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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **June 17, 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 Christopher Merrick, Alternate
18
19 Members Absent: Tom House, Member
20 Nancy Ober, Alternate
21
22 Staff Present: Lincoln Daley, Town Planner
23

24 **1. Call to Order/Roll Call.**

25 The Chairman took roll call.

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

- 27 a. May 20, 2015
28 b. June 3, 2015

29 The Chairman recommended tabling the minutes until the next Planning Board meeting.

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

- 31 a. **Ronald and Mary Ann Roberts, 21 Squamscott Road, P.O. Box 447, Stratham, NH,**
32 **Tax Map 21 Lot 96.** Minor subdivision application to subdivide Map 21 Lot 96 and
33 create one new residential lot.

34 The Chairman asked Mr. Merrick if he would be a voting member. Mr. Merrick agreed.

35 The applicant Mr. Roberts and Ms. Anne Bialobrzkeski, surveyor introduced themselves.
36 Mr. Roberts explained that 7 years ago he subdivided his land to make a lot for his
37 daughter and now he wants to create another lot for his son. In 2007, they prepared a
38 plan that was approved by the State, but not the Town. They are now ready to get Town
39 approval.

40 Mr. Daley said six (6) waivers had been requested from; a preliminary consultation, High
41 Intensity Soil (HIS) mapping, survey of the entire property, scale of plan, providing a

1 construction plan for the newly created lot, and the minimum width of 50' for a lot. Mr.
2 Daley asked for the rationale behind the waiver requests.

3 Ms. Bialobrzkeski said they felt that this application could probably be taken care of in
4 one evening so a preliminary consultation didn't seem necessary. Regarding HIS
5 mapping, Ms. Bialobrzkeski said HIS mapping was something invented in the eighties and
6 most towns have dropped it. She believes the purpose for it was for lot sizing by soil
7 type and given that this application is well over the required lot size, they felt this wasn't
8 necessary. They got the same waivers when they came before the Board in 2007 which
9 were approved.

10 Mr. Daley added it was worth noting that they have an approved subdivision approval
11 from the D.E.S. which has been recorded and was based on the physical orientation of
12 the lot being shown this evening.

13 Ms. Bialobrzkeski explained that they have asked for a waiver from surveying the entire
14 property which was granted before. There is a recorded plan of the entire property, but
15 in order to put her stamp on it, she was willing to verify the boundaries where the
16 subdivision was involved and she has shown the information on the plan that is recorded
17 for the rest of the property. In terms of the scale of the plan, they have shown the portion
18 of the property they are dealing with. As they are not proposing any actual physical
19 development they have requested a waiver from the construction plan. Lastly, they have
20 requested a waiver from the lot width as it would require alteration of the lot along with
21 two concrete bounds in an area that wouldn't be used. She concluded that surveying the
22 entire property did not seem to serve any practical purpose.

23 Mr. Baskerville pointed out a small error with the bar scale. Ms. Bialobrzkeski said she
24 would fix it.

25 Mr. Merrick asked if a waiver would be needed for this being an odd shaped lot and asked
26 if the applicant had looked at other layouts. Mr. Roberts said this was the layout that
27 they came up with the previous planner; that was the best layout because of the frontage;
28 they don't quite have 600' to make it 3 lots with 200' frontage. In hindsight, they could
29 have created a pork chop and moved one of the lots and put an easement through his
30 daughter's lot, but that lot is now approved and his daughter already has a house there.
31 The survey has already been done based on this plan. Mr. Roberts would like to leave
32 the rest of his property undisturbed. Mr. Houghton confirmed they would need a waiver
33 for an oddly shaped lot under the design standards part of the regulations.

34 Mr. Canada asked if there was a reason why this couldn't be a pork chop lot. The
35 applicant's concern was the extra cost that would ensue from doing that, and the fact that
36 they were in front of the planning board and Chuck Grassie in 2007 who knew about this
37 plan and the State approval for this was submitted to them at the time. They had the
38 property surveyed for this design back then also.

