



1
2
3
4
5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **December 4, 2013**
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, Planning Board
17 Mary Jane Werner, Alternate
18

19 **Members Absent:** Tom House, Member
20 Christopher Merrick, Alternate
21 Steve Doyle, Alternate
22

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

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

27 The Chairman took roll call and asked Ms. Werner if she would be a voting member for
28 tonight's meeting. Ms. Werner agreed.
29

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

- 31 a. November 6, 2013
32 b. November 20, 2013

33 Ms. Werner made a motion to accept the November 6 and November 20, 2013 minutes.
34 Motion seconded by Mr. Paine. Motion carried unanimously.

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

- 36 a. **AutoFair Realty II, LLC, 1477 South Willow Street, Manchester, NH 03103 for**
37 **the property located at 41 Portsmouth Avenue, Stratham, NH Tax Map 9, Lot 4.**
38 Site Plan Review Application to construct a 25,600 square foot auto dealership and
39 related lighting, landscaping, drainage, and parking/access improvements. (*Request for*
40 *continuance to January 2014*)

41 The chairman explained that the applicant has requested a continuance to January 15,
42 2014.

1 Mr. Paine made a motion to continue the Autofair Realty discussion until January 15,
2 2014. Motion seconded by Ms. Werner. Motion carried unanimously.

3 b. **Public Service Company of New Hampshire, 780 North Commercial Street,**
4 **Manchester, NH.** Conditional Use Permit in compliance with Section 11.4 to conduct
5 improvements and maintenance on an existing transmission line within the designated
6 PSNH right of way.

7 Ms. Werner made a motion to accept the application as complete. Motion seconded by
8 Mr. Baskerville. Motion carried unanimously.

9 *Mr. Federico arrived at 7:03 PM*

10 Mr. Daley stated that as Mr. Federico had arrived, there was now a full voting board,
11 However, Ms. Werner could still stay on this evening as a full voting member.

12 Ms. Tracy Tarr from GZA Environmental introduced herself. She explained that they
13 performed the natural resource evaluation on the line as well as the permitting,
14 including the wetland application permit from the State, which she distributed to the
15 Board. Ms. Tarr summed up the application and explained that at certain times of year
16 there is an increase on the electrical lines from users which causes the lines to sag so
17 PSNH have to maintain minimum ground distances between the lines and the ground.
18 In order to do that, PSNH have several options; they can adjust poles, alter terrain,
19 and/or splice lines. PSNH would like to do all three. She continued that there will be
20 no permanent wetland impacts; any impacts will be temporary to provide access to the
21 poles. One pole will be replaced, splicing will be at 5 spans which require a bucket
22 truck, and there will be one terrain modification. In total there will be 33, 640 square
23 feet of wetlands impact. All temporary impacts will be seeded, mulched and restored
24 once the work is completed.

25 Mr. Houghton asked when this maintenance would occur. Ms. Tarr said it would be in
26 the fall in 2014. Ms. Tarr handed out plans showing the locations where the work
27 would take place and talked through them. Mr. Paine asked what the grade for the new
28 pole would be. Ms. Tarr said it would be 10' taller than the original pole bringing it to
29 65', however 10 percent plus 2' is buried underground.

30 The Chairman opened the floor to the public. Mr. Sutkus from Raeder Drive asked
31 about voltage. Ms. Tarr replied that the voltage will stay the same, but it will be
32 operated at a higher temperature. Mr. Bruce Scamman asked about the height of the
33 wires in the location around pole 133 as the land there belongs to his family. He said
34 they had been working hard to upgrade those fields including the creation of a
35 permanent wetlands crossing. He wondered if they would be able to work with them
36 on that. Ms. Gaines from PSNH said Mr. Scamman should not have concerns about the
37 work he wants to do out there because the clearances will meet the National Electrical
38 Safety Code clearances. Ms. Werner asked if the lines would be lower than they are
39 currently. Ms. Gaines said it might be slightly lower, but she didn't know the exact
40 number. Mr. Daley asked if it was possible to adjust the height of the line in the event
41 there is a conflict with the height of agricultural vehicles. Ms. Gaines said at certain
42 times of the year the line will be higher. Ms. Gaines didn't think there would be any
43 issues but said she would let Mr. Scamman know the exact clearances in a worse case

1 scenario. Ms. Tarr emphasized that this project ultimately is to prevent situations such
2 as agricultural vehicles not being able to clear the lines. Mr. Kirk Scamman said the
3 current clearance is sufficient. Mr. Houghton asked what clearance Mr. Scamman
4 would need. Mr. Kirk Scamman said that around 20' would be sufficient. Mr. Bruce
5 Scamman showed the area of concern on the PSNH plans.

