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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **May 06, 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 Dave Canada, Selectmen's Representative  
16 Jameson Paine, Member  
17 Tom House, Member  
18 Christopher Merrick, Alternate  
19 Nancy Ober, Alternate  
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21 **Staff Present:** Glenn Greenwood, RPC  
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24 **1. Call to Order/Roll Call.**

25 The Chairman took roll call and decided to hear agenda item number 3 first.

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

27 a. March 18, 2015

28 Mr. Baskerville made a motion to approve the minutes of March 18, 2015. Motion  
29 seconded by Mr. House. Motion carried unanimously.

30 b. April 15, 2015

31 The Chairman suggested tabling the April 15 minutes until the next Planning Board  
32 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. (*Continued from*  
38 *April 15, 2015*)

39 Mr. Houghton asked the applicant if there was any additional information they would  
40 like to present since the last meeting.

1 Mr. Barry Gier, Jones and Beach, representing the applicant took the floor and said they  
2 made all the changes in line with the Town Planner's and Town engineer's comments  
3 and submitted the plans to both the Highway and Fire departments. They received  
4 favorable comments back from the Highway Department, but hadn't received any  
5 feedback yet from the Fire Department.

6 Mr. Houghton said he wanted to confirm there was no lighting being proposed. Mr. Gier  
7 confirmed that was correct. Mr. Houghton confirmed also that their test pit data had been  
8 submitted to Civilworks. Mr. Gier said they had and it was in the packets, and added  
9 they hadn't received any comments back. Mr. Houghton asked about adding to the deeds  
10 that agricultural uses were nearby. Mr. Gier said it is shown on the plans as Note 21 and  
11 as Note 13 on the site plans.

12 Mr. Houghton reminded the Board that last time Mr. Baskerville had raised a question  
13 concerning the waiver for the roadways and proposed subdivision.

14 Mr. Baskerville had put more thought into that and said he is ok with the road location  
15 for the 4-lot subdivision. He said that the first waiver request was to waive the right of  
16 way extension that goes back onto the Poco Realty Trust land on Map 17 Lot 23. They  
17 got rid of it, and then Mr. Emanuel spoke in favor of keeping it for planning reasons. Mr.  
18 Baskerville said if that was the main entrance for a larger subdivision, then this would  
19 not be a good location; even though it is a loop road, it goes back onto a single location.  
20 He doesn't want it to be an entrance to a large subdivision, but at the same time they have  
21 had problems with several subdivisions in the past. Mr. Baskerville suggested that they  
22 deny the first variance which means keeping the right of way there, but add a condition  
23 on the plan that is part of the approval that this right of way does not satisfy the condition  
24 of the previous approval for Wingate Woods Phase III.

25 Mr. Merrick read from Section 4.4.3. Subdivision Regulations pertaining to streets. Mr.  
26 Merrick said he would be in favor of the waiver and would question if it is even required.  
27 Mr. Canada wondered if something should be added that states the Planning Board is not  
28 required to allow this in the future so it is there worked out in the overall plan, but not  
29 necessarily something the Planning Board is stuck with down the road. Mr. Baskerville  
30 wouldn't know how to word that. Mr. Merrick said the previous meeting minutes provide  
31 a limiting condition on the development of that lot. He questioned whether the Board  
32 can put a condition on an unrelated property.

33 Mr. House asked if French Lane dead ends right by a property and said there is actually  
34 a road there. His concern is public safety. He asked if there is a way to make that a two  
35 sharing drive so they have to develop French Lane and the end of Wingate/Trisha's Way  
36 first and then develop this last. Mr. Baskerville said French Lane is probably only 15'  
37 wide. Mr. Baskerville said it would be another access point, but shouldn't be the main  
38 one for this subdivision. Mr. Houghton said the Board needs to think ahead to the future  
39 and see that communities have a good logical flow. He feels Mr. Baskerville's suggestion  
40 is a way to provide for that planning perspective, but at the same time not have it become  
41 a major access way. Mr. Houghton said Mr. Garrepy from the RPC suggested putting a  
42 restriction on the plan that there would be no further extension of the road without some  
43 type of loop back or some other access point. The intent of the Board at the time was to  
44 provide additional access to these properties as a means to move traffic and potentially

1 develop that property in the future. He said the easement is appropriate for good planning  
2 and at the same time the Board wants to protect the interest of the property owners who  
3 are there. Mr. Baskerville raised the point it wouldn't be fair for this developer to be  
4 burdened with developing an entrance for potentially a much larger subdivision.

5 Mr. Gier said they were concerned with road safety and the current road for the 4 lots is  
6 much safer as it's a 4-way intersection; the road for the larger parcel behind this  
7 development is an off set road. With 4 lots there is obviously a much smaller safety  
8 hazard than if the land behind is developed into 40 or 50 lots with condos on them. He  
9 asked if there really is a way to limit that development.

10 Mr. Baskerville mentioned the other 2 waiver requests; one for reduced road width from  
11 24' to 22', which Mr. Baskerville thinks is OK for a 4 lot subdivision and one for the cul-  
12 de-sac radius to go from 113' to 110'. Mr. Gier said there was another waiver request  
13 for the radius of the pavement on the cul-de-sac which would go from the required 100'  
14 outside radius to 95'.

