



## Stratham Planning Board Meeting Minutes

May 06, 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  
Colin Lavery, Member

Members Absent: None.

Staff Present: Tavis Austin, Town Planner

### 1. Call to Order/Roll Call

Mr. House welcomed everyone to the Town of Stratham Planning Board meeting for May 6th 2020. He said before they get started he is required to notify everyone that do to the State of Emergency declared by the Governor as a result of the Covid-19 Pandemic in accordance with the Governor's Emergency order number 12 pursuant to executive order 2020-04 the public body is authorized to meet electronically. Please note that there is no physical location to reserve and listen contemporaneously this meeting is authorized pursuant to the emergency order however, in accordance with the emergency order, he is confirming that all members of the Planning Board have the ability to communicate contemporaneously during this meeting through this platform and the public has access to listen and participate if necessary for this meeting. The public can dial in with the number 1-800 764-1559. Meeting materials are available through the town website and can be found by clicking on the agenda links under each category. The agenda includes information for accessing the meeting including Tavis Austin's number to call if there is a problem, 772-7391 extension 147 and he will be able to help someone get on. Mr. House asked everyone to silence their phones.

Mr. House said during roll call, each member should announce if anyone else is in the room with them during the meeting which is required under the right-to-know law 91 - A.

Mr. Austin took roll call; Canada, Houghton, House, Lavery, Roseen, Hollasch.

Mr. Austin said to Jeremy since he just dialed in that Chairman House has gone through the provisions under the emergency order to meet telephonically like this and requested that everyone remain on mute until asked to speak or during comment periods as the Board may allow.

Mr. House said as they go through each one of the meeting items he is going to ask each applicant if they are alone and ask who is there for the applicant.

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

### **a. April 22, 2020**

Mr. House reviewed the meeting minutes for April 22nd, 2020.

Mr. House made a motion to approve the minutes and Mr. Canada seconded the motion. Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Laverty, Aye; Roseen, Aye.

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

### **a. Preliminary Consultation: Site Plan Review Permit. “Aberdeen West Community Solar Project” for implantation of 62 KW AC/ 90 KW DC ground mounted community solar photovoltaic system located on approximately ½ acre portion of the 29 acre parcel. The project will generate solar electricity for the residents at Aberdeen West located at Aberdeen Drive, Stratham, NH 03885, Map 19 Lot 36 submitted by Ada Dolloff, President of Aberdeen West Cooperative Inc., 8 Aberdeen Drive, Stratham, NH 03885.**

Mr. House said the agenda has a link to the materials.

Mr. Austin said that the first page of the application as linked provides all the information they have at this time. It is an application that has not been presented, but the association is able to proceed with an application for solar in this location. With the lack of dimensionality on the plan, it is difficult to tell if there are setback issues but he knows that the applicant has been working with other Staff at the Town to make sure that all of that remains is in compliance. A suggestion that they have for the Board in looking at this would be considerations of landscape screening if any, they don't know how tall the panels are necessarily but there is a seven-foot-tall perimeter fence. After the Board goes through comments they have, any questions they have, he would suggest you speak to. He believes he heard that Jamie Oliver was on the line and he would like to see if she has any particular questions as they proceed towards completing the site plan review permit and conditional use permit applications.

Mr. House said that this is a preliminary consultation and he said that whatever either party says tonight is not binding. He said for this application of preliminary consultation from the Vermont Law School of Energy Clinics is Jamie Oliver. He asked her if she was alone.

73 She said she was but believes that they are joined by two clinic students from the Energy  
74 Clinic, Christopher Haney and Adelaide Hardwick and also Kit Vincent from KW  
75 management who is the solar installer that is working with the community on this project.

76 Mr. House asked Christopher Haney, Adelaide Hardwick and Kit Vincent if they were  
77 alone.

78 They responded that they were alone.

79 Mr. House asked if that was everyone speaking on behalf of the applicant.

80 Ms. Oliver said she is not sure if anyone from Aberdeen West is on the phone or not and  
81 they did invite members from the Board to attend if they were able to.

82 Ms. Oliver said that the project as the Preliminary Consultation states would be  
83 approximately 90 KW DC and take up about half an acre of land on the Aberdeen West  
84 parcel. It will be a group net metering project which means it's going to be in the State of  
85 New Hampshire's net metering program and at this stage they are very hopeful that it will  
86 be at least partially if not fully funded by the Public Utilities Commission low-income solar  
87 Grant. She said the idea behind these projects is to provide community solar to lower-  
88 income communities to help even the playing field for access to renewable energy. It will  
89 be located on the Lovell Road portion of the Aberdeen West property. She said she believes  
90 the solar array will be about 11 feet high at the tallest point and surrounded by a 7 foot  
91 fence. The three main items that they were hoping to get some input on from the Planning  
92 Board for tonight, as they start filling out the site plan review documents and conditional  
93 use permit, is guidance on screening. This will be visible from Lovell Road and the current  
94 conditions on site is that there are some low-lying grasses and shrubs that those are not  
95 sufficient in the current state to screen it. She wanted a little guidance on what type of  
96 screening the Town typically requires and would very much like to work with the Town to  
97 make sure that the project is in harmony with the Town's vision.

98 Ms. Oliver said the second item that they are looking for a little bit of guidance on is the  
99 performance bond in the zoning ordinance section 5.14. There is a performance bond  
100 requirement and they wanted the town to guide them to help them understand what is  
101 required there.

