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Stratham Planning Board
Meeting Minutes
October 19, 2016
Municipal Center, Hutton Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

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13 Members Present: Mike Houghton, Chairman
14 David Canada, Selectmen's Representative
15 Jameson Paine, Member
16 Nancy Ober, Alternate
17

18 Members Absent: Bob Baskerville, Vice Chairman
19 Tom House, Member
20 Lee Paladino, Alternate
21

22 Staff Present: Tavis Austin, Town Planner
23

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

25 The Chairman took roll call and asked Ms. Ober to be a voting member in Mr. Baskerville's absence.

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

27 **a. September 21, 2016**

28 Mr. Houghton felt it would be better to have Mr. House present before approving the minutes as
29 he specifically requested some information be added to them at the last meeting.

30 Mr. Houghton made a motion to defer approval for the September 21st meeting minutes pending
31 Tom House's clarification. Motion seconded by Mr. Paine. Motion carried unanimously.

32 **b. October 05, 2016**

33 Mr. Paine made a motion to approve the October 5th, 2016 meeting minutes as presented. Motion
34 seconded by Ms. Ober. Motion carried unanimously.

35
36 **3. Public Hearing**

37 **a. Group 1 Realty, Inc, 800 Gessner Road, Suite 500, Houston TX 77024** Site Plan Review and
38 Conditional Use Permit applications for the redesign and updating of site details for the BMW
39 Dealership located at 71 Portsmouth Avenue, Stratham, Tax Map 13 Lot 1, in the Outer Zone of
40 the Gateway Commercial Business District. *Continued from 09/21/2016.*

41 Mr. Michael Donahue, DTC Lawyers introduced himself as representing the applicant as well as
42 Marvin Marcel, Director of Group 1 along with Neil Sander, Dynamic Engineering and Jeff
43 Hyland, Ironwood Landscaping.

1 Mr. Sander explained this application is to redesign and update the site. There is a single point
2 of access from Portsmouth Avenue. There are currently 153 parking spaces which is insufficient
3 to meet BMW's inventory requirements; even though BMW currently has more spaces than the
4 Ordinance allows, the manufacturer requires significantly more. Group 1 has recently purchased
5 the SAAB site in Exeter to make up some of the deficiency, but they are still looking to add extra
6 to the current site in Stratham. Water and septic are on site including a fire cistern at the north
7 western corner of the property. There are currently 3 storm water infiltration basins at 3 corners
8 of the property. They have had many meetings with residents in the neighborhood as they have
9 pursued improvements to other properties to meet inventory needs. One of the suggestions from
10 residents was to expand the existing dealership so they didn't need to look at other properties.
11 They reconfigured the entire parking lot of the existing site to make it more efficient and an
12 additional 73 parking spaces making a total of 226. There is no proposed change to the building
13 or existing entrance location although they are proposing to widen it from 24' to 40' to promote
14 better circulation of carriers around the building. The parking setbacks along Portsmouth
15 Avenue and the Scamman property will remain. They are currently approximately 20' away
16 from the Portsmouth Avenue right of way and 60' from the Scamman property although there
17 will be extra landscaping for aesthetic purposes. They will be increasing the impervious cover
18 from 50.8 to 54.1% which equates to an increase of 7,300 S.F. All existing utilities will remain.
19 There will be a dedicated masonry trash enclosure located at the North West corner. One of the
20 major abutter concerns was the lighting on the site; the lights have now been upgraded to L.E.D.
21 although they are proposing to relocate some of the poles. A lot of lighting isn't needed behind
22 the building so they are proposing very little lighting on the West side of the building. The poles
23 by the customer and employee parking are proposed to be 25'. The maximum lighting across the
24 total accessible area is going to be 17 foot candles. By comparison the average Ford Dealership
25 is 40 foot candles. The lighting will also be adjustable so once they are installed, it gives them
26 the ability to dim the light as needed. There are 0 foot candles at the western side of the property
27 lines that abut residential.

