



Stratham Planning Board
Meeting Minutes
November 2, 2016
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bob Baskerville, Vice Chairman
 David Canada, Selectmen's Representative
 Nancy Ober, Alternate
 Tom House, Member

Members Absent: Mike Houghton, Chairman
 Jameson Paine, Member
 Lee Paladino, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

Mr. Baskerville took roll call as the Chair was absent and asked Ms. Ober to be a voting member. Ms. Ober agreed.

2. Review/Approval of Meeting Minutes

a. October 19 and September 21, 2016

Mr. House made a motion to accept and approve the September 21, 2016, meeting minutes. Motion seconded by Ms. Ober. Motion carried unanimously.

Ms. Ober made a motion to accept and approve the October 19, 2016 meeting minutes as written. Motion seconded by Mr. Canada. Motion carried unanimously.

3. Public Hearing

a. Cabernet Builders, P.O. Box 291, Stratham, NH 03885 Subdivision application for a 22-Lot Cluster Subdivision for the location at 96 Stratham Heights Road, Stratham NH Tax Map 5 Lot 120

Mr. Baskerville asked Mr. Austin if the application was complete. Mr. Austin said the application for an open space cluster subdivision is a 3 phase process. Mr. Austin thinks there is enough information submitted to consider the first 2 phases: the yield plan and the preliminary development plan. He feels also that a public hearing could be opened, but suggested the Board might want to request that the applicant submit in writing the willingness to extend any timelines that could be triggered by opening up the public hearing. Mr. Mason, applicant said he had no problem complying with that request.

Mr. House made a motion to accept the conditional use permit (CUP) application as complete. Motion seconded by Mr. Canada. Motion carried unanimously.

Mr. Scott Cole, Beals Associates, project engineers for the development introduced himself and Mr. Tim Mason, Cabernet Builders and attorney Kathy Morin representing Mr. Mason.

Mr. Cole said the parcel in front of the Board is the Breslin property and consists of roughly 41 acres. They are hoping to develop a conventional yield subdivision as required in the regulations. The lots are all a minimum of 2 acres with a loop road configuration and have a proposed conceptual well, septic, reserve septic area and a minimum 200' of frontage. Approximately 59 test pits have been done of which one test pit failed. The road is 3000' long and 400' from the entrance to Stratham Heights Road to the proposed intersection. He showed the wetland areas on the plan and said there are no wetland impacts with this plan.

Mr. House referred to Lots 3 and 4; one is 4 acres and the other 3.92 acres. He wondered how much of those lots was wetlands. Mr. Cole said they are roughly a third wet so that leaves 2.5 acres of buildable lots. Mr. Baskerville asked if there was any ledge when they did the test pits. Mr. Cole said they haven't found any ledge on site whatsoever. Mr. Baskerville said the road grade by lots 5 and 6 seemed steep. Mr. Cole said it could be and that the existing terrain in the area is at about 12% grade and added they could do a large cut and fill section if needed. Mr. Baskerville said that any grades in excess of 25% need to be identified. He asked if on lot 6 the dashed area was over 25%. Mr. Cole said it is and they could certainly configure lots 4 and 5 to accumulate that area, but he believes the purpose of the yield plan is to not fully engineer the plan. Mr. Canada said he is a little concerned with lots 5 and 3 being odd shaped lots to create the necessary frontage. Mr. Cole said there wasn't much else they could do with those lots. Mr. Cole said he could reduce the frontage of lot 3. Mr. Baskerville said his recollection from the site walk was that there were some vernal pools and he asked Mr. Cole to show and describe each of the wetland areas. Mr. Cole indicated the vernal pools on the plan.

Mr. House asked if well radii were allowed in setbacks. Mr. Austin said it was allowed and they could go up unto the property line.

Mr. Baskerville opened the session up to the public. Mr. Castello, 2 Quail Hollow said his specific concern after the site visit, was the location of the proposed intersection along Stratham Heights Road due to the sight distance. He reviewed the NHDOT highway design manual chapters 4 and 5 and read out some excerpts. He continued that a driver pulling out of Stratham Heights Road cannot see Country Farm Road or slightly beyond it due to the vertical crest curve and probably a partial obstruction of the Breslin house on the east bound side. He also investigated stopping sight distance on a vertical crest curve and used 40 M.P.H. as an example. The distance for stopping at that speed is quoted as 300' in the NHDOT manual which would be east of the Country Farm Road intersection. Mr. Austin reminded the Board that they can request any additional studies relating to this application. Mr. Baskerville believes the NHDOT regulations refer to State roads and Stratham Heights is a Town road. Mr. Baskerville asked if the Town had sight distances. Mr. Austin said he would have to defer to the Highway Agent. Mr. Cole said both he and the principal P.E. went out and evaluated the sight distance and came up with 350'. He said he knows the Town engineer will review the road too.