102 Ms. Oliver continued to the third item that they are seeking clarification on is in relation to  
103 the Wetland delineation. They reviewed the national Wetlands and the Town of Stratham  
104 Wetland Conservation District map which show that these are not in the Wetland area. She  
105 said they also are looking at the Zoning Ordinance section 11, wondering if they need to  
106 have an on-site field delineation done.

107 Mr. House said that he will go down the list of names from the Board members to see if  
108 they have any questions or recommendations and so forth but before he does that, he asked  
109 if Mr. Austin could speak to the 5.14 performance bond.

Mr. Austin said the performance bond is something that's required by the Planning Board to put in place to protect the public component of the investment. If someone is proposing a project that had a storm drainage plan, a landscaping plan or certain design elements of a site plan then a performance bond is to be put in place to ensure that those elements are installed as approved by the Planning Board. An abstract example compared to solar would be a subdivision plan. A performance bond would cover all aspects of the roadway construction until those aspects were completed. Then the bonds can be reduced as elements are completed and then typically landscaping is 10% of the original bond. Then it's held for a year after installation of the planting. It may be that the Planning Board does not feel any need for a performance bond on this project based on how an ultimately evolves. For the screening input, the Board doesn't provide suggestions once the application is submitted. They review it and see if the screening seems effective or not. It may be some additional plantings or vegetated screening along the Lovell Road side of the project in which case that Landscaping would have to be subject to a performance bond that would last for one year post installation to make sure that everything survives and remains functioning with the screening. Section 11 does require a qualified professional to do a field delineation. The extent of that work is having someone say whether it is or is not Wetland or Wetland buffer as the case may be. He would strongly encouraged to the Board as well as the application that he would not put much reliance on the online availability of the maps for wetlands. It takes someone to go out and see where the wetland line is. Then they can see whether they are close to or far from where that point is. Mr. Austin asked Mr. House if there is anything else he'd like him to cover on that.

Mr. House answered that was it.

Mr. House asked Mr. Canada if he had any questions.

Mr. Canada said that he would do an evergreen fern and he thought that would make a good screen.

Mr. Houghton said he would like to see it further away from the road and maybe closer to the homes at Aberdeen. He said to have a suitable buffer a long Lovell Road to hide it from view. He said that he likes the fact that is 11 ft high.

Mr. Austin said going back to the Wetland information given the distance between the panels and the homes leaves a lot of question marks how the gap is going to be bridged and whether the panels are in the Wetland area. He is assuming that there is an electrical conduit that is going to connect the arrays to the homes that would need to be underground. It may be going through the wetlands. The wetland delineation has to be in scope and not only address the panel locations but also the location between the panels and the homes within the development.

Mr. Roseen said he had some questions about the screening. He said that the point of the screening is not that they won't be able to see it but rather that it's less visible. The only way to truly screen something is with the big fence and half the time that looks worse in his

149 opinion. A nice combination of landscaping that blends should be the goal. Rather than  
150 complete blockage. His personal opinion is that they're looking for something that blends  
151 naturally. He would like to say that he supports it and thinks it's a great idea.

152 Mr. Lavery said he has no additional comments outside of what the other Board members  
153 had to say.

154 Ms. Hollasch said she had no additional comments.

155 Mr. House said when they submit their documentation they may want to provide a section  
156 for the array, it looks like they have three rows. He is not sure what the grading is there if  
157 it's high up he would like to know. He would like to see a section for the array. As for the  
158 screening, it's not just for the people across at Lovell Road, it is also for the people to the  
159 West. He said in the document, they may want to show more detail of there construction  
160 activities. He thought somewhere he saw they're going to be having a laydown area for the  
161 construction entrance and then bring it back to its natural state. He said they may want to  
162 express that in their drawings.

163 Mr. House asked the Board if they have any more comments regarding the Aberdeen West  
164 solar project.

165 The Board answered that they did not.

166 Mr. House ask the applicant if she had any more questions.

167 The applicant said that she has everything she needs but wanted to check with Mr. Vincent  
168 to make sure he had everything he needs.

169 Mr. Vincent said he does and that those comments are really helpful and that he will put  
170 together a more comprehensive drawing. What he sees is that they're going to need to have  
171 distance to setbacks, more clear dimensions on the whole array such as the height of the  
172 array, adjust the screening, and details on the plan about construction. He asked if there is  
173 anything else they need to show on the drawing.

174 Ms. Oliver said she could work with Mr. Vincent on these zoning requirement, but she  
175 thinks those are the ones that were talked about tonight.

176 Mr. Roseen asked if they had considered moving the array to the rear of the property so that  
177 it is bit more out of the way. The screening would be less of an issue on the rear of the  
178 parcel.

179 Ms. Oliver said the section where the array is proposed was chosen by the community and  
180 that they talked about the rear of the property but think that it was more wet there.

181 Mr. Roseen said that it does look more wet there but that doesn't necessarily mean that they  
182 can't have solar panels there. He said they may find it more cost-effective if they are  
183 building a place where the screening is less substantial.

184 Ms. Oliver asked Mr. Vincent if he had any recollection of that area.

185 Mr. Vincent said that he does not have access to Aerial imagery to understand where that  
186 is.

187 Ms. Oliver thanked the Board for their time and for holding the meeting virtually.

188 Mr. House asked the Board if they would like to allow public comments.

189 The Board said that they should allow public comments.

190 Mr. House asked if anyone in the public had any comments.

191 Mr. House introduced The Marin way preliminary consultation.

192 **b.** Preliminary Consultation: Site Plan Review Permit. "Marin Way Parking" Expansion to  
193 amend the previously approved site plan to add an additional 150 parking spaces so there  
194 are a total of 214 spaces located at 2 & 8 Marin Way, Stratham, NH 03885, Map 1 Lots 9 &  
195 10 submitted by Rob Graham SIP-Lot 3 LLC & SIP-Lot 2 LLC, PO Box 432, Stratham,  
196 NH 03885.

