



**Stratham Planning Board
Meeting Minutes
April 4, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Bob Baskerville, Chairman
Mike Houghton, Selectmen's Representative
David Canada, Member
Jameson Paine, Vice Chairman
Tom House, Secretary
Robert Roseen, Alternate
Diedre Lawrence, Alternate

Members Absent:

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll.

2. Review/Approval of Meeting Minutes

a. March 21, 2018

Mr. Paine made a motion to approve the meeting minutes of March 21, 2018 as submitted. Mr. Houghton seconded the motion. Mr. House and Mr. Roseen abstain from the vote since they were not in attendance at the March 21, 2018 meeting. Motion carried by a 4 Yes and 2 Abstaining votes.

3. Public Hearing

a. Audi of Stratham, 58 Portsmouth Avenue, Stratham, NH 03885, Map 9 Lot 15.

Mr. Austin stated Audi of Stratham is before the board to request a signage change, no site or building changes. Mr. Austin explained the changes to the sign requested. Mr. Canada questioned if the letters are the same size. Mr. Austin stated the letters are within 1.5 inches

of the existing letters and the square footage of the signage proposed is within the limits of the regulations. Mr. House asked if the colors of the sign are changing. Mr. Austin stated the colors are on the plan submitted this evening. Mr. Austin stated the building plans show the “Audi Service Drive” as black but the sign will be illuminated white at night.

Mr. Paine made a motion that no further action is required from the planning board on the signage adjustment at 50 Portsmouth Avenue. Mr. House seconded the motion. Motion carried unanimously.

b. Site Plan and Conditional Use Permit Review Applications for proposed

residential/commercial buildings with private well and on-site septic at 149 & 151 Portsmouth Avenue, Stratham, NH 03885, Map 17 Lots 39 & 40 submitted by Mark Perlowski, Perlowski Properties, LLC, P.O. Box 1137, Stratham, NH 03885.

Joseph Nichols, Beals Associates, representing Perlowski Properties, stated several of the board’s concerns were looked at since the last meeting. Hand illumines detail was added to the lighting plan, landscaping was added for Unit #2, and the different grades were reviewed for different parking options, etc. The same concerns exist due to the existing septic system elevation. Adding a larger building to the property was reviewed and several issues were found. The main entrance coming into the building would have to be moved all the way to the far left which creates a problem with slopes. Mr. Nichols explained an overall site plan was completed to show the well location up to the rear of the 60 ft. proposed right of way, as well as the abutting septic for the furniture store next door. Some of the other constraints of the property are based on nitrate setbacks and the water access only has one location due to the site conditions of the soil and the leach fields have to remain because the elevation cannot be changed in order to make it work. The parking waiver requested was looked at and the elevation grade would need to be increased. The applicant has been working with NH DOT site distance, as well the consultants working on the public water supply, and the report should be available by the end of the week. RCCD has reviewed and approved both septs and they will submitted to the State of NH depending on the Planning Board outcome. Mr. Austin asked Mr. Nichols for clarification of the plan to keep the Old Town Hall driveway, which would lead to an access drive between Unit #2 and the Old Town Hall, and why that plan does not work. Mr. Nichols stated the driveway was originally located further towards the Stratham Market and NH DOT requested, due to the merging of the two parcels and its change of use, that the driveway be moved. Mr. Nichols explained the waivers being requested are; parking in front of the buildings, siding, and landscape plan without landscape architect’s stamp. The street lighting, street trees, and street sidewalks waivers were provided in good faith because they don’t meet the right of way width for Portsmouth Avenue and are not required in the regulations to put the upgrades in. The applicant has proposed an easement in the front and rear of the property if the town chooses to put those items in in the future. Mr. Nichols handed out pictures of the downtown Stratham area that has wood to show what the neglect of maintenance of wood looks like. Mr. Austin stated there was a discussion at the last meeting that several of the waivers may be requested because there is no public water and sewer or community well and septic options that the Town Center is premised on . None of the individual lots can supply the water and sewer to allow for development of the density that the Town Center is looking for. Mr. Austin asked the applicant if the site had water, sewer, and the extra 20 ft. of residual DOT right of way for the public improvements, would a vinyl

