



**Stratham Planning Board Meeting Minutes**  
**August 7, 2019**  
**Municipal Center, Selectmen's Meeting Room**  
10 Bunker Hill Avenue  
Time: 7:00 PM

Members Present: Mike Houghton, Selectmen's Representative  
David Canada, Member  
Tom House  
Colin Lavery  
Robert Roseen  
Pamela Hollasch,

Members Absent: Bob Baskerville

Staff Present: Tavis Austin, Town Planner

**1. Call to Order/Roll Call**

Mr. House took roll.

**2. Review/Approval of Meeting Minutes**

a. July 17, 2019

Mr. Canada made a motion to approve the meeting minutes of July 17, 2019 as presented. Mr. Roseen seconded the motion. Motion carried unanimously.

**3. Public Hearing(s):**

a. **Site Plan Permit.** *NHSPCA "Site Plan" Expansion* to include building additions, a horse rehabilitation arena, dog play areas, with new access drives and parking located at 104 Portsmouth Avenue, Stratham, NH 03885, Map 13 Lots 83, 84 & 85 submitted by Jonathan Ring, Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885. **Request continuance to September 4, 2019.**

Mr. Austin explained the project is currently going through third party review.

Mr. Canada made a motion to continue this hearing to a date specific of September 4, 2019. Mr. Lavery seconded the motion. Motion carried unanimously.

Mr. Austin stated 90R Winnicutt Road Open Space Cluster Subdivision was continued to August 7, 2019 and the applicant is requested a continuance to September 4, 2019

Mr. Canada made a motion to continue this hearing to a date specific of September 4, 2019. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Austin stated 15-17 Union Road, approved approximately 1 year ago as a 3-lot condominium subdivision for an existing duplex converting to a condex the applicant is requesting a third and final continuance due to extenuating circumstances preventing the owners from moving forward until those issues are resolved. Staff is generally not supportive of three continuations without any activity on the applicant's side but none of the recent zoning amendments or other developments in town have modified the approval so staff recommends a 90-day extension.

Mr. Canada made a motion to grant a 90-day extension for this hearing. Mr. Lavery seconded the motion. Motion carried unanimously.

- b. **Site Plan and Conditional Use Permit.** Porsche of Stratham, 58-60 Portsmouth Ave., M&E Jespersen Realty, LLC, represented by Wayne Morrill, Jones & Beach Engineers, Inc., proposing demolition of existing structure and construction of a new dealership building with associated parking lot and drainage updates at Tax Map 9 Lots 15&14 within the Gateway Zoning District.

Mr. Austin stated this project has been through three iterations of third party review and the final submission is before the board this evening. Mr. Austin explained the applicant has complied with all of the requests and suggestions made by Horsley Witten and staff supports the planning board in considering and approving the waivers as requested for this project and staff will add a recommended conditional of approval to add. Mr. Austin spoke to the board regarding a packet received by Mr. Reicks regarding lighting materials.

Wayne Morrill, Jones & Beach Engineers, introduced Inthia Tillo and Anthony Capone from ICL Autos. Mr. Morrill explained the recommendations from Horsley Witten and the changes to the plan. Mr. Morrill explained all the drainage from this development will go into an underground detention pond, reviewed by Horsley Witten, and then discharges to the rear of the property and east. The landscaping was updated to comply with the street trees along the Audi

86 driveway and along Portsmouth Avenue. The sidewalk will continue from Audi  
87 with a painted crosswalk and will continue to the Windy Knoll property line.  
88 Lighting calculations and site plan have not been modified since it was last before  
89 the board and was reviewed by Horsley Witten.  
90

91 Mr. Austin asked for clarification that drainage issues from Windy Knoll have  
92 been resolved. Mr. Morrill stated yes. Mr. Morrill stated the applicant met with  
93 the fire chief and code review that the second floor is not required to be  
94 sprinklered and the cistern behind the Audi Dealership will service both car  
95 dealerships. Mr. House stated the west elevation on Sheet A5.1 shows no  
96 columns but the rendering shows columns. Mr. House asked for clarification that  
97 the columns are inside the building. Mr. Morrill stated yes. Mr. Roseen asked for  
98 more discussion on the storm water management for the site. Mr. Morrill  
99 explained the storm water management in depth. Mr. Austin stated sheet L1  
100 shows, in the area of the cross connection easement, some numbers in exceedance  
101 of the .2 ft. candles at a property line, however, that appears to go away the closer  
102 you get to the building and within 20 ft. of the property line. Mr. Morrill  
103 explained the applicant will be installing all new poles and the mounting brackets  
104 on the top of the poles will be consistent as depicted on the plan, to include  
105 dimming, motion detection, and camera capabilities.  
106