197 Mr. Austin said the Marian Way project is an addition of 150 parking spots and it is on two  
198 parcels in the Industrial Park. Rob Graham is representing the applicant and the owner of  
199 both of the parcels. The plan shows the additional parking spots and a cross access  
200 easement to allow the two parcels to share the parking areas under the agreements of that  
201 easement. There are Waivers in the request. Primarily, the majority of the Site Plan  
202 Applications received do not apply to a project like this. They are not increasing water or  
203 septic demands and they are on Exeter's water and sewer line. Mr. Austin said that they are  
204 joined by Mr. Pernaw on the call. He noted that this project might have caught some of the  
205 Planning Board members attention because it came shortly after the LEGO project for  
206 Lindt. Mr. Austin asked the Board to consider a traffic analysis on Marin Way related to  
207 this project and maybe ask Mr. Pernaw or Mr. Graham if the existing traffic study that was  
208 done for project LEGO recently could be amended or appended to include this work. The  
209 Planning Board has received the comments back from DOT. Mr. Austin said the package  
210 the Board received tonight is at least the second iteration he has seen of the project. It  
211 seems to address the majority of issues related to setbacks, open space setbacks, and other  
212 things in the park. He said it is as clean and straightforward as it gets. One of the other  
213 waivers that has been proposed deals with Addendum C. The waiver is for the stormwater  
214 analysis and particularly the third party review under the premise that the stormwater be  
215 directed to existing BMPs on site which have adequate capacity for the existing runoff. Mr.  
216 Austin said the public hearing notice has gone out for this project and it should be in the

217 paper Friday. They are scheduled to have their public hearing on the 20th of May. Mr.  
218 Austin said he will have Mr. Graham speak to why they need new parking spaces.

219 Mr. House asked who was participating for the applicant.

220 Rob Graham introduced himself and said he was alone in the room but has staff on the  
221 phone.

222 Mr. House said that he needs to introduce the staff.

223 Mr. Graham introduced his staff; Joe Coronati and Steve Pernaw.

224 Mr. Graham talked about the project. He thanked the Board for meeting tonight. He  
225 explained they had a change of tenants. They formerly had HD shipping which was a  
226 shipping and receiving warehouse for pharmaceutical drugs for all of New England. They  
227 are switching out to another shipping and receiving use. The biggest difference between the  
228 two uses is that the tenant that is going to be moving into the space owns and controls a  
229 bunch of their vehicles which are used for shipping and receiving. They have an increase of  
230 employee numbers in the building because they have less robotic machines. They have  
231 added 150 parking spaces and connected and shared some access points with their adjacent  
232 parcel that they own. He said he's going to go over some site and drainage information. He  
233 said he thought they originally asked for a waiver of the calculations but they have already  
234 done those. They are treating the new impact development areas with low impact  
235 development treatment areas. The existing ponds on the site will be increased in size and  
236 volume. They will add a low impact treatment mechanism for the ponds and their entire  
237 treatment value. About 85% of the site including the building will now be treated with the  
238 new standards. They tried to take the guesswork out of it to avoid lengthy work in terms of  
239 review. They have a very tight schedule to get the tenant in. He said it was a very simple  
240 site with no changes to the building dimensions nor any changes to their offices. The old  
241 tenant was a single shift and the new tenant is a three shift company. A lot of their trips are  
242 going in the opposite direction of traffic. They have seen the response from DOT. They are  
243 prepared to provide plantings on the entire frontage of both of the parcels and also Route  
244 111 and for Marin Way for the widening of Route 111 and for new drainage areas to treat  
245 stormwater from Route 111 and Marin Way.

246 Joe Coronati, an engineer from Jones and Beach introduced himself and said that his wife  
247 is in the room with him.

248 Steve Pernaw with Pernaw & Company, introduced himself. To assist with traffic  
249 numbers for the proposed change in tenants, he said he is waiting for information from Mr.  
250 Graham about the new tenant. He said that they did the traffic study for Lindt which was  
251 involved, he's not representing Lindt tonight, but he thinks they all recognize Marin Way  
252 has a lot of traffic entering in the morning and exiting in the evening. He did a study with a  
253 different shipping company that ran with three shifts they found that their flows were the  
254 opposite, in the morning most were exiting and at the end of the day the majority were

255 inbound trips. He thinks that would work well for Marin Way. He said Mr. Graham said  
256 tonight that they were able to have a right-of-way for Marin Way and Route 111 which is  
257 good news. That will help with any kind of projects that they have involved. Once Mr.  
258 Graham gives him the information he needs he plans to write some type of traffic memo for  
259 the town and for DOT. He is prepared to answer any questions.

