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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **September 18, 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 Bruno Federico, Selectmen's Representative
15 Bob Baskerville, Vice Chairman
16 Mary-Jane Werner, Alternate
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18 Members Absent: Jameson Paine, Member
19 Tom House, Member
20 Jeffrey Hyland – Secretary
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22 Staff Present: Lincoln Daley, Town Planner
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24 **1. Call to Order/Roll Call.**

25 The Chairman took roll call and asked Ms. Werner to be a full voting member. Ms. Werner
26 agreed.

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

28 **a. August 28, 2013.**

29 The minutes were not ready for review.

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

31 **b. Colleen Lake, 156 Portsmouth Avenue, Stratham NH, Tax Map 17, Lot 115.** Waiver
32 requests from the Stratham Site Plan Review Regulations, Section 4.5.5 and Subdivision
33 Review, Section 2.3.8 to extend the Site Plan Review permit and Subdivision approvals
34 for the village retail development (The Town Center Shops).

35 Ms. Lake said it's been 5 years since she originally got the approval for her project and
36 during that time she has done everything she can to keep the project alive by obtaining
37 the various state approvals and test pits. Economically it has been tough for her and that
38 is the major reason for the delay in the project. She has a couple of people who are
39 interested in being financial partners; they have met with the bank who say everything
40 looks good. Ms. Lake is before the Board to ask for one more year's extension.

41 Mr. Daley referred to the summary document of the history associated with this
42 approval. He highlighted that both approvals for subdivision and site plan approvals

1 were done in September/October 2008. In 2009 the Board granted a one year extension
2 to those approvals and in October 2010, the Board of Selectmen issued a memorandum
3 to address the expectations of the Town of Stratham and any/and/or any ambiguities or
4 irregularities in the permitting and site plan process. A month later a foundation permit
5 was issued. In March 2011 the Board of Selectmen granted a one-time year's extension
6 of the foundation permit. The project had to begin on or before October 31, 2011. The
7 Board granted another extension in September 2011 for 2 years to terminate on today's
8 date. Staff generally support this extension request contingent upon a few conditions
9 including that construction be subject to a specified level of construction. The site plan
10 regulations refer to active and substantial development; Mr. Daley read directly from
11 those regulations and suggested May 8, 2014 as a date for those items to be achieved
12 by.

13 Ms. Lake requested July 8, 2014 due to the weather conditions which are typical up until
14 the end of April such as snow.

15 Ms. Werner said she agreed that May 8 might be premature because of the weather. Ms.
16 Werner said that Ms. Lake was supposed to provide certain information to the Board
17 including proving hardship which of course getting commercial lending from a bank is
18 one of those things. Ms. Werner asked how much it would cost Ms. Lake to apply for
19 a new application. Mr. Daley broke down the costs.

20 Mr. Federico asked which bank Ms. Lake was working with. Ms. Lake said Georgetown
21 and she has provided an email from them backing up the conversation so far with them.
22 Mr. Federico asked Ms. Lake if she was aware that her foundation permit application
23 had expired. Ms. Lake said she was aware of that. Mr. Federico said that Ms. Lake
24 would need to talk to the Building Inspector to get that particular permit application
25 extended and if he denies that, then she can go to the Board of Selectmen. Mr.
26 Baskerville commented that she would also need to extend her State approvals.

27 Ms. Werner asked if Ms. Lake intends to move forward with this project even if she has
28 no secured leases from tenants. Ms. Lake said she can only move forward with the bank
29 if she has a minimum of 2 secured leases.

30 Mr. John Forma, resident inquired to the cost of the build out for the project. Ms. Lake
31 said it would be around \$2,500,000.

32 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Mr.
33 Federico. Motion carried unanimously.

34 Mr. Federico made a motion to allow the extension to July 31, 2014 for both site plan
35 and subdivision approvals subject to active and substantial development as follows:

36 Failure to achieve active and substantial development by specified date shall render site
37 plan and subdivision approvals null and void. For purposes of this condition, "active &
38 substantial development" shall be defined as:

- 39 a. Construction of and/or installation of basic infrastructure to support the development
40 (including all of the following: foundation walls and footings of proposed buildings;
41 roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities

- 1 placed in underground conduit ready for connection to proposed buildings/structures)
2 in accordance with the approved plans; and
- 3 b. Construction and completion of drainage improvements to service the development
4 (including all of the following: detention/retention basins, treatment swales, pipes,
5 underdrain, catch basins, etc.) in accordance with the approved plans; and
 - 6 c. All erosion control measures (as specified on the approved plans) must be in place
7 and maintained on the site; and
 - 8 d. Items i, ii, and iii shall be reviewed and approved by the Town's Road Agent &
9 Building Inspector or their designated agents.
 - 10 e. Movement of earth, excavation, or logging of a site without completion of items a.,
11 b., c. & d., above, shall not be considered "active and substantial development." Plans
12 approved in phases shall be subject to this definition for the phase currently being
13 developed.

