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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **September 17, 2014**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

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13 **Members Present:** Mike Houghton, Chairman
14 Bruno Federico, Selectmen's Representative
15 Tom House, Member
16 Christopher Merrick, Alternate
17 Nancy Ober, Alternate
18

19 **Members Absent:** Bob Baskerville, Vice Chairman
20 Jameson Paine, Member
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 and asked Ms. Ober and Mr. Merrick if they could be full voting
27 members this evening. Both members agreed.

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

29 a. September 3, 2014

30 Mr. House made a motion to accept the minutes from September 3, 2014. Motion
31 seconded by Mr. Federico. Motion carried unanimously.

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

33 a. **Planning Board Workshop- Zoning and Land Use Regulation Amendments.**

34 i. Review and update Section XX. Sanitary Protection & Septic Ordinance.

35 Mr. Daley said he met with Mr. Baskerville yesterday to discuss septic and stormwater
36 regulations. He added that as the Board knows; himself, Jamie Paine, Bob Baskerville
37 and John Boisvert are part of the Stormwater Sub Committee. They are working in
38 conjunction with the Rockingham Planning Commission (RPC) and Rob Rosine as part
39 of a grant given to the Town to utilize their services to draft some regulations. The
40 committee has met somewhat infrequently, but there is renewed interest in trying to get
41 these regulations updated and approved this year. Mr. Daley continued that he feels they
42 are still too far away to have a constructive dialogue with the Planning Board. The group

1 is going to meet next week with the consultants. Mr. Baskerville has gone through both
2 the Town's and draft regulations, and has a number of questions and comments which
3 need to be further vetted with the sub-committee and consultants prior to any discussion
4 with the Planning Board. He anticipates the regulations will be placed into the Land Use
5 regulations. He reminded the Board that will not require a Town meeting for formal
6 adoption, just one public hearing with the Planning Board.

7 Mr. Daley turned to the topic of Stratham's septic regulations and said that a lot of
8 questions had arisen about them during various planning applications. He introduced
9 Mr. Mike Cuomo from Rockingham County Conservation District (RCCD) who was
10 there to offer recommendations and guidance for changing some of those septic
11 regulations. The ultimate goal is to maintain the high level of water quality in the
12 community and be consistent with modern practices. Mr. Daley said he had reached out
13 to Paul Connelly from Civilworks also, who had provided some cursory comments
14 identifying areas that the Board may want to consider.

15 Mr. Cuomo took the floor. He explained that RCCD do test pits for the Town and they
16 review septic system plans for individual lots to make sure they comply with local
17 regulations and before they get sent off to the State for approval. He said the Town has
18 more stringent regulations than the State and distributed summary sheets highlighting the
19 main differences. Mr. Cuomo said the Town's septic regulations have been reviewed a
20 couple of times, but they still have more stringent requirements than the State's.

21 Mr. Houghton asked if there was any background to the Town's regulations. Mr. Daley
22 said Mr. Deschaine explained to him that they came about because of the unique
23 conditions in Stratham concerning soils and topography in particular.

24 Mr. Cuomo said the State regulations are minimum standards which is why the State
25 devolves to towns and their local regulations. He believes the standards are minimum to
26 help encourage economic growth. He works with various towns and some of those
27 believe that the standards are too low for their community because of natural and
28 historical resources. Mr. Cuomo said there are dozens of towns who have more stringent
29 regulations. Mr. Daley said the legal standing of that is pre-emption; do local regulations
30 preempt State regulations. Mr. Cuomo said he didn't know, but there is a statute that
31 states towns may have more stringent septic system regulations than the State and
32 therefore those more stringent regulations will apply. Mr. Merrick asked Mr. Cuomo, if
33 in his experience, this area geologically has more poorly drained soils than the majority
34 of the State. Mr. Cuomo said the seacoast has more silt and clay soils and due to the
35 geology there are often very significant soil changes over very short distances. One of
36 the regulations he adheres to is making sure that test pits are at least 50' apart. He has
37 done test pits 30' apart and there was a significant difference in the soils and as many
38 septic systems are longer than 30', it makes sense to use the 50' rule.

