is at least one building that can
8 be seen. If the driveway is adjacent to the property, there could be an opportunity for
9 headlights to bother the adjacent property and if so is there a possibility to put in some
10 minor landscaping. Mr. Smith felt the impact would be minimal, maybe once a day.
11

12 Mr. Hyland commented that low impact standards should be applied to this property in
13 the same way as they are for a subdivision as there are wetlands. He continued that so far
14 there had been no mention of rain gardens or recharge of storm water coming off the roof
15 of the house when this project has more impact than the small cluster subdivision down
16 the road. He said he would like to see more effort put in for the area around the house.
17 Mr. Gove described the soils and explained there would be limited areas suitable for rain
18 gardens. Mr. Hyland observed that the impact of this particular development can't be
19 reduced because the impact is so great. Mr. Smith reminded the Board the project is
20 located on a 6 acre lot and the overall disturbance is only going to be half an acre which
21 in his opinion was not significant.
22

23 Mr. Daley asked for confirmation that his understanding is that there are some limited
24 low impact design techniques that could be employed. Mr. Daley felt they should do
25 some of the mitigation techniques. Mr. Baskerville commented that there was no grading
26 shown for the house on the plan and asked if it was a walk out at the back of the house
27 and if they were going to use some fill. Mr. Federico wanted to know where the sump
28 pump was going to discharge.
29

30 Mr. Houghton then proceeded to open the session up to the public. There were no
31 comments from the public so Mr. Baskerville made a motion to close the public hearing.
32 This was seconded by Mr. Paine and passed unanimously.
33

34 The Board discussed the application. The Board expressed some concern about the
35 culvert across the road and asked Mr. Daley if it could be included as a condition.
36 Mr. Daley advised that the six criteria for the conditional use permit should be discussed
37 and the culvert issue was more of an issue for the Board of Selectmen. Mr. McNeill said
38 for the record that they would be able to cooperate with the Selectmen concerning the
39 beaver and culvert problem.
40

41 Mr. Houghton summed up the conditions he could remember; septic approval, DES
42 approval and he asked about the conservation easement. Mr. Hyland talked about
43 implementing low impact development components specifically related to the house site.
44 Mr. Hyland said he still felt uncomfortable about the use of salt or fertilizer in such a
45 large wetland area and acknowledged that it was difficult to enforce, but should be
46 addressed in some way. Mr. Daley suggested putting on the plan that no de-icing agents

1 utilized for the driveway itself and reduced nitrogen fertilizer in the lawn areas. Mr.
2 McNeill agreed that they would not use a saline based de-icing agent and would work
3 with the Planner reference rain garden and fertilizer issues. Mr. McNeill continued that
4 the Town would have a bond from his applicant.
5

6 Mr. Houghton asked how the Board should capture the whole drainage issue. Mr.
7 Federico suggested putting in an extended drainage easement or a license onto the
8 property. Mr. McNeill requested they put license as it gives more flexibility for his
9 client. Mr. Daley said the proper way to do this would be for the Board to go through
10 each criterion and vote whether or not the applicant meets the criteria.
11

12 Mr. Houghton read out the criteria from Section 11.4.1. The Board agreed with points a,
13 b, c, d and e.
14

15 Mr. Federico made a motion to approve the conditional use permit for this house lot with
16 the stated conditions. Mr. Daley reminded everybody of the conditions: conservation
17 easement, the applicant will work with the Town Planner to incorporate low impact
18 design components around the footprint of the house, the applicant will work with Public
19 Works, Board of Selectmen an Town Counsel regarding the creation of a license or
20 easement to properly handle the drainage along Union Road, the applicant will work with
21 the Town and Town Planner to use only non-saline de-icing agents and also to work with
22 the Town concerning use of low nitrogen fertilizer, the applicant is required to receive a
23 NHDES Bureau Wetland permit and also provide a security which meets the regulations
24 of that provision of our Ordinance.
25

26 Mr. Hyland said that the pond and stream are not shown on the plan and would like to see
27 that on the site plan. Mr. Baskerville said he was happy to see it on the aerial photograph.
28 Mr. Baskerville seconded the motion and the motion was carried unanimously.
29

- 30 c. **Areta Caley / 70 Winnicutt Road LLC, 1 Butterfield Lane #6, Stratham, NH.**
31 Subdivision Application to subdivide 70 Winnicutt Road, Tax Map 14, Lot 61 into two
32 (2) total lots. (*Continued from 5/2/12*)
33