siding product be proposed. Mr. Nichols stated yes because the buildings will look and last much longer, but the applicant wouldn't seek a waiver on the parking since the grading would be able to be lowered. Mr. Austin explained to the planning board that some of the waivers may or may not be justifiable for a variety of reasons and the applicant stated it would not impact the proposed use of vinyl. Mr. Austin asked the applicant for confirmation that, absent approval of the suite of waivers as presented, the applicant may request the option to withdraw this project. Mr. Nichols stated the Old Town Hall is currently wrapped in vinyl and the applicant is allowed to upgrade that building in vinyl per the discussions held with the applicant and the Heritage Commission. Mr. Canada stated some of the Heritage Commission members understand the applicant's needs but does not believe the Heritage Commission has discussed and voted on the use of vinyl at the Old Town Hall. Mr. Baskerville questioned whether this discussion was at a meeting or just a few members individually. Mr. Perlowski stated the discussion took place at the Old Town Hall.

Mr. Nichols stated the town put the vinyl on the Old Town Hall historical building when they owned the building. Mr. Paine asked whether Mr. House has encountered, in his professional opinion, if a higher end, vinyl products have been used in a historic setting or district. Mr. House stated yes. Mr. House asked if the Old Town Hall vinyl siding is over existing wood clapboards. Mr. Canada stated the wood clapboards are still there. Mr. Paine asked what the intention of vinyl would be used on the Old Town. Mr. Perlowski stated the vinyl currently on the Old Town Hall is not the level of quality that is being proposed. Mr. Houghton stated the application before the board is a relatively small application that requires six waivers from existing regulations in order for the applicant to receive approval which suggests the regulations are wrong or the application is wrong. Waivers need to demonstrate a bona fide hardship and Mr. Houghton has not heard any hardships to date. Mr. House stated there is criteria that needs to be followed regarding hardship in Section 3.9. Mr. Austin explained the Conditional Use Permit is the authorizing language for a planning board to effectively grant a variance. Discussion regarding 3.9 took place regarding criteria for Conditional Use Permit. Mr. Baskerville stated Paragraph 4 states a Conditional Use Permit, for relief, may be granted if the planning board finds it meets the following standards. Mr. Austin stated 3.9.6.b.1 states "is the architecture and landscape design compliment the climate, topography, community character, building practice, context setting of the historically significant structures and spaces." If the planning board believes that vinyl, as proposed, is in violation or inconsistent with 3.9.6.b.1.d the waiver can be denied, or if found the vinyl does compliment the items stated in 3.9.6.b.1.d the waiver can be granted. Mr. Canada clarified the discussions which took place with the Heritage Commission were negotiating session between some members of the Heritage Commission and Mr. Perlowski and are admissible for this conversation. Mr. Austin stated that if the planning board determined the existence of vinyl on the Old Town Hall did or did not speak to the character of the neighborhood this would bear on their decision to grant or deny a waiver. Mr. Nichols stated the waivers are needed in order to make the project move forward. If the waivers are declined, the vinyl is staying on the building and the parking in front of the Old Town Hall will stay, and the applicant may look to putting the house back up and develop the property to the left. Mr. Baskerville questioned if the waiver is for the two new buildings or for all three buildings. Mr. Austin stated the waivers before the board are for the two new buildings and the applicant may need to return to TRC and the Planning Board for any changes to the Old Town Hall. Mr. House stated 3.9 calls for wood siding or cement-based artificial wood siding which specifies clapboard or

shingles, and talks about New England Village style which is very limited. Mr. House suggested taking the vinyl siding off the Old Town Hall, clean it up and leave the wood, and allow the two new buildings to be vinyl. Mr. House stated the Old Town Hall is more historical and future design is not for the past, it's for the present and the future. The Old Town Hall is historical to the town and a focal point which should be kept as original as possible. Mr. Baskerville stated the street is approximately elevation 46 for Unit #1, the ground is approximately elevation 52 in front and the first floor is 54.5, the first floor is 8.5 ft. above so when driving by drivers will be looking up. Mr. Nichols asked for clarification that the sidewalk waiver is required. Portsmouth Avenue is currently a 66 ft. right of way and to have sidewalks per Figure 1 requires 72 ft. width which doesn't meet the regulation requirements for sidewalks, lighting, or trees. Mr. House stated Table 5, Roadway Height, Street Right of Way width states "sidewalks required on one side of the street" and since there is a sidewalk on one side of the street, the waiver for a sidewalk is not applicable. Mr. Paine questioned whether having a sidewalk on one side of state road is appropriate with the volume of traffic through the area. Mr. Roseen stated the list of waivers is pointing to an incongruent project or potentially some incongruences in the existing regulations. The limitation for wood and fiber reinforced siding is a little old school and reflects the days when some of the early vinyl products were not very good and didn't match well, as some of the fiber reinforced products are not very good either. Mr. Roseen stated, from a perspective of maintenance and aesthetics, a high quality vinyl does serve a lot of benefits from the standpoint of lower maintenance, better looking, and there are several buildings where there are painted building, despite frequent upkeep, still doesn't hold up. Mr. Roseen suggested considering the waivers on a case by case basis. Mr. Roseen agreed with Mr. House regarding vinyl for Unit #1 and #2 and improved wood siding for the existing town hall.

