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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **February 18, 2015**  
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 Bob Baskerville, Vice Chairman  
15 Bruno Federico, Selectmen's Representative  
16 Jameson Paine, Member  
17 Nancy Ober, Alternate  
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19 Members Absent: Tom House, Member  
20 Christopher Merrick, Alternate  
21  
22 Staff Present: Lincoln Daley, Town Planner  
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25 **1. Call to Order/Roll Call.**

26 The Chairman took roll call and asked Ms. Ober to be a voting member in place of Mr.  
27 House. Ms. Ober agreed.

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

29 a. February 4, 2015

30 Mr. Baskerville made a motion to approve the minutes of February 4, 2015. Motion  
31 seconded by Mr. Paine. Motion carried unanimously.

32 *Mr. Merrick arrived at 7:05 pm*

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

34 a. **ST Holdings Company, LLC, 37 Portsmouth Avenue, Stratham, NH 03885 for the**  
35 **property located at 37 & 39 Portsmouth Avenue, Stratham, NH Tax Map 9, Lots 2**  
36 **& 3.** Site Plan Review Application to construct a 7,125 square foot auto dealership  
37 building expansion, parking lot and roadway improvements, and related lighting,  
38 landscaping, drainage enhancements.

39 Mr. Houghton explained that conditions of approval had now been prepared for the  
40 applicant. He asked the applicant if they had any final comments to make.

41 Mr. Donahue, attorney for the applicant thanked town staff for preparing the conditions  
42 and the Public Works Commission (PWC) for providing some very detailed information

1 concerning the known details of water and sewer. The applicant now knows what to do  
2 about the stubs that are required for the future connection of the water and sewer. The  
3 applicant is going to have a full travel way under the road, and the 2 parking shoulders  
4 will be finished to a road grade, but they won't be paved. They will bond the paving so  
5 the Town will have the money to finish that paving when and if water and sewer go in.  
6 That money would be available for the period of the letter of credit which per State statute  
7 is for 6 years.

8 Mr. Bruce Scamman, engineer for the project talked about the conditions listed as 9e and  
9 12. He said they are going to add those to the site plan under the notes. They referred to  
10 the phasing of the plan and the parking on the Gateway Road until it becomes a complete  
11 functioning town road.

12 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Mr.  
13 Paine. Motion carried unanimously.

14 Mr. Baskerville made a motion that the Board approve the site plan of ST Holdings  
15 Company for 37 Portsmouth Avenue for their 7100 square foot addition. The conditions  
16 of that approval are based in the Planning Board's Notice of Decision with 9 conditions  
17 precedent, 6 conditions subsequent, and 14 general conditions. Motion seconded by Mr.  
18 Federico. Motion carried unanimously.

19  
20 **b. Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**  
21 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**  
22 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to  
23 construct a 46 lot, over 55 Retirement Planned Community Development.

24 Mr. Houghton said since the applicant was last before the Board, a technical review  
25 meeting took place on January 29, 2015, the minutes for which were forwarded to the  
26 applicant on February 5, 2015.

27 Mr. Mark Stevens, applicant took the floor. He said based on the information from the  
28 Technical Review meeting, they need to make some changes to the plan to address  
29 people's concerns. Before they can make those changes, and complete their design, they  
30 need to determine road lengths so he would like to discuss roadway waivers.

31 Mr. Stevens showed 2 plans; one being the original design they submitted in March 2014  
32 which shows a road heading off to the east which circles around back on itself with a  
33 small hammerhead. This is called East Road and there is another road coming off to the  
34 west, which they call West Road. After they designed this, they did some additional  
35 studies and discovered some wetlands and other issues so they redesigned it with basic  
36 input from the Conservation Commission and Planning Board. This is the second plan,  
37 which is a design with no wetland impacts. This design has an east road that comes into  
38 a cul-de-sac, a north road that comes into a cul-de-sac and small hammerhead, and then  
39 the west road.

