



**Stratham Planning Board
Meeting Minutes
June 20, 2018**

**Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Bob Baskerville, Chairman
Jameson Paine, Vice Chairman
Mike Houghton, Selectmen's Representative
Robert Roseen, Alternate
Diedre Lawrence, Alternate

Members Absent: David Canada, Member
Tom House, Secretary

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll. Mr. Baskerville asked Mr. Roseen to stand in as a voting member this evening. Mr. Roseen agreed. Mr. Baskerville stated Ms. Lawrence arrived at 7:05 pm and asked Ms. Lawrence to stand in as a voting member this evening. Ms. Lawrence agreed.

2. Review/Approval of Meeting Minutes

a. June 6, 2018

Mr. Paine made a motion to approve the meeting minutes of June 6, 2018 as submitted. Mr. Austin explained some minor procedural corrections were made when the Notice of Decision was written. Mr. Austin stated nothing contextually changed and could be interpreted as Scribner change. Mr. Baskerville asked Mr. Austin if those changes correctly reflects the decision that the board came to. Mr. Austin stated yes. Mr. Roseen seconded the motion. Motion carried unanimously.

3. Public Hearing

- a. **3 Lot Subdivision Application** to create 2 new duplex building lots for condominium development, and one lot to maintain the condominium duplex at 15-17 Union Road, Stratham, NH 03885, Map 10 Lot 76-1&2 submitted by Brock Ehlers, 163 Deer Street, Portsmouth, NH 03801 and Nina & Mark J Merida, 17 Union Road, Stratham, NH 03885.

Mr. Austin explained this project went out to Civilworks for third party review and all of the changes and comments have been included in the plan set before the board this evening. Mr. Austin asked the board to refer to Mr. Lavery's comments dated June 6, 2018 when discussing the requested waivers. The only new information since the last meeting is the applicant presented a wetland permit before the Conservation Commission which is required for the project. The Conservation Commission signed the expedited permit and no additional conditions were added other than the consideration. The Conservation Commission was appreciative of the Planning Board's efforts to encourage wetland flagging at the Sullivan Subdivision and requested the same for this project. Mr. Baskerville asked if the Conservation Commission is requesting wetland flagging or demarcation. Mr. Austin stated they are requesting signs, posts, permanent marking, and not temporary markings. Mr. Austin stated staff is in agreement with what has been submitted. Mr. Austin stated the three (3) associations, when created, need to positively reflect the existing well easement access to the south of the proposed project area, which is an easement across the three (3) abutting properties to the left on the plan, in order to provide a secondary water supply source to the project parcel if needed.

Christian Smith, Beals Associates, representing the owners of this project introduced Brock Ehlers and Mark and Nina Merida, who are in attendance this evening. Mr. Smith explained a detailed response to Civilworks review has been complete with a couple of minor plan changes, which have been implemented. Mr. Smith stated a final set of plans will be printed when all the comments are addressed, specifically the removal of the loam on the bio-retention area and adding four (4) inches of the filtration media. Mr. Smith explained the Conservation Commission was in agreement with their presentation and will be signing the application. Mr. Smith stated placards will be placed at the edge of the wetlands prior to construction so the contractors will be aware of that boundary. Mr. Smith explained the Conditional Use Permit and three (3) waiver requests is what needs to be voted on; 1) 22' paved road width where 24' is required, 2) 2' shoulders where 4' is required, 3) 50' right-of-way.

Mr. Baskerville asked for some clarification regarding the well easements that were mentioned. Mr. Smith explained there is an existing easement which was done with the original frontage subdivision, and there was concern with the landfill being in close distance to these lots. Mr. Smith stated the easement will allow a well or two to be drilled with water lines in the event that there is a problem with the existing wells. Mr. Austin explained the easement is a benefit of the property but not across their property. Mr. Baskerville questioned if association documents have been submitted. Mr. Smith and Mr. Austin stated no and staff is requesting association documents as a condition of approval. Mr. Paine asked Mr. Austin if there was a determination made as to whether

the area has the potential for a through road. Mr. Austin stated the town should do everything to avoid one or two more stubs similar to the proposed roadway. Mr. Roseen questioned if an easement off of the hammerhead is requested so if the adjoining properties are developed an easement could be extended to connect. Mr. Paine questioned the waivers. Mr. Austin stated the narrower right of way and reduced shoulder width is proposed to minimize the wetland buffer impact. DPW has stated this should be 60 ft. right of way and 4 ft. shoulders. These waivers were discussed at the Conservation Commission meeting and they agreed that the difference of 4 ft. of shoulder was not monumental in the buffer sense. Mr. Baskerville asked what type of road the applicant is proposing. Mr. Smith stated a town road.

