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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **April 16, 2014**
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 Jameson Paine, Member
16 Christopher Merrick, Alternate
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18 **Members Absent:** Bob Baskerville, Vice Chairman
19 Tom House, Member
20 Mary Jane Werner, Alternate
21 Steve Doyle, Alternate
22

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

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

26 The Chairman took roll call.

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

28 a. March 19, 2014.

29 Mr. Paine made a motion to approve the minutes of March 19, 2014. Motion seconded
30 by Mr. Federico. Motion carried unanimously.

31 b. April 2, 2014.

32 The minutes for April 2, 2014 were not reviewed.

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

34 a. **AutoFair Realty II, LLC, 1477 South Willow Street, Manchester, NH 03103 for**
35 **the property located at 41 Portsmouth Avenue, Stratham, NH Tax Map 9, Lot 4.**
36 Site Plan Review Application to construct a 25,600 square foot auto dealership and
37 related lighting, landscaping, drainage, and parking/access improvements. (*Continued*
38 *from March 19, 2014*)

39 Mr. Daley summarized that at the last meeting the Board discussed many items and
40 granted 6 waivers mainly involving landscaping. Road alignment and sidewalk related
41 issues were also discussed. His understanding is that tonight the applicant would like to

1 further the discussion about the internal road layout, possible associated easements and
2 sidewalks.

3 Mr. Mike Cheever, architect and project manager for the application introduced himself
4 along with Andy Cruz, President of AutoFair, Mr. Bruce Scamman, civil engineer and
5 Mr. Nick Lazos, Autofair's attorney.

6 Mr. Cheever said there were two items he was unable to address adequately at the last
7 meeting; public easements on the property requested by the Town, and sidewalks. He
8 handed over to Mr. Lazos to discuss these items.

9 *Mr. Christopher Merrick joined the meeting at 7:05 pm. The Chairman asked him to*
10 *be a full voting member. Mr. Merrick agreed.*

11 Mr. Lazos said his understanding is that there exists a declaration of easements from
12 Route 108 through the property and connecting to River Road in the rear portion. He
13 says it is intended as a private easement for access not only by two parcels, but also the
14 surrounding land owned by Mr. Scamman's Trust. Mr. Lazos said they have a number
15 of concerns; the declaration of easements specifically prohibits Autofair from granting
16 any third party any easement rights over those roadways. It appears to him that the
17 intent of the original declaration was to keep those roads, utilities, and drainage rights
18 private.

19 He went to state that the second concern involves the request by the Town to grant a
20 public easement without a defined plan in place. There has been no response from the
21 Department of Transportation (D.O.T.) which has restricted Autofair moving forward.
22 This issue would mean they need to talk to Nissan of America which they are not
23 prepared to do absent additional information of the proposed road way. Mr. Cruz is
24 willing to cooperate with the Town, however the ultimate design of this roadway is
25 going to be controlled by other parties. Mr. Lazos said he got the impression from what
26 he had read, that Market Basket isn't that willing to go ahead with the roadway either.
27 He stated that Autofair is not in a position to grant a public easement over their
28 properties until the other parties who have a better knowledge of the design and look of
29 the roadway are ready to go.

30 Mr. Lazos continued by stating that in his experience as a Land Use Attorney, once you
31 start granting public easements for right of ways and roadways, it has a significant
32 impact on lot lines. If a public right of way is granted, it will create subdivisions, issues
33 relating to improvements and driveway problems plus other issues that neither side has
34 addressed yet. Mr. Lazos said that despite this, Mr. Cruz is still willing to cooperate
35 with the Town to try and come up with some potential design that is consistent with the
36 overall roadway network that people are talking about. This will require Autofair to
37 work with the other parties to get the legal right to move forward with the request.

38 Mr. Lazos then turned the topic to sidewalks. After reviewing the Town's site plan
39 regulations, a project is required to have a side walk that connects the building's
40 entrance to the parking areas on the site. There are no references to sidewalks along or
41 on public ways. He said Autofair's plan clearly meets those requirements and
42 respectfully requests the Board accepts the current plan.

