



Stratham Planning Board
Meeting Minutes
January 17, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bob Baskerville, Chairman
Jameson Paine, Vice Chairman
Tom House, Secretary
David Canada, Member
Nancy Ober, Alternate
Robert Roseen, Alternate

Members Absent: Mike Houghton, Selectmen's Representative

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll. Mr. Baskerville asked Mr. Roseen to sit in as a voting member in place of Mr. Houghton. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

a. January 3, 2018

Mr. Paine made a motion to approve the meeting minutes of January 3, 2018 as submitted. Mr. House seconded the motion. Mr. Roseen abstained from the vote as he was not present for the January 3, 2018 meeting. Motion carried with 4 votes in the affirmative and 1 vote abstaining.

3. Public Hearing

a. Subdivision application for a four (4) lot residential subdivision to create four (4) new building lots at 13 Stratham Lane, Stratham, NH 03885, Map 26 Lots 1&2 submitted by Joseph Falzone, Harbor Street Ltd. Partnership, 7B Emery Lane, Stratham, NH 03885.

Mr. Baskerville asked if the application is complete. Mr. Austin explained the property has existing family home on 1 lot proposed for subdivision into 4 lots; 1 lot would be the existing residence and 3 new building lots are being proposed. Map 26 Lots 1 & 2 are

currently owned by the same person and represented by the lot show on the plans. Staff stated the application is complete for purposes of review by the planning board and moving forward with the public hearing, and a boundary line adjustment or lot merger needs to occur prior to the recordation of the subdivision. Since the preliminary consultation the applicant has turned in a proposed road named "Murphy Lane" which has been accepted by E911 and is slated to go before the Board of Selectmen for acceptance. The application presented to the board tonight does not specify it as a public or private road. Mr. Austin stated Mr. Laverty's preference via verbal comment is for the planning board to approve the road as public with the recommendation that the proposed stormwater detention system shown in the plans be maintained by a Homeowner's Association and not the town. Mr. Austin stated there is a waiver request to decrease the road pavement from 24 ft. to 22 ft. which is supported by Mr. Laverty. Each lot meets the dimensional requirements and staff's opinion is that no lots are irregular or irregularly shaped. A plan addressing 4.4.3 is included which shows there is no option for connectivity from this parcel to adjacent parcels or off-site roadways. Staff included some recommended conditions of approval should the board move in the direction of approval. Staff stated plans have not been sent out for third party review. Staff recommendations is for the planning board to accept the application as complete, open the hearing for public comment, and direct staff toward the application for third party review. Staff stated the applicant submitted a Projects of Regional Impacts Checklist today, which is complete, and staff agrees he project does not trigger need for regional impact analysis under RSA 36:54-58.

Mr. Paine made a motion to accept the application as complete. Mr. House seconded the motion. Motion carried unanimously.

Mr. Baskerville recommended the board look at the list of questions to determine if this project has regional impact to notify Greenland and Rockingham Planning Commission. The only question relevant to this project is "proximity". Mr. Baskerville stated he does not agree this project meets the criteria for regional impact. Mr. House agreed.

Mr. Canada made a motion to find that this project does not meet the criteria for regional impact. Mr. House seconded the motion. Motion carried unanimously.

Scott Cole, Beals Associates, representing the applicant, introduced Joseph Falzone, project developer. Mr. Cole stated the owner will apply for a lot merger to submit to the town. Mr. Cole explained the project consists of 8.85 acres and the proposal is for four (4) lots at two (2) acres per lot with excess of 200 ft. of frontage for each lot. Mr. Cole explained the project in detail. Mr. Cole explained the project has a simplistic drainage design, which includes open swales on either side of the roadway and is collected on the right side of the road by a culvert leading to the left side at the rear of the property which will end in a bio retention pond. Mr. Cole stated there are no wetlands located on the property and the only wetland that exists is on the abutter's property on the eastern side.

