



Stratham Planning Board
Meeting Minutes
May 2, 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 Vice Chairman took roll.

2. Review/Approval of Meeting Minutes

a. April 18, 2018

Mr. Paine made a motion to approve the meeting minutes of April 18, 2018 as submitted. Mr. House seconded the motion. Motion carried unanimously.

3. Public Hearing

- a. **6-Lot Subdivision Application** to create five (5) new building lots with road to Hillcrest Drive at 8 Whittaker Drive, Stratham NH 03885, Map 19 Lot 68, submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885.

Mr. Austin stated since the last meeting regarding this project was the submission of the plans to CivilWorks, the third party review engineer, who provided comments back to the town the middle of last week. Also in the packets are comments from Chief Larrabee stating his approval of the sprinklers noted on the plans and not a cistern, but his preference is a cistern. A question arose

with regarding to another application, unrelated to this project, regarding the wetland crossing for the drain pipe that is proposed for this application. The question is “does Section 11.4 apply to the wetland crossing?” which is the CUP to put a pipeline and other utilities through a wetland area. Mr. Connolly confirmed that it does apply and a CUP would be required. Upon hearing from Mr. Connolly, Mr. Austin sent an email to Mr. Ring explaining the most appropriate and expeditious way to proceed which would be to have the applicant submit a CUP application fee, address Items 11.4.a-e, Conditional Use Permit criteria, and provide the monies and abutter labels to notice the public hearing which could be scheduled for June 6, 2018. Mr. Austin received a voicemail from Mr. Lavery who did not have time to put together his comments in writing but his voicemail indicated that he is accepting of the waivers as requested by the applicant as guided by the Civilworks response to the review, but he would like the road profile that installed to match the most recent Addendum A criteria the planning board had done last year.

Mr. Ring, Jones & Beach Engineers, introduced Brian Sullivan and Attorney Kevin Baum. Mr. Ring stated they received the review comments from Civilworks, as well as the department head comments and most are pretty clear with a few that require conversation with the board so the plan can be revised to resubmit for a target of May 10, 2018. The CUP will be submitted for the wetland impact, one of which is permanent and the second one is temporary to install the drainage pipe down along the bottom of Lot #3. Homeowner Association documents will be prepared after the approval to make sure all plan changes are done so it can be done only once. Mr. Ring asked the board if the waiver requests, from the board’s respective, are reasonable. Mr. Ring stated cross sections will be included with the submission on May 10, 2018. Mr. Ring stated, Civilworks comment #9 North American Green erosion fabric protection will be added on the left hand side of the road. The second comment regarding two test pits on Lot #4 and Lot #5 will be relocated and the well area will be switched and complies.

Mr. Baskerville recommended the board vote on the waivers submitted for this application.

Waiver request Section 3.3.2 and 3.3.3, Plan Scale, 1”=60’. Mr. Paine made a motion to approve the waiver request for Section 3.3.2 and 3.3.3, Plan Scale 1”=60’, as the plans are legible as presented and requiring the applicant to put the plans on multiple sheets is unnecessary for the site in review. Mr. House seconded the motion. Motion carried unanimously.

Waiver request Section 4.5.1.f., Side Slopes 3:1 and 2:1. Mr. Ring stated there is a 2:1 slope which will become 3:1 until Station 750 then there are 2:1 on the left to avoid hitting the Zaniboni and Byrnes properties. Mr. Baskerville requested the board wait to vote on this waiver until the next hearing until the confirmation from Civilworks and Mr. Lavery confirm the roadway is acceptable. Mr. Paine questioned if the slopes toward the abutters appear to be going uphill and if there is concern if a vehicle accidentally goes off the roadway and is a guardrail needed. Mr. Ring stated it is a cut slope. Mr. Austin read Mr. Lavery’s comments from the memorandum dated April 17, 2018 that stated “in short I find that a minimum of 3:1 side slope shall be constructed for safety and maintenance of future homeowners to maintain or the town while performing roadside mowing”. Roy Byrnes, 2 Hillcrest Drive, stated concern regarding snow removal and where the plow will push the snow. Mr. Byrne stated the 2:1 side slope and the plow trucks will be digging up the erosion control and is this something the town will have to keep up with. Mr. Byrnes asked if he puts a fence up and the highway department knock it over due to snow removal who will be responsible for fixing it. Darren Brockelbank, 110 High Street, asked for confirmation whether this was for the side slope or did it include the road width. Mr. Baskerville stated this is just the side slope. Mr. House recommended the approval be held off until the planning board can look at

the cross sections. Mr. Baskerville asked Mr. Austin to confirm with Mr. Lavery whether snowplowing near 2 Hillcrest Drive will be an issue.

