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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **January 16th, 2013**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

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13 **Members Present:** Bob Baskerville, Vice Chairman
14 Bruno Federico, Selectmen's Representative
15 Jeff Hyland, Secretary
16 Jameson Paine, Member
17 Mary Jane Werner, Alternate
18 Christopher Merrick, Alternate
19

20 **Members Absent:** Mike Houghton, Chairman
21 Tom House, Alternate
22

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

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

28 The Vice Chairman, Mr. Baskerville took roll call, as Mr. Houghton was absent. Ms Werner
29 agreed to be a full voting member for the meeting.

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

- 31 a. December 5, 2012
32 b. December 12, 2012

33 Ms. Werner requested that the words "to an additional meeting" be added to the
34 December 12th, 2012 minutes after the sentence "The Chairman thanked everybody for
35 showing up." Mr. Paine made a motion that the Board approves December 5th, 2012
36 Planning Board meeting minutes as well as the December 12th, 2012 meeting minutes
37 as amended. Motion seconded by Ms. Werner. Motion carried unanimously.

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

- 39 a. **Makris Real Estate Development, LLC., 32 Bunker Hill Avenue, Tax Map 9, Lot**
40 **49.** Amendment to the Conditional Subdivision Approval for the twenty lot Residential
41 Open Space Cluster Subdivision granted on previously July 18, 2012. *(Continued from*
42 *December 19, 2012)*

1 Mr. Donahue, attorney for the developer started by saying he wanted it noted that at the
2 last meeting in December, it was made clear to those in attendance that the application
3 was being continued for the amended application and not extended as the public notice
4 says. Mr. Donahue added that it was however, adequate notice to the public.

5 Mr. Donahue said tonight they were seeking additional approval from the Board for the
6 amended subdivision plan. Mr. Donahue updated everybody on the application
7 process so far. He explained that the process had been complicated by the complexity
8 of the N.H.D.O.T. requirements to obtain a driveway permit for one of the roads in the
9 subdivision that leads to the east end of the subdivision. A preliminary submission was
10 sent to the N.H.D.O.T. and the applicant is waiting for feedback from the N.H.D.O.T.
11 on that. The plan before the Board tonight is premised on that submission to the
12 N.H.D.O.T. Mr. Donahue said they have come up with a condition that would mean
13 they don't have to return to the Planning Board again provided the plan presented
14 tonight is accepted as well as an approval from the N.H.D.O.T. for their submission. If
15 the N.H.D.O.T. does not act on the submission and doesn't give the permit requested,
16 any party will have the right to request that this Board schedules a public hearing to
17 take a look at it to see whether or not the Board is comfortable with it.

18 Mr. Donahue said that Mr. Daley had prepared the conditions, but they have a
19 substitute condition for condition precedent number 3 which deals with this particular
20 issue. Mr. Donahue suggested that Mr. Jeff. Kavan should speak first before addressing
21 the substitute condition.

22 Mr. Kavan said the N.H.D.O.T. had asked for a 10 feet wide shoulder as you approach
23 the 2 road entrances to the properties to give more room for drivers approaching the
24 turns. With those 2 turns come easements, one runs across the driveway of Mr. and
25 Mrs. Foss and the other across the front of the Town property. As 10 feet of pavement
26 is being added by the developer to Market Lane, the D.O.T. is requesting a 10 feet
27 easement on the adjacent property. They are asking for the same easement on the
28 driveway of Mr. and Mrs. Foss, which is a steep driveway, as a precaution. An
29 easement has been provided to Mr. Hutton also. An 80 feet easement has also been put
30 in near the location of the future water tank to provide additional room so that if
31 development intensifies in the future the driveway would be suitable for any work done
32 by the Town and their vehicles. Mr. Daley said that the Town engineer had some
33 concerns about the connector road from Mr. and Mrs. Foss's driveway to Bittersweet
34 Lane concerning snow melt and icing issues. The Town engineer would like the
35 applicant to show how they are going to address those concerns. Mr. Kavan explained
36 that a swale and a culvert would be put in which would direct the snow melt away from
37 the drive way.

