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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **November 6, 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 Bruno Federico, Selectmen's Representative  
16 Jameson Paine, Member  
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18 **Members Absent:** Steve Doyle, Alternate  
19 Mary Jane Werner, Alternate  
20 Tom House, Member  
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. September 4, 2013  
31 b. October 2, 2013  
32 c. October 16, 2013

33 Mr. Federico made a motion to approve the minutes from the meetings of September 4,  
34 October 2, and October 16, 2013. Motion seconded by Mr. Paine. Motion carried  
35 unanimously.

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

- 37 a. **AutoFair Realty II, LLC, 1477 South Willow Street, Manchester, NH 03103 for**  
38 **the property located at 41 Portsmouth Avenue, Stratham, NH Tax Map 9, Lot 4.**  
39 Site Plan Review Application to construct a 25,600 square foot auto dealership and  
40 related lighting, landscaping, drainage, and parking/access improvements. (*Request for*  
41 *continuance to December 4, 2013*)

1 The Chairman said AutoFair Realty had requested a continuance of their application to  
2 December 4, 2013. Mr. Daley added that the reason for the request is because they are still  
3 working on the site design itself and the storm water management. They will be submitting  
4 their storm water information to the Town's third party consultant momentarily. The  
5 Chairman asked if the Town has moved forward with documenting a letter of  
6 understanding with Market Basket concerning the road. Mr. Daley said the letter is in draft  
7 format for Mr. Deschaine's review. Once he has reviewed it, Mr. Daley will forward it to  
8 the Board for their endorsement also. He was also trying to organize a meeting for all the  
9 parties involved with the road project. He added this will be a long process especially as it  
10 is reliant on Market Basket's Board of Directors. Mr. Canada, Chairman Board of  
11 Selectmen explained that they have an outside Chairman who is not a family member. Mr.  
12 Daley said there was now a new corporate structure in place which has added a level above  
13 the Chairman.

14 Some discussion about the new road ensued. Mr. Federico said a letter had been sent to the  
15 Board from the Board of Selectmen, regarding Mr. Canada's desires to use the existing  
16 road but with an alignment that faced Frying Plan Lane; this would require taking a portion  
17 of the front of Autofair. Mr. Federico said when Autofair were asked if they would agree,  
18 they said they absolutely would not. Mr. Daley responded that he didn't think that  
19 discussion was put to bed yet, the D.O.T. have not given an absolute no saying that the  
20 angle of alignment is a non starter. Mr. Canada said the Board of Selectmen had discussed  
21 this and urges the Planning Board to ask for an easement on Autofair's existing road as  
22 well as their frontage just in case the other options are unable to happen.

23 Mr. Federico made a motion to accept the continuation of Autofair's application to  
24 December 4, 2013. Motion seconded by Mr. Baskerville. Motion carried unanimously.

#### 25 **4. Public Meeting(s).**

##### 26 **a. General Discussion - Zoning and Land Use Regulation Amendments.**

27 Mr. Daley opened the discussion with signage. He explained that the calculation for wall  
28 signage currently reads "for every linear foot of property frontage, equals one square foot  
29 of allowable signage". It should be amended to read building frontage not property  
30 frontage.

31 Mr. Daley referred to 4.2 Dimensional Requirements of the Ordinance, and explained that  
32 currently there is no reference to the Gateway Commercial District dimensional standards  
33 in that table. There is only a footnote that says "Section 3.8. within the Zoning Ordinance  
34 to locate the dimensional requirements and setbacks". The next discussion point involved  
35 the creation of Section 3.9 which would be the Form Based code for the Town Center  
36 district. Mr. Daley said he would like to present a draft format of that to the Board at the  
37 meeting on November 20, 2013, the same night that the Town Center Committee is  
38 meeting so he would like to have a joint meeting with both groups. The second part of that  
39 process will be to create design guidelines.