260 Mr. Austin said that Lindt had two specific conditions of approval. The condition  
261 precedent was that they contact the DOT and provide comments on the traffic study related  
262 to project LEGO. Condition subsequent was that Lindt was to coordinate with the Select  
263 Board and director of Public Works on establishing the proportional cost to the  
264 improvement as may be required by DOT. The Planning Board did not know if DOT was  
265 or was not going to be required by the time Lindt received site plan approval. He is willing  
266 to share the memo with the entire Planning Board, but the quick takeaway is that there is no  
267 declaratory statement that Lindt or the town must take any particular action. There were  
268 recommendations with regard to Western Lanes on New Hampshire 111 and a schematic of  
269 what the right-of-way would look like on Route 111. Mr. Austin said that he received an  
270 email from Jim Hewitt today asking if the project on the agenda was related to Lindt. Mr.  
271 Austin responded that it was a completely separate project. He is anticipating that DOT is  
272 waiting to see where this goes and is waiting for the town to reach out. Mr. Austin said he  
273 has a conference call with the Town Administrator and Nate Mears the director of Public  
274 Works Friday afternoon. They are trying to plan next steps for the town. It remains unclear  
275 to Staff whether anything has to happen or if recommendation would be made in having  
276 another communication with DOT perhaps even West Jesus distance or project review. The  
277 short answer with Lindt is that they accepted the traffic study saying that it was not a  
278 significant increase. Perhaps the fact that it wasn't a significant increase was that because  
279 they had recommendations instead of mandates. Mr. Austin said he thinks the Planning  
280 Board would need the same level of certainty based on Mr. Pernaw's work as to whether  
281 this was or was not a significant increase of traffic at Marin Way. Mr. Austin said he knows  
282 that Mr. Pernaw does not have all the numbers yet so Mr. Graham needs to get the numbers  
283 to him so that they can figure this out. He does agree with Mr. Pernaw that having access or  
284 the availability from Marin Way and Route 111 could probably help a lot of the situation at  
285 least with terms of meeting to prepare portionality.

286 Mr. House said he is looking at the content on sheet 9 at the parking. He wants to know  
287 what the setback was for the wetland so that they know that they are not approaching too  
288 close to the wetland.

289 Mr. Grant said that they can add that to the plan.

290 Mr. House said that all questions and comments are non-binding. He said for lot 9 it looks  
291 like it is going over the existing pavement. He said they might want to show on the  
292 drawings where the setback is for the wetlands.

293 Mr. Graham said that could be added.



294 Mr. House said it looks like they have truck access for both buildings and all around it or at  
295 least two. Mr. House asked if they will remain as two separate lots.

296 Mr. Graham answered that was correct.

297 Mr. House commented about lot number 10 having two driveways, truck access to the rear  
298 of the building and employee parking out front to cross over the lot. He asked if they need  
299 any kind of lot easements there.

300 Mr. Graham said yes, they will have an easement.

301 Mr. House asked the Board if they had any questions.

302 Mr. Houghton said his comment is with respect to grading and drainage. He thinks that it is  
303 straightforward and he knows what to expect. He said they will do what they need to do to  
304 to make drainage not be a problem on those lots. He said that he is concerned about traffic  
305 and what is going on here as well as what is going on the 20th of May and would want to  
306 be sure that the Board is focused on that. He said Mr. Pernaw will do some analysis and it's  
307 great to hear Mr. Graham say there is the potential of creating easement to make the flow  
308 more efficient. He said he thinks all those things are necessary. He said he would like to  
309 hear from Chief King in terms of his insights on what happens with and the placement of  
310 his officers at that location during high traffic hours and the potential of 150 more parking  
311 spaces. He said the Board needs to consider whether or not this would be considered in any  
312 way to the original impact.

313 Mr. House said they need to go through those procedures because they are in the  
314 regulations.

315 Mr. House asked who John Smith was.

316 Mr. Graham said he does not know who John Smith is.

317 Mr. Roseen said he assumed they have reviewed the site plan regulations that refer to  
318 redevelopment and appendix C. He said basically and new development aspect of the site  
319 that needs treatment provided for it. He asked if they could explain what the new pond  
320 treatments are.

321 Mr. Coronati from Jones and Beach answered Mr. Roseens question. He said they looked at  
322 the site and there are existing detention ponds on both 2 Marin Way and 8 Marin Way of  
323 substantial size. In an attempt to modify those ponds or reuse the space that they're taking  
324 up, the plan that they came up with that they will be presenting with actual design plans is  
325 that they would turn the bottom of the pond into bioretention ponds and add about 18  
326 inches of filter media into the bottom of the pond. He said it will not be the entire pond. It  
327 will be the area required to treat the drainage area that drains into the pond. He said they  
328 will be reducing the volume of the pond. They plan to raise the berm to the pond so that  
329 they do not lose any volume and will probably gain volume. They will have treatment for

330 the filter material at the bottom of the pond. He said the ponds take a lot more of the site  
331 than their parking spaces that they're adding. The HD Smith building has an extensive roof  
332 drain system so that they would be able to pick up the entire roof, the front parking lot that  
333 is existing, the whole new parking lot along the west side that they're adding and parts of  
334 the rear of the building. He said the same with the bitronic site, he knows it's not actually  
335 Bitronics anymore but that's what they have it as on the plan. They are adding parking  
336 spaces along the building closest HD Smith or between the two buildings and a couple of  
337 driveways. They are going to do the same treatment to their pond so it'll improve all the  
338 treatment for both lots. The bitronics side they are doing minimal work on their parcel, but  
339 will be able to treat all those existing parking spaces that all drain into that pond today.

340 Mr. Roseen said he understands that they have some pavement being added but they're  
341 going to use the existing drainage system and just retrofit that. Mr. Roseen said he looks  
342 forward to seeing the calculations on that.