38 Mr. Baskerville confirmed with Mr. Kavan that the D.O.T. knew that Mr. and Mrs.
39 Foss and Mr. Hutton used the driveway and the Town has the right to use the driveway
40 for the purpose of constructing the water tank. Mr. Kavan confirmed that the D.O.T.
41 knows and is OK with that. The D.O.T. has asked for an amendment to their driveway
42 application just so they can document it and have that clarification. Mr. Daley added
43 that the D.O.T. did request that the Town submit a conceptual plan for any
44 improvements that might be necessary in conjunction with the construction of the water
45 tank. The plan has been developed and is being reviewed. It will be submitted to the

1 D.O.T. for their approval. Mr. Baskerville asked that if something else was built near
2 the water tank in the future, would the D.O.T. have the purview to disconnect the
3 connector with the Foss driveway and rebuild it. Mr. Kavan said that currently there is
4 one residence close to where the water tank will be built and should further
5 development occur there, an easement will already be in place should the D.O.T. say
6 they can't use the current driveway.

7 Mr. Daley commented that in addition to some of the points summarized by Mr.
8 Donahue, as part of the previous approval in July 2012, the applicant was required also
9 to seek the approval of the Board of Selectmen on a few issues; one being the use of
10 Town property for the purposes of the chambered drainage system that is installed on
11 the Town property. Mr. Daley continued that as of January 7th, 2013, that agreement
12 was signed by the Board and agreed to by the applicant although there are some
13 stipulations as part of that. In addition the covenants have also been reviewed by Town
14 Counsel and by Town staff and they are now being reviewed by the State. The
15 easements associated with the use of Town property for the purposes of constructing
16 the water line on the westerly side of the property are also being reviewed and are
17 conceptually approved which leaves the remaining items being the approvals from the
18 D.O.T. Mr. Daley continued that the applicant received the A.O.T. permit in December
19 2012 and the Town Engineer is satisfied with the drainage and stormwater analysis.

20 Mr. Daley then mentioned the maintenance and performance security saying the
21 applicant had submitted a cost estimate to the Town for review. That has now been
22 reviewed and is considered satisfactory. He continued that in accordance with the
23 regulations, the applicant is allowed to have 10 building permits a year and there is a
24 provision to allow them to carry over any unused permits to the second year. Part of
25 the previous approval required that Civilworks provide written approval for the final
26 design of Bittersweet Lane which they have done. They are also satisfied with the 2
27 easements. Mr. Daley said the applicant will need to submit a monitoring and
28 maintenance plan associated with the trails as part of the open space cluster subdivision
29 design. They have been submitted to the Conservation Committee for review and
30 endorsement and also to staff. Mr. Daley said they are close to getting that finalized.
31 He continued that the costs associated with the bounds has been included as part of the
32 bond estimate for the project.

33 Mr. Daley recommended that the Board conditionally approve the application subject to
34 some of the conditions of final approval that will be discussed later on as part of this
35 application process.

36 Mr. Baskerville opened up the discussion to the public. Mr. McNeil, attorney to Mr.
37 and Mrs. Foss introduced himself and the engineer Mr. Leedy. Mr. McNeil handed out
38 copies of the easements to the Board members. Mr. McNeil reminded the Board how
39 important the driveway is to Mr. and Mrs. Foss and stressed that they are not here to
40 prevent the construction of a water tank. The issue that became provoked by the
41 changes that have been proposed by the applicant is what does the 10 feet roadway
42 expansion in front of the Foss driveway do to the Foss driveway. He wondered how the
43 alternative route would be controlled and who would pay for it and make the changes if
44 it were to occur. He continued that all those matters are the subject matter of the
45 easement documents that have been presented. Should it be necessary to use that

1 alternative route due to intensified use, this would be over a driveway which is now
2 owned by Mr. and Mrs. Foss in which they have various expectations in regards to the
3 amount of traffic that would go over it. The DOT was looking for a safety valve for
4 itself, but that had to be balanced against the historical uses and desired uses of the
5 Town, the applicant and the abutters.

