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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **October 1, 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 Tom House, Member  
16 Jameson Paine, Member  
17 Nancy Ober, Alternate  
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19 **Members Absent:** Bob Baskerville, Vice Chairman  
20 Christopher Merrick, Alternate  
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22 **Staff Present:** Lincoln Daley, Town Planner  
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25 **1. Call to Order/Roll Call.**

26 The Chairman took roll call. He asked Ms. Ober to be a full voting member. Ms. Ober  
27 agreed.

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

29 a. September 17, 2014

30 Mr. Daley suggested tabling the minutes until the members who were present for at meeting  
31 have an opportunity to review them.

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

33 a. **Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**  
34 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**  
35 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to  
36 construct a 48 lot, over 55 Retirement Planned Community Development.

37 Mr. Rob Graham, representative for Rollins Hill Development LLC introduced himself,  
38 Mark Stevens, Susan Conway, John Ring from Jones and Beach Engineering, and Clay  
39 Mitchell, Land Use attorney. Mr. Graham shared a color rendering of what the  
40 subdivision will look like. Each lot will be sized in the range of 30,000' to just over an  
41 acre and will have its own well and septic. They have designed the septic in accordance  
42 with New Hampshire's Department of Environmental Science (NHDES) sub surface

1 rules as the Rockingham Planning Commission (RPC) Ordinance requires them to do  
2 and they are anticipating a conversation this evening about a conflict between Section 20  
3 and Section 5.6 of the Ordinance.

4 Mr. Daley said the first step to be taken is the acceptance of the application as complete,  
5 however there are some elements which are still under consideration; one being the  
6 drainage design which has not been submitted as yet due to the roadway alignment. He  
7 would like to afford the applicant the opportunity to work with the Town to design  
8 something that the Town is looking to support. This will take some additional time. Mr.  
9 Daley recommended to the Board that they identify areas of deficiency in the application  
10 and ask the Board to consider conditional acceptance of the application pending final  
11 resolution of those items.

12 Mr. Daley said the next part of tonight's discussion relates to regional impact  
13 determination and because this property abuts North Hampton, it triggers the  
14 consideration of regional impact based on certain criteria specified by the state statutes.  
15 By allowing conditional acceptance of the application as complete, it allows the applicant  
16 to go through the regional impact process with the RPC and also the town of North  
17 Hampton to offer comments and meet state standards for the notification of that process.

18 Mr. Graham said he had dropped off a packet with a legal opinion from Clay Mitchell  
19 who is happy to answer any questions or issues about Article 5.6 and Section 20  
20 mentioned earlier. Additionally they have submitted the lot loading calculations for the  
21 site. They take the sub surface design rule standards, they the soil types and make some  
22 calculations what the soil will carry by the State design rules.

23 Mr. Mitchell took the floor and explained he had been asked to look at the issue of pre-  
24 emption. He said that in 5.6 there is language that talks about 5.6 pre-empting other  
25 portions of the Ordinance. The issue relates to the use of the word, "density" in 5.6 and  
26 whether that incorporates the design requirements as well as the density calculations  
27 under the State septic rules. He had read through the Ordinance and found several  
28 provisions similar to that, except one part Section 5.8 which specifically references the  
29 pre-emption and also includes the requirements of Section 20. Based on that; 5.6 doesn't  
30 mention Section 20 and you have 5.8 which is exactly the same but references Section  
31 20. The only way to interpret those 2 sections differently is to assume section 5.6 is also  
32 incorporated into the design requirements of the State septic rules. That is further  
33 buffered by 2 separate items; one being that if the density is going to be supported by the  
34 State rules, the design should also be supported because if you apply the more stringent  
35 requirements, you're basically going to affect that density calculation. It may have the  
36 effect of rendering that pre-emption clause meaningless which statutory interpretation  
37 does not permit. On a policy side, when you look at the nature of the development, i.e.  
38 age restricted housing, the number of people per dwelling is lower than a standard family  
39 unit. While the Town has more stringent septic design regulations, he thinks those are  
40 probably designed more for families that have a greater number of people per unit and  
41 hence the loading will be more intense.

42 Mr. Daley said to Mr. Mitchell that he had referenced Section 5.8 and the relaxation of  
43 the design requirements, but 5.8 is specific to workforce housing which is a different kind  
44 of housing. This kind of housing is being encouraged which is probably why it is not as

1 stringent. A Retirement Planning Community (RPC) is a single family or multi-family  
2 housing development that is geared more for market rate houses. Mr. Mitchell said he  
3 thinks it is relevant to RPC as the Town encourages that kind of development also and  
4 the environmental impact is less than regular housing developments.