39 Mr. Cuomo said the Town requires a 100' set back from water bodies for a leach field
40 and the State requires a similar set back, but from surface water. Stratham requires that
41 no sewage disposal area shall be built on slopes exceeding 15 percent average grade. The
42 State says 35 percent. He said RCCD prefer the 15 percent end because of sediment
43 erosion issues. Mr. Cuomo said that Mr. Connelly said that he feels 20 percent would

1 probably be a good recommendation and Mr. Cuomo agrees. He explained that the State
2 allow up to 35 percent because a lot of towns are in a mountainous area.

3 Mr. Daley asked Mr. Cuomo for this thoughts regarding the 100' setback from a water
4 body. Mr. Cuomo said he liked the 100' setback, but it's up to the Town. Mr. Federico
5 said he recommends staying with the 100' setback because there is no public water supply
6 in town and this is basically to ensure that we can keep our water systems clean. Every
7 time there is a septic failure near a water body, there tends to be pollution. Mr. Cuomo
8 said even when septic systems are working properly, the 2 constituents that they don't
9 treat very well are nitric nitrogen and viruses. Nitric nitrogen goes into the ground water
10 which is going toward whatever wetlands are nearby. Nitric nitrogen is diluted in the
11 ground water after it comes out of the septic system which is how it is treated so the
12 longer the flow path, the greater the pollution. He doesn't think reducing the setbacks to
13 75' would in any way improve water quality.

14 Mr. House asked what the difference between surface and ground water was. Mr. Cuomo
15 said Stratham tends to give their water bodies names, whereas the State does not so
16 there's some subjectivity as to what they call surface water.

17 Mr. Merrick asked about properties that can't abide by the regulations because of the
18 characteristics of their property and said they could have a stream flowing through their
19 property for example. Mr. Cuomo said the way Stratham's regulations read is that if your
20 neighbor has a failed septic system and they are not expanding use, the building inspector
21 and he have a conversation about waiving local regulations as needed to allow them to
22 replace that failed system with a well-functioning modern system. Mr. House said he
23 was comfortable with keeping the 100' setback and the suggested 20 percent for the
24 slope. The Board then discussed the terminology of water body versus surface water and
25 decided to keep it as it is currently worded in the ordinance.

26 The next item addressed was the minimum separation issue and the seasonal high water
27 table. It is good for the leach field to be a distance from this table so unsaturated soil is
28 available to treat the wastewater as it trickles down. The water from the leach field ends
29 up as ground water so it needs to be treated before it reaches that point. The separation
30 is the measurement from the bottom of the leach field bed and the seasonal high water
31 table. The State has various numbers for that which range from 2' to 4' depending on
32 things like whether or not it's a replacement system where there's no expansion of use
33 or if a leach field bed is built on a site that is sloping; the State realized that they have a
34 4' separation distance from the upslope side which means the other end could end up 6'
35 above the seasonal high water table which involves lots of sandy fill causing a big
36 expense and some environmental damage. As a result the State implemented "slope
37 averaging". The upper end of the bed can be less than 4' as long as 50% of the bed or
38 more meets the separation distance required. Stratham requires 3' which Mr. Cuomo
39 presumes is a safety factor. Mr. Daley asked if 3' is justifiable taking into consideration
40 the soils in Stratham. Mr. Cuomo said back in 1976 when regulations were introduced,
41 the quality of soils was not emphasized so it was more to do with the engineering of
42 systems. Nowadays sites are evaluated more and test pit data is carefully analyzed and
43 as a result, septic systems are better designed. Back then 3' was justified, but now he's
44 not so sure it's necessary. Mr. Cuomo was asked if the State or the Town required a

1 certain type of soil for the fill. Mr. Cuomo said the State has very specific sand fill
2 requirements which he feels is good.

3 Mr. Daley asked the Board if they felt they were the appropriate Board to handle this
4 regulation.

5 Mr. Cuomo talked about the procedural measures when the requirements of Section 20.2,
6 3 and 4 are not met. Section 20.1.2 doesn't involve the Board, but Section 20.3 does.
7 Section 20.4 defers to the ZBA.

