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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **December 12, 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 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Member
17 Mary Jane Werner, Alternate
18 Tom House, Alternate
19 Christopher Merrick, Alternate
20

21 **Members Absent:** Jeff Hyland, Secretary
22

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

25
26 **1. Call to Order/Roll Call.**
27

28 The Chairman took roll call and thanked all members for attending an additional meeting.
29

30 **2. Review/Approval of Meeting Minutes.**
31

32 a. November 7, 2012
33

34 Mr. Paine made a motion to approve the minutes from November 7th, 2012. Motion
35 seconded by Mr. Federico. Motion carried unanimously.
36

37 *Mr. Baskerville arrived at 7:16pm*
38

39 **3. Public Meeting(s).**
40

41 **a. Zoning and Land Use Amendments – Workshop**

- 42 i. Zoning Ordinance, Section 3.2 - Rezone Map 13, Lot 43, 5 Emery Lane, from its
43 current zoning designation of Residential / Agricultural (R/A) to the Professional /
44 Residential (PRE) zoning district.
45

1 Mr. Daley updated the Board and explained the property owners had filed a
2 petition to the Town to rezone the property located at 5 Emery Lane from its
3 current designation of Residential / Agricultural to Professional / Residential.

4 Mr. Gove, one of the owners provided a brief overview and summary for the
5 rezoning efforts. He added that putting an office in there would also help to
6 compliment what already exists. Mr. Gove said if this rezoning is rejected, then
7 the owners will get a variance and build a 3 bedroom house on the lot.
8

9 Mr. Falzone, also an owner, said the lot was offered to the church as they need
10 extra parking, but they did not want to buy it.
11

12 Mr. Merrick asked if the church uses that lot currently to park on.
13

14 Ms. Werner said people are concerned that the two lots across from the church
15 will be consolidated and a very large, unattractive office building will be built
16 instead. The owners said they wanted to preserve the lot.
17

18 Mr. Paine asked if the 2 lots were to be combined could a condo association be
19 formed that would allow a new building to be put adjacent to the 2 existing
20 creating a tighter development that would allow for green space. Mr. Daley said
21 yes provided the lots were consolidated.
22

23 Ms. Werner said the Heritage Commission are particularly concerned about this
24 area because of the church, old graveyard and many historical houses that go
25 down Emery Lane. They worry that some of the graveyard could be debased.
26

27 Mr. Merrick said he supported the idea of the Planning Board taking
28 responsibility for this rezoning warrant article. Mr. Paine agreed.
29

30 Mr. Daley said there were 2 options; the Board could support the petition to
31 rezone the property or the Board can actually take it upon themselves, not only to
32 endorse it, but to be the one to put it forth at the Town meeting. Mr. Merrick and
33

34 Mr. Baskerville were happy to support it as was Mr. House. Mr. Federico
35 explained that somebody would have to stand up at the Town meeting and talk
36 about why they supported this rezoning and as Mr. Gove is not a resident, he
37 would not be allowed to. The Board then discussed the Heritage Commission's
38 concerns stated in a letter submitted to the Board. The Heritage Commission
39 would prefer that the lot stayed in the residential zone. Mr. House supports the
40 idea personally, but felt the Planning Board shouldn't sponsor it as it steps on the
41 opinion of the Heritage Commission.
42

43 Mr. Daley said there was still time for the Planning Board to discuss this idea and
44 perhaps it would be a good idea to meet with the Heritage Commission to gain a
45 better understanding of what would be a better use of the property going forward.
46 Ms. Werner mentioned that the Heritage Commission was currently meeting so

1 Mr. Daley asked Ms Becky Mitchell from the Heritage Commission to join the
2 Planning Board meeting on this matter.
3

4 Ms. Mitchell said the Heritage Commission feels that any disruption to the
5 landscape of Emery Lane would result in losing a remnant of a type of
6 development that typified Stratham in the past. She added that it is too easy to
7 look at a map and make changes, but the Heritage Commission feels it should be
8 looked at on the ground to see what is disrupted and also take a longer term view.
9 The Heritage Commission is also concerned that the 2 lots could be consolidated
10 and developed into something that would be out of scale to that neighborhood.
11