Mr. Baskerville opened the hearing up for public comment. No comments were brought forth.

Staff recommended the waivers be voted on first. Mr. Smith stated the applicant would like the waivers to be put to a vote by the board.

Mr. Smith explained the waivers to the board and discussion ensued.

- Waiver, Addendum A, Table 1 Road Width, to reduce the shoulders to 2 ft. where 4 ft. is required. DPW requested 4 ft. shoulders and the Conservation Commission agreed with the 4 ft. shoulders. Mr. Houghton made a motion to **DENY** this waiver based on the input from the Conservation Commission, the Town Road Agent, and the regulation requiring 4 ft. Mr. Paine seconded the motion. Motion carried unanimously.
- Waiver, Addendum A, Table 1 Road Width, to reduce the right of way to 50 ft. where 60 ft. is required. DPW requested 60 ft. to stay in line with town standards. Mr. Paine made a motion to **DENY** this waiver based on the input from the Public Works Director, the Conservation Commission, and the discussion with the Planning Board this evening, and the regulation requiring 60 ft. Ms. Lawrence seconded the motion. Motion carried unanimously.
- Waiver, Addendum A, Table 1 Road Width, to reduce the impervious surface road width to 22 ft. where 24 ft. is required. DPW is in favor of this request due to the low traffic flow of this road. Mr. Paine made a motion to **APPROVE** this waiver based on the input from the Public Works Director and it carries out the spirit and intent of the regulations. Mr. Roseen seconded the motion. Motion carried unanimously.
- Mr. Austin stated the Conditional Use Permit application, #6A and #6B, which the applicant has submitted a complete application outlining responses to each of the criteria. Staff stated there is no impact and the least invasive method of achieving access to the property. Mr. Paine made a motion to **APPROVE** the Conditional Use Permit request based on information presented this evening and stated on the application form, subsequent to the square footage of wetland disturbance being updated to reflect the decision of the board this evening with 4 ft. shoulders. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Roseen made a motion to **APPROVE** the 3-lot subdivision application to create 2 new duplex building lots for condominium development, and one lot to maintain the condominium duplex at 15-17 Union Road, Stratham, NH 03885, Map 10 Lot 76-1&2 submitted by Brock Ehlers 163 Deer Street, Portsmouth, NH 03801 and Nina & Mark J Merida, 17 Union Road, Stratham, NH 03885 with the following conditions:

Conditions Precedent:

- 1) The applicant to confirm with the Assessing Department and provide the correct Map, Lot, and Addresses prior to mylar recordation.
- 2) The plans to reflect the revisions based on the two (2) waivers DENIED with respect to the right of way and side slopes.
- 3) The applicant to revise the wetland flagging locations and placards as discussed with the Conservation Commission.
- 4) The applicant to submit a draft of the Performance Agreement and Surety documentation prior to mylar recordation for review and approval by staff.
- 5) The applicant to submit Condominium Association documents regarding adjacent well easement and the storm water retention pond prior to mylar recordation for review and approval by town counsel.

Conditions Subsequent:

- 1) The applicant to comply with the Town of Stratham Subdivision Regulations.

Mr. Paine seconded the motion. Motion carried unanimously.

Mr. Houghton made a motion to close the public hearing. Mr. Roseen seconded the motion. Motion carried unanimously.

4. Public Meeting

a. Subdivision Regulation Review/Update

Mr. Austin stated the board has the entire red-line version of the Subdivision Regulation changes to be discussed, including items which could be considered Scribner error such as minor changes from “construction inspector” to “DPW”, changing “submittal information from “planning board secretary” to “planning department”, etc.

Page 34: 4.4, Design Standards - Mr. Baskerville requested to change 4.4, Design Standards, “(See Section 3.8 and Section 3.9):” to “(See Section 3.8 and Section 3.9 of the Zoning Ordinance):”

Page 35: 4.4.2, Pork Chop Lot Subdivision - Mr. Baskerville asked for clarification that no changes are going to be made to 4.4.2, Pork Chop Lot Subdivision. Mr. Austin explained that changes were discussed and the resolution was “any lot legally created as of “said” date will be available for a pork chop, any lot created after “said” date would not be. Mr. Austin stated the board will need to state a date and the change will be made. Mr. Deschaine stated a house needs to be present on the existing lot. Mr. Austin suggested that 4.4.2, adding the following to “At its option, the Planning Board may permit residential subdivisions for single-family

homes only, of one lot divided into two lots, provided that the following is found to existing:
a) The parent lot was legally established prior to August 1999.”, which is when the pork chop began. Mr. Baskerville asked if the “square” requirement, if adopted, would apply to the pork chop lots. Mr. Austin stated no because the “square” relates to frontage. Mr. Deschaine questioned if this has been more of a familiar relationship regarding this condition and ADU’s is a branch of this being on one lot with the potential of a smaller preferable dwelling. Mr. Austin suggested the cutoff date be July 26, 1989. Mr. Baskerville asked the board to state whether to keep pork chop lots in or take it out of the regulations. Mr. Roseen stated no opinion either way. Ms. Lawrence does not approve of pork chop lots. Mr. Paine would like to keep pork chop lots in for this year. The board decided to keep pork chop lots in, as written.

