



Stratham Planning Board Meeting Minutes
November 07, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bob Baskerville, Chairman
Jameson Paine, Vice Chairman
David Canada, Member
Robert Roseen, Alternate
Diedre Lawrence, Alternate

Members Absent: Mike Houghton, Selectmen's Representative
Tom House, Secretary

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Vice Chairman took roll. Mr. Paine asked Mr. Roseen if he would be a voting member for this evening's meeting in place of Mr. House. Mr. Roseen and Ms. Lawrence agreed. Mr. Baskerville arrived at 7:05 pm.

2. Review/Approval of Meeting Minutes

a. September 19, 2018

Mr. Canada made a motion to approve the meeting minutes of September 19, 2018 as submitted. Mr. Roseen seconded the motion. Motion carried unanimously.

3. Public Hearing

a. **Conditional Use Permit and Subdivision Applications** for a 3-lot residential subdivision and associated wetland impacts by Cheryl & Andrew Ewart of 7 Smith Farm Road, Stratham, NH 03885, Map 10 Lot 88; submitted by Bruce Scamman, Emanuel Engineering, Inc., 118 Portsmouth Ave., Stratham, NH 03885.

Mr. Austin stated the board has a staff review in the packet and reminded the board they are required to determine that the application is complete. Mr. Austin confirmed it is the staff

44 recommendation the application is complete. Mr. Austin stated the board also in their
45 packets meeting minutes from the Stratham Conservation Commission indicating “no formal
46 comment” on this application, as well as a letter that was received from Sterling & Dionne
47 McKay, 41 Union Road. Mr. Paine made a motion to approve this application is complete.
48 Mr. Canada seconded the motion. Motion carried unanimously.
49

50 Mr. Baskerville opened the public hearing. Bruce Scamman, Emanuel Engineering,
51 representing Cheryl and Andrew Ewart, 7 Smith Farm Road stated the applicant came
52 before the board January 2017 with a preliminary application and made the changes
53 discussed at that meeting. Mr. Scamman explained where this property is located in
54 Stratham. Mr. Scamman stated this parcel is approximately 14 acres on Smith Farm Road
55 and explained the applicant is proposing to keep the existing house lot and split the rest of
56 the land into 2 (two) lots. The existing driveway which formally accessed the old well
57 location for the Smith Farm neighborhood, which was disbanded, will be used as the shared
58 driveway for the proposed new lots. The wetlands have been delineated. Mr. Scamman
59 explained the applicant is proposing to take off the lot with the existing home, barn, shed,
60 and leachfield. Two new test pits were done to assure the lot could be a stand-alone lot.
61 The remaining land is split and the test pits that were successful will be a knoll in the back
62 of the field. Mr. Scamman explained the wetland crossing where the proposed driveway
63 will be located which has been submitted to DES and the applicant has been before the
64 Conservation Commission for this crossing. Mr. Scamman stated all the lots meet lot
65 loading which is on the C3 Plan. Mr. Scamman explained the shared driveway details and
66 the applicant is proposing a 16 ft. wide, gravel driveway which will expand to 20 ft. wide for
67 cars to pass.
68

69 Mr. Baskerville requested a description of the quality and type of the wetlands. Brendon
70 Quigley, Gove Environmental Services, explained that he and Luke Hurley flagged the
71 property. The larger portion of wetland activity to the west of the property is wooded and
72 poorly drained on the edges and some very poorly drained soils in the middle. The field has
73 a section of which is described as a “wet meadow” which cuts across and will impact the
74 access drive. The area is consistent with agricultural land in various states of succession.
75 The areas off to the side is a common type of wetland and not necessarily degraded or
76 outstanding. One small exception was, during the wetland application process, a species of
77 concern which is not a danger, just rare was a small flower that tends to like that type of
78 meadow. This was located in such a way that the driveway misses both the small areas
79 where this small flower was found. It is not uncommon to find rare plants to be identified in
80 project areas if they are not being impacted there is no further action. Mr. Paine asked if
81 there were any vernal pools found. Mr. Quigley stated there were no vernal pool identified.
82 There is no significant channelized flow and most of the land likely would have been
83 subjected to some type of agriculture in the past.
84

85 Mr. Roseen questioned the choice for the gravel road versus a paved road. Mr. Scamman
86 explained he spoke with Mr. Austin regarding gravel versus impervious and Mr. Scamman
87 stated water is cleaner with gravel. Mr. Scamman stated a 12 ft. driveway was initially
88 proposed with 2 ft. gravel shoulders, and the Town of Stratham in the past has been more
89 towards gravel so the applicant chose to take the easier route for what the town would like.
90 Mr. Roseen asked if the applicant is anticipating a stormwater component to this application.

