



**Stratham Planning Board Meeting Minutes**  
**April 22, 2020**  
**Virtual Meeting/Conference Call**  
Time: 7:00 PM

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

Members Absent: Colin Laverty, Member

Staff Present: Tavis Austin, Town Planner

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

Mr. House started the meeting and explained the government order that allowed the meeting to take place over the phone. Mr. Austin took roll call: House, Present; Canada, Present; Houghton, Present; Roseen, Present; Hollasch, Present. Member Hollasch was asked to be a voting member in Mr. Laverty's absence by Chairman House.

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

**a. March 18, 2020**

Mr. House commented on the March 18, 2020 Meeting Minutes. Mr. Houghton made a motion to approve the March 18, 2020 Meeting Minutes as amended and Mr. Canada seconded the motion. Chairman House asked for a roll call vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye; Roseen, Aye; Hollasch, Aye.

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

- a. Site Plan Review 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.

Mr. Austin said that this application is functionally the same as the application the Board received a year ago. The changes are that the project has reduced in size. All the Horsley Witten comments have been addressed and many of the conditions that exist from the original approval are either in process or have been completed. Mr. Austin has provided revised conditions of approval both subsequent and precedent reflective of the changes to the site plan presented. Staff has no concerns with the project as submitted and recommended the Planning Board accepts the application as complete and move forward with the public hearing. Two additional condition precedents were added.

Mr. Houghton made a motion to accept the application as complete and Mr. Roseen seconded the motion. Chairman House asked for a roll call vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye; Roseen, Aye; Hollasch, Aye.

Mr. House asked the applicant if they had any comments about the application.

Jonathan Ring from Jones and Beach introduced Lucy Schlaffer from ARQR architects, Paul Bonacci from ARQR architects, Lisa Dennison from SPCA, David Choate from SPCA, Wayne Morrill from Jones and Beach, and in the audience is Fred Emmanuel. Mr. Ring said they were last before the Board on September 4, 2019 for Site Plan review and approval with conditions. They did redesign after that. The plan in September is essentially the same as it is now except for the barn and the arena being smaller now. The parking has been revised as well. In accordance with the reconfiguration they have revised the drainage areas, the sidewalks, and the sprinkler and fire cistern, which went from 40,000 gallons to 24,000 gallons. There is a smaller leach field and only one parking lot light instead of three, which is dark sky compliant. The landscaping has been revised. They have been through another round of Horsley Witten drainage comments, they have submitted an AoT permit to NHDES and they have received their first set of comments and are in the process of addressing those comments. The Fred Emanuel, right-of-way has been identified on a Plat which was recorded at the Registry of Deeds. That notation will be on their site plan including the reference to the RCRD plan number for the Verra right-of-way plan. Most of this is shown on the site plan which is Sheet-C2. NHDOT permit is almost in hand; they have explained to them that all staff will be directed to use the main access drive. NHDOT are concerned that there are three properties. They are working with NHDOT to get 'wire' or gate in compliance with NHDOT. Mr. Ring is turning it over to Ms. Dennison and Mr. Bonacci.

Ms. Dennison said that the effort was to simplify the project to make the expansion more affordable and to not impact the woodland areas. The elevation and materials are the same as the plan submitted before. The landscape plan was modified to adapt to the reconfigured wetland basin that Jones and Beach, had developed for stormwater. The stormwater basins are now contained in the Eastern down slope of the property and will be planted with a series of plantings that they had shown

78 previously. There will be pollinator gardens and storm water plantings so it will be a  
79 vegetated look.

80 Mr. House asked if that was all the applicant wanted to say.

81 Mr. Ring answered that was it.

82 Mr. House asked each Board member if they had questions and they each answered  
83 they did not.

84 Mr. Houghton made a motion to open the public hearing and Mr. Canada seconded  
85 the motion. Chairman House asked for a roll call vote which had the following  
86 results: House, Aye; Canada, Aye; Houghton, Aye; Roseen, Aye; Hollasch, Aye.