1 Mr. Houghton said the issues pertaining to the easement and roadway are very
2 important to the Town on a long term basis. The Town's vision for this section of
3 Town is to have interconnecting roads to help improve traffic and make better use of
4 commercial properties along that roadway. He said he realizes that this application is
5 grandfathered under the previous Ordinance but the Town voted in favor of the new
6 Ordinance to create this vision for this section of Town. Mr. Houghton said that
7 sidewalks for the internal streets of the Gateway District are more important to him
8 than having them along the Route 108.

9 Mr. Merrick agreed.

10 Mr. Paine addressed the roadway and said there is an agreement with Market Basket
11 that if they do move ahead with their project, that includes the road which will provide
12 alternative access for properties. He said not having sidewalks on the Route 108 would
13 not be the end of the World, but it would be nice to have them internally for the
14 residents.

15 Mr. Daley stated the long term goal is to create the necessary tools to allow for future
16 development to occur. Having an established easement would allow the potential
17 realignment Frying Pan Lane should it happen. Mr. Daley it would be to the benefit of
18 Autofair.

19 Mr. Paine added that with an approved intersection the right hand turn only might go
20 away depending on the coordination with the D.O.T. It might be a better situation for
21 Autofair. The intent is not to take something away from Autofair, but to improve the
22 area.

23 Mr. Andy Cruz said the problem is granting something for something that doesn't yet
24 exist which may have a financial impact and value on the property if resold. He stated
25 that in the long-term, the request is reasonable. However, he questions if NHDOT
26 would allow an intersection of the access road and Frying Pan Lane. If it was moved
27 further down the street, a better argument would exist and D.O.T. would be more
28 amenable. Mr. Cruz said there are too many moving pieces and there are no guarantees
29 in place the roadway will happen. He concluded by stating that he sees no benefits for
30 his property from granting the easement.

31 Mr. Bruce Scamman talked about the driveway and said it is 30 feet wide at the neck
32 and 24 feet from the pair of driveways proposed back. He said that doesn't meet the
33 Gateway standards because they are looking for sidewalks, parking, and other things
34 that would widen a roadway. More discussion ensued regarding the public easement.

35 Mr. Cheever said he wasn't sure how to move the project forward after the easement
36 discussion. Mr. Houghton said he wasn't sure either as he was hearing that Autofair are
37 willing to work with the Town, but they can't agree. He said they are trying to find a
38 way to work constructively which is looking to build for the future.

39 Mr. Cruz repeated that he finds it difficult to grant an easement without a definitive
40 plan being in place.

41 Mr. Daley asked if there was an opportunity for the Town to assist in the research and
42 discussion and possible creation of easements using Town Counsel. Mr. Cruz
43 responded that it's a timing issue as they would like to get on with their project. He

1 believes the application meets all the necessary criteria and doesn't see why the
2 easement issue would hold up the project. Mr. Cruz confirmed that he would find the
3 north and westerly side of the Nissan property more appealing.

4 Mr. Daley turned the topic to water and sewer. He said they had a general idea where
5 the lines will go and the Town will need to work with the applicant to create easements
6 in order to lay the lines.

7 Mr. Lazos said he understands that some work has been done about laying sewer lines
8 across the properties, but that the Board should know that the private easements that
9 were created in anticipation of this kind of discussion and allowed for sewer lines in the
10 roadway easement areas. Mr. Lazos said when they brought the property they were
11 made aware of these easements and decided to live with them.

12 Mr. Daley said when the time comes, the Town will work with affected property
13 owners to make sure there is minimum impact on the properties. He added that the
14 current lay out for sewer and water lines is based on the topography of the land. Mr.
15 Cruz said he is totally supportive of the water and sewer because it can only improve
16 things from a business perspective.

17 Mr. Cheever asked again what the next step should be. Mr. Daley suggested to the
18 Board that a possible workshop involving Town staff, officials and members of the
19 Planning Board be held to work with the applicant from now until the next meeting to
20 work on these issues to move this project forward. Mr. Houghton said this would be a
21 good idea.