28 Mr. Sander said 2 major goals of their storm water management system was water quality and
29 aesthetics. They are proposing to build 8 bio retention areas along the perimeter of the parking
30 lot that will take sheet flow run off and filter it before discharging it into retention basins. There
31 isn't much on the site now. They are seeking to remove the storm water basin that is located in
32 the front yard between the dealership and Scamman property. They will put landscaping there.
33 They meet the local storm water requirements for peak volume production during storms. They
34 have received comments today from the third party reviewer Civilworks. There are a couple of
35 issues they need to clarify, but they do agree with the rest of the comments that they have already
36 started to address, but won't have a major change on the design. They have submitted erosion
37 control, long term pollution and maintenance plans. There will be approximately 3.52 acres of
38 disturbance in the pavement area and once the contractor is out there, they will see how much
39 pavement they can salvage.

40 Mr. Sander said they are required to get 2 external permits; one from D.O.T. and the other from
41 D.E.S. They have been waiting on Civilwork's comments to make sure they could incorporate
42 any of the provisions required into the A.O.T. permit application with D.E.S.

43 There are currently some building signs and one freestanding one located directly in front of the
44 building, in the middle of what will be proposed bio retention area number 4. They'd like to
45 relocate it closer to the driveway. They are able to down light the sign to meet the request of an
46 abutter. Another concern raised was trucks turning around the building so they are proposing
47 widening the driveway as mentioned earlier with a 30' wide drive all the way around the building.
48 As of this evening Mr. Sander has been informed that Corporate has decided that no more
49 deliveries will be made at this site, but will be made at the newly acquired site in Exeter.

1 Mr. Hyland, Landscape Architect took the floor and talked through the landscaping plan
2 including improving the sight lines through plantings and fencing and types of plantings.

3 Mr. Austin said he noticed that the future exhibit plan dated October 7, 2016 doesn't seem to
4 align with the latest landscaping plan dated October 11, 2016. Mr. Hyland said they did move a
5 few plants based on the last meeting regarding the Scamman's easement through there, but no
6 real opportunity to go back and forth on that. Mr. Austin said ultimately they should align. Mr.
7 Austin made the Board aware they had a draft bonding document put together by Mr. Donahue
8 in their binders in the form of a site plan performance agreement. Mr. Austin said he would ask
9 that for general condition number 4, the plan reference include the sequence of dates submitted
10 the last of which will be the one ultimately acted upon. There is also a letter from Nate Merrill
11 in the binders giving his public comments on this application.

12 Mr. Paine referred to the sidewalk easement shown on the plan and said it's appreciated that it
13 has been included on the plan, but he is concerned it is identified as a 5' easement which would
14 more or less cover the actual structure of the sidewalk. A lot of times sidewalks have an
15 additional 5' for utilities or lights; he asked if they should consider a standard of 10' to identify
16 both the sidewalk and the utilities. Mr. Canada agreed. Mr. Donahue said they put 5' on the plan
17 because they thought the lighting would likely go there. Based on the last meeting they talked
18 about the sidewalk being like it is on the Subaru site being in the State right of way, under an
19 agreement with the State which Mr. Deschaine said could be done. This was designed as an
20 additional area given the uncertainty as to where water and sewer might go. Mr. Austin said he
21 doesn't know if the edge of pavement depicted on the future easement exhibit or the ultimate site
22 plan was surveyed for location, but it appears that there is 30' so with the easement, there would
23 be 35' from edge of current pavement to the inside edge of the future site walk easement. It
24 would seem there might be room in the right of way for utilities plus improvement. Mr. Austin
25 continued that the 5' would be a good place holder; it doesn't preclude future construction
26 easement that might go beyond that if need be. It might be a point of discussion whether it gets
27 ultimately reported as a sidewalk or construction easement.

28 Mr. Bruce Scamman, representing his father Doug Scamman said on the landscaping, it appears
29 that the infiltration basins overlap with the existing evergreen trees that are there and he doesn't
30 know if some of those are going to be removed as part of that process to put in the infiltration
31 basins. Mr. Hyland said that one or two might be able to be preserved. They are proposing quite
32 a lot of new planting on the back side of the bio retention areas as an under story planting that
33 will help fill up that area which you can currently see through. Mr. Scamman asked what row of
34 shrubs Mr. Hyland was proposing and how well they will buffer that area. Mr. Hyland said there
35 are some evergreen trees being proposed on either corner and in between there is a variety of
36 plant material which Mr. Hyland described. Mr. Scamman said they want to make sure no
37 headlights shine onto his parents' house. Mr. Hyland said they could look at adding some more
38 plantings elsewhere. Mr. Houghton asked if it would be possible for the applicant to meet with
39 the abutter to collaborate on the amount of buffering needed to avoid any headlight glare. Mr.
40 Marcel said even after construction if Mr. Scamman feels there isn't enough of a significant
41 buffer, they can revisit that.