6 Mr. McNeil said that the moment a project is approved conditionally, it starts the
7 appeal period. If there were to be an outcome that was not consistent with what was
8 negotiated, Mr. McNeil said he may be forced to bring an appeal relative to those issues
9 that he doesn't want to bring until the process is finalized. With regard to the condition
10 precedent number 3, Mr. McNeil read what he considered being a couple of salient
11 points; the second sentence says that with respect to the NHDOT driveway permit for
12 Bittersweet Lane, should be obtained as presented. He continued that Attorney
13 Karoutas will also indicate that it is also important and significant to the Town that the
14 easement also be approved as written because it contains the rights to the Town. With
15 respect to the NHDOT driveway permit for Bittersweet Lane, it must be obtained as
16 presented and the 2 easement documents, exhibits A and B, submitted to NHDOT with
17 the easement language agreed to by the abutters, Foss and the Town of Stratham, for
18 this to constitute a condition of approval which would become final without further
19 public hearing. Mr. McNeil explained that they don't know how long it will be before
20 the NHDOT make a decision concerning the driveway permit so they may lose time to
21 appeal and they don't want to launch an appeal if it turns out to be unnecessary. At the
22 bottom of the document, Mr. McNeil continued, that the time to appeal would not begin
23 to run until the NHDOT permit is obtained and if a party requests a hearing as provided
24 above, that hearing occurs and a further decision is made by the Board and any appeal
25 shall be filed within 30 days of that decision. Mr. McNeil gave the example that if the
26 NHDOT come back and say 10 feet isn't enough, we will need to use 50 feet of your
27 driveway, then Mr. and Mrs. Foss will have an opportunity to come back to the Board.

28 Mr. Daley asked Mr. McNeil if the appeal process only relates to the easement
29 language and not the entire subdivision application. Mr. McNeil confirmed it was just
30 the easement related issue.

31 Mrs. Karoutas, Town Counsel said the Town had worked very hard, along with
32 everybody else, so that the project can go forward, the abutters' rights are protected and
33 the Town is able to build the water tank. She continued that the Town is totally in
34 support of that proposed language for the condition and the process that Attorney
35 McNeil has outlined for any potential appeal or correction if the DOT does not agree
36 with what the various parties think is the best solution.

37 Mr. Donahue confirmed to Mr. McNeil that there are no issues that any appeal rights
38 are being preserved or limited to an appeal regarding the NHDOT issues.

39 Mr. Daley clarified that part of the Board's discussion is to discuss and incorporate
40 condition number 3 with the Board's approval as part of the conditions of approval for
41 this amended subdivision plan.

42 Ms. Werner asked Mr. Donahue how close he thought the plan was to getting a stamp
43 of approval from the Conservation Commission. Mr. Donahue said he believed that
44 they have it already. They met with them and went over the trail network in detail plus

1 a follow up site walk after that. There were no negative comments when the
2 Commission saw the maintenance plan and Makris agreed to work closely with the
3 Commission regarding the construction of the trail system.

4 Mr. Deschaine asked for certainty purposes if the condition precedent number 3 that
5 was passed around separately from the draft was substituting the current language in its
6 entirety in the draft. Mr. Baskerville and Mr. Daley confirmed that was correct.

7 Ms. Werner made a motion to close the public hearing, Motion seconded by Mr. Paine.
8 Motion carried unanimously.

9 As there were no further comments or questions from the Board, Mr. Federico made a
10 motion to accept condition precedent number 3 as presented by all of the lawyers and
11 accept it as condition precedent number 3 in the conditionally approved drafted
12 decision. Motion was seconded by Ms. Werner. Motion passed unanimously.

13 Ms. Werner made a motion to accept the new conditions of approval with the last
14 motion to amend condition precedent number 3 as written. Mr. Hyland seconded the
15 motion. Motion carried unanimously.

16 **b. Proposed 2013 Zoning Ordinance Warrant Articles:**

17 i. Amend the Official Zoning Map of the Town of Stratham pursuant to Section 3.2 to
18 rezone Map 13 Lot 43, also known as 5 Emery Lane, from its current zoning
19 designation of Residential / Agricultural (R/A) to the Professional / Residential
20 (PRE) Zoning District.

