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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **March 4, 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 Bruno Federico, Selectmen's Representative  
15 Jameson Paine, Member  
16 Christopher Merrick, Alternate  
17 Nancy Ober, Alternate  
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19 **Members Absent:** Bob Baskerville, Vice Chairman  
20 Tom House, Member  
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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.  
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28 **2. Review/Approval of Meeting Minutes.**

29 a. February 18, 2015.

30 Mr. Daley recommended tabling the minutes until March 18, 2015.

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

32 a. **Work Session** – Site Plan & Subdivision Waiver Requests.

33 Mr. Daley explained that the catalyst for this is the frequency at which developers are  
34 looking for waivers from the Land Use regulations. This is a way to provide the Board  
35 with additional guidance on how to evaluate such requests in conjunction with the State  
36 statutes. The outcome of this will most likely be a slight modification to the Land Use  
37 regulations to be more in line with those State statutes.

38 The current subdivision and site plan regulations include a provision that allows an  
39 applicant and a planning board to consider, and possibly waive the various regulations  
40 for both Land Use regulations. It requires a written submittal for the Town and to the  
41 Board for their evaluation. Under the current language, it really deals with the safety,  
42 public health and welfare for an individual property.

1 Under State statute RSA 674:36 Subdivision Regulations and RSA 674:44 Site Plan  
2 regulations, the Board is basically required to evaluate a waiver request using 2 standards  
3 which Mr. Daley read out.

4 Under State statute an applicant will be required to show how strict conformity with the  
5 regulations poses unnecessary hardship, and will not be contrary to the spirit and intent  
6 of the regulations. Mr. Daley quoted the Rollins Hill Farm development as an example  
7 of a developer who did this.

8 When a board accepts an application as complete, and discovers it needs the information  
9 that was waived per request, the applicant is required to provide that information.

10 Mr. Merrick asked if an applicant has to fill out a waiver request form for each waiver.  
11 Mr. Daley confirmed that they need to.

12 Mr. Daley said the Planning Board may attach conditions to waivers however he  
13 cautioned the Board to draft the conditions and make sure they are reasonable. At some  
14 point there needs to be a limit to the number of conditions associated with a waiver  
15 request; some are hard to enforce.

16 Mr. Houghton said what he struggles with is conditionally accepting an application while  
17 waiting for certain information. He referred to an application that came before the Board  
18 where they did this, but they didn't get a waiver from submission requirements. Mr.  
19 Houghton said they should go back to that applicant and get a waiver request for  
20 submission requirements. Mr. Daley advised that in the future, the Board should try and  
21 avoid accepting conditional applications.

22 Mr. Daley said the term "unnecessary hardship" is not quite the same as it applies to a  
23 variance application with the ZBA. It's more akin to a project with difficulty, but what  
24 constitutes an unnecessary hardship? He said the courts haven't provided a clear  
25 understanding, but there is general guidance which suggests they mean that it should be  
26 something that goes just beyond a mere inconvenience, and there must be a really good  
27 reason why a waiver is being requested; it must pose a difficult obstacle to the project  
28 with little or any effect on the public so the waiver won't violate the spirit or intent of the  
29 regulations.

30 Mr. Daley talked about the next criteria "the spirit and intent of the regulations". For  
31 this the rationale for the regulations should be considered and how the regulations affect  
32 the property in question relative to the posed waiver. Public health, safety and welfare  
33 should be considered also. A waiver may be approved if the circumstances of the  
34 development or conditions of the land indicate the waiver will carry out the intent and  
35 spirit of the ordinance.

36 In order for these 2 criteria to be incorporated into the regulations, at least one public  
37 hearing will be required. In addition the check lists will need to be modified. Mr. Daley  
38 said he had put together some draft language and will likely provide a step by step guide.

39 Mr. Daley said he had provided some planning board minutes from the Town of  
40 Brookline in New Hampshire which is one of the towns that has incorporated the new  
41 criteria. The minutes discussed a couple of cases where these criteria were used for  
42 waiver requests to reduce sight distance.

1 Ms. Breslin, resident asked for clarification about a public hearing being required to  
2 modify the regulations. Mr. Daley gave an explanation.

3 b. **Work Session** – 2015 Planning Board Goals and Objectives.

4 Mr. Daley said he had put together a short list of Planning Board goals and objectives,  
5 some of which have already been started. The list includes storm water management  
6 regulations, streetscape design for the Gateway and Town Center districts, specs for the  
7 water and sewer that will hopefully come to the Gateway district, including who is  
8 responsible for installation, auto dealerships and parking lots for auto storage, the Master  
9 Plan, looking at administrative regulatory policies for the Town which comes from the  
10 Economic Development Committee (E.D.C.) The E.D.C. has been looking at how  
11 Stratham is viewed as a town by developers, property owners; as a business friendly  
12 community or one that is difficult and challenging to work with. A thought is to host a  
13 workshop with the EDC inviting developers, engineers, property owners, business  
14 owners to have a candid discussion about their views on this.