15 Mr. Canada wanted to clarify if his suggestion was something the Board wanted to go  
16 ahead with. He would like it so the Planning Board be allowed not to use this right of  
17 way if they so choose because the Board doesn't know what kind of plan is going to be  
18 presented in the future. Mr. Merrick said they need to challenge people to come up with  
19 better options.

20 Mr. Houghton opened the floor to the public and read a letter from Mrs. Jennifer Carter  
21 at 18 Patriots Road which opposes the creation of an easement off of Mr. Goddard's  
22 proposed subdivision. Mr. Emanuel still has 2 other access points to his land and does  
23 not require a third. Diverting traffic to French Lane from the potential 100 acre lot would  
24 be more effective for traffic control and the safety of the neighborhood.

25 Mr. Bruno Federico, resident and previous Planning Board member said as the Board  
26 knows, connectivity between lots is always a requirement. If this subdivision is approved  
27 the Board needs to insure that the next property owner has a potential right of way. He  
28 reminded the Board of the Spring Creek application and the problems that arose  
29 concerning the right of way. He recommends some right of way between French Lane  
30 and this parcel be required.

31 Mr. Wool agreed with Mr. Federico; over the years more circular developments should  
32 have happened. The more entrances there are, the less traffic will be seen; people will  
33 use the entrance/exit closest to their destination. Taking away a right of way isn't a good  
34 idea because somewhere down the line someone will be upset that has happened. Mr.  
35 Wool said it could be minimal, gated or even made of sod, but he'd appreciate it if there  
36 was something there. He appreciates the road will be narrow, but the Board could restrict  
37 the use of it.

38 Jeremy Riecks, resident said he backs Mr. Wool's opinion. Mr. Riecks lives on Doe Run  
39 Lane which is off of Raeder Drive. It goes down, then splits into 2 cul-de-sacs way down  
40 and there is only one access to Raeder Drive from the Route 108. There was a paper  
41 street on Meadowview that was never required to be connected, and there is one on  
42 Butterfield Lane also. If something were to happen on the Route 108, there is no way for

1 anybody to get out. In his opinion, not having an access is detrimental to the people in  
2 this subdivision; that access should be there for emergency services.

3 Ms. Cushman sought clarification on the restriction for the 100 acre lot. Mr. Baskerville  
4 explained that when they did the last phase of Wingate, there was a restriction that  
5 Patriots Road couldn't be extended for more houses. Ms. Cushman asked if this  
6 subdivision wasn't considered an extension of Patriots' Road. Referring to the plan, Mr.  
7 Baskerville explained the situation. Ms. Cushman felt that this subdivision was still an  
8 extension of Patriots' Road by putting in extremely awkward and unusable parts. She  
9 said she is disappointed to see that the Board is still allowing manufactured frontage.

10 Mr. Fred Emanuel owner of the 100 acre lot had a copy of the recorded plan and read the  
11 restriction; "future extension of Patriots' Road shall have a looped style turnaround for  
12 connection." He said the intent of that was that they did not want a longer dead end street  
13 for a variety of reasons, fire safety being one of them. Mr. Emanuel said he likes the  
14 Board's suggestion and it is not his intent to make this right of way the main access to  
15 his 100 acre parcel.

16 Mr. Federico asked if the Highway Department had reviewed this plan. Mr. Houghton  
17 said they had and were in favor of it.

18 Mr. Mike Donahue, DTC lawyers representing the Emanuel said the Board have an  
19 opportunity here to follow the regulations. There is no development plan for the 100  
20 acres currently and they are not going to come up with an expedient plan to make this  
21 decision easier. He said this isn't really called a right of way, it is a public dedication as  
22 it is being dedicated for public use and it's not being opened up. If it is not opened up  
23 for public use within a certain period of time, the Statute says 20 years, it can revert to  
24 the abutters. This doesn't create a right of way, or an easement for the Emanuels.

25 Mr. Kevin Baum, attorney representing Mr. and Mrs. Phoenix said he doesn't think  
26 anybody is questioning the value of connectivity. The issue is whether it is necessary  
27 and if this is the right location, which it pretty clear is not. The intersection is bad  
28 planning which will cause problems; everybody can see that. Having more traffic using  
29 Patriots' Road to get to the traffic circle is going to be a major problem. Mr. Baum  
30 referred to plan C-2975 and said there's a note saying approved May 17, 1972 with the  
31 condition that if one lot is sold on Miller Lane, it will require a road to be built to Town  
32 specs. There is a condition out there that is going to require improvement of this lane; it  
33 is going to happen. He noted the Emanuels having other options; there are 2 other lots  
34 they own. He feels this is an issue of fairness. Mr. Baum said that Mr. Emanuel agreed  
35 to a condition that there be no further extension of Patriots' Road without that turnaround,  
36 but was looking for the burden to be placed on a third party. Mr. Emanuel had the  
37 opportunity to make sure he had those connections. He continued that nobody knows  
38 who is going to have this land in the future; if an easement is given, it will be used by a  
39 future planning board. He feels it goes against the subdivision regulations and the Master  
40 Plan; the more backland you have, the more likely you have more densely developed  
41 parcels opposed to 2 points of access where it's going to be restricted and lends itself  
42 better to a more conservation minded development. Mr. Baum referred to a list of  
43 properties provided by Mr. Donahue and said the residential properties included in that

1 list, provide a lot of additional access points which is consistent with what this 100 acre  
2 parcel will have.