21 Mr. Baskerville asked Mr. Daley to give a summary and the background to the
22 warrant articles being presented. Mr. Daley explained that the warrant articles
23 being discussed tonight will be presented as part of the Town Warrant in March of
24 this year for a formal vote by the residents of Stratham. He continued that the
25 purpose of tonight's process is to allow the public to hear these articles being
26 discussed at a public forum for the public's comments. At the end the Board will
27 decide whether to support or not support the article as presented. Mr. Daley
28 explained also that this was the first of two public hearings to discuss the articles. It
29 is required by State statute to allow 14 days for involved individuals to consume the
30 information and come back with any comments they may have.

31 Mr. Daley presented Warrant Article number 1 on the homeowners' behalf as they
32 were out of Town. He explained that the homeowners had come before the Board
33 to discuss options available for this lot. Using a map, Mr. Daley showed the public
34 where the lot is situated and explained it is currently in the R/A zone which allows
35 for residential uses. If it was changed to the PRE zone it would be able to be used
36 as an office space as well as a residential use. He said the Board had received a
37 letter from the Heritage Commission voicing a number of concerns so he was also
38 there to discuss the value of the property to the community and neighborhood. It is
39 seen by many as a visual buffer to a well established neighborhood which is very
40 attractive and somewhat isolated in its location. Mr. Daley continued that the
41 property owners had discussed putting a small office building up on the property.
42 They had done some tests pits which show a septic can be put on the property.

1 They haven't yet looked at water issues. Mr. Daley explained that if it is rezoned,
2 any use of that property may require extra oversight from the Planning Board and/or
3 the Zoning Board of Adjustment regarding the setbacks from Route 108 and/or
4 Emery Lane in the form of a variance which is currently quite difficult to achieve.
5 The owners have said if it isn't possible to rezone the property then it is possible to
6 build a small house there.

7 Mr. Merrick said originally he was in favor of the rezoning, but he has since
8 stopped to look at the property concerned and has changed his mind somewhat. He
9 no longer feels the Board should endorse this. Ms. Werner said she did the same as
10 Mr. Merrick and is of the same opinion as him. She has no issue with it going to
11 Town meeting for vote, but would prefer it wasn't endorsed by the Planning Board.

12 Mr. Baskerville invited the public for their comments.

13 Mr. Dave Tanneman with the church said that there is a lot of activity at the church
14 from 7: AM to 9: PM which brings steady traffic. He strongly recommended that a
15 traffic study be done to see the effect of extra cars from the office building would
16 have on Emery Lane. He said that at this point, the church is not in favor of this
17 going forward.

18 Mr. Baskerville said that the Board does not know what will go in there as it is
19 privately owned and they do have the right to come in and build on that lot. He
20 mentioned also that the owners wondered if the Town, Conservation Commission
21 or church could buy it as the majority of people would like to see it stay the way it
22 is. Mr. Daley pointed out also that the owners could consolidate two lots if they
23 wanted as the Zoning Ordinance is written in such a way that the owners could
24 encroach on the R/A section by about 25 feet and add more buildings if necessary.

25 Mrs. Lucy Cushman, resident shared that when she was a child Emery Lane was the
26 main road. In the mid 50s they cut it off and made it a bi-road. Mrs. Cushman said
27 whoever had bought that property knew it was residential when they purchased it.
28 She supported the letter written by the Heritage Commission and felt it should stay
29 residential as it serves as a buffer for Emery Lane and it was zoned that way
30 intentionally.

31 Mr. Daley spoke to the Heritage Commission and pointed out that any use on the
32 property would result in the removal of trees currently there. He stated also that
33 there could be a situation where the Town will not have any authority or oversight
34 of the structure that will be built there. If that parcel is rezoned to PRE, it would
35 give the Planning Board the authority to have oversight and to guide and review
36 that project so it would look like part of the neighborhood. Ms. Werner said that
37 part of the property is on a State road and Stratham would not have the authority to
38 make changes to the setbacks.