12 Mr. Houghton explained the current option is for a house to be built on the lot, but
13 the other option could be to rezone that lot in which case the Planning Board
14 would be involved with site plan development and the development of that
15 property which would give the Planning Board some greater level of control over
16 the future use of that property versus what exists today.
17

18 Mr. Nate Merrill said that Stratham doesn't have much left of a unique, historical,
19 and cultural heritage and there is no defined town center or a village green. For
20 him Emery Lane is a tiny fragment of what Stratham used to feel like along
21 Portsmouth Avenue. His primary concern is the lots being combined if the
22 rezoning occurs which in his opinion would forever change the tone of that little
23 piece of the community that is special to Stratham. Both him and Ms. Mitchell
24 feel the church on Emery Lane is iconic not just to Stratham, but to the Seacoast
25 community.
26

27 Mr. Gove reiterated that their intent is not to combine the lots and build a
28 development; they just feel it doesn't make sense building a house on the lot as
29 there would be no control over how many trees would be cut down, and the
30 property owner may put junk in the yard. Mr. Merrick reminded Ms. Mitchell
31 that if the lot were rezoned, it would give the Planning Board more jurisdictions
32 over what was built there.
33

34 Mr. Baskerville asked Ms. Mitchell if the Heritage Commission or Conservation
35 Commission had funds to step up to buy the lot and protect it. Mr. Merrill said
36 that currently there are no funds and they did try to buy the lot a couple of years
37 ago, but the offer was not passed at the Town Meeting. Ms. Werner suggested
38 rezoning lot 44 to residential so there is a contiguous residential lot all the way
39 down Emery Lane..
40

41 Mr. Paul Deschaine reminded the Planning Board that they should not be taking
42 any positions at all during a public hearing for any petition warrant articles. He
43 continued that it is already on the ballot. Mr. Daley suggested they could discuss
44 it further at a meeting in January, 2013.
45

46 *Ms. Mitchell left the meeting at 8:15pm*

1
2 ii. Zoning Ordinance, Section VIII. Residential Open Space Cluster Subdivision &
3 Subdivision Regulations.

4 Mr. Daley shared the amendments which had been incorporated from a previous
5 Planning Board discussion. He said the criteria for density bonuses will remain
6 the same but there will be a reduction in the overall percentages of density bonus
7 above and beyond the yield plan. In addition, a 50 feet buffer will now be
8 required around the entire perimeter of a development. The calculation of density
9 bonus has been reduced to 35% and the buffer will not be part of that calculation.
10 Language has been removed that previously enabled a developer to take advantage
11 of a multi bonus criterion. Mr. Daley said there is a maximum density bonus that
12 can be obtained through this process of 50% as suggested by the Board. He had
13 also added wording to encourage work force housing which meets the mandate set
14 forth by the State.

15
16 The Board members went through each change. Mr. Paine asked about the buffer
17 and whether there will be something in place so that 20 years from now if a new
18 owner comes in, they know it mustn't be cut. Mr. Daley confirmed that it would
19 be legally recorded.
20

21 Mr. Paine and Mr. Baskerville suggested making a reference to the open space
22 regulations in the subdivision regulations also. Mr. Deschaine observed that
23 referencing may make the regulations cleaner, but if the Ordinance is the
24 referenced item, it is subject to waivers. Ms. Werner felt it should be put right
25 into the Ordinance. Mr. Baskerville said he was ok with the information being in
26 one, but not both sets of regulations. Mr. Daley recommended that point "a"
27 should be a standard that is part of the Ordinance itself. He said that "b" should
28 be used as a reference within the subdivision regulations and "c" could be
29 incorporated into the regulations also.
30

31 The Board discussed the new regulation concerning buffers. Mr. Daley said that
32 if a lot was narrow, a 50 foot buffer could be prohibitive to a certain degree. At
33 the moment it is possible to seek a variance to be excluded from that buffer so Mr.
34 Daley wanted to know if the Board was comfortable with that. The Board had no
35 issues.
36

