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5 **Stratham Planning Board**  
6 **Meeting August 5, 2015**  
7 **Municipal Center, Selectmen's Meeting Room**  
8 10 Bunker Hill Avenue  
9 Time: 7:00 PM  
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12 Members Present: Mike Houghton, Chairman  
13 David Canada, Selectmen's Representative  
14 Tom House, Member  
15 Jameson Paine, Member  
16 Nancy Ober, Alternate  
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18 Members Absent: Bob Baskerville, Vice Chairman  
19 Christopher Merrick, Alternate  
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21 Staff Present: Lincoln Daley, Town Planner  
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23 **1. Call to Order/Roll Call.**

24 The Chairman took roll call and asked Ms. Ober if she could be a voting member. Ms. Ober  
25 agreed. The Chairman decided to discuss item agenda number 2a first.  
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27 **2. Review/Approval of Meeting Minutes.**

28 a. July 15, 2015.

29 Mr. House made a motion to accept the minutes of July 15, 2015. Motion seconded by  
30 Mr. Paine. Motion carried unanimously.

31 *Mr. Baskerville arrived at 7:05 pm*

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

33 a. **Verizon Wireless, 28 Bunker Hill Avenue, Tax Map 9 Lot 51.** Preliminary  
34 Consultation - Site Plan Review and Special Exception to construct 90' tall wireless  
35 service facility, related accessory structures and equipment, and access.

36 Mr. Chip Fredette, representative for the applicant took the floor. He introduced Keith  
37 Vellante C Squared Systems and Victor Manougian, attorney. He started by addressing  
38 the lack of cell coverage in the center of Stratham. He explained that Verizon Wireless  
39 has several co-locations on other towers, the latest being on the Varsity Wireless tower  
40 on Portsmouth Avenue, but this still doesn't provide enough coverage in the center and  
41 the demand for data transmission has grown significantly. For these reasons they would  
42 like to build a tower of their own at 28 Bunker Hill Avenue.

1 Mr. Fredette said the tower will be a 90' high monopole tower about half the height of  
2 the Varsity Wireless tower and they propose to lease a 50' x 50' area from the Town with  
3 an 8' chain link fence. Inside that area will be the equipment shelter and the monopole  
4 itself. Inside the shelter are 2 rooms; one for the radios and the other for a back-up  
5 generator. A technician will visit the site about once a month.

6 Mr. Paine asked if there would be muffling for the noise especially being located adjacent  
7 to a residential neighborhood. Mr. Fredette said the generator is inside the shelter and  
8 will comply with the ordinance concerning noise levels. Mr. Paine replied there is no  
9 noise ordinance but there should be consideration for immediate neighbors and asked if  
10 they had the ability to use extra ways to muffle the noise. Mr. Fredette said that they did  
11 have the ability. Mr. Canada confirmed it would only be during a black out. Mr. Fredette  
12 said that was the case and continued that they have another form of back up which is a  
13 rack full of batteries which last around 7 or 8 hours. Once the batteries run out of power,  
14 the generator kicks on. He mentioned that the generator comes on once a week for 20  
15 minutes at a prescribed time to cycle it.

16 Mr. Baskerville asked if the applicant was planning to co-locate other arrays on the tower.  
17 Mr. Fredette said they are planning to mount their own array and have promised the Town  
18 to build it so as to allow co-location for up to 2 or 3 additional carriers. Mr. Baskerville  
19 asked if that will affect the height of the tower if another provider co-located on the tower.  
20 Mr. Fredette said he didn't know, but if they had to extend the pole, they would have to  
21 come before the Board anyway. Ms. Ober said that in the information it says the tower  
22 will be extended to 120' at a later date and she asked when that later date would be and  
23 why would it be necessary to extend it. Mr. Fredette said it would only be in the case of  
24 another carrier coming along and asking them to co-locate higher than the Verizon  
25 wireless array. Each array is separated from one another by 10'. He can't say at what  
26 date in the future because he doesn't know if and when other carriers will want to co-  
27 locate on this tower.

28 Mr. Houghton said for clarification this application is for a 90' tower only. Mr. Fredette  
29 confirmed that it was, but that the tower would be built structurally sound enough in the  
30 event it does get extended. Mr. House asked if someone was actually living in the house  
31 that would be near the tower. Mr. Fredette said that was the case. Mr. Canada said that  
32 house is rented and the current tenants are leaving at the end of this month so it will be  
33 on the market for rent. Future tenants will be forewarned about the tower and the water  
34 tank also that will be located up there. Mr. House asked where the water tower would be  
35 located. Mr. Canada replied on the opposite side on the west side of the property.