Waiver request Addendum A, Table 1, Roadway Pavement Width of 24'. Mr. Baskerville asked if Mr. Lavery addressed pavement width in his letter. Mr. Austin stated Mr. Lavery's review did not speak to pavement width. Mr. Austin stated staff review recommended a potential future condition does not justify avoiding the regulations. Hillcrest Drive and Whittaker Drive are both 24 ft. wide and there is 60 ft. of right of way through the majority of the project so the new road should be consistent. Mr. Baskerville stated going from 24 ft. to 24 ft. makes sense to leave it 24 ft. unless Mr. Lavery states there is a section which needs to be cut down to fit in. Mr. Austin stated 22 ft. of 4 ft. shoulders could also be looked at. Mr. Ring stated the road has 4 ft. shoulders on both sides without the curb. Mr. Ring stated he does not foresee much through traffic other than the pedestrians. Mr. Baskerville would like Mr. Lavery's review of this in writing prior to approval. Mr. Canada asked the applicant for confirmation if 22 ft. is being requested because of the 50 ft. right of way. Mr. Ring stated it depends where you are and trying to minimize pavement which is going to produce excess runoff; and through the 50 ft. right of way section up to Hillcrest if another foot of pavement is required there may be trouble. Mr. Roseen stated he would support this waiver request at 22 ft. Mr. Baskerville recommended the board review the pavement width and 2 ft. shoulder request together. Mr. Ring reviewed the shoulder plan with the board. Mr. Ring explained the 2 ft. shoulders are strictly from Station 7+60 up to Hillcrest Drive. Mr. Houghton stated Mr. Lavery's review relative to D1 states "he feels ample right of way for 4" gravel shoulders throughout the entire roadway and the shoulder width should be consistent through the roadway". Roy Byrnes, 2 Hillcrest Drive, stated the road narrows down from Hillcrest Drive to the new road into a blind corner with a very tight radius that doesn't meet the requirements and going down a slope. All together this is a public safety issue. Mr. Byrnes is concerned with his driveway becoming a blind driveway. Darren Brockelbank, 110 High Street, stated concern with narrowing the road on a slope with a curve. Mr. Ring stated this is not a blind curve. Mr. Brockelbank stated in the interest of safety, cutting down the pavement from 24 ft. to 22 ft., on a curve, with a slope, doesn't make much sense. Mr. Brockelbank stated there was a prior consideration to put in a sidewalk in on Gifford Farm Road which never occurred. Mr. Brockelbank stated there will be pedestrians and bicyclists on this road which is being proposed. Mr. Baskerville explained cross sections to Mr. Brockelbank. Mr. Brockelbank asked Mr. Ring is there is a measurable percentage difference on the runoff between 24 ft. and 22 ft. Mr. Roseen stated there is a perception that narrower roads are more dangerous for pedestrian usage and that is not always the case. In fact, often times a wider road can become less safe because vehicles are included to travel faster. The board is entertaining new regulations as an example that would have a 22 or 24 ft. width with maybe only 18 ft. or 20 ft. for a lane with "fog lines" on the other side which pushes it into a single lane but provides wide shoulders for pedestrians and it forces the vehicles to drive slowly, use a single lane until two vehicles come up to one another. Brian Sullivan asked Mr. Brockelbank for confirmation that he lived on High Street and whether he would be driving the road daily. Mr. Brockelbank confirmed he lived on High Street, would not be driving the road, but would probably be walking the road. Mr. Byrnes stated he will be walking the road often.

Waiver request Addendum A, Table 1, Roadway Slope 5% and 7.5% on a curve. Mr. Ring stated the requirement is no more than 4% on a curve and on Sheet P1 shows one area which has a 5% curve headed towards Hillcrest, as well as a section coming through Hillcrest. Mr. Baskerville stated in the early Town of Stratham regulations if there was a tight curve, they didn't want it going up or down hill at the same time so the slope was limited when putting in a curve. This

