



Stratham Planning Board
Meeting Minutes
June 01, 2016
Hutton Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Chairman
David Canada, Selectmen's Representative
Bob Baskerville, Vice Chairman
Jameson Paine, Member
Tom House, Member
Nancy Ober, Alternate
Lee Paladino, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call.

2. Review/Approval of Meeting Minutes

a. May 18, 2016

Mr. Paine made a motion to accept the meeting minutes for May 18, 2016. Motion seconded by Mr. House. Motion carried unanimously.

3. Public Meeting

b. Wiggin Way Water—discussion

Mr. Austin explained that Wiggin Way and Winterberry have had several months of a water shortage and well problems. Mr. Austin has spoken with Aquarian Waterworks; in order for the subdivisions to connect to Aquarian, it has to go before the public utilities commission and prior to that all of the owners need Planning Board approval to amend the original subdivision plan that obligated the community well system.

Mr. Paul Deschaine, Town Administrator gave the history to the project.

Mr. Steven Roy, Home Association board member introduced himself as well as Steve Cook, also board member as representing 43 residents. Mr. Carl McMorrان from Aquarian Water was present also. Mr. Roy explained that they had to have water delivered recently and twice last year too which put them under a consent order from NHDES. They looked at alternatives which has led them to using Aquarian who are 25' away from their water system. They

1 have had 2 notice of violations this year also because the arsenic levels are above the drinking
2 water standard.

3 Mr. Cook shared documentation showing the necessary legalese.

4 Mr. Houghton asked if all the home owners are in favor of this. Mr. Cook said not everybody
5 attended the meeting concerning the vote, but they need at least two thirds of the votes and
6 more than that attended. They followed up with the people who couldn't attend and they
7 were in agreement too. Mr. House asked to see the legalese. Mr. Paine said part of
8 Winterberry is in North Hampton so they are already on the water system and he asked if
9 anybody had found out what the cause of the low water was. Mr. Cook said he didn't know
10 what the reason was. One well was shut down to help lower arsenic levels, but even before
11 that happened, they were running dry. Mr. Austin double checked that the Aquarian water
12 supply was for household water only and not fire too. Mr. Cook said that was correct. Mr.
13 Paine wondered if these problems with water would occur in other subdivisions and if the
14 Town had a way to monitor the aquifers.

15 There was a discussion around the legal language, deeds and notification procedures. Mr.
16 House asked if the Board needed recommendations from NHDES. Mr. Cook said he could
17 provide a summary from the NHDES which he distributed. Mr. Paine asked if they could
18 have documentation of the vote taken by the Homeowners' Association too. Mr. Cook said
19 they could provide that. Mr. Austin said he could get the new language for the public water
20 to the Town's counsel for review before the next meeting on June 15. Mr. House asked if
21 the Board needed anything from Aquarian. The representative from Aquarian said they can
22 provide something. Mr. Paine asked if there was a maintenance plan. Mr. McMorrان said
23 the responsibility falls into Aquarian's purview as they maintain the water systems as a
24 whole. Mr. Canada said his concern is if they need to rip up the road for repairs; is it evident
25 that Aquarian is responsible or does the Town need to enter into a written agreement? Mr.
26 McMorrان said in other towns if they have had to rip a road up, they return it to its original
27 condition or an even better one that it was previously.

28 Mr. Austin requested the Board consider fee schedule amendments for this application as the
29 only application form the Town has is for a true subdivision and not for an amendment to a
30 subdivision plan. Mr. Austin suggested a \$100 fee as the base application fee, \$50 for the
31 newspaper notice and \$5 for each abutter notice.

32 Mr. House made a motion to accept \$100 fee as the base application fee, \$50 for the
33 newspaper notice and \$5 for each abutter notice. Motion seconded by Mr. Paine. Motion
34 carried unanimously.

35 **c. Zoning Ordinance changes—ADU, etc.**

36 The Board said they hadn't had time to review the draft language for accessory dwelling units
37 (ADUs).

38
39 **4. Miscellaneous**

40 **a. Report of Officers/Committees.**

41 **i. Technical Review Committee**
42

1 Mr. Austin shared that the TRC met last night to review revisions to an application from
2 BMW, 71 Portsmouth Avenue. They want to add approximately 80 parking spaces and
3 do a complete overhaul of the landscaping plan. The outcome from that meeting was a
4 recommendation of denial if the project could not further the intent of the Gateway
5 District. The landscaping plan was a vast improvement and the plan modified 71
6 Portsmouth Avenue in a manner that the neighborhood was amenable to. One concern
7 that came out of this meeting was that the TRC are functionally doing a design review
8 which under RSA 674:6 paragraph 2, design review has to be noticed to the abutters and
9 the newspaper.

