



**Stratham Planning Board
Meeting Minutes
April 19, 2017
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
 David Canada, Member
 Tom House, Secretary
 Nancy Ober, Alternate

Members Absent: Lee Paladino, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call.

2. Review/Approval of Meeting Minutes

a. April 05, 2017

Mr. Paine made a motion to approve the meeting minutes for April 5, 2017. Motion seconded by Mr. House.

3. Public Hearing(s)—

b. Rollins Hill Stratham 1, LLC, P.O. Box 185, Deerfield, NH 03037 for the properties located at 3 & 5 Haywick Drive, Stratham, NH, Tax Map 3 Lots 33 & 34, application for a lot line relocation.

Mr. Rob Graham, representing the applicant, explained they were before the Board to discuss a lot line adjustment between Tax Map 3 Lots 33 and 34. An expansion to the original foundation occurred for a sunroom off the back of the house. It put the building 9 inches over the setback line which has necessitated this adjustment to the property line. As a consequence they are moving 1,337 square feet from Lot 34 to Lot 33. The lots sizes change to about 0.8 and 0.82 acres.

Mr. Austin asked if they were moving the lot line to satisfy the setback to the foundation or the eave line. Mr. Carter, the developer said the eave line is about 12 inches beyond. Mr. Graham said the plan is just for the foundation, but he thinks they have left themselves a margin of error.

Mr. Austin said it appears to be fine as long as it's in the record that it is to the eave. Ms. Ober referred to the existing foundation and the way the house is going to be set and asked if there will be eaves on the side that is perpendicular to the lot line. Mr. Graham confirmed that was the case. Mr. Paine asked if the structure was built as shown. Mr. Graham confirmed that was so. Ms. Ober asked if there was a house on the adjacent lot. Mr. Graham said not yet.

Mr. Paine checked that the well and septic was still going to be fine. Mr. Carter said they will be kept in almost the exact same space.

Mr. Baskerville asked Mr. Austin if the application was complete. Mr. Austin said the application was complete.

Mr. Paine made a motion that the application was complete. Motion seconded by Mr. House. Motion carried unanimously.

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

Mr. Austin asked if there was a process in place to avoid this happening in the future. Mr. Carter said going forward, a surveyor is going to come out and stake prior to excavation.

Mr. Paine made a motion to approve the lot line adjustment plan for Tax Map 3 Lots 33 & 34. Motion seconded by Mr. House. Motion carried unanimously.

Mr. Austin asked if the building permit application that had been submitted reflects pre or post Planning Board approval. Mr. Carter replied it was post the approval.

2. Public Meeting(s)—

- a. Rollins Hill Development—Loop Road, represented by Mark Stevens, Rollins Hill Development, LLC, P.O Box 432 Stratham, NH 03885.** Discussion of “loop road” for Lots 6-12, Phase I, Rollins Hill Development pursuant to Notice of Decision.

Mr. Austin reminded the Board they had seen this conceptually a while ago and were accepting as long as Civilworks, Planning Department, Fire Department and Highway department were OK with it. All of those have been satisfied with this design.

Mr. Mark Stephens, representative for Rollins Hill Development explained the change on the plan. He said at the request of the Chief they have widened up a section of the road so a fire truck can come forward, back up into a driveway and leave. Mr. Austin added they have put a note on the driveway to reflect that also. The driveway will probably be impervious. The maintenance of the driveway will be part of the association fees and the burden won't be on the 4 lots affected by this turn around area.

Mr. Baskerville commented that part of the driveway was at 11% and asked what the allowed maximum percentage was. Mr. Austin said without a waiver it is 8%. The Code Enforcement Officer originally expressed concern about anything more than 5%, however NFPA1 code has only been adopted by the State for multi-family and commercial development which is where the 5% comes from. As this is single family homes and there are one or two family homes have not been brought up to the NFPA1 standard, he removed his concern about the 5%. Mr. Austin continued that he had walked the site with Mr. Laverty, Highway Agent, Mr. Morong, Code Enforcement Officer and Mr. Graham and it doesn't feel like 11%.

Mr. House referred to sheet G-2 and said the applicant might want to check with Jones and Beach their note there of as it's different to the rest. The lots on the last page also need correcting as they are shown as up and down rather than at an angle. Mr. Graham said he isn't sure that the current G-2 isn't correct. Mr. House said regardless the information on the sheets need to be consistent.

The Board generally favored the design.

Mr. Paine made a motion to find the applicant Rollins Hill Development LLC has provided a proposed plan that is accepted as it is submitted in conjunction with and satisfaction of the requirements of the later condition of approval for the November 2015 Notice of Decision for Rollins Hill Development. Motion seconded by Mr. Canada. Motion carried unanimously.