87 Fred Emanuel introduced himself to the Board. He said that there is a right-of-way  
88 that they are donating to the SPCA which has been recorded at Deeds. It is shown on  
89 the Site Plan on Sheet-C2. They have also prepared a Quit Claim Deed that has been  
90 sent to the SPCA for their review. There are also some IRS forms that need to be  
91 signed by the SPCA and one of the signatures required is of the appraiser for the  
92 right-of-way. Mr. Emanuel said that the only items left are the signatures and the IRS  
93 forms.

94 David Choate introduced himself. He said that they are appreciative of Mr.  
95 Emanuel's donation of the right-of-way. The Deed has been signed and is with Mr.  
96 Emanuel's attorney now. He said they should have all Mr. Emanuel's paperwork  
97 wrapped up by the end of the week.

98 Mr. House confirmed that everyone participating in the meeting was alone in  
99 participating.

100 Mr. House asked the Board if they had questions.

101 Mr. Roseen asked Mr. Ring if somewhere he could add a few notes regarding  
102 construction, quality-assurance for installation of the rain garden. There should be an  
103 inspection of the gravel base bottom of the rain garden.

104 Mr. Ring said they can add those notes. The engineer will inspect it before the stones  
105 are installed.

106 Mr. Austin asked Mr. Roseen if the condition subsequent could be as follows:  
107 "Applicant add note to Sheet-C3 or other for base bottom stone protection with  
108 engineer witnessing at the install."

109 Mr. Roseen said that sounds right.

110 Mr. Canada made a motion to close the public hearing and Mr. Roseen seconded.  
111 Chairman House asked for a roll call vote which had the following results: House,  
112 Aye; Canada, Aye; Houghton, Aye; Roseen, Aye; Hollasch, Aye.

113 Mr. Austin said public hearing closed at 7:34 PM.

114 Mr. Houghton asked about the waiver.

115 Mr. Austin said the applicant requested a waiver, but the Planning Board had already  
116 accepted it before. The waiver was to request to waive the Site Plan application fee  
117 because it was a rehearing.

118 Mr. Houghton made a motion to accept the waiver to not require an application fee  
119 for this submission and Mr. Canada seconded. Chairman House asked for a roll call  
120 vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye;  
121 Roseen, Aye; Hollasch, Aye.

122 Mr. Austin read the conditions precedent and subsequent:

123 **Conditions Precedent:**

- 124 1. The applicant shall complete and address those comments presented in the Horsley  
125 Witten Group (HWG) review of this submission,
- 126 2. The applicant shall coordinate with the Town Assessor to confirm any changes  
127 related to tax map and lot numbers, or addresses related to the project.
- 128 3. The applicant shall coordinate with the abutter, Fred Emanuel, to address the matter  
129 of the access easement as denoted on the Plan as submitted (Verra Survey and Quit  
130 Claim Deed). Every effort should be made to record these agreement  
131 contemporaneously with the Mylar.
- 132 4. A note shall be added to the plan stating that the project will proceed in strict  
133 accordance with the Town of Stratham Site Plan Review Regulations unless so  
134 modified by Planning Board action April 22, 2020.
- 135 5. Applicant to add note to plan stipulating all exterior lighting to be dark sky friendly  
136 to further Site Plan Review Regulations.
- 137 6. Applicant shall add note to the plan indicating fire gate to satisfaction of Fire Chief.

138 **Conditions Subsequent:**

- 139 1. The applicant shall comply with all federal and state permits as applicable.

- 140 2. The Site Review Agreement and related Financial Guaranty, in accordance with  
141 Section VII of the Site Plan Regulations, shall be based upon the cost of the  
142 stormwater infrastructure elements, parking areas, and site access elements of the  
143 approved Site Plan
- 144 3. Add note to C-3 for base bottom stone protection with Engineer witnessing at BMP  
145 installations.

146 Mr. House asked the Board if they had anything to add.

147 Mr. Canada made a motion to approve the project as submitted subject to the  
148 conditions and Mr. Houghton seconded. Chairman House asked for a roll call  
149 vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye;  
150 Roseen, Aye; Hollasch, Aye.

