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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **April 15, 2015**  
8 **Municipal Center, Hutton 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 Dave Canada, Selectmen's Representative  
16 Jameson Paine, Member  
17 Tom House, Member  
18 Christopher Merrick, Alternate  
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20 **Members Absent:** Nancy Ober, Alternate  
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22 **Staff Present:** Glenn Greenwood, Assistant Director of R.P.C. (Rockingham Planning  
23 Commission).  
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25 **Staff Absent:** Lincoln Daley, Town Planner  
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27 **1. Call to Order/Roll Call.**

28 The Chairman took roll call and introduced Mr. Greenwood from the RPC who was  
29 deputizing for Mr. Daley.

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

31 a. March 18, 2015

32 Mr. Houghton suggested deferring the minutes to the next Planning Board meeting.

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

34 a. **Christopher M. Phillips, Trustee of Christopher M. Phillips Rev. Trust, 16 Patriots**  
35 **Way, Stratham NH, Map 17 Lot 1 and Copley Investments, LLC, 7 Charles Drive,**  
36 **Stratham NH for the property located at 125R Portsmouth Avenue, Map 17 Lot 8.**  
37 Subdivision Application to construct a 5-lot Subdivision development

38 Mr. Greenwood referred to his review and the roadway configuration. He said there are  
39 a number of impacts from the road configuration. During the preliminary consultation,  
40 the Board asked for a number of changes to the plan; a small shift of the road's location,  
41 and the addition of an access to the abutting land at the rear of the parcel. The subdivision  
42 regulations require that the connection be made, and the applicant has in fact requested a  
43 waiver from that section of the subdivision regulations. Mr. Greenwood said his concern

1 is that the present road location separation between Evergreen Way and the new road is  
2 130'; it was unclear to him in the subdivision regulations if that should be 125 or 150'  
3 depending on how the roads involved are categorized. He continued that there are some  
4 minor issues with the monuments; they should be granite or concrete rather than iron  
5 rods, there is a misnamed lot, but other than the road issue he would have no problem  
6 with the Board invoking jurisdiction.

7 Mr. Gier, engineer took the floor. He explained this is an existing parcel with 2 lots; one  
8 has access from Portsmouth Avenue and the other from Patriots Road. They have already  
9 had a preliminary consultation, and as a result of comments from the Board and public,  
10 they have made some changes to the plan. It is still a 5-Lot subdivision, 4 of the lots  
11 have access off of the proposed cul-de-sac and the 5<sup>th</sup> lot which has an existing house on  
12 it, will continue to have access from Portsmouth Avenue.

13 The applicant has relocated the proposed road access to provide additional buffering to  
14 the western abutter. They currently have 60' of buffer between the property line and  
15 edge of pavement. They have a 125' off set distance from Evergreen Way and the  
16 proposed road in accordance with the subdivision regulations. Drainage is controlled by  
17 ditches alongside the roadways, and the water is collected in an infiltration retention basin  
18 that's located within the cul-de-sac itself. An additional retention basin is located on the  
19 adjacent western side of Lot 8-1. All drainage is discharged to a 100' level spreader now  
20 instead of 50'.

21 Mr. Gier said they are requesting 3 waivers from the subdivision regulations; the first  
22 one from Section 4.3.a.i to allow a right of way radius for the cul-de-sac of 110', the  
23 second one is from Addendum A, Table 1 which required 24' of pavement, they are  
24 requesting 22' of pavement, and the third one is from Section 4.4.3.a which concerns the  
25 right of way access to divided properties; they would like eliminate the right of way  
26 extension to Map 17 Lot 23. He explained they were looking at the scenario should the  
27 100 acres behind them become developed.

28 Access to the potential development was discussed. Mr. Geier said access does exist  
29 currently for the future development so the applicant believes they would meet the intent  
30 and spirit of the ordinance, plus when the Wingate Woods property was approved at the  
31 rear of this project, the Board deemed an access wasn't necessary. The applicant agrees  
32 with the Board that it isn't necessary, and they shouldn't be required to provide it.