Mr. Stephens asked if he could talk about cell towers. Mr. Baskerville asked the Board if they were OK with allowing that. The Board felt that Mr. Stephens was welcome to go ahead.

Mr. Stephens said they were still interested in pursuing their applications for 2 cell towers. They are going to plan a balloon test for the site at the back of Pipers Landing just to see what the impact looks like. He doesn't have a date but it will be around the first week in May. He said if they go to a formal application, he assumes they would have another balloon test which would be for the public. This first one is informal and he would like to invite the Board along with Mr. Deschaine, Town Administrator to take a look. Mr. Stephens said although it will be a private balloon test, he will still probably notice abutters so they know what is going on. He said he will also offer have the Town expert do a viability study on these locations to see if they work, depending on the cost. Mr. Baskerville said for tonight's meeting that is a step too far. He doesn't mind a discussion and if anybody wants to do a private balloon test on their property, that is not against Town regulations.

Mr. Houghton said cell towers are a highly sensitive issue in Stratham to an extent so there can be collaboration in those areas where there is optimum placement and positioning of those towers to meet the growing demand driven by 4G or whatever G will happen going forward. It would be more interesting to see a strategic approach to it.

b. John and Megan O'Brien—Voluntary Lot Merger. Application for voluntary merger of Map 11 Lots 27 and 28.

Mr. Baskerville said he had a discussion with Mr. Austin concerning lot mergers and whether the Board even needs to see them. The paperwork just requires the signature of the Planning Board Chair or does the Board just want to designate that role to a designee. Mr. Austin said there is a claim made in the regulations that says a minor subdivision does not require a public hearing unless requested by the Board, the applicant or a noticed abutter. Mr. Mike Donahue, attorney felt uncomfortable because subdivision applications require public notice. When Mr. Donahue read the regulations, in his opinion, what doesn't require a public hearing is a voluntary lot merger? However, by the Town's form, it does require a Planning Board Chair's signature. Mr. Austin asked the Board if as a group they wanted to review voluntary lot mergers understanding that staff won't let them go directly to the Planning Board if there is a question on frontage, size creating a non-conforming situation. He continued if they are OK with the Planning Board Chair just signing them, the other option if legally viable would be to designate the Town Planner to sign off where the non-conforming situation does not exist.

Mr. Paine asked if all the voluntary lot mergers require the same owner for both properties or could you have a child of a property owner merge their lot with the parents. Mr. Austin and Mr. Deschaine says it has to be the same owner. Mr. Austin says it becomes more interesting if the owner has a mortgage on one, but not on the other.

Mr. Deschaine said if a planning board has already been granted the subdivision authority by the legislative body at Town meeting designating further it should go to Town meeting; Mr. Deschaine said there is a logic there that is not quite closed. Mr. Austin said the cleanest way would be to call in the Planning Chair to sign.

Mr. Austin said to confirm that he is hearing these stay as public meeting items, but they will go swiftly.

Mr. Baskerville informed the Board about the submitted voluntary lot merger on the agenda. He pointed out that it does say on the form that once signed it will be forwarded to the Registry of Deeds for recordation. Mr. Deschaine said the policy is for the Town to get it recorded.

Mr. House made a motion to authorize the Chair person to sign the document. Motion seconded by Mr. Paine. Motion carried unanimously.

3. Miscellaneous

a. Discussion of proposed changes to Subdivision Regulations

Mr. Austin said the Board has raised on a number of occasions, questions over hammerhead versus cul-de-sacs, hammerhead within a cul-de-sac, expansion of a cul-de-sac for the purpose of achieving frontage, Town road versus private road. Mr. Austin said in his professional opinion the Board needs to set some direction as to the future growth of Stratham at least in regard to subdivision development. The more dead end roads that proliferate has an impact on the Highway Agent's costs which go up.

Mr. Austin feels the Board should discourage dead end development or allow for it, but require that when to be privately maintained. Mr. Austin said the wording would be located in Section 4.4.3.a.i. The length could be a fire department approval versus planning board. His opinion is that the ultimate goal is to provide more connectivity and less dead ends.

Mr. Canada confirmed with Mr. Austin that he was suggesting roads stay private until such time connectivity occurs. Ms. Ober observed private roads will have the dimensions of a private road so would they be required to build the roads up to public road specs or would they have to build the private road to Town specs with the anticipation it may become a public road in the future. Mr. Austin said if future connectivity is proposed that would obligate Town road standards, but the maintenance would be private. Mr. Baskerville said in his opinion all roads should be up to Town standards. Mr. Baskerville said in his experience most Towns won't allow a private road.