10
11 There was a general discussion around the TRC's function. Mr. Austin pointed out that
12 there isn't even an application form specific to the TRC nor a fee which in turn, indicates
13 no public notice, but in reality to put a complete TRC application together is to complete
14 a complete site plan review application due to the way the Ordinance is written. Mr.
15 Austin read Section 3.8.6.a sub paragraph ii which illustrates the fact that if the TRC did
16 approve an application, the public would never know about it.

17
18 Mr. Houghton said they call to the TRC to make sure the application is compliant,
19 specifically with design and form based code. He recalls that the TRC agrees that the
20 application complies with the intended zoning and then that site plan would be passed to
21 the Planning Board for final approval which would have to be noticed. Mr. Deschaine
22 referred back to the abutters not being noticed. Mr. House added that he understood the
23 TRC was formed to make recommendations to the Planning Board based on criteria
24 specific to the Gateway District, not site plan review. Mr. Austin asked about calling the
25 TRC design review a Gateway enhanced preliminary consultation. Mr. House said the
26 BMW's landscaping did not include a sidewalk or street lighting so they told the applicant
27 to come back with an explanation why they felt they didn't need those elements. Mr.
28 Deschaine wondered if any application would pass the Gateway District standards. Mr.
29 House gave several examples he believed would pass.

30
31 Mr. Austin said he will formulate some clearer by laws, procedures and application forms
32 for applicants to understand better the role of the TRC. He will also put together a
33 Planner's review form which highlights its consistencies/inconsistencies before it gets to
34 TRC so those things get vetted and that report can then get endorsed or rejected by the
35 TRC and follow the file up to the Planning Board level so the Planning Board gets that
36 feedback.

37
38 b. Other.

39 Mr. Rob Graham, representative for the Rollins Hill Development, updated the Board
40 concerning the septic systems and erosion control. He said there were some concerns about
41 the storm water controls so they have added those details to the plan now and provided copies
42 of Rob Roseen's over sight plans. Mr. Austin said once the location of the house, the well
43 and the leach field is decided, they will figure out which of Mr. Roseen's options work best
44 and install the septic in the appropriate location. Mr. Austin said the conditions of approval
45 have been each modified to include a possible infiltration ditch and a possible rain garden

1 location. Mr. Graham said they had also included the setback from the leach field to show
2 the area that those structures, if needed, would have to remain outside of. Mr. Austin asked
3 the Board if this now satisfied condition 19f with the understanding that the inspection of
4 those will be done prior to the issuance of a C.O. by an engineer. Mr. Baskerville said they
5 show the rain garden and infiltration trench now, and they will be sent to NHDES for normal
6 State review which he is OK with. Mr. Roseen can look at it later and sign off on it as long
7 as all of that is documented, he is OK with this.

8 Mr. Baskerville made a motion to accept the submitted plans as compliant with the condition
9 19f from the Notice of Decision. Motion seconded by Mr. Paine. Motion carried
10 unanimously.

11 Mr. Deschaine said on a previous record, the Board is no longer of the opinion that a 3rd party
12 reviewer needs to have a chance to review the plans before they go to the NHDES. Mr.
13 Baskerville said now they can see that Mr. Roseen is contractually obligated to be the engineer
14 he is OK with that, rather than sending the plans to Civilworks.

15 Mr. Baskerville said he would like to amend his motion to accept the submitted plans as
16 compliant with the condition 10f from the Notice of Decision due to the fact that Milestone
17 Engineering, LLC is contractually obligated to do the reviews on the erosion controls and
18 infiltration structures. Mr. Baskerville is OK that they provide a signature for him to sign
19 them so they can go to NHDES for review. Motion seconded by Mr. Paine. Motion carried
20 unanimously.

21 Mr. Canada made a motion to give Mr. Baskerville the official authorization to sign the
22 documents. Motion seconded by Mr. Houghton. Motion carried unanimously.

23 Mr. Deschaine said that when RCCD do the review, they have a particular stamp and asked
24 what the Board would like to do about that. Mr. Austin read out the cover letters provided for
25 signature by the applicant. Mr. Deschaine observed that those cover letters could get
26 separated.

27 Mr. Roseen gave an update on site construction so far.

28 *Mr. Baskerville left at 7:45 pm*

29 **5. Adjournment.**

30 Mr. House made a motion to adjourn at 8:20 pm. Motion seconded by Mr. Paine. Motion carried
31 unanimously.