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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **July 17, 2013**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
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13 **Members Present:** Mike Houghton, Chairman
14 Bob Baskerville, Vice Chairman
15 Jameson Paine, Member, Planning Board
16 Tom House, Alternate
17 Mary Jane Werner, Alternate
18 Steve Doyle, Alternate
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20 **Members Absent:** Bruno Federico, Selectmen's Representative
21 Christopher Merrick, Alternate
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23 **Staff Present:** Lincoln Daley, Town Planner
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26 **1. Call to Order/Roll Call.**

27 The Chairman took roll call.
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29 **2. Review/Approval of Meeting Minutes.**

30 a. June 19, 2013.

31 The approval of the meeting minutes were continued to the July 17th meeting.

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

33 a. **Lori and Charles Rocha, 19 Winding Brook Drive, Stratham, NH, Tax Map 12,**
34 **Lot 94.** Three Conditional Use Permit Applications for the following: (1) Construction
35 of a driveway access within the fifty foot (50') wetland buffer setback in accordance
36 with Section 11.4 of the Zoning Ordinance, (2) Construction of a driveway access
37 within the designated shoreline protection area in accordance with Section 12.7 of the
38 Zoning Ordinance, and (3) Replacement and expansion of the existing septic design for
39 a single-family residence in accordance with Section 20.3 of the Zoning Ordinance.

40 Before discussing the first public hearing, Mr. Houghton asked Ms. Werner to be a full
41 time voting member. Ms. Werner agreed.

1 Mr. Michael Donahue introduced himself as the attorney representing Mr. and Mrs.
2 Rocha. He explained that the Rochas wish to add a small addition to the side of their
3 house so it can serve as an accessory apartment for Mrs. Johnstone, mother of Mrs.
4 Rocha. The home is located parallel to a brook, the results of which are significant
5 under the Ordinance. The wetlands were delineated so the applicant had an
6 approximation of where the full drained soils might be. It turned out that the
7 approximation was wrong. A soil scientist went out to the property and found the
8 poorly drained soils at the upper end of the lot and the poorly drained is where the
9 water is going is at the other end. That triggered another overlay of requirements.

10 Mr. Donahue said his clients have decided not to proceed with the parking area which
11 triggers a significant amount of conditional use activity. For the record he said they are
12 withdrawing 2 of the applications and they do not propose to do a new parking area as
13 there is enough parking on the lot. He confirmed that his clients were seeking approval
14 for an upgrade of the septic system only.

15 Mr. Donahue introduced Alex Ross from Ross Engineering to talk about the upgrade of
16 the septic system. Mr. Daley explained that the applicant will need to submit a formal
17 withdrawal request to the Board for endorsement.

18 Mr. Ross said he did the surveying and engineering for the site plan as well as the
19 septic design. He started by giving some history about the lot. The house was built in
20 1986 and the pool in 1987. The current owners bought the property in July 2012. He
21 referred to Sheet 1 of a handout, which shows the existing septic system installed in
22 1986. He pointed out that makes it 27 years old when the typical life span of a septic
23 system is 20 years. As far as setbacks, the State requires the setback to a pool to be 35'.
24 The current system is only 7' away. The existing system has an undersized 1000 gallon
25 tank and a leach field that is too low in elevation compared to the ground water table.
26 The new proposed septic system will have a 2500 gallon tank and there will be pre
27 treatment in the second tank and a smaller leach field that will be 4' higher than the
28 existing one. He feels that this is the best septic system for this site. The addition of
29 the pre treatment actually decreases the leach field size and significantly cleans up the
30 affluent compared to a traditional system. Tests shows that affluent with this system is
31 96% to 99% cleaner than a traditional flow.

32 Mr. Ross referred to sheet 2 of the handout which showed a comparison between the
33 new and a traditional system. He added that this system will assure that the
34 surrounding wetlands and environment is protected. The plan has been reviewed by
35 Mike Cuomo and in his report states that "the applicant is utilizing the best available
36 technology to overcome the limitations. In my opinion this meets the intent in that the
37 applicant has greatly exceeded the minimum design requirements." Mr. Ross summed
38 up the improvements adding that it now meets the required setback for ground water
39 and the pool.