Mr. House asked the Highway Agent if he had reviewed the plans. Mr. Lavery said he hadn't reviewed the sight distance or been on site to assess it yet.

Ms. Charity Chatfield, 116 Stratham Heights Road said the loop road encroaches onto the wetland area on lots 11 and 15 and asked if that is permitted. Mr. Austin said it appears that the right of way does, but the paved surface does not. Mr. Austin added that he has never yet read that a well radius cannot include a vernal pool area.

Mr. Baskerville said there seemed to be a 25' no disturbance buffer, but a 50' building setback and referred to lot 11. There is a 100' setback from the vernal pool on lot 15 and the setback goes into the right of way. Mr. Baskerville asked what the applicant would need to get around that. Mr. Cole said the building setback is in the 50' which is allowed.

Mr. Richard Walker, 116 Stratham Heights Road said Stratham Heights Road is a heavily traveled road and wondered what the impact another road intersection onto Stratham Heights Road would be and if there was any way to mitigate that impact.

Ms. Christine Saltus, 5 Country Farm Road said within the last month on 2 different occasions a truck and a car went racing past the school bus which had its red lights flashing. The drivers came from the opposite direction over the hill. She is concerned for school children.

Mr. House asked what the distance was from the proposed entry road. Mr. Cole said 350'.

Ms. Pauly, 94 Stratham Heights Road asked if traffic studies looked at how fast people actually drive and take that into account. Mr. Austin said the Board could ask for that to be included as part of a traffic study. Ms. Pauly wondered if endangered species had been looked into the area where the road is going. Mr. House said the Conservation Commission reviews projects that include wetlands. Ms. Pauly asked at what stage the Conservation Commission becomes involved. Mr. House said probably as soon as other studies. Mr. Austin said there is nothing right now that would trigger Conservation Commission input, but the Board can still request it.

Ms. Saltus asked if the studies also take things like plants into consideration. Mr. Austin said he doesn't know what the Conservation Commission is looking for. Ms. Saltus said her son found an endangered bat in the area. Mr. Austin said it is probably the long eared bat.

Mr. Russ Fitch, 2 Country Farm Road voiced his concern about water run-off. Mr. Baskerville invited the applicant to answer the abutter concerns.

Mr. Cole said in regards to the wildlife; Jim Gove, professional wetlands soil scientist had been on site a number of times and he has looked at the parcel in detail. Mr. Gove did not find any endangered species on the parcel. Mr. Cole said in regard to drainage, they will make sure a drainage analysis is done on the property which will be reviewed by the Town's engineer and the State.

Ms. Pauly reiterated her concern with the drainage and asked if studies take roots into account. She is concerned about the farm land which is located below lots 2 and 3 on the plan. Mr. Austin said the study will look at where rain goes now and where it will go when changes are made; that factors in roads, roof tops, impervious surfaces etc. Mr. Baskerville added that the State will make sure that the run off is treated and have very specific design criteria and best management practices.

Ms. Pauly said the way the road is mapped, at the end of Lot 2, the road does come quite close to her property line and she wonders if there is a setback because the slope is sloping down toward her property at that point. Mr. Mason said 20' setback is required and if you do a cluster it becomes 50'. Mr. House added that these plans are showing existing drainage conditions and not what will be built.

Ms. Chatfield said she was confused that this was advertised as 22 lots. Mr. Austin explained that the application that was submitted is for 22 lots, which consists of 20 buildable lots, one open space lot and the other is an existing lot. Ms. Chatfield said this development and how it looks doesn't seem right to her; it feels like the lots have been squeezed in just to get an extra 0.1 acre.

Mr. Fitch talked about water conservation and asked the Board that if Stratham had a water restriction this year would they approve 22 more wells. Is there a limit to growth? Mr. Austin said his understanding is that the Town cannot impose a restriction on wells. An applicant does have to

provide proof of water, septic ability and buildability of the lot to the Board. Mr. Fitch said he feels it is important that the Town looks at the water issue.