14
15 All state and local approvals will need to be obtained and/or renewed. The Applicant
16 shall provide written verification demonstrating that said permit and/or approval has been
17 granted and all permit approval numbers and dates of approval shall be submitted to the
18 Town Planner.

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20 **Conditions Subsequent:**

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22 **1. Prior to Building Permit/Start of Construction.**

- 23 a. All maintenance and performance bonds as described herein shall be posted.
- 24 b. Payment of any and all outstanding fees which may be owed to the Town of Stratham
25 and/or its agents in association with review and approval of the Plan and associated
26 elements need to be paid prior to signing of the plan.
- 27 c. A construction schedule shall be submitted to the Planning Staff.
- 28 d. A pre-construction meeting must be held with the developer, their construction
29 employees, and Stratham Planning Department, Building Department, Highway, and
30 Fire and Police Departments (if applicable) to discuss scheduling of inspections, the
31 construction schedule, and the process/method of informing the public of the
32 anticipated activities on the site and the handling of any invasive species to be
33 removed by construction activities.
- 34 e. All applicable erosion control measures must be in place and reviewed and approved
35 by the Planning Department and any applicable federal Construction Notice of Intent
36 shall have been complied with.
- 37 f. It shall be the responsibility of the developer to ensure that no erosion on the site shall
38 occur which will cause deposition of soil or sediment upon adjacent properties or
39 public ways.

40 **2. During Construction:**

- 41 a. Best Engineering and Management Practices shall be utilized/implemented during
42 construction.
- 43 b. During construction, the site and impacted public ways must be kept clean and swept

1 regularly throughout the construction process.

2 c. It shall be the responsibility of the Applicant to ensure that no erosion on the site shall
3 occur which will cause deposition of soil or sediment upon adjacent properties, public
4 ways, or designated wetland areas.

5 d. It shall be the responsibility of the Applicant to ensure that all stormwater and
6 drainage utilities and infrastructure function and are maintained properly.

7 e. It shall be the responsibility of the Applicant to ensure that all invasive species within
8 the areas of disturbance are properly identified, removed, and then managed using
9 Best Management Practices.

10 f. Hours of construction shall be between the hours of 6:00 a.m. to 6:00 p.m.

11 3. Bonds shall not be released until applicable public improvements and landscaping have
12 been installed according to specification and independently inspected and approved by
13 town officials and/or town consultants, with all charges of inspection paid by the
14 Applicant.

15 4. The Applicant shall comply with all Site Plan Review regulations and Zoning Ordinance
16 regulations in effect as of the filing of the Application.

17 5. As-built site plans for the development shall be submitted to the town within 30 days
18 after substantial completion of the project has occurred. As-built plans that differ from
19 the approved plans shall be reviewed by the Planning Board or Building Inspector to
20 determine if an amended site plan hearing shall be required. Further, layout of all utilities
21 and drainage structures will be shown on the as-built plan.

22 Motion seconded by Mr. Baskerville. Motion carried unanimously.

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24 **2. Public Meeting(s).**

25 a. **Planning Board Workshop** – Gateway Commercial Business District Transportation
26 Network.

27 Before the discussion started, Mr. John Forma, business owner informed the Board of his
28 plans to improve the site across the road at 157 Portsmouth Avenue and asked Mr. Daley
29 if there was any update on the installation of a traffic light. Mr. Daley said it would be a
30 distinct possibility with Mr. Forma's discussed financial contribution. Mr. Daley said
31 the Town was awarded a Transportation Grant this year to install sidewalks, decorative
32 street lights, and a bike lane in the Town Center.

33 Mr. Bruce Scamman, Emanuel Engineering gave the history to some of the connecting
34 roads parallel to Portsmouth Avenue near the intersections of River Road and Frying Pan
35 Lane. He had bought drawings with him showing from Route 101 through the Nissan
36 site. Mr. Scamman said he knows that Wright & Pierce are doing some work concerning
37 septic and water. Since he was before the Board for the Subaru site, he has had meetings
38 with Spectra Energy talking about the pipe line, with Paul Connelly from Civilworks in
39 reference to both car dealerships and the road and he met with the Town about the D.O.T.
40 and alignment of roads.