91 Mr. Scamman stated no. Mr. Scamman explained the driveway is tipped to one direction.
92 Mr. Roseen asked Mr. Austin if it is typical for no stormwater management in a standard
93 subdivision application. Mr. Austin stated there is nothing in the Subdivision Regulations
94 which requires a stormwater component; a 2-lot subdivision does not have a stormwater
95 component. Mr. Baskerville explained that when a public or private road, used for frontage,
96 would need a stormwater component and analysis. Driveways are a part of approving a lot.
97 Mr. Austin explained the Conservation Commission spoke about a paved surface versus a
98 gravel surface with the Commission leaning more towards a gravel surface. Mr. Austin
99 explained the staff review stated this be delineated with monumentation along the length of
100 the driveway for future determination if it becomes wider by use or by design. Mr. Paine
101 questioned if the applicant looked into proposing the driveway across the existing property
102 to avoid the larger wetland impact. Mr. Scamman stated yes and explained that at the
103 January 2018 planning board meeting it was discussed and stated if there were 3 (three) lots
104 on one driveway the planning board would require it to be built to a road standard which
105 would have created a much larger impact and the wetlands would still require being crossed.
106 Mr. Scamman stated two (2) culverts will be added, strategically placed at the crossing high
107 point. Mr. Scamman explained the two areas where the flowers were found are shown on
108 the plan and the driveway is set between those to be the furthest possible away without
109 going through the wider section or the other wider section to minimize the impacts. Mr.
110 Scamman stated the applicant is willing to monument the easement area. Mr. Scamman
111 explained the easement plan is included in the application. Mr. Baskerville asked if the
112 applicant is proposing to record the easement plan. Mr. Scamman stated the applicant is
113 proposing to record the subdivision and easement plan together. Mr. Baskerville asked if
114 there will be an association to share the cost of driveway maintenance. Mr. Austin stated
115 no, the board can put a deed restriction on the approval stating this will be the only driveway
116 access allowed. Mr. Roseen stated preference for a paved driveway, which is more
117 protective than a gravel driveway. Mr. Paine and Mr. Baskerville agreed. Mr. Scamman
118 stated the applicant approves of a paved driveway. Mr. Paine asked about the protection
119 from headlights for the direct abutting property to this driveway. Mr. Scamman stated the
120 property is heavily at the location of the proposed driveway. The elevation of the existing
121 house is between 4 ft. and 8 ft. higher than the proposed driveway. Andy Ewart, 7 Smith
122 Farm Road, stated he is the owner of the property and explained it is the same grade as the
123 knoll previous discussed, approximately 12 ft. Mr. Scamman stated the applicant is not
124 proposing to disturb the wooded area.

125
126 Mr. Baskerville opened the meeting up for public comment. Nan Vigars, 22 Smith Farm
127 Road, stated she is not against this project and explained her only concern is more water
128 being driven onto their property which already is wet. Mr. Baskerville explained that DES
129 will put a condition on their approval which states this land will have no further wetland
130 permits. Mr. Baskerville stated the board will only approve the subdivision since the
131 regulations do not require the board to ask for applicant's to be greener. Mr. Scamman
132 stated the owner of the property will need building permits and follow the zoning ordinance
133 with any work being proposed on the property.

134
135 Phyllis Mastroianni, 9 Smith Farm Road, stated support for this project. Ms. Mastroianni
136 questions the board's control on tree removal that are in the wetlands and about the driveway
137 and her property for privacy reasons. Mr. Baskerville stated the board has, occasionally,

asked an applicant to have “no cut buffer”. Mr. Scamman stated the town has a drainage easement for maintaining the drainage which runs under Smith Farm Road.