3 Mr. Baum believe the 2 waivers should be granted. He asks that if the Board does grant  
4 an easement that they be absolutely clear what the restrictions for that easement are.

5 Mr. Knowles, 14 Patriots' Road said think of the intersection between Patriots' Road and  
6 Evergreen Way with the awkward off set with the additional potential to develop the right  
7 of way, it would impact his property substantially, in addition to the Phoenix's' property.

8 Mr. Donahue stressed nobody knows what the future development for the 100 acres will  
9 be until there is an actual plan. Looking at this as if it's just a small connection would  
10 not be in the best interest for the long term of this community.

11 Mr. Houghton said the challenge is to try and strike a balance that protects the rights of  
12 property owners, and future developers. The challenge here relative to the vision for  
13 Stratham is to promote a situation where future planners have options, provide and  
14 document those options and plans, while trying to take into account the realities. Mr.  
15 Houghton said he likes Mr. Baskerville's suggestion and pointed out that nothing  
16 precludes the Emanuels buying a couple of properties on Patriots' Road, demolishing the  
17 houses and using those lots for a road.

18 Mr. Baskerville said when they take a vote on the waiver, it only shows up in the minutes.  
19 He suggested a vote on the final plan that a note be added on both the subdivision plan  
20 which will be recorded at the registry, and a condition of approval so it will be easily be  
21 found. He suggested the following wording for the note: 60'right of way easement  
22 extension shall not be used as the primary point of access or egress to Map 17 Lot 23.  
23 This easement does not satisfy the condition of Note 10 of the Wingate Woods Phase 3  
24 Sheet 1 of 8 recorded with the County Registry. The Planning Board now, or in the future  
25 is not obligated to any specific use but can use their judgement regarding the use of the  
26 easement. Mr. House added that for clarity they wouldn't get 50 houses on the lot due  
27 to wetland issues.

28 Mr. Baskerville made a motion to the waiver request from Section 4.4.3.a Platting of  
29 Streets/Continuation of Roads to not put in the right of way, so by denying the waiver, I  
30 want the right of way to remain. With that clear and based on all the reasons discussed  
31 during the past hour, Mr. Baskerville made a motion to deny the waiver request. Motion  
32 seconded by Mr. Paine. Motion carried 6-1. Motion opposed by Mr. Merrick.

33 Mr. Baskerville made a motion to approve the waiver request from Section 4.4.43.a.i  
34 Cul-de-Sac/Right of Way radius as stated. Motion seconded by Mr. Paine. Motion  
35 carried unanimously.

36 Mr. Baskerville made a motion to approve the waiver request from Section 4.4.3.a.i Cul-  
37 de-sac: Outside Pavement Radius as submitted on the plan, and as submitted. Motion  
38 seconded by Mr. House. Motion carried unanimously.

39 Mr. Baskerville made a motion that the Board approve the waiver request to allow a 22'  
40 wide paved roadway where a 24' would normally be required. Motion seconded by Mr.  
41 Paine. Motion carried unanimously.

1 Mr. Baskerville asked if there were any remaining open issues. Mr. Greenwood said  
2 there was the issue of a roadway bond being established, Mr. Gier mentioned they hadn't  
3 received the State subdivision approval yet, but that could be put on the plans as a  
4 condition of approval. Mr. Houghton said the Town needed to review the proposed  
5 subdivision documents. Mr. Greenwood confirmed he had no remaining open issues  
6 after checking with the Board about one of the lots having less than a 50' width.

7 Mr. Baskerville suggested giving a copy of his wording for the plan to Mr. Greenwood  
8 so he could get it to the applicant to put on the plan.

9 Mr. Paul Deschaine, Town Administrator reminded the Board that the road name had not  
10 yet been approved by the Board of Selectmen; if the plan gets recorded with an  
11 unapproved name, the homeowner association references an unapproved name, and the  
12 subsequent deeds reference the plan that references an unapproved name, and the name  
13 is finally approved to be something other than Sanctuary Drive. Mr. Deschaine said the  
14 applicant needs to approach the Board of Selectmen with 3 alternative names and the  
15 Selectmen will either approve one or none. It is a process that can take a little bit of time.

16 Mr. Paine made a motion that the Board continue the proposed project until May 20,  
17 2015. Motion seconded by Mr. House. Motion carried unanimously.

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19 **b. Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**  
20 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**  
21 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to  
22 construct a 46-lot, over 55 Retirement Planned Community Development. (*Continued*  
23 *from April 15, 2015*)

24 Mr. Houghton said the applicant has submitted their plans, the drainage study, and the  
25 AOT application. He does believe there are still some issues with the plans and asked  
26 Mr. Greenwood to share those issues.

27 Mr. Greenwood said he didn't understand the process used for establishing the density.  
28 There is no detail on the plan determining how the applicant reached the number of units.  
29 Secondly he is concerned about wetland setbacks which goes back to the zoning  
30 ordinance the applicant utilized. The ordinance allows building setbacks at a 50'  
31 boundary for wetlands, and he thinks there is one section of the subdivision that is  
32 running through a really sensitive area of vernal pools, wetlands and a white cedar  
33 swamp. They are certainly following the Town's ordinance for a retirement planned  
34 community using that 50' setback. In the subdivision regulations there is a section that  
35 allows for a greater buffer distance if the Planning Board feels that is necessary.