waiver should be reviewed and approved by Mr. Lavery and Civilworks. Mr. Roseen stated a 2 ft. reduction from 24 ft. is 8-9% with regard to runoff and is not insignificant. Mr. House asked Mr. Ring if he was familiar with the intersection of Barker and High Street and asked to confirm what the length of the curve is and to clarify the numbers. Mr. Paine questioned if there was space available through the existing cul de sac to move the road away from the property for additional snow storage. Mr. Ring stated he would look into it, but it is possible the radius may tighten to 100 ft. or 65 ft. Roy Byrnes, 2 Hillcrest Drive, stated concern with the radius and the safety of driving up the slope in the winter. Mr. Byrnes questioned if there will be guardrails to prevent vehicles from driving off the road. Mr. Byrnes reiterated safety for the police and fire trucks traveling up the hill in the winter. Mr. Byrnes stated there is a state law that 3 ft. between the side a vehicle and a bicyclist is required. Mr. Ring asked for clarification that a waiver is required for sloped granite curbing. Mr. Baskerville and Mr. Austin stated yes. Mr. Paine questioned if the road could be T'd off and a stop sign put in to slow the vehicles. Mr. Ring stated he would consider that and talk it over Mr. Lavery. Mr. Austin stated the HOA documents should be a "condition precedent" to insure they were in and submitted prior to recording of the mylar should the project be approved. Mr. Ring stated there is a master markup plan set created which includes a statement to Note #1 in the Subdivision Plan stating "homeowner documents will be provided which reflect maintenance by the homeowners of the drainage from the road back to the pond". Paul Deschaine, Town Administrator, stated concern with the disturbance to the wetland for this proposed plan. Mr. Deschaine stated sheet P1, and C1 and C2 for elevations, shows the road will be required to be cut down to make the slope coming from Hillcrest Drive and would like it looked at to confirm it needs to be cut down to that level and with a little tweaking may a Conditional Use Permit could be avoided. Mr. Roseen asked why the road is not higher. Mr. Ring stated it is a cut and fill to balance. Mr. Baskerville requested cross sections be submitted so the board can look at the issue in more detail. Don Graves, 5 Hillcrest Drive, stated concern with the HOA and the 519 ft. of 42" diameter pipe to a HOA and requested something be put into place for a period of time to correct an issue if it arises. Roy Byrnes, 3 Hillcrest Drive, would like to know if the drainage by the Tilton property is the appropriate location for it. Mr. Baskerville asked Mr. Austin to have Mr. Lavery respond to this concern. Mr. Byrnes has questions on Note #5 and Note #21 on Sheet P1 and asked if there was going to be discussions, the notes are vague and directly impact Mr. Byrnes property. Mr. Austin stated a "precedent conditions" could be that easement holders or property owners burdened by an easement could be part of the discussion. Mr. Baum stated regardless of what the plans say they are submit to the rights granted under any easement. With respect to the road, town right of way, the town has broad rights and needs to keep them for any drainage easement and if it is within the right of way NH law is clear that road use includes utilities. Mr. Austin requested confirmation from the board that the current plans require review from Mr. Lavery but are not required to be sent back to Civilworks. Mr. Baskerville agreed.

Mr. Ring requested the hearing to be continued to June 6, 2018. Mr. Paine made a motion to extend the Sullivan Subdivision proposal until June 6, 2018. Mr. House seconded the motion. Motion carried unanimously.

- b. Mr. Austin stated this next item is not on the agenda and the plans came later than expected. Mr. Austin explained there is a refinement of the Phase III, Rollins Hill Development, from what the planning board approved several months ago. Rollins Hill Phase III was approved as 9 (nine) single family house lots, similar to Phase I and II, which the applicant came back in and converted the former Phase III into Phase III 2.0, a full condominium project with 27 (twenty-seven) detached condominium units with a revised layout to include the cul de sac element seen in the

hammerhead section. The refinement will straighten the road out changes the drainage, and the remainder of the project will stay as approved. Mr. Roseen excused himself from the discussion of this project as he is working with Mr. Graham on this project.