Page 35: 4.4.3.a, Streets – Mr. Baskerville questioned if the “Official Map” indicates the size, location of a street, except for the Gateway Zone. Mr. Austin stated the Gateway Zone is the “Official Map”. Mr. Baskerville questioned if the words “except for the Gateway and Town Center Zones” should be inserted. Mr. Austin stated that is an official map. Mr. Deschaine questioned if the planning board would like to make the “official map” official. Mr. Austin explained to the board that some of the board has seen, or participated, in the outline of “gateway roads” and the town officially voted on the map, but the town clerk language and seal, as well as the recording of the map at Rockingham County Deeds has not occurred. Once that occurs the map becomes official. Mr. Houghton stated that map is official for only one zone. Mr. Austin agreed. Mr. Austin stated the planning board could have official maps for all zones. Mr. Roseen asked if an “official” map is etched in stone. Mr. Austin stated he believes that to be a legally binding map and every applicant who has come forward to date follows that map. Mr. Deschaine stated any approved site plan that deviates from the “official map” is an official amendment.

Mr. Houghton made a motion to record the Gateway Map as the “Official” street map of the Town of Stratham. Mr. Paine seconded the motion. Motion carried unanimously.

Mr. Baskerville would like to add “or other factors” to “Where, in the opinion of the Board, topographical conditions...”. Ms. Lawrence questioned if the applicant could then use that to say it just isn’t practical because of the cost and then the board is opening up for the applicant to say. Mr. Roseen stated yes and it would open it up for debate by the board. Mr. Austin stated concern with an application that took several months before the board because it said “topographical conditions” and the applicant was using the cost. Mr. Austin stated that opening this door could be an issue. Mr. Roseen asked if staff could put together a list of “or other factors”. Mr. Houghton stated an applicant could ask the board to waive the conditions under plowing the streets. Mr. Austin requested to change it to “or other physical factors”. Mr. Deschaine stated the board could take “topographical conditions” out and replace with “physical conditions”. The board agreed.

Page 36-38: 4.4.3.a.i&ii - Mr. Baskerville questioned if there is another area in the regulations which talks to applicants will need to leave a future right of way to develop a land. Mr. Austin stated this is Mr. Laverty’s recommendation and only for “Dead End Streets”. Ms. Lawrence stated the applicant is asked to refer to Addendum A. Mr. Austin stated this is only regarding dead-end roads, not whether they are town roads. Mr. Austin asked if the board

would like something added under “C” with regard to “future through road connection, easement, should be included at the discretion of the Planning Board”. Mr. Deschaine stated that is already stated in 4.4.3.a. Mr. Paine recommended changing 4.4.3.a.i. “soils, topography” to “physical conditions”. Ms. Lawrence recommended keeping with “shall” for legal reasons. Mr. Roseen asked if all of the changes are at the direction of DPW, what the point of the board is. Mr. Austin stated the board is putting imaginary lines on the ground and deciding where the street goes within them and what the street looks like within it. Mr. Baskerville stated he is ok with keeping “should”. Mr. Deschaine questioned why 4.4.3.b., Future Subdivision, is being struck. Mr. Austin stated 4.4.3.a. covers future subdivisions with the planning board’s obligation to make sure there is a stub for the future. Discussion ensued regarding requesting applicant’s to show a master plan for the property to be developed. Mr. Paine questioned why 4.4.3.a., Future Subdivision, is struck. Mr. Austin recommended putting 4.4.3.a., Future Subdivision, second paragraph back into the regulations. Mr. Roseen questioned why Dead End Streets requests a maximum length of 1,000 ft. Mr. Houghton suggested asking Mr. Laverty for an explanation. Mr. Roseen would like to strike 4.4.3.b. Mr. Austin stated striking 4.4.3.b with the understanding that when an application is turned in for a complete subdivision topography and contours would need to be shown on the entire parcel that is being subdivided, even if only a corner is being developed. Mr. Baskerville agreed that 4.4.3.b. should remain struck from the regulations. Mr. Austin stated Page 37 is Scribner errors. Ms. Lawrence asked for clarification of 4.4.6.e, Related Improvements and recommended the addendum be relocated to state, “The Board may require improvements, upon recommendation of Public Works,...”. Discussion ensued regarding Driveway Standards. Mr. Baskerville would like to keep 4.4.6., Driveway Standards, remove the definitions and add “See Addendum A”. Mr. Deschaine recommended keeping 4.4.6.b in the regulations. Mr. Austin stated 4.4.6.d will become 4.4.6.a and 4.4.6.b will be discussed with Chief Larrabee.