42 Mr. Scamman talked about the on-site well next. It has close proximity to the infiltration basin
43 so he wanted to know if they would be lined infiltration basins. Mr. Sander said they would be
44 lined. Bio retention areas 1 and 2 are almost adjacent to the well for the dealership so they are
45 lined too. Mr. Sander said if it looks like it is within 75' of the well they can move it out of that
46 buffer or line it too. Mr. Scamman referred to the right of way and Gateway Road next. He
47 thanked the applicant for expanding it from 30' to 51' but at the last meeting there were several
48 indications that in the future if there was going to be a connection to Raeder Drive that would be
49 on his family to do that and they would have to go through some of the neighboring residential

1 properties. He is concerned that the Planning Board is putting it on this lot to have to buy one of
2 those houses to put a road through that is not in the Gateway District. Last time they discussed
3 that Raeder Drive splits and comes around closer to his family's property and that's where the
4 connection point would be. That means his family would have to buy one of the properties to
5 put a road in. He wants some assurance from the Town, possibly in writing, that should the
6 Gateway Road be put in, his family won't be responsible for buying property to connect that
7 roadway. He would also like assurance that they won't have to work on putting in Gateway roads
8 across their farm also. They understand that some work would have to be done if parts of the
9 farm are ever developed, but if for example his brother wanted to put up a vegetable stand that is
10 bigger than he has now, and they have to go to the Gateway Committee, that his vegetable stand
11 is now going to have to connect roads or to Raeder Drive per the Town Ordinance that says they
12 need to have connection roads. He would like that in writing to protect them in the future. Mr.
13 Canada said how could they put that in writing. Mr. Paine said all this is addressing is the location
14 of the easement. Mr. Scamman then asked if the Board envision that traffic would be cutting
15 through the center of the BMW garage parking lot at some point in the future. Mr. Houghton
16 said he thinks this does nothing more than provide an easement for potential future development.

17 Mr. Jeremy Riecks thanked the applicant for working extensively with the neighbors. He talked
18 about the lighting and said it might be a good idea to have shields for the lights on the outside
19 around the perimeter. If some of the evergreens went away on the Scamman side, they could be
20 affected by the lighting. Mr. Riecks said he is in support of this proposal.

21 Ms. Beth Dupell, 7 Doe Run Lane asked where the fencing was on the plan. Mr. Hyland showed
22 Ms. Dupell where it was on the plan. He said they would be putting a note on the plan about
23 coordinating with abutters on buffering. Ms. Dupell said there are sound issues too. Mr. Hyland
24 said plants do a great job of deadening sounds. Mr. Paine asked how high the fence would be.
25 Mr. Hyland said it starts at 6' and then it starts to step up to a total elevation of close to 10'.

26 Mr. Riecks said he remembered driving behind the existing service area and there was an air
27 conditioning unit and what looks like a couple of LP tanks. He asked what would happen to
28 those. Mr. Marcel said they will leave them where they are.

29 Mr. Michael Keane, Doe Run Lane wanted to state he is in support of this application and would
30 like to thank the Board for its time and consideration and the entire design team. Mr. Keane said
31 on the original Holloway plan there was a note that parking would be limited to the striped spaces
32 only. He doesn't see that on these plans so he wondered if it should be added to the conditions.
33 He commented that for the last month or so there have been employees parked in the area of the
34 cistern and maybe there should be a visual clue put there such as posting it is a fire lane to prevent
35 them parking in front of the cistern.

36 Mr. Houghton asked what activities were being moved to Exeter. Mr. Sander said about half of
37 the service work and inventory storage. Mr. Austin wondered how many extra trips there would
38 be in and out of the site now that deliveries would be at the Exeter site. Mr. Sander said he didn't
39 think it would increase as they already have off site inventory that services the 71 Portsmouth
40 Avenue site. Mr. Marcel said they are receiving less than 100 new cars a month so the number
41 of trips won't be many. They wanted to be considerate of the neighbors. Mr. Paine asked if
42 deliveries to the site will be during standard business hours. Mr. Marcel said it would be during
43 normal business hours although they have had parts delivered at 5:00 am. They have talked to
44 those people to reschedule those deliveries. Mr. Austin added that Portsmouth Avenue probably
45 wouldn't notice the difference if only 100 cars a month are delivered.