36 Mr. Baskerville said he understood that the tower is supposed to be 125% away from a  
37 residence. Mr. Fredette said he believes it refers to off-site structures.

38 *Mr. Daley, Town Planner arrived at 7:13 pm*

39 Mr. Houghton asked if they had looked at other locations. Mr. Fredette said in 2007  
40 when they co-located their antennas in existing towns, they looked at Stratham, but the  
41 Town opted to sign a lease with another company. That application was voted down.  
42 Now that Stratham has been identified as needing more coverage, Verizon looked at the  
43 Town again for the best location to build a tower. After considering several factors, the  
44 top of Bunker Hill was identified as the best location.

1 Mr. Paine asked about the appearance of the pole. Mr. Fredette said it will be the same  
2 as the Varsity Wireless one; galvanized steel and all cabling will run inside and antennas  
3 are hung from the top. Mr. Daley asked if there were other options. Mr. Fredette said  
4 they could talk about doing a mono-pine especially as it's not that far above the tree line.

5 The Board looked at photos that simulated how the tower would look from certain  
6 vantage points within a 2 mile radius from the tower. Mr. Paine stated his preference  
7 would be for a mono-pine. Mr. Daley asked the Board if they would like to see a photo  
8 simulation with a mono-pine. Mr. Paine said they would.

9 Mr. Houghton asked what material the fence would be. Mr. Fredette said chain link, but  
10 they could do something else if the Board wants. He did observe that not many people  
11 would see it as it would not be in plain view of the public. Mr. Paine asked what their  
12 typical clear zone was around the fence. Mr. Fredette said 50' x 50' in this instance as  
13 the tree line is the property line and they are not intending to clear any of that. Mr. Paine  
14 said it looks like landscaping has been proposed. Mr. Fredette said that there was which  
15 would consist of 6 or 8 arborvitaes.

16 Ms. Nancy Hunter, resident Brown Avenue said that somebody had put a notice on her  
17 mailbox saying "don't do this". She disagrees because there is no cell phone coverage  
18 on her road. However her concern is the location of the tower on top of the hill because  
19 it sounds like they are putting it between the rental house and Larry Foss's house. Mr.  
20 Canada confirmed that was correct. Ms. Hunter asked if there was no other place on the  
21 other side. Mr. Canada reminded her that was where the water tank would be located.  
22 Ms. Hunter feels that this tower will devalue the Foss's house which should be taken into  
23 consideration. Mr. Daley explained that this will require 2 permits from the Town, one  
24 of those being for a special exception which will address the issue of diminution of  
25 property values as a result of this project. The site plan review will tackle that issue too  
26 albeit to a different degree. Ms. Hunter asked if it would go to a Town vote. Mr. Canada  
27 said it would.

28 Mr. Ernest Boye, an abutter on Bittersweet Lane said Mr. Fredette said that as part of the  
29 criteria for locating the tower, residential neighborhoods were taken into consideration,  
30 but his neighborhood is right by the proposed site. He continued that they need to figure  
31 out a location for the cell tower that is safe for people who live here. Mr. Fredette referred  
32 to a coverage map and showed the areas in Stratham without coverage. Mr. Boye asked  
33 about Stratham Hill. Mr. Fredette said it was very close to the Varsity Wireless tower.

34 Ms. Hunter asked where the Varsity Wireless tower is located and if it was approved.  
35 Mr. Canada explained it was approved by the Planning Board and Zoning Board of  
36 Appeals; it didn't need to go to Town vote because it's not on Town owned property.  
37 Ms. Hunter asked why the tower couldn't be located at Stratham Hill. Mr. Fredette  
38 showed the coverage map again and said that part of town will be getting coverage when  
39 they co-locate on the Varsity Wireless tower.

40 Mr. Chad Martin, resident, said he would rather they had a 200' tower that was further  
41 away and covered the whole area than a lower one that is located in a residential area.  
42 Mr. Fredette said putting a 190' tower somewhere else in town will come with problems.  
43 People in that area would complain and secondly it wouldn't reach the area without  
44 coverage.

1 Mr. Matoglu, resident on Bittersweet Lane agreed with the safety concerns. He has  
2 looked at the proposal, but he couldn't see the amount of power that will come out from  
3 the tower. He feels this is too close to the houses and there's no information about the  
4 density of power each house will get.