15 Mr. Daley continued discussing goals. He suggested exploring development  
16 opportunities with other towns; he gave an example of the Bauer building which is  
17 bisected by the Stratham/Exeter town line. He had reached out to Exeter who are now  
18 looking at making the Exeter part of the Industrial park into the same zone as Stratham’s  
19 part. Other examples Mr. Daley talked about was possibly marketing the entire Route  
20 108 corridor as one entity even if part of it does run through Exeter or working with  
21 Greenland with regards to Portsmouth Avenue.

22 He asked the Board if there were any additional items of interest they would like to  
23 explore. Mr. Federico said he thought they should do a study on the light at Bunker Hill  
24 Avenue to determine what possible funding sources there are other than D.O.T., builders,  
25 and the Town, and impact fees also. Mr. Deschaine said a report had already been done  
26 and the State supports it; the only lack of motivation is who is going to pay for it. Mr.  
27 Paine said he knows of communities that have paid for intersection improvements which  
28 got reimbursed about 20 years later, but it does improve the area in the short term which  
29 brings benefits to that town. If it’s a roundabout versus a traffic light, the ascetic aspect  
30 should be considered too; it keeps traffic flowing, improves air quality and if power goes  
31 out, it is not an issue. Mr. Deschaine said it would probably be a wise thing to update  
32 the study to consider a roundabout option. Mr. Daley asked if there was a guarantee that  
33 the State will reimburse the money if it is paid up front. Mr. Paine said he believed there  
34 was a process in place, but it would be best to discuss it with the D.O.T. The problem  
35 Mr. Federico sees is that both Bunker Hill Avenue and Winnicutt Road are State roads  
36 leading onto another State road, and often times the Town has very little impact on the  
37 decision making for State roads. Mr. Daley said when the Town Center traffic study was  
38 done, it was given to D.O.T. for their review who were very positive about the roundabout  
39 idea.

40 Mr. Merrick suggested exploring the cost of putting the power lines in the Town Center  
41 underground. Mr. Paine said Newmarket had moved their power lines either  
42 underground or a row behind. Mr. Daley said it was a great idea; the challenges would  
43 be the diverse property owners, some of who are challenged to be vested in their own  
44 properties.

1 Mr. Federico suggested looking at some kind of regulations regarding dilapidated  
2 structures. Mr. Daley said some towns offer improvement grants, and asked if the Board  
3 would be interested in that. Mr. Federico said they had just introduced the tax incentive  
4 program, and asked if many property owners had taken advantage of that. Mr. Daley  
5 said there had been some interest, but nobody had actually applied.

6 Mr. Paine said he wondered if there was some way to improve the PRE zone as they are  
7 trying to do so with the Gateway and Town Center districts. Mr. Daley said looking at  
8 other communities; they have design standards for that district that would improve the  
9 architectural elevations in the PRE area. Mr. Daley asked if the Board wanted to think  
10 about green space location of structures in proximity to the Route 108. Mr. Paine said  
11 his thought is to make it more consistent with the areas around it and to look at design  
12 standards.

13 Mr. Paine asked if there was any way to enhance the industrial area or to assist the  
14 corporations who own businesses there. It seems to be a pretty successful area. Mr.  
15 Deschaine said that Lindt mentioned that if they were going to grow any more, they  
16 would need a parking structure. He thinks there are benefits to that, such as improved  
17 storm water management, and setbacks could be reduced possibly allowing for more  
18 parking structures. Mr. Paine asked if condominium type associations apply for the  
19 special commercial zone so they could have denser standards. Mr. Daley talked about  
20 the wetland issue; Exeter do a wetlands functionality scoring system to ascertain setbacks  
21 which allows for more development to occur. He isn't sure how the Conservation  
22 Commission would receive those changes. Mr. Houghton suggested a workshop with  
23 the Conservation Commission.

24 Another topic for consideration Mr. Daley said, was offering off-site mitigation to  
25 developers in exchange for a portion of buildable land so things like water and sewer can  
26 go in. Mr. Merrick thought it was a great idea. Mr. Paine said he knows Portsmouth has  
27 gone through all of their wetlands using a scale system.

28 Ms. Becky Mitchell, Chair of the Heritage Commission, said the Heritage Commission  
29 has been discussing the whole Route 33 corridor from the Town Center to the Greenland  
30 line. The Commission feels quite strongly that this is something that should be looked  
31 at. It's been 10 years since this was raised, and attitudes and conditions have changed  
32 quite a bit in that time. The Heritage Commission has been quite concerned by some of  
33 the decisions made by the ZBA, and it is sensitive to the fact that there is increased  
34 pressure on that area plus they don't want to see piece meal creeping commercialization.  
35 The Commission do want to take advantage of the assets that are there and support the  
36 situation the property owners are in. The first step would be to look at the area to be  
37 rezoned, and then the Heritage Commission would like to have some kind of study done  
38 to look at the historical assets so there is some guidance which will set some standards  
39 that the Commission could follow. Ms. Mitchell said the other thing that has changed is  
40 that form based code is more widely accepted nowadays. Ms. Mitchell said in the  
41 charrette process for the Master Plan, it presents an opportunity for community members  
42 to discuss this. Mr. Houghton said that the former college site could be a catalyst for  
43 nearby property owners wishing to change their properties into something more  
44 commercial.