22 Mr. Scamman said he had traffic turning templates as requested by the Board to show a
23 tractor trailer can enter and exit the site with the existing infra-structure. They applied
24 to the D.O.T. and as a result they will be slightly adjusting the island at the front to try
25 and widen the area a little. Mr. Cruz said he would ask Mr. Cheever to get in touch to
26 arrange a workshop meeting. The applicant asked for a continuance to May 21, 2014.

27 Mr. Paine made a motion to continue the application to May 21, 2014. Motion
28 seconded by Mr. Merrick. Motion carried unanimously.

- 29 b. **Public Service of New Hampshire, 780 North Commercial Street, Manchester, NH**
30 **03101.** Conditional Use Permit pursuant to compliance with Section 11.4 of the Zoning
31 Ordinance to conduct improvements and maintenance on an existing transmission line
32 within the designated Public Service of New Hampshire utility right of way.

33 Mr. Daley reminded the Board that the applicant was before the Board on December 4,
34 2013 when they requested a conditional use permit (CUP) to undertake maintenance
35 and improvements to an existing transmission line. The reason they are here tonight is
36 to amend that CUP to make minor changes and reduce the overall impact to the wetland
37 areas and buffers. They took this application before the Conservation Commission who
38 support this.

39 Tracy Tarr from GZA Geo-Environmental introduced herself and several PSNH
40 employees. She explained the reason they have come back before the Board is because
41 they have to access one additional structure to change out the hardware, pole number
42 137 as shown on their plan. Mr. Tarr then went on to summarize the application. She
43 explained that there will some temporary impact totaling 1,520 square feet to the

1 wetlands for them to get to that particular structure, but at the same time they received a
2 request from Mr. Scamman to change a location of an impact which actually resulted in
3 a reduction of overall impact by 420 square feet. They have arranged a site walk with
4 Mr. Scamman which is tentatively scheduled for next week so they can make sure the
5 clearance between the ground and line meets farm equipment standards. Mr. Federico
6 asked if the structures were wooden and how tall they were now. Mr. Munroe, PSNH
7 said they are wooden and between 50' and 60' tall with and increase to 65' to 75' being
8 proposed. Mr. Paine asked if they would still be wooden after the work is done. The
9 applicant said they would be. Mr. Houghton asked if these taller structures will provide
10 Mr. Scamman better access. Mr. Munroe said they would. Mr. Paine asked if they
11 were in any shore land areas. Ms. Tarr said they were, but it would be temporary
12 impact only and none of the work triggers a permit. Mr. Paine asked about the
13 restoration. Ms. Tarr said they do seeding and mulching once the temporary matting is
14 pulled out. She said at the last meeting Mr. Daley had asked for specific seed mixes so
15 that has been added to the packet this time around. Mr. Merrick asked which poles on
16 the plan were having their height increased. Ms. Tarr said they are looking at around
17 poles number 132 to 134, possibly 131 also.

18 Mr. Paine asked if the improved poles would be above a tree line or be more visible
19 than they currently are to residential properties. Mr. Munroe said they need to have a
20 look when they are out there as they don't know how high the existing tree line is.

21 Mr. Rodgers, abutter, asked for clarification on the project for Smith Farm Road
22 residents and which poles will be replaced. Mr. Munroe showed Mr. Rodgers the poles
23 on the plan. Mr. Rodgers asked if there would be any impact to the properties on Smith
24 Farm Road from PSNH accessing the poles. Ms. Tarr explained the access points on
25 the plan are shown in orange and showed they wouldn't be on anybody's property on
26 Smith Farm Road. Mr. Rodgers asked if there were any subsequent plans for this plan
27 in development. Ms. Tarr said this was an accurate site plan.