343 Mr. Laverty said he would be interested to go through the regional impacts of project. He  
344 does have significant concern about additional traffic impacts on Marin Way and Route  
345 111 in the Route 101 East and West off-ramp specifically in the mornings relating to traffic  
346 in that area. He said he knows it's not solely on this application regarding those traffic  
347 issues but it is something that needs to be addressed. He said he is glad to hear that DOT is  
348 communicating with the town and would be interested to hear the outcome of those  
349 conversations.

350 Mr. Austin said the landscaping plan is not stamped by a New Hampshire license to  
351 landscape architect. He said they either need to pick up a stamp or request a waiver.

352 Mr. Coronati said they had a landscape designer named Liz McNaughton from L & M  
353 Landscape Design out of Brentwood do the landscaping. She's not an architect but there is a  
354 substantial addition of landscaping. There's actually quite a bit of landscaping for an  
355 Industrial site. More than he's seen in most Industrial Parks existing out there. He said they  
356 would prefer to request a waiver or they would have to have a different person review it to  
357 stamp it because she is not a landscape architect.

358 Mr. Austin asked the Board whether they have any initial non-binding feelings one way or  
359 the other about a waiver versus a stamp given they provide the Landscaping information.

360 Mr. Roseen said he is comfortable with them writing a waiver.

361 Mr. House said that he doesn't have a problem with it either but they need to make sure  
362 that they address the maintenance and with the bioretention.

363 Mr. Canada said he thinks a waiver is appropriate in this situation.

364 Mr. Houghton said he is familiar with the properties and not concerned about the  
365 landscaping.

366 Mr. Laverty said he is not concerned about the landscaping or having a certified landscape  
367 architect.

368 Ms. Hollasch said she has no concerns.

369 Mr. Graham said he wanted to talk about the traffic standpoint and he said the projects out  
370 on Marin Way and on Route 111 are long-range projects that needs communication from a  
371 lot of different people. It is going to be important for them to be able to get going and it  
372 doesn't seem reasonable to wait for DOT for this project and for Lindt Chocolate. It is  
373 important to be able to get moving with these projects without waiting on a long drawn-out  
374 process from DOT.

375 Mr. Austin said that his suggestion to the Board is to think about as they move towards the  
376 May 20th meeting is to contemplate a similar condition as was imposed on Lindt with  
377 regard to on-going dialogue with the Select Board and Director of Public Works about  
378 proportional cost-sharing of improvements. He said that he agrees with Mr. Graham that  
379 anything that happens to a peripheral driveway permit in and of itself could take 12 to 18  
380 months. He said he knows Joe Coronati and Jones and Beach have had projects that have  
381 sat even longer than that without receiving a driveway permit authorization. For the  
382 Planning Board, when they did the scoping meeting about the traffic study for Lindt, DOT  
383 admitted when they did the driveway for Marin Way, it was originally established without  
384 a driveway permit. It was built and installed and operational for 15 almost 20 years before  
385 perhaps was a 100-200 domain project that caught some attention got a driveway permit  
386 and nothing changed. Mike Houghton emphasized reaching out to police chief Tony King  
387 about getting his comments. Lieutenant Pierce is out 5 days a week at least once a day  
388 maybe twice a day directing traffic on New Hampshire 111. It is an expense entirely by the  
389 industrial park Association or associations that already have a bit of a proportional cost  
390 breakdown. His recommendations to the town as the Town Planner is to reach out to that  
391 Association and figure out how that proportional cost-sharing breakdown Paradigm perhaps  
392 could ultimately be evaluated in consultation of an ultimate design that gets constructed to  
393 remedy the Marin Way and New Hampshire 111 intersection. The town itself needs to be  
394 the applicant for that work. That's the directions from DOT. When it occurs is not yet been  
395 made clear from the fact that Lieutenant Pierce is out there now suggested it is a problem  
396 that should be addressed sooner rather than later. From from a planning perspective he  
397 doesn't mean yesterday versus tomorrow but within the next three to five years as opposed  
398 to the next 30 years. Particularly because Lindt is in the process of doing a large expansion  
399 and adding 150 stalls here. He thinks a potential condition subsequent that would be  
400 contemplating would be similar to that which went to Lindt. They are going to be in  
401 communication with the Planning Board whether ultimately that gets negotiated with the  
402 Select Board is cash versus land combination thereof when one right-of-way is in play and  
403 how that gets the proceed-out and facilitated. He doesn't think all of that has to be agreed  
404 upon before this project gets approved. It sounds the applicant is well aware of needs for  
405 potential changes and has already been accommodating with providing abilities to make  
406 those changes occur. A lot of it will depend on the work that Mr. Pernaw is able to do and

407 however long it may take to get through DOT with a modified answer to the last review  
408 they did on Marin Way.

409 Mr. House asked if anyone had anymore comments.

410 Mr. Graham thanked the Board and said he will see them at the May 20<sup>th</sup> meeting.

411 c. Site Plan Review Substantial Compliance. 71 Portsmouth (BMW) request for determination  
412 of substantial compliance located at 71 Portsmouth Ave, Stratham, NH 03885, Map 13 Lot  
413 1 submitted by Justin L. Pasay.