Mr. House referred to lot 7 and said the applicant should move the well a little bit. Mr. House asked if the well on Lot 1 was existing. Mr. Cole said it was.

Mr. Baskerville made a list of the Board member concerns so far. Mr. Canada said with regard to speed of drivers on Stratham Heights Road, the police have just got a device that cannot be seen which can measure the speed drivers are going at and in turn provide data.

The Board decided no studies were necessary at the moment until a revised plan comes before them.

Mr. Austin referred to Section 4.6.4. Yield Plan in the Subdivision Regulation and read Point a. which refers to soil type. Mr. Baskerville asked about Lot 6. Mr. Austin explained that if Lot 6 isn't viable for a density bonus it shouldn't be an issue as the applicant is only applying for 5 from a possible 6 bonus lots anyway.

Ms. Chatfield asked if the Board approve the plan with Lot 6 as it is, wouldn't that be opening it up for an additional lot. Mr. Austin said it is the Board's decision. Mr. Mason said they are not seeking more than the 20 lots on the proposed plan.

Mr. Austin read out Point B of the Yield plan criteria about roadways and rights of way. Point C concerns the plan not showing potential house sites or streets in areas that would not ordinarily be legally permitted and Point D concerns what information should be shown on the Yield plan. Mr. Baskerville asked if there were any flood plains on the property as there were none shown on the plan. Mr. Cole confirmed that no flood plains exist.

Mr. House made a motion to grant preliminary approval to the base Yield plan as submitted tonight. Motion seconded by Ms. Ober. Motion carried unanimously.

Mr. Austin said the next step is the preliminary development plan which is a plan of the site which shows the areas which are proposed for development and areas that are proposed as protected open space. The plan should also show any areas considered as view sheds, active farming, recreation - proposed and current, environmentally sensitive areas and any trails or corridors which are to be protected. It should also show proposed lay out of home sites and roadways on the property with a discussion of how the proposed lay out will provide for the builder's protection of the open space lands and environmentally sensitive development in a quality neighborhood. A request for any density bonus which the applicant may seek under these regulations or the Zoning Ordinance and waivers which the applicant may require, the Planning Board may grant preliminary approval to the maximum number of cluster units that may be developed if the applicant can show the site meets the requirements of these regulations in the zoning ordinances for any proposed density bonus.

Mr. Cole talked about the design of the open space cluster subdivision. He pointed out that about 50% of the land will stay as it currently is. There is also a view shed along the frontage of Stratham Heights Road. This design provides greater protection to the 2 environmental pockets that have been discussed than other designs. The road has less than half of the porous road of a conventional subdivision. The Highway Agent likes this design of road; it is a one way direction and is 18' wide around the bulb. They have made their recommendations to both the past and current Fire Chiefs concerning fire protection.

Mr. Cole explained that the road length will require a waiver from the Board. 800' is the maximum allowed per the regulations; this road will be 1300'. They would like to request a waiver for the road width too for 22' in the main thorough which will reduce the amount of impervious surface, the amount of drainage which needs to be treated will be reduced and also create some more green space.

Mr. Cole said he had met with Janis Conner from the Agricultural department as Mr. Mason had called to make sure that what he was doing wouldn't impact the organic farm.

Mr. Lavery, Highway Agent said he had met with the applicant a couple of times on site and has reviewed road width from 24' to 22' which is common in other subdivisions. Mr. Lavery doesn't foresee any issues and it will minimize the Town's costs for repaving in the future. The additional linear footage for the cul-de-sac is no issue and there will be green space in the middle of the cul-de-sac rather than a paved surface. Grading and proposed drainage was also discussed and although a drainage study hasn't been done at this time, they did go over the pitch of the cul-de-sac which is very similar to Jacqueline Way. They went over potential lots and driveway culverts as well and from the Highway's department standpoint, he is satisfied with what they proposed.

Mr. Baskerville asked Mr. Lavery if he thought anything on the plans could be approved. Mr. Lavery said the only thing at this time is he would like to look at the sight distance. Mr. Mason has talked about moving the center line of the road where it intersects Stratham Heights Road, but he hasn't seen that yet. Mr. Austin said it would have to be done to Mr. Lavery's satisfaction. Mr. Baskerville asked what fire protection the applicant was intending to use? Mr. Cole said it would be a cistern. Mr. Austin said the location is still to be determined.