40 Mr. Doyle asked what pretreatment was. Mr. Ross explained that traditional systems
41 do not have air in them so affluent settles down and goes into a leach field. With
42 pretreatment the affluent passes through a secondary tank that has the addition of air
43 which allows the bacteria to really do their job prior to going into the leach field.

1 Mr. Daley said he noticed on the plan it cites 2 waiver requests; one to show a 5000'
2 reserve area and 100' from a water body in this case the stream. Mr. Daley made the
3 Board aware that under Section 20.3, the Board has the authority to waive those
4 requirements as long as they meet 3 different criteria which are as follows: the use for
5 which the permit is sought can not be feasibly carried out on a portion or portions of the
6 lot which comply more fully with this section of the Ordinance, the design and
7 construction of the proposed use will, to the extent practical, be consistent with the
8 purpose and intent of this section and lastly the applicant has exceeded all other
9 applicable minimum design requirements in an effort to mitigate impacts resulting from
10 limitations of the site.

11 Mr. Baskerville asked if Mike Cuomo witnessed the test pits. Mr. Ross confirmed that
12 he did. Mr. Baskerville said that the design seemed to be the best for the site so he had
13 no problems with it. Mr. House commented on the grading going from 100 to 97 and
14 said they wanted to make sure that the water is pushed away from the garage Mr. Ross
15 said that currently that area is built up and they are maintaining it. He said that the
16 water is pushed away from the garage area currently.

17 Mr. Baskerville asked if there were any categorizations for the stream as far as the
18 Shoreland Protection Act. Mr. Ross referenced the Town's regulations that state a
19 septic should be 100' away from a water body. Mr. Baskerville asked if the applicant
20 was following State or Town definition of a water body. Mr. Daley answered the
21 Town's. Mr. Daley added that the Code Enforcement Officer went to the property and
22 determined the location of the septic in this case meets the intent of the Ordinance for
23 Shoreland Protection and therefore there isn't an additional conditional use permit for
24 that element.

25 Ms. Donna Jensen, co-chair from the Conservation Commission said her understanding
26 was that the brook is contiguous with the estuary. Mr. Ross said that it eventually
27 flows into the Squamscott River. Ms. Jensen asked what the distance was until the
28 brook hit wetland. Mr. Ross showed where it met with wetlands on the plan.

29 Ms. Werner said for clarification, the topography of the entire development means that
30 all the water runs down stream and into the Squamscott River. Mr. Daley asked Mr.
31 Ross to explain the visual impact of the proposed septic system to the abutting property.
32 Mr. Ross said that essentially there is no change in that area of the lot. On the abutting
33 lot, it is all wooded so they are slightly lifting the elevations to make sure they meet all
34 the requirements of bringing the leach field above ground water table levels. Mr. Daley
35 then asked with regards to the sloping down towards the garage area, if there was a
36 berm there to prevent water flowing into the garage area. Mr. Ross said currently there
37 is a kind of Cape Cod berm in front of the garage area.

38 Ms. Jensen asked what was meant when Mr. Ross said this septic system is 96% - 99%
39 cleaner. Mr. Ross said it referred to solids.

40 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Ms.
41 Werner. Motion carried unanimously.

42 The Chairman asked the board members for their comments. Mr. Daley said it was
43 worth noting that this system was an improvement over the current, somewhat aged,

1 system regardless whether or not the applicant moves forward with their application for
2 an in-law apartment.

3 Mr. Daley encouraged the board members to go through each of the 3 criteria in detail
4 mentioned earlier from Section 20.3, before making a motion.

5 The Board agreed that the applicant met the first criteria as there was a very limited
6 choice available for locating the new septic and this was the only place they could build
7 it. The Board agreed that the design and construction of the proposed use will, to the
8 extent practical, will be consistent with the purpose and intent of Section 20.3 because
9 there is still 75' to the open water which is the state requirement and they are using best
10 technology available. The Board agreed that the applicant has exceeded all other
11 applicable minimum design requirements in an effort to mitigate impacts resulting from
12 limitations of the site.