Mr. Austin explained the waiver requests are not on the waiver request form because the waiver request form is typically used in the subdivision or site plan review application where there is or is not a physical hardship or an impediment. Given the way 3.9.6 guides the planning board, staff reads it as a discussion review rather than a physical hardship review.

Lucy Cushman, Winnicutt Road, stated she was a previous planning board member and although one thinks they are planning, all too often one is reacting. After the planning board Ms. Cushman sat on several sub-committees for cluster, Gateway, and other zoning changes, to put them together and bring them forward. When the Gateway was written vinyl was not wanted. Gateway regulations weren't written with the intention of being used in the Town Center, which was a decision that was made by the town at a later time. Ms. Cushman stated all of the historic buildings in what is now our commercial strip, have been torn down and replaced with blah buildings, strip malls, and nothing with any character. The vision for the Gateway going forward was getting back to our roots and to have something that not everything has to have a cupola and get away with the more commercial part of commercial and put vinyl siding on so you don't have to worry about maintenance. Ms. Cushman explained the regulations do not state "it has to be wood", there are other choices in the regulations. Ms. Cushman stated some of the variances being requested, when you are working in a confined space and trying to preserve a historic building, have reason to be considered but the vinyl siding is very specific and once it is approved for one person everyone coming after will want the same. Ms. Cushman explained the applicant would not be able to put the house back and just put vinyl siding on it, it is not allowed in that district.

Vinyl was left out of the regulations for a reason, it wasn't wanted. Mr. House asked that the word "variance" be corrected for the record since the applicant is requesting waivers, not variances.

Mr. Austin stated if a waiver is granted it doesn't obligate the planning board to grant the same in the future. Mr. Austin reiterated his opinion that the vinyl is not inherently related to a physical hardship of the property. Mr. Baskerville stated the criteria on Page 57 of the regulations, and the word "hardship", is not present. Mr. Austin explained the planning board could come up with a way to be site specific, find something that is site specific to this property that is not available in the Town Center Zone, and establish findings on why waivers are granted. Mr. Baskerville asked the board for input whether there is anything unique about this site that sets it apart. Mr. Austin stated one site specific criteria could be that there is an identified historic structure already clad in vinyl on the site. In this particular instance, the subject property has an identified historically, significant structure. Mr. Paine stated he doesn't see vinyl on the existing Town Hall Building as a deal breaker one way or the other, it was a resource used 30 years ago to protect the exterior of the building, the structure is considered historically significant by the town whether it's wrapped in vinyl siding or not, and going forward the intention, based on the regulations, is to maintain the historic structure using the materials in the document. Mr. Austin stated some historians say any new structure that is added onto or adjacent to a historic structure should be clearly distinct in style and material from the historic structure. Mr. House agreed with Mr. Austin. Mr. Houghton explained he is not making judgement, nor is he qualified to make the decision on which building materials are best, but the regulations state what can and cannot be used. Mr. Houghton reiterated this will set a precedent for the area. Ms. Lawrence stated the concern appears to be a maintenance issue and no other reason has been mentioned for the inability to comply with the materials portion of the regulation.