5 Mr. Daley asked Mr. Mitchell if he reviewed the Vineyards development which is also a  
6 RPC development. Mr. Mitchell said he did not. Mr. Daley continued that they followed  
7 Section 20. Mr. Mitchell said he would look at the Vineyards. Mr. Stevens said the  
8 Vineyards is a development of 72 houses and it is a collective septic system so that there  
9 are large septic systems that are distributed throughout the development; he believes there  
10 are 5 or 6. They are pretty expensive and the design criteria and the setbacks are pretty  
11 intense. They are all pump systems and represented about 10 test pits. Mr. Stevens said  
12 that when they started this development he had a discussion with Mr. Daley and we  
13 agreed that this development was under NHDES guidelines. After that discussion we  
14 went out and did all the test pits. If Section 20 is applied, which they don't believe  
15 applies, they will have to go out again and do 2 more test pits at every location. Each  
16 septic system will probably be about 300 square feet for these houses, so all the modern  
17 septic design standards are applied to these systems. The loading inside each house will  
18 be small. The first round of test pits cost \$28,000 so he doesn't want to do any more  
19 when in his view the ordinance doesn't apply in this instance. He doesn't think the  
20 Town's standards make any sense in today's world. Mr. Stevens that they had sought  
21 another legal opinion from John Ryan, an attorney in the seacoast for many years whose  
22 interpretation was the same as theirs. There followed more discussion as to whether the  
23 Ordinance regulations or State regulations applied to the septic systems.

24 Mr. Daley added that Mike Cuomo from the RCCD witnessed the test pits for the  
25 Vineyards. Mr. Daley said Mr. Cuomo should have the opportunity to review the test pit  
26 data for this development on behalf of the Town. The Town has never waived the  
27 requirement for witnessing test pits, it's always been part of the process. Mr. Mitchell  
28 said the regulations state a "Town designee" but it doesn't state anybody specific. He  
29 feels the Town can accept their licensed professionals. Mr. Daley said historically it's  
30 been a third party review consultant. Mr. Daley said he would defer to the Board for that  
31 decision. Mr. Paine said he felt Mike Cuomo should review the data first and then the  
32 Board should make a decision. Mr. Daley said the applicant could work with Mr. Cuomo  
33 and he doesn't envisage that they will need to dig an additional 48 pits. If any areas are  
34 questionable then a few more may need to be dug. Mr. House said it does say in the  
35 regulations under Section 20.1.5.d that at least 2 test pits are required.

36 Mr. Jonathan Ring from Jones and Beach said he was a professional licensed engineer.  
37 He explained that he was involved with the Vineyards 15 years ago and there is a big  
38 difference between having 4 large community systems and what is being proposed here;  
39 smaller systems for 4 bedroom houses. All the test pits done at this development were  
40 witnessed by licensed septic designers from Jones and Beach. They were all logged  
41 appropriately. Mr. Stevens added that the soils have been verified by the soil scientists.

42 Mr. Stevens suggested sending the test pits data out to Civilworks for their review along  
43 with the drainage, road design etc. and if they need to dig a test pit here and there, so be  
44 it.

1 Mr. Daley asked Mr. Ring if in his experience during the septic design process, prior to  
2 submittal to the State for approval, does it have to go for local approval. Mr. Ring said  
3 some towns do require a local review of the septic system. Mr. Daley said it is his  
4 understanding that Stratham requires a local review prior to submittal to the State. Mr.  
5 Ring said he believed that was correct. He added that a review by Civilworks may satisfy  
6 the requirement. Mr. Daley said he feels the process that is already in place should be  
7 followed so let RCCD do the review of the septic design. If Mr. Cuomo finds additional  
8 test pits are needed then that should be done as part of the process. However, he should  
9 be able to work with existing data. Mr. Houghton and Mr. Paine said they were  
10 comfortable with that. Mr. Houghton said also that it would make sense for Town  
11 counsel to review the ordinance with respect to which septic regulations prevail for this  
12 application.

13 Mr. Graham said for the portion of the property that goes over the Town's line into North  
14 Hampton, they will be going through the process with the town of North Hampton to  
15 deed that property to a land owner so none of the development will be in North Hampton.  
16 The Town line will be the boundary, the plan dropped off today reflects that.  
17 Additionally they updated a couple of the abutter names that were missing. Mr. Daley  
18 said that as a result of that change, state regulations say when an application crosses  
19 municipal boundary lines, if there isn't any impact upon the abutting community, it  
20 doesn't require a planning board application to that North Hampton community. Mr.  
21 House asked if this would eliminate the regional impact issue. Mr. Daley said it  
22 wouldn't.