414 Mr. House introduced the project.

415 Mr. Austin said that he mentioned in his memo to the Board, he had a phone conversation  
416 with the applicant. The Planning Board approved what the applicant's engineer submitted  
417 as revision 5. The revision number 5 turned into revision number 7, the gap in Town  
418 review was something that nobody was made aware of until the applicant asked to close  
419 out the performance bond. There were 3 different Code Enforcement Officers on the  
420 project during the gap in between the transition. The project did not require any building  
421 permits and there is no trigger to have any site plan observations or inspections when there  
422 are no building permits required. Mr. Austin said what was built was slightly different, but  
423 essentially the same. As outlined succinctly and accurately in the request letter are 12  
424 minor changes that occurred in the approved and recorded plan. Staff approves of 10 of the  
425 12 changes. All but the removal of the gazebo and removal of the picnic table from the  
426 plan. It is a unique situation for the Planner to be asking about the gazebo and picnic table,  
427 but for those that remember the public hearing, those were two of the quintessential  
428 elements of the plan that were offered by the applicant as Gateway elements. Staff's  
429 recommendation is the Planning Board accept the request for substantial conformance as  
430 presented except for the gazebo and picnic table. This does not absolve the project of any  
431 prior conditions of approval. They need the as-built plan which includes the picnic table  
432 and gazebo, completion of the landscape inspection by a qualified professional and an as-  
433 built mylar to be recorded.

434 Mr. House asked who was in attendance for the project.

435 Justin Pasay, the applicant, announced his attendance and said he is alone in the room and  
436 has two other people on the phone, Mark Tabia, Senior Project Manager for group one and  
437 Steve Cattani from Dynamic Engineering Consultant, who is the civil engineer on the  
438 project.

439 Mr. Tabia said he is alone.

440 Mr. Cattani said he was alone.

441 Mr. Pasay said he wanted to thank the Planning Board and Mr. Austin and Mr. Wolph. He  
442 said the package they submitted includes a rather detailed letter from them dated the 28th

of April that described the 12 discrepancies that Mr. Austin mentioned in his prologue. They also included the original notice of decision, a copy of the original proof plan which was recorded as plan 40275 at the registry of deeds, an as-built site plan and then a discrepancy plan which depicts the 12 discrepancies between the plan that was approved in October of 2016 and the as-built conditions as they exist today. Original approval was in 2016 and there was a one-year extension that was granted by the Planning Board. The basic construction and improvements wrapped up in the 2019 timeframe. As the engineering firm, Dynamic, started to close out the entitlement process with the Town and the town's Planning Staff, the 12 discrepancies became apparent. The Board has the authority to find whether or not the 12 discrepancies are material or are in substantial compliance. He doesn't intend on going through each of the 12 discrepancies. They can answer any questions that there are. They would like to summarize their hope for finding of substantial compliance from the Planning Board in the determination that these 12 discrepancies are minor as suggested by Mr. Austin. As outlined in the letter, many of the changes were required by physical on-site conditions or otherwise slight modifications which in their estimations really promote the more efficient use the property and certainly don't compromise essential tenants in the considerations that were part to the rather extensive site review process. There are no compromises to functionality or safety or operation and no abutter impacts and even improvements such as less impervious surface area in the as-built then what was approved. Beyond that, there aren't any aesthetics that have been changed from what was approved.

Mr. Pasay said he wanted to address two things that were not in the letter, the first is that in talking with Group One, they're happy to place a picnic table at the site at a location that can be approved by Mr. Austin and they can depict that on the site plan. He will let Mr. Tabia address the gazebo issue as well. Second, with regards to landscaping, pursuing to the original approval, Group One provided a site plan performance agreement and a subdivision bond to the town that guarantees the Landscaping in that term is for at least a year to follow the completion of the improvements inclusive of a full growing season. Any issues with landscaping can be addressed. The current situation of the properties and compliance with the landscaping plan that was reviewed and approved by the Board but certainly go through the process of having Mr. Austin review the status of that. Their goal is to obtain finding a substantial compliance that they can move past local entitlement process and finalize things and get an as-built recorded. He said again that they really appreciate the Planning Boards time for review and are happy to answer any questions that they may have.

Mr. House said that looking at their discrepancies sheet with a gazebo and picnic tables and then going back to the as-built it looks like they can go where they were in the first place. He said he doesn't have an issue with Mr. Austin coordinating that with them as long as it is not placed in the back of the building. The whole idea of Gateway is to place it in the front.

Mr. House asked if anyone had comments.

484 Mr. Canada said he intended to speak to the gazebo in the picnic table. He said they are  
485 out of compliance with Gateway because there is no alternative. He said he agreed with  
486 Mr. House's comment that it should be visible.

487 Mr. Houghton said that he will defer comments for now.

488 Mr. House said once the as-built is revised to show the picnic table and the gazebo it needs  
489 to be certified from a landscape architect or somebody and the drawings should be  
490 stamped to confirm everything is all set.

491 Mr. Roseen said he doesn't have any issue with the 12 items on there, but he would like to  
492 point out that he does not support the idea of substantial compliance because there is  
493 something obviously wrong with the bioretention systems that have been constructed.  
494 Driving by at 35 miles an hour he can tell that three or four of them are or will be  
495 completely non-functional with the way the overflows are set. He said he is surprised that  
496 both the town inspector code inspection hasn't caught that and that the as-built identifying  
497 where the lights are located why they wouldn't also be similarly looking at that important  
498 drainage pieces. He thinks they should be making sure that the overflow and bypass goes  
499 where it's supposed to. If 50% of the drainage out there is not done properly water is  
500 going somewhere it's not intended. He said at this point he would not support it and he  
501 thinks there needs to be some additional survey or sign off or something to ensure that it is  
502 done correctly.