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

35 Mr. Canada said this isn't a huge subdivision, it's really just an expansion of an existing  
36 neighborhood, and he thinks they should blend it in as much as they can. Should 50 new  
37 houses be built behind, that wouldn't help it to blend so he supports the waiver request.  
38 Mr. Merrick agreed. Mr. House said there are at least 3 access points that could happen  
39 and it is just a small neighborhood. He observed that with 50 new houses there would be  
40 at least 50 vehicles too. Mr. Merrick said he doesn't see that it would be an efficient  
41 location for a roadway. Mr. Baskerville said he is leaning toward agreeing because they  
42 don't want an access point that merges with the Stratham Circle. He would like to hear  
43 a little more.

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Mr. Merrick confirmed the applicant had got rid of the sign and the lighting. The applicant confirmed that they had. Mr. House commented that he could see they had moved the road. Mr. Paine asked if they had spoken with the Fire Department concerning reducing the road from 24' to 22'. Mr. Gier said they haven't received any comments yet. Mr. Baskerville indicated that Civilworks said no test pits had been turned in to them. The applicant said he assumed they had received them.

Mr. Phoenix, resident of 15 Patriots Road located directly across the street from the connection of the newly proposed road and Patriots Road, addressed the preliminary issues raised at the preliminary consultation meeting. He explained that he submitted a letter and supporting documents to the Board. He thanked the applicant for making accommodations for the affected buffers. In terms of the waiver requests, Mr. Phoenix said he had a petition signed by 33 neighbors and abutters of the project which supported the easement to the back land; they would all prefer not to have the additional connection to the back property. He feels that property values may go down if a development of 50 houses were to be built on the Poco Realty land. Mr. Phoenix talked through the rest of the documentation he had supplied concerning the access. He reiterated that at the time Mr. Emanuel got approval for Wingate Wood Phase III, an extra access point was not required due to the amount of common frontage. Mr. Phoenix had supplied a copy of the Stratham Master Plan in which he had highlighted a variety of comments, among them comments about Stratham's agricultural heritage and how the Town would like to maintain that.

Mr. Dave and Fred Emanuel were present. Mr. Dave Emanuel took the Board through the history of the parcel behind the applicant's project. He shared that the previous owner of what became Wingate Woods, had a 40 years restriction on that land which stated that only 2 residences with the usual accessory outbuildings could exist there. Mr. Emanuel said this is a piece of critical information because when Patriots Road Phase 1 was constructed in 1976, there was no Evergreen Way, Winding Brook or developable parcels that are being talked about tonight; there was one piece of raw land. The road in 1976 went down to where Evergreen Way is now. The developer who developed the parcel next to it put in a connector road which made a nice loop that everybody could use in the development. About 1979 the next phase of Patriots Road was built and there was a deed restriction that said the remaining parcel could not be developed so there was no consideration for an access to what was then undevelopable land. In 2000 Wingate Woods Phase III was being proposed, it abutted another parcel and for good management, it didn't have a cul-de-sac; it went all the way to the end of the property. Mr. Emanuel said if there was ever to be a development on the land in question, he would encourage the Board to have as many access points as they can because it increases the neighborhood effect of being able to get from point A to B and connectivity makes everything work better; it disperses traffic also. He said the more access points there are, the more traffic will be dispersed. Mr. Emanuel said that at this moment in time there were no development plans.

Mr. Baskerville said he had seen a sketch that shows Poco Realty owns 2 access points. Mr. Emanuel said they do have an access point on College Road and French Lane, and a different entity owns the access shown on the Circle.

1 Mr. Fred Emanuel said he doesn't agree with Mr. Phoenix or Jones and Beach about the  
2 diminution of values. Everybody who lives in the neighborhood has seen an increase in  
3 value consistently every year. He continued that the 79 condos were put in near  
4 Evergreen Way and Patriots Way didn't see an increase in traffic because the traffic left  
5 via Emery Lane; in his opinion, connectivity is a key element. He said the State wouldn't  
6 give him an access onto the Stratham Circle. Mr. Emanuel then referred to the street  
7 name for this project and said he would prefer a different name; Patriots Road was chosen  
8 because the year it was built was the 200<sup>th</sup> anniversary of the birth of this country. He  
9 continued that fire protection was important.

10 Mr. Houghton explained that the Board of Selectmen have the honor of naming streets  
11 and roads in Stratham, not the Planning Board.

12 Mr. Geier said Civilworks appeared to have no issues with their drainage; all they had  
13 requested was to see the evidence of test pits that were done.