36 Mr. Greenwood continued that there are several lots where the septic system reserve area  
37 is running the entire frontage of the lot meaning that a driveway is going to have to be  
38 constructed over that reserve area which the Board needs to feel comfortable with. The  
39 septic reserve area in lot 18 goes partially into the protective well radius which is not  
40 allowable so that needs to be removed. A number of the protective well radii extend in  
41 a large degree into an abutting lot; easement language can be drawn up to cover that  
42 issue. Some of those protective well radii go into areas of lots that are buildable which

1 will impact where those lots can build. The note on C5 indicates that the house layout  
2 plan is illustrative only in that changes for the house locations may be made.

3 The plan set indicates on sheet A2 that waiver requests for the side setbacks that are  
4 currently 40' under the zoning ordinance be changed to 15'. Mr. Greenwood doesn't  
5 have a clear understanding of how many lots that request is for. The zoning ordinance  
6 does state that the Planning Board can grant that reduction without it being a variance if  
7 it wants. Mr. Greenwood said if the Board does not want to request that, it would become  
8 a variance request. He would find it helpful to see all this information on the plan. Mr.  
9 Greenwood observed there are a couple of lots that have long tails and areas that do not  
10 meet the 50' width requirement for lots; those would require a waiver to move forward.  
11 Note 17 on Sheet A2 indicates that the applicant's representative is submitting a letter, a  
12 map amendment to FEMA regarding the flood plain locations. That doesn't negate the  
13 issue of what stands now is the flood plain boundary and should be reflected as such on  
14 the plan, until FEMA accepts that letter of map amendment. No drainage review from  
15 Civilworks has been received yet.

16 Mr. Baskerville mentioned he remembered there was a previous note about a stamped  
17 boundary of the whole parcel and that there was an issue. He asked if that had been  
18 submitted. Mr. Greenwood said it is his understanding that the plan that was just handed  
19 to him 10 minutes ago is a stamped boundary line survey. Mr. Deschaine said Mr. Daley  
20 had taken a cursory look at it and there does seem to be a discrepancy between the plan  
21 sets and the survey itself. Mr. Daley shared the discrepancies.

22 Mr. Baskerville suggested postponing the final acceptance of the application. Mr.  
23 Greenwood said it would not be his counsel to the Board to invoke jurisdiction.

24 Mr. Houghton asked Mr. Mark Stevens if there had been contact established with  
25 Civilworks. Mr. Stevens replied that they have had quite a bit of dialogue and it's all  
26 been positive. They don't have a final report from Paul Connelly yet but expect  
27 something soon. He added Mr. Connelly is familiar with the type of technology they  
28 want to use to treat storm water and to work through some of the more sensitive areas.

29 Mr. Houghton said he didn't think they could accomplish much this evening as various  
30 amendments needed to be made to the plans and addressed. Mr. Stevens asked would  
31 the Board like him to give them a set of plans that are absolutely 100% complete so the  
32 Board can approve or deny it or would they rather work through the process together and  
33 come up with a design and development that works as much as it can for everybody. He  
34 continued they had been before the Board for a year and a month now and he is a little  
35 frustrated. Some of the issues that have been raised were answered very early on in the  
36 process, others he sees as housekeeping issues.

37 Mr. Houghton said that the Board has met with Mr. Stevens every step of the way and  
38 provided feedback. He said he is simply stating they can't move the application forward  
39 without the appropriate information and feedback. Mr. Houghton said they have  
40 provided feedback on everything Mr. Stevens has brought before the Board so he feels  
41 that is an unfair characterization.

42 Mr. Houghton asked Mr. Stevens what he would like to accomplish this evening. Mr.  
43 Stevens said he would like to go through a top ten item list he has compiled. He said

1 they have submitted a report from Jim Gove and they can talk about how the drainage  
2 system works and the impacts on what they are trying to accomplish. They hired a  
3 geologist to look at the ground water recharge and have a report they can present to the  
4 Board about the impacts of the wells and the recharge area. The Board agreed to hear  
5 about this. Mr. Baskerville felt it would be better to discuss a couple of the bigger items  
6 such as the wetlands and setback issues as well as the hydrogeological study.

7 Mr. Jim Gove, GEO Environmental took the floor. He said he had prepared a report at  
8 the end of April which was after the engineer had made many changes to the plans. He  
9 feels those changes have brought about a significant improvement on the way the natural  
10 resources will be maintained. Mr. Gove said there are no direct impacts on the wetlands  
11 on this site. This change is because 80% of the road surface will be porous pavement.  
12 There is an area where the road comes in too close so they have agreed to replant that  
13 area. Even the driveways are going to be porous pavement. The areas around the vernal  
14 pools and Atlantic White Cedar swamp are going to be a deeded open space and noted  
15 as a natural resource area. There is always a concern of creep growing into those areas  
16 over time so fences and signage will be put up around this area. They are also going to  
17 state that the association is responsible for protecting and maintaining the natural  
18 resource areas. Some of the fallout from this is a great deal of improvement to the water  
19 quality that potentially could impact the wetland areas. Mr. Gove said they have looked  
20 at this from the stand point of storm water management also. He talked about the Atlantic  
21 White Cedar swamp and said it is not necessarily going to be impacted as long as the run  
22 off from the nearby houses goes into the ground. As far as the vernal pools are concerned,  
23 the numbers for the buffers seem to keep changing. Mr. Gove talked about the habitat in  
24 the vernal pool. He referred to one pool on the plan with a 150' radius and said there is  
25 still 60% forested habitat. Within a 250' radius there is at least 50% of that that won't  
26 be touched. He knows these buffers do not have a 750' radius as recommended by the  
27 Army Corps of Engineers, but significant amount of forested habitat will still remain with  
28 the radii as presented on the plan. Mr. Gove said the real issue is water quality and he  
29 feels the applicant has done an amazing job.