46 Mr. Houghton read a letter from Mr. Nate Merrill, a resident and member of the TRC and
47 Heritage Commission concerning this application dated October 2, 2016. Mr. Merrill doesn't
48 feel this application meets the intention of the Gateway district. He acknowledged that Group 1

1 Realty has been working diligently with the neighborhood to craft a compromise solution. Mr.
2 Merrill urges the Planning Board to deny the Conditional Use Permit (CUP).

3 Mr. Sander responded to Mr. Merrill's letter and said they have now provided more connectivity
4 and sidewalk easements since Mr. Merrill saw the plan last time. Street trees and decorative
5 lighting were discussed tonight. He disagrees that the landscaping will be entirely removed as
6 they have tried to protect as much of it as possible by maintaining the development footprint of
7 the site. Under the Gateway District, they are allowed up to 80% impervious cover and they are
8 at 54%. What is being removed is being compensated for by additional buffer plantings along
9 the residential properties. There is only one space where it could be requested to put some green
10 space where there are 2 parking bays back to back, immediately south of the building. There are
11 large green spaces at the north and east sides of the building. Storm water retention that was
12 provided in those green spaces within the parking lot has been relocated to the outside perimeter
13 of the site. Mr. Sander does not know what storm water features were placed there before, but it
14 doesn't appear that there is enough room in between parking bays on the south end of the site.
15 Currently there are 3 large detention ponds on 3 of the corners of the site. Loss of green space
16 bump out at the front of the site where the sign is currently located: that is correct. Mr. Sander
17 continued that with respect to the parking spaces being added in front of the show room, right
18 now there is a small strip, a flower bed, in front of that building. They are proposing to remove
19 that strip and replacing it with thicker shrubs and plantings in that area and the existing aisle is
20 going to be shifted; there are parking spaces proposed along that aisle, but not directly in front of
21 the building. There is sufficient landscaping between the parking and the building.

22 Mr. Keane said the parking in front of the building should not be forced elsewhere because of the
23 proximity to a residential area. He is still in favor of this proposal.

24 Mr. Austin said he understands Mr. Merrill's comments, but also agrees in part with Mr. Keane's
25 comment about the parking in front of the building as it makes more sense to have the parking in
26 front of the building rather than adjacent to the residential properties, although that is inconsistent
27 with the Gateway language itself. Mr. Austin shared that on one of the earlier landscaping plans,
28 there was a cluster of trees at the corner of Raeder Drive and Portsmouth Avenue which would
29 have better screened that area, but it created a sight line issue exiting Raeder Drive. Mr. Austin
30 suggested the Landscape Architect work with staff and abutters to work out the best possible
31 location for those trees to ensure the best screening and sight line possible.

32 Mr. Hyland said there are some existing trees at the entrance that are being preserved and one
33 toward the Scamman property. He showed a few more trees on the plan. There are some trees
34 in bad condition and a couple are dead.

35 Mr. Canada said Mr. Merrill feels that the negotiations and compromises made with the TRC
36 with Group 1 in regards to expanding the show room place have been negated. Mr. Sander said
37 that was probably at the January 2015 meeting at which he wasn't present, but the 2 closest
38 corners to Portsmouth Avenue used to be enclosed porticos so it wasn't technically an increase
39 in the size of the building, but it was an expansion of the showroom itself. One of the things
40 shown on that plan was the asphalt that went right up to the building which they proposed cutting
41 about 4' away from the building and putting flower beds along the front of that. There was no
42 parking prior to that. Mr. Canada asked Mr. Sander if he felt there wasn't an agreement with the
43 TRC then. Mr. Sander said not specifically to that point. Mr. Donahue said a lot of water has
44 passed over the damn between what Group 1 thought they could do and would do and are here
45 with a compromise acceptable to the entire neighborhood. In January 2015 Mr. Marcel got
46 involved and looked at the 81 Portsmouth Avenue property so he doesn't believe there were any
47 intentions to break agreements.