34 Mr. Houghton reminded everybody what happened at previous meetings. He proposed
35 that tonight's meeting be limited to new facts and proposals as the Board had a very good
36 understanding of this application. Mr. Baskerville made a motion to limit the discussion
37 of this application to 45 minutes. The motion was seconded by Mr. Hyland and passed
38 unanimously.
39

40 Mr. Dave Emanuel reminded everybody of the things the applicant was asked to do from
41 the previous meeting. He explained that they have added the utility pole and jump pole
42 details. With regards to the lot, they looked at the configuration of the lot and a driveway
43 easement, the goal being to minimize tree impact as well as keeping it away from Spring
44 Creek Lane. Mr. Emanuel said they have moved the driveway closer to the property line
45 and provided a point for construction easement. He also provided an additional
46 worksheet with grading details and cross sections for the driveway.

1
2 Mr. Emanuel said at the last meeting it was discussed about two test pits and how easy it
3 would be to relocate the reserve septic area. Mr. Emanuel said he had made an error
4 about one of the test pits and as a result relocating the reserve septic area will no longer
5 be feasible.
6

7 Mr. Daley commented that the Board had mentioned previously about reconfiguring
8 portions of the house lot in order to relocate the driveway further south. He asked the
9 Board would prefer to discuss this in greater detail. Mr. House said now that they know
10 that Test Pit B had actually failed, it was a mute point. Mr. Daley asked Mr. Emanuel to
11 explain why Woods Road would not be a viable option part of the driveway servicing the
12 pork chop lot. Mr. Emanuel replied the location was not ideal for the back lot. Mr.
13 Daley asked him to compare the grades between using Woods Road and the current
14 planned location. Mr. Emanuel was not able to respond as that analysis had not been
15 completed.
16

17 Mr. Daley continued by identifying the 20 foot construction grading easement across the
18 existing house lot. He asked about the extent of the tree cutting that would be required on
19 the north side of that driveway heading north to Spring Creek Lane. Mr. Emanuel said
20 they are proposing a 6"- 12" swale alongside the driveway and stated that Mr. Caley had
21 gone out to the property and taken a cursory inventory of the trees that may be impacted
22 by the driveway.
23

24 Mr. Hyland asked if there had been any more discussion concerning using Spring Creek
25 Lane as frontage since the site walk.
26

27 Ms. Caley said there had not been any more discussion as the members of the
28 Homeowners' Association had made it very clear they were not interested in further in
29 discussing options.
30

31 Mr. Baskerville confirmed that if the Association were to change their view on that topic,
32 it wouldn't be affected by tonight's decision. Mr. Hyland added that in his opinion, the
33 current plan does impact one abutter significantly.
34

35 Mr. Houghton invited the public to comment.
36

37 Mr. Hogan, Land Use Attorney, representing a variety of the abutters said he was hoping
38 they could discuss using Woods Road as his group supported that idea unanimously as it
39 looks technically feasible and would significantly reduce the impact on trees. Mr. Hogan
40 said his understanding was that the Board had requested the driveway be moved by 50
41 feet, but on this revised plan it has only been moved by 10 feet. He hoped the Board
42 would give the easement idea some more consideration as it offers a solution that would
43 appear to work for everyone. Mr. Hogan then discussed the wording concerning pork
44 chop lots in the regulations stressing that nobody has the right to build a pork chop lot
45 and the Planning Board may grant that as an option.
46

1 Mr. Daley responded that the Conservation Commission fully supported the idea of
2 access onto Spring Creek Lane as their first choice and they looked at what will cause the
3 lowest amount of impact. Failing that, the Commission would like to see the driveway
4 moved further south to include Woods Road.

5
6 Mr. Hyland asked Mr. Gough how he felt about the current plan. Mr. Gough said he has
7 been against the development since day one, however using the Woods Road would
8 minimize the amount of trees cut and the slope would be less than the other driveway.

9
10 Ms. Caley said there are engineering issues that the abutters are not aware of.

11
12 Mr. Rattigan, attorney for the applicant, said he and his clients had put together a
13 document showing all of the pork chop lots in Stratham. Also Mr. Caley took an
14 inventory of the amount of trees that will be cut down for the driveway versus using
15 Woods Road as an alternative choice. Mr. Caley shared the results explaining that if they
16 had to make some lot line adjustments more trees would be cut down as a result.

17
18 Mr. Daley asked what Mr. Caley's methodology was for counting the trees. He asked
19 also if the applicant could use the 20 foot construction grading easement instead of an
20 easement across Woods Road. Mr. Emanuel said they did look at it, but they weren't
21 convinced that 20 feet was significant enough to make a difference in the area. He added
22 that septic setbacks would not be maintained also.