5 Mr. Vellante said with respect to the power density, Verizon is licensed by the FCC so  
6 they have a frequency license of 708 hertz. As part of those license requirements they  
7 have to comply with the exposure standards adopted by the FCC. The measurements for  
8 this kind of site are generally well below 5% of the 100% limit that Verizon must comply  
9 with. Verizon provides a report as well. Mr. Matoglu said it still isn't clear how much  
10 power Verizon is going to pump and what kind of radiation pattern will apply. With the  
11 other co-locations, this power could treble, even quadruple so there is no guarantee;  
12 safety must come first. Mr. Vellante explained that communication goes 2 ways so  
13 because of the limited ability of phones receiving the power, even if the power from the  
14 cell tower was cranked up, it wouldn't make that much difference because of the power  
15 of the phones receiving it. Due to the location of this tower being on a hill the power  
16 drops off the further down the tower you go so the power levels will decrease even more.

17 Mr. Baskerville suggested that the data from the power be supplied to Mr. Matoglu. Mr.  
18 Houghton suggested they supply that for the application also as well as the potential of  
19 the expanded tower and what the maximum implication would be regarding the power  
20 density. Mr. Vellante said they will provide an affidavit from their engineer that the  
21 calculations are correct and that they comply with the national council of radiation  
22 protection.

23 Mr. Whitney Saidler, developer for Bunker Hill Common said about 15 years ago he  
24 developed 200 acres and a neighbor put up about the same size tower on the corner of  
25 that development. People were concerned about microwave energy and cell phones.  
26 Their biggest problem was the rime ice coming over the tower in the winter hitting  
27 people's houses. Mr. Fredette said that tends to happen with microwave dishes, but they  
28 don't really use those anymore.

29 Ms. Hunter said they all knew the water tank and cell tower could be possibilities at some  
30 point. She said it needs to go on a hill and there are only so many hills in Stratham.  
31 Another resident commented that safety should come first; he believes other possibilities  
32 should be looked at and is sure there is somewhere else, but it may be more expensive  
33 and require extra permits, but more beneficial for the communities as a whole.

34 Mr. Paine asked if they considered internal structures such as a church steeple. Mr.  
35 Fredette said he would have preferred to use an existing structure as they have with all  
36 their other sites. There are no existing structures inside the coverage search ring that  
37 could be used to fill that gap in coverage.

38 Mr. Jay Nesvold, resident Bittersweet Lane said they had a cell booster in their previous  
39 house which made a major difference.

40 Mr. Paul Dachsteiner, resident Bittersweet Lane asked what the coverage would be if  
41 they utilized the fire tower on Stratham Hill Park and what their obligation was to work  
42 with other providers to co-locate, and how it would affect their tower. Mr. Fredette said  
43 the footprints between the Varsity Wireless co-location and Stratham Hill would overlap

1 too much. Phones would have difficulty knowing which tower they should be using. Mr.  
2 Fredette explained what a mono-pine tower would look like should other companies co-  
3 locate on that kind of tower. The pole would go up to about 86' and the remaining 4'  
4 would consist of the decorative branch cap. If other carriers co-located, the branches  
5 would have to go up higher.

6 Mr. Nesvold asked what their plans are if this application doesn't go through. Mr.  
7 Fredette said they didn't have a backup.

8 Ms. Hunter asked how much money the Town was going to get for leasing to Verizon  
9 Wireless. Mr. Canada said \$2,500 a month plus if other carriers go on the tower, the  
10 Town receives part of that also.

11 Mr. Dachsteiner asked what would happen if Verizon didn't co-locate on the Varsity  
12 Wireless tower, and just used Stratham Hill instead. What would the coverage be then?  
13 Mr. Fredette said he suspects the footprint might reach as far as High Street, but he didn't  
14 know for sure. He commented that he can only imagine what people would think if he  
15 proposed putting antennas at the Stratham Hill Park. A resident said there is a difference  
16 because people choose to go to the park. He is concerned about safety. He asked how  
17 they can't have a plan B. Mr. Matoglu said he took his son to day camp at the middle  
18 school and is concerned that there is a cell tower near the school.

19 Mr. Manougian, attorney said the FCC preempts the area of health and safety effects of  
20 cell towers and the FCC and the federal regulation don't allow the state or local  
21 municipality to look at the safety impacts of a cell tower. Their position is that the federal  
22 government has the best resources to determine what a safe level is and they volunteer to  
23 provide some of those levels. Ultimately this board or the ZBA or the Town meeting  
24 can't deny a permit based on health and safety reasons.

25 Mr. Nesvold said that was in 1996 a long time ago and back then we didn't really know  
26 much about cellular phones. He continued that if property values are decreasing, then  
27 the assessed value will decrease also so over time the money from the lease versus the  
28 decreased taxes won't make any sense from a cost analysis point.

