



Stratham Planning Board
Meeting Minutes
January 21, 2015
Municipal Center
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bruno Federico, Selectmen's Representative
Jameson Paine, Member
Christopher Merrick, Alternate
Nancy Ober, Alternate

Members Absent: Mike Houghton, Chairman
Bob Baskerville, Vice Chairman
Tom House, Member

Staff Present: Lincoln Daley, Town Planner

1. Call to Order/Roll Call.

As both the Chairman and Vice Chairman were unable to attend, Mr. Paine assumed the role of Chairman. Roll call was taken. Mr. Paine asked Mr. Merrick and Ms. Ober to be full voting members. Both members agreed.

2. Review/Approval of Meeting Minutes.

a. January 7, 2015

Mr. Daley recommended tabling the minutes to the next meeting.

3. Public Hearing(s).

a. **Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot 7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to construct a 48 lot, over 55 Retirement Planned Community Development. (*Continuance Request to February 4, 2015*)

Mr. Paine said staff had received a continuance request until February 4, 2015.

Mr. Merrick made a motion to continue the application until February 4, 2015. Motion seconded by Mr. Federico. Motion carried unanimously.

b. **Proposed Zoning Ordinance Amendments**

- 1 **i. Town Warrant Article – Agriculture, Agritourism, Farm, Farming, and**
2 **Farmers’ Market.** To see if the Town will amend the Zoning Ordinance, Section
3 II Definitions by replacing Subsection 2.1.6 Agriculture, Farm, Farming with 2.1.6
4 Agriculture, Agritourism, Farm, Farming, and Farmers’ Market to reflect the
5 statutory changes to NH RSA 21:34-a. The amendments further seek to replace
6 Section 3.6 Table of Uses, D. Agricultural/Forestry Uses to incorporate the uses
7 defined by NH RSA 21:34-a relative to all zoning districts and to amend Footnotes
8 to Table 3.6 by inserting language detailing the purpose, permitted activities, and
9 regulations for farm stands, farmer’s markets, and agritourism.

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11 Mr. Daley said the Planning Board had discussed this at the last meeting and made
12 some minor corrections. He met with the 300th year Committee also who are
13 looking to introduce a farmers’ market on the Scamman’s farm this year. It was an
14 opportunity for them to comment on the language which resulted in one minor
15 change; the removal of the wording, “mass produced items”.

16
17 The Board and public had no further comments to add.

18
19 Mr. Merrick made a motion to move the item Town Warrant Article – Agriculture,
20 Agritourism, Farm, Farming, and Farmers’ Market as written and amended.
21 Motion seconded by Mr. Federico. Motion carried unanimously.

- 22
23 **ii. Town Warrant Article – Sanitary Protection & Septic Ordinance.** To see if the
24 Town will amend the Zoning Ordinance, Section XX Sanitary Protection & Septic
25 Ordinance, Subsections 20.1, 20.2, 20.4 and insert new subsection 20.5
26 Subdivisions to further clarify and update the requirements, design specifications,
27 and regulatory review process for sewage disposal systems in Stratham.

28
29 Mr. Daley said as a result of the previous meeting and productive discussion with
30 the public and Board, he contacted Mike Cuomo to discuss the distance of natural
31 permeable soil above the seasonal high water table. The current regulations require
32 2’. Mr. Baskerville made a motion at the previous meeting to change that to 18”,
33 but the question remained as to what natural permeable soil is. Mr. Cuomo said it
34 should be soil that is located on the property itself. The reason for 2’ is that the soil
35 contains bacteria to improve infiltration and treatment of the affluent material. Mr.
36 Paine inquired how Mr. Cuomo felt about the reduction to 18”. Mr. Daley said that
37 Mr. Cuomo felt that 2’ was better.

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39 Mr. Daley said he had made the change of the word “may” to “shall” as requested
40 by the public at the previous meeting. The description of the fill for material above
41 ledge had been changed to simple material rather than “natural”.

42
43 There was further discussion pertaining to the 18” versus 2’ for natural permeable
44 soil above the seasonal high water table. Mr. Mark Stevens said he thought any
45 changes other than minor ones, can’t be made tonight. Mr. Daley said tonight is
46 the last night for the Board to further discuss the articles and make changes.