23 Mr. House made a motion to conditionally accept the application with the following  
24 conditions; Town Counsel and Mr. Mitchell will exchange information concerning the  
25 septic regulations regarding test pits and design of septic.

26 Further design analysis for storm water and drainage plans.

27 Utilities to be part of the overall plan and all meets and bounds to be shown.

28 Mr. Daley added that if the Board conditionally approve this application the 65 days  
29 period for the Planning Board to review and approve this plan starts from now. He  
30 recommended that at the approval of the applicant, the 65 days requirement should be  
31 waived until the formal acceptance of the application has been completed.

32 Motion seconded by Mr. Paine. Motion carried unanimously.

33 *Mr. Federico arrived at 7:46-46 pm*

34 The topic turned to regional impact. Mr. Stevens said he thought this was nonsense, but  
35 if there was any doubt that to save time, and to save them going through all of this again,  
36 the Board should just make a recommendation that they go to regional impact. Mr.  
37 Houghton turned the Board's attention to a check list for regional impact analysis. He  
38 stated if the Board feel one or more items could be impacted by this development then  
39 regional impact will kick in.

40 Mr. Houghton felt there could be an impact on water. Mr. House said they are within  
41 1000 feet of another municipality which is one of the criteria. Ms. Conway said she  
42 hadn't heard of this being necessary before. Mr. Houghton shared that one was done  
43 recently for Convenient MD.

1 Mr. Federico said he felt it behoove the Board to go through each question because he  
2 doesn't think there is any impact.

3 Mr. Houghton asked about economic impact. The Board decided there was no impact.  
4 Next school impact was discussed. The Board decided there was no impact.

5 Traffic impact was considered. Mr. Daley said this relates to the existing roadway  
6 network. As of now, there is no direct connection proposed to a neighboring community  
7 other than going up Stratham Heights Road. A member of the public asked how there  
8 can be no impact on the school as 20% of the RPC is for people under 55. Mr. Mitchell  
9 explained that North Hampton have requested the regional impact so the impacts being  
10 discussed are relevant to the town of North Hampton and not Stratham. Mr. Pielich,  
11 attorney said he doesn't believe regional impact relates to any one particular community.  
12 He said here they are talking about the headwaters of the Town of Exeter water supply.  
13 He feels that the other towns in the region should be notified too. Mr. Houghton said he  
14 agreed and that RPC are involved too. The Chairman returned to the matter of traffic  
15 impact and asked if 48 new units would generate more than the threshold of 500 trips a  
16 day. Mr. Stevens said the traffic study that was done indicates it wouldn't.

17 Mr. Daley shared that the traffic study indicated that on the worse case weekday pm peak  
18 hour period, there would be 21 trips per peak hour period.

19 Mr. Houghton moved onto road networks and asked does the development provide the  
20 opportunity to create a more efficient road network for the regional area. There were no  
21 comments. Next Mr. Houghton asked if the proposed building size was greater than  
22 50,000 s.f. The answer was no. Mr. Houghton asked about visual impacts. Several  
23 people from the public said there would be. Mr. House asked the distance from the  
24 development to the closest home. He was told about 400'. Many houses are closer to  
25 their home in their own neighborhood in North Hampton that to any in this new  
26 development. Mr. Mitchell added that the entire property could yield up to 120 house  
27 lots, but Mr. Stevens has chosen to build a neighborhood community that is far less dense  
28 than that. The Board felt there was no visual impact.

29 Mr. Houghton asked if the development would have a facility that generates air pollution,  
30 excessive noise or hazardous waste transportation. The Board agreed that it didn't.  
31 Water supply impact was the next topic for consideration. Mr. Daley said there was an  
32 aquifer just above this development that spills over into North Hampton. The aquifer  
33 represents the head water for the Dearborn Brook. Mr. Graham said all the land near the  
34 brook is being put into conservation. They have no large groundwater permits, they have  
35 a distributed system which is the least intrusive in terms of brown point, smaller systems  
36 spread out are lower impact than larger single systems and each individual well has small  
37 daily loads. Mr. House asked if they were disturbing any wetlands. Mr. Graham said  
38 there were no wetland impacts. Mr. Daley said it was worth clarifying that there will be  
39 a couple of wetland buffer impacts. Mr. Graham showed where that impact would be  
40 on the plan and said some of it would be temporary. Mr. Daley asked if there were any  
41 wetlands to the north east portion of the property that are connected to the wetlands on  
42 the property. Mr. Graham showed where there were some. Mr. Daley said he was asking  
43 because of the aquifer area so there is potentially some hydrological connections that  
44 may be worth looking into. Mr. Stevens wanted to mention that they have changed the