30 Mr. Paine asked Mr. Gove if he had experience with long term care for porous pavement  
31 and if he would have concerns with the turning areas of the intersections with heavy truck  
32 traffic and warm conditions. Mr. Gove used the area in front of Target in Greenland as  
33 an example and said there was one incident there with a truck which damaged the porous  
34 pavement. He knows a subdivision in Pelham that has porous pavement and that has  
35 worked very well with no failure. Technology has improved also. Mr. Gove said for this  
36 project there will be a sub base put down which will have a binder layer put on top of it  
37 while construction vehicles are using the road; once they are finished, the binder material  
38 will be removed and the porous pavement will be added. Mr. Paine asked about deep  
39 freeze conditions so he wondered how infiltration will be affected. Mr. Gove said the  
40 porous pavement can develop black ice, but it continues to infiltrate and not much salt is  
41 needed for porous. Mr. Paine wondered if there would be any concern with grading. Mr.  
42 Gove said the same situation happened in Pelham where 8% grade was required in places.  
43 Any water is intercepted if it moves sideways.

44 Mr. Paine asked about crossings on the property. Mr. Gove showed one spot on the plan  
45 where he would consider a crossing which he feels could be easily accomplished.



1 Mr. Baskerville said that zoning is being changed to say no pervious is allowed. He  
2 likes the idea, but he would like the applicant together with Civilworks to have a backup  
3 plan as they have never had this in town before.

4 Mr. Daley asked Mr. Gove to articulate upon the buffer issue. He said that Mr. Gove's  
5 first report said the buffers should be 175' for the moderate value pools and 250' for the  
6 White Atlantic swamp. Mr. Gove said essentially this comes from a published document  
7 and these buffers are guidance only. A lot of the information comes from Maine too. A  
8 lot of these recommendations don't take into account better things that are being done  
9 such as porous pavement. A lot of times there are directional buffers so the species still  
10 have other places they can migrate to. Mr. Daley asked about fertilization of the land  
11 around these buffers. Mr. Gove said that hasn't been discussed, but suggested it is added  
12 to the association documents that certain fertilizers cannot be used. Mr. Daley asked  
13 about the maintenance of the porous pavement and said the association agreement should  
14 reflect that in it. Mr. Gove said what is recommended is salt, not sand, and the use of a  
15 vacuum truck every 6 months. It is already noted on the plan.

16 Alison Knab, Conservation Commission said these wetlands are beautiful as is the White  
17 Atlantic Cedar swamp. She understands buffers can vary, but nobody recommends 25'  
18 which this plan is showing. She feels with that buffer, they might as well fill in the  
19 wetlands. Even with the porous pavement she doesn't think the recommendations are  
20 accurate for the buffers and it is not enough. Ms. Knab said she would appreciate it if  
21 the Planning Board require a bigger buffer. Mr. Paine asked that when the Commission  
22 sends a follow up letter, they include a recommendation for a buffer. Ms. Knab said they  
23 are contacting various sources and need a little more time to suggest a sensible buffer.

24 Mr. Jeffrey Friedman, Goss Road resident reminded everybody that the vernal pools and  
25 swamp are surrounded by those properties so run off from fertilizers, and roof tops will  
26 flow downhill into the pools.

27 Rick Herlihy, Stratham Heights Road resident said that when this application started,  
28 they were informed that this site is one of 6 in Town that have been identified as areas to  
29 be protected from an environmental point of view. A report was done about 20 years  
30 ago. Since then 80% of it has been impacted whether it has been Lindt or Thornhill  
31 Condominiums, and this is one of the final big pieces that can be developed. For him,  
32 the money paid for that report was a waste of time. If you are going to develop in these  
33 sensitive areas, mitigation measures such as porous pavement are great.

34 Mr. Gove said roof run off is also infiltrated and in terms of the buffers he asked them to  
35 remember that at the time they wrote the first report, they did not have an exact location  
36 of where the vernal pools were located. He agreed that a 25' buffer from a vernal pool  
37 is not enough and he clarified that the vernal pools were flagged after the report.

38 Mr. Paul Deschaine said he had a conversation with Rob Roseen regarding the porous  
39 pavement and this project. Rob Roseen has been helping the Town with storm water  
40 related issues. Mr. Roseen commented that the porous pavement was an ingenious  
41 process to mitigate the site conditions. Porous pavers are easy to repair but Mr. Roseen  
42 emphasized that installation is critical. Mr. Deschaine said this project will require  
43 significant oversight to ensure it works the way it is designed to. He asked Mr. Roseen

1 Mr. Roseen about denitrification, who said only a certain amount of treatment occurs  
2 with porous pavement.

3 Mr. Baskerville said he feels there has been a lack of discussion regarding the vernal  
4 pools and what the setback would be. He thinks there should be a meeting with the  
5 Conservation Commission, Planning Board, and the applicant, and not left until the last  
6 moment. Mr. Houghton agreed that this was important and this application needed to get  
7 moving. Mr. Stevens said there is 100' buffer shown around all the vernal pools.