39 Mr. Peter Grey asked when the regulation was devised about odd shaped lots. Mr.
40 Roberts pointed out that this was approved by the State and not the Town back in 2007,
41 but this was the best configuration the Town could come up with back then. Mr. Daley
42 said the odd shaped lot regulation came into being in 2006. Mr. Grey wondered why this
43 appears to be an issue with the current Planning Board when it wasn't the case with the

1 Planning Board in 2007. Mr. Houghton responded that nobody on the current board has
2 the benefit of understanding what was in the minds of the planning board in 2007. Ms.
3 Bialobrzski said to do this design differently to satisfy the regulations doesn't really
4 address the fact of how this property will be used.

5 Mr. Merrick felt this was a poorly laid out plan.

6 Mr. Houghton said looking into the future, land in Stratham is getting scarcer and
7 increasingly the Board is going to encounter conversations with land owners about the
8 use of their land so they don't want to set any precedents.

9 Mr. Roberts agreed with Mr. Merrick about the plan, but he has already paid for it to have
10 it subdivided and asked what he should do next. Mr. Houghton said he would like to see
11 something that is more consistent with Town regulations and this is a highly irregular lot.
12 It bodes for a lot of contentious discussions with the Board in the future.

13 Mr. Paine agreed with everything said by the Board in that it should be more consistent
14 with the existing regulations. Mr. Roberts asked if a waiver wasn't going to cover this
15 issue and if the Board wanted him to re-engineer it. Mr. Paine said he thought it came
16 down to adjusting lot lines.

17 Mr. Baskerville asked for a clarification of pork chop lots. Mr. Daley said one of the lots
18 must have 200' of frontage upon and access to an approved road, and the second lot must
19 have 50' frontage upon and access to an approved road. The approved road may be
20 public or private. The total frontage should be less than the required amount under
21 current zoning for 2 conventional lots. The back lot has to be 50% bigger than the front
22 lot also.

23 Mr. Paine observed that the wetland boundaries were delineated in 2007 and typically
24 the State requires that wetlands delineation are no older than 5 years old. Ms.
25 Bialobrzski said she had never heard of that. Mr. Roberts confirmed they were still
26 wetlands.

27 Mr. Houghton asked Mr. Daley about the history of this application. Mr. Daley explained
28 that the Board back then approved the one lot and the other lot was approved by the State
29 in terms of the septic. Mr. Roberts added that back then Mr. Grassie wanted him to
30 approve both lots at the same time, but it didn't behoove him to do that as his son wasn't
31 ready to build and he didn't want to pay taxes on an unused.

32 Mr. Daley said that other oddly configured lots have been approved in the past and the
33 Board is looking to meet the current regulations a little more closely than what is being
34 proposed. The applicant couldn't see how this would be a precedent.

35 Mr. Baskerville made a motion to accept the application as complete. Motion seconded
36 by Mr. Merrick. Motion carried unanimously.

37 Mr. Peter Grey commented that as there are already approved odd shaped lots, the
38 precedent in his view has already been set. No precedent would be set specifically
39 because of the previous discussion with the Planning Board 7 or so years ago. If
40 somebody came in and said the Board had allowed this therefore they want to do that,
41 the Board's defense would be the same circumstances don't apply. It makes no sense to
42 him to have the applicant completely re-engineer their plans.

1 Mr. David Conroy, 11 Squamscott Road said he didn't see any problems with this, and
2 Mr. Roberts is not touching a large amount of his property which is great for Stratham.

3 Mr. Canada said he agreed that there is no substantial difference in what will ultimately
4 happen; it is really about precedent. Mr. Canada asked how much extra expense and
5 work was involved. Ms. Bialobrzkeski said she felt that was an inappropriate question,
6 but she couldn't say, plus she can't see any practical purpose for doing it.

