



**Stratham Planning Board
Meeting Minutes
December 07, 2016
Municipal Center
10 Bunker Hill Avenue
Time: 7:00 PM**

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

Members Absent: Nancy Ober, Alternate

ZBA Board Members Present: Arol Charbonneau, Chairman
Garrett Dolan, Vice Chairman
Bruno Federico, Selectman's Representative
Deidre Lawrence, Full Member
Phil Caparso, Full Member
Chris Brett, Full Member

Members Absent: Chris Cavarretta, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Planning Board Chairman took roll call followed by the ZBA Chairman.

2. Review/Approval of Meeting Minutes

- a. November 16, 2016

3. Joint Public Hearing Planning Board/ZBA

- b. **Verizon Wireless, represented by McLane Law Firm, 900 Elm Street, Manchester, NH 03101 for the property located at 57 Portsmouth Avenue, Tax Map 9 Lot 006.** Conditional Use Permit application, Site Plan Review Application, and Special Exception Permit application pursuant to Sections 19.4.2 and 19.7 of the Stratham Zoning Ordinance to construct a 150' tall monopole wireless service facility, associated antennas and cabling, and installation of ground based telecommunications equipment and fencing.

The Chairman asked the Planning Board to consider their view of the application as presented and if appropriate to make a motion to accept the application as complete.

Mr. Austin said it is staff's opinion that the Conditional Use Permit (CUP) and Site Plan applications are complete as submitted. The staff review does identify some additional information that needs to be submitted and the project is yet to be referred to the third party engineer for review.

Mr. Baskerville observed that a landscaping plan hadn't been provided.

Mr. Baskerville made a motion that the Board accept the application as complete. Motion seconded by Mr. Paine. Motion carried unanimously.

The Chairman explained that this application relates specifically to Section 19.4.2 and 19.7 of the Telecommunication Facilities of the Zoning Ordinance and asked that be clarified as a motion.

Mr. Baskerville requested clarification. Mr. Austin explained that Section 19.4.2 Use Districts refers to an industrial, commercial and residential zone. The commercial zone is called out as the General Commercial and other Commercial districts which is an error from the 2013 rezone of the General Commercial District to Gateway. He continued that the purpose of stating this as part of the motion is that the Planning Board is receiving this application under Telecommunications which over rides the underlying base zone in so far as the Gateway and General Commercial are the same geographic area.

Mr. Paine made a motion that this conditional use permit, site plan and special exception applications are being reviewed under Section 19.4.2 and Section 19.7 of the Stratham Zoning Ordinance and Section 19 in general. Motion seconded by Mr. Baskerville. Motion carried unanimously.

The Chairman yielded to the ZBA.

Mr. Caparso made a motion to accept the application as complete. Motion seconded by Mr. Dolan. Motion carried unanimously.

Mr. Dolan made a motion to accept the application for a special exception under the auspices of Section 19.4.2 which governs the wireless telecommunications facilities under the Town's previously made Town Ordinance. Motion seconded by Mr. Caparso. Motion carried unanimously.

Mr. Charbonneau suggested tabling the ZBA minutes until the next ZBA meeting.

Mr. Caparso made a motion to table the acceptance of the minutes until the next meeting. Motion seconded by Mr. Brett. Motion carried unanimously.

Mr. Charbonneau said he is a commercial appraiser and does a lot of work for the South East Land Trust which is an abutter to this project. He doesn't see that as a conflict and won't disqualify himself from the meeting.

Mr. Houghton opened up the public hearing and invited the applicant to present the application.

Mr. Victor Manougian, attorney from McLane Law introduced himself, Chip Fredette responsible for the equipment, Keith Valente responsible for the Radio Frequency (RF) report and Bob Baker, colleague and attorney.

Before proceeding Mr. Houghton requested a formal motion to open up the public hearing.

Mr. Baskerville made a motion to open the public hearing. Motion seconded by Mr. House. Motion carried unanimously.

Mr. Manougian said they were there tonight to fill a gap in coverage in Town. Under the Telecommunications Act if a gap in coverage is identified, the Federal Government says a Board should grant that otherwise a denial would be an effective prohibition to service customers. Since 9/11 federal laws have put a priority on rapid deployment of wireless installations throughout the country. If this is shown as a feasible site and is backed up by the RF report, it is suggested the Boards should grant the request.

