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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **August 15, 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 Jeff Hyland, Secretary
15 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Member
17 Tom House, Alternate
18 Christopher Merrick, Alternate
19
20 **Members Absent:** Bob Baskerville, Vice Chairman
21 Mary Jane Werner, Alternate
22
23 **Staff Present:** Lincoln Daley, Town Planner
24

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

27 Mr. Houghton took roll call. He asked Mr. House and Mr. Merrick to be full voting
28 members. Both members agreed.
29

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

- 31 a. July 18, 2012
32 b. August 01, 2012
33

34 Mr. Houghton asked the Board to review the minutes and email him any comments or
35 amendments they may have.
36

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

- 38 a. **Kirk Scamman, 9 Frying Pan Lane, Stratham, NH for the property located at 6**
39 **Frying Pan Lane, Tax Map 9, Lot 113.** Site Plan Review Application to construct a
40 36,000 square foot automobile storage area
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42 Mr. Kirk Scamman requested that his application be heard second as the engineer, Mr.
43 Bruce Scamman was not yet present. Mr. Houghton agreed to move to the next agenda
44 item.
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2 **4. Public Meeting(s).**

- 3 a. **Tim Mason/Cabernet Builders, P.O. Box 291, Stratham, NH for the property**
4 **located at 130 High Street, Tax Map 19, Lot 60.** Preliminary consultation with the
5 Planning Board to discuss a 3-Lot Subdivision
6

7 Mr. Mason explained that originally they had proposed a 55 year old and older
8 affordable senior living subdivision. After talking with the Town's legal counsel, it
9 was apparent it would be a long process to bring that plan forward as well as quite an
10 expense. Mr. Mason is now proposing a 3-Lot subdivision with a short 200 – 250 foot
11 road, the elimination of the existing house and driveway; all the lots are 5 acres in size.
12 So far they have spoken with the Fire Chief and Roadway Agent about a 22 foot wide
13 road; both were happy with that. 15 test pits were done on the existing site and all
14 passed.
15

16 Mr. Daley asked if it was possible to create a pork chop lot off of any of the lots. Mr.
17 Mason said he didn't want to create a pork chop. Mr. Daley asked if Mr. Mason
18 wanted the Town to maintain the road. Mr. Mason said yes. Mr. Daley asked if Mr.
19 Mason anticipated any waivers being requested for this application. Mr. Mason said
20 only for the road being 22 foot wide instead of 24 foot. Mr. Daley inquired whether
21 any of the septic or well radiuses would impact abutting properties. Mr. Mason
22 confirmed that they would not. Mr. Daley asked if lot number 2 would require much
23 grading as it gets quite steep in the back. Mr. Mason said they wouldn't need to do any
24 grading. Mr. Daley referred to the most southern lot and asked if Mr. Mason intended
25 maintaining a buffer to minimize impact on neighboring lot lines.
26

27 Mr. Merrick asked why the road couldn't be private. Mr. Daley said there is nothing to
28 prevent the creation of a private way. Mr. Merrick commented that there is no possible
29 future extension of the road and it is only serving 3 houses which to him, seems like a
30 private road would be more applicable. Mr. Federico said there wasn't much the Town
31 could do if the road was being built to Town specifications. Mr. Federico asked how
32 big the houses would be. Mr. Mason said 4 bedrooms.
33

34 Mr. House referred to Lot 2 and asked about the well and septic. Mr. Mason said it was
35 a large area and there was enough room for the well, septic and reserve area. Mr. Paine
36 noted that on the west side of the lot it says Town of Stratham and wanted to know if it
37 was an existing conservation land and if it was worth the Town's while to purchase the
38 back part that adjoins the conservation land.
39

40 Mr. Daley asked when Mr. Mason was intending to file the formal application. Mr.
41 Mason replied in time for the September 5, 2012 Planning Board meeting.
42

43 Mr. Houghton asked the public for their comments.
44

45 Mr. McCarthy, 133 High Street asked if the plan showed where the houses were going
46 to be built. He was curious about Lot 3. Mr. Mason says it will be near where the

1 slope drops off. Mr. Daley mentioned that this is a preliminary consultation and may,
2 therefore change in minor ways going forward.