Mr. Austin talked about measurements used for frontage when involving a cul-de-sac. He said he didn't know the net reduction or net loss in the number of lots resulting from measuring as we currently do or taking the front setback dimension off of the peak, the apex on the radius, and that would have to be the lot width or constitute the frontage. Mr. Canada said that didn't make any sense to him. He continued that if you want to respect the Ordinance, you have to respect the frontage. He feels you have to know what it is in a straight line, not through gerrymandering. Mr. Baskerville said he doesn't know any town that measures the chord distance, only the arc.

There was much discussion about the best form of measurement to do. Mr. Deschaine there was a time when hardly any cul-de-sacs were built, but when people started realizing they could help provide frontage, more of them were built. He continued that dead ends have a historical disadvantage, but he is not sure that the frontage is really the issue. It only becomes an issue when the turnarounds, which were a function of a municipal need, became an economic value to increase density. Mr. Baskerville asked what the Town's preference was and what takes longer a hammerhead or a turnaround for the DPW. Mr. Austin gave various examples and couldn't say that he had heard Mr. Lavery express a specific preference.

Mr. Austin said the Board could look at lot widths. The regulations have a lot width definition, which is not in the subdivision regulations, but zoning and it is measured half way back. Mr. Austin said the subdivision regulations could be modified to have a lot width. There was discussion about snow plowing. Mr. Paine wondered if they had a cost for plowing an 800' road and a developer wanted an extra few hundred feet on top of that, maybe the cost could be added to the developer's fee or a similar idea to help offset costs. Mr. Houghton said he wasn't sure the regulations should be built on what the plow budget is. He said he would like to hear Mr. Lavery's views and what he would like to see take place based on achieving those efficiencies over time. Mr. Houghton said that based on the amount of developable land left in town, they are probably going to see more dead end roads and the Board should put an end to the debate of what it should be. Mr. Houghton would like to see a hierarchy from Mr. Lavery of what would be the most efficient roads; a through road clearly being the most efficient.

Most of the members preferred private roads. Ms. Ober commented again about the cost of the private road being made public and would ultimately be responsible for that. Mr. Austin referred to what he said earlier about if it's a private road with a future connectivity then the private road would have to be built up to Town specs. Mr. Baskerville said he had no objection to Mr. Austin putting some regulations together, but he wondered if any R.S.A.s existed that could impact these regulations. Mr. Deschaine said to consider the effects of snow plowing for private roads. Mr. Canada referred to the road going in for the Reiss subdivision which will be 4 houses. He said if they do allow it to be a town road, it's a 4 house road which will cost the Town a fortune to go down there and maintain. It should at least be a substantial impact. It's not just the extra time involved, but the extra truck the Town will have to buy and an extra man will need to be hired.

Mr. Austin said he would come up with some draft language. Mr. Canada requested the presentation on the language be delayed as he wouldn't be able to make the next 2 meetings. Mr. Baskerville said he feels they need time to look into it anyway. Mr. Austin said he could send out the language via email to individuals so no meeting takes place, but individuals can comment to him.

Mr. Deschaine asked about the warrant article that passed concerning wetland buffer waivers. Mr. Austin said Planning Board now has enabling legislation in relation to open space cluster subdivisions in that they may grant waivers to wetland buffer setbacks. In order to carry that forward, Planning Board needs to start working on regulations. Mr. Austin suggested strongly that the Board stays in regular communication with the Conservation Commission about this. Mr. Canada asked if it wouldn't be more logical if Mr. Austin took care of that.

Mr. Deschaine said a waiver is in effect a variance so the same criteria apply to a degree. Mr. Canada said he thought the Planning Board was supposed to come up with more creative ideas so not make it necessarily a hardship. Mr. Deschaine said he didn't know that it was a true variance

hardship, it is more about the negative impact on the development if forced to follow the letter of the law.

Mr. Austin brought up the topic of Autofair Nissan. He said at the time the Board approved waivers for 1 and 2 way aisle width, specifically minimum aisle width will be 20' for one way and 24' width for 2-way aisles. On the site plan there are a number of locations where there is a 30' dimension stated. The Board also allowed the parking stalls dimensions to be less. They are shorter and narrower. Mr. Deschaine everybody is buying bigger vehicles now due to the improved gas prices; at the time of the approval it was far more expensive which resulted in far more smaller cars being purchased. If you try to put the same number of cars which are weighted toward larger vehicles, nothing fits. When staff talked to them about it, they brought out plans and referred to the 30' dimension. Mr. House asked if anybody remembered why the 30' is on the plan. Mr. Deschaine said they have tried to clean it all out temporarily. He said it seems silly to call them in to do an amended site plan to change 3 numbers on a plan. Mr. Austin said they use the private road for car carriers. Mr. Houghton both said that might not work in the longer term because there was discussion about turning that private road into a public road and have it connect to another road so the truck can't unload on a public road. Mr. Deschaine said technically it will always stay a private road because the development agreement creates a public way in another part of the site. Mr. Austin added that whether it should be on the record or not, the attorney representing them said it doesn't matter if this wasn't addressed or not, it is still the owner's property and a private road. Mr. Austin wondered what the point of the site plan was as did Mr. Canada. The attorney said a site plan was still needed, but it's still the owner's land.