29 Ms. Debbie Foss said the reason that Stratham Hill Park doesn't have a tower is because  
30 it is not allowed. Mr. Canada confirmed it is not allowed to be used for commercial  
31 purposes. Ms. Foss said the applicant has to consider Town owned property first also for  
32 a cell tower. Mr. Daley confirmed that was the case and explained there is a hierarchy.  
33 Ms. Foss said that applicant may not have looked into using a private residence. Mr.  
34 Daley said the applicant is looking to co-locate on the current facility at 313 Portsmouth  
35 Avenue which is a private property.

36 Mr. Fredette mentioned that cell towers do not typically devalue properties. Mr.  
37 Houghton advised the applicant to bring as much information as possible to the next  
38 meeting to substantiate the impact on surrounding properties. Mr. House suggested that  
39 dimensions be added to show the distance from the tower to the Foss's house and adjacent  
40 properties.

41 Ms. Ahlin, resident, Bittersweet Lane said she is realtor and she disagrees about property  
42 values not decreasing. She is the realtor for the houses on Bittersweet Lane and explained  
43 the difficulty she had selling the houses because of things like the trails and water tower;

1 she thinks going forward it will be even tougher to sell the remaining lots now that she  
2 has to disclose the cell tower.

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

4 **a. Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**  
5 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**  
6 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to  
7 construct a 43-lot, over 55 Retirement Planned Community Development.

8 Mr. Houghton said that since the last meeting, 2 workshops have taken place which  
9 included the input of the third party environmental consultant; this resulted in the major  
10 reconstruction of the development to address some of the areas of concern.

11 Mr. Rob Graham, representative for the applicant took the floor. He showed which area  
12 had been redesigned on the plan. As a result the total of open space has been increased  
13 to 17 acres. Some lot sizes have been decreased which has opened up a wildlife corridor  
14 at the rear of the property. A 300' corridor for critters now exists and they are adding  
15 crossings for critters underneath the road. Some of the lot lines have been realigned so  
16 where lot lines are typically left with buffers in between, an additional corridor has been  
17 created directly through the development areas. The right of way and pavement widths  
18 have been reduced to reduce overall pervious areas and to add more land to the open  
19 space area. Heated driveways have been introduced for those lots adjacent to the  
20 sensitive environmental areas; lots 14, 15, 16, 19, 20, 21, 22, 23 and 24. The operation  
21 and maintenance manual has been enhanced and as a consequence of all those changes,  
22 updated plans have been provided. The applicant has been working with Mr. Daley and  
23 Civilworks to address the comments associated with those updates.

24 Mr. Daley said the focus of tonight's meeting will be to address some of the applicant's  
25 waivers. Some should be easy to address, but others may require some analysis on behalf  
26 of the Board to give the applicant some guidance and direction on the various elements  
27 of the design aspects of this project.

28 Mr. Graham gave the members a hand out showing the waivers and construction phase.

29 The first waiver discussed was the reduction of width in right of ways, roads, pavements  
30 and shoulders. For all the right of ways there are blanket agreements for the  
31 homeowners' association that allow access to accomplish any of the necessary  
32 maintenance.

33 Mr. Daley asked if that was 15' both sides with utility easements on both sides of the  
34 road. Mr. Graham said those rights are within the right of way. He believes there is 10  
35 additional feet for the purpose of locating utilities.

36 Mr. Baskerville asked if the homeowners' association documents were drafted yet. Mr.  
37 Graham they will be ready soon.

38 Mr. Daley reminded the Board they had already discussed and asked questions about this  
39 waiver, apart from one that had been amended to a 45' right of way. Mr. Daley said the  
40 Highway Agent hadn't reviewed this waiver yet. Mr. Baskerville observed this is  
41 different to a Town road. Mr. Daley said it was, but safety and access should be  
42 considered through the entire subdivision. Mr. Paine said he was happy with the 22' road

1 width, but thought it prudent to wait for the Highway Agent's input on the 45' right of  
2 way. Mr. Canada felt it didn't need to be reviewed as the Highway department would  
3 never have to maintain it. Mr. Baskerville asked if the Town has ever accepted a road  
4 that was built as a private road. Mr. Deschaine said there had been one, but the condition  
5 was it had to be brought up to Town specs. Mr. Daley said the intent of the 45' is to  
6 address environmental issues raised by the Board and others in Town. It was also  
7 recommended by the consultant.