14 Mr. Baskerville asked about the status of State permits. Mr. Geier said they hadn't  
15 applied yet, but all they need is a State subdivision. Until they know the layouts of the  
16 lots, they can't apply. Mr. Paine asked if they had coordinated with the State Historic  
17 office. Mr. Geier said they hadn't submitted anything yet. Mr. Houghton asked if they  
18 intended this to be a Town road. Mr. Geier said yes. Mr. Baskerville asked about the  
19 maintenance of the drainage easement. Mr. Geier said it is the intention of the applicant  
20 to form an association, and they would be responsible for maintaining it. Mr. Greenwood  
21 said there is a note on the plan to that effect. Mr. Houghton asked what the plans were  
22 with regards to fire suppression and asked where the closest source was. Mr. Geier said  
23 he believed there was a cistern at the end of Patriots Way at the hammerhead.

24 Mr. Baskerville referred to the drainage plan on Sheet C3 and asked about the whole  
25 boundary as a cross hatched setback area. Mr. Geier said the applicant has voluntarily  
26 offered to provide a no cut buffer around the entire project. Mr. Baskerville asked if it  
27 could be labeled. Mr. Houghton asked if they had thought about mitigation for the  
28 existing properties from vehicle head lights. Mr. Geier said he believe they are all set  
29 with the abutters about that.

30 Mr. Dave Emanuel reminded the Board about the current agricultural uses on the Poco  
31 Realty Trust and that it should be written into the deeds so the new property owners  
32 would be made aware that farming takes place on that land. Mr. Geier said they did agree  
33 to include that language at the last meeting, but he forgot to put it on the plans.

34 Mr. Baskerville said he would like to postpone this application to the next meeting. He  
35 would like Town Counsel's view on the third waiver request about the right of way. He  
36 would like more input from department heads also such as the Highway Agent and Fire  
37 Chief on the waivers. Mr. Houghton voiced that Mr. Baskerville's request was a  
38 reasonable one.

39 Mr. Greenwood asked if the waiver was granted for the access to the abutting parcel by  
40 the Planning Board, would the applicant reconfigure the lots and would no longer need  
41 the design waivers for the cul-de-sac because then the applicant could go to 113' and  
42 100'. Mr. Gier said that was correct. He went on to say that the original plan only  
43 required one waiver, but because if an access is allowed onto the abutting property, if it

1 has 50 cars, then the Board probably wouldn't want a 22' pavement, but for 4 lots it is  
2 preferable especially for safety. They agree connectivity is great but the offset of the  
3 intersection does create safety impacts to abutters.

4 Mr. Baskerville made a motion to continue this hearing until the evening of May 6, 2015.  
5 Motion seconded by Mr. Paine. Motion carried unanimously.

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- 7 b. **Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**  
8 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**  
9 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to  
10 construct a 46-lot, over 55 Retirement Planned Community Development. (Continued  
11 from March 18, 2015 )

12 Mr. Houghton started by saying the Town had not received any new documentation since  
13 the last meeting despite reaching out several times. Mr. Stevens said he wanted to discuss  
14 the review process and cited the traffic study as one example. He continued that he hired  
15 a Town review consultant so if he is hiring the Town's review consultant in an effort not  
16 to circumvent any rules or regulations, but in an effort to work together on an approval  
17 process, why is a review being done by a firm in Massachusetts which is costing more  
18 than his original traffic study.

19 He said he wanted to share the changes they are going to make which are innovative and  
20 include new technology to handle drainage. He doesn't feel he can just give the Board a  
21 set of plans which are sent out to review; he thinks there is a lot of explanation and  
22 discussion needed. They would like to sit down with Civilworks and present the whole  
23 package on how it works and what they are doing. Mr. Stevens said he made a conscious  
24 decision not to submit the plans to staff because the way staff just send things out for  
25 review without any scope of services or any direction from the Board.

26 Mr. Houghton said he would be willing to listen, but the Board cannot act on anything.  
27 He continued that they can't meet on May 6 unless they have plans 10 days before. Mr.  
28 Stevens said they have the plans with them.