8 Mr. Federico said if a system fails it should go through a site plan review. Mr. Cuomo
9 went through the process for a failed system and said he wouldn't want to do anything to
10 slow down that process. He said if the case is more complicated such as someone
11 proposing an expansion of use, then that should go to the Planning Board. He felt
12 comfortable with Section 20.4 being under the purview of the Board. Mr. Houghton
13 referred to Section 20.1.5.f stating that it gives the Zoning Board powers to grant a
14 Special Exception under certain conditions.

15 Mr. Merrick referred to Section 20.1.5a and the reference to 2 feet of natural permeable
16 soil above the seasonal high water table. He said the only reference to 3 feet applies to
17 sloping lots. Mr. Daley said he could see how it would be misinterpreted, but the
18 "however" statement of Section 20.1.4 "Sloping Lots" is an all-encompassing statement
19 mentioning the upside. Mr. Merrick said he disagreed; it should read all systems and
20 20.1.4 should be put in a sub section under a letter as part of 20.1.5. Mr. Cuomo and
21 Houghton agreed a re-wording was necessary. After further discussion it was decided
22 that the current 20.1.5.d should become 20.1.5.a and 20.1.5.d would be the sub paragraph
23 about sloping lots. Mr. Cuomo said if the Board decide to go with 2' then the discussion
24 about sloping lots can be narrowed down to what percentage the maximum slope can be
25 and the sloping lots issue will go away.

26 Mr. Federico said his only concern if they change the minimum separation to 2' is that
27 available land left in Stratham is very marginal and has wetlands. He doesn't like
28 reducing the distance at this phase. Mr. Merrick said a lot of these regulations are
29 applicable to homeowners with older systems. Mr. Cuomo said if they replace systems
30 without an expansion all these regulations are foregone.

31 Mr. Daley reminded the Board that these changes would have to go to Town Meeting for
32 vote.

33 Mr. Cuomo discussed Section 20.1.5.a and b. He explained that natural soil is much
34 better at treating waste water. When sites are cleared for the construction of a septic
35 system, they strip off the top soil so there is no natural soil left between the bed bottom
36 and the seasonal water table, only septic sand. They don't believe that provides adequate
37 treatment so encouraged the Town to keep the requirement of 2' for the test pit in
38 20.1.5.a. Mr. Cuomo said the 5' bedrock requirement in 20.1.5.b could be reduced to 4'
39 without any detriment. The State requires 18 inches which RCCD believes is too little.
40 The reduction to 5' would allow some septic systems to be built which previously were
41 not permitted. The Board agreed with the reduction from 5' to 4' for bedrock. The Board
42 were happy to keep 20.1.5.d as currently written. The Board then discussed how easy it
43 is for a homeowner to understand the septic regulations. Mr. Cuomo questioned the first

1 sentence of Section 20.1.5 “All lots created after the effective date of this ordinance and
2 all sewage disposal systems shall comply with this section of the Stratham Zoning
3 Ordinance with the following additional requirements”. Mr. Daley said that was written
4 to capture both current and 1925 systems too so it’s an all-encompassing statement. Mr.
5 Houghton said if it doesn’t pose any legal problems, he would remove the beginning of
6 the paragraph; “lots created after the effective date of this ordinance.”

7 Mr. Cuomo addressed Section 20.1.5.d.i. He said the State requires 4,000 s.f. for new
8 lots created which he feels is adequate. If the Board parallels the State, that section could
9 be taken out. He then discussed 20.1.5.d.ii saying the State has no similar regulation and
10 he doesn’t think it serves a very important purpose and would feel comfortable if that
11 was removed because more and more systems are being replaced in the same location.
12 Mr. House asked about commercial buildings. Mr. Daley said same regulations apply.
13 The Board felt comfortable with removing sub paragraph i. Mr. Merrick said it gives
14 contractors and homeowners more flexibility.

15 Mr. Daley shared that Mr. Connelly’s comments were about clarifying statements and
16 updating language and references to reflect the more current names and acronyms of the
17 various agencies. Mr. Merrick confirmed that Mr. Connelly suggested removing Section
18 20.1.5.e.iii. Mr. Daley confirmed that he had. Mr. Cuomo said he wasn’t sure why Mr.
19 Connelly was suggesting that. Mr. Daley said he would talk with Mr. Connelly. Mr.
20 Cuomo read that paragraph and said his understanding is that a homeowner would have
21 to try to comply with the ordinance as much as possible. Mr. Daley said Mr. Connelly
22 had referred to Section 20.1.4.2 and said that the regulation reference should be changed
23 from 104.5 to 101.4.06. Mr. Cuomo said he believed that Mr. Connelly was correct. Mr.
24 Connelly also highlighted sections 20.2, 3, and 4.