Mr. Baskerville stated a letter from Sterling & Dionne McKay, 41 Union Road, stating their opposition to this subdivision will be added to the planning file.

Mr. Baskerville closed the meeting to public comment. Mr. Austin read the recommended conditions.

Mr. Paine made a motion to approve the Subdivision and Conditional Use Permit applications as submitted with the following conditions:

Conditions Precedent:

1. The applicant to coordinate with the Assessing Department to show correct addresses, map and lot numbers prior to Mylar recordation.

Conditions Subsequent:

1. Conditions stipulated by approval of the Conditional Use Permit be related by reference to the Subdivision action (Notice of Decision, etc.) and, accordingly, referenced on the recorded Subdivision Mylar;
2. A note be added to the monuments be set along perimeter of proposed driveway to minimize reduction in wetland buffer function;
3. Applicant to work with Code Enforcement Officer, in coordination with any conditions stipulated by NHDES, to minimize wetland/wetland buffer creep from development; and,
4. Wetland Best Management Practice be deployed during construction.
5. State Subdivision and Wetland permits required.

Mr. Canada seconded the motion. Motion carried unanimously.

Mr. Canada made a motion to allow the Town Planner to modify the conditions of approval, at his discretion, and waive the driveway pavement requirement if DES does not allow paving. Mr. Roseen seconded the motion. Motion carried unanimously.

4. Public Meeting

- a. **Preliminary Consultation** for NHSPCA to build a Horse Rehabilitation Arena, Dog Play Area with new access drives and parking located at 104 Portsmouth Avenue, Stratham, NH 03885, Map 13 Lot 84 & 85 submitted by Jonathan Ring, Jones & Beach Engineers, Inc., P.O. Box 219., Stratham, NH 03885.

Patrick Bogle, Jones & Beach Engineers, stated the applicant is proposing to extend the existing access driveway to the southeast with associated parking and tie it into the existing driveway at the rear existing house. Additional parking will be added adjacent to the barn, as well as to the proposed horse arena. Currently the horse arena is shown adjacent to the lot line within the 20 ft. setback, but the location may change to the south on Lot 85, once the best fit on the site is found. A dog play area is being proposed, as well as more parking. The existing building is also being proposed to be upgraded to allow room for more staff and clinical areas.

Mr. Baskerville questioned if the horse arena is a fenced area or a building. Sheila Ryan, NH SPCA, stated it is being proposed to be a fully enclosed arena. Ms. Lawrence asked if the dog area is a building as well. Ms. Ryan, stated no, it is unsure of the footing but it will have a roof of some kind over it to be 3-season. Mr. Paine asked for clarification that this proposal is for the animals of the SPCA and not for the general public. Ms. Ryan stated this is for the animals housed by the SPCA. Mr. Baskerville questioned staff if zoning allows a horse arena on a single family home property. Mr. Austin stated zoning does not prevent a residents from building a horse arena structure on the property of a single family home, it is considered agricultural use. Mr. Austin stated the applicant may be required to apply for a boundary line adjustment to keep the structure on one property once the plans for the arena are complete. Mr. Baskerville asked if there will be any offices, restrooms facilities, etc. within the arena. Ms. Ryan stated this has not been determined yet and her best guess would be restroom facilities and possibly a viewing area for children to be allowed to watch the training of the horses, and other than that it will be pretty bare. Mr. Paine questioned if the property to the south is being acquired by the SPCA. David Choate, SPCA board member, stated the SPCA already owns the property and Ms. Wentworth has a life estate in that property. Mr. Choate stated the SPCA may want to apply to combine the two lots. Mr. Paine questioned if there is anything on the boundaries that uses or residential abutters may want to be notified about. Mr. Choate explained the SPCA in recent years has evolved over the last few years and has become an organization which takes in larger animals and the reason for the proposed horse arena and multiple animals are being removed from homes that need rehoming. Mr. Roseen questioned if the arena could go elsewhere. Ms. Ryan stated the SPCA has 20 horses on the property today and the existing property is highly graded or wetlands and unusable for training horses and the need for the proposed arena. The current location shown this evening has been chosen because of its proximity to the existing barn. Mr. Paine questioned if the SPCA has a master plan in place. Ms. Ryan stated yes, this plan was developed from the current strategic plan. Mr. Choate stated the master plan for the property has not yet been finalized. Mr. Baskerville asked if the current driveway on the existing single family residential lot will be discontinued. Mr. Choate stated it is currently being used by Ms. Wentworth. Mr. Baskerville stated DES has changed regulations regarding wells in the last couple years and he does not believe impervious surface or building will be allowed in the well radius. Mr. Paine asked if there are regulations regarding the look of the buildings in pre-professional/residential zone. Mr. Austin stated there are no architectural regulations in the pre-professional/residential zone. Mr. Choate explained there is a large need currently to help the animals that come into the facility. There are currently two (2) buildings on the property (the Learning Center and the Adoption Center). The board members agreed, unanimously, that the preliminary application looked acceptable.