1 Mr. Stevens said his understanding of Section 20.5 is that before a subdivision is
2 approved, the Town wants all of the septic systems designed or does it mean just
3 the septic systems that need conditional use permits or waivers. Mr. Stevens said
4 it is not the way to develop a piece of land as you don't know what kind of house
5 is going on the lot at the approval stage. A designer needs to know what's going to
6 go on a lot before designing a septic system. Mr. Merrick read out Section 20.5.
7 Mr. Stevens was told it meant only when a conditional use permit was required
8 would a septic system design be required. Mr. Stevens said he didn't feel it was
9 clearly stated and requested the Town remove the comma and the word "and" from
10 the first sentence.

11
12 Mr. Merrick made a motion to approve the town warrant article in connection with
13 the sanitary protection septic ordinance as amended and written with the deletion
14 of the word "and" and the comma. Motion seconded by Mr. Federico. Motion
15 carried unanimously.

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17 **iii. Town Warrant Article – Retirement Planned Community & Septic Design.** To
18 see if the Town will amend the Zoning Ordinance, Section 5.6 Retirement Planned
19 Community by adding a new Subsection 5.6.2 Septic Design to further clarify the
20 septic design requirements and specifications for developments within the
21 Retirement Planned Community Zoning District.

22
23 Mr. Daley said there were no changes done as a result of the previous meeting; the
24 only addition was the new subsection 5.6.2.

25
26 Mr. Federico made a motion to move the town warrant article Retirement Planned
27 Community & Septic Design which will add a new subsection 5.6.2 Septic Design
28 to further clarify septic design requirements in this zone. Motion seconded by Ms.
29 Ober. Motion carried unanimously.

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31 **iv. Town Warrant Article – Zoning Board of Adjustment.** To see if the Town will
32 adopt the recent statutory changes to NH RSA 674:33 Powers of Zoning Board of
33 Adjustment involving the duration of approval for Variances and Special
34 Exceptions by inserting a new Subsection 17.11 Duration of Approval. The
35 amendments also seek to amend Subsections 17.5 Applications and 17.8 Scope of
36 Review to include Equitable Waivers pursuant to NH RSA 674:33-a and amend
37 Subsection 17.8.2 by adding language allowing the Board of Adjustment to seek
38 guidance from the Planning Board for special exception applications.

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40 Mr. Daley said based on the comments from the previous meeting, there was one
41 recommendation under Section 17.8.2. Special Exceptions in reference to when a
42 Board of Adjustment seeks guidance from the Planning Board. It was felt at the
43 previous meeting it wasn't very clear in what form the ZBA would seek guidance.
44 It has now been amended to clarify this. Mr. Merrick suggested replacing the word
45 "Board" with "Board of Adjustment" under Section 17.8.2.a to make it clear which
46 Board the Ordinance is referring to. Mr. Daley said he can make that amendment.

1 *Mr. Federico left the meeting at 7:33 pm.*

2
3 Mr. Merrick made a motion to approve Section 17.8.2.d, Subsection 17.11
4 Duration of Approval, Subsections 17.5 Applications and 17.8 Scope of Review to
5 include Equitable Waivers pursuant to NH RSA 674:33-a and amend Subsection
6 17.8.2 by adding language allowing the Board of Adjustment to seek guidance from
7 the Planning Board for special exception applications. Motion seconded by Ms.
8 Ober. Motion carried unanimously.

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10 v. **Town Warrant Article – Floodplain Management District.** To see if the Town
11 will amend Section XVIII Floodplain Management District to meet the Federal
12 Emergency Management Agency (FEMA) updated regulations and remain in
13 compliance with the National Flood Insurance Program.

14
15 Mr. Daley said the amendments to the zoning ordinance were provided by the New
16 Hampshire Office of Energy and planning as part of their efforts in conjunction
17 with the revised FEMA maps so the language is verbatim with what they suggested.
18 He reminded everyone that if this isn't approved then Stratham will not have the
19 right to flood insurance.

20
21 Mr. Merrick made a motion to approve and move forward Planning Board
22 amendment Section 18 Floodplain Management District as written. Motion
23 seconded by Ms. Ober. Motion carried unanimously.

- 24
25 vi. **Town Warrant Article – Non-Conforming Structures And Uses.** To see if the
26 Town will amend Section V, Subsections 5.1.2 Expansion of Non-Conforming
27 Uses and 5.1.3 Non-Conforming Structures to establish the criteria and permitting
28 process for an expansion of an existing non-conforming structure and use within
29 the Gateway Commercial Business and Town Center Zoning Districts.