Mark Perlowski, Persimmon Properties, stated he visited the Town of Stratham Fire Department, which was built a couple years ago with a concrete siding, possibly hardiplank, and the pictures show there is already a maintenance issue. The clapboards have a four inch gap between them and instead of PVC trim it appears to be pine trim which some of the paint is already chipping off. Vinyl is not being proposed because it is less expensive or not as good, it is the best product out there. Mr. Perlowski is surprised that the town, which is questioning a high quality vinyl siding on his proposed new buildings, put vinyl on the historical town hall building because they didn't want to deal with the maintenance of constantly painting the siding. Mr. Perlowski reiterated his concern with buildings in the immediate area that are in disrepair and rotting because of maintenance neglect. Mr. Perlowski stated 20 years from now he probably won't own the buildings and if it is a product that has to constantly be maintained, the owner of the building will make a decision to either maintain or neglect it and the results are what is being witnessed with other buildings in the area. The Gove Group building is a perfect example, which was built in 2004, and looks almost as good as the day the vinyl was installed with zero maintenance. Mr. Austin stated the uniqueness is that this is the first project in town center and the existing buildings were not done under the current regulations, and whether it's desired maintenance free or potential lack of maintenance in the future all the concerns about, other than vinyl, seem to relate to maintenance costs, etc. and there isn't anything relating specifically to maintenance costs, implied, intended, or deferred as the criteria under the Conditional Use Permit for moving

forward. The Planning Board has the information to make the determination with regard to that waiver. Ms. Lawrence stated there has been no hardship stated other than ongoing maintenance. In the wisdom of the people who put the regulation in place, they probably thought about that, and if the planning board is duty bound to enforce the regulations as they are, and it uses mandatory language such as shall or will, this is no different than any other project that would come in front of this board that would warrant the use of material not specified in the regulations. Mr. Baskerville stated the planning board recommends and approves changes to the zoning ordinance to go in front of the voters and questions if the regulation should be changed in the future. The discussion remains, if development is wanted in Town Center and the Gateway, part of granting this waiver may be considering a change in the ordinance next time there is time to revisit ordinance. The Gateway has been around for 8 years and 2 years for the Town Center, how much development has been done, what is the feedback, Mr. Austin had previously mentioned to Mr. Baskerville that several developers/attorney's over the years have remarked that they are amazed the town hasn't been sued because the Gateway regulations are so restrictive. Mr. Baskerville stated the intent to the Gateway regulations was for preservation, but also to promote development, with water and sewer and a plan of what it would be. Eight 8 years has passed and that big picture hasn't happened. Should the planning board revisit items or the whole Gateway and Town Center zoning to determine if it is too restrictive or not restrictive enough. As part of this discussion, is the planning board going to go back later and revisit some of these topics, and if the planning board grants a waiver for this, the planning board may need to consider future discussion, amending the regulations, to be more specific, maybe used in some areas and not in others, maybe there are site specific why you can use it or why you can't, etc. Mr. Baskerville stated renovations are being allowed on some of these buildings that don't match this list. Mr. Baskerville stated concern for some of the other waivers more than the vinyl siding waiver. Mr. Baskerville stated, from a practical standpoint, on this site only, he does not have trouble with the vinyl, but he does have trouble with setting a precedent for allowing it for every applicant after.

Melissa Gahr, member of the PCAC, read a letter into the record from PCAC regarding sidewalks and connectivity in the Town Center which was submitted to Mr. Austin late afternoon on April 4, 2018 (see project file). Mr. Baskerville explained previous discussions regarding sidewalks to Ms. Gahr. Mr. Nichols explained to Ms. Gahr there is a proposed 60 ft. right of way easement at the rear of the parcel for the future development of a slower speed road and the possibility of connecting to Stratham Green condominiums. Ms. Gahr stated the right of way easement is great but there should be sidewalk in both the front and back. Mr. Nichols explained the current width is not appropriate.

Mr. Perlowski reiterated the vinyl siding being proposed is a top of the line material and if not approved, it could be the breaking point financially to go forward. The buildings in the area prove the point of what happens when buildings are not maintained which Mr. Perlowski is trying to avoid for the future. Mr. Perlowski stated he is the first one to come forward to try and develop the property and in turn, hopes others will fix up properties in the Town Center.

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

Mr. Baskerville read the guidelines, Page 58. Staff recommends the planning board make a finding to more than one, preferably, but at least one of the 3.9.6.6.4.i and ii.

Mr. Baskerville called for a 5 minute break and the board reconvened at 8:52 pm.

The following motion is in regard to the applicant's request for a waiver specific to zoning regulations Section 3.9.9.a.18 with regard to natural wood and/or cement based artificial wood siding to declare the applicant's information has satisfied the board's determining factors under 3.9.6.i and ii.