Mr. Baskerville said it looks a little too early to know the location of the turnaround because it looks like one side is 20' higher than the other. He wondered if there were any slope concerns. Mr. Lavery said the current regulations are 2% on that gradient slope and the applicant is looking for about 5 – 5.5% which is similar to the set-up of the Jacqueline Way subdivision. At this time, without a stormwater analysis Mr. Lavery said he is OK with the plan as proposed. Mr. Baskerville said that once everything is submitted, Mr. Lavery can do a full review. Mr. Lavery confirmed that he would.

Mr. Canada said the cul-de-sac does seem steep. Mr. Cole said they did do a conceptual profile which they went over with Mr. Lavery. Mr. House asked Mr. Mason what the length of the road in Jacqueline Way was. Mr. Mason said it was a little over 1300'. He commented that the reason for the longer road in the Stratham Heights development is because of fire protection. If the fire cistern is put in the middle of this project, there would be no issue as the hoses can go 1000' in either direction. Mr. House commented that the Board approved the road in the Rollins Hill Development. Mr. Canada wondered if they should change the road length in the regulations.

Mr. Baskerville said that he is sure Lots 1 – 5 will be discussed a lot tonight as a result of the site walk and referred to the buffers. Mr. Austin said that there is nothing in the Ordinance precluding the lot dimensionality to include the 50' vegetative buffer, but the 50' vegetative buffer is required. In discussion, conceptually there could be a no cut, no disturb buffer in that 50'. Additionally the wells are located on those lots in such a way that functionally there is a 150' set back to the septic considerations with the one option on Lot 3 that goes down on the side and the 2 options on Lot 5. Mr. Austin continued that what was most noticeable to him on the site walk is that there is no obligatory protection to a farming operation nor does the existence of a certified organic farm dictate setbacks on the neighboring property. It is the responsibility of the operator of the organic farm to provide adequate protection to maintain their certification. There is not a prescriptive State buffer or setback distance to become certified organic, but the rule of thumb is generally 50' and if you get closer than 50' the certification is being put at risk.

Mr. Mason said he didn't know anything about organic farming so he had a long conversation with Ms. Conner from the State to find out more. It is not his job to protect that farm, but with the existing tree line which will stay and with the average fertilization which is 4 – 5 times a year, there won't be any contamination. Ms. Conner thought a 50' buffer was very generous.

Mr. Baskerville opened the floor to the public.

Ms. Pauly said she would like to hear the Planning Board discuss the objectives for the Town's Zoning Ordinance for cluster development. She referred to Section 8.3.a which is to maintain and preserve the rural character of the Town of Stratham by allowing an alternative residential development option which preserves large areas of open space, provides visual buffers from existing roads and residential development, and permits farming opportunities on parcels of open space. She continued that the areas that are being built on, are the most farmable lots. Ms. Pauly continued to read out Section 8.3.and asked the Planning Board to discuss points a – c. Ms. Pauly then talked about Ms. Conner's comments and said she would hardly call that a study that proves anything.

Mr. Mason said they need to look back at the meetings that occurred earlier in the year about distances to be kept from vernal pools and buffers which is one of the main reasons he is developing on the side of the property that allows him to stay away from the vernal pools. He continued that if he did develop on the side of the vernal pools, every tree would need to be removed. He doesn't think that is smart development.

Mr. Austin read out Section 8.2 relating to the purpose of residential open space cluster developments and Section 8.3 – Objectives.

Mr. Baskerville commented that there are positives and negatives associated with this plan. He acknowledges that building close to Ms. Pauly's farm is a concern that needs to be discussed.

Mr. Fitch asked if for a cluster subdivision you have to squeeze as many homes in as possible or does the Town not having any control over that. Mr. Austin said an open space cluster division has to have at least 20 acres of land and of that a minimum of 35% needs to be in open space. The yield plan helps provide a base number of lots through density bonuses. If the Planning Board does not receive enough information to justify the density bonuses that are requested, they couldn't grant them which would then start questioning the number of lots. Mr. Baskerville told Mr. Fitch that the Board would take a long look at this application prior to approving it. Mr. Deschaine said he thinks Mr. Fitch is asking if the Board has any discretion to choose a number for the amount of lots. Mr. Deschaine explained that if the applicant meets all the requirements then the Board is required to approve it. That is based on the Board's judgement as to whether or not an applicant is meeting those criteria.