13 Mr. Baskerville made a motion to grant the conditional use permit pursuant to Section
14 20.3 replacement of an existing system with expansion of design capacity. Motion
15 seconded by Mr. Paine. Motion carried unanimously.

16 Mr. Daley said that as the applicant was going to go before the ZBA for the proposed
17 addition, it would be good if the Planning Board would provide recommendations to
18 the ZBA with any communication measures or site design elements that might improve
19 the overall application. Mr. Daley said if possible the applicant's application should be
20 presented to the Conservation Commission too before the ZBA meeting.

21 Mr. Baskerville said he had no problem with the addition being located where the
22 applicant would like it to be as the stream is in a very shallow channel with banks on
23 either side and there are no cat tails and it's not a high quality buffer. He confirmed
24 that the driveway and little rain garden were no longer going in. Mr. Donahue said the
25 driveway wasn't going in, but they were considering appropriate mitigation measures.
26 Mr. Paine said his suggestion is to introduce as many types of rain gardens as is
27 possible. Mr. Daley suggested incorporating some of the current impervious surface
28 into a rain garden. Mr. Paine said that perhaps a rain garden could be introduced in
29 between the elevations and the garage. Mr. Donahue said that 720' square impervious
30 surface would be added as a result of the addition.

31 Mr. Baskerville felt that the applicant had done the best they could with the lot
32 available to them.

33 Mr. Daley reminded the Board that they needed to make a motion about the two
34 withdrawn applications from the applicant.

35 Mr. Baskerville made a motion to allow the withdrawal of the two conditional use
36 permits without prejudice. Motion seconded by Mr. Paine. Motion carried
37 unanimously.

38 b. **New England Cingular Wireless PCS, LLC. (AT&T Mobility), 550 Cochituate**
39 **Road, Suite 13&14, Farmington, MA 01701 for the property located at 21 Long**
40 **Hill Road, Tax Map 18, Lot 93.** Site Plan Review Application to amend the 2002
41 Approved Site Plan by adding three antennas and ancillary equipment to the existing

1 telecommunications tower and two cabinets within the designated leased space at the
2 tower base.

3 Mr. Matthew Quaid from SAI Communication introduced himself. He explained that
4 AT & T are looking to add 3 antennas, 6 radio heads, 1 surge tester and 2 cabinets. Mr.
5 Daley explained that AT & T approached the Town for a building permit to make these
6 improvements. They came to the Town requesting structural improvements to the
7 actual structure itself. AT & T currently has 6 antennas up on the tower which is
8 illustrated in the plans this evening. They want to add 3 more for a total of 9 antennas
9 essentially adding the remaining 3 as part of their overall plan for that facility. This
10 will require additional equipment on the ground which will be located inside the
11 existing fence on the pad sites that exist already within the facility. There will be some
12 additional cabling that will connect the new equipment to the new antennas along with
13 some ancillary equipment.

14 Mr. Daley asked the Board to turn to page 2 of the plan as it showed the existing site
15 and what is being proposed. A radio frequency analysis was submitted to demonstrate
16 they comply with the 1996 Telecommunications Act which specifies the amount of
17 radiation that may be emitted from radio towers. Mr. Daley asked Mr. Quaid what a
18 surge tester was. He answered that the radio head feeds into the surge tester and then
19 feeds out of there to the antennas with jumper cables that are smaller cables that go
20 across.

21 Mr. Paine asked what the estimated height of the cabinets would be. Mr. Quaid said
22 about 6 feet. Mr. Paine said he wasn't familiar with the site. Mr. Quaid gave a quick
23 description and stated there was only one property located near the tower.

24 Mr. House asked how heavy the new antennas were. Mr. Quaid said they weigh around
25 54 pounds. Mr. House then asked about the structural safety. Mr. Quaid explained that
26 American Tower just did an analysis of that and the tower was found to be structurally
27 sound. Ms. Werner asked Mr. Paul Deschaine, Town Administrator if the Town had
28 any opinions about this. Mr. Deschaine said the Town wasn't taking any position on
29 this.

30 Mr. Daley said the Board's purview relates to the safety of the structure, the physical
31 appearance and trying to minimize impact to abutters. The Town has no say over
32 radiation levels as that is determined at a Federal level.