40 Mr. Stevens continued that back in 2006 as a result of Lindt's first and second expansion,  
41 he entered into an agreement with the Planning Board at that time about developing a  
42 roadway system that connects from Rollins Hill Road through this development, down  
43 through Lindt and out through the industrial park onto Marin Way. It was a multi-faceted

1 agreement and Mr. Steven's part of the agreement was if he agreed to build the road to a  
2 certain point (Mr. Stevens showed this on the plan) and connect it either with an easement  
3 or physicality to Lindt, the issues of 800' roadway lengths would go away. In 2013,  
4 Lindt started another expansion and a Technical Review Committee meeting took place  
5 which was to determine whether this connector road was something the Town wanted or  
6 if there was another avenue. The attendees at that meeting were Mr. Daley, Mr.  
7 Deschaine, the Fire Chief, the Police Chief, members from Lindt, Public Works and the  
8 applicant. It was decided that the Town did not want to make the connection through to  
9 Marin Way because they thought it would create more problems than it would solve due  
10 to the volume of people that would use that road as a short cut to the highway. The Fire  
11 Department said regardless of which road they would choose, it would be faster for them  
12 to leave the Fire Station down Portsmouth Avenue and come to the industrial park that  
13 way. The Police Department said they would do the same thing because it's faster. Lindt  
14 did not want this connector road to go through their property.

15 Mr. Stevens continued that a condition precedent to Lindt's Occupancy permit was that  
16 this connector road should be a gated emergency access road built according to town  
17 specs, but gravel. Under the 2006 agreement, Mr. Stevens said he doesn't need a waiver  
18 to build this road; he just needs to add a connector road through into Lindt. He said a  
19 waiver will be needed because they didn't design this as a loop road, and one will be  
20 needed also for the length of one of the roads which they have designed to have the least  
21 impact on the ground.

22 Mr. Stevens said the Town owns about 80 acres of land that was given to them, but there  
23 is no way to get to the land. He said they can provide a way to get to it through either a  
24 trail system or an easement.

25 Mr. Stevens said the Highway Agent had a lot to say about public roads in this kind of  
26 development; he felt that because it's a retirement community it would put too much of  
27 a burden on his staff as they would be more demanding. Mr. Stevens said he made a lot  
28 of good points and he would agree to make these roads private.

29 Mr. Merrick said he thought that the agreement was there would be a right of way  
30 established onto this property, and not necessarily a road. Mr. Stevens said he had  
31 provided a copy of the minutes and paraphrased what happened with Lindt. Lindt was  
32 supposed to provide \$185,000 for some construction, and lay out a road that could be  
33 deeded to the Town. Mr. Merrick asked for clarification on Mr. Stevens' earlier  
34 statement that the roadway length issue of 800' would go away. Mr. Stevens said the  
35 2006 agreement states it. Mr. Daley said that may apply to the east and west roads, but  
36 not necessarily the north road. Mr. Stevens said he agreed.

37 Mr. Baskerville said he knows that Mr. Stevens had a conversation with public works  
38 about the width of roads and right of way. He asked for clarification on that. Mr. Stevens  
39 said if they made the roads private, the issue would go away because they would take  
40 care of the roads themselves and make sure they are safe. Based on the experience from  
41 the Vineyards, they know how the traffic is and how it works, and those roads are wider  
42 than he thinks they need to be. Mr. Baskerville said over the last few years, the Board  
43 has had trouble with a couple of private ways from a subdivision stand point; his gut  
44 feeling is the road should be built to town standards even if they're private. A right of

1 way won't be needed if it is a private way. Mr. Baskerville asked Mr. Stevens if he would  
2 still sell lots if it's a private road or would it be an association. Mr. Stevens said it would  
3 be an association very similar to the one in the Vineyards. Mr. Baskerville asked if the  
4 frontage of the lots had to be on a public or private right of way. Mr. Daley said it can  
5 be either.

6 Mr. Federico said his preference would be for a private road because he knows the  
7 Highway service is very concerned about providing plow services in that area.

8 Mr. Houghton asked Mr. Stevens about the road width discussion. Using the plan, Mr.  
9 Stevens showed where the Highway Agent was happy with a 24' width with 2' shoulders  
10 and a 20' width with 2' shoulders. They are not asking for waivers to vary the cross  
11 sections of the road. They are just asking for waivers to reduce the width in certain areas  
12 from 24' to 22'. Tonight they just want waivers to straighten out the issue of road lengths  
13 so they can finish up the design for the road ways; that way they can see how this impacts  
14 the ground and make sure the drainage, ponds, and fire protection works. Their A.O.T.  
15 application could be finished and submitted, and they have their subdivision application  
16 ready to go to the State for the septic system subdivision approval.

17 Mr. Paine referred to the comments from the Conservation Commission. Mr. Stevens  
18 said he thinks they can address all of the concerns, but in order to do that, he needs to get  
19 this design approved by the Board so then they can look at the concerns of the  
20 Conservation Commission on the ground.