503 Mr. Austin said the only thing the board would be acting on for substantial conformance  
504 would be the 12 things that were requested. Finding the project in substantial conformance  
505 tonight would only be relative to those things in the letter. Everything else would still have  
506 to be in compliance. If someone on the Planning Board, Mr. Roseen particularly, believes  
507 that the stormwater infrastructure was not installed correctly, similar to the Landscaping  
508 inspection, the Board has every right to say they don't think it was done right and require  
509 additional sign-off.

510 Mr. Roseen asked as a follow-up to that why would they extend the process why not just  
511 make sure that substantial compliance meets substantial compliance with the project as a  
512 whole regardless of the 12 items. He doesn't want to wait another two years for this to  
513 come back to the Board to see that those items are signed off on and the Board and the  
514 Town have limited leverage in terms of bringing those things to completion. They have  
515 their building permit and the Town has very limited leverage to get these things done  
516 correctly now.

517 Mr. house said that he had suggested having a landscape architect certifying as-built  
518 drawings with a stamp. He asked if they could place that responsibility on the landscape  
519 architect that stamped it.

520 Mr. Roseen said yes. He said as long as an element of that include sign off on the invert  
521 elevations. The plan set has a drainage sheet but does not have inverts. There should be an

522 indication of the design invert in the actual invert. If they're off that may be fine due to  
523 local adjustments, but they still need to function and it is clear that many of these systems  
524 overflow is so high that they cannot operate and that they're just for decoration.

525 Mr. House said they need to have that information on the drawing for the final as-built.

526 Mr. Roseen said that would be his opinion.

527 Mr. House asked if the applicant wanted to respond to any of that.

528 Mr. Pasay said that the drainage issues was not one that they were aware of as Dynamic  
529 went through the process with Town staff. They noted several of the potential  
530 discrepancies that they looked into and among those the drainage was not called out as an  
531 issue. Group One is interested in obtaining substantial compliance with the finding with  
532 the plan that was approved. His understanding is that the drainage was built to the plan.  
533 Whether or not that drainage is functioning ideally he thinks is a different issue, certainly  
534 something Group One would be happy to look into and address. He said what matters is  
535 the drainage on site is built to the plan that was approved. He thinks that's a distinct issue  
536 all together. He thinks Group One would be okay with a finding tonight that pursuant to  
537 request there is substantial compliance and there be a condition potentially to that approval  
538 that says part of this administrative process after the hearing tonight would be a  
539 certification that the as-built condition be the drainage infrastructure is consistent with  
540 what the plan that was approved and the as-built plan depicts.

541 Mr. Austin said that it made sense to him, but it is up to the Board.

542 Mr. Roseen said that Group One would be willing to agree or commit to the construction  
543 of the grading and drainage is in substantial completion as per the approved plan set and in  
544 so doing that would mean that that would need to be confirmed by survey or inspection or  
545 something like that. He asked if that was what they were agreeing to.

546 Mr. Pasay said yes that is correct. What they are agreeing to is an as-built drainage  
547 infrastructure that is consistent with and in compliance with the drainage infrastructure  
548 approved and reviewed in the original processing.

549 Mr. Roseen said that sounds good to him. He said he doesn't think the issues were that it  
550 was built as approved but isn't functional. He said some of the elevations are off and they  
551 are simple things that just need to be chopped down by about 6 inches on one and  
552 probably 4 inches on another. There are the things that would be revealed in an as-built.

553 Mr. House said they should have a landscape architect look at it for landscaping and an  
554 engineer, perhaps engineer record, to go out there and confirm that everything is on design  
555 and have him stamp an as-built drawing as well. He asked Mr. Austin if that made sense.

556 Mr. Austin said that it makes sense to him.

557 Mr. House asked Mr. Roseen if that is satisfactory to him.

558 Mr. Roseen said it was.

559 Mr. House asked if the applicant was all set with that.

560 Mr. Pasay asked if he could have a few minutes to consult with his client.

561 Mr. House said he could.

562 Mr. Austin said that someone from Group One wanted to speak with regard to the Gazebo.  
563 It sounded from Mr. Pasay's presentation that the picnic table wasn't a problem but the  
564 gazebo warranted more discussion from Group One's perspective. Then Board discussion  
565 generally has been about all 12 except the picnic table and the gazebo. He thinks that  
566 dialogue needs to occur and then the Board needs to decide and ultimately make a motion.  
567 His suggestion is that substantial conformance of those elements is amendable to with the  
568 conditions that the landscape architect review and stamp the landscape plan for  
569 conformance with the approved plans and that an engineer do the same for the stormwater  
570 infrastructure.

571 Mr. House said he wants to give Mr. Lavery and Ms. Hollasch a chance to speak and then  
572 let the applicant speak to that.

573 Mr. Austin said he would wait for MR. Pasay to confirm the applicant is back on the  
574 phone.

575 Mr. Houghton asked how many of the elements of the plan existed and how many tasks  
576 were involved in the site plan revision. He asked if there were 24 items that they were  
577 supposed to work on and they didn't do 12 and 50% were wrong.

578 Mr. Austin said he doesn't know if he counted the number of changes from pre-planned  
579 approval to current state.

580 Mr. Cattani said the 12 items identified to his knowledge are the only discrepancies. There  
581 was not an initial punch list of 20 items and these are the 12 remaining. He said he  
582 believes these are the only 12 that were identified.

583 Mr. Austin said he agrees with that statement.

584 Mr. Houghton said he remembers this plan, but he doesn't have it front of him. He said it  
585 wasn't an expansive task and it was fairly straightforward. They were going to remodel  
586 their parking lot. He said it is disappointing to hear that there are 12 items that they didn't  
587 do and they thought it would be more efficient if they didn't do it.