1 Mr. Doug Scamman said he thinks everybody has done a great job getting to this point. He thinks
2 BMW has been a great neighbor and he is here tonight to draw a line to his property that shows
3 where a Gateway road would go. Mr. Houghton sought Mr. Austin's opinion. Mr. Austin said
4 he can't imagine that under the current regulations and property law being the way it is, the
5 current legal framework would allow this Board to obligate a development on the Scamman
6 property to obligate development of an abutter's property. Mr. Canada said Mr. Austin is not a
7 legal entity so the Board can't give Mr. Scamman any assurance as the Board doesn't know what
8 the future will bring.

9 Mr. Houghton asked what the outstanding issues were. Mr. Austin said there were outstanding
10 issues concerning the third party review by Civilworks and storm water and erosion control. The
11 Board will need to go through the CUP items. Mr. Austin said one additional item concerns the
12 height of the privacy fence which is located within 8' of the rear property line and is going to be
13 10' tall. Mr. Sander said it will be 6' tall sitting on 4' bases. Mr. Austin acknowledged that is
14 permitted.

15 Mr. Paine asked for a summary of the issues raised by Civilworks. Mr. Austin read the letter
16 from Civilworks and said there are inconsistencies with the proposed data so therefore Civilworks
17 is unable to validate Dynamic Engineering's conclusions or design parameters. Mr. Sander said
18 as soon as they received the letter today they started looking at some of the concerns. The only
19 one that would require a redesign of the project is point 2 which requires the enlargement of basin
20 number 2 slightly to make the numbers work. A number of the comments just need clarification
21 of what already exists in the report. Mr. Austin suggested continuing the public hearing. Mr.
22 Donahue felt they could probably get this application taken care of tonight with conditions of
23 approval. Mr. Austin said the only issue he has is that the landscaping plan doesn't seem to match
24 up with the site plan.

25 The Board reviewed the CUP application. Mr. Houghton said the applicant has tried hard to
26 conform the parcel in the spirit of working constructively with the Town and abutters to be as
27 aligned to the Gateway standards as much as they can and with the intent of what the Town
28 wishes to achieve and enable them to move forward with the enhanced use of their property. He
29 would support this request for a CUP as numerated in the application. Mr. Houghton confirmed
30 that was his motion. Motion seconded by Mr. Canada. Motion carried unanimously.

31 Mr. Paine made a motion to close the public hearing for Group 1 Realty Incorporated project at
32 Tax Map 13 Lot 1, in the outer zone of the Gateway Commercial Business District. Motion
33 seconded by Ms. Ober. Motion carried unanimously.

34 Mr. Austin said he didn't think there was any need for the Planning Board to act upon the Site
35 Plan Performance agreement provided by Mr. Donahue. Ultimately it is for the Board of
36 Selectmen signatures; it does look correct, however there are a number of blanks in the document
37 that can't be filled in at this time particularly as the Exhibit the document refers to is not yet
38 complete with the landscaping.

39 Mr. Austin referred to the Proposed Conditions of Approval document. He suggested that 2A
40 includes something to the effect of "address all comments from Civilworks in its Memorandum
41 of 10/19/16" and "the applicant shall provide revised storm water management and ground water
42 recharge and water quality analysis to the approval and satisfaction of the Town Engineer" as a
43 condition precedent. Mr. Austin said the applicant does address the correct number of mylars
44 and the size of the Mylar, it does refer to the performance guarantee as required and the site plan
45 performance agreement does refer to the Alteration of Terrain and D.O.T. Driveway Permits
46 which are required as conditions precedent. Mr. Austin continued that under Conditions
47 Subsequent Number 3a and b that it might be appropriate to include the abutters just because the
48 landscaping plan will be functionally formalized at that point. There was also discussion about

1 the privacy fence and whether or not it extended far enough North to achieve the required
2 screening. Mr. Donahue said they would be prepared to accept a condition that they have a
3 meeting with the abutters including the Scammans and review the full details of the landscape
4 plan and ensure it meets the objectives that they are committing to and they will report they had
5 the meeting. Mr. Austin confirmed it would be a condition precedent. Mr. Donahue answered
6 affirmatively. Mr. Austin said it would be condition precedent number 9. Mr. Donahue said they
7 would be prepared to agree that the final plan will reflect a fire lane signage as committed to this
8 evening as well as a note that says parking is limited to wherever it is supposed to be.