21 Mr. Baskerville said he attended the site walk and the technical review meeting, and said  
22 when they approved Lindt, there was a condition precedent that in order for them to get  
23 their occupancy permit, the road had to be built. When it was approved, there was no  
24 design at the time for the road so the Board has never seen the design before. Mr.  
25 Baskerville said he is leaning towards this being a private road, but there is a slew of  
26 legal documents. He said Lindt will have to start building their part of the road soon as  
27 they are building the addition now, so there needs to be a guarantee from Lindt that they  
28 keep it plowed up to the gate, and the applicant is going to have to plow up to the other  
29 side of the gate; the gate will need to be accessible and open because of all the cross  
30 easements.

31 Mr. Houghton opened the discussion up to the public and said tonight's discussion is  
32 about the roadway. Mr. Pielich, attorney for Jeffrey Friedman, abutter to the project said  
33 he agrees with a couple of things; one the plowing of the hammerheads and two, he thinks  
34 it's a great gesture from the developer to offer to make those roads private. He agrees  
35 with Mr. Paine also about a vote on roadway length waivers being premature without  
36 having considered the comments from the Conservation Commission, especially as  
37 regards the North road. There is a white cedar swamp and vernal pool located between  
38 the 2 hammerheads of the North road. The Commission has recommended that certain  
39 lots have further setbacks which certainly impacts the issue of roadway length. He has  
40 no great concern about the East and West roadway lengths especially if they are going to  
41 be private, but feels differently about the North road. He doesn't think they can vote on  
42 that tonight without hearing the Conservation Commission's comments. Mr. Baskerville  
43 asked if Mr. Friedman could show where his property is. Mr. Friedman showed the

1 Board his property on the plan. Mr. Pielich pointed out that Mr. Friedman abuts Lindt  
2 and not the proposed development.

3 An abutter from Stratham Heights Road said he thought the idea of providing access to  
4 the conservation land was a great idea. He asked what the primary reason was concerning  
5 roadway length. Mr. Federico said it was for fire protection. The resident said he had  
6 attended the regional impact meeting and they were concerned about fire safety from a  
7 regional perspective. One of the recommendations made at that meeting, was that the 3  
8 fire chiefs from the different towns get together to talk about the layout of the  
9 development. He understands why plowing would be a concern, but he is more  
10 concerned with fire safety. He felt that road width could be a concern when people want  
11 to exercise and go for walks. The pavements need to be wide and well lit. He asked if  
12 the Town would be protected against litigation if somebody were to get hurt.

13 Mr. Stevens said he has had 3 meetings with the Fire Chief, and one with the deputy Fire  
14 Chief and they are satisfied with the road widths and road development. They just want  
15 to make sure that 2 fire vehicles can pass one another. There was some discussion about  
16 the emergency access road and the need to keep it maintained and plowed as other towns  
17 may use it in an emergency situation. Mr. Federico pointed out that it would be the only  
18 access if there was an emergency at Marin Way.

19 A North Hampton resident spoke next; she commented on the fire pond saying they have  
20 one for her neighborhood, and it is quite often dry so she is cautious of how much the  
21 fire ponds on this new development will actually hold, particularly taking into account  
22 the water load from Lindt, and all of the homes. Mr. Stevens said they have built many  
23 fire ponds in town and they haven't had a dry one yet. However, he did say, that should  
24 that occur they will set an area aside for a 30,000 gallon cistern.

25 Ms. Pauly, Stratham abutter, asked at what point they have addressed the meeting  
26 minutes from the Conservation Commission. She asked if that was a different meeting  
27 to tonight and if so when would it be discussed. Mr. Houghton said this meeting is  
28 specific to the roadway. There are many additional steps to this application which will  
29 incorporate elements such as the Conservation Commission's comments. Ms. Pauly said  
30 she didn't want to take away from the roadway discussion, but she is concerned about  
31 the proximity of the lots to the white cedar swamp and would like a bigger buffer. If that  
32 was the case that would affect the location of the lots and the roadway so it is relevant to  
33 this discussion.

34 Ms. Breslin, abutter, said she had the same concerns as Ms. Pauly concerning the white  
35 cedar swamp. She feels that the issues raised at the regional impact meeting have not yet  
36 been properly addressed either. Mr. Federico said each of those concerns will be  
37 addressed.

38 Mr. Houghton said from a conceptual level, he understands why the road lengths are what  
39 they are and he thinks it does make the most protective use of the land. He is not at the  
40 point this evening where he would grant a waiver and that's because he would like a bit  
41 more information on how the road cuts will impact the land particularly the North road  
42 where there is the potential for a greater environmental impact.