1 road so it wouldn't bisect those hydrological connections. They are asking for waivers  
2 for the size of right of ways and pavements because of the hydrology. They want  
3 to minimize the impact. Mr. Paine asked if the applicant had a landscape architect to help  
4 with mitigation for the wetland buffer impacts. Mr. Stevens said they haven't gotten that  
5 far in the process yet.

6 Mr. Houghton returned the conversation to water supply impacts. Mr. Daley said in 2011  
7 the Dearborn Brook headwaters were identified as a significant fresh water wetland, has  
8 high value habitat for wild life as well as being the headwater for Exeter's water supply.  
9 The Conservation Commission suggests that the Planning Board strongly consider a  
10 hydrological study for this project. They also feel it's logical that a regional impact study  
11 be done due to the proximity to North Hampton. Mr. Graham said they had met with the  
12 Conservation Commission and had agreed to do a natural resources inventory which they  
13 are working on currently. Hydrological studies were discussed, but it would be very  
14 burdensome and very expensive. His understanding is that the Conservation  
15 Commission were agreeable to them doing the resources inventory instead of a  
16 hydrological one. Mr. Daley said not to forget that this is an opportunity also for the  
17 towns of Exeter and North Hampton to give their input. They may have more  
18 information. The Board, apart from Mr. Federico agreed that there could be an impact  
19 on water supply.

20 The next issue was conservation land. Mr. Federico asked how many acres were in a  
21 conservation area. Mr. Graham said he believed 38 acres. The Board agreed there would  
22 be no impact.

23 Mr. Houghton asked about proximity at or crossing or within 1000' of the border of 2  
24 municipalities. The Board decided this wasn't an issue.

25 Mr. Houghton talked next about emergency responses and whether this development  
26 would create demand for emergency response from abutting communities. Mr. Daley  
27 said that Exeter is often the first responder for emergencies in the Town so this may create  
28 an increased demand, but didn't know if it would be deemed significant. Mr. Houghton  
29 didn't see why it would increase any more than any other development. Mr. Daley said  
30 he would normally agree, but due to the proximity of this development to Exeter and  
31 North Hampton, the Board might conclude that the first responders will be from Exeter  
32 some of the times. Mr. Paine believed there could be a potential for impact in this case  
33 as did Mr. House and Ms. Ober.

34 Mr. Houghton continued; does the development create other regional impacts not listed  
35 in the items mentioned so far.

36 As the Board found 2 areas that could have an possible impact, it was determined that a  
37 regional impact assessment would be necessary.

38 Mr. Paine made a motion to proceed with a regional impact analysis. Motion seconded  
39 by Mr. House. Motion carried 5:1. Motion opposed by Mr. Federico.

40 Mr. Daley explained that the proceedings should now stop to allow the regional impact  
41 study to come to fruition. He recommended the Board continue the application until  
42 November 5, 2014.

1 Mr. House made a motion to continue the application until November 5, 2014. Motion  
2 seconded by Mr. Paine. Motion carried unanimously.

3 A member of the audience sought clarification about the legality of the septic regulations.  
4 Mr. Daley explained that if Town Counsel disagrees with the applicant's stance and the  
5 Board agrees with Town Counsel that Section 20 is applicable and not 5.6, it will be a  
6 two-step process; a conditional use permit through the Planning Board to waive some of  
7 the criteria of Section 20, and there are additional elements that fall under the purview of  
8 the ZBA as a special exception.

- 9 **b. Ledge View Realty LLC, c/o Colin Peddie, 102 Wellesley Street, Weston, MA 02453**  
10 **and Mr. and Mrs. Ford, P.O. Box 554, Stratham, NH 03885 for the properties**  
11 **located at 40 & 42 Crestview Terrace, Stratham, NH, Tax Map 22 Lots 95 & 96.**  
12 Application for a lot line relocation.