8 Mr. Baskerville made a motion to approve a waiver to the subdivision regulations  
9 subsection 4.4.2.a and Table 1, Addendum A, this waiver will address the right of way  
10 widths of not being 60'; they will be 50' on Beatrice Road and Verne Hill and 45' on  
11 White Cedar Road. Mr. Paine added an amendment to include all snow removal will be  
12 located in a proper location. Mr. Graham added that part of the 10' access easement for  
13 the homeowners' association is on the front of all lots. Essentially there is the 45' plus  
14 10', plus 10'. Mr. Paine said as long as the snow is beyond the limits of the wetlands  
15 boundary identified by Gove Environmental Services on the plans. Mr. Daley read from  
16 the previous minutes the approval for the 2' shoulder which included that no snow is  
17 placed in the adjacent wetland areas. Mr. Houghton suggested adding Mr. Paine's  
18 addendum to this waiver approval also. Mr. Baskerville approved the waiver request  
19 with the addition of Mr. Paine's request. Motion seconded by Mr. Paine. Motion carried  
20 unanimously.

21 Mr. Houghton reminded the Board that they also approved the waiver for building more  
22 than the stipulated 10 lots a year in the regulations with the condition the applicant  
23 provides a construction plan. He acknowledged they had done so at tonight's meeting.

24 Mr. Baskerville made a motion to grant the waiver to Subdivision regulations Subsection  
25 4.4.2.a and Table 1 Addendum A with regards to the pavement width allowing a width  
26 reduction from 24' required to 22' proposed. Motion seconded by Mr. Paine. Motion  
27 carried unanimously.

28 Mr. Paine made a motion to approve the waiver from Subdivision regulations Subsection  
29 4.4.2.a.i and Addendum A that would allow for lot number 13 to have a driveway that is  
30 located at the end of a T-turnaround. Motion seconded by Mr. Baskerville. Motion  
31 carried unanimously.

32 The next waiver discussed was from Subdivision regulations, Subsection 4.4.1.b.viii that  
33 building envelopes shall not include wetlands or 100-year floodplains. Mr. Graham  
34 requested they wait until the next meeting by which time he hopes to have heard from  
35 FEMA. The Board agreed to wait.

36 Mr. Graham discussed the waiver from Section A.2.a.16 road construction regulations  
37 requiring hand auger soil borings along the centerline at 100' stations.

38 Mr. Baskerville made a motion to approve a waiver to the Subdivision regulations  
39 Addendum A.2.a.16 that the applicant does not have to do a hand auger soil boring every  
40 100' along the center line. Motion seconded by Mr. Paine. Motion carried unanimously.

41 Using the plans, Mr. Graham showed where they require a waiver from 4% on maximum  
42 profile grade on curves. Mr. Jonathan Ring, Jones and Beach said the steepest area is a  
43 50' - 60' long stretch at 7.6%. Mr. Paine inquired about safety and sight distance. Mr.

1 Ring said there no sight distance issues throughout the area which is why they are not as  
2 concerned as it's a gentle curve. Mr. Daley asked what the slope of the road was in front  
3 of lots 5 through 16. Mr. Ring said it's 5%, but flattens out over the crest, goes back  
4 down to 0% and then it's 5% on the back side going down to the hammerhead and then  
5 it flattens out at the hammerhead to 2%. Mr. Graham said these are slow roads too. Mr.  
6 Daley asked for the rationale behind proposing shared driveways for some of the lots.  
7 Mr. Baskerville commented that the topo plan looks really steep where it goes down to  
8 lot 12. Mr. Baskerville would like to see a grade plan for that before it's discussed. Mr.  
9 Graham asked if he meant in terms of the loop drive. Mr. Baskerville confirmed that was  
10 the case.

11 Mr. Baskerville reminded the Board that this waiver has been granted for other  
12 subdivisions in the past. The intended regulations are if you have a really sharp curve,  
13 you didn't want a steep grade going up or down a sharp curve, but the first curve talked  
14 about here is not a sharp curve, more of a slight bend in the road and the other 2 are short  
15 5% sections and by the time you get to the end you are not in the middle of the curve,  
16 you're almost in the straight section again. The amount it curves is nowhere near 90  
17 degrees, probably only 15 or 20 degrees.

18 Mr. Baskerville made a motion to grant the waiver to Subsection Subdivision regulations  
19 Addendum A Table 1 Roadway Design Maximum Profile Grade on Curves to allow the  
20 2 locations that have been discussed this evening at the slopes of 7.6% and 5%. Motion  
21 seconded by Mr. House. Motion carried unanimously.

22 The next waiver was from Maximum Back Slopes cuts and fills Section A.2.a.11. They  
23 have eliminated 99% of this issue; there is just a single location which he showed on the  
24 plan. Mr. Baskerville confirmed they could achieve this if they could use the wetland  
25 buffer, but because they want to keep fill out of the wetland buffer, they are seeking a  
26 waiver. Mr. Graham said that was correct.

27 Mr. Paine made a motion to allow for the waiver of Subdivision regulations Addendum  
28 A.2.a.11 for the station along Beatrice Road through station 850 through 925 as  
29 discussed. Motion seconded by Mr. House. Motion carried unanimously.