25 Mr. House asked if Section 20.1.5.f was going to stay under the ZBA’s purview. Mr.
26 Daley said it would be changed so it is under the Planning Board’s purview. Mr. Cuomo
27 said it seems to him that 20.1.5.e and f is covered also in 20.2 and 20.3. Mr. Daley said
28 that he and Mr. Deschaine had been discussing that ambiguity. Does e and f refer to
29 waiving the requirements of 20.1.5 or the entire section 20. Mr. Cuomo said he feels e.
30 and f should be put under 20.2 and 20.3 and then tweak the wording to make it clearer.
31 It was felt it would be better to give it its own section. Mr. House asked if they should
32 add “with exception to 20.2 and 20.3” under Section 20.1.5. The Board said they should
33 not. Mr. Cuomo suggested adding under 20.2 and 20.3 that the sections refer to the whole
34 of Section 20. The Board agreed that made sense.

35 Mr. Houghton turned to Section 20.4.1 which refers to the ZBA granting a special
36 exception. Mr. Daley said that would need to be modified to say Planning Board. Mr.
37 Houghton referred to the word “shall” and its interpretation. Mr. House said that Mr.
38 Connelly suggested using “may” instead. The Board felt that was a good idea.

39 Mr. Houghton confirmed that Mr. Baskerville’s comments and observations had also
40 been taken into account. Mr. Daley said that Mr. Baskerville’s comments were pretty
41 much the same at Mr. Cuomo’s and Mr. Connelly’s and that Mr. Baskerville had
42 reached out to Gove Environmental too.

- 1 ii. Review/Discussion of the design, streetscape, and infrastructure standards found in
2 Section 3.8 Gateway Commercial Business District and Section 3.9 Town Center
3 District.

4 Mr. Daley said the Board had done a great job creating a framework for the Gateway
5 design guidelines. The next step in this evolving process is to go into more detail.
6 He gave Subaru as an example; the Board requires a design for the sidewalks but
7 currently it is a bit of a gray area without any specificity. He asked the Board if it
8 wants to be more specific about such things as what material a sidewalk should be
9 made from or how they would like to see the street lighting; the type and design of
10 the pole, does the Board want to go down to the level of wanting the lights to be a
11 certain height, including arms for certain things like banners or an element for sound
12 or other amenities.

13 Mr. Daley then referred to design for the future water and sewer connection with
14 Exeter. He spoke with the Public Works Commission (PWC) and they are going to
15 adopt the Exeter standards for the size of water mains and underground elements.

16 Mr. Daley shared some examples of street development showing different
17 sidewalks, cross walks and decorative lighting elements found elsewhere in New
18 England. Mr. Merrick said to stay away from stamped concrete, specify a certain
19 type of street light to keep uniformity, and to allow some flexibility when it comes
20 to benches. He said when it comes to stamped concrete, there is a huge variety of
21 patterns, it's expensive and whether it is a good or bad result depends on who is
22 doing it. Personally he would keep it simple. Ms. Ober said you have to look also
23 at how it will hold up in the weather, will there be uneven surfaces over time and it
24 will be up to the Town to maintain it. She commented also that one person might
25 put a great one in over here, but the one next to it, might not be as good. Mr. Merrick
26 added that it can be slippery too. Mr. Houghton said it would be useful if the
27 Highway Agent was invited to these types of discussions for his input.