107 Mr. Austin stated staff recommends approval of the following waivers as  
108 submitted:  
109

- 110 1) Zoning Ordinance Section XX 20.1.4.b: Town requires 18 inches of natural  
111 permeable soil above the seasonal high-water table (SHWT) beneath the sewage  
112 disposal area & sewage reserve area.  
113

114 Jones & Beach Engineers respectfully request a waiver from this section, the area  
115 where the existing leachfield is located and plans to expand is in a location where  
116 there is not 18inches of natural permeable soil after the test pits were performed  
117 and witnessed by Rockingham Count Conservation District.  
118

- 119 2) Zoning Ordinance Section 3.8 – Gateway Commercial Business District –  
120 Sub-Section 3.8.7.d -Street and Streetscape Standards:  
121  
122

- 123 • Parking along Portsmouth Avenue to remain for vehicular display spaces.  
124
- 125 • Sidewalks would be installed along Portsmouth Avenue, plantings would be  
126 installed along the existing driveway on the Porsche lot constant with  
127 previously installed plantings on the Audi Dealership.  
128  
129  
130  
131

132 3) Zoning Ordinance Section 3.8-Gateway Commercial Business District-  
133 Sub-Section 3.8.8.c- Outer Zone Design Standards and Roadways:  
134  
135

- 136 • Proposed building is 15,846 S.F. where 10,000 S.F. is the maximum footprint.
- 137 • Proposed building to be located seventy (70) feet closer to Portsmouth Avenue,  
138 distance to be greater than twenty-five feet from the frontage.
- 139 • Dealership is to be accessed from the existing driveway, owned by Audi  
140 Dealership, which is an access easement.
- 141 • Street trees to be separated by forty feet (40') similar to what was approved on  
142 the Audi lot.
- 143 • The site will be accessed by the Audi driveway and no improvements will be  
144 made to make the roadway an outer zone roadway cross-section type.  
145  
146

147 Mr. Hollasch asked for clarification on sidewalk waiver. Mr. Austin  
148 explained once the sidewalk connects beyond Audi and Porsche, the town will  
149 have a maintenance easement.  
150

151 Jeremy Riecks, 18 Doe Run Lane, asked the applicant to write a note of the  
152 exact orientation of the light fixtures and to be specific. Mr. Riecks explained  
153 how the lights should be rotated to land on the cars and not on the road. Mr.  
154 Riecks stated he doesn't believe adding lights to the sidewalk at this time is  
155 appropriate. The lights on the front should have shields since the light spill-  
156 back is approximately 40 feet.  
157

158 Mr. Canada made a motion to close the public hearing. Mr. Lavery seconded  
159 the motion. Motion carried unanimously.  
160

161 Mr. Houghton made a motion to reopen the hearing to discuss the hardship of  
162 the maximum footprint request. Mr. Canada seconded the motion. Motion  
163 carried unanimously.  
164

165 Mr. Canada questioned what hardship the applicant has to justify increasing  
166 the footprint by 6% over the regulation. Mr. Morrill stated the maintenance  
167 required at the dealership must happen within the building. The current  
168 Porsche dealership has to ship the cars to Audi to have them serviced. Mr.  
169 Morrill explained the service area has to expand at the back of the building  
170 and the showroom expanded to hold the cars inside the building. Anthony  
171 Capone, Chief Financial Officer at International Cars, explained they have  
172 been back and forth with Porsche and the town trying to get input. The  
173 building size is the bare minimum they need to operate. The decision is to  
174 build this building, sell the franchise, or move the franchise and they like the  
175 Town of Stratham and would like to stay. Mr. Roseen asked how big the

Audi Dealership is. Mr. Capone stated 22,000 square feet. Mr. Austin read Section 3.8.6.a.3 and stated staff's opinion is that A through G have been satisfied and No. 2 has also been satisfied.

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

Upon finding that Section 3.8.6.a.3 has been satisfied Mr. Canada made a motion to approve the waivers as submitted. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Austin stated staff's recommendation is to refer to the plans as received at the 8/7/2019 hearing. Staff recommends adding the following to the standard conditions of approval stipulating revision to the seed mix, as outlined by Horsley Witten, or as comparable.

Mr. Roseen made a motion to approve the site plan and conditional use permit as stated on the plans submitted and received by the board on 8/7/2019 in accordance with the third party review and in addition to the standard, prescriptive.

Conditions Precedent:

1. Applicant/Porsche shall include a note on the recoded plan stating their commitment to conduct an annual compliance inspection of all stormwater facilities and submit a report of the inspection findings to the Town Planning Department.

Conditions Subsequent:

1. Annual inspection and report on storm water infrastructure.
2. Revise the seed mix per third party review or comparable.
3. As-built isometric to be done for the lighting to show compliance.

Mr. Lavery seconded the motion. Motion carried unanimously.