39 Ms. Murray, Winnicutt Road asked Mr. Daley about the 2 acre minimum
40 requirement for house lots. Mr. Daley explained that this lot is called a pre-existing

1 non conforming lot so predates the current zoning regulations. He mentioned also
2 that they need to look at the potable water supply and they may end up sharing
3 water with the property next door. Ms. Murray asked how many signatures were
4 required for a petition warrant article. Mr. Daley answered 25 signatures are
5 needed and confirmed that 25 had been collected. Ms. Murray asked if those
6 signatures were available for her to see. Mr. Daley said that they were. Mrs.
7 Cushman asked if the property owners were residents of Stratham. Mr. Daley
8 replied that they were not.

9 Mr. Federico said one of the reasons he was in favor of the rezoning was the fact it
10 would give the Board more control of that parcel. He continued that the owners
11 have proven they can put a house on there and have offered the lot for sale to
12 abutters who have declined to buy it. The owners would rather keep it than sell it as
13 a house lot. The owners would prefer that the trees are not removed because of the
14 buffer they provide and they would prefer to put in a small 1500 square foot office
15 next to the house which is there. Ms. Werner said that the owners had said they
16 were intending to sell it as a single house lot but they will still need to go before the
17 ZBA because of the setbacks. She also addressed the opposition from the Heritage
18 Commission and said they are a Town committee and they would like the Planning
19 Board to seriously consider the points they raised in their official letter to the
20 Planning Board. Mr. Baskerville said as yet there are no plans, but either way the
21 owner will build something on that lot, be it a house or an office. If it's a house,
22 that doesn't come before the Planning Board at all, but if it's an office, it will
23 require a site plan giving the Planning Board the authority to ask for a landscaping
24 plan etc. Mr. Hyland said he was initially in favor of the rezoning as it's the logical
25 thing to do, but now he has listened to people wanting it to remain residential, he
26 thinks it should stay residential. Mr. Paine said that he is in favor of the rezoning
27 due to the control the Planning Board will have and the Board understands the
28 historical aspect.

29 Ms. Werner made a motion that the Planning Board does not recommend Zoning
30 Warrant Article 1. Motion seconded by Mr. Hyland. Motion was carried 3:1. Mr.
31 Paine voted in favor and Mr. Federico abstained.

- 32 ii. Amend Sections 3.4.3 Professional / Residential, 3.6 Table of Uses, and 3.6. Table
33 of Uses - Footnotes to permit limited retail uses within the Professional /
34 Residential Zoning District.

35 Mr. Daley summarized Warrant Article 2 for the public. He explained they were
36 seeking to change the definition of Professional Office and to add more uses. In
37 addition different definitions will be introduced. Lastly those new definitions will
38 be added to the Table of Uses.

39 Mr. Baskerville invited the public to speak. Mr. Emmanuel said he is for the
40 definitions, but would like an explanation for what you can and can not do in the
41 Commercial Service Establishment, Personal Service Establishment, and Retail
42 Sales and how it would be different to what there is today.

1 Mr. Daley explained that in a number of cases the Board has had difficulty in trying
2 to find similar uses that are in the current Ordinances. The new definitions are
3 trying to clarify and specify those uses for retail sales, personal and commercial
4 service establishments. The definitions will provide some additional guidance to
5 the Town.

6 Ms. Werner made a motion that the Board recommends Warrant Article 2. Motion
7 seconded by Mr. Hyland. Motion carried unanimously.

- 8 iii. Amend Section 2.1.51 Professional (Professional Office) and add new language to
9 Section II. Definitions to define a Commercial Service Establishment, Personal
10 Service Establishment, and Retail Sales. In addition, amend Section 3.6 Table of
11 Uses to incorporate said uses relative to all zoning districts.