13 Mr. Christopher Guerin, counsel for the applicant introduced himself. He shared the  
14 history of the property. There was a joint owner for the 2 lots concerned who constructed  
15 2 homes on the properties and a barn between them. The barn is an issue as it was  
16 constructed over the lot line while under common ownership. The lots have since had  
17 different owners and the barn was never an issue for those property owners. Ledge View  
18 Realty LLC purchased the property in 2009 and about a year ago they were seeking to  
19 sell that and during the course of due diligence they discovered that the barn was on both  
20 properties. They are there tonight to bring the barn into compliance with the local zoning  
21 regulations by doing a lot line adjustment. Neither lot will change in size. Mr. Guerin  
22 showed the new lot lines on a plan. Mr. Houghton checked with Mrs. Ford that she was  
23 in agreement with this lot line adjustment. Mrs. Ford said that she was.

24 Mr. Daley recommended that the applicant make sure that the PSNH easement across  
25 these 2 properties is not impacted by this lot line adjustment. The deed might need to be  
26 modified that highlights that easement. Mr. Daley said his initial concern with this  
27 application is that both lots are legally non-conforming because of their lot size, but  
28 because they are exchanging an equal area of property, it doesn't create any additional  
29 non conformities. Mr. Houghton asked if the dirt driveway was currently used. Mrs.  
30 Ford said they barely use it. Mr. Houghton wondered if there were any easement issues.  
31 Mr. Daley said one of the recommendations would be to create an access easement that  
32 replicates the area of the existing dirt driveway to allow access to the barn. It will avoid  
33 any conflict should any party decide to sell their property. Mrs. Ford said she understood  
34 they had to leave it as an access anyway because of the power lines.

35 Mr. Paine said there appeared to be a stream that cut through the properties. Mrs. Ford  
36 said they have an underground culvert.

37 Mr. Paine made a motion to accept the application as complete. Motion seconded by Mr.  
38 House. Motion carried unanimously.

39 Mr. House made a motion to close the public hearing. Motion seconded by Mr. Paine.  
40 Motion carried unanimously.

41 Mr. Paine made a motion to approve the plan as proposed with the following conditions:

1 Either an easement be drawn up to identify the access road to the barn, or to relocate the  
2 access road onto the property itself and documentation to be given to the Town Planner  
3 identifying that resolution has been reached.

4 Confirmation of the wording of the amended PSNH easement

5 Lot bounds need to be set or bonded.

6 The deeds will need to be prepared for both parcels for review and recording

7 Recording fees will need to be paid for recording

8 Plans to be stamped by a licensed surveyor

9 Motion seconded by Mr. House. Motion carried unanimously.

10 c. **ST Holding Company, LLC, 37 Portsmouth Avenue, Stratham, NH 03885 for the**  
11 **property located at 37 & 39 Portsmouth Avenue, Stratham, NH Tax Map 9, Lots 2**  
12 **& 3.** Conditional Use Permit Application pursuant to Section 20.1.4 of the Stratham  
13 Zoning Ordinance to allow a portion of the leach bed to be 2 feet above the seasonal high  
14 water table where 3 feet is required.

15 Mr. Bruce Scamman, Emanuel Engineering, representative for ST Holding Company  
16 introduced himself. He explained that they found one area of the Zoning Ordinance that  
17 requires 3' of separation which is a State requirement when using the 50% rule. On  
18 sloping sites, the State allows for you to cut in closer than 4' for the bed bottom to the  
19 seasonal high water table. The State allows it to be 2' as long as you have 50% or more  
20 of the area that is over the 4' stipulation. Stratham requires 3'. Mr. Scamman showed  
21 the affected area on a plan. Around 1600 s.f is above 4', 587 s.f. does meet the Town  
22 regulations and approximately 300 s.f. does not meet the Town's requirements which is  
23 why they are before the Board for a conditional use permit (C.U.P.) He considers this a  
24 temporary system until the Town sewer comes into being.

25 Mr. Daley added that aside from 2 issues relating to design elements that can be easily  
26 rectified, Rockingham County Conservation District has already approved the plan. Mr.  
27 Paine asked how steep the slope was. Mr. Scamman said it ranges from 10 – 15% at the  
28 most.

29 Mr. Paine made a motion to accept the application as complete based on the input from  
30 RCCD. Motion seconded by Mr. House. Motion carried unanimously.

31 Mr. House made a motion to close the public hearing. Motion seconded by Ms. Ober.  
32 Motion carried unanimously.

33 The Board went through the criteria of Section 20.1.5.e.

34 i. "The designed system complies with all State WSPCD rules provided no waivers are  
35 granted; and"

36 Mr. Scamman said the State does not allow a stone and pipe systems on their pavement  
37 so they will be asking for a waiver from the State. Mr. Daley said that he recommends  
38 accepting this criteria as met especially considering the level of comfort Mr. Cuomo from  
39 RCCD has about this design. The Board agreed.