6 Mr. Baskerville asked what the timeline with the State Wetlands board was. Ms. Tarr
7 said the application was submitted on November 20, 2013. Mr. Paine asked if the
8 Conservation Commission had reviewed the application. Ms. Tarr said they had. Mr.
9 Paine asked if there would be any impacts in the tidal buffer zone or shore lands
10 protection district. Ms. Tarr said there was not going to be any work done there.

11 Mr. Sutkus asked if there was any danger to anybody from the increase of temperatures
12 on the lines. Ms. Tarr said the temperature was increasing from 110 degrees Celsius to
13 140 degrees Celsius during the summer. Ms. Tarr said the increase would not impact
14 residential homes. Mr. Paine inquired about the temporary access roads. Ms. Tarr said
15 they will be using timber mats over wetlands to connect to existing informal, gravel
16 roads. They won't be building actual roads. Mr. Paine asked if the existing sub station
17 in Station was being reconstructed. Ms. Tarr said she wasn't aware of any plans to do
18 anything there.

19 Mr. John Mcrae, 22 Muirfield Drive asked what the completion date would be. Ms.
20 Gaines said she believed it would take no more than a couple of months for the entire
21 project of which Stratham is only a small part.

22 Mr. Daley asked for more detail of the mitigation measures and asked why they are
23 using a particular seed mix. Ms. Tarr said as they will be reseeding uplands too, they
24 generally use an emergent wetland mix in the wetlands and an appropriate mix for the
25 uplands area. Mr. Daley asked for clarification on their plans as there appeared to be a
26 discrepancy about the seed mix.

27 Mr. Daley said in order for the Board to issue a conditional use permit, the applicant is
28 required to submit a security to ensure that construction is completed so that will need
29 to be a condition. Town staff will need to carry out an inspection also on all erosion
30 sediment and control measures prior to any work being started.

31 Mr. Daley advised the Board to go through the criteria listed in the staff memo to see if
32 the applicant met them all.

33 The Board went through the criteria as listed under Section IV.1.a-e of the staff memo.

34 Mr. Baskerville made a motion that the application meets condition 1a. Motion
35 seconded by Ms. Werner. Motion carried unanimously.

36 Mr. Baskerville made a motion that the plans meet condition 1b. Motion seconded by
37 Ms. Werner. Motion carried unanimously.

38 Mr. Baskerville made a motion that the application meets condition 1c. Motion
39 seconded by Ms. Werner. Motion carried unanimously.

40 Mr. Baskerville made a motion that the application meets condition 1d. Motion
41 seconded by Ms. Werner. Motion carried unanimously.

1 Mr. Baskerville made a motion that the plans meet condition 1e. Motion seconded by
2 Ms. Werner. Motion carried unanimously.

3 Mr. Federico made a motion to close the public hearing. Motion seconded by Mr.
4 Paine. Motion carried unanimously.

5 Mr. Federico made a motion to grant the conditional use permit for PSNH with the
6 conditions stated by Town staff. Motion seconded by Ms. Werner. Motion carried
7 unanimously.

8 Mr. Daley said there is an appeal period of 30 days.

- 9 c. **Town of Stratham, Planning Board, 10 Bunker Hill Avenue, Stratham NH.**
10 Amending the Town of Stratham’s Site Plan Review Regulations, Sections 4.5.2 and
11 7.2 and Subdivision Regulations, Sections 1.5.4, 4.4.8, and Addendum C.3 to allow
12 letters of credit as an acceptable form of performance/maintenance surety.

13 Mr. Daley said language had been drafted with the help of the Town Counsel and he
14 felt confident that the language is what the Planning Board and Board of Selectmen are
15 looking for to ensure the protection and liability of the Town.

16 Mr. Baskerville said the language referred to a “sight draft” and asked what that was.
17 Mr. Daley said it is a legal term for the type of draft being utilized to go to a bank to
18 receive the necessary funding.

19 Mr. Daley said the majority of the language will be contained within the Subdivision
20 regulations. The Site Plan regulations will reference the relevant sections in the
21 Subdivision regulations that will apply the letter of credit standards.