12 Mr. Daley explained that Article 3 addresses the issue of trying to put a retail
13 component as part of the list of uses in the professional/residential district (PRE).
14 The first portion is to eliminate the definition for professional/residential and
15 replace it in its entirety with a new definition. Mr. Daley read the suggested
16 amended version. He said there was a desire from a number of property owners in
17 the PRE zone to look at opportunities that are not allowed right now, one of those
18 being retail uses. This will be achieved by allowing those uses through a
19 conditional use permit. That means the applicant would come before the Planning
20 Board for a site plan review and if the Planning Board approves it, it would be
21 allowed. It also allows the Planning Board more oversight of the project.

22 Mr. Daley continued that as a result of this change the footnotes will also be
23 modified to take this into consideration which he read out.

24 Mr. Baskerville explained that this amendment allows a small existing building to
25 have retail. The Board doesn't really want new structures that don't match the
26 neighborhood.

27 Ms. Murray, resident, referred to the footnote in Section 3.6, Special Residential,
28 Page 2 and sought clarification. Mr. Daley and Mr. Deschaine explained that it
29 only applied to existing buildings and not to somebody who would come in and put
30 up a new building. Mr. Baskerville suggested inserting a few words to make it clear
31 that with effect March 2013 it will only apply to existing buildings.

32 Ms. Werner made a motion that the Board accepts the Zoning Warrant Article
33 Number 3 that was recommended by the Planning Board with the amendment
34 suggested by Mr. Deschaine. Motion seconded by Mr. Paine. Motion carried
35 unanimously.

- 36 iv. Amend Section VII. Signs by replacing said section in its entirety with revised
37 language to further clarify and provide additional guidance on the type, number,
38 maximum area, and design of signage within Stratham. In addition, delete Sections
39 2.1.61 through 2.1.91 and 3.8.7.f in their entirety and renumber accordingly.

1 Mr. Daley updated the Board that the Board of Selectmen had decided to allow the
2 horse and buggy prop outside the Stratham Furniture Store at the Stratham Circle.
3 He suggested that the Board might want to incorporate that kind of thing as part of
4 the site plan process for review.

5 Mr. Daley reminded the Board and informed the public of the main changes the
6 Board hopes to make. He started addressing buildings with 4 frontages, and
7 definitions. Mr. Baskerville opened up the discussion to include the public. Mr.
8 Terry Barnes, Building Inspector said he has a problem with Portsmouth Avenue
9 with the different elevations so uses common sense for each individual business
10 wishing to put up a sign. He wondered if something could be added to the
11 Ordinance to address that. Members agreed it was a sensible suggestion. Mr.
12 Daley referenced Section 7 i.i.i. about the height of signs to see if it met Mr. Barnes
13 needs. Mr. Barnes felt it didn't. It was agreed that Mr. Barnes and Mr. Daley
14 would discuss the appropriate language and the Board would revisit the topic at the
15 next meeting on January 30, 2013. Mr. Deschaine asked if new language was going
16 to be added didn't it need to be available a certain number of days before it is heard.

17 Mr. Barnes then talked about real estate signs. Currently, he said a permit is
18 required for a real estate sign over 4' square and lately more of them have been
19 popping up over weekends and they don't meet the setbacks. Mr. Barnes said that
20 they should have to get a permit and then they will find out what the boundaries are.
21 He mentioned also that the size has been increased from a maximum of 16' square
22 to 32' square. The Board realized that there was a contradiction in the current
23 amendment. Mr. Daley agreed to make the correction about the size of the signs
24 and that real estate signs are not exempt from permits in time for the January 30,
25 2013 meeting.

26 The next topic was promotional signs on page 18. Mr. Barnes referred to number 2
27 and gave an example; Stratham Plaza, 25 units, 25 people want to do promotional.
28 He asked the Board how he was supposed to keep up with it. He feels the sign
29 ordinance is a little excessive.

30 Mr. Tom Cadieux from the Stratham Circle Furniture Store spoke next. He praised
31 Mr. Barnes for the work he does. Mr. Cadieux shared his discontent that the
32 Gateway District is lit up at night, but if he wants to put a couple of balloons up, it
33 is a problem. He stressed how difficult it is to get a tenant in the building and
34 without a tenant he is getting close to losing his business. Businesses in the Town
35 Center are limited to what they can do compared to the Gateway District.