28 Mr. Bruce Scamman said he is looking forward to working with PSNH on the relevant
29 poles and he has been sending out spec sheets to them for the equipment they will be
30 using for farming. Some of the equipment is in the vicinity of 20 feet tall so they are
31 looking for the clearance to be in the 30 to 35 feet range just for protection. Mr.
32 Scamman said they has asked for the wetland crossing to be moved on sheet 3.06
33 between poles 133 and 134. PSNH moved the location as requested. Mr. Scamman
34 has been working with NHDES to make a permanent crossing there and they would
35 like to work with PSNH so they can have access to the permanent crossing. Mr. Daley
36 asked who would maintain that crossing. Mr. Scamman said there are no culverts, and
37 the water just rushes over the top of it with a stone bed you can drive on. There isn't
38 really any maintenance required.

39 Mr. Daley asked the Board if they want to be part of the site walk with PSNH and the
40 Scammans. Mr. Daley said he would like to be present.

41 Mr. Merrick asked what the required clearance is for the lines. Mr. Munroe said they
42 are based off the NEC code 2012 which states 20.1 feet. PSNH keeps a buffer of half a
43 foot also so they are at 20.6 feet. Mr. Munroe said it does state in the code that when
44 designing a line to accommodate oversized vehicles, these clearance values shall be

1 increased by the difference of the known height and fourteen feet so technically they
2 should be at 26.1 feet. However, Mr. Munroe said they would be willing to go higher
3 than that. Mr. Merrick asked what PSNH's clearance would be if the vehicle is 20 feet
4 tall. Mr. Munroe said it would be 20.6 feet, but that's for standard vehicles.

5 c. Mr. Federico made a motion to continue the application to May 21, 2014. Motion
6 seconded by Mr. Paine. Motion carried unanimously. **Varsity Wireless, LLC, One**
7 **New Hampshire Avenue, Portsmouth, NH 03801 for the property located at 313**
8 **Portsmouth Avenue, Stratham, NH Tax Map 22, Lot 29.** Site Plan Review
9 Application and Conditional Use Permit pursuant to Section 19.7 and a Special
10 Exception Permit application pursuant to Section 19.4.2 of the Stratham Zoning
11 Ordinance to replace an existing 165' tall lattice telecommunications tower with a 185'
12 tall monopole telecommunications tower, associated antennas and cabling, and the
13 installation of ground based telecommunications equipment and associated fencing.
14 *(Continued to May 7, 2014)*

15 Mr. Houghton explained that the applicant had requested a continuance to May 7, 2014.

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

17 **None**

18 **5. Miscellaneous.**

19 a. Report of Officers/Committees.

20 i. Economic Development Committee

21 Mr. Houghton said the Economic Development Committee (EDC) has been
22 working on getting the 79e Tax Incentive Program finalized. They are working on
23 getting it rolled out to the Town Center and PRE district to let them know about it.

24 b. Member Comments.

25 Mr. Daley shared that Lindt would like to create a second floor (mezzanine) for their
26 recently approved addition plan. There will be no extra employees but overall space
27 will increase by 30,000 square feet. All changes are internal so the building itself will
28 not increase in height. Mr. Daley said according to the regulations, Lindt would need
29 to increase the parking by 15 spaces. Mr. Daley reminded the Board that they had
30 granted a waiver for the original approval to reduce the required number of parking
31 spaces so Lindt hope they don't have to add these required parking spaces. Mr. Daley
32 said he couldn't see any impact by not having these extra parking spaces.

33 Lindt would like to know if this change can be considered administrative or do they
34 need to come back before the Board with a formal application.

35 The Board agreed this change could be administrative and that Lindt doesn't need to
36 come back before the Board.

37 c. Other.

38 Mr. Merrick talked about the workshop with Autofair and said it would be a good idea
39 to have the Board of Selectmen present. Mr. Federico added that had he known what
40 AutoFair's response was going to be tonight, he would have invited Mr. Canada to
41 tonight's meeting.

- 1 6. **Adjournment.**
- 2 Mr. Merrick made a motion to adjourn the meeting at 8:26 pm. Motion seconded by Mr.
- 3 Paine. Motion carried unanimously.

DRAFT