Page 39: Community Water Service/Hydrants – Mr. Austin had the board the latest version received from Chief Larrabee and recommended waiting on the changes until Chief Larrabee can be in attendance to review with the board. Mr. Austin read the changes to the board for their information. Mr. Baskerville asked if the Community Water and Well information is required to stay in 4.4.7. Ms. Lawrence stated she believes it is covered by the RSA and whether it is in the regulations or not is irrelevant. Mr. Deschaine recommended have two items, one for Community Water Systems and one for Hydrants. The board asked staff to separate Community Water Systems, Hydrants, and Fire Protection in subdivisions.

Page 40: 4.4.8 Performance and Maintenance Security – Mr. Austin stated “to include winter maintenance,” to be added due to the RSA stating the town is not to provide winter maintenance on a road that is not a town road. This is not currently the practice but it follow the RSA. Mr. Deschaine stated that is a dramatic change for Stratham. Mr. Roseen voiced concern with this change. Mr. Roseen stated if a road is paved and in a plowable condition, and the residents are paying taxes, residents have the expectation that it is a town served road. Mr. Austin stated concern that this is the statute and if the planning board chooses to grant a waiver to this that is a planning board decision. Mr. Baskerville explained the Town of Stratham is the only town he knows which plows before it is accepted.

Page 42: 4.4.9 Installation of Utilities - “A utility plan shall be provided prior to final Planning Board action.” To be added. Mr. Baskerville has had public utilities deny this until the plan is approved. Mr. Roseen asked for clarification that this plan will not have the full blessing of the utility company but more of an informational plan. Mr. Austin agreed.

Page 45: 4.4.15.a. Easements - “All utilities and their easements shall be located outside Town Right of Way.” To be added. Mr. Deschaine stated the right of the way is for the purpose of the traveling public and the town to maintain, the utilities, through history, have been an ancillary addition thereto so they are not required to be. Mr. Deschaine stated there are issues with developments putting utilities in the right of way, which we don’t prohibit, but at the time the property is deeded over the required permits, pole licensing or pre-requisites, are not pulled. There is a pole tax which assessing must put on but there is no way of knowing how many poles are coming in because the new roads are not coming in with the permits which are required. Mr. Roseen questioned if that could be part of a performance surety. Mr. Deschaine stated prior to acceptance of any right of way, all utility easements, permits, and licensing must be in place and on file with the town clerk. Mr. Deschaine explained that any pole placed in the right of way must have a pole permit, including underground conduits. Mr. Baskerville recommended tabling this for further discussion.

Page 46: 4.5 Construction Standards – Mr. Austin stated the changes to this section have been before the board, except the items in red which are spelling and Scribner errors. 4.5.1.i, Sidewalks, removes the ability to put in hot mix asphalt bituminous sidewalks. Mr. Roseen questioned if sidewalks are required to be 6 ft. wide. Mr. Baskerville stated he agrees with 6 ft. and if an applicant has reason they can apply for a waiver.

Page 50: Inspection Report for Road Construction – This page is DPW’s new “how to inspect a road” report.

Page 51: 4.5.1.k, Guardrails, to read “Slopes exceeding 4:1 or greater may require guardrails...”. Mr. Austin will verify with Mr. Lavery the reason for using pressure treated wood.

Page 54: 4.6.5 – Innovative Open Space Bonus: Mr. Baskerville would like to vote to add the language that has been discussed in the past for density bonuses. Mr. Austin stated this is controlled by the amended Zoning Ordinance and Mr. Austin will call it a Scribner error and change “2.5 lots” to “1 lot” to make the reflective change.

Page 58: 4.6.9 Road Specifications - Mr. Austin explained the deletion and changes on Page 58-60. Mr. Austin stated Addendum A has new cross sections but the table has been changed to refer to “dead end, neighborhood, commercial, and industrial streets” as opposed to “local arterial, common, circular loop, elliptical loop, etc.”.