8 Mr. Ring, Jones and Beach, talked briefly about the roof drains; there is a stone drip edge  
9 around all the houses to help with rain water.

10 Abigail Fopiano, professional geologist said she was asked to give an assessment on  
11 groundwater availability. She shared the methodology she used which included depth of  
12 existing wells in the area, the bedrock and well yields. Ms. Fopiano then drew up a  
13 water budget for the area. The annual recharge per year for the selected area is about  
14 242.9 million gallons per year and the withdrawals of water would be about 191.4 million  
15 so there is a net surplus of recharge. The Rollins Hill Development project would take  
16 out about 7.7 million gallons a year which equates to about 4% of all the withdrawals  
17 occurring in the area. She can't imagine these extra wells having any major impact on  
18 the availability of water.

19 Jeffrey Friedman thanked Ms. Fopiano for the analysis. He referred to the 450 gallons a  
20 day and asked if she could explain where the 150 gallons comes from. He knows it's  
21 multiplied by 3 bedrooms. Ms. Fopiano said that is in the guidelines for development  
22 and is based on needs and septic requirements. It's her experience that this number is a  
23 little high. Typically in an over 55 community you go down to 100 gallons a day, but  
24 typically over 55 communities have 2 bedrooms so because these are 3 bedroom houses,  
25 the 150 gallon comes back into play. Mr. Friedman confirmed this calculation was for  
26 domestic uses. Ms. Fopiano confirmed this was the case. Mr. Friedman asked if she  
27 had accounted for the 40,000 gallon per day withdrawal permit that Lindt has. She  
28 answered that she had.

29 Referring to the long tailed shaped lot, Mr. Stevens said they would just cut off part of it  
30 and make it common area. He said he is looking for a 15' setback on all property side  
31 lines. If the Board doesn't want that, they won't do it as they don't want to go for a  
32 variance. They will resubmit the septic criteria. Mr. Houghton recommended that for  
33 the housekeeping issues that Mr. Graham and Mr. Daley work on those together.

34 Mr. Houghton stressed again the need to discuss the wetland issues and the need for the  
35 drainage study before the application can start moving forward.

36 Mr. Baskerville made a motion to continue the application to June 3, 2015. Motion  
37 seconded by Mr. House. Motion carried unanimously.

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

- 39 a. **ZJBV Properties, LLC. 300 Gay Street, Manchester, NH for the property located**  
40 **at 132 Portsmouth Avenue, Stratham, Tax Map 17 Lot 13.** Preliminary Consultation  
41 to construct a mixed-use development consisting of a bank with drive through, restaurant,  
42 and medical office, and conversion of existing building to apartments.

1 The Chairman explained that this was a preliminary consultation; the applicant is there  
2 to help the Planning Board familiarize itself with the basic concept of the proposed  
3 development, give feedback and help acquaint the applicant with the formal planning  
4 process.

5 Mr. Patrick Crimmins, Tighe and Bond took the floor. He explained this was a  
6 conceptual mixed use development located at the Stratham Traffic Circle. The site would  
7 consist of a 6000' restaurant adjacent to the large pond, and outside the 50' required  
8 wetland buffer. Three of the existing buildings would be demolished; one of them being  
9 the old barn and the 2 buildings located between the Lane House and Collector's Eye.  
10 The project will retain the Lane House and hopefully converted to 4 apartments. They  
11 understand that the Town has design standards for the Town Center and as such the  
12 buildings would have a New England character. Adjacent to the Lane House, there would  
13 be a mixed use building; 6,000'; first floor to be a medical office and second floor  
14 providing another 4 dwelling units. The access point is a left in, left out off of the road  
15 which is just south of where the existing access is. They are trying to maintain 2 access  
16 locations similar to what is there now. There will be a 3,000' bank with a drive through.  
17 On the site itself, they will be providing 112 parking spots where 108 are required. The  
18 site does provide a number of challenges, of which they are aware. They are trying to  
19 incorporate Town Center character and they will require some relief to go ahead with this  
20 plan. They have tried to incorporate internal sidewalks to provide connection between  
21 the buildings, landscaping and street trees along the roads, maintaining the 50' buffer off  
22 of the pond. The patio of the restaurant views out toward the pond. They have designated  
23 some areas for storm water management being aware of the pond as well as the additional  
24 pervious area.

25 Mr. Crimmins said they will be seeking relief for several things; the restaurant will  
26 require a conditional use permit, the drive through will require a variance, thirdly the  
27 drive through area is exceeding the allowed maximum frontage setback, and the  
28 minimum pavement setback would require relief, and lastly there is a requirement of  
29 separation between 2 of the buildings so relief would be sought for that.

30 Mr. Baskerville suggested the applicant meet with the Heritage Commission and talk  
31 about a historically appropriate way to develop this parcel. He addressed the issue of  
32 septic as said the development looks too dense and wondered if there would be room for  
33 a well also. He talked about the access points and said he didn't think D.O.T. would  
34 approve it.