23
24 Mr. Brad Jones, abutter shared that he has a degree in Forest Technology and he knows
25 the property really well. He doesn't believe what Mr. Caley has said about the trees. He
26 reiterated that using the Woods Road would be a better option.

27
28 Mr. Hogan wanted to remind the Board that Mr. Gough had submitted a letter to them in
29 the early stages of this review including an estimate of the trees that would be impacted
30 which matched very well with the Conservation Commission's assessment.

31
32 Mr. Hyland asked Mr. Jones what his opinion on using Spring Creek Lane was.

33
34 Mr. Kauffman shared that he had contacted Mr. Caley and followed it up with an email
35 which said they would be willing to compromise if Woods Road was used for access. If
36 this compromise was not accepted, the group had decided that they would appeal.

37
38 Mr. Arsenault said one point that came up tonight which wasn't part of the discussion
39 was the thought that if the driveway goes down the Wood Road, it would extend further
40 which would result in more trees being cut. He said that was new information.

41
42 Mr. Hogan mentioned that the Conservation Commission had said over one hundred trees
43 would be cut down and that was just for the driveway.

1 Mr. Daley commented that he had received comments from the Fire Department which
2 were minimal. They were happy with the revised plan and would work together with the
3 applicant when the house is built to design a turnaround area.
4

5 Mr. Baskerville made a motion to close the public hearing. This was seconded by Mr.
6 Hyland and carried unanimously.
7

8 Mr. Houghton suggested reviewing Section 4.2 of the Subdivision Regulations to see if
9 the applicant meets the criteria. The Board agreed.
10

11 Mr. Houghton began by reading Section 4.2.1 involving conformity with the Master Plan
12 and official map which states that the subdivision plan shall be in conformity with the
13 Master Plan and/or Official Map of the Town. Mr. Baskerville stated that plan is located
14 in the Residential / Agricultural Zoning District and is in conformity with the Master
15 plan. Mr. Merrick concurred with Mr. Baskerville along with the majority of members.
16

17 Mr. Federico stated that the proposal does not meet the intent of the Master Plan based on
18 the language within the Subdivision Regulations, Section 4.4.2 Pork Chop Lot
19 Subdivision giving the Board the authority to permit pork chop lots. The regulations
20 state that the Planning Board may, at its discretion, permit a pork chop lot subdivision.
21 Mr. Federico stated that since the Conservation Commission and abutters do not support
22 the driveway design, the plan does not meet the intent of the Master Plan.
23

24 Mr. Merrick stated that initially he agreed with Mr. Federico's assessment. However, his
25 opinion changed at the completion of the site walk for the property. He determined that
26 the overall impact was not as substantial when comparing actual field conditions to the
27 submitted subdivision plans.
28

29 Mr. Baskerville commented that it is a complicated situation. It was his understanding
30 that the original intent was to grant the previous owner, Mr. Barker access to Spring
31 Creek Lane. Unfortunately, the agreement was never formalized between Mr. Barker and
32 Mr. Vrees, former owner of the Spring Creek Lane Subdivision Property.
33

34 Ms. Werner commented that the attorney is talking about compromise with regards to the
35 subdivision design. She stated, however, that it appears that the compromise is decidedly
36 one sided. She hasn't seen any compromise from the abutters on Spring Creek Lane.
37

38 Board voted 4 to 1 that the subdivision plan is in conformity with the Section 4.2.1
39 Conformity to Master Plan and Official Map. Mr. Federico was the dissenting vote.
40

41 The Board then discussed Section 4.2.2 Character of Land. Mr. Houghton read said
42 section into the record. Mr. Merrick began by stating that the subdivision plan would not
43 impact public health, safety, and the environment. Mr. Baskerville followed by stating
44 that the proposed lot demonstrated adequate capacity for septic. Mr. House cited that the
45 proposal seeks to minimize cutting and removal of trees.

1 After a brief discussion, the Board voted 5-0 that the subdivision plans met the
2 requirements of Section 4.2.2 Character of Land.

3
4 The Board proceeded to discuss Section 4.2.3 Conformity to Other Laws. Mr. Houghton
5 read said section into the record. After a brief discussion, the Board voted 5-0 that the
6 subdivision plans met Section 4.2.3 Conformity to Other Laws

7
8 Mr. Houghton then discussed Section 4.2.4 Preservation of Natural Features. He then
9 proceeded to read said section into the record and asked for Board comments.