9 Mr. Paine suggested motion language. Mr. Austin suggested adding to conditions precedent in
10 draft form number 2 under applicant shall submit any revised plans, reports, associated
11 information including but not limited to fire lane, striping, parking only in striped areas address
12 all comments from Civilworks in its Memorandum of 10/19/16 and the applicant shall provide
13 revised storm water management and ground water recharge and water quality analysis to the
14 approval and satisfaction of the Town Engineer

15 Mr. Houghton made a motion to approve the site plan for Group 1 Realty Tax Map 13 Lot 1 to
16 include the proposed conditions of approval included in the Planning Board's package of
17 information received October 19, 2016 with the addition of a condition precedent of number 2A
18 that the applicant address all comments from Civilworks in its Memorandum of 10/19/16 and
19 work to the suitable closure of the Town Engineer. That the applicant will meet with abutters to
20 revise and bring closure to concerns relevant to landscaping plans and include Town staff in those
21 discussions, and conditions subsequent that all parking will be within assigned and marked
22 parking spaces within the property and stop or fire lanes signs will be located around the parking
23 lot. Mr. Austin said there is a typo under condition number 4. Mr. Houghton continued his
24 motion to say the applicant will work with Town staff to conduct any and all housekeeping issues
25 associated with plan documents and the written word. Mr. Austin said there was also discussion
26 of all of the storm water retention/detention basins being lined along the south property border
27 within 75' well radii. Mr. Houghton added that the plans will reflect the storm water basins will
28 be lined within 75' of the well. Motion seconded by Ms. Ober. Motion carried unanimously.

30 4. Public Meeting

31 a. Zoning Ordinance changes—ADU, TRC/GCBD, etc

32 Mr. Austin said he had amended the ordinance changes to reflect the Board's comments at the
33 previous meeting. He had added a definition for transient occupancy and left it at 30 days. He
34 changed the spacing between trees and lighting on Portsmouth Avenue to 30' for trees and 60'
35 for lighting with the Planning Board having the ultimate say after consulting with professionals
36 and D.O.T. That is written as a footnote. Mr. Austin continued that in 5.4.3 he made a minor
37 change so it says "all ADU development shall ensure". In 5.4.3.c it does not appear that the
38 Planning Board has the ability to regulate mobile homes, condos or clusters; if it's a legal family
39 home, it can have an ADU provided it can meet all the other criteria. Mr. Houghton and Mr.
40 Canada said the original language could just stay in. Mr. Austin continued that he had added
41 5.4.3.d also that no ADU shall be used for transient occupancy uses.

42 Mr. Austin said other changes that might be coming could be for the demolition review process.
43 There is currently a 30 day waiting period if you demolish a structure that is over 50 years old to
44 enable the Demolition Review committee to visit the property to see if it has any historical
45 significance and to offer their help to help preserve the structure. Mr. Austin talked about adding
46 that demolition permits will only be issued upon review of the proposed demolition and the
47 reason behind it.

1 The Board discussed tightening the regulations for cluster subdivisions and density bonuses. Mr.
2 Austin said he thinks it would be a little misguided to get rid of clusters entirely and perhaps they
3 should look at tweaking the language.

4 Mr. Paine returned the topic to demolition permits and asked if it would be possible to get a
5 summary of what other communities have. Mr. Austin said he will come back with some
6 examples. Technical Review Committee

7
8 i. Technical Review Committee

9
10 Mr. Austin said that last night's TRC meeting was canceled with an extension of an invitation
11 for TRC members to attend tonight's meeting to see how BMW fared with the Planning
12 Board for additional input as they move forward with the Master Plan for the Gateway
13 corridor concept.

14 b. Member Comments.

15 Mr. Canada talked about reducing wetland setbacks in return for innovative storm water systems
16 as discussed at the May 4, 2016 meeting. He asked if that would be a site plan regulations or a
17 zoning ordinance issue. Mr. Austin and Deschaine said it would have to be recognized in the
18 Zoning Ordinance to do it. He wondered if the Board was still interested in this issue. Mr.
19 Houghton thought it was a good way to direct applicants towards bringing forth a more
20 responsible view of the parcel. Mr. Paine thought it would be good to pursue this too. With that
21 in mind Mr. Paine asked if there were any updates about EPA or MS4. Mr. Deschaine said he
22 hadn't heard anything recently, but the last time he was told the end of the year.