Page 60: 4.6.10 Additional Requirements – 4.6.10.1 Parking was added. Mr. Paine asked for clarification that in a cluster subdivision each unit has to account for three (3) parking spaces and have a garage. Mr. Austin stated the parking was 4.6.9.h in “Road Specifications” and since 4.6.9 has removed, parking moved. Mr. Roseen requested “parking” be stricken. Mr. Austin explained this was put in because “on street parking” was prohibited in cluster

subdivisions. Mr. Baskerville does not agree that an applicant should be required to have a garage. Mr. Austin agreed.

Page 60: 4.7 Affordable Senior Housing - Mr. Houghton stated this section needs the planning board attention and more discussion. Long time residents are concerned and frustrated by the inability to secure housing so they can stay in Stratham.

Page 65: Change “construction inspector” to “Department of Public Works”, including Mr. Laverty’s changes.

Page 66:

2.b.2 – Add “All roads shall be considered private until or unless accepted by the Town.”.

2.b.5 – Mr. Deschaine stated “no town services” cannot be stated, because that includes fire, police, etc. Mr. Austin suggested “no highway maintenance”. Planning board agreed.

Page 67:

3.d.6 – Add “Upon completion of any paving course, developer shall sweep roadway once a week.” Mr. Baskerville suggested “Upon completion of a new paver course, developer shall sweep roadway, as needed for dust and erosion control, at the discretion of Department of Public Works.” Mr. Deschaine asked for clarification that the materials listed match the list in Addendum A. Mr. Austin agreed. Mr. Roseen stated 4 inches of loam is not enough and requested this be changed to 6 inches. The board agreed.

Page 68:

3.e.8 Bond Release - Add “at the recommendation of Department of Public Works and Town Planner.”

Mr. Austin stated, for the rolling public hearing, if the language looks acceptable at the public hearing the board can still modify it as long as it is within that area.

Page 69: Mr. Austin the stricken items are covered elsewhere in the regulations. Mr. Baskerville requested Mr. Laverty check that the 100 ft. radius is correct for Industrial Roadway Design Criteria in Addendum A.

The board discussed Addendum A which were submitted by Mr. Laverty

Figure A: correct “4 inch loam & seed” to “6 inch”. Mr. Baskerville requested “and 20 for through streets” be stricken.

Mr. Austin stated at the last meeting there was discussion to increase frontage on cul de sac lots and the new square requirement. Mr. Austin explained the handout to the board. Mr. Austin requested the board look at Zoning, Table 4.2.i, regarding minimum acres and frontage requirements. Mr. Austin stated if the board would like to add 25 percent to the frontage on a cul de sac this is the type of language that the board may ask the town to vote on and approve. Mr. Baskerville is against this and would like to make the town more affordable so the board should not be restricting applicants more at the end of a cul de sac. Mr. Austin explained he was asked to look at discouraging dead end streets which is done with two driveways or

373 adding 25 percent of frontage. Mr. Houghton stated the board has had several discussions
374 regarding this and the board does not want to encourage dead end streets. Mr. Austin will
375 outline this in the subdivision regulations to make it clear.
376

377 Mr. Roseen requested a requirement for submissions that only submit 1 (one) full size plan
378 and 7 (seven) 11x17 copies. Mr. Austin suggested 1 (one) for planning board use and 1 (one)
379 for the file. Mr. Houghton would like to see the board go all digital and get rid of the binders
380 and paper altogether.
381

382 Mr. Austin stated the board has directed staff to explain the square for lot sizing. “No lot shall
383 be approved or created where a square cannot be placed at, and having one side parallel with
384 the front setback line required by the base zone where such placement causes any portion of
385 the square to cross a proposed property line. Further, each side of the square shall measure 75
386 percent of the required frontage required by the base zoning district.”
387

388 Mr. Roseen thanked Mr. Austin for all the work to put forward the material for this evening to
389 be discussed. The board agreed and thanked Mr. Austin as well.
390

391 Mr. Baskerville questioned if the board would like to cancel the August 1, 2018 meeting due
392 to Mr. Austin’s absence. Mr. Austin stated the meeting could be scheduled for another date in
393 August, or he could check to get the circuit writer planner in to cover, or cancelled due to no
394 pending applications. Mr. Paine made a motion to cancel the August 1, 2018 planning board
395 meeting. Mr. Roseen seconded the motion. Motion carried unanimously.
396

397 Mr. Houghton made a motion to move the Subdivision Regulation changes to a public hearing
398 as submitted and discussed this evening for July 18, 2018. Mr. Paine seconded the motion.
399 Motion carried unanimously.
400

401 **5. Adjournment.**

402

403 Mr. Paine made a motion to adjourn the meeting at 10:14 pm. Mr. Roseen seconded the
404 motion. Motion carried unanimously.