30
31 Mr. Daley said this amendment stems from the Board's experience in the Gateway
32 and Town Center districts where there were pre-existing non-conforming structures
33 and uses being expanded and developed. This amendment provides an exemption
34 from being required to adhere to the Gateway and Town Center design standards to
35 a certain level. If the expansion exceeds a pre-determined square footage they
36 would then be required to adhere to the Gateway or Town Center design standards.

37
38 Mr. Merrick asked for an example of a non-conforming use. Mr. Daley gave the
39 example of a car dealership in a residential zone which was a pre-existing use and
40 wanted to expand the parking lot; that would not be a structure, but a use. Under
41 this amendment that would be allowed up to 10% of the total area utilized as part
42 of the original approval date. Mr. Merrick said it sounded reasonable.

43
44 Mr. Bob Goodrich, Stratham resident asked where the Gateway district is. Gateway.
45 Mr. Daley said it extends from north of Route 101 until approximately the top of
46 Bunker Hill Avenue. The Town Center district starts from Pipers Landing and

1 extends to just beyond Winnicutt Road.

2
3 Mr. Merrick made a motion to move forward and approve Section 5.1 – Non-
4 Conforming Structures and Uses. Motion seconded by Ms. Ober. Motion carried
5 unanimously.

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7 vii. **Town Warrant Article – Building Permit Exemptions.** To see if the Town will
8 amend the Zoning Ordinance, Section XVI: Administration, Subsection 16.2.6
9 Exemptions by increasing the minimum square footage exemption requiring a
10 building permit for small accessory buildings from 100 square feet to 200 square
11 feet.

12
13 Mr. Daley explained that this was put forth by the Board of Selectmen and after
14 further consideration, the Board of Selectmen requested the withdrawal of this
15 article for discussion. It has been tabled until next year.

16
17 Ms. Ober made a motion to table the building permit exemption Town warrant
18 article until next year as requested by the Board of Selectmen. Motion seconded
19 by Mr. Merrick. Motion carried unanimously.

20
21 viii. **Town Warrant Article – Gateway Commercial Business District, Subsection**
22 **3.8.8 Development of Standards.** To see if the Town will amend the Zoning
23 Ordinance, Section 3.8 Gateway Commercial Business District, and Subsection
24 3.8.8 Development of Standards by further clarifying the permitted agricultural,
25 farm, farming, and forestry uses permitted within the Gateway Commercial
26 Business District. The amendments also establish an expedited review process for
27 the expansion of existing agriculture, horticulture, floriculture, and crop production
28 uses within the District.

29
30 Mr. Daley said last year the Planning Board experienced some ambiguity involving
31 current agricultural uses in the Gateway district. This coincides with the early
32 article redefining what farm, farming, farmers’ markets according to the State RSA.
33 This is also to discuss what is allowed in those districts for types of uses. There are
34 2 zones within the Gateway district; the central and outer zone. Mr. Daley read out
35 the amended text for uses allowed in those zones plus uses permitted by conditional
36 use permit. He referred to footnote number 4 which lists uses requiring minor site
37 plan reviews by the Planning Board but not a conditional use permit.

38
39 Mr. Paine asked if somebody could have a live stock or poultry production adjacent
40 to an automobile facility. Mr. Daley said in theory, yes, but they would still need
41 to comply with Gateway standards.

42 Mr. Bob Goodrich said the only agricultural operation in the Gateway area is the
43 Scamman land. He asked if they could raise livestock in the future. Mr. Daley said
44 they would have to get a conditional use permit. Mr. Goodrich argued that it is
45 already a farm use. Mr. Merrick explained the Board likes to see the plans and how
46 it might affect neighbors. Mr. Daley said the Scammans’ farm produces crops; they

1 don't raise animals. He added that prior to this suggested adoption there were no
2 agricultural uses allowed in the central zone of the Gateway District. Mr. Goodrich
3 felt it highly unlikely that livestock would be raised. Mr. Daley said that urban
4 gardening is growing in popularity and some community gardens have chickens.
5

6 Mr. Merrick made a motion to approve and move forward Gateway Commercial
7 Business District, Subsection 3.8.8 Development of Standards related to the
8 agriculture, farming and forestry uses. Motion seconded by Ms. Ober. Motion
9 carried unanimously.
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11 Ms. Ober made a motion to close the public hearing. Motion seconded by Mr.
12 Merrick. Motion carried unanimously.

13 4. Miscellaneous.