7 Mr. Baskerville said in a perfect world he would have done this plan differently 7 years
8 ago. Based on what is there, he doesn't think it sets enough of a precedent; this is an
9 outspoken Board that if somebody comes in with a plan the Board doesn't like in a couple
10 of weeks, the Board would tell them that and have them do it differently. The abutters
11 don't object, the neighborhood doesn't object, and while it's not the best plan, if the line
12 was swung over, it's land that is wetlands anyway, so the buildability of the corner of the
13 lot would not change. He continued it would impose a cost on the applicant and doesn't
14 improve the lot in any way. There is enough uniqueness associated with the history of
15 this plan that nobody else can come in saying the Board let them do it so they want to put
16 a "Z" shaped lot in here.

17 Mr. Canada said he has the opposite view; it's an easy enough plan to fix, it doesn't
18 conform to regulations and others have had to change their lots.

19 Mr. Houghton suggested going through the waivers.

20 Mr. Baskerville made a motion to approve the waiver for the preliminary consultation.
21 He said if this was approved by the State subdivision, the State DES back in 2007, this
22 has been out for 7 years, it would have been an extra meeting and due to the prior history
23 he is OK with waiving the section.

24 Motion seconded by Mr. Merrick. Motion carried unanimously.

25 Mr. Baskerville made a motion to approve the waiver from HIS mapping as it's not
26 relevant to this application. Motion seconded by Mr. Paine. Motion carried
27 unanimously.

28 Mr. Baskerville made a motion to approve the waiver from a survey of the entire property
29 as there is already a signed boundary plan at the Registry of Deeds. Motion seconded by
30 Mr. Merrick. Motion carried unanimously.

31 Mr. Baskerville made a motion to approve the waiver from providing a scale of the plan,
32 on the condition Ms. Bialobrzkeski corrects the title block on Sheet 1 just to save time.
33 Motion seconded by Mr. Paine. Motion carried unanimously.

34 Mr. Baskerville said as the driveway to Mr. Robert's house is already in and the only
35 construction will be the house on Lot A which will require a septic plan to be submitted
36 and approved by the Town review person, he makes a motion to grant the waiver from
37 providing a construction plan. Motion seconded by Mr. Canada. Motion carried
38 unanimously.

39 Mr. Baskerville asked if they needed a waiver from Section 4.4.1.b.iii irregular
40 configured lots as well as the one already submitted for a 50' minimum lot width. He

1 asked if Ms. Bialobrzkeski could submit a hand written request now or a typed one
2 tomorrow morning for this extra waiver. Mr. Daley said it would be allowed.

3 The Board discussed the issue of the irregular shaped lot. Mr. Baskerville said the
4 applicant went to the trouble back in 2007 to get the State septic approval and the Board
5 back then would have seen the lay out and his reason for not approving the other lot at
6 the time is a reasonable one. Mr. Canada agreed with Mr. Baskerville that the intent
7 wasn't to meet the square footage when the lots were designed.

8 Mr. Baskerville made a motion to grant a waiver to Section 4.1.b.iii regarding an odd
9 shaped lot due to the remaining acreage over 25 acres, it appears obvious that this lot was
10 not put in this condition for the purpose of maintaining minimum lot size; it has to do
11 with previous plans approved by the Board and for those reasons he doesn't believe this
12 sets a precedent that can be used for any future developer. Mr. Merrick said he felt it was
13 important to note what was previously presented 7 years ago. Mr. Baskerville said he
14 accepts that as an addition to his motion and would like to add also that they see a State
15 subdivision. Motion seconded by Mr. Canada. Motion carried unanimously.

16 Mr. Baskerville made a motion to waive the requirement of having a 50' minimum lot
17 width as he sees it as a lot corner not a width. Motion seconded by Mr. Paine. Motion
18 carried unanimously.