29 Mr. Houghton invited Mr. Stevens to talk about the changes in the latest set of plans.

30 He started by saying the roadway hasn't changed, but they have incorporated a  
31 roundabout style cul-de-sac on Rollins Hill Road which would eliminate the T section  
32 that is there and this would become public road. There are no ponds or retention basins  
33 in the development so they are going to have porous pavement as championed by UNH.  
34 All the driveways will be porous also. Around the foundations, infiltration requirements  
35 are designed so that all of the rainwater on the property will go back underground.

36 They have redesigned the lots in 2 areas so that the wetlands and white cedar swamp will  
37 become part of the association, and they are planning on putting up a conservation fence  
38 to depict the 25' no cut wetland buffer zones. There are no wetland or buffer impacts on  
39 the development. There is one small detention pond that will take the run off from the  
40 small extension of Rollins Hill Road. Mr. Stevens said they have met with Lindt and  
41 Sprungli and agree with their access point so Lindt is designing the emergency access.  
42 Mr. Stevens showed where 2 cisterns were located on the plan which meet fire protection  
43 requirements.

1 Mr. Paine asked if the porous pavements would be private roads and if there will be an  
2 association in place to maintain the road. Mr. Stevens said these kind of roads need to  
3 be vacuumed a couple times a year and the association will be responsible for that as well  
4 as driveways. Mr. Merrick said that will eliminate the use of sand and salt too. Mr.  
5 Stevens said not salt necessarily, but sand. He added that icing isn't that common on  
6 porous surfaces.

7 Mr. Stevens said they will be adding a footnote to the plans stating the maximum  
8 bedroom count is 3. They have added one more lot where there was originally a retention  
9 pond. Mr. Paine referred to the south western part of the project near Lindt and asked if  
10 Mr. Stevens foresaw any problems with it being near a manufacturing facility with large  
11 trucks. Mr. Stevens said the trucking end isn't near that part of the project plus there is  
12 dense woodland. Mr. Houghton asked about the location of the Vineyards. Mr. Stevens  
13 said their issue with noise comes from the chocolate manufacturing facility.

14 Mr. Paine was appreciative of the green technology being used by the applicant. Mr.  
15 Houghton said the next steps will be sending out the current plan for Town review in  
16 particular to Civilworks. Mr. Stevens said he would like to sit down with Civilworks to  
17 go through the whole process to cut down on time also. He said in 10 days they will have  
18 a complete drainage application for A.O.T. Mr. Houghton asked if any other permits had  
19 been applied for. Mr. Stevens said they hadn't submitted applications yet, but as well as  
20 A.O.T. they will need State Subdivision too.

21 Mr. Canada asked how porous pavement works on steeper terrain. Mr. Stevens said that  
22 the velocity of water can sometimes be more than the absorption rate of the pavement,  
23 but there is a way to get around it by having checked dams in the horizontal run of the  
24 roadway system which stops water from coming down too fast, it collects it an area so it  
25 can absorb, and if it can't absorb, it has wicks so it will come out on the ground.

26 Mr. Hurley, resident from Stratham Heights Road commented that the Conservation  
27 Commission had a lot of concerns so the applicant will need feedback from them. He  
28 reminded the Board that the RPC requested additional studies so he thinks it's only fair  
29 for Mr. Stevens to listen to that feedback and determine what else needs to be done. Mr.  
30 Houghton said some studies had already been done. Mr. Stevens said that they basically  
31 took the Conservation Commission's concerns and have tried to adopt measures to  
32 address those concerns.

33 Mr. Greenwood asked when there will be a drainage study. Mr. Ring from Jones and  
34 Beach said Wednesday, April 22, 2015. Mr. Greenwood checked the Board was  
35 comfortable with the applicant meeting directly with Civilworks. The Board felt it was  
36 fine, but Mr. Baskerville thought that Civilworks should receive the plan and drainage  
37 study ahead of time. Mr. Greenwood questioned the timing of having the review  
38 completed in time for the May 6 meeting if the drainage study won't be ready until next  
39 Wednesday. Mr. Stevens said he will shoot for May 6. Mr. Houghton said he was  
40 comfortable with that provided the applicant understood that if they didn't have the  
41 drainage study 10 days in advance of May 6, they would have to be continued until May  
42 20, 2015. Mr. Stevens said he understood.