10
11 Mr. Merrick began by stating that his preference would be to make the driveway straight.

12
13 Mr. Daley asked that as part of the evaluative process for determining compliance with
14 Section 4.2.4, Board members to consider the modifications made to the subdivision plan
15 throughout the review process. The Board recommended two alternatives at the previous
16 meeting that were considered by the applicant and a third alternative using the Woods
17 Road was presented this evening.

18
19 Mr. Baskerville commented that said section was meant for a subdivision roadway and
20 not a driveway. With that understanding, the plan meets Section 4.2.4. However, he
21 commented the plan was not the best plan to preserve the natural features. He stated that
22 his preference would be for direct access onto Spring Creek Lane or the Woods Road
23 option. Both, he commented, however, were problematic. He commented that they
24 couldn't force either option on the developer.

25
26 Mr. Federico commented that the Conservation Commission would prefer the Woods
27 Road option over the current plan and it is within the Board's jurisdiction to grant an
28 easement. He supported the Commission's recommendation to use the Woods Road
29 Option.

30
31 Mr. Hyland agreed that the Woods Road may be a better alternative, but the problem is
32 that there is no engineering relating to using Woods Road or information pertaining to
33 environmental impact for the Board to review.

34
35 Mr. Daley reminded everybody that this was a subdivision application.

36
37 Mr. Paine stated that the Board should consider all available options and designs.

38
39 Mr. Houghton and Ms. Werner both agreed that they should review the plan in front of
40 them in compliance with the Town's regulations. Mr. Houghton then stated that the
41 Board should review the application based on its merits.

42
43 Mr. Federico read the last paragraph of the Conservation Commission's letter which
44 stated if an agreement for direct access onto Spring Creek Lane could not be reached,
45 they would prefer the applicant use Woods Road. Mr. Houghton said that although the
46 Commission had stated that, that wasn't the plan before the Board tonight.

1
2 Mr. Federico asked the applicant if they would be amenable to using Woods Road. Mr.
3 Houghton said they had already stated their position and the hearing was closed.

4
5 Mr. Houghton asked the Board members their opinions on Section 4.2.4.

6
7 Mr. House was absent for the site walk and as such, he felt he should abstain. Ms. Werner
8 agreed with the plan as presented. Mr. Paine felt they should use the Woods Road option.

9
10 Mr. Baskerville didn't like any of the options. However, he recognized that the applicant
11 had amended the plan to fulfill many of the Board's requests. He stated at the narrowest
12 point, there would be a minimum 73 foot separation from the pavement of Spring Creek
13 Lane to the proposed driveway leaving a 60 foot vegetated buffer. He stated that the
14 driveway has been located as far from Spring Creek Lane as possible without
15 substantially impacting the viability of the additional lot. As such, he agreed that the plan
16 meet Section 4.2.4. Mr. Hyland said they had made an effort to minimize impacts so he
17 agreed.

18
19 The Board voted 4-1 that the subdivision plans met Section 4.2.3 Conformity to Other
20 Laws. Mr. Federico casted the dissenting vote.

21
22 The Board then briefly discussed Section 4.2.5 Self Imposed Restriction. Mr. Baskerville
23 commented that the applicant created self imposed restriction with the placement of the
24 driveway. A general discussion then ensued regarding the placement of the driveway and
25 the opportunity for the parties to further negotiate and resolve any access issues if the
26 Planning Board approved the subdivision.

27
28 The Board voted 5-0 that the current plan met the requirements of 4.2.5.

29
30 Mr. Daley then recommended the Board go through the pork chop lot provisions stated in
31 Section 4.4.2.

32
33 Mr. Houghton then proceeded to read the provisions into the record. With reference to
34 4.4.2.a. requiring appropriate roadway frontage, Mr. Baskerville briefly summarized the
35 dimensions of each lot demonstrating compliance. All members agreed that the
36 subdivision plan met this criteria.

37
38 Mr. Houghton proceeded to review Section 4.4.2.b requiring the lot to be divided has a
39 house located on it. Seeing that the lot to be divided contained a house, Board members
40 agreed that the subdivision plan met this criterion.

41
42 Mr. Houghton read Section 4.4.2.c. which states that both lots must conform to the
43 density, soil type, setback, and other appropriate subdivision or zoning regulations
44 pertaining to the district. After a brief discussion, the Board unanimously concluded that
45 the subdivision plan met this criterion.