1 Mr. Houghton felt the area to look at would be from Squamscott Road down to Greenland  
2 and from Squamscott Road to the Town Center which should have more of the Town  
3 Center character.

4 Mr. Daley discussed time lines for the goals. Mr. Houghton said that streetscape details  
5 for the Gateway could wait a little longer until there's more definitive news on the water  
6 and sewer. Auto dealerships were discussed; Mr. Deschaine explained how auto  
7 franchising has changed over the years and perhaps it was better to define auto storage  
8 lots, and to think about what is the difference between storing goods and storing cars.  
9 Mr. Daley said he would like to look at the wetland issues this year with the Conservation  
10 Commission. Mr. Deschaine warned them of unintended consequences; sometimes it  
11 will move into areas that the Board designates areas as prime wetlands, and other wetland  
12 features that have a greater importance than they have now. Mr. Paine asked that when  
13 tackling off-site mitigation that the regulation state that off-site mitigation should be in  
14 the Town. Mr. Daley mentioned Mr. Gove's idea of a wetlands bank and wondered how  
15 long that would take to establish. Mr. Deschaine said it would depend on what the Board  
16 is trying to achieve; on-site would be preferable, but it is becoming less and less unlikely.  
17 There are also concerns about the watershed impact. A town should be prepared and  
18 have a list of properties for off-site mitigation, and if the money is put into the State  
19 managed ARM fund, the Town needs to make sure it gets first refusal. Mr. Deschaine  
20 said that Mr. Gove has even suggested reaching out to the Public Works Director for  
21 information on culverts with restricted water flow or areas with invasive species. Mr.  
22 Houghton asked if storm water management could be considered for mitigation. Mr.  
23 Daley said potentially, yes. Mr. Deschaine said he thinks developers are required to do  
24 it anyway as part of their site plan, but there are sites in Town that need storm water  
25 treatment.

26 Mr. Paine asked if the Town had received any updates about MS4 from the E.P.A. Mr.  
27 Deschaine said not since the fall of last year.

28 Mr. Daley said he thought it was worthwhile having a discussion about the rezoning of  
29 the Route 33 corridor, and see where it goes from there. He wasn't sure where the  
30 funding for a study would come from at the moment. He suggested leaving the power  
31 lines in the Town Center until next year or giving it to the Town Center Committee to  
32 tackle.

33 The Board thought the traffic light at Bunker Hill Avenue should be moved for now.  
34 Dilapidated buildings was discussed next. Mr. Deschaine said it could be difficult; he  
35 knows of one town that did something similar, but that was more due to the fact that they  
36 had a series of foreclosures in Town. Mr. Federico said he had read an article that  
37 Portsmouth were going to be implementing a dilapidated structure ordinance which will  
38 require the property owner to fix it up so it doesn't become a fire trap. Ms. Mitchell said  
39 there's also the concept of demolition by neglect.

40 Mr. Daley said he is happy to create a time line for all these goals and objectives.

41 Mr. Houghton said that some of these goals could be given to other boards and  
42 committees to do. The E.D.C. are spearheading the project of how businesses view  
43 Stratham.

1 **4. Miscellaneous.**

2 a. Report of Officers/Committees.

3 i. Public Works Commission

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5 Mr. Daley shared that Mr. Rob Roseen from GEO Syntechs will be before the  
6 Commission on March 19, 2015 to discuss the results of the W.I.S.E. project which  
7 is Watershed Integration Swampscott and Exeter. It is a multi-town collaborative  
8 effort looking at ways to evaluate what best management practices get the most bang  
9 for the buck in terms of water quality and nitrogen deposition. The other element is  
10 the role regionalism plays in the whole watershed. Great Bay, Squampscott River  
11 being impaired has hit home with this study because if Stratham, Exeter, and  
12 Newfields were to make every conservative effort to use every possible means  
13 available to them to reduce nitrogen close to the bay, Stratham would be just shy of  
14 reaching the nitrogen level for the mandated level. The E.P.A. will have to take up  
15 the residual authority. Mr. Deschaine said the storm water regulations should be  
16 based on the model presented on March 19 at 7:00 p.m. Mr. Daley encouraged the  
17 Board to attend.

18 b. Other.

19 Mr. Deschaine asked the Board if they would deny an applicant if when requesting a  
20 waiver, they didn't use the prescribed form. Mr. Merrick said they would have to use  
21 the waiver request form. Mr. Daley said using the form would be preferable.

22 Mr. Daley informed the Board that he would be out for about a month starting March  
23 25, 2015 due to surgery. He is trying to work with R.P.C. to have a representative  
24 available to review applications and be in attendance at the meetings.

25 Ms. Ober said she will probably be absent for a month also due to an upcoming  
26 surgery.

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28 **5. Adjournment.**

29 Mr. Paine made a motion to adjourn at 8:38 pm. Motion seconded by Mr. Merrick. Motion  
30 carried unanimously.