Mr. Walker said apart from the farm, it appears that all the abutters are abutting open space. He asked what the restrictions for the open space would be. Mr. Austin said that was yet to be determined, but the 50' vegetative buffer has to stay.

Ms. Saltus asked if there would be any safeguards as far as the quality of the well water. Mr. Austin said things like the septic and leach fields are covered by regulations via the Planning Board.

Mr. Baskerville addressed the concern of the person running the organic farm and said the Board has stated in the past that it wants to preserve the farmland. He continued that the applicant has to weigh all the pros and cons as does the Board. Mr. Austin added that he believes the applicant did make an offer to the Conservation Commission to purchase the property. Ms. Pauly asked if there was money in the Town's budget for that. Mr. Canada explained the process. Mr. Austin said there is no money as of right now, and the Commission would have to go before the Town in March to see if that money could be raised for the purchase.

Mr. Baskerville turned the Board's attention to the road waiver requests. First of all there was much discussion about how to progress. Mr. Baskerville said it would be helpful to the applicant if the Board could give its opinion on the waiver requests, but the Board wouldn't be able to vote on them tonight. Mr. Baskerville confirmed the road would be about 1300' to the beginning of the turnaround. The applicant confirmed that. Mr. Austin said it would be 1900' in total. Mr. Baskerville reminded the Board that the Highway Agent had already looked at this and was OK with

it and there will be a fire cistern with a full design later. This is just to let the applicant know how far he can go with the plans. Mr. Baskerville said the other aspect of the waivers is the road width being 22' instead of the stipulated 24'. Mr. House asked if the right of way gets increased if they reduce the pavement. Mr. Baskerville said the right of way is still the normal 60' right of way. The Board seemed to be generally in favor of the waiver requests knowing the Highway Agent has no issues and they have granted similar waivers for other subdivisions in the past.

The Board decided to discuss the sight line issue. Mr. Cole asked if the Board thinks any studies will be required. Mr. Baskerville said he'd like the applicant to submit a plan showing the surveyed sight line distance for Civilworks to review. Mr. Mason asked if he can give the plan directly to Civilworks. Mr. Austin said that seemed fair. Mr. Baskerville said he is used to the plan being submitted to the Town first and then the Town gives it to Civilworks. Mr. Austin said he didn't know if procedurally there was enough time for the applicant to go out and do the studies, submit it to the Town, get it to Civilworks and back in time for the applicant to have a completed application. Procedurally the Board should accept the subdivision application as complete before Civilworks. Mr. Baskerville said he would prefer to have it decided early than wait for it later as an open item.

Mr. Baskerville asked the Board if they feel there are enough units to have a traffic engineer do a traffic study. Will the increased traffic and intersection affect other intersections? The volume of traffic on Stratham Heights Road is high. Mr. Austin said he might suggest the Board consider a motion to request the sight distance study be completed and upon submission to the Town, the Town will transmit it to Civilworks for determination of its completeness, accuracy and whether additional information is needed, and/or if Civilworks identifies through the sight line or other review of the project whether or not a traffic study is required. If so, Civilworks recommendation for staff to require that could help moving the process forward.

Mr. Canada said he thinks they need to request a traffic study especially as a lot of abutters seem concerned about the traffic. Mr. Mason said he is happy to go out and do a study. He doesn't think it will prove anything. Mr. Baskerville said the main concerns revolve around the intersection. Mr. Mason said they can get the intersection designed and if the Board feels they need a study, he would like to know sooner rather than later. Mr. Baskerville said the other issue with sight distance is the speed. Mr. Mason said speed can't be controlled. The Town could be petitioned to lower the speed limit.

Mr. Baskerville let everybody know that all heads of department will review the formal application including the police, when full plans are provided. After much discussion Mr. Baskerville said if there is a reasonable way to gauge what the average speed is; he doesn't think the other intersections need to be involved. Mr. Austin said they would be looking for an intersection design that maximizes to the extent practicable the sight lines for those entering and exiting the project. Mr. Baskerville said the police department can be asked for a traffic report on what is the number of accidents recorded on that section of Stratham Heights Road. Mr. Cole confirmed that the Board wants a localized site investigation with traffic history. Mr. Baskerville said as the applicant understands what the Board wants, he doesn't think a motion will be necessary.

Mr. Mason requested to come back for the December 21st Planning Board meeting.