Mr. Manougian continued that at the last meeting there was a lot of public comment about RF omissions. He said that discussing that for a long time doesn't bring anything because once they prove that they meet the RF requirements, by law that comes off the table and it can't be used as a reason for deliberation. The last time Verizon applied for a cell tower on Bunker Hill, an independent consultant came to the meeting to explain his review of the RF report. He concluded that everything was correct in the RF report which was

that it complied with FCC guidelines for public exposure and using a cell phone exposes a person to 20 times more energy than a cell tower. The Stratham Zoning Ordinance doesn't call out any priority when it comes to looking at different types of land location. Federal law encourages, but does not mandate use of public owned property. Verizon has tried twice to go on public land, spending tens of thousands of dollars only to be turned down. Now they are moving to privately owned land.

Mr. Houghton asked about the suggested alternate locations suggested at the last Planning Board meeting. Mr. Fredette said the locations were behind Shaws, behind the Ambulatory care center, Police department, Stevens Park/Highway, the Audi Dealership and the Steeple on the church at Emery Lane.

Mr. Fredette shared the current coverage in Town and said it is now being overloaded which shrinks the coverage footprint due to the amount of users. The purpose of this site is to offload the capacity that folks from Stratham are causing to the Newfields, and Exeter coverage. They need a new site in the area shown on the coverage plan. In his opinion the Bunker Hill site brought before the Town last year was ideal. Many of the suggested alternate locations fall outside the ring where coverage is needed. If they located behind Shaws and the Ambulatory Center, the overlap in coverage would be too much with existing sites in Exeter. Mr. Fredette talked about the steeple location next; the mounting height would be too low so coverage couldn't get up and over plus the coverage range would overlap too much with the Newfields range. Next, Mr. Fredette talked about the Audi Dealership. The engineer said if they could get the right height, this location would work. Mr. Fredette said that Audi are interested and asked the Board if they were able to come to terms with Audi, is the Board asking Verizon Wireless to lease space there.

Mr. Fredette referred to the current site and said he was asked if they could have a lower tower. He said they can go as low as 130' so 20' lower.

Mr. Paine said it seems that Verizon are adamant at using one site only rather than a combination of sites. He continued that Stratham is considered an urban area and you don't see 150' tall towers in other urban areas such as Portsmouth. He stressed that this is a business district and once water and sewer is available in the district, the Town is hoping for mixed uses and he isn't sure somebody would want to build condominiums near a 150' cell tower for example. Is it possible to bring down the power in the areas that overlap with other towns? He said the community has concerns about this location; it is a high visibility part of the Town.

Mr. Caparso said on one hand this application is for 57 Portsmouth Avenue, but they are negotiating with Audi at the same time. Mr. Fredette said the message they took away from the previous meeting was anywhere but this site so they were asked to look at some alternative sites and from those Audi might work. Mr. Paine said they asked the Board for suggestions; the Board didn't say these were the only sites in Town. Mr. Fredette said many factors have to be taken into consideration and this site fits all of those. Mr. Fredette said there are no structures in the area that would serve as standalone.

Mr. Baskerville said at the previous meeting they discussed how this structure would stand out on the horizon against a blue sky and would be very visible. In his opinion the Audi site would be better as there would be buildings in front of it and trees behind.

Mr. Federico said his only concern with Audi is that the tower would be getting closer to the Bunker Hill development which was adamantly against the last proposal. The Police Department is a Town owned site so that will not work either.

Mr. Fredette continued presenting. Mr. Federico asked what the height of the Varsity Wireless tower was. Mr. Fredette said 170'. He showed where the tower would be located and said the access would cut through the Scamman's Agway's storage area. It is as far back as they can go from an engineering perspective because of the grade and wetlands. There will be a stockade fence which they can raise from 8' to 10' to completely hide the equipment. Utilities will be underground to the site. The sites are unmanned and visited once or twice a month by a technician in a normal vehicle. There is backup generator which is propane powered because of the wetlands. In addition there will be 2 radio cabinets mounted to the pad; there is no light or sound from the property. They can look at different styles for the tower if needs be.

Ms. Lawrence asked if there was a mock up representation available to see what that design would look like on that site. Mr. Fredette said not yet, but that was his goal tonight to schedule a balloon float and from that the technician can do a simulation.

Mr. House referred to the stockade fence and asked what the size of the fenced-in structure would be. Mr. Fredette answered 12' x 15'. Mr. House then asked if Mr. Fredette knew what the difference in elevation was between the street and at the base of the canopy. Mr. Fredette said the street was 96' and the base 92'. Mr. Baskerville suggested they hire a landscape architect because they don't want something too tall. Mr. Fredette said the solution might be to do something along the frontage rather than the fence. Mr. House said the canopy is shown as flat and corrugated and flat roofs are not allowed in the Gateway district. Mr. Fredette argued this was not a structure and asked if it would be defined as such. Mr. Austin said under the zoning it would be considered a structure, but the Telecommunications section which overrides the Gateway regulations doesn't speak to the same design criteria as Gateway does. That doesn't mean however, it would be precluded from screening or modification.