43 Mr. Bernie Pielich, attorney for Jeffrey Friedman, abutter said he believed the  
44 Conservation Commission and RPC would be consulted by the Board and RPC. The last

1 meeting that Mr. Pielich attended there was some concern about the White Cedar swamp  
2 surrounded by the vernal pool and its very unique qualities. Mr. Pielich said he didn't  
3 know if the Conservation Commission had blessed what the applicant was going to do.  
4 He continued that he thought the applicant was going to do some water calculations based  
5 on the bedrooms. Mr. Stevens confirmed they would be providing those calculations.

6 Ms. Katherine Breslin, abutter mentioned there was some response from the  
7 Conservation Commission about the White Cedar swamp and vernal pools as well as an  
8 ongoing concern about the hydrology of the area, specifically the Dearborn Brook area  
9 which feeds into both North Hampton wells and the Exeter water supply. The  
10 Commission needs to understand the water withdrawal issue and questions whether a  
11 community well is an option for this development. Ms. Breslin referred to the meeting  
12 with the RPC which had talked about a hydrologic study and she asked if that had been  
13 done. The Board didn't believe so. She asked about a traffic study. Mr. Houghton  
14 confirmed that had been done. Ms. Breslin asked about the natural resources inventory  
15 study. Mr. Stevens confirmed that had been done. She asked about the complete  
16 drainage analysis study. Mr. Greenwood said it was ongoing. Ms. Breslin continued to  
17 read the Conservation Commission comments. She mentioned the Commission's  
18 concern about well water, and acknowledged the applicant had cut the number of  
19 bedrooms from 4 to 3 which had been another concern. Septic loading had been reduced  
20 also.

21 Ms. Breslin asked if the concerns brought up by the RPC relating to wetlands, aquifers,  
22 the head water of the Winnicutt River, the Dearborn Brook watershed, and limiting  
23 fertilizers, pesticides and salt had been looked into. Mr. Houghton said at this point,  
24 those items had not been addressed, but everything will be addressed once they get the  
25 finalized plans. Ms. Breslin said there had been mention at looking at the number of  
26 school age children also because of the cooperative middle school, and the concerns  
27 about mutual aid also. She felt they hadn't been discussed much so far. Mr. Houghton  
28 thanked her for her comments.

29 Mr. Merrick asked if the Board still needed a hydrological study from the applicant in  
30 light of the new information. Mr. Stevens said the reason for the hydrological study was  
31 not to do with the number of bedrooms, it was because of the abutters. He said Lindt  
32 draw water from that area, but it goes into the Exeter pipes; it isn't discharged back onto  
33 the property. He does know that one of the wells has gone dry. Mr. Merrick said  
34 Civilworks could give them guidance as he doesn't want to force the applicant to do the  
35 study if it isn't necessary. Mr. Greenwood said from the RPC's standpoint about the  
36 hydrological study, the degree to which porous pavement is being proposed now which  
37 wasn't spoken to at all before, would have a large impact on the requirement for such a  
38 study now. Mr. Greenwood added that the RPC did request to see any new plans to give  
39 the RPC the chance to review them.

40 Ms. Breslin said that at a previous meeting there was discussion that when you are  
41 withdrawing water from a steep area, more is drawn than otherwise. She mentioned the  
42 Dearborn Brook water shed and said it is part of the Exeter water supply which is why  
43 the RPC wanted the Board to keep that in mind.

1 Mr. Baskerville made a motion to continue this hearing until May 6, 2015. Motion  
2 seconded by Mr. House. Motion carried unanimously.

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

4 a. **Mr. Jamie Marsh, 22 Scamman Road, Stratham, NH 03885, Tax Map 18 Lot 51.**  
5 Request to come before the Planning Board to discuss Phase II of the Crockett Hills Farm  
6 Subdivision Entrance Way

7 Mr. Marsh took the floor and started by saying there have been many issues with the  
8 entrance way. He indicated there still isn't a stone wall. The Chairman sought  
9 clarification on which plan Mr. Marsh was referring to. Mr. Marsh said the one approved  
10 in 2001. Mr. Houghton said there was a later plan in 2011. Mr. Marsh explained that  
11 there were conditions of approval that came with the 2001 plan and those have not been  
12 met by the 2011 plan and the 2011 plan has not superseded those conditions.