Mr. Baskerville questioned the applicant's thoughts on the road, private or public. Mr. Cole stated it is designed and submitted as a public road. Mr. Roseen requested the applicant adjust the thickness of the bio retention media to 24 inches and to use filter fabric on the vertical walls which will reduce concerns regarding bank failure, and recommends an inspection with a licenses engineer at the time of installation to verify the

95 subgrade infiltration and compaction as a condition of approval. Mr. Roseen requested the
96 applicant replace the four-bay with a hooded, deep-sump catch basin. Mr. Canada
97 questioned if the applicant is planning to have a Homeowners Association. Mr. Cole
98 stated there will be no Homeowners Association if it is a public road unless it is otherwise
99 required. Mr. Roseen stated a town maintained bio-retention pond should be grass. Mr.
100 Canada stated it is unlikely that a four family Homeowner's Association will take care of
101 the retention pond. Mr. Canada does not agree with small public roads and prefers this to
102 be private. Mr. Baskerville questioned if the inspection of the subgrade are standard
103 practice. Mr. Austin stated everything the board approves becomes the domain of the
104 Code Enforcement Officer to make sure everything is installed per the approved plan. Mr.
105 Paine questioned whether the Town of Stratham or the Town of Greenland maintain
106 Stratham Lane. Mr. Austin stated he is unaware of which town maintains Stratham Lane.
107 Mr. Paine asked if the road proposed will have headlights pointing in the direction of
108 existing homes. Mr. Baskerville requested the applicant to be sure the existing conditions
109 plan shows all the survey information and receives a survey stamp. Mr. Baskerville stated
110 the board has discussed changing the site plan and subdivision regulations to include better
111 criteria regarding hammerhead and cul de sac regulations.

112
113 Jessica Trammell, 7 Drake Drive, Greenland, questioned what the planned buffer is for the
114 back of the properties. Mr. Austin stated the plan shows the well toward the rear of the
115 lots which significantly limits structures. Mr. Cole stated the applicant acknowledges that
116 he would be willing to put a 50 ft. no cut/no disturb/no build buffer easement along the
117 northern property lines.

118
119 Lawrence Kingsbury, 9 Stratham Lane, asked for clarification of the location of the pond.
120 Mr. Kingsbury stated headlights will shine on the Harmon's property across the street
121 from the proposed road. Mr. Kingsbury asked if the Homeowner's Association would be
122 restricted to the homeowner's as to the maintenance of the access road or is it all abutters.
123 Mr. Cole stated it is uncertain if there will be a homeowner's association at this time. Mr.
124 Austin clarified that the homeowner's association would only be composed of those
125 homes within the subdivision.

126
127 Dan Murphy, Newbury, Massachusetts, homeowner of 13 Stratham Lane, stated the
128 headlights don't appear to be directly on any one house so he didn't think lights would be
129 an issue. Mr. Murphy stated the retention pond will most likely never see water due to the
130 property being sand and gravel with great drainage.

131
132 Mr. Paine questioned on Lot 26-1 the current driveway exists to the east, or right side, of
133 the plan and if that will connect to the proposed road. Mr. Cole stated not at this time, this
134 is an established driveway which has been in existence for many years so it will be left as
135 is. Mr. Murphy went over the plan to show the board the topography of the property and
136 the abutting conservation land.

137
138 Mr. Baskerville asked the board if they recommend sending out for third party review on
139 the calculations or if it a straight forward plan.

Mr. Paine made a motion to accept the plan as submitted and that a third party review/input is not required. Mr. House seconded the motion. Motion carried unanimously.

Mr. Baskerville requested input from Mr. Lavery regarding the bio retention area or if a homeowner's association is required. Mr. Paine stated this would be a three (3) lot homeowner's association and documents will be required either before approval or as a condition of approval. Mr. Falzone stated a town road, not a private road, is being proposed and plaques for the easement will be put up at a distance the board requests. Mr. Baskerville explained that it needs to be decided what the easement will be called on the plan. Mr. Falzone stated it will be recorded on the plan as a deed restriction. Ken Murphy, Stratham Lane, stated if a property owner was to violate the easement and an abutter would like to file a complaint, that complaint would be handled in Superior Court and a fine would be assessed. Paul Deschaine, Town Administrator, stated the court will question the legal recourse to claim injury by the abutter and if an easement is not present it is unknown if a third party could enforce action. Mr. Baskerville stated his opinion is to keep it simple and come up with a proposal on the format proposed to offer on the plan. Mr. Falzone asked how they would be kept apprised of Mr. Lavery's comments. Mr. Austin stated he will be in touch with Mr. Lavery tonight or tomorrow morning and keep Mr. Falzone in touch the answers he receives.

Mr. Paine made a motion to continue this proposal until February 7, 2018. Mr. House seconded the motion. Motion carried unanimously.