23 Mr. Houghton said there was an innovate approach used for the Rollins Hill Development as it
24 relates to heated driveways to protect against the use of chemicals and protect the vernal pools.
25 However, even if someone has a heated driveway, you can't make them turn it on. Mr. Austin
26 said he would provide draft language to address the wetland setbacks as discussed by the Board.

27 Mr. Austin talked about Table 4.2. Dimensional Requirements and said under 4.3 Explanatory
28 Notes it currently reads "for lots that abut Route 33 or Route 108, the minimum front setback
29 shall be 10' from the State Right of Way or 20' from the edge of pavement, whichever is greater".
30 While researching into this, Mr. Austin said it seems that this was not the intent of the Board at
31 the time. Mr. Austin sought the Board's advice. Mr. Deschaine asked if the footnote was the
32 errant placement; should it have been perhaps just for the Gateway and Town Center. Mr. Austin
33 said when it first occurred the goal was to make Town Center more reflective of Gateway, but
34 what happened was that all of Route 33 and 108 got included. The Town Center and Gateway
35 districts have their own sections so this footnote isn't even necessary. Mr. Houghton said he
36 would agree the front setback for the rest of the properties on Route 33 to the Greenland line
37 should be 30'. He asked what the setback was for Special Commercial. Mr. Austin said it is
38 with or without utilities; it appears with utilities it is 60' and without utilities it is 40'. Mr. Austin
39 agreed to provide some draft language.

40 Mr. Austin mentioned that he was at the Conservation Committee meeting where they discussed
41 maximum lot coverage as far as impervious surface is concerned. The tables show a maximum
42 building coverage, but the Commission wondered if it should be extended to include impervious
43 surface. They decided not to move forward with that discussion.

44 Mr. Canada asked the Board if they would be interested in pursuing the restriction of satellite
45 parking lots for car dealerships. Mr. Austin said the only way they could be approved now is
46 through a CUP from the Planning Board. Mr. Houghton said he'd prefer it if there weren't any
47 more in Town. Mr. Austin said they could restrict outdoor storage which seems to be the reason

1 why the existing inventory lot was permitted. Mr. Canada asked Mr. Austin to investigate which
2 argument the applicant used that concluded in the Planning Board granting the application for
3 the existing inventory lot.

4 Mr. Canada raised the issue of multiple signs on common land. He explained that you get
5 condominiums that are for sale and they are allowed to have a “for sale” sign on their homes.
6 However those properties are set a distance back from the road so they have been putting
7 individual signs out near the road. Mr. Austin said he discussed real estate signs which is under
8 Section 7.9.8 with Mr. Morong. Mr. Morong believes that not any one person owns the right to
9 put a real estate sign out on the street frontage, but the association may put one general sign out
10 on the street frontage.

11 **c. Other.**

12 Mr. Houghton informed the Board that Ms. Becky Mitchell, Heritage Commission wanted the
13 board to know that at 10:00 am there is a celebration of the historical preservation of the Lane
14 Homestead. It is a chance to learn about the history of the landmark. Mr. Canada said there will
15 be an LCHIP presentation in the form of a giant check for \$100,000.

16 Mr. Costello, resident inquired as to when the project at 96 Stratham Heights Road would next
17 be discussed. Mr. Austin said it would be discussed at the November 2nd meeting. Mr. Costello
18 explained that he was on the site visit for this project and he is a civil engineer by profession. He
19 was immediately struck by what he thinks is a substandard location of the intersection curb cut
20 in terms of stopping sight distance both horizontal and vertical along Stratham Heights Road and
21 he wanted to present that to the board on November 2nd.

22 Mr. Canada said he was at the Demolition Review Committee site walk at 271 Portsmouth
23 Avenue. The homeowner said most people walk away when they see his barn. He does have
24 one interested party coming back who is a veterinary surgeon.

25
26 **5. Adjournment.**

27 Mr. Paine made a motion to adjourn at 9:45 pm. Motion seconded by Ms. Ober. Motion carried
28 unanimously.