3
4 Mr. Tom Lausier, 140 High Street said the ground has been broken, trees have been cut
5 and vegetation disturbed. He asked if there should be protection from erosion for the
6 abutters as there is none right now. Mr. Daley said while trees have been removed, Mr.
7 Mason has full rights to remove those trees as a property owner. As regards erosion
8 control, Mr. Daley didn't observe any occurring when he visited the site. However Mr.
9 Daley did say that once Mr. Mason breaks around, he will be required to put in some
10 erosion measures around the buildings and property.

11
12 Mr. House asked Mr. Mason if he could show existing trees on the site plan. Mr.
13 Houghton asked Mr. Mason what he anticipated the setback to be from the house on lot
14 3 to the adjoining property. Mr. Mason showed him on the plan.

15
16 **4. Public Hearing(s).**

- 17 a. **Kirk Scamman, 9 Frying Pan Lane, Stratham, NH for the property located at 6**
18 **Frying Pan Lane, Tax Map 9, Lot 113.** Site Plan Review Application to construct a
19 36,000 square foot automobile storage area

20
21 The Chairman returned to item number one. He said before they proceed they need to
22 decide if this is a permitted use under the regulations. Mr. Daley said the Board should
23 take a vote on Section 5.5 which pertains to the outside storage of goods if it is a
24 permitted use in the district and then discuss Sections 3.5 and 3.6. Mr. Daley shared
25 the history of Section 5.5. He said the language of Section 5.5. could arguably be
26 interpreted in two ways. Either as a stand alone section permitting outside storage of
27 materials in conjunction with a permitted use occurring anywhere in the district or it
28 could be interpreted as allowing outside storage on the same lot as a use permitted in
29 the Table of Uses 3.6 of the Zoning Ordinance.

30
31 It appears to Mr. Daley that the Applicant is attempting to interpret Section 5.5. as a
32 stand alone provision and the words "in conjunction with" include storage related to a
33 use which is not on the same lot as the storage. Mr. Houghton observed that the storage
34 of automobiles is permitted on an auto dealership lot, the question is, is it permitted on
35 an empty lot elsewhere. Mr. Federico noted there is not operation going on. Mr.
36 Merrick mentioned does it benefit the Town and public safety. Mr. Paine asked if there
37 were paper roads behind the Subaru dealership that could be constructed to increase
38 public safety. Mr. Hyland commented that when he reads the documents that go back
39 to 1994 and 1995, it looks clear to him that it was really related to storage on an
40 existing site. Mr. Hyland sees this application as a stand alone use. After further
41 discussion the Board voted unanimously that this application is NOT in conformance of
42 Section 5.5. because they felt that this application was not consistent with the intent of
43 Section 5.5. as currently presented.

44
45 Mr. Houghton opened up the session for the public's input.
46

1 Mr. Bernie Pelech, attorney for Mr. Kirk Scamman believes that Section 5.5 does apply
2 to his client's application. He said if the intent of this use be restricted on the same lot,
3 it should have been put in the Ordinance, but it wasn't. He asked that they be provided
4 with the documentation from Town Counsel and the RPC as alluded to earlier by the
5 Board. Mr. Pelech continued that they have not had an opportunity to respond to that
6 information as they have not seen it.

7
8 Ms. Jo Moran from Pheasant Run said that Mr. Daley had mentioned it would need to
9 have the same general character. She cannot see how a parking lot would have the
10 same general character as a car dealership. Furthermore, she doesn't think Stratham
11 needs more black top area and if Stratham is trying to go with the Gateway District
12 plan, this is not in keeping with that.

13
14 Mr. Fred Hutton, Bunker Hill Avenue commented that there is almost the same use
15 behind the Audi garage. They have both inside and outside storage there. He feels that
16 this application is almost the same as that so feels the Board should look at some
17 history.

18
19 Mr. Bruce Scamman said that car dealerships are a permitted use within the district and
20 in conjunction with what Mr. Hutton said, both lots abutting this lot are car dealers. He
21 asked if this meant that Kirk Scamman can't store his hay from his farm across the
22 street at his family's home.