- c. **Subdivision.** *Re-subdivision Jewett Hill Subdivision.* To re-subdivide the 1989 approved lots "A, B, and C" of the Jewett Hill Associates Subdivision of Map 17 Lot 104. Applicant is Brad Jones, represented by Bruce Scamman, Emanuel Engineering, Inc.

Mr. Austin explained this is not a "re-subdivision" but a reaffirmation of a prior subdivision approved by the board but never recorded. Mr. Austin stated staff recommends approval as submitted.

Mr. Canada made a motion to accept the application as complete. Mr. Lavery seconded the motion. Motion carried unanimously.

Bruce Scamman, Emanuel Engineering, representing Brad Jones, the owner of the parcel before the board. Mr. Scamman explained to the board where the parcel is located and the history of this parcel. Mr. Scamman stated test pits were done on all three lots and the wetlands were delineated by Gove Environmental. Mr. Austin explained to the board that the well radii shown on the plans is just for reference as the lots are certified for the community water supply that was completed with Jewett Hill Subdivision. Mr. Scamman gave the board a copy of the DES community well permit that approves the 19 connections; the original subdivision plan was for 16 connections plus these 3 additional connections. Mr. Jones has been paying the Homeowner's Association dues on all three lots for the last 30 +/- years. Mr. Scamman stated there are also utility boxes on the lots for underground utilities.

Mr. House opened the hearing for public comment.

James Ryan, 13 Tansy Avenue, representative of the Homeowner's Association. Mr. Ryan stated there are 19 connections approved by DES, however, only one lot was apportioned to Mr. Jones and according to the financial records has paid 1/2 share for one lot of the annual dues and not three full shares. Mr. Ryan stated the Jewett Hill Associates Phase I went bankrupt during construction and the full pump system were not completed to the state's adequacy and it was placed under restrictions with a waiver and approval to continue to operate with Phase I only with 19 connections. Mr. Ryan questioned if DES drinking water division approval for additional demand on the current system. Mr. Scamman stated no as it was the applicant's understanding it was already approved by the state. Mr. Ryan stated Jewett Hill Homeowner Association is comprised of 20 total lots, 19 of which have active water connections and Mr. Jones' lot was the 20<sup>th</sup> lot. Mr. Ryan explained there are 19 users currently on that system. Mr. Ryan read a statement from the Jewett Hill Homeowner's Association Board of Directors to formally enter into the record as part of these proceedings.

Mr. Austin asked if the Jewett Hill Homeowner's Association prefer this parcel not be in the association. Mr. Ryan stated the current deed on the land states "future owners" be granted that ownership. Mr. Austin stated some of the restrictions mentioned may not be the purview of the board, as opposed to the current or future owner of the site(s) and the relationship independent with the association. Mr. Austin explained the board's duty is to have some assurance that a leach field, well, and a structure can be built in compliance with setbacks. Mr. Austin stated there is an option for the applicant to consider upgrading the system for the purpose of adding the three lots or provide private wells. The board has adequate information to proceed. Mr. Roseen asked for clarification that there is a 20<sup>th</sup> lot which is included in the capacity of the existing system. Mr. Ryan stated the water line exists with the intent that at some point it would be used. Mr. Houghton stated the public water supply is tapped out but that doesn't preclude the applicant from putting in

265 their owner water system. Mr. Austin stated the Planning Board could move  
266 forward subject to DES approval to either improve the community water supply  
267 system or establish private wells on the three lots. Mr. Roseen questioned if the  
268 homeowner's association has an obligation to Mr. Jones, if he's paying association  
269 dues, to provide him with a water supply. Mr. Austin stated that would be  
270 something the applicant and association speak to their private counsel about. Mr.  
271 Scamman stated the applicant is not aware of anything in writing that states that  
272 DES has put that regulation in. Mr. Scamman stated the subdivisions that were  
273 approved by the town and the state, and recorded at the state, state 19 lots and the  
274 current three lots were part of that 19 count. Mr. Ryan stated at least three of the  
275 lots internal, other than Lot 104, were split in half and the additional demand was  
276 placed internal to the subdivision itself. Mr. Austin stated the board could move  
277 forward with action this evening to reaffirm the three lots as requested with a note  
278 on the plan that the remainder land not be a building lot. Conditions of approval  
279 could be that the owner of the property needs to, within the first 120 clock of  
280 approval, verify a water source, either by private well and DES approval or  
281 connection to the association's community well as acceptable to the association.  
282 Mr. Austin stated the independent water study is not something the board has  
283 typically required any other subdivision to do so it would be unique to require this.

284  
285 Dave Gaynor, 11 Chase Lane, thanks the board for their volunteerism to the town  
286 and would like them to see the frustration that folks have been for the past 30 years.  
287 Mr. Gaynor questioned how long approvals are valid. Mr. Gaynor stated there has  
288 been additional subdivision, but nothing has been recorded and no paperwork has  
289 been found regarding this subdivision.