1 ii. “The lot upon which the waiver is sought contains conditions which fulfill other  
2 purposes and goals of the Stratham Ordinance and presents a compelling justification for  
3 such a waiver”

4 Mr. Daley said part of the application states that the site has already been disturbed. The  
5 entire site meets NHDES standards for the 50% rule.

6 iii. “The designed system for which the waiver is sought cannot feasibly be carried out  
7 on a portion or portions of the lot which complies more fully with this section of the  
8 ordinance.”

9 Mr. Daley said as discussed in previous meetings about the future connector road and  
10 existing elevations, there isn’t really anywhere else on the property to locate it.

11 Mr. Daley then ran through the criteria for consideration of a CUP in accordance with  
12 Section 3.6.b. The Board agreed the applicant met all of the criteria. Mr. Paine asked  
13 what would happen to the septic system once Town sewer becomes available. Mr.  
14 Scamman said that is a reason for using a stone and pipe system because there won’t be  
15 chambers or anything that will collapse or degrade under the pavement. They intend to  
16 leave it.

17 Mr. Paine made a motion to approve the conditional use permit request with the following  
18 conditions:

19 The applicant follows the recommendations made by Mr. Cuomo of the RCCD and will  
20 re-submit those plans to the Town for final approval. Motion seconded by Mr. House.  
21 Motion carried unanimously.

22 Mr. Scamman said Mr. Hyland, Landscape Architect for the project, was there tonight  
23 and they had taken the direction of the Board concerning the front sidewalk. He wanted  
24 to share the latest design based on those discussions. He said they took the sidewalk and  
25 straightened it and some of the trees have been moved to provide better lighting onto the  
26 sidewalk which will be 5’ wide. Mr. Hyland shared the updated landscaping plan with  
27 the Board. He explained that the planting changes are minor. A couple of trees have  
28 been moved to allow extra lighting as mentioned by Mr. Scamman. They made a slight  
29 change on the second sheet; 2 trees have been moved and a retaining wall is there instead  
30 and there is only 5’ of distance between the wall and property line. He showed where  
31 the trees had been relocated and they’ve added some vines to grow up the retaining wall.  
32 The State requested that a dissipation edge be added to the bio retention cell in the far  
33 corner of the parking lot to help slow down the flow of water. For that to happen they  
34 had to pull back some of the plantings.

35 Mr. House asked what stone was being used. Mr. Scamman said that Civilworks wanted  
36 a particular kind of stone for the bio retention areas. It is approximately 8” tall rip rap  
37 that is going to slow the water down as it comes off the edge of pavement and it will pull  
38 silt and other fine particulates out of the water which will settle along the edge. The  
39 water will flow through the rock and the silt will flow over the top of the rock. Mr.  
40 Federico asked if there was any maintenance required for that. Mr. Scamman said there  
41 would be because over time the silt would have to be cleaned out. Mr. Hyland said it  
42 would probably be minimal. Mr. Hyland continued that the benches they were proposing  
43 were a Victor Stanley model, there will be two picnic tables near the service door, another

1 bench will be made out of recycled slat, and there will be 2 bike racks. He shared the  
2 kinds of plants and trees that would be used also.

3 Mr. Daley addressed Mr. Yanofsky, Owner of the Subaru; he said he was excited by this  
4 design and it really does meet the intent of the Gateway District standards. One concern  
5 that has been voiced by other dealerships is the lack of visibility which can be caused by  
6 too much landscaping. He asked Mr. Yanofsky if that was a concern for him. He said  
7 it was a concern, but he was still going forward with the plan.

8 Mr. Daley said in the interest of full disclosure, Mr. Hyland is working with the Town  
9 on the TE Grant program for the Town Center and proposed some street scape items such  
10 as benches. He asked Mr. Hyland if the benches he was proposing for this application  
11 are the same as that for the Town Center area. Mr. Hyland said it is a little more  
12 contemporary with steel ends to make it a little more Subaru in style. Mr. Daley asked  
13 if there were any additional lighting elements along the sidewalk. Mr. Hyland said  
14 currently they weren't showing any additional lighting. There is some potential to put in  
15 some small spot lights which could be angled to show through the landscaping. Mr.  
16 Donahue, attorney for applicant said they were going to ask for a waiver to allow that  
17 lighting. Mr. Hyland said the micro spots on the poles could be on a separate circuit so  
18 they can be shut down when and if necessary.