23
24 Ms. Jo Moran said the dealerships Mr. Bruce Scamman is referring to have their
25 frontage on Route 108, but this will not have frontage on the Route 108.

26
27 Mr. Kirk Scamman asked if the issues associated with Section 5.5 would go away if he
28 were to build a car dealership instead. The Board said he could. Mr. Scamman said he
29 would think about it. Ms. Moran said if that was to happen, she hoped access would be
30 from Route 108 and not Frying Pan Lane.

31
32 Mr. Federico made a motion that the applicant's use is not a permitted use as applied to
33 Section 5.5 of outside storage. Mr. Hyland seconded the motion. Motion carried
34 unanimously.

35
36 The Board then discussed Section 3.5., which allows the Planning Board to decide if
37 the proposed use is of the same general character as uses allowed in the Table of Uses.

38
39 Mr. Paine made a motion to close the public hearing. Mr. Hyland seconded the motion.
40 Motion carried unanimously.

41
42 There was much discussion as to whether this application should be classified as a
43 warehouse or an auto storage facility. Mr. Hyland referred to the foot notes; he feels
44 that there has to be a structure and things can't be stored outside. Mr. Federico referred
45 to the fact that self storage will only be permitted by a conditional use permit. Mr.
46 House felt this was more in general character as an auto dealership. Mr. Daley agreed

1 with Mr. Hyland's interpretation, that it doesn't fall within the parameters of a
2 warehouse or self storage. Mr. Federico felt it was akin to warehousing as you bring
3 products in and they go back out. Mr. Scamman referred to 3.5.1 about whether or not
4 this is in the same character as other uses. He talked about all the dealerships in the
5 area and the fact that they store cars. He feels that this makes it clear that the
6 automobile storage lot is within the same general character. Mr. Houghton said he
7 concurred, however this is fragmented from the core business. He reminded Mr.
8 Scamman that the original proposal talked about lighting and fencing.

9
10 Mr. Paine asked if outdoor warehousing is allowed. Mr. Daley said his understanding
11 was that a fence was proposed around the entire facility. Mr. Hyland asked if that was
12 considered an enclosure. Mr. Daley said he wasn't sure it required an enclosure of
13 some sort. Mr. Paine asked if the area would cover more than 10% of the lot. Mr.
14 Daley said it wouldn't and then referred to 3.5.c; which refers to self storage or
15 warehousing and buffering. His interpretation was that as long as it is enclosed, it is
16 not considered outside storage. Mr. Houghton asked if that was opposed to a physical
17 structure. Mr. Daley confirmed yes. Mr. Houghton confirmed there wasn't a physical
18 structure. Mr. Federico said yes apart from the fence. There was a brief discussion
19 about whether or not the proposal would be classified as a structure. Mr. Daley
20 responded that in order for the proposal to be deemed a structure, the fence had to be
21 over 6 feet.

22
23 Mr. Hyland made a motion that this is an allowable use of warehousing and does meet
24 the general character of allowed uses within the Table. Mr. Federico seconded the
25 motion. Motion carried unanimously.

26
27 Mr. Houghton told the applicant that the next step was to file a conditional use permit
28 application. He stressed also that the Board view this as a storage facility.

29
30 Mr. Paine made a motion to continue the public hearing as noted by Lincoln until
31 September 5, 2012. Motion seconded by Mr. House. Motion carried unanimously.

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34 **5. Miscellaneous.**

35 a. Report of Officers/Committees.

36 1. Mr. Daley reminded everybody of the Exeter/Stratham water sewer report. A
37 presentation will be given on August 21, 2012 at 7pm. It will be a public meeting
38 with the Board of Selectmen from both communities present.

39
40 2. Plan NH – Stratham Town Center Charrette Report

41 Mr. Daley explained that the Plan NH report was not yet ready, but that he would
42 distribute it to Board members once it was via email. Mr. Daley said the goal is to
43 have Plan NH come in and give a formal presentation in the first week of
44 September.

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46 b. Member Comments.

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c. Other.

4 **Adjournment**

5 Mr. Hyland made a motion to adjourn the meeting at 8:52PM. Motion seconded by Mr.
6 House. Motion carried unanimously.