28 Mr. Daley said it would be good to look at other communities and cited Newmarket
29 as a town that has done a lot of improvements. Mr. House commented on the size
30 of sidewalks portrayed in the examples saying the sidewalks in the Gateway District
31 won't be as large. Mr. Houghton commented that the design standards for the Route
32 108 would probably look different to the inner roads in the Gateway District. Mr.
33 Daley said they should differentiate the criteria for roadways along the Route 108
34 versus the criteria for the central zone. He said he might even go so far as to
35 differentiate between boulevards versus avenues versus streets. He said he
36 envisioned wide sidewalks in the boulevard areas. Again, Mr. Daley cited
37 Newmarket as a town with narrow sidewalks; they have used bricks, blue stones and
38 cobble stones. He loves the cobble stones, but thinks the liability issue and costs
39 could be too much. It's important to keep costs down for an applicant. Mr. House
40 said he liked the idea of bricks; it's cheaper than cobble stones and easier to maintain
41 and repair including around trees. The Board liked the idea of a brick pattern. Mr.
42 Houghton said ascetically it is nicer looking and maybe they can use it as a trade off,
43 asking for concrete versus stamped concrete for the main part of a sidewalk but with
44 a brick ribbon. That way it's more economically viable for contractors. Mr. Daley
45 asked Mr. Merrick about aggregate sidewalks. Mr. Merrick said it's expensive and

1 Mr. House said there's a process with it. Mr. Merrick said to stay away from
2 stamped concrete; there are too many problems associated with it. Mr. Houghton
3 said he would strive for the same specifications for the Town Center. The Board
4 agreed to different specifications for the different zones in the Gateway. Mr.
5 Merrick said he felt there should be 3 or 4 categories for all streets, all boulevards
6 and streets, rather than streets in the outer zones are different to streets in the central
7 zone. Mr. Houghton said the way he looks at it is the wider the sidewalk and higher
8 the speed limit, the bigger the gap between street lights should be. Mr. Merrick said
9 he sees two different types of lights; one for the Route 108 and one for the
10 boulevards. Mr. Daley said the Board suggested Subaru incorporated additional
11 arms on their existing lights, but now he is hearing something slightly different. Mr.
12 Daley said he was looking at 14' high lights for the outer zone. Mr. House said he'd
13 like the crosswalks to be brick too. Mr. Merrick said that wouldn't be good for
14 plowing. Mr. Daley said the D.O.T. is very rigid about what kind of sidewalks can
15 be used which means Route 108 will have its own set of standards. Mr. House asked
16 about street signs. Mr. Federico said the Highway Department already has
17 developed standards for Stratham. Mr. Daley suggested inviting Mr. Jeff Hyland to
18 a future meeting to discuss lighting.

19 Mr. Daley brought up the Subaru application and the issue of the Memorandum of
20 Understanding (M.O.U.) which is between the D.O.T. and the Town. The State is
21 pushing the responsibility of maintaining sidewalks on state roads onto
22 municipalities. As part of the Town Center improvements, an M.O.U. is required
23 also. Mr. Daley suggested having 2 separate M.O.U.s to give the Highway Agent
24 time to look into the best way of maintaining those sidewalks and find the right
25 vehicles for the job.

- 26 iii. Review and amend Site Plan Review Regulations, Sections 4.3, 5.3, 5.4, 5.13 to
27 update the Town's stormwater management regulations.

28 No discussion took place.

29 **4. Miscellaneous.**

- 30 a. Report of Officers/Committees.
31 i. Economic Development Committee

32
33 Mr. Daley informed the Board that the Board of Selectmen approved the framed
34 structure for the community revitalization tax refund incentive program, known as
35 79e. Mr. Daley will provide Mr. Houghton with a letter to sign which will be mailed
36 out to all the property owners in the PRE and Town Center zoning districts informing
37 them of this program.

- 38
39 ii. Exeter-Swampscott River Local Advisory Committee

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41 Mr. Paine was not present to give an update.

- 42
43 iii. Heritage Commission
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1 Ms. Becky Mitchell, Chair for the Heritage Commission explained that the Ordinance
2 dictates that one member of the Commission shall be a representative member of the
3 Planning Board. She said it had been a while since M.J. Werner had resigned and
4 even before that when Ms. Werner became alternate status, there was a loss of
5 connectivity for a while. Another aspect of this commission is the Demolition
6 Review Committee and it would be very helpful to have the knowledge of a Planning
7 Board representative on that Committee also. Ms. Mitchell said the Heritage
8 Commission meets once a month at 7:00 pm on the second Wednesday partly to
9 accommodate the Planning Board representative but she likes to keep her Wednesday
10 evenings open also so if there is something of interest on the Planning Board agenda,
11 she is able to attend. The Chair has the discretion to call extra meetings should a
12 need arise. There is no specific role assigned to the member apart from apprising the
13 Commission of anything coming before the Planning Board which may be of interest
14 to the Heritage Commission and giving them a heads up and a fair representation of
15 the Planning Board in the Heritage Commission meetings.
16