4. Public Meeting

- a. Theresa Walker, RPC— Review of *Draft* Coastal Hazards and Climate Adaptation Master Plan Chapter. Ms. Walker stated the planning commission has been working for a couple years with towns in the coastal region on climate change and adaptation and looking to see where vulnerabilities are directly on the Atlantic shoreline to sea level rise and storm surge. The second phase was working with Great Bay communities, including the Town of Stratham, and a vulnerability assessment has been produced, which analyzes infrastructure and other critical facilities and where they may be vulnerable to rising water levels in Great Bay, Squamscott River, and tributaries. Once the project was complete the NH Coastal Program released some grant funds to the planning commission to come up with some implementation items based on the vulnerability assessment. The board looked over the maps that were developed as part of the vulnerability assessment. The Town of Stratham has some roads that are vulnerable and it is important to be aware of where that critical infrastructure is and how the town could be better prepared to be more resilient. The undeveloped shoreline plays a critical role in providing the scenic beauty along the river and the bay, but also has the ability for the rising water to go somewhere. Ms. Walker stated there are traditional master plan recommendations based on the natural resources inventory, vulnerability assessment, existing master plan, and the existing land use regulations. Mr. Austin recommended the board read through and make any immediate edits, but keep this as a working draft to forward to the RP consultant, if selected, to proceed. Ms. Walker stated the grant funds are available until the end of next month to take any edits. Mr. Austin stated the deadline for edits will be February 21, 2018. Mr. Deschaine asked for clarification that there has been no discussion with condo associations. Ms. Walker stated correct. Mr. Deschaine questioned if ice dams and their affect have been looked at. Mr. Roseen stated the 108 bridge does not appear to be an issue

for ice dams. Mr. Baskerville questioned if the Conservation Commission has seen the plan before the board tonight. Ms. Walker stated no, she was waiting until after the planning board meeting to put it before the Conservation Commission. Ms. Walker made the board aware that grant money runs out February 28, 2018. Mr. Austin will forward the plan to the Conservation Commission for their review and comments. Ms. Walker stated she can meet with the Conservation Commission on February 14, 2018 for any comments they have.

Mr. Austin stated the RFP is out and February 17, 2018 was the deadline for letters of interest. Friday, February 19, 2018, is the deadline for submission of questions, February 9, 2018 is the deadline for proposals, and early February the Board of Selectmen could approve a consultant. Mr. Austin asked the board to consider if a Master Plan Committee should be put together. Mr. Deschaine explained the Master Plan consultant would speak to each committee directly, where applicable, to consolidate any drafts which have been created by each commission, but a sounding board to consider what the town is or where it might be going. Mr. Austin stated since this is a planning board document, an advisory committee would likely include a planning board member. The RFP suggests the earliest it would go before the board of selection would be February 12, 2018. Mr. Deschaine stated February 26, 2018 is more realistic. Mr. Austin explained the submittal deadline is February 9, 2018 and within two weeks of that deadline interviews with candidates will take place. Mr. Deschaine stated himself, a representative of the Board of Selectmen, a representative of the Planning Board, and Mr. Austin should be the parties to evaluate the consultant. Mr. Baskerville questioned the duration of the Master Plan proposal. Mr. Austin stated that will depend of the amount of public involvement, which is required or suggested by the consultant. Mr. Austin thought 6 months would be appropriate timing with public hearings slated for August or September 2018. Mr. Deschaine confirmed that the board will hear public input but the Planning Board will make the final approval of the Master Plan.

5. Public Hearing

- a. **2018 Zoning Amendments - Telecommunications.** Staff stated the board requested modifications in order to move forward after legal review. Laura Specter of Mitchell Group, Laconia, NH agreed to review the amendments made by the board on January 3, 2018 meeting. Attorney Specter stated there are changes that are appropriate and the existing notice for the changes is not sufficient and could be challenged. Mr. Deschaine and Mr. Austin met and authorized Attorney Specter to move forward with the changes she was proposing. A new public hearing notice was published and duly noticed for January 31, 2018 at 7:00 pm. The planning board needs to determine if they would like to move with the draft as the board last amended on January 3, 2018 and move it to the town warrant; or, decide not to continue with the draft as was last reviewed and move forward with the draft prepared by legal counsel and move to a public hearing on January 31, 2018. Staff recommendation, based on the comments received, is to not proceed with the current draft. The board requested a comparison document of the changes made by staff and legal counsel combined. The board discussed some of the changes made by legal counsel. Some of the changes the board does not have legal authority over. Mr. Austin stated 19.4.2 the town does not have authority over co-location or modification applications. Mr. Baskerville asked for clarification if an applicant wants to put an antenna on the side of their building they do not have to come before the planning board. Mr. Austin confirmed, yes, an antenna. Mr. Roseen stated his interpretation is a modification of an existing antenna tower, and if an antenna is going on a building he interprets that as new not a co-location or modification. Mr. Austin reiterated, putting up an