Mark Stevens introduced Rob Roseen to the board. Mr. Stevens stated the approvals were done approximately two months prior and Mr. Roseen came up with some new ideas. The majority of this lot is a large deposit of sands and gravels. The drainage was researched. The project was originally approved with porous pavement and the road bed would be the storage and filter area for the drainage. The pavement has been changed to a non-porous pavement and catch basins have been constructed with under-drains in the road which will leach out into the road bed. The AOT application has been submitted, piezometers (wells in the ground) were placed in the ground to determine seasonal high water table is approximately 7.5-8 ft. down from existing grade. Robert Roseen, Waterstone Engineering, stated the original approvals required several conditions which were protective measures and none of those conditions have changed. All of the approvals still stand. The primary change are the challenges with respect to the construction phase of the density of this phase. The upper portion of the road is a roadway infiltration system which has pre-treatment catch basins which move sediment, debris, and trash all within the DES guidance. The upper 2/3 of the road where there is separation from the seasonal high uses that approach and further down becomes moving to bio-swales. Bio-swales are roadside swales on the edges of the road with an engineered media. The requirements remain the same. Mr. Austin stated, functionally, the benefit of the porous system without the hassle of the porous. Mr. Austin stated knowledge of the builder ready to start building in Phase III, the board approved a construction sequence for Rollins Hill in order. Going through the minutes and several conversations later the construction sequence was to be related to the roadway system. Mr. Austin stated all of the road system is in, not 100% complete, but suggests the board look for a request or affirmation how the modification to the construction sequence and a document explaining how the existing road bond that exists for this project is sufficient to cover the Phase III roadway as modified and rebond if necessary. Mr. Deschaine stated the bonding in place is to cover Phase I and he does not believe Phase II or Phase III have been bonded. Mr. Roseen stated the storm water management aspect has not changed. Some of the catch basins are sized with 12 inch outlets and where the drainage area is larger the outlets are 6 inches. In some instances where there is a single 6 inch cross line to two 6 inches going out into the substrate; and some instances where there is a single 12 inch. The hydraulics have been reviewed and the acceptable surge is approximately 2.5 inches for a 50 year condition. Mr. Paine questioned if more maintenance will be required by the HOA more than the standard culvert. Mr. Paine stated all the surface water runoff will go downhill and will go across the area where the municipal water is, and is there concern with roadway storm water runoff. Mr. Roseen stated further down the site the bio swales all do overflow/bypass and the bypass goes to a 12 inch that runs underneath the road and connects to the bio swale on the lower side of the road. The surface water runoff is outside the well protection radius. Mr. Roseen reviewed the costs of cleaning the catch basins and explained the cleaning process. Mr. House questioned if the catch basin details shown on Sheet D2, Detail #1 and #6, are concrete. Mr. Roseen stated yes, they are precast concrete. Mr. House asked for a clearer detail for submission on Detail #1 and #6. Mr. Austin stated D3, what defines "optional". Mr. Roseen stated they will not be used in the plan so that can be removed.

Rob Graham stated the primary reason for coming before the board is to satisfy the conditions of approval by submitting the final plan sets. The plan sets are the same as originally approved. This has been extensively reviewed by AoT and the project remains a porous project. The condominium documents have been submitted, which are the same documents that were approved

for the other phase with the exception that this is called a Condominium Association and not an HOA. There are three bonds on the site, the original bond for Phase I, the reclamation bond for Phase II and Phase III. Mr. Graham stated an updated bond will be given for Phase I and Phase II, which is the top section of pavement because the entire section of Phase I and Phase II are complete other than topcoat. A new bond for Phase III will be submitted with the final plan set for Phase III. Mr. Stevens stated he prefers to build the road and bond the final coarse of asphalt, but the construction schedule due to the change the entire section of road will be bonded for approximately \$800,000-900,000, build it, and then get reduced bondage as it gets finished. Mr. Stevens stated the construction of the road will take approximately 1-1.5 months. The non-porous pavement of Phase III is in and was built first. The cistern on Phase III and Phase I are in and operating. The Phase III road is at subgrade. The homeowner area is at subgrade, all the slopes and areas above or below grade have been sloped and seeded this past fall. The wells are in, the water system has not been put in but has been approved. Subsurface approval is approved. The original AoT approval for the porous pavement is approved and it has been modified. One of the reasons it has taken time to get through AoT is the change in AoT from when the original approval to this one. AoT increased rainfall by 15% so this submission is analyzed to handle 15% more water than the original submission. Mr. Stevens explained the existing pavement construction details. Phase II is complete except for final coat of asphalt, the cistern is in and operable, all of the lots on all phases have been filled to subgrade, all the trees have been removed including stumped and stripped, the temporary siltation has been put in and ready for houses. Porous pavement does not stand up to heavy trucks and traffic for construction. Mr. Roseen is the onsite consultant, monitoring the drainage system. Mr. Baskerville questioned whether Mr. Laverty and Civilworks should look at the new drainage. Mr. Austin stated the road system is exactly the same other than the top coat of pavement and functionally the water is going to the same place it did under the original approval. Mr. Houghton stated this is a substantive change and recommends Mr. Laverty send a letter to add to the file that confirms his approval. Mr. Austin recommended that the planning board determine if it's a substantive change warranting a new public hearing or not and then if not have Mr. Laverty, Mr. Austin, Mr. Graham, and Mr. Roseen (or a combination of the individuals involved) review the plans and the applicant submit a modification to the construction sequence so everything that has been approved and accepted can remain contiguous with Phase III and update the bond can be modified. Mr. Austin explained the substantive change is moving from porous pavement to non-porous pavement. Mr. House, Mr. Canada, and Mr. Paine agreed stated they do not believe this warrants a public hearing. Mr. Paine stated trying to get this through in one night does not follow the processes put in place. Mr. Deschaine, Town Administrator, the changes proposed make sense and stated his support for the design. Mr. Deschaine stated question and concern and whether this is another opportunity to divorce the condominium from the HOA and Phase III is going to be different from the other two phases because it will not have the porous pavement and will have other things to maintain. Mr. Stevens stated the condominium association takes care of itself, whatever the expenses are on the 28 lots. The HOA, Phase I and Phase II, pays for whatever effects their properties, which includes the care and maintenance of the roadway system. The common cross areas where the two associations join are the fire cisterns and the management of the common areas. There is a master association that both organizations are members to which govern those two areas. Mr. Stevens stated there is a restoration bond on Phase II and the only development bond open is for Phase I. Phase III has a restoration bond on it that does not have a construction bond for road development or anything else. Mr. Stevens would like to revise the Phase I bond, put a bond on Phase II that covers restoration and top coat in order to pull buildings permits, and put a construction bond on Phase III that allows the road to be built and start construction when ready. Mr. Austin stated the board if they would like legal review of the HOA documents. Mr. Austin stated the HOA