40 Mr. Daley moved to Site Plan Regulations. He said there are essentially 2 points. One is  
41 the revision to the storm water management regulations, which is being worked on by Julie  
42 LaBranche and Rob Roseen. A draft version should be available at the December 4, 2013  
43 meeting. Secondly, Mr. Daley referred to Section 7 of the Site Plan Regulations and said

1 this refers to including a Letter of Credit as an acceptable form of surety. Mr. Daley is  
2 working with Counsel on this to create certain language within both the Site Plan and  
3 Subdivision regulations to reflect this change.

4 Subdivision Regulation changes were discussed next. Mr. Daley said similar to the Site  
5 Plan Regulations, the storm water management regulations would be amended which also  
6 gives the Town a credit.

7 Mr. Daley referred to amendments for the Cluster Subdivision within the Subdivision  
8 regulations which will be to incorporate the approved density bonus changes from March  
9 2013 into the design standards. He continued that looking over the procedure for open  
10 space cluster subdivisions in the regulations; he found them to be somewhat vague. Mr.  
11 Daley included an excerpt from the State's innovative zoning standard, Chapter 1.4. this  
12 refers to a Conservation Subdivision which lays out a process for the review of an open  
13 space cluster subdivision. Mr. Daley referred to Stratham's regulations which start off  
14 with the yield plan, but it is unclear if that should be part of the public hearing process or  
15 the initial design review process. It is not clear when the public hearing process starts. Mr.  
16 Daley then ran through the types of things that would be included in the standards. He said  
17 once they have all that basic information, that is when they start laying out the conceptual  
18 plan which basically goes through a 4 step process, which if done properly, allows the  
19 Planning Board and the public to essentially shape that development and provide an overall  
20 design which is much more in tune with what the Board and Town are looking for.

21 Mr. Baskerville commented that most Towns offer an applicant the opportunity to come in  
22 for a conceptual meeting, then a design review meeting per R.S.A.s, which are both  
23 optional. He asked what happens if an applicant skips those steps and turns up with their  
24 final application. Could the Board shut it down and say they want to go back and design it  
25 with the applicant and is it mandatory or optional? Mr. Daley said he would prefer it if this  
26 design process was required. Mr. Baskerville wondered if this process would meet the  
27 R.S.A.s. Mr. Daley said a preliminary consultation is required in line with the Town's  
28 regulations. Mr. Paine agreed with Mr. Daley that this would give the Board more of a  
29 regulatory backbone. Mr. Baskerville said his concern is that he doesn't think you can get  
30 around the statute and become the designer. The Board can do regulations, but not say how  
31 they can use their land. Mr. Daley said they can be part of the guiding process based on the  
32 list of guidelines that the Town employs.

33 Mr. Daley talked about the calculation of density bonuses and the idea of breaking each  
34 bonus into 4 sub criteria with each sub criteria rated equally so if the applicant doesn't meet  
35 one of the criteria, they would be awarded 3 out of the 4 at a predetermined percentage.

36 Mr. Daley said that David Canada and he were trying to think of a way to incorporate  
37 something like the horse and buggy that was used as an advertising prop this year, into the  
38 site plan review process. Ultimately when a person puts a statue or a decorative element as  
39 part of their front façade, the Planning Board should have the authority to review that going  
40 forward. It gives the applicant the opportunity to go before the Planning Board rather than  
41 the ZBA for a variance and more often and not the temporary design is of a decorative  
42 nature and is there to enhance the business. Mr. Baskerville asked what level of detail  
43 would be required for that. Mr. Daley said he is still pondering the idea, but is thinking of  
44 a minor site plan approval. Mr. Canada said the problem that was encountered was that

1 there was nothing in the Town statutes to govern the business owner having the horse and  
2 buggy outside his business. It was hard to find something that could be considered similar.  
3 He felt it would be appropriate to include it as part of a site plan. Mr. Houghton suggested  
4 a section dedicated to freestanding displays with the criteria listed out. Mr. Paine said there  
5 should perhaps be a limitation to the size and number of such displays per property. Mr.  
6 Houghton added it could cloud promotional displays.