35 Mr. Canada said he thought he read in the paper that the applicant was going to retain the  
36 barn and use that for the restaurant. Mr. Crimmins said they do have a second conceptual  
37 plan which would retain the barn. Mr. Houghton seconded Mr. Baskerville's suggestion  
38 of meeting with the Heritage Commission. He said he has a real concern with the traffic  
39 element and said a traffic study would probably be required

40 Mr. Paine said he has concerns with the amount of parking, the amount of trees that  
41 would need to be cleared, there needs to be communication with the Heritage  
42 Commission, but also the Conservation Commission would be paramount. He continued  
43 he has issues with storm water management, density, the historic nature and the scale of  
44 impacts requires coordination with the State Historic office. In his opinion the drive

1 through would be a problem, the traffic is a concern, the backup of traffic, and access  
2 points. Mr. House added that they might want to add any adjacent buildings in the area  
3 to the plan to see if the change of drive conflicts with those. He suggested going through  
4 the plan with CivilWorks too and backed up everything else that had been stated so far.  
5 He asked what the applicant would be doing about the land being depressed where the  
6 bank was going to be located; were they bringing fill in? Mr. Crimmins said they haven't  
7 done a topography plan yet.

8 Mr. Merrick said he didn't like much on either plan. When he weighs the relief the  
9 applicant is seeking versus the obvious lack of consideration for the historical  
10 importance, it seems to be out of bounds. He feels there is a lack of imagination when  
11 current buildings could be reused in their current location. For a first stab, he feels it is  
12 way off.

13 Mr. Houghton said traffic is clearly a concern and suggested a one way in, one way out  
14 instead. He reiterated the historical importance of the site.

15 Mr. Houghton opened the floor up to the public.

16 Mr. Marty Wool said this if one of the worse, if not the worse plan he has seen in 40  
17 years. This Town is very sensitive to landscaping and preservation, and he gave  
18 examples of properties bought by the Town to prove this. This is probably the most  
19 historical site in Town and the convergence of a gorgeous, colonial home into 4  
20 apartments plus another 4, he asked how much sewage that will produce. There is the  
21 restaurant and medical building to add to that. He doesn't believe this is going to work.  
22 Other towns have managed to keep historical buildings in their original state while  
23 modernizing the interior.

24 Mr. John Scippa, Stratham Police Chief said he'd like to talk about the traffic. He thinks  
25 it is important to recognize that the proposed businesses of a bank with drive through, a  
26 restaurant and a medical building, are going to see a lot of people for varying short  
27 amounts of time which needs to be taken into account regarding the amount of traffic that  
28 will be going in and out of this proposed project. This would be a dangerous location for  
29 traffic and he would be ready to work with whatever traffic studies are conducted. He  
30 added that the police deal with traffic incidents routinely on this roundabout so adding  
31 extra traffic would be very dangerous.

32 Cynthia Home felt the applicant was being very ambitious trying to put so much in such  
33 a compact area.

34 Ms. Rebecca Mitchell, Chair of the Heritage Commission said that any one of these uses  
35 might be welcome in Stratham and she welcomes people who want to invest time and  
36 money in this town, but she feels this a very poorly conceived plan. She thinks that  
37 overwhelmingly what people respond to is the feeling they get from this property. The  
38 National Registry listing cites very strongly that attention to integrity still remains on the  
39 site, both in the quality of the architecture and especially the exterior and interior of the  
40 Lane property. She would be very concerned about the re-use of the interior of that house  
41 that destroys some very valuable woodwork within it. The National Register listing also  
42 speaks of the social history embodied in this site. There is a letter from the New  
43 Hampshire Historical Society which holds a very complete collection of the Lane family

1 papers including the diaries of Samuel Lane, Jabez Lane and also personal artefacts from  
2 the family. Ms. Mitchell said one of the things nobody has touched on yet is the impact  
3 to the archeology of this site. The land papers document many other buildings that were  
4 on this site that no longer remain and if the applicant puts down all these new buildings,  
5 they will be destroying any future investigations into this property by historians or  
6 archeologists. Ms. Mitchell shared the history of the site. This proposed site really flies  
7 in the face of the Stratham Master Plan which advocates the preservation of the historic  
8 and archeological buildings and sites in Stratham that contribute to the Town's unique  
9 heritage and so it is in the public's interest to protect them. She referred to all the public  
10 meetings that were hold to create the zoning for the Town Centre and at every public  
11 meeting that Ms. Mitchell attended, when the audience were asked what they like about  
12 the Town Center, the first thing everybody said was that they liked the historic buildings  
13 there. This project would destroy the one part of the Town Center that people like, plus  
14 it would add to the traffic problems which nobody likes.

15 Ms. Mitchell said the Heritage Commission would be very happy to work with all parties  
16 concerned as would the NH Preservation Alliance and the Division of Historical  
17 Resources.

18 Ms. Lucy Cushman said that this wasn't a great plan. She currently serves on the  
19 Technical Review Committee which would look at this plan if it got that far. The good  
20 thing about this project is the mixed use which is something the Town really wants in the  
21 Gateway and would work in the Town Center. Apartments that are within walking  
22 distance of a bank, a restaurant or a store is something the Town would like to promote,  
23 however this particular development takes probably the most historic structure in the  
24 Town and on the eve of the 300<sup>th</sup> Anniversary, suggest pretty much demolishing it. Ms.  
25 Cushman sincerely hopes that the applicant can find another site without the constraints  
26 of historic structures.

27 Ms. Nancy Hansen asked if this was a restaurant with a drive through. The Board said  
28 the drive through was for the bank. Ms. Hansen asked if the Town needed another bank.