Mr. Fredette was asked to talk more about Sections 19.2.2 and 19.2.4 about reducing adverse impacts and configuring towers in a way that minimizes the adverse visual impact. Mr. Fredette said the initial thought is that they are in a commercial zone surrounded by auto dealerships, and there are lots of utility and light poles, light poles. He appreciates that people have a sensitivity for the view across the field, but he thinks a balloon float will help everybody better understand how much this would impact that at 130'. He thinks some of the best views are actually taken in just past the garden center traveling north looking across the field. From the north you see the garden center and storage bins and don't see the field until you get past it.

Mr. House talked about other providers using the monopole. Mr. Fredette said on the plan for the 150' pole they have allowed for 3 additional carriers. That simply means they will be committing to the Board to design the pole and foundation in that spot to suit up to 4 licensed commercial carriers. Mr. House asked if they would all be shown on the simulation. Mr. Fredette they would show Verizon only, but he can't guarantee that a 130' tower can have as many carriers on it. Mr. House said he understands that, but for the public and themselves they need to understand what that could look like and he doesn't mind if they represent them by using rectangles. Mr. Fredette said they could do that.

Ms. Lawrence confirmed there would be room both on the tower and the ground for other carriers. Mr. Fredette confirmed that there would be.

Mr. Houghton opened the meeting up to the public.

Mr. Jeremy Riecks, Doe Run Lane asked how tall the tower would be if they did locate it at the Audi Dealership. Mr. Houghton said tonight they are there to discuss the application before them which has the tower at 57 Portsmouth Avenue. Mr. Riecks asked the Board if they considered spot zoning because this is the Gateway district not the commercial or industrial. Mr. Houghton explained that this is still the Gateway district, but the Telecommunications facilities section states Commercial instead of Gateway.

Mr. Byrnes, Hillcrest Drive asked if this one tower would hold users over a certain amount of time based on all the houses being built in the area or will more towers be needed down the road and what sites would be used for them. Mr. Fredette said at this point this site should do for the foreseeable future.

Mr. Keith Valente explained that the sites near Stratham aren't there to cover Stratham but the surrounding sites around them and the coverage can't effectively support the usage they are intended for. Another site needs to be put in to cover a certain area to better handle all the traffic. To use a macro network, they need to build a macro network up.

Mr. Riecks asked about micro cells being located on telegraph poles or in the steeple of the church or police station as ways to get coverage along the Route 108 corridor with much less of a visual impact than the current suggested location. Mr. Valente said because those sites are so short, they cover very limited areas; Verizon have such a large area they are trying to cover that micro cells won't work. These cells tend to compliment a main site.

Mr. Wool, Winnicutt Road said he was involved in the procurement of the easement of Scamman Farm and he feels the garden center was overlooked in that arrangement. He believes there will be a lot of upset tax payers who are paying off the two bonds associated with this easement if they see a monopole rising above something they appreciate enough to the point of paying all that money. He hopes they can find a different location. He commented that the attorney coming in and telling the Town they have to do things is not a

good way to approach this Town. Mr. Wool asked if there would be a flashing red light on the top for airplanes. Mr. Fredette said it would be unlikely for that height.

Alison Knab, Commission Chair said she feels the applicant should have brought forward a more viable alternative. She doesn't understand why the Board doesn't say the Audi is a more preferable spot. They should look at a spot that would offer more shelter and be a little less visibly jarring.

Mr. Fredette said the reason they were reluctant to look at the east side of the highway is because of the abutting Bittersweet Lane and they were against the last application. When they did the balloon test at the Bunker Hill site, the Bittersweet Lane residents complained about the visual impacts even though it couldn't be seen from Bittersweet Lane; a site at the Audi Dealership will be visible to Bittersweet Lane.

Mr. Kirk Scamman said this location isn't surrounded by car dealerships; it is surrounded by Scamman Farm on 3 sides. It has more impact on the farm than any other property. They would like to see the drop zone moved off of the farm because of potential residential neighborhoods. He doesn't know if the applicant has looked at different locations on the Scamman Home and Garden property to not impact the property. He has a list of problems that go with agriculture and cell towers such as bee pollination, current use issues are two examples. It is very important that the drop zone be moved to them.