230 b. Zoning Amendment Discussion

231
232 i. Solar Regulations

233
234 Mr. Austin reminded the board this item is a public meeting and not a public hearing. The
235 public meeting is for board discussion only and all other comments can be heard at the public
236 hearing. Mr. Austin stated the board spoke at past meetings regarding adopting the following.

237
238 Solar Regulations - Mr. Austin stated the board's packet contains a proposed section 5.1.4 –
239 Solar Energy Systems. This section contains definitions, a use chart with the standard
240 permitted or conditional use permit criteria, building heights, setbacks, site plan review
241 requirements and performance standards (only triggered by those that require a conditional
242 use permit and contains residential zones, medium scale ground mount as a principal use or
243 accessory use, in the commercial zones regarding large scale as a principal use or small or
244 medium scale as an accessory use). Many of the surrounding communities have a fairly
245 straight forward ordinance, but municipalities become more involved when it involves a
246 ground mount system. The scale of large and medium, ground mount, is consistent with
247 those projects previously approved in town. Mr. Roseen voiced concern at a previous
248 meeting regarding land clearing. The ordinance states approval of land clearing if it is part
249 of the overall plan. Mr. Austin stated the board could accept this as complete for the
250 purpose of having a public hearing if all agree, and this is direct input and would go on the
251 ballot and not be a town meeting discussion. Mr. Austin recommended that when noticing
252 this amendment and advertised on the ballot it would contain the language "including in its
253 entirety 5.1.4" and renumbered accordingly.

254
255 Ms. Lawrence questioned who would deal with the issue of the outside switch in the event
256 of a fire to a structure. The fire department cannot de-energize the system. Ms. Lawrence
257 asked if the board should provide language that "all roof mounted systems need to have an
258 accessible switch". Mr. Canada and Mr. Austin stated that is part of the building permit
259 approval. Mr. Austin explained 1.3 Site Plan Review Design Standards, 1.3.1.3 Safety,
260 speaks to medium scale ground mount systems. Ms. Lawrence questioned if run-off from
261 cleaning the panels is a concern. Mr. Austin stated the model ordinance the board received
262 approximately in October has commentary boxes that accompanies each section and speaks
263 to how ground mount systems have no impact on the ground underneath them. Section 1.3.2
264 Monitoring and Maintenance speaks to site access, painting, and structural repairs.

265
266 Mr. Baskerville questioned how big the surface area is of a medium scale of 1,750 SF in
267 relation to the ground mount system on Stratham Heights Road. Mr. Austin stated the
268 medium scale is 250 SF larger than the system on Stratham Heights Road. Mr. Austin
269 explained the unit at Stratham Heights Road fits the model which is considered small and
270 permitted as an accessory use. Ms. Lawrence asked if the board should make all ground
271 mounted systems a Conditional Use Permit. Mr. Roseen agreed with the Conditional Use
272 Permit for all ground mounted solar systems in order to address the details on a case by case
273 basis. Mr. Austin asked for clarification from the board that Use Regulations; "Residential
274 Zones", "Small Scale Ground Mounted Solar Energy System" the use needs to be corrected
275 from "P" to "C". The board agreed unanimously. Mr. Paine questioned if the glare of the
276 panels should be mentioned. Discussion ensued regarding glare. Mr. Austin is unsure of