36 Mr. Daley said that the Board hoped that the new sign ordinance will address the
37 needs of Town Center businesses. Another business owner said he had the same
38 problem as Mr. Cadieux and he had lost a lot of potential leases due to the sign
39 limitations. He asked the Board for clarification on the term proprietorship. He felt
40 it construed that a business had to be an LLC in order to qualify for signage. Mr.
41 Daley said he would change the wording and then informed him of some of the
42 changes being made that will be helpful for business owners in the Town Center.

1 Ms. Werner made a motion that the Board continues Zoning Warrant Article 4 until
2 the next meeting, January 30, 2013. Motion seconded by Mr. Paine. Motion
3 carried unanimously.

4 Ms. Werner made a suggestion to go out of order and consider some of the smaller
5 warrant articles with few changes.

- 6 v. Amend Section VIII. Residential Open Space Cluster Development by replacing
7 said section in its entirety with revised language to further clarify and provide
8 additional guidance regarding density bonuses and open space design and
9 requirements for Residential Open Space Cluster Developments. In addition,
10 replace Section 3.6 Table of Uses, Additional Notes in it entirety with revised
11 language to reflect the updated criteria and standards pertaining to the issuance of a
12 Conditional Use Permit.

13 The Board had no comments so Mr. Baskerville opened up Warrant Article Number
14 5 to the public. There were no comments.

15 Ms. Werner made a motion that the Planning Board recommends Zoning Warrant
16 Article Number 5, Residential Open Space Cluster Development. Mr. Hyland
17 seconded the motion. The motion carried unanimously.

- 18 vi. Amend Sections 3.1 Establishment of Districts, 3.2 Location, 3.4 District Purposes,
19 3.6 Table of Uses, 3.8 Gateway Commercial Business District, 4.1 General
20 Requirements, 4.2 Table of Dimensional Requirements, 4.3 Explanatory Notes,
21 5.8.4 Multi-Family, Workforce Housing, and Elderly Affordable Housing -
22 Applicability, and VII. Signs to eliminate the General Commercial District in its
23 entirety and designate the Gateway Commercial Business District from its current
24 designation as an overlay district to the underlying zoning district. In connection
25 therewith, amend Section 3.8 Gateway Commercial Business District to change the
26 provisions and standards of the Gateway Commercial Business District from
27 voluntary compliance to mandatory for all development projects within the district.

28 In addition, amend Section 3.6 Table of Uses by inserting the Gateway Commercial
29 Business District, Central Zone and Outer Zone sub districts and designating the
30 appropriate permitted uses in accordance with Section 3.8.8 Development Standards
31 and Tables. Further, amend Section 3.8.8, Table 2. to reduce the minimum
32 building/structure setback requirement for properties within the District fronting
33 Route 108/Portsmouth Avenue in accordance with the minimum rights-of-way
34 setbacks established by the NHDOT.

35 Mr. Daley summarized the zoning article. Ms. Werner asked if any substantial
36 changes had been made since the last discussion with the Planning Board. Mr.
37 Daley said that the language for setbacks needs to be amended to mimic what was
38 discussed for Article Number 7 but otherwise there weren't any major changes from
39 the last time the Board discussed this Article.

40 Mr. Baskerville opened up the session to include public comments. There were

1 none.

2 Ms. Werner made a motion to continue Zoning Warrant Article Number 6 until the
3 meeting on January 30th, 2013 to incorporate the discussed revision. Motion
4 seconded by Mr. Paine. Motion carried unanimously.

5 vii. Amend Sections Table 4.2 Table of Dimensional Requirements and 4.3 Explanatory
6 Notes to reduce the front setback requirements for properties fronting Route 108
7 and Route 33 within the Gateway Commercial Business District, Professional /
8 Residential District, Special Commercial District, and Town Center District in
9 accordance with the minimum rights-of-way setbacks established by the NHDOT.