antenna does not need to go before the planning board for approval. Mr. Roseen asked how the board differentiates between an antenna and a tower. Mr. Austin read 19.3.9 “Personal Wireless Service Facility (PWSF) shall mean any PWSF as defined in the federal Telecommunications Act of 1996, including facilities used or to be used by a licensed provider of network wireless services.” Mr. Austin explained 19.5 Siting Standards for New Towers or More Substantial Modifications, the planning board has more authority over. Mr. Paine questioned how the performance based code falls into this. Mr. Deschaine stated they probably cannot be prohibited by code. Mr. House questioned if, through a building permit in the Gateway District, it could be requested aesthetics could be regulated. Mr. House asked what staff recommendation is for the legal review changes. Mr. Baskerville stated his opinion is to accept the legal version of changes and move to the public hearing on January 31, 2018. Mr. Roseen requested Mr. Austin complete a comparison of changes documents for the board to review. Mr. House agreed.

Mr. Baskerville opened the Public Hearing for the 2018 Zoning Amendments continued from January 3, 2018 on **Proposed Town Warrant Article –Telecommunications.**

To see if the Town will amend Section XIX, Subsection 19.2 *Purpose and Goal*, Subsection 19.3 *Definitions*, Subsection 19.4 *Siting Standards*, Subsection 19.6 *Construction Performance Requirements*, Subsection 19.7 *Conditional Use Permits*, Subsection 19.8 *Waivers*, and Subsection 19.10 *Removal of Abandoned Antennas and Towers*, to further clarify the permitting requirements and procedures for Telecommunications Facilities.

Mr. Deschaine, Town Administrator, staff recommends the board not recommend this amendment and move forward with the revision to be heard on January 31, 2018.

Ceyda Yalsinkaya, 3 Bittersweet Lane, stated the legal recommendations make more sense than the past draft version the board amended. Ms. Yasinkaya asked for clarification that the planning board will be able to request the applicant provide other options, third party review, etc. with the new version. Mr. Austin stated yes, that information is still in the regulations.

Mr. Paine made a motion to close the hearing for the proposed Town Warrant Article regarding Telecommunications. Mr. House seconded the motion. Motion carried unanimously.

Mr. Paine made a motion the planning board not recommend the proposed Town Warrant Article regarding Telecommunications as posted January 17, 2018. Mr. House seconded the motion. Motion carried unanimously.

Mr. Canada stated he is against putting an 80 ft. requirement on the height of a telecommunication tower when trees are that height or more. Mr. Austin pointed out 19.5.3.b for discussion. Mr. Baskerville stated the board could approve a tower and since the board has no control over tree cutting the applicant could clear out the forest and leave the tower out in the open. Mr. Austin stated 19.5.3.b appears to apply to any zone, as long as it assimilates an object in the environment to exceed 100 ft. As the existing environs are used as justification to exceed the 80 or 100 ft. to a certain extent, would it be appropriate for the

285 planning board to put a no-cut radius within the parameters of the parcel. Mr. Deschaine
286 stated yes, if the argument is for the tree canopy. Mr. Deschaine and Mr. House
287 recommended changing “100” to “100/80” in 19.5.3.b. Mr. Austin discussed 19.5.1.b “if the
288 cost exceeds by more than 50 percent...” legal review agreed to a certain degree but the board
289 needs to remain sensitive and reasonable in combination of locations, techniques, and
290 technologies. Mr. Canada suggested the board start the process of reviewing regulations
291 earlier in the year to give more time to the process.

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293 Mr. Canada made a motion to bring the latest proposal of Town Warrant Article,
294 Telecommunications to a public hearing on January 31, 2018. Mr. House seconded the
295 motion. Motion carried unanimously.

296 **7. Adjournment.**

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299 Mr. House made a motion to adjourn the meeting at 9:48 pm. Mr. Paine seconded the
300 motion. Motion carried unanimously.