22 The Chairman opened the floor up to the public. There were no comments or
23 questions.

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

26 Ms. Werner made a motion that the Board approves the site plan review regulation
27 amendment Section 4.5.2 and Section 7.2., and the Subdivision regulations Sections
28 1.5.4, 4.4.8, and Addendum C.3. Motion seconded by Mr. Baskerville. Motion carried
29 unanimously.

- 30 d. **Makris Real Estate Development LLC, for the property located at 32 Bunker Hill**
31 **Avenue, Stratham, NH, Tax Map 9, Lot 49.** Waiver request from the Stratham
32 Subdivision Regulations, Section 4.4.8 to allow the posting of letter of credit for the
33 subdivision project and to amend the July 18, 2013 approved subdivision Notice of
34 Decision, Condition #4 involving the inspection and maintenance of a drainage
35 structure.

36 Mr. Daley said that as the Board had just approved the amended language concerning
37 letters of credit, he didn’t see the need for the Applicant to request the waiver. He
38 advised the applicant submit a withdrawal without prejudice as part of the public
39 hearing.

40 Ms. Makris, applicant said she agreed to withdraw her request for a waiver without
41 prejudice. She asked, however if it could be made retroactive. Mr. Daley explained

1 that if the regulations change from the original approval of the subdivision, it would
2 allow the applicant to apply for that possibility. Ms. Makris clarified that at the last
3 meeting they had requested a reduction in the performance bond and the amount the
4 Board agreed to was mainly for work done to build the road. That bond will stay in
5 place or be replaced by cash or a letter of credit. There is also a 10 percent
6 maintenance bond that is not in place yet, so they intend to use a letter of credit for that
7 bond.

8 Mr. Daley asked for clarification from Ms. Makris that she was going to withdraw her
9 request for the letter of credit and to amend the Notice of Decision dated July 18, 2013
10 involving the inspection and maintenance of a drainage structure. Mr. Daley said it is
11 his understanding based on a conversation with Town staff that the contractor is
12 satisfied with the maintenance of the underground storage chamber and that the
13 previous concerns are no longer relevant at this point in time. Ms. Makris said they had
14 asked for the waiver initially because it was realized that the erosion control for the
15 underground system was not installed properly when the Town was doing construction
16 of the driveway and entrance.

17 Ms. Makris's concern was that if the system was damaged she didn't want to be held
18 accountable for the maintenance of it. Ms. Makris said a report had been done since
19 then which shows the problem has been rectified, but she wanted it on record in case a
20 problem should occur in the future.

21 Mr. Houghton reiterated that Ms. Makris would be submitting a letter to the Town to
22 request a withdrawal for the 2 waivers. Ms. Makris confirmed that would be done. Mr.
23 Daley informed the Board that they could take action on Ms. Makris's verbal
24 withdrawal.

25 Mr. Baskerville made a motion to accept the withdrawal without prejudice for the 2
26 requests made by Makris Real Estate Development. Motion seconded by Mr. Paine.
27 Motion carried unanimously.

28

29 **4. Public Meeting(s).**

30 While the Planning Board waited for the arrival of the members of the Rockingham
31 Planning Commission (RPC), Mr. Paul Deschaine, Town Administrator, shared the
32 preliminary Capital Investment Program (CIP) requests for 2014 with the Board.

33 Mr. Daley informed the Board he had noted a discrepancy in the language for the letter of
34 credit which would need modification, and requested the public hearing be reopened.

35 Mr. Baskerville made a motion to reopen the public hearing. Motion seconded by Ms.
36 Werner. Motion carried unanimously.

37 Mr. Daley explained that the Town was recommending that an amendment be made to lift
38 the restriction that a letter of credit has to come from a bank or financial institution
39 physically located in Rockingham County, New Hampshire. He recommended it should be
40 changed to read the financial institution has an office officially located within a 100 mile
41 radius of Stratham, New Hampshire". This will allow more flexibility for a developer to
42 present a letter of credit for payment.

1 Mr. Houghton asked the public for their comments. Mr. Donahue, attorney for Makris
2 Real Estate Development said that to avoid scrutiny it is good to change the language so it
3 doesn't look favorable toward local banks only.

4 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Mr. Paine.
5 Motion carried unanimously.