1 Mr. Baskerville said in general he agrees that road length is not an issue, however North  
2 Road and the cul-de-sac are different because of the conservation issues; somehow the  
3 applicant needs to work with the Conservation Commission. The outcome could affect  
4 the design of the North Road and lots in that area. Mr. Stevens said the Town should be  
5 aware it does have a white cedar swamp which is right next to the elementary school; the  
6 parking lot is 50' away from that white cedar swamp and the athletic field is also. The  
7 impact on that white cedar swamp is a lot more than this development will have on this  
8 white cedar swamp. He said they will work within reason on developing this.

9 Mr. Stevens said he is short on patience as next month it would have been a year since  
10 this process began. According to the D.E.S. he could just get a wetland permit for a  
11 wetland crossing instead. He needs to be able to do a roadway design.

12 Mr. Merrick said the roadway length as a private road doesn't bother him. Mr. Federico  
13 said he has no problems with the road length.

14 Mr. Deschaine, Town Administrator, but also an abutter in close proximity to the project  
15 said he had heard several discussion items from everybody. He said if board members  
16 are wavering on not making a decision at all due to certain conditions that weigh into that  
17 decision, the waiver granting can be conditioned. Mr. Deschaine said it would be fair to  
18 the applicant to give him something to get the process started.

19 Ms. Ober said if they do grant the waivers, she feels there needs to be a contingency in  
20 there to eliminate the loop; to do it as a hammer head, and with those roadway lengths  
21 would be contingent on it being a private road. Mr. Stevens said he had no problem with  
22 that.

23 Mr. Baskerville said he wouldn't put too many conditions on it because it's for the road  
24 length only, not for the lots, drainage etc.

25 Mr. Daley said if the Board is going to go down that road, he recommends that the motion  
26 for the roadway requests is to identify each of the roads being discussed and address them  
27 individually because the Board appears to be comfortable with the East and West roads,  
28 but not so much with the North road and cul-de-sac.

29 Mr. Stevens shared detailed plans of the planned roadway which the Board discussed.  
30 Mr. Baskerville suggested adding a cul-de-sac. Mr. Stevens agreed it was a good idea.  
31 Mr. Paine said he was OK with the concept of the length, but again said he would like  
32 them to make an effort to address the concerns of other boards and commissions. In his  
33 opinion the North road should be somewhat of a reduced area to lower the traffic and  
34 chance of interaction between vehicles.

35 Mr. Daley said it was worth noting that the Highway Agent prior to the discussion of the  
36 roads becoming private, had a preference for 24' wide roads throughout the development.  
37 He said it was worth noting also that the applicant had provided a very lengthy submittal  
38 supporting the waiver request for each of the roads.

39 Mr. Baskerville made a motion to approve a waiver to the road length requirement for  
40 the Rollins Hill development for West Road where the requirement is 800' maximum  
41 length to be approximately 1400' from Rollins Hill Farm Drive which is approximately  
42 2000' from Stratham Heights Road for a total length of about 3400', conditioned on that  
43 this waiver is for the length only. All other roadway design issues with right of way,

1 drainage, all environmental sensitivity issues are to be dealt with separately later; this  
2 doesn't go into anything other than the length that this waiver is based on all the  
3 information submitted in writing and spoken at the public hearings, and at the technical  
4 review committee meeting. All appropriate easements and maintenance agreements for  
5 the Lindt emergency access road is worked out both with the Rollins Farm developer,  
6 and with Lindt to the satisfaction of Town staff, and legal counsel, and subject to the  
7 approval of emergency services staff also, and the design of the roadway. An appropriate  
8 terminal design to the public road, most likely a turnaround will be provided at the end  
9 of Rollins Hill road so that school buses and plows can turn around. It has to be approved  
10 by DPW and all other Town departments. The Board has expressed a preference for  
11 making it a private road. The road should be built per Fire codes, per Fire Department,  
12 per Town staff, and Town specifications. A condition of approval will be that as the  
13 process goes on, adequate fire protection will be provided on all roads, approved by the  
14 Town's Fire Department and Planning Board. Motion seconded by Mr. Federico.  
15 Motion carried unanimously.

16 A resident asked if access to the conservation land could be included as part of the motion  
17 also. Mr. Baskerville said he wants that, but he doesn't want the motion for the road  
18 length to be construed more than it is.