13 Mr. Marsh said he would like to move forward with this and as such would like the  
14 developer to meet the conditions or go on record to say why it wasn't done.

15 Mr. Marsh felt there was a lack of transparency, key decisions were made behind the  
16 scenes, meeting minutes were either inaccurate or incomplete, the meeting process favors  
17 professional building and developers, and there is a deference to Massachusetts  
18 developers and those few in the local community that benefit directly from them. He  
19 feels meetings are run in a way that cuts down on resident participation; he attended many  
20 meetings with a lot of people which were cancelled.

21 He referred to minutes and said key statements were consistently left out of the minutes  
22 on a regular basis, which would hold the Town and developer accountable. He cited an  
23 example of talking about the developer paying for the stone wall for half an hour and it  
24 wasn't mentioned in the minutes. He feels the minutes are done by design.

25 Next Mr. Marsh referred to a letter from 2002 which was a petition with 22 signatures.  
26 Most of their requests were ignored. They had a number of designs for slowing down  
27 traffic, some of which were given credence, however none of them were met.

28 Mr. Marsh moved onto the approved landscaping design for the road entrance and asked  
29 why it wasn't done. In 2003 it was finally approved after some acrimony with a  
30 significant amount of waivers with regards to the steepness and steepness around the  
31 curve. The residents were disappointed at the time, but they moved on. Mr. Marsh talked  
32 about what happened in between 2003 to 2011. One of the conditions was to have the  
33 "Vaughn" house taken down which didn't happen for about 6 to 8 years. There are a lot  
34 of construction materials still there, and there is a modest telephone pole. There was  
35 erosion which was seeping into Jewell Hill Pond, but he was assured this wasn't a  
36 problem by the Town.

37 Mr. Marsh discussed what happened in 2011. He communicated with the Town  
38 Administrator who suggested Mr. Marsh should work with the Town Planner and  
39 Building Inspector. Mr. Marsh discovered that 2 meetings had already taken place  
40 between Lincoln Daley, Marty Wool, and the developer. In an email the developer  
41 claims that he is not aware of any stone wall at the entrance, but that he would investigate  
42 it. Mr. Marsh got in touch with the Town Planner and asked him to help the developer  
43 out, but the response Mr. Marsh received didn't make sense. He then went on to say that



1 the developer indicated the traffic island wouldn't be put in until sometime in the future  
2 because as a practical matter, the island will get run over by heavy equipment during  
3 construction. Mr. Marsh said that wasn't good enough as the whole point is to slow  
4 traffic down. He asked why it was his job to make sure it happened. In June 2011 a  
5 revised landscape/stone wall plan was produced which looked pretty straight forward to  
6 him except that it had parking at the entrance, something which was made clear wouldn't  
7 be in the plans earlier on in the process. Mr. Marsh spoke to the project manager at that  
8 time, Scott Martin who said if they made them go before the planning board again, they  
9 wouldn't do anything for him. Mr. Marsh said all he wanted was the developer to build  
10 in accordance with the approved plan. A new revised, revised plan was drawn up where  
11 the stone wall was moved up 22' on both sides of the road, there was no straightening of  
12 the swale and during the meetings the developer said they won't go anywhere near the  
13 Marsh's property.

14 In order for the people in the Crockett Farms subdivision to avoid looking at ugly wires  
15 or telephone poles, they took the small telephone pole in Mr. Marsh's front yard and built  
16 it out which is about 70' away from their front windows. Unitil said it was cleared with  
17 the Town. Eventually Mr. Marsh gave up after spending thousands of dollars fighting  
18 this. He said he is here again partly out of principle and repeated his original request that  
19 either the developer builds the stone wall in accordance with the plan or explain on record  
20 why the stone wall wasn't built according to the plan which is part of the appeals process.

21 Mr. Houghton said he can't respond tonight as he doesn't have a copy of the approved  
22 plan with all the conditions in front of him, but that the Board has an obligation to look  
23 into it and give a response. Mr. Baskerville said he agreed. Mr. Merrick said they had  
24 received a lot of information from the planning office about all of this.