Mr. Paine made a motion that the information submitted by the applicant, and heard during the public hearing, has not addressed the criteria of section 3.9.6.b.i and ii to the extent practical to determine a deviation from 3.9.9.a.18 and therefore the waiver for vinyl siding, for the two proposed buildings and one existing building, should not be granted. Mr. House seconded the motion. Motion carried unanimously. Vote in favor 5, Votes against 0

Mr. Baskerville asked the applicant if they would like to withdraw or continue with the remaining waivers. Mr. Nichols requested to continue with waivers. Mr. Austin stated changing from the current plans, as submitted, to revised materials would require review by TRC and the Planning Board unless the Planning Board instructs otherwise.

Mr. Nichols asked for clarification that the prior waiver locked the applicant in for the existing town hall renovations for the future. Mr. Austin stated yes.

Mr. Austin stated the parking waiver is a deviation from Section 3.9.8.b., Table 7, Page 66. Mr. Roseen requested whether the board could do an adequate review of the parking issue prior to discussion of the sidewalk. Mr. Baskerville would prefer to review the parking and sidewalk together. Mr. Houghton asked the applicant to explain the existing driveway cut for proposed Unit #1 and Unit #2 and the entryway further up toward the Old Town Hall and why the entry cannot be used. Mr. Nichols stated the driveway does not meet current DOT standards so the entrance was moved over to meet DOT standards. NH DOT will not issue a permit when two lots are merged and if the lots were kept separate there would be grandfathered rights to the one lot. Mr. Baskerville explained to the board the applicant is removing some of the pavement in front of the Old Town Hall and putting in a grass strip in between the O'Brien building and the Old Town Hall. Mr. Baskerville questioned why the landscape plan states the strip to be bark mulch. Mr. Nichols explained the request was from the TRC to create connectivity to the Stratham Market. Mr. Roseen stated the location of a sidewalk in the 20 ft. easement does not seem impractical and asked the applicant for further explanation. Mr. Nichols explained the grade and elevations to the planning board. Mr. Canada stated the ideal place for the sidewalk would be the future road which the applicant is providing an easement in the rear of the property for and he does not see a purpose for a sidewalk going around the Portsmouth Avenue corner. Mr. Canada stated he is in favor of granting the waiver for the sidewalks. Mr. House stated Table 5 requires sidewalks are required on one side of the street, but Figure 1 graphically shows two sidewalks so the tables don't match. Mr. House stated there is a sidewalk on the opposite side of Portsmouth Avenue which goes to the furthest possible point. Mr. Austin questioned whether enough evidence has been submitted, in written or presented form, to suggest that the rear town center road and

the 20 ft. of right of way on the Portsmouth Avenue frontage of this parcel, with the absence of trees, lights, and sidewalk on the Portsmouth Avenue frontage, does this further the intent of 3.9.6.b.i and ii. Mr. Paine stated he is in favor of Mr. Roseen's comments with regard to the potential to put a sidewalk in this location and Mr. Canada's comments with regard to the use of the future proposed potential access road in the back, the intention of this area to create a mixed use, walkable area where folks can go from store to store without having to get into a vehicle and the inclusion of a sidewalk in this location helps to tie in the first phase of the sidewalks that were done with the understanding that as future development comes in or future town projects are pushed forward this is one area that would be connected to those areas. Mr. Paine stated he does not see the trees as a deal breaker and other vegetation could be put in until the point in the future where the power lines are moved to, perhaps, the back of the buildings. Mr. Roseen stated the prior meeting minutes, Line 249-260, Page 6, shows a conversation between Ms. Mitchell, Mr. Paine, Mr. Deschaine, and Mr. Houghton which confirms the idea that the intention was to have street trees, lighting, and sidewalks on both sides of Portsmouth Avenue and the detail of a single sidewalk was really meant for interior roads with the caveat where practical. Mr. Baskerville agreed that it is practical to build the sidewalk, but there are not a lot of people currently walking across the front of O'Brien's to get to that property and he agrees with Mr. Canada that he appreciates the offer of a 20 ft. easement and is in favor of granting the waiver for the sidewalk only.