who is qualified to submit a plan for the board to evaluate where glare may occur. Mr. Austin stated all items in the Use Table which requires a Conditional Use Permit requires the site plan condition and are there items under the site plan review requirements and performance standards the board would like to update or change. Mr. Paine recommended requiring a PE to submit the CUP. Mr. Canada does not approve of asking for surveyed site plan, stamped by a PE and surveyor, for a residential solar system. Mr. Roseen agreed with Mr. Canada. Mr. Austin recommended the board set a public hearing on this due to resident's concerns on this matter. Mr. Paine stated the board can have discussion on the glare on a case by case basis when a CUP is submitted. Mr. Baskerville questioned if there is a height restriction. Mr. Austin stated height restriction is under 1.0, Building Height Regulations. Mr. Austin to add 1.1.2. Ground mount not to exceed 20 ft. at the highest elevation above grade. 1.2, Site Plan Document Requirements, remove "Site Plan Review Authority" and add "Planning Board". Mr. Canada stated the board has no control over land owners cutting their land and would like to remove 1.3.1.5, Land Clearing, Soil Erosion, and Habitat Impacts. The board discussed the language and whether to keep 1.3.1.5 in this amendment. Mr. Deschaine, requested adding the word "Forest" to the "Best Management Practice" language. The board agreed to keep 1.3.1.5, Land Clearing, Soil Erosion, and Habitat Impacts, and to change the change the word "shall" to "should". Ms. Lawrence asked if the board should require a bond for a large scale facility for decommissioning if the structure is abandoned. Mr. Baskerville explained at the recent Solar Law Lecture and it was discussed that the large scale is a 12-18 month approval process that includes the full site plan regulations, and bonding is part of the site plan regulation requirements. Mr. Roseen requested adding 1.3.1.6, large scale ground mount will require full Site Plan review. Mr. Austin recommended looking at the bonding language for Telecommunication Facilities and adding the "bonding paragraph" language in Section 19.5.1.d, to the end of 1.3.3.2, Abandonment.

Mr. Baskerville made a motion to set a public hearing dated December 5, 2018 regarding 5.1.4, Solar Regulations as proposed and discussed this evening. Mr. Paine seconded the motion. Motion carried unanimously.

Mr. Paine made a motion to cancel the November 21, 2018 Planning Board meeting. Mr. Baskerville seconded the motion. Motion carried unanimously.

ii. Home Occupation

Mr. Austin recommended the board add the following to Section 4.3:

- (i) Approved lot to be created where a square, with each side measuring 75% of the required frontage required by the Zoning District is placed at, and having one side placed along and in parallel with the front setback line as required by the base zone. The placement must not cause any portion of the square to cross a proposed lot line.*

The board agreed with the language presented.

5.13.2 Conditions:

A special exception for a home occupation shall be allowed subject to Section 17.8.2 and the following conditions and standards set forth below:

- a. The *total area occupied, including storage in accordance with “f” below, by a* home occupation shall utilize an area *of no more* than twenty five percent (25%) of the total floor area of finished floor space of the dwelling, including the basement *if finished as habitable space*, and does not change the residential character of the premises thereof.

5.13.3 ii

A sketch and/or drawing of the floor plan of the residence, clearly showing the dimensions of the living area and the area to be used for the business, *including any proposed storage areas*, and a plot plan of the property showing provisions for off-street parking and proposed outside storage area.

Mr. Austin explained the changes to 5.13.2. The board agreed with changes in the language for 5.13.3. Mr. Baskerville allowed resident present to question these changes. Peter Grey, 20 Squamscott Road, asked for clarification. Mr. Austin explained this is a public meeting for the board to review and agree to the language changes. Once the board agreed a public meeting would be set for the public to comment. Mr. Austin explained to the board the he spoke with Mr. Grey and if he had questions or suggestions for the board to consider that he submit a red-line of changes for the board to review. Mr. Austin has not received a red-line from Mr. Grey to date.