37 Mr. Merrick asked about the wording in the regulations that states that the yield
38 plan has to show reasonably developed lots. He felt that the word "reasonably"
39 was a little fuzzy and open to interpretation and wondered if it should be
40 removed. Mr. Daley said the necessary criteria for a reasonably developed lot are
41 listed in the subdivision regulations under Section 4.6.4.
42

43 Mr. Daley then went through each type of density bonus and highlighted the
44 changes. Under "ii" the bonus has been changed from 2.5 lots to 2 lots. "iii" has
45 been reduced from 30% to 10%. "iv" reduced from 15% to 10%, "v" reduced
46 from 15% to 10%, under "general criteria "x", text has been added which

1 addresses the Board's concern that developers can apply similar design elements
2 to achieve multiple density bonuses.

3
4 The Board was happy with the amendments that had been made.

5
6 Mr. Daley moved the conversation onto conditional use permits and briefly
7 explained that additional criteria had been added for design elements. Mr.
8 Baskerville reminded everybody that he would like the expiration section taken
9 out because once the subdivision expires so does the conditional use permit. Mr.
10 Daley said he would try to incorporate that into the section.

11
12 iii. Zoning Ordinance, Section VII. Signs.

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14 Mr. Houghton suggested leaving Signs out of tonight's discussion.

15
16 iv. Other.

17
18 Mr. Daley discussed making the Gateway District mandatory. He asked the
19 Board if it would be amenable to removing the entire General Commercial
20 District (GCM) and replacing it in its entirety with the Gateway District. He
21 explained to do so is a multi step process. All references to the GCM District
22 would have to be removed from the Ordinance and it would need to be restated
23 that the Gateway is now the primary zone of that area. He said the Board should
24 discuss what it would like to see in the Gateway District and suggested going
25 through the current Table of Uses as a starting point. Mr. Deschaine said the
26 Board should also consider that when going through the Table of Uses, they may
27 find a current use in the General Commercial District they would like to keep, but
28 may find that use doesn't fit their vision for the Gateway District and if that
29 should happen then the GCM District should not be eliminated.

30
31 Mr. Daley ran through the current allowed uses for the GCM District with the
32 Board.

33
34 Mr. Federico discussed the fact that water and sewer is not currently available and
35 won't be for at least 10 to 15 years and so car dealerships are the best use
36 currently. The Board discussed at some length their opinions on allowing more
37 car dealerships. Mr. Federico felt they shouldn't say no to anything at the
38 moment, but they could make the Gateway criteria mandatory.

39
40 Mr. Daley asked Mr. Federico if he felt the current regulations and directions set
41 out under the Gateway District were sufficient. Mr. Federico responded yes.

42
43 Mr. Deschaine said if it is made mandatory then to be aware the conditional use
44 permit will need to be restructured. Mr. Federico also pointed out that once water
45 and sewer is in place, more restaurants will want to move in and will probably
46 make good offers to businesses currently in the Gateway district such as the car

1 dealerships. Mr. Houghton said he felt making it mandatory would be the next
2 natural step in the evolutionary process.

3
4 Mr. Daley continued going through the uses. Ms. Werner asked why places of
5 worship are not allowed in GCM District. Mr. Daley said they would be allowed
6 in the Gateway District. The Board agreed with making the Gateway District
7 mandatory. Mr. Houghton said that filling stations and motor vehicle dealerships
8 should be conditional uses rather than permitted ones especially while there is no
9 water or sewer in Town.

10
11 **4. Miscellaneous.**

12
13 a. Report of Officers/Committees.

14
15 There were no reports

16
17 b. Member Comments.

18
19 There were no member comments

20
21 c. Other.

22
23 Mr. Deschaine explained that as part of a presentation he gave on the state of the Town
24 recently, he wanted to share 2 slides from that presentation showing how much of
25 Stratham had been bought by the Town and preserved for conservation purposes. The
26 slides also showed properties purchased by the Town. When all the properties and
27 conservation easements owned by the Town are added up, they represent more or less a
28 third of the Town of Stratham.

29
30 **5. Adjournment**

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32 Mr. Baskerville made a motion to adjourn the meeting at 9:47 PM. Motion seconded by
33 Mr. Paine. Motion carried unanimously.