6 Mr. Baskerville made a motion to amend the language recently passed in Section 4.4.8 of
7 the Subdivision Regulations, 4.4.8.a.(v), paragraph d, as discussed to state that an office
8 has to be within 100 miles of the Town of Stratham and to strike Rockingham County.
9 Motion seconded by Mr. Paine. Motion carried unanimously.

10 a. Planning Board - Zoning and Land Use Regulation Amendments.

11 i. Amend Site Plan Review Regulations, Sections 4.3, 5.3, 5.4, and 5.13 to update the
12 Town's stormwater management regulations.

13 Mr. Rob Roseen from GeoSyntech Consultants introduced himself. Ms. Labranche
14 from RPC was unable to attend due to sickness. Mr. Roseen said the bulk of the
15 draft stormwater regulations that he and Ms. Labranche had put together come from
16 the South East Watershed Alliance Ordinance and the stormwater regulations from
17 the towns of Newmarket, Newfields and Durham.

18 Mr. Baskerville mentioned that new flood plans would be coming out soon which
19 are different to the 100 year plans that currently exist. As a consequence,
20 measurements will be off and the flood plain ordinance will need to be amended.
21 Mr. Daley asked Mr. Roseen if that would impact the language of the stormwater
22 regulations. Mr. Roseen said it would.

23 Mr. Deschaine asked about the current flood control regulations as they go hand in
24 hand with the flood plain ordinance and wondered if the amendments being
25 discussed would cause conflicts. He inquired also if a disparity would be caused
26 knowing the flood plain regulations would need to be amended to reflect the new
27 flood plain maps. Mr. Roseen said not to his knowledge, but he would verify that.

28 Mr. Roseen continued to go through the draft format of the stormwater regulations.

29 Mr. Baskerville mentioned his concern about the regulations being legally tight
30 should anybody appeal any part of them. Mr. Roseen said the language has been
31 legally reviewed by one of the towns. Mr. Paine asked if waivers or conditions
32 couldn't be added to an application to get around any criteria that are impossible to
33 meet.

34 The Board discussed some of the wording and whether some leniency should be
35 added to some of the criteria. Mr. Baskerville suggested that rather than him going
36 through all of his comments and observations, that perhaps a sub committee should
37 be formed. The Board agreed it would be a good idea.

38 Mr. Daley asked Mr. Roseen if he could identify which parts of the regulations were
39 compliant with the MS4 permit. Mr. Roseen said in his mind the regulations should
40 be compliant with the MS4 permit, but he would have to think about it a bit more.
41 He explained that a check list had been added which incorporates elements of the
42 MS4 requirements such as monitoring changes in impervious surfaces and even the

1 monitoring of nitrogen. A discussion then ensued about at what point monitoring is
2 deemed necessary and what would the trigger point be.

3 Mr. Daley agreed to take the lead for the sub committee and said he would like to
4 see this back on the Planning Board agenda as soon as is practically possible.

- 5 ii. Amend Zoning Ordinance, amend Section 3.1 Establishment of Districts and Section
6 add new section, Section 3.9 Town Center District to create a form-based code for
7 the Town Center District.

8 Mr. Daley suggested the Board hold a dedicated meeting about the form based code
9 for the Town Center district next Wednesday, December 11, 2013. The Board agreed
10 to meet then.

- 11 iii. Troika Holdings, LLC, 8R Gifford Road, Stratham & Cabernet Builders, P.O. Box
12 291, Stratham, for the property located at 130 High Street, Stratham, NH, Tax Map
13 19, Parcel 60. Bond reduction request to the performance surety for completion of
14 road improvements associated with Alex Way.

15 Mr. Daley said the Highway Agent had inspected the roadway and is recommending
16 a bond reduction in the amount of \$9,600. The Town is currently holding onto
17 \$14,600. Mr. Daley added that the Town will be holding onto a maintenance bond
18 of \$5000 for one year also in compliance with the Subdivision regulations.

19 Mr. Baskerville made a motion in accordance with the Town's letter dated
20 December 2, 2013 for the Alex Way subdivision at 130 High Street that the Board
21 approves the bond reduction and that \$9600 is released per the Town's letter and
22 there is a \$5000 maintenance bond. Motion seconded by Ms. Werner. Motion
23 carried unanimously.

24 **5. Miscellaneous.**

25 There were no miscellaneous items to report.

26 **6. Adjournment.**

27 Ms. Werner made a motion to adjourn the meeting at 9:39 pm. Motion seconded by Mr.
28 Paine. Motion carried unanimously.