19 Mr. Daley informed the Board that the Board of Selectmen signed a Memorandum of  
20 Understanding (M.O.U.) with the New Hampshire Department of Transport to maintain  
21 the sidewalks within the Right of Way (R.O.W.) The Town will work with the applicant  
22 to take over the maintenance of that side walk once it is built.

23 Mr. Paine asked for an update on the solar array mentioned a long time ago. Mr.  
24 Yanofsky said they were not going to do it at this point in time, but it could be a  
25 possibility in the future.

26 Mr. Donahue said with this in hand they will be able to pull an engineering design and  
27 expect to file that so they can be on the November 5 agenda. Jim Gove has confirmed  
28 that the NHDES will entertain a phased application as long as the whole mitigation is put  
29 up and the Town has indicated it is willing to do that. He would like to officially request  
30 a continuance to November 5, 2014.

31 Mr. Federico made a motion to continue the Subaru application to November 5, 2014.  
32 Motion seconded by Ms. Ober. Motion carried unanimously.

33 d. **Seacoast Imported Auto, Inc. (d/b/a Honda Barn), 34 Portsmouth Avenue,**  
34 **Stratham, NH 03885 Tax Map 9, Lot 118.** Site Plan Review Application and associated  
35 waivers to construct an addition of 3,348 square feet to the existing building.

36 Mr. Michael Donahue, attorney and representative for Honda Barn took the floor. This  
37 proposal was very well received from the ZBA who granted a special exception to allow  
38 them to be exempt from all the detailed regulations of the Gateway zone and also by the  
39 Technical Review Committee (T.R.C.) regarding the architectural design of the addition.  
40 They are in front of the Board tonight for approval of a minor addition on the north west  
41 end of the building so as to be able to take some activity that is currently going on outside  
42 in the parking lot and bring it inside under cover. That includes a couple of new delivery  
43 bays for new vehicles. Another aspect is instead of parking your car and walking in.

1 Now customers will be able to drive in to the building and meet with a service consultant  
2 and give up your vehicle there. Mr. Bruce Scamman, Emanuel Engineering took the  
3 floor. Using the plan, he showed the Board where the addition would be located and  
4 shared the updated floor plan. They will be removing 9 parking spaces. He said they  
5 had submitted a tractor trailer turning radius sketch which shows that a car carrier can  
6 make it through the site. Additionally Mr. Daley had asked about public safety so they  
7 have added a fire truck turning radius to run through and go around the whole building  
8 which Mr. Scamman indicated on a plan. He then handed out a letter written in response  
9 to Mr. Daley's review comments.

10 Mr. Daley asked if the addition would impact the delivery of cars. Mr. Scamman said it  
11 wouldn't which is why they submitted the plan showing a car carrier can still get through  
12 the newly reduced area.

13 Mr. Scamman addressed Mr. Daley's comments from the letter. He talked about  
14 illumination and said he handed out a copy of the exterior lighting that's going to be  
15 added to the building. There will be approximately 9 soffit lights; right now there are  
16 wall mounts which will be removed. The new lights will be LED and face downwards  
17 and added around the new proposed addition. Parking and the turnaround area had  
18 already been addressed early. He moved to fire protection saying he had already added  
19 a note stating fire suppression systems, fire alarm and a knox box will be provided per  
20 Fire Department specifications. Most of this is already in place as it's an existing site so  
21 a fire pond is already on site.

22 Mr. Scamman said architectural plans had been provided and been before the TRC  
23 already. He showed the elevations which have peaked roofs to give a more Gateway feel  
24 to the building. Next Mr. Scamman talked about signs. He said the only additional  
25 signage in relation to the new addition is directional signage and "Service" written over  
26 the top of the service entrance which won't face the road. It is so when people come  
27 down the driveway and turn into the service area they will be directed to a specific area.

28 Mr. Houghton checked with Mr. Daley that he had all the relevant documentation. Mr.  
29 Daley said he did, but added that he did consult with Civlworks about drainage and storm  
30 water management. Paul Connelly from Civlworks concluded that as this is impervious  
31 surface, it will have a diminished impact on the storm water management and drainage  
32 of the property itself and so he didn't feel a need to review the project.

33 Mr. Federico made a motion to accept the application as complete. Motion seconded by  
34 Mr. House. Motion carried unanimously.

35 Mr. House said on the fire truck plan, it looks like one of the fire trucks is jumping the  
36 curb. Mr. Scamman said the line on the plan represents the widest area of the truck which  
37 is the mirrors. He added also that the larger Honda vehicles will not be parked in the way  
38 of that fire truck area. He mentioned that a 4' concrete apron was going all around the  
39 addition also.