33 Mr. Baskerville asked if the improved service was just for AT & T. Mr. Quaid
34 confirmed that it was. Mr. Houghton confirmed that the antennas were located 170' up
35 the tower. Mr. Quaid said they were.

36 Mr. Houghton opened the floor up to the public; there were no questions. Mr. House
37 made a motion to close the public hearing. Motion seconded by Ms. Werner. Motion
38 carried unanimously.

39 Mr. House said he would like confirmation that the tower will be structurally sound.
40 Mr. Daley said that a structural analysis has been provided to the Town as part of the
41 building permit process.

1 Mr. Paine made a motion to approve the application to amend the 2002 approved site
2 plan by adding 3 antennas and ancillary equipment to the telecommunications tower
3 and 2 cabinets within the designated space. Motion seconded by Ms. Werner. Motion
4 carried unanimously.

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6 **4. Miscellaneous.**

7 a. Report of Officers/Committees.

8 i. Economic Development Committee

9 ii. Exeter-Swampscott River Local Advisory Committee

10 iii. Heritage Commission

11 iv. Public Works Commission

12 v. Stormwater Management Committee

13 vi. Town Center Revitalization Committee

14 b. Member Comments.

15 c. Other.

16 Mr. Daley shared that the Gateway Technical Review Committee met the night before
17 to discuss Porsche's application to replace the front windows with larger bay windows
18 which falls under the design standards of the Gateway District, hence the review by the
19 Gateway Committee. After some discussion, the Committee decided to approve the
20 application as submitted; approving the design elements and it felt the design met the
21 intent of the Ordinance and design standards.

22 Mr. Daley said the Board may recall Porsche came before them in February for a
23 preliminary consultation to add a permanent covered drive in. The Committee
24 discussed that element also and encouraged the applicant to work with the Planning
25 Board and the Committee to be more compliant with the design standards. Mr.
26 Houghton asked if Porsche were bringing the windows down to ground level. Mr.
27 Daley replied that they are increasing the size of the windows overall. Mr. Baskerville
28 asked whether the whole of the front architectural strip would be replaced to. Mr.
29 Daley said it wasn't part of the discussion. Mr. House felt that their first meeting went
30 well. Mr. Daley explained that the Subaru will have to go through the same process.
31 They will need to go before the Planning Board for a preliminary consultation and then
32 the application will go through the Gateway Committee for their review and comments
33 first and then a formal site plan will be presented to the Planning Board. The Gateway
34 design standards can be found in Section 3.8 of the Ordinance. Those design standards
35 are supplemented also by guidelines in a separate document. Mr. Daley explained that
36 any changes made by property owners to their properties in the Gateway District now
37 have to follow the Gateway guidelines. The one exception is Autofair who got their
38 application in before the Gateway design standards became mandatory.

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Mr. Doyle asked if the regulations for septic systems should be amended to reflect the newer technology of today. Mr. Daley said the Ordinance is fairly current and also stricter than what is required by the State. Mr. Doyle said the septic system proposed tonight is better than your traditional systems due to the smaller footprint and pre cleaning treatment. Mr. Baskerville pointed out that these are not common systems and far more expensive than traditional ones so typically they are only used if there is only a really small space.

Mr. Daley referred to the Autofair application and said it was coming before the Board at the next meeting on August 7 along with the Subaru application. He said there has always been a discussion about trying to realign Frying Pan Lane and River Road in some way. The parties involved are Market Basket, Subaru and Autofair and potentially the Board could work with them to improve the access and design onto River Road and also on Portsmouth Avenue.

Mr. Paine asked about 5 Emery Lane. Mr. Daley explained that a small single family residence is being built on the lot. Some trees have already been removed, but Mr. Daley expects there to be a buffer of some sort between the lot and Portsmouth Avenue. Ms. Werner said she felt it was the right decision in the end not to rezone that lot. Mr. Daley said he disagreed as he saw it as an opportunity for the Board to have more control over the design elements and landscaping that would have occurred.

5. Adjournment.

Ms. Werner made a motion to adjourn the meeting at 8:15 pm. Motion seconded by Mr. Paine. Motion carried unanimously.