17 Mr. Daley asked what the Commission is currently focusing on in the way of projects
18 including anticipated projects for next year. Ms. Mitchell said one of the projects
19 this Fall is the mitigation associated with the Varsity Wireless application for the
20 communications tower at 313 Portsmouth Avenue. Another project will be the
21 Bartlett/Cushman House; working on the preparation for the request for proposals to
22 find an entity to partner with the Town to work on the rehabilitation of that property.
23 Ms. Mitchell said there is an ongoing collaboration as needed with the Town Center
24 Revitalization Committee. Mr. Daley said as a result of the construction of the
25 Scamman Barn at 69 Portsmouth Avenue, Nate Merrill and the Heritage Commission
26 are working to develop a forum to discuss agricultural uses in Stratham and trying to
27 encourage the preservation and growth of agrarian uses in the community.
28

29 Ms. Mitchell talked about the Master Plan and said last time the Heritage
30 Commission did complete an historical resources chapter. She thinks it is something
31 the Commission will want to revisit. Mr. House inquired where the Master Plan was
32 at. Mr. Daley said he was hoping to have a visualizing session in November with the
33 Master Plan Committee.
34

35 Mr. Houghton asked how many members there are currently and who the current
36 members are. Ms. Mitchell replied that there are 5 members; Dave Canada, Board
37 of Selectmen Representative, herself as Chair, Nate Merrill, full voting member, and
38 Janet Johnson, full voting member, although it is anticipated that Ms. Johnson will
39 probably resign in the near future. There are 3 alternate members: Nancy Hansen
40 who largely handles the veteran business; 15 years or so ago, the Commission was
41 involved in the design and construction of the Veterans' Garden at Stratham Hill Park
42 and the engraving of veterans on the various monuments and bricks. Nancy is the
43 record keeper and works with the engraver to make sure that goes smoothly. Flossie
44 Wiggin is another alternate whose knowledge of the Town and its residents is
45 extremely helpful, and the remaining alternate is Tammy Hathaway.
46

1 Mr. Daley mentioned that when the ZBA was low on members, they advertised on
2 the sign outside the Town offices which resulted in 4 people applying to be members
3 within 2 or 3 weeks of that sign. He suggested the Heritage Commission could do
4 the same thing.

5
6 Ms. Mitchell talked about the ordinances for the Demolition Review Committee and
7 recently realized that it states when a site plan review comes before the Planning
8 Board, and it involves a demolition, it immediately has to be reviewed by the
9 Demolition Review Committee.

10
11 Mr. Houghton said when there is a full board, they will discuss who is going to be
12 the representative from the Planning Board.

13
14 iv. Public Works Commission

15
16 Mr. Daley said there had been renewed interest in trying to move the water discussion
17 with Exeter forward to try and reach an agreement in time for the Town Meeting of
18 2015. In addition discussions about the sewer between Stratham and Exeter are still
19 ongoing. A consultant has been hired by both towns to analyze the feasibility of
20 connecting the sewer system to Portsmouth. The study is complete and the results
21 are decent so now a meeting is anticipated with Portsmouth in the near future. The
22 goal will be to have something in place hopefully by 2015.

23
24 v. Stormwater Management Committee

25
26 Mr. Daley said there is a meeting next week to discuss and hopefully have some draft
27 regulations in place to bring before the Planning Board for discussion.

28
29 vi. Town Center Revitalization Committee

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31 Mr. Daley said the Committee was recently approved to do additional landscaping
32 around the 4 Town Center freestanding signs. They are also involved in the design
33 efforts for the T.E. Grant. The Committee also hired a reporter to do weekly stories
34 about the Town Center.

35
36 **5. Adjournment.**

37 Mr. Merrick made a motion to adjourn the meeting at 9:27pm. Motion seconded by Mr.
38 House.

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