Mr. Baskerville stated he is not in favor of granting the landscape plan, which is also the lighting plan, as submitted with wall packs. Mr. Austin stated there are no waivers submitted for the wall pack, and the wall packs do not require a waiver. Mr. Austin explained the waiver for the landscape plan is for the landscape architect stamp. Mr. Baskerville stated before the Conditional Use Permit is granted, everything is on the table. Mr. Austin stated the Conditional Use Permit is the means for granting variance-esq criteria and specific regarding deviations to the regulations. The wall packs meet the regulations and comply with the site plan approval based on the lighting information that is provided. Mr. Austin stated staff recommendation is to treat the street lighting, trees, and sidewalk as one waiver request based on Figure 1. Mr. Roseen asked the applicant if they would prefer a sidewalk in absence of street trees and lighting or which combination seems more feasible. Mr. Nichols stated a feasibility study was looked at for the project and there is a financial breaking point. Mr. Roseen stated the Town Center requirements are based on the fact that the town has utilities in the area, which do not exist to date, so that presupposes the need for some flexibility because in absence of that it places hardship/feasibility constraints upon any developer having to deal with water and sewer on their own. Mr. Baskerville stated it was determined there is room to put the sidewalks, trees, and lighting, the question is whether the applicant is required to install it all now or whether the town provides funds to do it in the future. Mr. Roseen stated this is a practicality consideration in the light of recognizing the potential benefit and asset this project represents for the Town Center as a whole. Mr. Houghton stated the applicant has provided an easement through the back of the property, which at some point in the future, has the potential to connect into/through the post office and bring connectivity over to College Road/Rt. 108. Mr. Houghton stated the Town Center vision is precisely what the regulation was trying to provide for and the applicant is providing that through the easement; that coupled with the easement for a sidewalk in front of the property meets the spirit of what the town is trying to accomplish and recognizes those public utilities, whether provided by the town or through the community, are not present and he supports the waiver for those items.

Mr. Canada made a motion to GRANT the waiver regarding sidewalks for the Portsmouth Avenue frontage only since the applicant has met the criteria established in 3.9.8.b., Figure 1, Page 64, Public Street Improvements. Mr. House seconded the motion. Motion carried unanimously. Votes in favor 5, Votes against 0

Mr. Canada made a motion to GRANT the waiver to eliminate street and sidewalk lighting for the Portsmouth Avenue frontage only due to no sidewalk being required and the applicant provided the easement and conduit sleeve be required as stated in the waiver request. Mr. Paine seconded the motion. Motion carried unanimously. Votes in favor 5, Votes against 0

Mr. Canada made a motion to GRANT the waiver to not install the street trees for Figure 1 in Table 6 for the Portsmouth Avenue frontage only based on the fact that no sidewalk is required at this time. Mr. House seconded the motion. Mr. Roseen supports the overall general material of the waiver, however there should be some additional landscaping required to meet the applicant's intent. Mr. Roseen stated trees located between Unit #1 and Unit #2 should be carried over to between Unit #2 and the Old Town Hall. Mr. Austin stated this waiver is essentially a waiver to the regimented 1 per 25 ft. Street Tree per the design in Figure 1. Motion carried unanimously. Votes in favor 5, Votes against 0

Mr. Austin stated the control point of the septic area and the control point of the Old Town Hall, the grades for parking immediately behind Unit #2 do not work. Mr. Paine stated pushing the building back without substantial vegetation in front will not deflect the noise unless it is pushed back substantially. Mr. Austin asked the applicant if Unit #2 was moved up to the 20 ft. easement would grades be achieved for parking and rear access to the building. Mr. Nichols stated the rear access that currently goes behind Unit #2 and makes fluid connection through to the Stratham Market would have to discontinue as it will not work with the slope. It is currently at 10% grade coming off the leachfield to meet the grade behind the Old Town Hall garage. Mr. Nichols explained the basin is proposed, which has been used in the Town of Stratham, and it is the most economical and feasible. Mr. Nichols explained the drainage to the board. Mr. Paine asked for an explanation regarding the septic. Mr. Paine questioned if the applicant researched sharing septic with adjacent properties. Mr. Nichols stated that was not looked into, the septic was designed for lot loading capabilities and there is limited area based on wetlands. Mr. Canada stated the adjacent property is currently loaded and not renting an apartment because of overloading. Mr. Roseen stated the plan looks about as well as you can get with what the applicant has to work with. Mr. Baskerville stated the applicant does not fall under AOT so they don't need to apply. Mr. Baskerville stated the first floor renovation is 54.5 and the applicant is showing drip edges at 49.5 so there is 5 ft. of exposed concrete to the siding on the first floor, if the sidewalk out front is at 51 there will be 4.5 ft. of steps going up. Mr. Nichols explained the grading was changed. Mr. Nichols showed the board the new grading plan. Mr. Paine questioned the applicant on the parking spaces since the numbers were incorrect at the last meeting. Mr. Nichols explained the numbers did not change. Mr. House questioned how many residents will be in Unit #1. Mr. Nichols stated Unit #1 has 2 two-bedroom units above the commercial space, Unit #2 has 2 two-bedroom units above and below, and the Old Town Hall has 2 two-bedroom units above and below. Discussions regarding moving the parking and buildings ensued. Mr. Canada stated the applicant is getting rid of parking in front of the Old Town Hall speaks to the compromise being made. Mr. Houghton stated Town Center and Gateway regulations were