1 Mr. Houghton then proceeded to read Section 4.4.2.d which requires that pork chop lot
2 must have footage 50% greater than the square footage that would be regularly be
3 required by current soil-type density regulations. After a brief discussion and information
4 provided by the applicant, the Board unanimously concluded that the subdivision plan
5 met this criterion.
6

7 Mr. Houghton then proceeded to read Section 4.4.2.e which requires that pork chop lot be
8 200 feet wide at a line touching the front principal residence, and a parallel to a lien
9 connecting the intersection of the side lot lines with the street line. After a brief
10 discussion and information provided by the applicant, the Board unanimously concluded
11 that the subdivision plan met this criterion.
12

13 Mr. Houghton then proceeded to read Section 4.4.2.f. The Board unanimously concluded
14 that said criterion was not applicable given the fact that the lot could not further be
15 subdivided. A condition of approval would be addition of a note on the plan and in the
16 deed stating that the property could not be further subdivided.
17

18 The Board agreed that the applicant met all the provisions of Section 4.4.2
19

20 Mr. Daley said that based on Mr. Baskerville's comments about storm water, he wanted
21 to know if Mr. Baskerville was satisfied with the driveway as shown on the addendum.
22 Mr. Baskerville said he was satisfied.
23

24 Mr. Daley asked the Board if a no cut zone should be incorporated along the property line
25 adjacent to Spring Creek Lane. He stated that the Conservation Commission decided that
26 a no-cut zone along said area be required. After a brief discussion, the Board determined
27 that no further discussion was necessary on the topic.
28

29 Mr. Daley restated the conditions approval: approval from the D.E.S., required restriction
30 in the deed detailing this is a one time subdivision for the property and built in
31 accordance with the worksheet, lot bounds will need to be set or bonded, all local and
32 state permits will need to be received prior to final approval, new deeds will need to be
33 prepared for the parcels for review and recording, a covenant to the deed will be prepared
34 stating that the pork chop lot is granted on a one time basis only, newly created lots
35 within the pork chop lot shall not be created as part of any new multi lot subdivision, and
36 recording fees will need to be paid for recording.
37

38 Mr. Baskerville requested an amendment to his original statement about the driveway; if
39 the parties involved can reach a compromise for alternative driveway access, they don't
40 have to build it per the worksheet.
41

42 Mr. Baskerville made a motion to approve the subdivision based on all the conditions just
43 discussed. The motion was seconded by Mr. Hyland. The motion was not carried
44 unanimously. Mr. Federico did not wish to agree to the motion.
45

- 1 d. **Makris Real Estate Development, LLC., 32 Bunker Hill Avenue, Tax Map 9, Lot 49.**
2 Twenty Lot Residential Open Space Cluster Subdivision, property located at 32 Bunker
3 Hill Avenue, Stratham, NH, Tax Map 9, Lot 49 submitted by Makris Real Estate
4 Development, LLC. (*Continued to June 6, 2012*)
5

6 **4. Miscellaneous.**

- 7 a. Report of Officers/Committees.
8

9 Ms. Werner shared a committee report from the Heritage Commission. The Wiggin
10 Library is now under New Hampshire National Registry and they are also going to have
11 their 100th year celebration this year and Ms. Werner said it would be great if some of the
12 Planning Board members could go to that. It takes place on July 14, 2012.
13

- 14 b. Member Comments.
15

16 Mr. Baskerville commented on the Stratham regulations requiring 24 inches of existing
17 soil above the water table. State regulations say 18 inches. He commented that the ZBA
18 allowed them to build their septic system, but the Planning Board doesn't have the
19 authority to have a lot adjusted if the test pits don't work. There followed a general
20 discussion about Stratham's regulations versus the State's.
21

22 Mr. Federico commented that people need to understand that the Town is now hitting the
23 peak of marginal land left in Stratham, practically every application will now involve
24 wetlands. He continued that when the regulations were first developed there was a lot of
25 prime land available. Mr. Baskerville commented that the regulations should be in the
26 subdivision regulations rather than the zoning regulations.
27

28 Mr. House would like to see the pork chop lot restrictions tightened up. The Board then
29 discussed the original intent of the pork chop lot regulations and possibly amending the
30 current regulations to reflect that. Mr. Baskerville commented that other towns have now
31 decided that no more private roads will be allowed due to all the issues that arise from
32 them.
33

34 **5. Adjournment.**
35

36 Mr. Federico made a motion to adjourn the meeting at 10:16pm. The motion was
37 seconded by Mr. Baskerville and carried unanimously.