Mr. Houghton explained to Ms. Knab that as the application relates to the CUP, there will be more detailed discussion about alternative sites

Mr. Houghton asked the ZBA if they felt ready to proceed with the special exception. Ms. Lawrence said she didn't see how they could when the applicant hasn't presented their analysis in accordance with Section 19. That is required to see if they are in accordance with the spirit of the ordinance. Mr. Caparso agreed with Ms. Lawrence.

Mr. Dolan asked that if they denied this, the applicant would be free to pursue Audi. Mr. Fredette said he is not looking for a decision tonight as they haven't been able to do the simulations yet to get an actual perspective.

Mr. Austin suggested that the ZBA who determined earlier that the special exception application is complete should make some finding as to how it is not complete.

Ms. Lawrence made a motion that the ZBA table their further deliberation and decision on the special exception application until such time as the Planning Board has conducted its review. Mr. Austin said that wouldn't work because if there are specific sections under the special exception 17.8.2 that have not been satisfied to the point that the ZBA feels it can take action tonight that can be addressed. Ms. Lawrence disagreed. Mr. Austin said the only joint function tonight is the public hearing. This should be treated as a normal ZBA meeting so if they don't have information to take action on the special exception, it would be his recommendation to be specific. Mr. Caparso said his concern is that they grant the special exception and then the Planning Board and Verizon don't come to terms and the ZBA has granted a special exception to a property that doesn't have a tower on it and they have to start all over again. Ms. Lawrence asked if they made a motion saying the Board didn't have sufficient information regarding parameters of lighting, height, aesthetics and other factors required by Section 19 to make a decision, is Mr. Austin saying that they would have to deny the application.

Mr. Austin said the Board could approve, approve with conditions, deny the application or continue the application for more information. He suggested the Board discuss it. Ms. Lawrence started; she didn't think the applicant could achieve the considerations given the view scape. Mr. Caparso said they are trying to discuss something they don't have any information on.

Mr. Austin said he was expecting the ZBA to go through Section 17.8.2.c and look at the standards 1 – 6 to see if there is sufficient information. Ms. Lawrence said how would the Board know without sufficient evidence? After further input from staff Ms. Lawrence said they could do an approval conditional upon the mock up. Mr. Charbonneau said a lot of the criteria is taken care of by the Telecommunications section and the CUP and site plan review by the Planning Board. Mr. Caparso said his biggest problem is he is not convinced that the Planning Board and Verizon have come to terms and the ZBA will be giving a conditional

acceptance to a property that may or may not have approval. Mr. Austin said if a special exception is granted and the application fails the CUP, somebody else would have to reapply for the CUP and Site Plan review.

Mr. Wool asked the Planning Board why they are forcing the ZBA to make a decision tonight when the Planning Board doesn't have to make a decision tonight; they are asking for more information. Mr. Houghton said nobody is forcing the ZBA to make a decision; they have been asked to discuss it and decide if they want to move forward with it. Ms. Lawrence said after looking at the criteria she can't see grounds for denial. Mr. Federico felt the best thing to do was to postpone the decision until the balloon test is done.

Ms. Lawrence asked what the time line was for this. Mr. Fredette hoped that Saturday morning, December 17, 2016 would be open for the balloon test with Sunday as a rain date.

Mr. Dolan made a motion that based on the need for a clarifying height and aesthetics and a balloon float being scheduled, the Board continue this hearing until January 4, 2017 for another joint session with the Planning Board. Motion seconded by Mr. Federico. Motion carried unanimously.

Mr. House said under the special exception letter c it talks about property values and he wondered if Verizon had looked at that. Mr. Fredette said they have done in the past in more sensitive areas and in not one case has it shown to have a negative impact on property values. Mr. House asked if they could resubmit the appraisal done for the Bunker Hill site. Mr. Baskerville asked if the balloon float on December 17 is considered the same as a site walk. Mr. Austin said it would not be a noticed meeting. Mr. Deschaine said if there was a quorum present from either Board then it would have to be noticed, otherwise it wouldn't be necessary. Mr. Canada suggested it should be noticed so they can talk if they want to. Mr. Baskerville asked if a motion was made about it would it have to be noticed to all abutters too. Mr. Austin responded that putting it in 3 public places and on the web site would suffice.