290  
291 Jim Ryan, 13 Tansy Avenue, Jewett Hill Association President, stated there is a lack  
292 of detail with documentation of any potential subdivision because the initial site plan  
293 filed in 1987 until 1990 there was subdivision but it was not documented anywhere.  
294 Mr. Ryan explained when the association looked into the upgrade of the system  
295 there were no as-built plans for the water system so Jones & Beach was contracted  
296 to survey to determine where the water system was. Mr. Ryan stated the association  
297 believes this issue requires an engineering study and assurance from DES that the  
298 system is capable of handling the new homes.

299  
300 Mr. Roseen assured Mr. Ryan that any additional demand on the public water supply  
301 is carefully regulated NH DES. Mr. Scamman explained in 1987 16 house lots were  
302 subdivided and approved by the board. On that plan there was a master plan  
303 associated with it which talks about an area reserved for elderly housing and further  
304 development in Phase II. In 1989 the board held a hearing which changed the earlier  
305 approval to include three houses and some remaining land.

306  
307 Lisa Portelli, 15 Tansy Avenue, explained she is a member of the board and supports  
308 Mr. Ryan this evening. Ms. Portelli stated the maps used do not accurately portray  
309 the existing footprint and layout of the land. Ms. Portelli states the importance to  
310 ensure the value of the properties are not adversely impacted. Mr. Austin explained

the board's review of a subdivision is to make sure the bounds of a property permit the use of the property, not the details of said building. Mr. Austin explained the details of a building is under the purview of the association. Mr. Houghton stated the applicant has a deed to property and in that deed he is a member of the Homeowner's Association which gives him rights is access to water and the ability to subdivide his property from 15 acres into three (3) buildable and one (1) non-buildable lot. Mr. Houghton explained he understands and appreciates the Homeowner Association frustration, but it is not a planning board issue to regulate the issues beyond what is before them by the applicant.

Colleen Lake, 156 Portsmouth Avenue, stated the reality of this situation is Mr. Jones has a deed, he has rights, and has lots. Ms. Lake stated whatever the association has done in the past with the lots is not the planning board's issue. The reality is what is registered and deeded.

Mr. Austin stated staff recommends the board to reaffirm the original approval by granting subdivision approval for the three (3) lots on Tansy Avenue, excluding the fourth building lot with the condition that the applicant either provide private wells to provide potable water for lots under the regulations or coordinate with DES and the Association to establish the community water connection as provided for in the deed.

Mr. Ryan, 13 Tansy Avenue, stated Mr. Jones has a right to execute the approvals granted in years past but the association wants to make sure the system can handle it and that the new members are part of the association.

Mr. Scamman explained the fourth lot is a non-buildable, not a non-useable lot. Mr. Scamman stated there are a series of test pits performed and no ledge was hit. The test pits range from 5' to 5'-9".

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

Mr. Roseen made a motion to approve the 4-lot subdivision at 4 Tansy Avenue with the condition that the applicant work to establish private well water supply or coordinate with the Jewett Hill Homeowner's Association for connection to the community water system to the satisfaction of DES. Mr. Houghton seconded the motion. Motion carried unanimously.

#### **4. Public Meeting:**

##### **a. Preliminary Consultation. Boundary Line Adjustment Bunker Hill Ave.**

Mr. Austin explained the applicant is seeking to adjust the lot lines in order to have the existing home on one parcel as opposed to the current layout that has it on two properties. Mr. Austin explained the boundary line adjustment to the board.



357 The board agreed to the plan submitted.

- 358  
359 b. Continuation requested for 15-17 Union Road, 3 lot condo subdivision; “Taylor  
360 Court.” Continuation to November, 2019.

- 361  
362 c. RPC Nominations

363  
364 Mr. Austin spoke with Lucy Cushman and she agreed to serve another term with  
365 Rockingham Planning Commission. The town has two vacancies and Ms. Hollasch  
366 has expressed interest in the other position.

367  
368 Mr. Canada made a motion for the Select Board to approve Lucy Cushman and  
369 Pamela Hollasch to serve on the Rockingham County Planning Commission. Mr.  
370 Lavery seconded the motion. Motion carried unanimously.

- 371  
372 d. Reminder: August 21, 2019 meeting is workshop on Master Plan.

373  
374 Mr. Austin recommended the board members receive training as a refresher or as a new  
375 member on what does it mean to be a board member, what are the roles and  
376 responsibilities, etc.

377  
378 **5. Adjournment**

379  
380 Mr. Canada made a motion to adjourn at 9:30 pm. Mr. Houghton seconded the motion.  
381 Motion carried unanimously.