25 Mr. Marsh said he had spoken with the current Code Enforcement Officer for about an  
26 hour as she didn't know anything about it either. He understands the Board's position,  
27 but on principle Mr. Marsh said this can't be allowed. Mr. Canada informed Mr. Marsh  
28 that a number of years ago the Board of Selectmen required that all Planning Board and  
29 Selectmen recordings be kept so it is possible to go back and listen to every word that  
30 was said. Unfortunately he can't talk to back in 2001. Mr. Marsh acknowledged that  
31 was a step in the right direction.

32 Mr. Houghton said the conditions of approval are now gone; Mr. Marsh didn't believe it  
33 to be the case. Mr. Houghton said he recalled the original developer went bankrupt and  
34 Symes Associates came in and took over. They came back before the Planning Board to  
35 present their continuation of the subdivision and their application to complete the  
36 subdivision. That plan is now the guiding document so it is the conditions and design  
37 standards of that document that the developer is accountable for. Mr. Marsh said he had  
38 asked Lincoln Daley for documents and there's certainly no document like that which he  
39 sent.

40 Mr. Jeff Rhuda, the developer from Symes Associates said there were 2 or 3 hearings on  
41 this in 2011 and it ruled that the 2001 plan which Mr. Marsh is referring to was a  
42 preliminary plan with photo shopped pictures. It didn't take roads into consideration so  
43 they went through a lot of reiterations to try and duplicate what he had. Lincoln  
44 authorized the construction of the landscaping plan; they had numerous meetings with

1 Mr. Marsh and his attorney. The plan was built and reviewed by the then Highway Agent,  
2 the bonding was released and there is no 2001 landscape plan in affect. There was a site  
3 walk and he recalled Mr. Baskerville reviewed the drainage for the traffic island.  
4 Everything was built in full compliance with the plan, and they have all the necessary  
5 permits. He added that he has never had a meeting with Lincoln Daley or any member  
6 of the Board outside of this room. Mr. Marsh said it was with Scott Martin.

7 Mr. Merrick confirmed that the developer hadn't yet put down the final coat of pavement.  
8 Mr. Rhuda confirmed he was correct but that they still have a bond in place and read out  
9 the items that qualified them for the bond reduction which included the entrance way and  
10 stone wall. He pointed to a letter from the current Highway Agent, Mr. Colin Lavery  
11 who went out and re-inspected the entrance way and said that everything was according  
12 to the plan. Mr. Lavery said that Mr. Daley had sent him via email the approved  
13 landscape plan as stamped by Beals and Associates. According to that plan, everything  
14 was built as it should be. Mr. Merrick commented that there is still a lot of silt fence  
15 scattered throughout the woods getting overgrown and asked if that could be looked at.  
16 Mr. Rhuda said they usually do that at the end, but he will see to it.

17 Mr. Paul Deschaine, Town Administrator said that Mr. Marsh has made a thorough  
18 examination of all the documentation the Town has on file and if the Board is looking  
19 for a specific document dated in the 2011 period, it doesn't exist. He knows that in 2001  
20 a notice of decision and plan set was approved. In that notice of decision it refers to the  
21 landscaping plan and it is supposed to be representative of what has been presented. 10  
22 years later as the development was moving into the second phase, and with a new  
23 developer on site, it was found that whatever the design was prior in 2001 did not work  
24 so there needed to be a field change due to drainage issues. That is when Beals came in  
25 and explained the issue and left it to the Board to decide if the subsequent plan was similar  
26 enough in intent to the original plan. There wasn't a motion made or notice of decision,  
27 but the entire context of the minutes was, that there was no objection by the planning  
28 board at what was being proposed. It is the responsibility of the Town Planner and  
29 Highway Agent when it is a field change. If Mr. Marsh wishes to dispute that, it is up to  
30 the Board to maybe ratify that with a formal vote so it is clear how the Board feel. If Mr.  
31 Marsh still feels it's ambiguous enough for him to invoke what was approved in 2001  
32 that is Mr. Marsh's right.

33 Mr. Marsh said he agrees with everything said apart from one minor exception that the  
34 public meetings held here with regards to the 2011 plan were quite contentious and didn't  
35 end with 'we all agree with anything'. He said he has gone through the meeting minutes  
36 and didn't see anything from the Planning Board that says forget the original plan or the  
37 conditions of approval from 2001 because we have a new set of circumstances.