Mr. Baskerville said he thinks they should provide a landscaping plan from a licensed Landscape Architect. Mr. Paine asked about the applicant's environmental review process. Mr. Fredette said they could provide a copy. Mr. Paine said it would be good to have it to help in the consideration of the approval. Mr. Fredette said in most cases the Federal and State processes take much longer than the local and 9 times out of 10, the approval is conditioned upon Town staff receiving that. Mr. Paine asked if they have started that process. Mr. Fredette said they have. Mr. Paine asked if they had touched base with any other Town boards. Mr. Fredette said they had not.

Mr. Houghton summed up the meeting so far. He addressed the Planning Board and referred them to Section 19.7.5 which talks about coverage engineering and the fact that the Board may have the information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations, the cost of which will be borne by the applicant. He asked the Board if they would want that. Mr. Paine felt they should pursue it. Mr. Canada questioned the need for a review. Mr. Fredette said it is an issue of trust and he encouraged the Board to request the review at Verizon's cost. Mr. Paine said it wasn't a matter of trust, but a way to clarify to the Town which alternatives there are. As the Town's decision makers it gives the Board additional information that Verizon hasn't brought up because of time considerations and money. It may be able to help the Board choose an option that works for the Town.

Mr. Paine made a motion that the information be reviewed by a consultant for verification of any claims made by the applicant regarding the technical limitations and feasibility of alternative locations. Mr. Baskerville said as the applicant has encouraged the Board to do this he will second the motion. Motion carried unanimously.

Mr. Austin asked the Board if they want to use the list of consultants provided by the applicant. Mr. Houghton said he would ask the applicant to supply the list with the understanding that the Town may not pick exclusively from that list; as a source of reference, it would be helpful.

Mr. Baskerville asked if the applicant should identify other possible sites if they would fly the balloon test the same morning and allow the Board to look at alternate locations which is part of the criteria. Mr. Fredette said he doesn't want to confuse the Board.

The Board discussed the procedural requirements of a notice should they want to meet to discuss the site walk. Mr. Deschaine made the Board aware that if they do choose a specific date and time to meet and have a discussion at the site walk, minutes will be required. Mr. Federico suggested a drive by.

Mr. Fredette said the bottom of the balloon will be 130'.

Mr. Baskerville made a motion to continue until January 4, 2017. Motion seconded by Mr. House. Motion carried unanimously.

c. Proposed Zoning Amendments

The Board chose to address the subdivision regulation amendments first.

- **Town Warrant Article – Accessory Dwelling Unit.** To see if the Town will amend the Zoning Ordinance, Section II Definitions by replacing Subsection 2.1.2 *Accessory Apartment* with 2.1.3 *Accessory Dwelling Unit* to reflect the statutory changes to NH RSA 674:70.

Mr. Baskerville referred to the definition which said it has to be within a single, family dwelling or garage. He asked if they can't build an addition. Mr. Austin said there was a lot of discussion during past meetings as to whether the ADU is approved and then allow somebody to build it or whether the structure is built and then converted and this amendment was the outcome from those discussions.

- **Town Warrant Article – Premises.** To see if the Town will amend the Zoning Ordinance by adding to Section II, 2.1.52 *Premises* as the term has been added for clarify of intent within the Zoning Ordinance.
- **Town Warrant Article – Transient Occupancy.** To see if the Town will amend the Zoning Ordinance by adding to Section II, 2.1.69 *Transient Occupancy* as the term has been added for clarify of intent within the Zoning Ordinance.
- **Town Warrant Article – Technical Review Committee.** To see if the Town will amend the Zoning Ordinance, Section III, Subsection 3.8 Gateway Commercial Business District, by amending Subsection 3.8.6 Review and Permitting Process to further clarify the permitting requirements and procedures for developments within the Gateway Commercial Business District.

Ms. Paladino felt there should still be some provision to address violations in the fuller text for this amendment. Ms. Paladino observed that it says Stratham rather than the Town of Stratham too.

- **Town Warrant Article – Accessory Dwelling Units.** To see if the Town will adopt the recent statutory changes to NH RSA 674:70 Accessory Dwelling Units and replace Section V, Subsection 5.4 *Accessory Apartments* with an amended 5.4 *Accessory Dwelling Units* to reflect this change.

There was discussion around regulations for a duplex versus ADUs.

- **Town Warrant Article – Accessory Outside Storage.** To see if the Town will amend Section V, Subsection 5.5. *Outside Storage* to *Accessory Outside Storage* establish the criteria and permitting process for the accessory outside storage of materials.