Mr. House made a motion to continue this hearing until December 21st, 2016. Motion seconded by Ms. Ober. Motion carried unanimously.

Mr. Austin made everybody aware that agendas are posted a week before and people can sign up for E-notifications so they get a reminder.

4. Public Meeting

- a. Bradlee Mezquita, P.E of Tighe & Bond for Lindt—Preliminary Consultation for construction of a chiller unit at One Fine Chocolate Place, Stratham, NH Map 3 Lot 1.

Mr. Austin explained that the proposed installation is essentially a concrete slab with a chiller unit placed on top for the manufacturing plant. Staff's understanding of the regulation indicates a site plan review meets the definition of an "enlargement". However, it is not clear to Mr. Austin what the public benefit is of a complete site plan review of an appurtenance structure that meets setbacks attached to an approved facility.

Mr. Austin read from Section 3.3 Site Plan required, of which point b says the enlargement of any existing non-residential or multifamily use which requires development of the site. Development means the construction or improvements on a tract or tracts of land that shall include the enlargement of a structure or physical changes to the site to accommodate the intended use. Mr. Austin said he would say the use is there and the use isn't being enlarged. Mr. Austin said it is up to the Board to decide if this is an enlargement. Mr. Austin added that the applicant is willing to provide an as-built so that the Town has current files of all the physical improvements on the property.

Mr. Brad Mezquita, Tighe and Bond showed the location of the chiller on a plan. The existing chiller unit on the side of the building would go away. It is just a large sized piece of equipment which doesn't affect parking spaces or the capacity of the building.

Mr. Baskerville asked if there would be walls around the unit. Mr. Mezquita confirmed there would be and there would be a roof. Mr. Baskerville asked about a chain link fence. Mr. Mezquita said they are basically showing a relocation of what is already out there at that location which will coincide with what was previously approved on a different application. The fence extends down beyond a pond to enclose the entire site. Mr. Baskerville asked if there was any access behind the building for the Fire department to get back there. Mr. Mezquita showed the access on the plan. Mr. House asked how far away Mr. Mezquita thinks the chiller unit is from the fire lane. Mr. Mezquita showed on the plan; Mr. House was satisfied. Mr. Baskerville asked what the dimensions were for the unit. Mr. Mezquita said 30' x 70'. Mr. Baskerville asked if the Fire department had reviewed this. Mr. Austin said they had. He added that the Building Inspector is OK if this is done via a building permit. Mr. House summed up that basically the chiller was being moved around the corner from the current chiller's location and that sound shouldn't be an issue as it's staying pretty much in the same location. Mr. Mezquita said this will be a vertical noise discharge which will be quieter than what they currently have. Mr. Austin added that it will also be around the corner and shielded on 2 sides by the existing building as opposed to now where there is a corridor between the Timberland facility and the Lindt facility allowing the channeling of noise in the direction of residential homes.

Mr. Mark Devine, 4 Greenvale Drive, representing the 76 units' subdivision in the Vineyards which is an abutter to this project. He said they do have noise concerns. They would like to know if Lindt met all the mitigation requirements previously as those discussions were never finished with the previous Town Planner, Mr. Daley. He hopes to meet with Mr. Austin soon to look at that. He would like proof that this will be quieter or at least no noisier than what currently exists and would be very happy if that could be added as a condition.

Mr. Baskerville said procedurally if there is no site plan, there is no way for the Board to do a condition of approval. Mr. Austin said he didn't think it would be inappropriate to direct staff to say that if a building permit were to come in providing such documentation that shows existing and proposed noise and as long as it equals or is lower than existing noise, site plan review is not required; Mr. Austin could pass that information onto the building official. If it comes in and the new noise level is a decibel plus louder, Mr. Austin would then suggest a site plan review if that is the direction of the Planning Board. Mr. Austin said this was not a noticed meeting for a preliminary

consultation although there is an abutter present. Mr. Baskerville asked if Timberland knew about this chiller unit. Mr. Austin said the Town hadn't informed them.

The Board didn't think a site plan review was necessary, however Mr. House said they do need to know what is going on with moving the chiller unit as soil will be moved. He asked if there would be any grading involved. Mr. Mezquita said the fire line would be bumped out a little to go around the corner. Mr. Baskerville asked if there were any drainage considerations. Mr. Mezquita said there wouldn't be. Mr. Baskerville asked if Timberland would see the chiller or if there is a good tree buffer. Mr. Mezquita said they will see it during winter when the leaves come off the trees. Mr. Austin asked if they see it now. Mr. Mezquita said the visibility is essentially what you see today.