7 Mr. Daley turned to Section 20 about septic designs explaining that an applicant has to  
8 meet a list of criteria. If they don't meet the criteria, they then have to go before the ZBA  
9 for a special exception or variance. Mr. Baskerville asked why they need to go to the ZBA  
10 when the Planning Board has more experience working with, and understanding septic  
11 designs. Mr. Daley said he is looking at modifying the language in that section to possibly  
12 put the responsibility solely with the Planning Board. Mr. Baskerville said he recollected it  
13 being in the subdivision regulations at one point, but then it was moved to the ZBA. He  
14 remembered also Lenny Lord from the Rockingham Country Conservation District  
15 (RCCD) saying things were more restrictive 20 years ago. Mr. Baskerville said it would be  
16 good to hear suggested updates from RCCD. He made the observation also that things are  
17 more technical now and septic designers nowadays have to renew licenses once a year and  
18 attend continuing education. As a result those who do test pits across the state are much  
19 better qualified than 30 years ago. Mr. Daley wondered if Stratham's regulations need to  
20 be more stringent than the State's nowadays and would be interested to hear feedback from  
21 Mike Cuomo from the RCCD on that. Mr. Baskerville said that for him the one regulation  
22 that may be restrictive, but not necessary is the 24" water table rule as the State doesn't  
23 require it.

24 Mr. Daley turned the topic to 79e, the Community Revitalization Tax Relief Incentive  
25 program. He mentioned that the Economic Development Committee (EDC) has identified  
26 currently the Town Center and potentially the PRE zone for this program. This program  
27 functions as a temporary tax relief program for improvements made to a property for up to  
28 a period of 5 years. Mr. Daley then referred to the ERZ program, a job based incentive  
29 program for which the EDC identified the former Community College site, and the  
30 Industrial districts as being the most appropriate places for this program to apply. The ERZ  
31 program is a State program and requires an application to be submitted to the State for  
32 approval. The 79e does require a Town meeting vote to grant the Board of Selectmen  
33 authority to manage the program. Mr. Daley is in the process of drafting the warrant article  
34 for this.

## 35 **5. Miscellaneous.**

36 a. Report of Officers/Committees.

37 There were no reports from officers or committees.

38 b. Member Comments.

39 Mr. Daley informed the Board that he and Paul Deschaine, Town Administrator, had  
40 attended a 2 day seminar to become certified for the Transportation Enhancement (TE)  
41 program. A grant was awarded to the Town Center to put in sidewalks, decorative street  
42 lights and a series of bike lanes. The cost will be approximately half a million dollars and  
43 the Town's contribution will be about a fifth of that. In order for the Town to administer

1 the program, certified personnel are required as there is a lot of required paperwork which  
2 has to be presented to the State for approval. Construction for this project should start in  
3 2015 and be completed by the end of that year. Mr. Houghton asked about the sidewalks.  
4 Mr. Daley said there will be a sidewalk probably starting from north of Brad Jones'  
5 property, the former restaurant site, which will run on one side of the street and extend up  
6 Winnicutt and terminate at Tansy Avenue. Mr. Daley said they are hoping there will be  
7 enough money for street lights to run the full length of that sidewalk and the bike lane will  
8 be incorporated there also. Mr. Paine asked Mr. Daley to confirm that the sidewalk would  
9 only be up one side. Mr. Daley said this was Phase One of a larger project; the total project  
10 will probably cost a few million dollars so this is just introducing a pedestrian element into  
11 the area. Mr. Paine asked if this was a maintenance consideration. Mr. Daley said once it is  
12 built, it will be the Town's responsibility to maintain it.

13 **6. Adjournment.**

14 Mr. Baskerville made a motion to adjourn the meeting at 8:00 PM. Motion seconded by  
15 Mr. Paine. Motion carried unanimously.

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