30 The next waiver was for setbacks on the site in accordance with Section 4.2 and 5.6.5.  
31 Mr. Graham said the setbacks for the RPC zone are 30' side, 30' front, 40' rear and 20'  
32 open space setback. 20' rear interchangeably with the outer boundary of the site. Side  
33 setbacks of 15' have been requested, front and back 20', rear of 30' and the 30' in place  
34 of the 40' setback for the open space setback for lots 14, 15, 16 and 19, 20, 21, 22, 23,  
35 24 and 25. They were encouraged to put as much land into the open space as possible.

36 Mr. Houghton asked Mr. Graham which areas they would really like to see this happen.  
37 Mr. Graham said the lots affected by the open space setback as those lot sizes were  
38 reduced in order to add more open space.

39 Pat Elwell, Conservation Commission asked if the open space would be deeded. Mr.  
40 Graham said it would be restricted by deed restriction and within the homeowners'  
41 association documents, and monitored within the operation and maintenance of the  
42 homeowners' association to remain in perpetuity. Mr. Baskerville asked if the  
43 conservation easement was being granted to the Town or if it was strictly within the



1 association. Mr. Graham said it is a restricted conservation and their goal in the workshop  
2 process was to remove the areas that would be restricted to no cutting and no disturbing  
3 from the private land. Mr. Baskerville asked who would be the enforcement authority if  
4 some trees were cut for example that shouldn't be. Mr. Graham said the association first;  
5 the boundaries of the open space are bounded by the fence and any expenses or costs will  
6 be directly charged to the homeowners and their property will have a lien placed on it.

7 Mr. Baskerville asked Mr. Graham to explain why they would like a side setback of 15'.  
8 He said 15' accomplishes the building separation which is the construction guideline in  
9 the RPC zone which they feel will provide the necessary safety. It provides a 30' total  
10 buffer in-between properties which they feel is sufficient, and provides a balance of being  
11 able to locate homes on the property ascetically and responsibly. Mr. Daley asked how  
12 the current design would change if they had to adhere to the 20' set back requirement.  
13 Mr. Graham said it would push several of the lots closer to the industrial facility in the  
14 back, it would encourage more clearing in the rear of the sites, and more grading. Mr.  
15 Houghton said for those lots he thinks it would be beneficial and positive to pull those  
16 lots forward. Mr. House agreed.

17 Mr. House made a motion to approve the waiver for zoning ordinance, Section 4.2 and  
18 5.6.5 Setbacks. The applicant is asking for a minimum of a 30' rear setback to all abutting  
19 properties. Mr. Baskerville commented that they were going to do the motions in a  
20 different order. Mr. Daley reminded the Board also of the criteria that needed to be  
21 fulfilled for a waiver request.

22 Mr. Graham said in the RPC zone, the zone provides for the adjustment of these  
23 specifically as part of the design process. Mr. Baskerville said the strict conformity to  
24 the regulations will provide a hardship because these are multiple unit buildings.

25 Front setbacks were addressed next; Mr. Graham said where 30' is required, on the vast  
26 majority of the site, they do anticipate and have heard there is a tendency for these kind  
27 of houses to be built more to the front of a property and in particular in the  
28 environmentally sensitive areas.

29 Mr. Baskerville asked Mr. Graham to explain everything that was going to be on the lots  
30 from the front property line back to where the houses will actually be. Mr. Graham  
31 replied on either side of the right of way there is 15' of access easement to be part of the  
32 owners' association and then they are asking for a 20' front set back from the lot line.  
33 The 20' will start back from the lot line so will go 5' beyond the easement. Mr.  
34 Baskerville asked if they would be able to fit landscaping into the easement. Mr. Graham  
35 said they have to flush that out, but they intend to. Mr. Baskerville asked about slope  
36 easements if the roadway grading required a steep cut that goes back 30' or 40' from the  
37 road or steep fill; would they be requiring an easement so the homeowners' association  
38 can maintain the slope. Mr. Graham said that is a good example of why they need  
39 easements.

40 Mr. Daley asked if Mr. Baskerville meant what the applicant would do if the sloping  
41 easements would go beyond any of the easements shown so far. Mr. Baskerville was  
42 thinking more of the impact on landscaping for the houses. Mr. Baskerville said he isn't  
43 against this waiver request, but that it might make more sense to wait until they are later  
44 into the process. Mr. Graham was willing to wait.