19 Mr. Baskerville made a motion to grant the waiver for the road length requirement for  
20 East Road of the Rollins Hill development which is approximately 1900' extending from  
21 the end of Rollins Hill Road which is approximately 2000' for a total length of  
22 approximately 3900'. All of the conditions stated in the previous motion for West Road  
23 will also be in effect for East Road. Part of the Board's consideration was the elimination  
24 of all wetland impacts on the project. Motion seconded by Ms. Ober. Motion carried  
25 unanimously.

26 Mr. Baskerville made a motion to approve a waiver to the road length requirement for  
27 the North Road of the Rollins Hill development which is approximately 1200' long from  
28 East Road which then travels along a distance of East Road and it also includes the 2000'  
29 of Rollins Hill road so the total length is approximately 4400' from Stratham Heights  
30 Road included as conditions and reasons for granting this waiver are everything said for  
31 the East Road motion. Mr. Baskerville added that this road abuts vernal pools and  
32 Atlantic white cedar swamps that are going to be a future discussion with the  
33 Conservation Commission, and the applicant and this road length requirement does not  
34 pertain to any of those environmental sensitivities and issues, and those need to be dealt  
35 with later in detail.

36 Mr. Baskerville asked Mr. Stevens about some of the lots actually having vernal pools  
37 on them. He said they would reconfigure the lots so the vernal pools are part of the  
38 common land. Mr. Daley said he would add that there are some wetland buffer impacts  
39 and as such there may be other regulatory approvals the applicant needs. Mr. Stevens  
40 said they will move out of the buffer areas. Mr. Daley said he would add the condition,  
41 "subject to any/all conditional approvals associated with the property itself". Mr.  
42 Baskerville said the road length waiver does not grant any other buffer permits; all future  
43 buffer permits or environmental sensitivity issues, Conservation Commission issues, will  
44 all be dealt with later and separately, and completely independently. The condition for  
45 North Road and the cul-de-sac road is that to the greatest extent possible, all wetlands

1 and vernal pools and Atlantic white cedar swamps shall not be part of lots owned by the  
2 individual home owners, but will be protected in open space and under conservation  
3 easements as determined later.

4 Mr. Daley mentioned that if the Board adopts any comments from the Conservation  
5 Commission, hypothetically speaking, it could alter the road orientation, or the length  
6 along the way. He wanted to make sure that it was clear that is still up for discussion as  
7 part of the overall design.

8 The motion was seconded by Mr. Paine. Motion carried unanimously.

9 Mr. Baskerville made a motion to grant the waiver for the cul-de-sac road in the Rollins  
10 Hill development subject to each and every previous condition that has been discussed  
11 in the past half hour in this meeting, which is a length of approximately 1600' which is  
12 from East Road plus approximately 1200' more plus 2000' more for a total road length  
13 of about 4800' from the intersection of Stratham Heights Road. Motion seconded by Ms.  
14 Ober. Motion carried unanimously.

15 Mr. Stevens said they should postpone the application until the second meeting in March  
16 which would be March 18, 2015.

17 Mr. Federico made a motion to continue this application until March 18, 2015. Motion  
18 seconded by Mr. Paine. Motion carried unanimously.

19 **4. Miscellaneous.**

20 a. Report of Officers/Committees.

21 There were no items to report

22 b. Member Comments.

23 There were no member comments.

24 c. Other.

25 Mr. Daley said every 2 years the Rockingham Planning Commission update their long  
26 range project list for approvals; within that are 3 projects listed for Stratham which are  
27 putting bike lanes on Squamscott Road, signalizing the 108/Bunker Hill intersection, and  
28 signalizing the 108/Frying Pan Lane intersection. The one project that didn't make the  
29 list was the signalization at Winnicutt Road. With the Board's approval, Mr. Daley will  
30 resubmit this project to the RPC. The Board said Mr. Daley should resubmit the project.  
31 Mr. Federico asked if Frying Pan Lane should be part of the CIP? Mr. Houghton said it  
32 is too far out for the CIP.

33 Mr. Paine asked about developer fees and if the Town had an account somewhere which  
34 is going to go toward any future project because to him it seems like these have been on  
35 the board for 20 years. Mr. Deschaine said the Town has had them, but they haven't  
36 amounted to anything near what is needed.

37 **5. Adjournment.**

38 Mr. Baskerville made a motion to adjourn the meeting at 9:10 PM. Motion seconded by  
39 Ms. Ober. Motion carried unanimously.

40