14 a. Report of Officers/Committees.

15 i. Economic Development Committee 16

17 Mr. Paine asked if there was anything to report. Mr. Daley mentioned that the
18 Chamber of Commerce has shown interest in what was the Mill Stores site in
19 Stratham. Mr. Paine asked about Market Basket. Mr. Daley said he didn't see
20 anything happening in the near future due to the restructuring. If they do decide to
21 go ahead with an expansion, new plans will be needed as the template for their stores
22 has changed since they originally applied for an expansion. Mr. Daley said the
23 Gateway connector road is currently being reviewed at the State level for wetlands
24 disturbance, so the Town is hoping to hear something soon. The other issue being
25 discussed with Market Basket is the subject of water and sewer. The Town met with
26 representatives from Portsmouth fairly recently and a very positive discussion was
27 had. The towns and cities are now looking at the numbers to see if it will work or
28 not. Stratham and Exeter already did a study looking at the Portsmouth option and
29 the costs were about the same regardless if they went north or south. Mr. Merrick
30 asked if they were looking at Pease to locate a new facility. Mr. Daley said that they
31 were. He added that they are expecting to have something agreed upon between
32 Exeter and Stratham by March of this year. The advantage of partnering with
33 Portsmouth is that the physical pipe will go out to the ocean and not to the Great Bay.
34

35 Mr. Merrick reported on behalf of the Heritage Commission. He said they were very
36 disappointed on the light pole selection for the Town Center. Mr. Federico said he
37 understood the Commission's concerns, but the Board of Selectmen were granted
38 graphic evidence of towns surrounding Stratham and they all use the crook style. Mr.
39 Federico said they didn't want to be different to surrounding towns. Mr. Merrick
40 said it would have been nice for the Heritage Commission to have been part of the
41 Town Center Revitalization Committee's (TCRC) presentation on this matter.
42

43 Mr. Daley said at the last TCRC's meeting lighting in the Town Center was discussed
44 including the type of light fixtures to be used. Mr. Daley said there were 2 different
45 styles; a straight pole, 15' tall or a crooked pole that is 18' tall.

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ii. Town Center Revitalization Committee

Mr. Daley gave an update on the final stages of designing the project for the TE grant. The project costs about \$600,000 for the engineering, design, right of way and drainage improvements. He showed the location of the sidewalk which will be concrete with a decorative trim and a decorative element that will connect to the lights. There will be a variety of 8 trees that will really try and capture color and add visual substance to the area. 8 ornamental lights will be added also as well as a small pocket park and series of walkways that will connect to the former Wiggin Library; park benches and trash receptacles will be added too. A bike lane will extend the entire area which will be annotated accordingly and there will be a couple of cobblestone medians which will hopefully make people slow down. This design will go before the Board of Selectmen on January 26th for discussion and public comment.

At the last TCRC meeting, the committee suggested additional trees just south of the Stratham Circle extending the same theme up to the watch business on the right hand side. The Town has a tree bank so the trees will be taken out of that.

Mr. Merrick referred to the cobblestone medians and said in order for the cobblestones to work properly the crown that is there will need to be looked at. Mr. Paine asked if any existing telephone poles will be removed with the introduction of street lights. Mr. Daley said part of the discussion with the TCRC and consultants is to avoid conflict with existing poles and power lines. Mr. Paine asked if it was possible to locate them adjacent to the furniture store behind the parking lot. Mr. Daley said the grant was for improvements only. Mr. Paine said he thought this was the first phase of sidewalks and more would be added later. Mr. Daley said it was and the original grant did have both sides of the street but as the process continued, it was evident that more money was needed to achieve that. The TCRC and Board of Selectmen have had a discussion about applying for another grant so the other side of the street can be done. Mr. Merrick said it should be used to move the power lines. Mr. Daley said it is a matter of cost. Mr. Paine asked if the money for the second phase would be put into the C.I.P. Mr. Daley said \$25,000 a year would be put into the C.I.P. fund.

Mr. Daley hopes these improvements will invigorate property owners in the TC district to invest in their own properties. Mr. Merrick said it would be interesting to talk to Unitil about the power lines to find out more. Mr. Daley said the cost was huge. He added that when water and sewer come to the TC, digging will be required so that will help.

5. Adjournment.

Mr. Merrick made a motion to adjourn the meeting at 8:15 pm. Motion seconded by Ms. Ober. Motion carried unanimously.