151 Mr. Ring said thank you to the Board.

152 Ms. Dennison said thank you to the Board and thanked the Board for  
153 reconsideration of moving the meeting to tonight.

154

155 **4. Public Meeting:**

156 **a. *Staff updated Board CMS Project and 674:54 Notification.***

157 Mr. Austin said that he sent an email last Friday to the Board about the Middle School  
158 putting the Town Planning Board on notice that they are exercising their authority under  
159 Statute 674:54, Government Land Uses. It is not an action item for the Board. Mr. Austin  
160 had asked the Board to think about if they had any comments related to the Middle School  
161 project. Functionally speaking, the Board needs to determine if they want to hold a public  
162 hearing or not. Mr. Austin said that any comments that the Board members have he can  
163 collect and submit to the Middle School. If the Board decides to have the public hearing,  
164 there is no way to put binding comments or conditions of approval, the hearing would just  
165 be informational. The Board needs to make a motion to either direct Staff to schedule  
166 public hearing or to state the Planning Board will not be holding a public hearing.

167 Mr. House asked what the Board thinks.

168 The Board stated that they do not think a public hearing is needed.

169 Mr. Austin said he spoke with the engineer for the project on the phone and they went  
170 through the entire Site Plan Review Checklist and they have confirmed compliance with  
171 the regulations including Addendum C. They are reducing their overall stormwater and  
172 they are increasing their stormwater treatment on site. They are avoiding wetland buffers  
173 and wetlands. They are not triggering additional parking because the original site plan had  
174 parking planned for this expansion. Mr. Austin said he thinks that the Board is right in

175 their decision that a public hearing is not needed. The Board now needs to make a motion  
176 that they accept the notion from the Middle School under 674:54, and state that the Board  
177 will not be conducting a public hearing.

178 Mr. Canada made a motion to accept the CMS 674:54 notification, not convene a  
179 public hearing on the project, and get any Member comments to Mr. Austin by May  
180 01, 2020. Mr. Roseen seconded the motion. Chairman House asked for a roll call  
181 vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye;  
182 Roseen, Aye; Hollasch, Aye.

183 ***b. Staff update on Subdivision Amendment at 90 Winnicutt***

184 Mr. Austin said that he received an email from a potential homebuilder on the Treat  
185 Farm Subdivision aka Robie Farm aka 90 Winnicutt. The recently approved cluster  
186 subdivision who from Mr. Austin's understanding has been preparing to record a  
187 Mylar. He said it was a lengthy cluster subdivision review. It went through a yield  
188 plan, concept plan, and ultimately turned into an 18-lot subdivision. One large lot of  
189 open space, one lot with the existing house and 16 individual lots along the proposed  
190 Treat Farm Road. Mr. Austin said the request is to go from 16 residential lots to 14  
191 residential lots. Mr. Austin asked if the Board believes that is a substantial enough  
192 change to require a new public hearing. Mr. Austin said nothing is changing except  
193 the number of lots. Mr. Austin asked if the Board is willing to accept 14 lots instead  
194 of 16 as substantial conformance or does the Board believe that warrants a new  
195 public hearing.

196 Mr. House asked Mr. Austin why the applicant is reducing it.

197 Mr. Austin answered that the lots on the left side of Treat Farm Road, or the lots  
198 located at the top of the plan, were narrow and the builder allegedly has several  
199 buyers who want larger homes. They are essentially willing to have fewer lots with  
200 larger homes rather than more lots with smaller homes.

201 Mr. Canada asked if the lot configuration would change.

202 Mr. Austin said that the lot configuration would not change, but there would be two  
203 fewer property lines in it.

204 Mr. Houghton asked if they are merging lots.

205 Mr. Austin answered that conceptually speaking they are merging, but that term is  
206 not accurate because the lots do not exist yet.

207 Ms. Hollasch asked if they are increasing their footprint.

208 Mr. Austin answered that they are not, he said the overall construction will be the  
209 same.

210 Mr. House asked if Wayne Morrill had anything to say.

211 Mr. Morrill said Mr. Austin explained it well. He said there were 6 narrow and long  
212 lots toward the easterly side of the subdivision and two of the lot lines would be  
213 removed. He said there is no change to the roadway or overall impact of the lots. It is  
214 just a matter of people wanting larger houses.