19 Mr. Daley said both lots will be sharing a driveway which will require easements to pass
20 and re-pass over Lot A to access Lot B. The applicant will need to provide the easement
21 language to allow that to occur as part of the conditional approval, and record that
22 information at the Registry of Deeds. Mr. Daley said a point of discussion is the width
23 of that proposed common driveway easement which is 35' which places the boundary of
24 that driveway easement in close proximity to the seasonal wetland on the front part of
25 the property on Squamscott Road. There is a 25' no disturb zone next to a delineated
26 wetland area.

27 Mr. Baskerville confirmed it meant the driveway was jutting into the no disturb zone by
28 about a foot. Mr. Daley confirmed that was the case. Mr. Baskerville said due to the
29 minimum nature of that, he doesn't have a problem with it, but he suggested as a
30 condition of approval that the applicant has an easement written up by an attorney for
31 access and utility which is reviewed by Town counsel and a sample deed.

32 Mr. Daley asked the applicant what the development potential was of their property with
33 the remaining 26 acres. Mr. Roberts said he had no idea. It is wet at the Portsmouth
34 Avenue end of the property. He has no intention of doing any development on the land.

35 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Mr.
36 Merrick. Motion carried unanimously.

37 Mr. Baskerville went over the conditions before making a motion; the lot bounds will be
38 set and bounded, new deeds will need to be prepared for the record, a written description
39 of the driveway easement shall be submitted to the Town for review and for recording,
40 recording fees will have to be paid, the scale and title block on sheet one will need to be
41 changed as discussed earlier, and the final plan will need updated stamps and note. Ms.
42 Bialobrzkeski said it was her understanding that the 50' scale plan is the one that will be
43 stamped by the soil scientist not the plan for recording. Mr. Daley said he'd confirm that.

1 Mr. Daley asked the Board if they felt comfortable directing staff to draft a notice of
2 decision to be reviewed at the next meeting, sign the plans and the Mylar if it is ready.
3 The Board said they were comfortable with that.

4 Mr. Baskerville made a motion to approve the plan with all the conditions as just
5 discussed. Motion seconded by Mr. Paine. Motion carried unanimously.

6 b. **Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**
7 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**
8 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to
9 construct a 47-lot, over 55 Retirement Planned Community Development

10 Mr. Victor Manougian, attorney for the applicant said that Mr. Rob Graham had signed
11 the scope of services that was circulated for the environmental work; they are happy with
12 the numbers and have authorized that. Ideally they would like to see the report done
13 before the July 1, 2015 meeting.

14 Mr. Manougian said they still hadn't had anything back from Lindt yet in regards to the
15 easement. They do need that to solidify the access to make sure the Board is happy with
16 that, and the applicant is asking for assistance to move that along. Mr. Daley explained
17 to the Board that this relates to the connector road between Lindt and the development,
18 in order for it to function properly the roadways need to connect properly which includes
19 drainage and reciprocal easements to allow the Town, applicant and Lindt to pass and
20 repass through that emergency access road.

21 Mr. Daley asked Mr. Manougian if requesting a continuance to July 1st was realistic. He
22 added that they hope to have the environmental report in before July 1, but it may
23 influence future discussion and asked if July 15 would be better to give the Town a
24 chance to review it. Mr. Manougian replied they would like July 1, 2015.

25 Mr. Baskerville made a motion to continue Rollins Hill Development until July 1, 2015.
26 Motion seconded by Mr. Paine. Motion carried unanimously.

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28 **4. Miscellaneous.**

29 c. Other.

30 Mr. Daley made the Board aware that there is an opening on the Rockingham Planning
31 Committee to represent Stratham. Janet Johnson is no longer available to be the Town's
32 representative as she moved. Bob Goodrich and Lisa Hamm are representatives for
33 Stratham, but one more representative is needed. They meet on Wednesday evenings.
34 Mr. Daley suggested Lucy Cushman and the Board agreed. Mr. Daley said he would
35 reach out to her. Mr. Houghton suggested Ms. Breslin.

36 **5. Adjournment.**

37 Mr. Merrick made a motion to adjourn the meeting at 8:39 pm. Motion seconded by Mr.
38 Paine. Motion carried unanimously.

39