Mr. Houghton inquired to the difference between storage and accessory. Mr. Austin explained that this is the ancillary storage of materials on the site of a permitted use versus as currently written, allowing the ability to create a storage lot on a completely separate parcel. This amendment will change it so that it has to be on the same site as the permitted use.

- **Town Warrant Article – Exempt Sign Specification.** To see if the Town will amend Section VII, Subsection 7.5 *Exempt Signs*, Subsection 7.5.j. *Real Estate signs* to establish clarification of the permitting process for these exempt signs.

Mr. Austin explained that this was to address the issue of when more than one condominium is for sale and an abundance of for sale signs appear in one place. This clarifies that just one real estate sign should be used per premises rather than per property. Mr. Canada added that this will lead people back to the newly clarified definition of premises. Mr. Austin confirmed that to be correct.

Mr. Peter Grey, resident sought further clarification on the permitting of such signs.

- **Town Warrant Article – Residential Open Space Cluster Development.** To see if the Town will amend Section VIII, Subsection 8.9.a.iii *Buffer Area* by adding 8.9.a.iii.4 to establish the Planning Board's ability to grant a waiver to wetland/shore land buffer areas upon creation and adoption of regulations establishing criteria to evaluate waiver consideration.

Mr. Austin explained that this basically gives the Board the authority to make modification in the subdivision regulations once the Board adopts criteria for reducing wetland or shore land buffers. Mr. Baskerville confirmed that this article means nothing until they adopt those. Mr. Austin confirmed it to be so. Mr. Deschaine said this is required to enable the necessary regulations to be adopted.

Mr. Paine asked if this only applied to the cluster subdivision regulations. Mr. Austin said that was so.

- **Town Warrant Article – Telecommunications.** To see if the Town will amend Section XIX, Subsection 19.4.2 *Use Districts* by amending 19.4.2 to reflect the Gateway Zoning District zoning established in 2013 and clarify the permitting process for the Telecommunications Facilities.

Mr. Austin explained that this was to correct the oversight of the General Commercial District not being replaced with the words Gateway Commercial Business District.

Mr. Houghton recommended that as these are warrant articles, despite the fact there is nothing particularly contentious, they should be continued to the next meeting to allow more opportunity for the public to comment.

Mr. Deschaine and other members of the Board suggested clarifying the amendments to make it easier for the public to understand the suggested changes also.

Mr. Baskerville made a motion to continue the public hearing and zoning amendments to December 21, 2016. Motion seconded by Mr. House. Motion carried unanimously.

d. Proposed Subdivision Regulation Amendments

- **Amending Subdivision Regulations—Roadway Construction.** The Planning Board will hold a Public Hearing to amend Section IV of the Subdivision Regulations, Addendum A, 3d, *Paving Asphalt Finish* to specifications provided by the Highway Agent.

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

- **Amending Subdivision Regulations—Sight Distance.** The Planning Board will hold a Public Hearing to amend Addendum A of the Subdivision Regulations, Table 1 *Roadway Design Criteria* to specifications related to sight distance as provided by the Highway Agent.

Mr. Baskerville made a motion to approve the proposed subdivision regulation amendments as stated on the agenda amending Page 64 Paving and Page 66 Sight Distance as shown tonight with staff being allowed to correct the terminology to be consistent. Motion seconded by Mr. House. Motion carried unanimously.

4. Public Meeting

- a. **Sullivan Subdivision**, represented by Jonathan Ring, PE, on behalf of Robin Sullivan, of 8 Whittaker Drive, Stratham, NH 03885, Tax Map 19 Lot 68. Preliminary Consultation for proposed 6-lot subdivision to establish 5 new building lots along a proposed town road.

Mr. Jonathan Ring, Jones and Beach, representing the applicant took the floor. He explained this property has about 15 acres and loops around coming up onto High Street. They are proposing to subdivide this land into 5 new house lots with a roadway roughly 700' long into a little cul-de-sac. They have surveyed the property, wetlands and done some test pits, although they need to do some more test pits on lots 4 and 5. The lots are over 2 acres in size and they will need a new leach field for the existing house as the leach field is currently where lot 2 will be. This plan has been reviewed by Mr. Austin, Town Planner and Mr. Lavery, the Road Agent.

There is a right of way area shown in order to get frontage for the lots. They will probably propose a hammerhead with driveways coming off the properties.