215 Mr. House asked if there is still access to the open space.

216 Mr. Morrill said that none of that area has changed from what they approved  
217 originally.

218 Ms. Hollasch asked what a good reason would be to have a public hearing.

219 Mr. Austin said that if the request were to modify conditions of approval, add a lot,  
220 add traffic, or increase the subdivision, there would be a new public hearing.

221 Mr. Houghton asked if the plan would be updated to show 14 lots.

222 Mr. Austin said yes it would. He said he recommended a plan be put together for the  
223 Planning Board that showed what was originally approved and what they are  
224 planning to do in reducing the number of building lots. He said he made it clear that  
225 this was a one-time option. He said all the plan sets would have to be revised to 14  
226 lots. He would reference this meeting where the Board was accepting of 14 instead of  
227 16 lots pending that all other conditions of approval remain in effect.

228 Mr. Houghton made a motion to reduce the number of building lots from 16 lots to  
229 14 lots with the conditions and with the applicant re-submitting plans and to defer the  
230 public hearing. Mr. Roseen seconded the motion. Chairman House asked for a roll  
231 call vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye;  
232 Roseen, Aye; Hollasch, Aye.

233 Mr. Austin asked if Mr. Morrill was all set.

234 Mr. Morrill said thank you to the Board for hearing him tonight.

235 *c. Staff update on ROW permit/5G*

236 Mr. Austin said that he met with the Select Board about working with the Director of  
237 Public Works to create a Right-Of-Way Permit for Stratham. He said that currently  
238 the only form of a right-of-way permit that the town has is the driveway permit.  
239 There is no form or application for when someone is proposing to do work in the  
240 town right-of-way. Something such as putting up a new electrical pole, or a trench  
241 through the road, there is no application besides the driveway permit. It would be  
242 helpful for the protection of the town and to secure the same bonding or surety  
243 protection that Planning Board applications have and to make sure that the Town's

investments remain solid. One of the other related concerns is that with the implementation of 5G antennas, cell phone providers are able to add antennas to anything that is in public rights-of-way. The Planning Board cannot regulate what it looks like or how it functions, the only thing the Planning Board can control is the 'host structures' location. Only building code regulations can apply to installation the antenna. Mr. Austin said that it was brought to his attention about where the Planning Board has a role into the new permit. Mr. Austin said that in Section 19 of the Zoning Regulations, it is clear what the town has authority over and what the town does not have authority over. Mr. Austin asked the Board members to review Section 19 and, specifically, Section 19.4. He said 19.4 is not something the Planning Board wrote. He asked the Board to think about how Section 19 is applied to public property.

Mr. Houghton asked Mr. Austin if he has any photos of what the antennas look like.

Mr. Austin said that he will find some examples.

Mr. Canada asked if anyone knows what is happening to the cell tower site.

Mr. Austin answered that the cell tower is there already.

Mr. Austin said Staff has received an application for a Preliminary Consultation for site plan review for a solar panel installation at Aberdeen. It is essentially the same as Stratham Green's solar installation.

Mr. Austin asked the Board if they would like to have only one meeting in May or continue with two meetings.

Mr. Houghton said he thinks it is reasonable to reduce the meetings to once a month during this environment.

The Board agreed that once a month is reasonable.

Mr. Austin said that he is planning to get materials out to the Legacy 33 Committee and meet with them and then have them meet with the Board by the June meeting.

Mr. House asked the Board if there are any more questions or comments.

## **5. Adjournment**

Mr. Canada made a motion to adjourn the meeting at 8:15 PM and Mr. Houghton seconded the motion. Chairman House asked for a roll call vote which had the following results: House, Aye; Canada, Aye; Houghton, Aye; Roseen, Aye; Hollasch, Aye.



276

277

278 Note(s):

- 279 1. Materials related to the above meeting are available for review at the Municipal Center during normal  
280 business hours. For more information, contact the Stratham Planning Office at 603-772-7391.
- 281 2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on items that are not  
282 listed on the agenda.