1 Mr. Graham talked about the rear setbacks next. He said they may not need the relief,  
2 but on certain lots regardless of whether they go back 30' or 40' it isn't going to change  
3 a lot about where the house placements are going to be. The consistency of the open  
4 space setback at 30' and the rear at 30' is homogenizing all of the rear setback of all of  
5 the lots at 30'. They might want to build one house further forward so the flexibility of  
6 the setbacks in the back and front provide the opportunity to do that. It is also helpful if  
7 houses need to be built somewhere else on a lot due to natural features like rock ledge  
8 and to achieve privacy on the lot.

9 Mr. Baskerville asked if they were talking about the setback for the exterior subdivision  
10 line or the open space setback. Mr. Graham said the exterior line and that the requirement  
11 is 40'. Mr. Graham then went through all the abutters on the plan that abuts the  
12 development.

13 Mr. House made a motion to grant the waiver from the Zoning Ordinance, Section 4.2  
14 for setbacks where the applicant is requesting a minimum of 30' rear setback from all  
15 abutting properties from 40'. Motion seconded by Ms. Ober. Motion carried  
16 unanimously.

17 The next waiver discussed was for the open space setback; the applicant is requesting 30'  
18 where 40' is required. Mr. Graham said the waiver was for certain lots only due to the  
19 shrinking of those lots to provide as much land for open space as possible.

20 Mr. Paine made a motion to allow the waiver to Zoning Ordinance Section 4.2 for  
21 setbacks within the retirement community for open space setbacks of 40' allowing for a  
22 30' setback. Motion seconded by Mr. House. Motion carried unanimously.

23 The final waiver request was from Section 4.4.6. where the regulation limits shared  
24 driveways to 2 houses. Mr. Houghton said they would like to see a little more detail on  
25 that. Mr. Graham said he wanted to point out that this condition is allowed in the cluster  
26 subdivision ordinance, but he was happy to show more detail at the next meeting.

27 Mr. Daley commented that the applicant had provided a good framework for identifying  
28 the monitoring and maintenance of the facilities, drainage structures, impervious surface,  
29 but it wasn't identified who was going to maintain everything. Mr. Graham said the  
30 association would have to administer the administrative aspect of accomplishing the  
31 tasks. They haven't found a professional just yet to do the vacuuming of the roads. Mr.  
32 Houghton asked what will happen if one of the homeowners has a heated driveway, but  
33 they choose not to use it and throw out salt instead. Mr. Graham said they will be ready  
34 to discuss all that in much more detail at the next meeting. Mr. House asked how many  
35 houses need to be built before the homeowners' association comes into effect. Mr.  
36 Graham said it comes into effect immediately. Mr. House said who would maintain the  
37 road if nobody is there. Mr. Graham, said it would be the builder's and developer's  
38 responsibility.

39 Ms. Breslin said she is still curious about the 32 acres listed as open space and asked if it  
40 had been put into conservation as at one point in time that was discussed. Mr. Graham  
41 said that parcel will be restricted just the same as the open space and will be restricted  
42 and monitored in perpetuity as part of this subdivision.

1 Mr. Paine made a motion to continue the hearing for the Rollins Hill Development project  
2 until August 19, 2015. Motion seconded by Mr. House. Motion carried unanimously.

3 Mr. Graham said they agree to extend the clock until August 19, 2015.

4 b. **Group 1 Realty, Inc., 800 Gessner, Suite 500, Houston, TX 77024 for the property**  
5 **located at 81 Portsmouth Avenue, Tax Map 13 Lot 20.** Site Plan Amendment to the  
6 2002 approved Site Plan for 81 Portsmouth Avenue to reuse the existing parking spaces  
7 for satellite parking for employees of the BMW Dealership located at 71 Portsmouth  
8 Avenue.

9 Mr. Michael Donahue, attorney for the applicant explained they were before the Board  
10 in May, but were advised not to consider going forward with the application to use this  
11 lot as storage inventory for the BMW dealership. They are here tonight for approval to  
12 use this property for satellite parking for employees of the BMW dealership. This  
13 property is under-utilized in this zone in terms of its parking capacity that was approved  
14 by this Board.

15 Mr. Daley confirmed to Mr. Houghton that using the site plan as approved by the  
16 Planning Board in 2002 should suffice for this amended application.

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

19 Mr. Donahue introduced Marvin Marcell, Director of Communications for Group 1. Joel  
20 Ginsburg, BMW manager was introduced also. Mr. Marcell explained that the BMW  
21 dealership's business is doing well and as a result there is a needed increase in parking  
22 requirements.

23 Mr. Baskerville asked what the applicant foresees the use as being. Mr. Marcell said for  
24 the foreseeable future, they see this as an employee parking area. They have other areas  
25 they are pursuing for excess inventory.