Mr. Austin commented that Hillcrest Drive and Whittaker Drive both terminate with 50' right of way easements that extend toward the subject property. After review, it is apparent that the Planning Board at the time provided those 2 stubs so a future subdivision in the area would use those for connecting a through road. The Road Agent preferred that idea to a cul-de-sac or hammer head. It is less time intensive to maintain for the Town. The proposed cul-de-sac in this location creates a driveway issue with the adjacent house that is encircled by this property on High Street. Regulations require driveways to be 100' from a street intersection so it's conceivable that if this design were to move forward that the driveway could be redirected onto this new cul-de-sac but it is not a situation that could be approved as currently represented.

Mr. Austin said he is envisaging 22' of asphalt in the center of a 60' right of way. Mr. Ring said they were proposing a hammerhead. Mr. Austin asked how much pavement extends out to High Street. Mr. Ring replied 22'. Mr. Austin said that would be in the center of a 60' right of way so the center line of that new 22' of asphalt would not be 100' from the driveway to the north. Mr. Ring said they could shift it. Mr. Baskerville said the driveway looks like it is on the existing property. Mr. Ring confirmed it was. Mr. Paine asked if they had an easement for that. Mr. Ring said they didn't. Mr. Baskerville asked if in the past the Board has approved a full cul-de-sac for frontage, but then the cul-de-sac doesn't get built and gets changed to a hammerhead. Mr. Austin said there are other alternatives that would not be a hammerhead. Mr. Baskerville said the applicant is using a right of way from one design to satisfy frontage requirements. Mr. Austin said other points based on prior subdivision considerations is the configuration of lots 1 and 5; the Board has previously had concerns with unusable arms of property to satisfy the acreage requirement and whether that is appropriate or not. Mr. Ring said that it is land that exists and which is owned by the Sullivan family so they had to dispose of it somehow.

Mr. Ring said that with respect to the cul-de-sac and the through road connection that one side is too steep to build a road coming through and on the other side, they are trying to allow the existing neighborhood to remain without disturbance of change. They also looked at providing a loop road, but they would probably have to lose one house lot. There would also be additional road length which would have to be maintained by the Town as well. With respect to the cul-de-sac/hammerhead situation, they could do a loop in there and put the detention pond in the center of it. His preference is with a hammerhead. Mr. Austin said he doesn't know if a detention basin can be in a Town right of way. Mr. Ring said it could be done via a drainage easement on one of the house lots, however he does have detention basins in many Town right of ways.

Mr. Baskerville asked about the sight distance on High Street. Mr. Ring said there are a couple of trees in the right of way which would need to be trimmed down and the other side is good. The applicant is willing to remove the trees at his expense when it's time. Mr. Paine referred to the southern right of way and asked how steep it was and if there wasn't a possibility to work with it. Mr. Ring said he didn't know the exact grade, but he doesn't think you can work with it. He said he would get the answer though. Mr. Paine referred to the leach field on lot 2 and asked if it would be re-used. Mr. Ring said they would like to if they can. Mr. Paine asked about traffic from across the street and if headlight glare had been considered. Mr. Ring said he wasn't sure if there was a house across the way so he would have to look at that.

Mr. and Mrs. Brockelbank, abutters of 110 High Street, the existing property which is surrounded on 3 sides by the Sullivan property and the High Street on the other side said they have several objections to this plan which were communicated to the Sullivans as early as March 2016. They have retained counsel on these issues. The issues primarily involve safety, water drainage, property value and their privacy. She has found 8 regulations that she feels are in question with this development including 1.4.c privacy, 1.4.d subdivisions should be protecting the values of the surrounding properties, 4.4.i adequate drainage, 4.4.f the access must ensure maximum safety, 4.4.3.ii driveway must have safe passage, 4.4.3.iii driveways must prevent all drainage from entering travel ways. Mrs. Brockelbank mentioned a couple more regulations concerning safe sight distance and drainage ways which must be protected by an easement.

Mrs. Brockelbank said it is known that this driveway and the drainage has been on that property since at least 1980. It is her understanding that the Sullivan property and their property were once one lot. Unfortunately when it was subdivided the lot line cut through her property and original driveway which is now on the Sullivan property as well as the drainage. They have 2 sump pumps and a high water table and that drainage goes under the basement of the home and goes underground until about 28' under the Sullivan property. Where the road is proposed, it not only goes over their driveway, but the drainage access point of their basement. This subdivision greatly impacts the integrity of their driveway, the drainage and the property value and not to mention the safety factor. Their driveway is a legal blind driveway which makes it dangerous when exiting to the west. They recognize a person's right to develop their property, but they feel the factors mentioned need to be taken into consideration.