10 Mr. Daley explained that currently the setbacks on Route 108 are 100 feet and on
11 the Route 33 in the Town Center, 60 feet. The typical right way of way for the
12 D.O.T. is between 50 and 60 feet. He said the idea behind this Warrant Article is
13 to reduce setbacks to bring them in line with the D.O.T.'s minimum right of way.
14 Under explanatory notes, Mr. Daley has written; for lots that abut Route 33 or 108,
15 the minimum building structure front setback requirement will comply with the
16 minimum right of way established by the New Hampshire D.O.T. He asked for the
17 Board's input adding that in past discussions the Board appeared to agree about the
18 setbacks on the Route 108 for the Gateway. Mr. Baskerville said he was in favor
19 of reducing it, but believed this change would reduce it to 0 feet. Mr. Deschaine
20 said the way it is written sounds like the D.O.T. has setbacks. Ms. Werner said that
21 the word setbacks should be changed to right of way and also commented that this
22 change would encourage parking in the rear of a property which goes along with the
23 whole concept of the Gateway.

24 A resident asked if sidewalks would ever be built. Mr. Daley said potentially they
25 would. The Board then discussed setbacks for sidewalks. The Board felt that a 10
26 feet setback from the right of way for sidewalks was adequate.

27 Ms. Werner made a motion that the Board extends a vote on Warrant Article
28 Number 7 until the meeting on January 30th, 2013. Motion seconded by Mr.
29 Hyland. Motion carried unanimously.

30 viii. Amend the Official Zoning Map of the Town of Stratham pursuant to Section 3.2
31 and the Gateway Commercial Business District Regulating Plan Map pursuant to
32 Sections 3.8.2. Applicability and 3.8.4. The Regulating Plan to rezone Map 4, Lots
33 1, 2, 3, 4, 5, 6, 7, and 21 from their current zoning designation of the Special
34 Commercial District to the Gateway Commercial Business District, Central Zone.
35 In addition, delete all references of the Special Commercial Zoning District, in their
36 entirety, from Sections III. Establishment of Districts and Uses, IV. Dimensional
37 Requirements, V. Supplemental Regulations, and VII. Signs.

38 Mr. Daley shared the zoning map to illustrate the different zones and the 8 lots that
39 would be affected by the rezoning. Mr. Todd Baker, Sarnia Properties, Inc, new
40 property owner of 1 – 3 Portsmouth Avenue said they haven't yet finalized their

1 plans of what they would like to do there and they are surprised that the zoning is
2 being changed at this point. He doesn't know if the additional restrictions of the
3 Gateway District will now cause problems. His request is to keep it in the Special
4 Commercial zone. Mr. Federico asked if any uses would be limited by this change
5 in zoning. Mr. Daley said it tries to encourage office retail, mixed uses, types of
6 larger structures like movie theaters and that the Gateway district is very similar in
7 nature to the Special Commercial district. Mr. Baker said the uses weren't the
8 issue, but the design restrictions. In his opinion they make it more expensive to
9 renovate or build a building and reduce the feasibility of leasing it, as rent will need
10 to be more expensive. Mr. Federico said the Town wants to help new businesses
11 and will work with Mr. Baker. Mr. Baker wondered if they could make the changes
12 in 2014. The Board felt the Gateway guidelines were a positive thing. Mr. Hyland
13 added that the Gateway is to encourage redevelopment and here was such an
14 opportunity and to not have the Gateway District in place would be a lost
15 opportunity that doesn't come around very often.

16 Mr. Baskerville said he would like the opportunity to re read the Gateway
17 guidelines prior to the next Planning Board meeting on January 30, 2013. Other
18 Board members agreed.

19 Ms. Werner made a motion to continue Zoning Warrant Article Number 8 until the
20 Planning Board meeting on January 30th, 2013. Motion was seconded by Mr.
21 Federico. Motion carried unanimously,

22 **4. Miscellaneous.**

23 There were no miscellaneous items to report.

24 **5. Adjournment.**

25 Mr. Federico made a motion to adjourn the meeting at 10:32 PM. Motion seconded by Mr.
26 Hyland. Motion was carried unanimously.

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