38 Mr. Merrick said he would think the new developers would probably want to stay close  
39 to the plans that were approved from a cost perspective; not to say that the field changes  
40 which happened are minor in nature, but it is not unusual under the authority of the Town  
41 Planner to say that it is in the general character so a planning board meeting isn't  
42 necessary. It doesn't sound to him like abutters should be contacted about that. Mr.  
43 Merrick said he did take a look at it and said the wall would have to be fairly tall because  
44 of the swale so he can understand the engineering decision, however he does understand  
45 Mr. Marsh's frustration. He added that it was never a proper design, just pretty pictures.

1 The developer hadn't even done an engineering design back then and he sees that all of  
2 the time. Mr. Marsh said they did do an engineering design in 2011 and it shows the  
3 stone wall going all the way to his driveway.

4 Mr. Marsh asked what his next step should be. Mr. Merrick asked exactly what it was  
5 that Mr. Marsh was looking for. Mr. Marsh said he would like the wall to be built  
6 reasonably consistent with the pictures that clearly show the wall. Mr. Houghton stressed  
7 that it was a picture and reminded everybody that Colin took the actual plan set out with  
8 him and compared what was on the ground was consistent with what was on the plan.  
9 Mr. Marsh asked who approved that plan and where can he find the meeting minutes and  
10 read that was approved.

11 Mr. Houghton said that is the piece the Board needs to respond to. He said the plan he  
12 has shown has the stone wall going to the end of his driveway.

13 Mr. Houghton directed Mr. Marsh to send a letter with a copy of the plan stating that he  
14 demands things be constructed according to the approved plan and as he understands it.  
15 Mr. Marsh asked if he should send that to the Planning Board. Mr. Houghton said he  
16 could and that way they will know exactly what Mr. Marsh is referencing. He continued  
17 to say that there has obviously been a disconnect and they need to find the root of that  
18 and take care of it. Mr. Canada said that Mr. Marsh can then take it further if the response  
19 is that the developer is in compliance.

20 **5. Miscellaneous.**

21 a. Report of Officers/Committees.

- 22 i. Economic Development Committee
- 23 ii. Exeter-Squamscott River Local Advisory Committee
- 24 iii. Heritage Commission.
- 25 iv. Public Works Commission
- 26 v. Stormwater Management Committee
- 27 vi. Town Center Revitalization Committee
- 28 vii. Projects.

29 b. Member Comments.

30 c. Other.

31 Mr. Deschaine and Mr. Greenwood updated the Board on the Agricultural Workshop  
32 which was held the previous night. Mr. Greenwood explained that there were 2 warrant  
33 articles concerning agricultural endeavors in Town which didn't go down well with the  
34 farming community and consequently didn't pass. The Planning Board asked that a  
35 forum be created to allow people to share their view point on what happened with those  
36 articles and what could be done in the future regarding the issues the warrant articles  
37 were trying to address. He said there was a really good turnout of 35 to 40 people.

38 Mr. Deschaine said Theresa Walker from RPC gave a quick synopsis of what the State  
39 statutes say in relation to agriculture and Mr. Greenwood gave a synopsis of what the  
40 existing ordinances and Master Plan and Natural Resource Inventory had said about  
41 agriculture. Mr. Deschaine attempted to outline the intention of the warrant articles that  
42 were defeated and what the Planning Board were trying to achieve; farmers markets are

1 not addressed currently, the safety aspect of farmers stands, the issues the Board had  
2 trying to address Kirk Scamman's barn, to name a few.

3 Mr. Greenwood commented that a couple of people expressed their disappointment that  
4 there were no planning board members there. He did explain that you have to be careful  
5 that too many members don't turn up at the same gathering. There will be another  
6 meeting on May 12 so a couple of members could attend that one. Mr. Merrick said an  
7 email blast reminder would be good for non-regular meetings. Mr. Greenwood said that  
8 most people seemed to leave at the end of the workshop with a positive feeling.

9 Mr. Baskerville asked Mr. Deschaine about the access issue for 125R Portsmouth  
10 Avenue. Mr. Houghton said they cannot discuss this as the applicant is not here and as  
11 a Board that means they can't talk about it.

12 **6. Adjournment.**

13 Mr. Paine made a motion to adjourn the meeting at 10:04 pm. Motion seconded by Mr.  
14 Canada. Motion carried unanimously.