29 Mr. House said the applicant should check with the Fire department for their input also.

30 Mr. Daley, Town Planner stressed the multi-level review that would be required by the  
31 Town.

32 b. **Group 1 Realty, Inc., 800 Gessner, Suite 400, Houston, TX for the property located**  
33 **at 81 Portsmouth Avenue, Stratham, Tax Map 12 Lot 20.** Preliminary Consultation  
34 to construct an inventory storage facility for the BMW dealership.

35 Mr. Mike Donahue, attorney representing Group 1 Realty introduced himself and Mark  
36 Whittaker. He said this is only a concept and they know they have to go before the ZBA,  
37 but they would like the Board's input as they prepare their application for the ZBA.

38 Mr. Donahue explained that this is for an inventory lot so has nothing to do with sales.  
39 It is located in close proximity to the dealership and the plan does include at some point  
40 the removal of the existing building to utilize the lot that will be compatible with the  
41 existing use of other properties in the PRE zone. During the day, they all have parking  
42 lots full of cars.

1 Mr. Whittaker, civil engineer, Dynamic Engineering described the project: the lot is  
2 approximately 2 acres, and is currently an office building with a parking facility that they  
3 propose to keep intact. The storm water management basin will remain and be upgraded  
4 to accommodate the project. They would like to store BMW inventory on this lot to help  
5 the dealership maintain its quota of sales. They have 153 spaces currently and this would  
6 provide an additional 91 spaces. All spaces are 9' x 18' with 24' aisles. Although not  
7 shown on the plan, it is likely BMW will want to put up some kind of aluminum fence  
8 around the facility; those details still need to be worked out. There will be some security  
9 lighting. The existing landscaping will be supplemented with lower level shrubs, trees  
10 and mid height evergreens. He added that the cars are obviously not as high as a building  
11 so they are easy to screen. It is a low traffic generator unlike the existing business. Mr.  
12 Whittaker talked about the traffic movement between this lot and the dealership; those  
13 movements will either be a left in from the Route 108 or a right out back to the dealership.

14 Mr. Baskerville asked which zone the parcel was in. Mr. Houghton replied it was in the  
15 PRE zone so isn't an allowed use currently which is why the applicant is going to the  
16 ZBA for a variance. Mr. Canada asked how many variances they needed. Mr. Donahue  
17 said only one. Mr. Baskerville said he'd prefer to see this use in the commercial zone  
18 and not in such a visible spot. Mr. Donahue said he understood there were a lot of  
19 dealerships in the area, but there was an opportunity to do screening around the property  
20 with the exception of the driveway and you will see less cars than are parked there today.

21 Mr. Canada observed that because it's in the PRE zone, it is not subject to the Gateway  
22 Zone standards that they worked very hard at developing. Mr. Donahue said he's sure  
23 they would accept the stipulation that if this is allowed they would comply with the  
24 Gateway requirements. Mr. Donahue said this one would be more landscaped than the  
25 one on Frying Pan Lane.

26 Mr. Houghton said getting the use approved will be a big hurdle and despite what's there  
27 now, people will probably struggle with seeing a car parking lot there instead. He added  
28 that this is on the main artery going through town whereas the other lot is not. Mr. Paine  
29 said this was already a high traffic area, and there is a CIP request to put in lights at that  
30 intersection. Mr. Donahue informed the Board that no tractor trailers would enter this  
31 lot. All inventory would continue to be delivered to the dealership.

32 Mr. Houghton asked about foot traffic. Mr. Whittaker said they hadn't thought about  
33 that yet; that would be something to discuss with the dealership.

34 Mr. Daley talked about the lighting and trying to minimize the impact on abutting  
35 properties. Bruno Federico said this lot is directly across from the Cushman House with  
36 has just been put on the National Registry and this type of operation across the road from  
37 an historic building probably won't be received too favorably by the Town. He then  
38 talked about the proposed lighting and the effect of that at night time. The buildings to  
39 the left and right of the lot don't have those type of lights, just building lights. The Board  
40 worked very hard to put regulations into the PRE zone requiring buildings with small  
41 setbacks from the road and parking lots in the rear so putting a parking lot right up to the  
42 street would go against the heart of those regulations. If the building was moved to the  
43 front and the parking located behind the building, that would work better, but  
44 demolishing the offices would be going against the PRE zone.

1 Ms. Cushman said when she was on the Planning Board she was reminded of something  
2 Mark Stevens used to say every time he brought a proposal before the Board. He used  
3 to say “this is the highest and best use of this property” and she really struggles to believe  
4 that this particular proposal would be in such a prominent position on Portsmouth  
5 Avenue.

6 Ms. Mitchell commented that she served on the Gateway Committee and worked very  
7 hard to promote this zone to her friends and neighbors too. One of the things she heard  
8 was that people were sick and tired of auto dealerships and lots of cars in the Gateway  
9 District so she would have a really hard time holding her head up to her friends and  
10 neighbors if the Planning Board or ZBA allows a car storage lot to infiltrate the PRE  
11 zone. She followed up on Mr. Federico’s comments about the Cushman/Bartlett house  
12 saying the Town is about to issue a request of proposals about that building and she’s not  
13 sure how people investing in that property would feel about having a car storage lot  
14 opposite no matter how attractively landscaped.

15 **5. Miscellaneous.**

16 There were no other items to report.

17 **6. Adjournment.**

18 Mr. Baskerville made a motion to adjourn at 10:54 pm. Motion seconded by Mr. Paine.

19 Motion carried unanimously.