7.9 a.vi

vi. Home Occupation Signs:

1. Not more than one free standing sign or other advertising device is to be displayed on the property and it shall not exceed a size of four (4) square feet.
2. Home Occupation signs shall be located outside of the public right-of-way.
3. The height of Home Occupation signs shall be a minimum of eight (8) feet in height and a maximum height of ten (10) feet.
4. Signs will not be lighted from within or by exterior spot lighting.
5. *Vehicles displaying advertising for a Home Occupation shall be screened from public ways (fence, garage, etc.) or otherwise parked so as not be visible as a freestanding sign.*

Mr. Austin explained the changes in language for 7.9.a.vi. Mr. Canada requested this language be adopted for all commercial signage. Mr. Austin explained this language is currently in place for commercial signage. Mr. Austin read the following 7.6.q, Prohibited Signs to the board:

- “7.6.q Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private

premises in a manner intended to attract attention of the public for business advertising purposes are considered portable signs within the context of this Ordinance and are prohibited. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities. *Such vehicles shall be parked outside public way or otherwise screened outside of regular business hours.* However, this section does not prohibit an individual, not engaged in business, to display a sign, mounted, attached or painted on a trailer, boat or motor vehicle, when it is parked for the purpose of a one-time sale of said trailer, boat or motor vehicle.”

Mr. Austin stated the board could put a condition on a Site Plan application which states the rolling stock must be parked to the side or the rear of the facility. Mr. Austin explained a commercial business would require a site plan approval and the site plan approval process is the time to define signage. Mr. Deschaine asked for clarification. Mr. Austin stated vehicles would be required to be screened from public way by fence, garage, etc. or otherwise parked so as not visible as a free-standing sign. Mr. Austin recommended adding language such as “such vehicles must be displayed to the side or rear of the building or otherwise screened from public view outside of business hours.” Mr. Deschaine stated Planet Fitness is open 24-hours and is concerned with the enforcement of the language. Mr. Austin recommended adding additional language regarding “outside of business hours”. Mr. Grey asked when the public hearing will be set. Mr. Austin and Mr. Baskerville stated the board has not set the public hearing yet.

Mr. Austin explained to the board that the following 11.4.1 language, not in red, below is existing language. The language in “red” is directly reflective of conversations with the Conservation Commission. Mr. Austin and the board discussed the following changes.

11.4.1 A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction of roads and other access ways, and for pipelines, powerlines, and other transmission lines provided that all of the following conditions are found to exist:

- a. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District *and where the upland area considered for development is not smaller (acreage) than the wetland buffer area (acreage) being impacted;*
- b. Design and construction methods will be such as to minimize detrimental impact upon the wetland;
- c. The proposed construction design of powerlines, pipelines, or other transmission lines includes provisions for restoration of the site as nearly as possible to its original grade and condition;
- d. No alternative route, which does not cross a wetland *or wetland buffer*, or has less detrimental impact on the wetland *or wetland buffer*, is feasible;

e. Economic advantage alone is not reason for proposed construction.

f. All projects requesting Conditional Use Permits in accordance with Section XI, whether or not a State Wetlands Permit is required, shall submit a narrative outlining BMP's designed to mitigate wetland and wetland buffer impacts. Said narrative shall be submitted with the Conditional Use Permit filing and receive an advisory review by the Stratham Conservation Commission prior to final Planning Board action on the associated Conditional Use Permit application. such narrative shall propose environmental protections or other mitigating efforts including, but not limited to, low impact development storm water management, easements or other deed restrictions, or on/off site improvements designed to limit future development of associated project parcels and/or impacts to wetlands or wetland buffers thereon.

11.4.2 Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to the Board of Selectmen. The Security shall be submitted in a form and amount, with surety and conditions satisfactory to the Selectmen and approved by Town Counsel to ensure that the construction has been carried out in accordance with the approved design. The Security shall be submitted and approved prior to issuance of any permit authorizing construction.