Mr. Deschaine asked again if the Board could remember why the 30' is on the site plan. Mr. Baskerville said he is assuming the applicant brought in a separate truck turning radius plan which he would have needed for the fire truck turning plan too. Mr. House had the same thought.

Mr. Houghton asked if Mr. Austin knew how many cars the other Autofair site was approved for. Mr. Austin said he would have to look it up.

Mr. Paine raised the point that Subaru were also given approval to have vehicles parked on a private road. Mr. Deschaine observed that this is a temporary arrangement.

With reference to the 30' Mr. Deschaine said this might not stand up in court if the Town contested it because it is on the plan as part of the approved site plan. Mr. Paine said he would say the 30' is a public safety and health issue for delivering vehicles and public access. Mr. Baskerville shared a similar situation in the Town of Lee which involves about a 30' wide entrance road out on to the Route 155 where they have to apply the Federal turning radiuses which are 120' wide. Even the D.O.T. can't decide if they want this or not.

Mr. Austin asked the Board that if Autofair Nissan filed an amended site plan would they want to see a complete site plan application or would it be OK with them saying they are "looking at this, looking at that, considering parking over there, we are considering this number and here's the evidence we have to support a number less than 30'" along with a justification or agreement they will only use the private road for inventory if and at such time a public road goes through, like Subaru, on the site plan with additional notes in the margins. Mr. Canada asked if it would include a lighting plan. Mr. Deschaine said it would if it is a complete site plan application. Mr. Canada said that personally he wants to see all the traffic patterns and all the parking spots.

Mr. Baskerville said with an amended site plan most people give an as built survey, forget the original plan and just say what it is they want to change. It is just one sheet, but once they submit it, the Planning Board can ask what it wants. It would open Pandora's Box. Mr. Paine referred to BMW and said they went and bought a whole new other lot to store and service and went through the hoops 3 times. Mr. Canada observed that they came back with a full site plan. Mr. Deschaine added that Autofair are saying they don't want it more than 300 cars, but in order to get 300 they have reconfigure the site to manage that.

Mr. Austin said the plan also allows for 8 seasonal parking spots on the grass as long as it's on the grass.

Mr. Baskerville asked if they knew yet who would be on the Autofair 2 site. Mr. Deschaine said it will be a high end used car superstore, however this a franchise still in the works but until that is signed, in the meantime it is the used car superstore.

b. Report of Officers/Committees.

Mr. Austin if somebody would like to be on TRC. Mr. House said he could try to continue but he had become increasingly busy. Mr. Deschaine said that Mr. House's appointment doesn't expire until 2018 and that there has been a vacant position for several years already. Mr. Merrill and Mr. Johnson's terms have expired. Mr. Houghton said that Mr. Merrill has been reappointed. Mr. Deschaine said that needed to be made official. Mr. Paine asked if Mr. Johnson wanted to continue.

Mr. House made a motion that both Nate Merrill and Joe Johnson continue on the TRC for another 3 years. Motion seconded by Mr. Canada. Motion carried unanimously.

Mr. Austin said Public Works Commission needs filling too. Mr. Deschaine said there were 3 alternate positions open. Mr. Austin said Ms. Hamm had said she had purchased a house in Florida and commented that she could do her job as easily there as she can from Stratham so he doesn't know how often she will be able to attend. Mr. Deschaine ran through the vacancies on various boards and committees.

c. Member Comments

Mr. Austin informed the Board that the third party RF report has been received for Verizon at 58 Portsmouth Avenue. He realized that the Board hasn't authorized him to send it to Verizon so he was asking for that authorization now so it can be addressed by the next meeting. The Board agreed it could go to the applicant. Mr. Deschaine made the Board aware that he is in the process of responding to the abutter who suggested his own RF findings.

Mr. Baskerville asked if he was allowed to inquire about the water issue at Winterberry. Mr. Austin said they are working on it.

Mr. Houghton asked if he could put looking at the cell tower regulations on a future agenda. The Board agreed. Mr. Paine said he had been contacted by some members of the public and some of them have taken a stab at changing those. Mr. Deschaine said that is all well and good, but if it violates the Telecommunications Act, then it won't go anywhere. Mr. Austin said he is going to reach out to the third party RF engineer and ask if there are regulations out there that the Planning Board might want to consider.

4. Adjournment.

Mr. House made a motion to adjourn at 9:35 pm. Motion seconded by Mr. Houghton. Motion carried unanimously.