precipitated through study groups and design and vision for a community with high density that was enabled by the introduction of water and sewer. The vinyl siding was requested with or without water and sewer, the reality is water and sewer isn't an enabler to the siding and is an enabler to fulfilling this vision. Mr. Houghton stated it is more reasonable to approve this waiver because the applicant is providing easements and making the best use of the property to his ability. Mr. Baskerville asked Mr. House and Mr. Paine about the wall packs and whether they fit with the design intention the board is looking for. Mr. House stated yes, they are low profile and designed for walkways.

Mr. Houghton made a motion to GRANT the Conditional Use Permit for 3.9.8.b, Table 7, to allow parking in front of the building for Unit #2 as the applicant demonstrated the criteria on Page 58 under Section 3.9.6.b.i and ii has been satisfied. Mr. House seconded the motion. Motion carried unanimously. Votes in favor 5, Votes against 0

Mr. Baskerville stated he is not ready to approve the landscape waiver due to the lack of a landscape plan he approves of and there doesn't appear to be a sound decision of parking for Unit #2. Mr. Roseen stated he just looked at the numbers on the plan and the applicant can only shift the building 5 ft. and keep the separation which does not solve the parking issue on the side. Mr. Baskerville asked the applicant for a grading and landscaping plan, and the new lighting plan and stated he is not ready to vote on a final site plan tonight. Mr. Nichols requested direction for lighting since the proposed are the same wall packs the Stratham Fire Department currently has and they are utilized for safety. Mr. Baskerville requested a more thorough lighting plan.

Mr. Austin asked for clarification that the planning board is requesting the applicant come back with a detailed lighting plan for wall packs showing lumens and throws in reference to the lighting guidelines under the site plan regulations; a detailed landscaping plan for ground cover and other plantings around the proposed structures and some consideration of additional trees along the Portsmouth frontage within the 20 ft. right of way that doesn't interfere with power lines or conflict with the site lines; grading issues; and a site plan sheet.

Mr. Houghton made a motion to continue this application to April 18, 2018 and to continue the 65 day clock. Mr. Paine seconded the motion. Motion carried unanimously. Votes in favor 5, Vote against 0

2. Miscellaneous

Mr. Austin stated Mr. Paine's term expires 2018 and asked Mr. Paine if he is interested in continuing on the Planning Board. Mr. Paine agreed.

Mr. House made a motion to recommend the Board of Selectmen reappoint Jamie Paine for a 3 year term. Mr. Houghton seconded the motion. Motion carried unanimously.

Mr. Austin stated the Technical Review Committee Lucy Cushman, Tom House and Joe Johnson were appointed in 2015 for 3 year terms which expire 2018. Mr. Austin received an email from Lucy Cushman and Joe Johnson indicating their desire to remain on the Technical Review

466 Committee. Tom House made a verbal commitment to continue on the committee as a
467 representative of the Planning Board.
468
469 Mr. Paine made a motion to recommend the Board of Selectmen that the Technical Review
470 Committee remain as presently staffed. Mr. Baskerville seconded the motion. Motion carried
471 unanimously.
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473 **4. Adjournment.**
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475 Mr. House made a motion to adjourn the meeting at 10:32 pm. Mr. Roseen seconded the
476 motion. Motion carried unanimously.