documents that exist were reviewed by legal counsel. Mr. Austin corrected his statement to the “condo documents”. Mr. Baskerville stated if the HOA documents were reviewed, the condo documents should be reviewed. Mr. Graham explained the difference in the documents is the directives the Attorney General’s office requests in the document and he does not see the need for the town on how people vote. Mr. Houghton is concerned with the resident’s that bought in Phase I and asked for confirmation that their rights haven’t been impacted adversely. Mr. Graham stated Phase III was approved prior to Phase I properties being sold and knew of the two different associations.

4. Public Meeting

Mr. Austin asked the board to submit a list of specific items they would like to discuss at the May 16, 2018 meeting. Mr. Austin stated the May 16, 2018 meeting could be an entire workshop meeting, since the only carryover project is the potential of 15-17 Union Road, but it is possible they want to extend to June 6, 2018 meeting. Mr. Houghton stated no extended projects should be heard on May 16, 2018. Mr. Austin stated the planning board continued the 15-17 Union Road hearing to May 16, 2018 and he could ask if they would agree to June 6, 2018 but the continued hearing needs to be heard if they don’t agree.

Mr. Houghton stated the town is in engaged in discussions regarding the potential sale of the Bartlett Cushman House and it originally began with a possible long term lease but as conversations have evolved there is a potential the town could sell the building and small portion of land, retain the balance of the land, and a preservation easement would be placed on the property as a requirement of the sale. Mr. Houghton stated if this comes to fruition there would be a reason for it to come to the planning board to potentially approve a site plan that is different than the one which exists today, and to declare the property as surplus. Mr. Deschaine explained under 41.14.a. the selectmen have been empowered by town meeting to be able to sell town property that has been found to be surplus. In order to do that there has to be a determination by the Board of Selectmen that it is surplus, upon that finding they have to share that finding with the Conservation Commission and the Planning Board and ask for recommendations on that finding. Mr. Roseen asked how the Heritage Commission feels about the sale. Mr. Canada stated they have endorsed the concept and want the house preserved.

Mr. Austin received an application from Todd Harrington interested in being an alternate on the Planning Board and/or TRC. There is currently a vacancy on TRC and in order for it to move onto the selectmen the board needs to accept, acknowledge, and recommend Mr. Harrington to an alternate position to the TRC.

Mr. Paine made a motion to approve Todd Harrington for the TRC as an alternate. Mr. Houghton seconded the motion. Motion carried unanimously.

Mr. Austin stated the Master Plan has been signed and Horsley Witten is looking to move forward and set up the ground breaking meeting mid-May. Mr. Austin sent a list for the Steering Committee to the Board of Selectmen which the board accepted the membership.

5. Adjournment.

Mr. House made a motion to adjourn the meeting at 9:38 pm. Mr. Roseen seconded the motion. Motion carried unanimously.