1 Mr. Scamman said they had proposed a connector road running over to Market Basket
2 which would have a double turn in it to help slow traffic and then it would connect to the
3 Market Basket site. Mr. Houghton asked if that would connect to the front of the Market
4 Basket site. Mr. Scamman said that was the case. He had a conceptual plan from Market
5 Basket which he shared with the Board. Mr. Daley added that as part of the Notice of
6 Decision for the project, Market Basket is required to work in good faith with the Town
7 to build an extender road at their own expense.

8 Mr. Scamman referred to the conceptual plan to explain what would have to be done to
9 have the connector road. He said in the meeting with D.O.T., River Road would likely
10 have to be abandoned. Mr. Paul Deschaine, Town Administrator commented that there
11 was an alternative offered by D.O.T. Mr. Scamman said that involved straightening
12 Frying Pan Lane. Mr. Federico asked if anybody had reached out to businesses on Frying
13 Pan Lane. Mr. Daley said he had spoken to Mr. Haramlampos Sidiropoulos and he is
14 somewhat indifferent to the idea; he just wants the access to Route 108. Ms. Werner
15 asked for confirmation that there would be no impact on existing businesses. Mr.
16 Scamman said there wouldn't be. Ms. Werner asked how many landowners the Town
17 would have to talk to. Mr. Scamman said 2 or 3. She suggested conservation easements.
18 Mr. Scamman said it is not easy as it sounds. Mr. Baskerville asked if traffic signals had
19 been looked at. Mr. Scamman said they hadn't got into that in the meeting.

20 Mr. Deschaine said it is important to get the Board's first thoughts on the suggested
21 D.O.T. alternative of re-aligning River Road or a Frying Pan curb cut. The Board liked
22 the conceptual plan. There was general discussion around wetland permits, the D.O.T.
23 and easements. Mr. Daley asked about the phasing for this project. Mr. Scamman said
24 that none of this will happen without Market Basket. In 2 weeks from now, this could
25 all go away if they are not on board. Mr. Daley said he is aware that Subaru and Autofair
26 are aware of this concept. Mr. Scamman confirmed that was the case and said they are
27 all fine with it. For the Town to eliminate a road, a vote has to be taken at a Town
28 meeting. There was talk about the Alteration of Terrain (AOT) permit which has already
29 expired. New regulations are now in force and there would have to be a lot of
30 coordination among the involved parties.

31 **3. Miscellaneous**

32 **a. Other.**

33 Mr. Daley referred to the notice of decision for Sarnia Properties and said he is looking
34 for some clarification regarding the roadway improvements on Stoneybrook Lane. Colin
35 Laverty, Road Agent listed his concerns about the kinds of traffic that would use
36 Stoneybrook Lane. Mr. Deschaine asked if the Board wants the applicant to bring the
37 road up to its current status as a marginal service road or as a reconstruction. Ms. Werner
38 said she had driven on that road and it is currently in very poor condition so in her opinion
39 it would be ridiculous to bring it back to its current condition. The drainage is also
40 inadequate. Mr. Laverty gave Crocket Hills Farm, phase 1 as an example of what can
41 happen if the road is left at a marginal service standard. He is concerned of the effect
42 that all the heavy equipment will have on Stoneybrook Lane. Mr. Deschaine said the
43 dilemma is knowing what the Board meant in relation to the road for the purposes of the
44 Notice of Decision. The Board recalled there were issues because of the Exeter/Stratham

1 Town line running through the center of that road. Mr. Baskerville said there were 2
2 parts to this; that the applicant agreed to work with the Town and that the Town would
3 go in and take a look at the condition of the road.

4 Mr. Houghton said in his notes the Board needs to bring definition to the provisions for
5 repaving and whether that was reclamation or repair would need to be determined by the
6 Highway Agent. Mr. Baskerville said if you take today's traffic, this is a serviceable
7 road, but by the time the project is finished, it will most likely not be a serviceable road.
8 The applicant may have to come back to the Board to clarify that. Mr. Deschaine added
9 that is the risk of accepting conditional approvals. Mr. Houghton said the same can be
10 said for storm water and drainage. Mr. Daley thanked the Board for their input and said
11 he could craft the language now and would work closely with Colin concerning the road.

12 **4. Adjournment.**

13 Ms. Werner made a motion to adjourn the meeting at 9:06 pm. Motion seconded by Mr.
14 Baskerville. Motion carried unanimously.

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Respectfully Submitted,

Tracey Cutler
Land Use Assistant