Mr. Canada made a motion that the design as submitted does not meet the definition of enlargement, warranting a full site plan review provided the built condition is not any louder than the existing condition on site and remains no more visible in so far as it's not adding capacity to the building, generating additional parking, modifying drainage and that an as-built of the building and pad will be provided with the understanding that if any of the criteria is increased, closer to the property line, louder, a full site plan review will be required. Mr. House added that some decibel readings be taken from the existing unit and the new chiller unit to confirm that it isn't louder. Motion seconded by Mr. House. Motion carried unanimously.

b. Zoning Ordinance changes—ADU, TRC/GCBD, Telecommunications, etc

Mr. Austin reminded the Board that they had asked him to look into how an off-site storage yard on Frying Pan Lane got approved. Mr. Austin read from Section 5.5 which refers to outside storage used in conjunction with a permitted use within any district shall be permitted. However all goods and materials must be stored in accordance with the minimum yard dimensions specified in Table 4.2. Mr. Austin said when he read the minutes it appears a loop hole was exploited in a creative way. He suggested amending the language to read accessory outside storage where accessory storage of materials used in conjunction with a permitted use within any district shall be permitted on the same property as the permitted use. However, all goods and materials must be stored in accordance with a minimum yard dimension specified in 4.2 Table of Dimensional Requirements. The Planning Board may require screening of said storage areas to the site plan review process.

Mr. Austin commented that a Selectman had asked why Irving is allowed to have motor oil and windshield washer up front. As it wasn't on the site plan that is not approved and they can't have those items up front.

The Board agreed this rewording helped clarify the regulation.

Mr. Austin talked about exempt signs next under Section 7.5.j. and said to close the loophole further on the Town being covered for real estate signs, he has modified the language to say "real estate signs if limited to one per premises". In definitions 2.1.5.2 Premises: A real estate term for land and the improvements on it, including a building, store, apartment, or other designated structure. He added that open space does not have a premises. Mr. House suggested it could be premise or premises. Mr. Austin said a premise is the base of an argument.

The next topic was a change pertaining to wetland buffers for open space cluster subdivisions; Mr. Austin read the existing regulation and suggested the following addition:

The Planning Board may grant a waiver to the Wetland Conservation Overlay District and/or Shoreland Protection Overlay District through the issuance of a Conditional Use Permit at such time as the Town has adopted regulations establishing criteria for such a reduction in buffer dimensionality.

Mr. Baskerville said this is only for open space cluster subdivisions; he is used to in every other town that buffer cannot be part of finished lots. He would like to revise paragraph 1 of under the buffer area which states “A vegetated buffer strip of at least fifty (50) feet shall be maintained along the external perimeter or property line of the Residential Open Space Cluster Development to minimize potential impacts on abutting properties.” Mr. Baskerville said he would like that to reflect that the buffer shouldn’t be part of the lot size calculations or final lots and it can have an effect on the placement of the septic system.

Lastly Mr. Austin talked about Section 19 Telecommunications. Currently it states that the commercial zone still references the General Commercial instead of the Gateway Zone so it needs to be updated. The PCU is now redundant so he has deleted the “P” and he is proposing the special exception be taken out of the Gateway Commercial Business District, Professional/Residential, Commercial Light Office Industry and Town Center zones as there is no purpose for getting a special exception to put a commercial use on a commercial property. He has left the special exception requirement in the residential district.

Mr. Austin shared that the cell tower application that is coming will be presented as a preliminary at the next meeting with a joint public hearing with the ZBA on December 7, 2016. The ZBA will deal with the special exception.

The Board were in agreement with the changes.

Mr. House made a motion to move forward with the Telecommunication change and posting etc with the others to come back before the Board at a later date. Motion seconded by Ms. Ober. Motion carried unanimously.

Mr. Deschaine observed that this motion could limit the amount of hearings available to discuss the other suggested zoning ordinance amendments.

Ms. Ober made a motion to move forward with the amendments proposed on the cover sheet as presented and reviewed at this meeting and iterations for December 7 public hearing. Motion seconded by Mr. House. Motion carried unanimously.

5. Adjournment.

Mr. House made a motion to adjourn the meeting at 10:53 pm. Motion seconded by Ms. Ober. Motion carried unanimously.