40 Mr. Scamman said that they are asking for 6 waivers.

41 The first one addressed existing natural features. He said they are not changing any of  
42 the existing features that were already approved. They are asking that they don't have to  
43 reflag wetlands or re-shoot trees because they are only impacting pavement.

1 The second waiver was for landscaping; he said there is existing mature landscaping.  
2 They have submitted the pictures to show the landscaping. The current landscaping  
3 obscures the site.

4 The next waiver concerned soil mapping. He said they are only dealing with an  
5 impervious area and are not changing any pervious areas to impervious, so to do soil  
6 work doesn't make sense especially as it was done back when this site was approved.

7 Mr. Paine asked about run off. Mr. Scamman said that the angled roofs tie back into  
8 some roof drains. There is an existing drain line that runs along the edge of the existing  
9 building and they have worked with the architect to tie that all in with the new roof area.

10 The next waiver was for storm water and drainage. Mr. Scamman said Civilworks don't  
11 believe they need to do a plan for storm water and drainage and they agree with that  
12 assessment.

13 The final waiver was for a landscaping plan and certification. Mr. Scamman said they are  
14 not proposing to change the landscaping so to have a landscape architect to certify that  
15 they are putting pavement down doesn't make a lot of sense.

16 Mr. Donahue added that there is a significant conservation easement which was granted  
17 to the Town at the time of the earlier approval and in conjunction with that there was a  
18 state of the art drainage treatment system that was evaluated by Jim Gove. He said Jim  
19 Gove said it didn't need changing. There will be no impact to the conservation area.

20 Mr. House made a motion to approve the 6 waiver requests the applicant has submitted  
21 regarding Sections 4.3.1 and 4.3.2 as presented. Motion seconded by Mr. Federico.  
22 Motion carried unanimously.

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

25 Mr. Federico made a motion to approve the application with the waivers requested.  
26 Motion seconded by Mr. House. Motion carried unanimously.

27 Mr. Daley publicly acknowledged the efforts made by Mr. Groux and his team to  
28 incorporate some Gateway designs into the new addition

29 **4. Miscellaneous.**

30 a. Report of Officers/Committees.

31 i. Heritage Commission

32  
33 Mr. Daley said that the Town Administrator and Chair of the Heritage Commission  
34 have both said a member of the Planning Board should be appointed a member of the  
35 Heritage Commission this evening.

36  
37 Mr. Federico made a recommendation that the Board appoint Mr. Merrick. This  
38 recommendation was voted as unanimous.

39

40 b. Member Comments.

1 Mr. House reminded the Board that they have the charrettes coming up for the Workforce  
2 Housing Coalition on October 22 and 24. That night we asked if the Board or Town  
3 would consider a monetary donation to the cause. Mr. Daley explained that for the Plan  
4 NH process, money was allocated from the Planning Department budget via special  
5 projects to help fund that effort. It is up to the Planning Board to decide whether we  
6 should contribute some money to this charrette also. Mr. Daley said he has limited  
7 funding. Mr. Federico said his only concern is that they budgeted for the Plan NH  
8 charrette, but as this is a quick endeavor, there hasn't been time to go through the budget  
9 process to put it into the budget. Mr. Federico asked Mr. Daley how much he could  
10 expend. Mr. Daley said he could probably come up with a sum between five hundred  
11 and a thousand dollars. Mr. House thanked Mr. Daley for his generosity.

12 The Board agreed there was a need for this kind of housing. Mr. House said the listening  
13 sessions for the public are Wednesday night around 5:30 – 7:00/7:30 pm and on Friday,  
14 the design team will do the reveal at 4:00 – 5:00 pm but they are there also during the  
15 day so any input from Planning Board members would be welcomed.

16 Mr. Daley said he'd been sending out a flyer via an email blast with all the pertinent  
17 information.

18 c. Other.

19 Mr. Daley informed the Board that the Community Revitalization Tax Relief program is  
20 up and running now. The Board of Selectmen approved the rate structure and letters and  
21 information will be sent out to all the property owners in the Town Center and PRE  
22 district very soon. A letter has been drafted that needs to be signed by the Chairman of  
23 the B.O.S. and Planning Board which will be sent accordingly.

24 **5. Adjournment.**

25 Mr. House made a motion to adjourn the meeting at 9:54 pm. Motion seconded by Ms. Ober.  
26 Motion carried unanimously.

27