Mr. Scott Longwall, 1 Whittaker Drive, asked whether anyone has looked into whether there will be an impact to the aquifer or wells by putting in 5 new houses. In addition, there is a new development coming in across the street and he doesn't know if the water is all coming from the same spot and with the drought he is a little concerned.

Mr. Rory Byrnes, 2 Hillcrest Drive, asked about how redirecting the road could impact the neighbors in his neighborhood.

Mr. Brockelbank asked for clarification on the clearing of the trees. He said when it was mentioned there should be at least 100' between the driveway and new road, it was mentioned that trees would be trimmed or removed; he asked who is responsible for the trees along High Street and would those be taken down in front of their house. Mr. Ring said only trees which are necessary and perhaps those in the right of way. They are not able to cut trees on private property without the owner's permission. Mr. Brockelbank asked the Board if they know what the distance of the road from the center of the road is to the edge of the right of way. Mr. Austin said the Board typically bases that on the survey provided by the applicant and commented that this is just a preliminary plan at this point. Mr. Ring said he would find out.

Mr. Paine asked if the driveway at 110 High Street could be put onto the new road. Mr. Ring said physically it could be done. Mr. Baskerville asked Mr. Ring if he knew where the drainage line for 110 High Street is. Mr. Ring showed where it was roughly on the plan. Mr. Ring said there is no reason why that couldn't technically be cut back to their property.

Mrs. Brockelbank said relating to the headlight question, she can confirm there are no homes directly across the street from this proposed subdivision. She added that right now the back of their property

is open to the Sullivan property and putting a road down that way means cars will have a direct view into their home which impacts their privacy. The trees that have been tagged to be removed are on the Sullivan property, but border their property and those would be lost as protection. She then talked about the 18' either side of the 22' asphalt and thought it didn't sound that bad, but when she looked into it she realized that is similar to the size of a Ford 150 truck. She doesn't feel 18' away from a road is a lot of space.

Another Whittaker Drive resident referred to Stratham's natural resources quoting from a 2011 report which refers to the over development and over use of Stratham's natural resources. From the 2015 New Hampshire Wildlife Action Plan is a map that shows this particular area, but lots 1 and 5 are in the highest ranked habitat in the New Hampshire area. He asked some consideration be made for alternative designs and not so many lots in that region might be better both for traffic and wildlife habitat which does seem to be something the Town has cared about.

Mr. Don Graves, Hillcrest Drive said he knows the property with about 900' frontage fairly well as he has mowed it for many years. He has 2 dug wells not shown on this map and he had no problems with water supply during this summer with drought conditions; it is an active recharge area. He is concerned about the topography of lot 5; it looks very steep and to him connecting the 2 cul-de-sacs would need a slope easement in his opinion. He said he will not give an easement so that issue is dead. He said he would be happy to talk about buying some land. He continued that if they go forward with this development that some kind of buffer zone should be shown.

Mr. Houghton confirmed that there was a 50' right of way off of Whittaker Drive and asked what happens if they come through there. Mr. Ring said they would end up with fewer lots. Mr. Houghton said that they would be 4 better lots. Mr. Houghton asked if there exists dialogue with the Brockelbanks. Mr. Ring said he believed there would be dialogue between the parties. Mrs. Brockelbank said that their attorney was told that once a plan was in place there would be a meeting to discuss it. The Brockelbanks have been waiting to hear about the plan; they are open to that discussion and want to work this out. She thinks there can be resolution.

Mr. House thought irregular shaped lots should not be approved. Mr. Canada said they had talked about this before and the Ordinance doesn't allow for odd shaped lots. Mr. Ring said in general his preference is to hit existing bounds on properties; he showed another way to configure lot number 4 so the tail could be given to Lot 3, but he doesn't see it would add much to Lot 3 as it's wet in places too already as is the tail. He could play with lots 4 and 5 as well.

Mr. Baskerville explained what a preliminary consultation is for the benefit of the people in the audience.

Mr. Graves talked about cul-de-sacs versus hammerheads. He said cul-de-sacs are not great when it comes to snow removal; hammerheads are easier for the highway guys to navigate.

Mr. Paine said there are obviously some heavy wetland areas and wondered if there was any way to take the wet area and develop something that would benefit the neighbors. Mr. Ring said there is a large wetland that flows down behind Cornerstone School. He thinks the property itself is a little too small to go into something like a South East Land Trust or something similar and it is not usable for the homeowner on Lot 3.

5. Miscellaneous

There were no miscellaneous items to report.

6. Adjournment

Mr. Paine made a motion to adjourn at 10:40 pm. Motion seconded by Mr. House. Motion carried unanimously.