11.4.3 The Planning Board may require the applicant to submit an environmental impact assessment *or Natural Resources Inventory for those applications where 11.4.1(a) cannot be satisfied* to evaluate an application made under this Section. The cost of this assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the costs of other special investigative studies and for the review of documents required by particular applications.

11.5 SPECIAL PROVISIONS

11.5.1 Areas designated as poorly drained soils may be utilized to fulfill the minimum lot size required by Town ordinances, and subdivision regulations provided that a contiguous non-wetland area of 30,000 square feet is provided for each lot. This contiguous non-wetland area must be sufficient in size and configuration to adequately accommodate all housing and required utilities such as sewage disposal, water supply, and all applicable setbacks.

11.5.2 No very poorly drained soils or bodies of water may be used to satisfy minimum lot size.

11.5.3 The following buffer provisions shall apply: (Rev. 3/88)

a. No subsurface wastewater disposal system shall be constructed within 75 feet of any very poorly drained soil or 50 feet of any poorly drained soils.

- 451 b. All construction, forestry, and agriculture activities within 100 feet of any
452 wetland shall be undertaken with special care to avoid erosion and siltation
453 into the wetlands. The Planning Board may require an erosion control plan
454 approved by the Rockingham County Conservation District for any project
455 undertaken up-grade of a wetland. No building activity (building does not
456 include septic systems) shall be permitted within 100 feet of any very
457 poorly drained soil and within 50 feet of any wetland except as provided in
458 subsection c of this section. Where required, permits from the New
459 Hampshire Department of Environmental Services shall be obtained.
- 460 c. Where an existing building within the buffer zone is destroyed or in need of
461 extensive repair, it may be rebuilt provided that such rebuilding is
462 completed within two years of the event causing destruction. The new or
463 rebuilt structure shall not extend further into the wetland or buffer area than
464 the original foundation.
- 465 d. There shall be a “no-disturbance” buffer zone within twenty-five (25) feet
466 of any wetland and fifty (50) feet of very poorly drained soils. This area
467 will remain in its natural state and will not be subject to grading,
468 excavation, filling or any other activity associated with the development of
469 land. *No portion of this “no-disturbance” buffer zone shall be included in*
470 *determining compliance with Section 11.4.1 (a), above.*

471 Mr. Roseen suggested that all members present for a Planning Board hearing be
472 allowed to be voting members and not be limited. Mr. Baskerville and Mr. Austin
473 explained there is a State statute regarding voting regulations. Mr. Austin stated
474 during the NH Municipal Association Planning Board Fundamentals “Rules of
475 Procedure” was discussed. The Rules of Procedure were adopted in August 2005. Mr.
476 Austin will send the Rules of Procedure for any changes or modifications the board
477 would like to make, these changes do not require noticing. Mr. Austin recommended
478 the board follow Step 6 of a public hearing. “Other questions or comments are taken
479 in the following order:

- 480
- 481 1. Abutters in favor.
 - 482 2. Abutters opposed.
 - 483 3. Anyone else who would like to speak.
 - 484 4. Any written comments are written into the record.”
- 485

486 Mr. Austin reminded the board that once the public hearing closes the public must stop
487 commenting.

488

489 Mr. Roseen made a motion to schedule a public hearing to review the zoning
490 amendments as presented and modified this evening for December 5, 2018. Mr. Paine
491 seconded the motion. Motion carried unanimously.

492

493 Mr. Austin spoke to the board regarding 15/17 Union Road. The 120-day clock is
494 running out on this approval and the applicant requested a 90-day extension to allow

the HOA documents to be reviewed by Town Counsel to complete the mylar. Mr. Austin asked the board for a motion to extend this approval 90-days.

Mr. Paine made a motion to extend the 15/17 Union Road Condominiums Subdivision approval 90-days. Mr. Baskerville seconded the motion. Motion carried unanimously.

Mr. Roseen requested Mr. Austin add a brief statement regarding the relevance of the regulations a particular staff review comment applies to.

5. Adjournment.

Mr. Baskerville made a motion to adjourn the meeting at 10:23 pm. Mr. Paine seconded the motion. Motion carried unanimously.