26 Mr. Houghton asked how many parking spaces would be there for employees. Mr.  
27 Marcell said there are 41 there now, but there are a couple of tenants there so an  
28 agreement to work out their allocation needs to be worked out. That would give 30 or so  
29 spaces and BMW has 45 people. Mr. Donahue said they have received full disclosure  
30 about the tenants in the building there. There are technically 3 tenants there, the lease  
31 runs out at the end of the month for one of them and they have already vacated. The  
32 tenants' usage from their observation is that they use from 6 to 9 spaces. Mr. Donahue  
33 said they don't feel comfortable representing that that is what it is going to be, they would  
34 prefer to propose a condition that once they obtain the right to say to the tenants they  
35 want to have the BMW employees parking there, they will consult with the tenants and  
36 file with the Town a proposed allocation of spaces. Currently, there is no designated area  
37 for the tenants' businesses.

38 Mr. Donahue said they are talking about satellite parking compared with all the traffic  
39 that can occur with businesses on site with all the turning, entering and exiting. BMW  
40 are going to be entering and exiting the site in a company van only that will have  
41 scheduled pick-ups. There is no pedestrian activity being proposed on Portsmouth  
42 Avenue.

1 Mr. Houghton asked about the lot in between the dealership and this property. Mr.  
2 Donahue said if there was ever an agreement made with that property owner, they would  
3 come back before the Board for approval.

4 Mr. Houghton asked if they had any thoughts relevant to the existing structure on the lot.  
5 Mr. Marcell said at the moment they are so focused on the parking for employees, that  
6 they haven't given the building any consideration, but they will consult with the Planning  
7 Board should they want to do something with it in the future.

8 Ms. Jodie Skaff, representative for the seller said the 2 tenants occupying the building  
9 are FlashFixers who do computer repair and the other is KIT Research, a research  
10 company in the field of power of psychologies. She has observed that there appears to  
11 be only a handful of cars at any given time there.

12 Mr. Paine asked about hours of operation. Mr. Ginsburg said hours of operation will  
13 remain the same. The shuttle will start around 7:00 am and finish by 6:00 pm. There  
14 will be a couple of sales associates until 8:00 pm, but their cars will probably end up back  
15 at the dealership during the day. Mr. Paine asked if there had been any consideration for  
16 lighting on the site. Mr. Donahue said there is lighting on the building which appears to  
17 be designed to light the parking area. They will review that lighting and make sure it  
18 works. They don't intend to install any overhead lighting.

19 Mr. Baskerville said from a traffic standpoint, his opinion is that the site was designed  
20 for 41 parking spots. They could have a use there where people have to come and go at  
21 40 trips an hour. He doesn't see this use as increasing traffic.

22 Mr. Houghton asked about signage. Mr. Donahue said there is no plan for signage as of  
23 right now.

24 Mr. Baskerville suggested adding a condition to address the situation of there being more  
25 cars than spaces. Mr. Daley said the 2002 plan was approved for 41 spaces only. Mr.  
26 Donahue was happy to have a condition of approval that states they have to provide  
27 evidence they won't be using more space than what is currently approved. Mr. Canada  
28 inquired as to why it was necessary; if they violate the approved plan, then the Town will  
29 take enforcement action. Mr. Daley referred to his suggestion outlined in his staff report;  
30 "all employees associated with the Stratham BMW dealership shall be permitted to park  
31 at the satellite parking facility located on 81 Portsmouth Avenue. Unless otherwise  
32 stated, no vehicle inventory, construction vehicles and/or related material shall be stored  
33 on site. Secondly the applicant shall be required to submit executed instruments  
34 establishing to the Planning department for review and approval that sufficient legal  
35 interest has been acquired on said premises to ensure the availability for required parking  
36 as long as the use served is in existence."

37 Mr. Paine asked about the timing of the shuttle. Mr. Ginsberg said right now they are  
38 planning every 15 minutes in the morning and at noon time for lunch break, and then  
39 when most of the technicians get out around 5:00 pm. Mr. Paine asked if they would  
40 wait in their vehicles while waiting for the shuttle van. Mr. Ginsberg said they would.

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

1 Mr. Baskerville made a motion that the Planning Board grant amended site plan approval  
2 to the lot at 81 Portsmouth Avenue which was recorded as plan D-29684 and approved  
3 by this Board back in 2002 to allow off-site parking with the conditions referred to by  
4 Mr. Daley. Motion seconded by Ms. Ober. Motion carried unanimously.

5 **2. Miscellaneous.**

6 There were no miscellaneous items to report.

7 **3. Adjournment.**

8 Mr. Baskerville made a motion to adjourn at 10:06 pm. Motion seconded by Mr. Paine.  
9 Motion carried unanimously.