588 Mr. Cattani said that several of the items are light poles that are off a foot or two from  
589 their original locations. He thinks relative to items that are not on the plan, the only items



590 are the gazebo and the table. He said he thinks the rest of these 10 items are fine. One of  
591 the poles head is turned on the pole another poll was 2 feet from its original location. He  
592 thinks they're not talking about things that weren't done, they're talking about the whole  
593 premise of these minor discrepancies from the original approval.

594 Mr. Houghton asked how he would you feel about a contractor that put his housing  
595 structure of foot off the foundation.

596 Mr. Cattani said in all due respect, he would think a light pole foundation adjacent to a  
597 parking stall is a lot different from a home foundation.

598 Mr. Tabia from Group One said that Mr. Cattani was correct. It wasn't that they left items  
599 out, but some items were changed based on site conditions that they found while building  
600 a project. Touching on the Gazebo, it was at the site for sometime and their original plan  
601 called for them to relocate it. When they went to do so, it was all rotting out and the  
602 flooring was unsafe in it so they got rid of it. He asked when they replace the gazebo and  
603 place a picnic table on the site if Mr. Austin would be the person to approve the gazebo  
604 structure before they purchase and install it.

605 Mr. House said the Board is yet to agree to that.

606 Mr. Pasay said he would like to address the initial reason they went into their side bar as  
607 Mr. Tabia just referenced. He thinks that Mr. Austin is correct that they were happy with  
608 the picnic table but after speaking with Group One they are good with the gazebo as well.  
609 Group One will be happy to put a gazebo back on site and same thing for the picnic table  
610 subject to Mr. Austin's review.

611 Mr. House said he personally doesn't have a problem with Mr. Austin reviewing that. He  
612 asked the rest of the Board what they thought.

613 Mr. Pasay said with regards to the drainage, they're planning a condition that requires  
614 verification that the as-built condition is consistent with what is approved. Group One is  
615 also okay with that.

616 Mr. House asked if Mr. Roseen was all set.

617 Mr. Roseen said that he thinks that the proposed solution here is more than acceptable.

618 Mr. Lavery said he has no other questions or concerns.

619 Mr. Austin said sheet 14 that is posted on the agenda link is the one that shows the  
620 compare and contrast between approved and existing. If Group One is amenable than that  
621 puts the Planning Board in the better spot. He would strongly encourage them to consider  
622 the picnic table and the gazebo where they're showing on that plan.

623 Mr. Austin said there are only three areas they can be put in.

624 Mr. House asked what the Board thought about having the applicant coordinate with Mr.  
625 Ausitn.

626 Mr. Canada said he thinks it's important to give Mr. Austin the authority to approve the  
627 gazebo design. Some flexibility may be needed on the exact sighting.

628 Mr. Houghton said he agreed with Mr. Canada.

629 Mr. Roseen said he also agreed with Mr. Canada.

630 Mr. Lavery said he also agreed and had no additional comments.

631 Mr. Austin said that from the comments and presentation it sounds the Board is in the  
632 neighborhood of considering a motion to accept the request for substantial conformance  
633 for the first 10 of 12 items as were presented in the letter from DTC with the condition that  
634 the gazebo and picnic table be added back to the plan and indicated on an as-built. Prior to  
635 the as-built being reported there be a landscape architect to certify the landscape plan  
636 installation and that either the applicants engineer or similar qualified individual provides  
637 a letter or certification that the as-built stormwater BMP condition matches the approved  
638 stormwater design. Upon completion of the landscape and engineer sign off and the  
639 inclusion of the gazebo and picnic table they're in substantial conformance.

640 Mr. House said he wanted to give the applicant one last chance to make a comment.

641 Mr. Pasay said that Mr. Austin did a good job of saying the condition.

642 Mr. House asked if they are supposed to open it to the public.

643 Mr. Austin said that they are not required to open it to the public.

644 Mr. House asked if there is a motion.

645 Mr. Austin said it is a motion to accept the request submitted by DTC for substantial  
646 conformance with the conditions that the gazebo to be reviewed for architectural points  
647 and locations, be reviewed by Town Staff and included on the as-built and the picnic table  
648 to be included on the as-built. A mylar is to be recorded memorializing tonight's actions.  
649 Further the applicant will commit to hiring a landscape architect and the applicant will  
650 ensure an engineer sign-off on the as-built plan related to the stormwater BMP's on-site.

651 Mr. House asked for a motion.

652 Mr. Roseen made a motion and Mr. Lavery seconded the motion.

653 Jeremy Ricks asked if the Board is saying that he is not allowed to ask any questions.

654 Mr. House said that he could.

655 Mr. Ricks said that he thinks they are missing a few things. By moving the three spaces for  
656 the driveway they gained 12 spaces. They have stacked six or eight deep cars to those two  
657 lanes. He has seen cars double stacked along the front right side in the parking areas and in  
658 front. He's seen cars parked along the edge of the pavement where the septic system is  
659 located. He's seen them blocking access to the cistern and the cistern not plowed. He said  
660 that the plan was supposed to correct and they are still present. Group One said there  
661 would be no delivery and that is still happening. That site is not being used as it should be.  
662 They are allowing people to be parking where they shouldn't be and the fire cistern is  
663 blocked. He said he believes Group One is knowingly not complying.

664 Mr. Austin said there is Planning approval of the plan and then there is policing the site.  
665 He said he is appreciative that he voiced his concerns because now the town is made  
666 aware. He said before the Covid-19 pandemic there was a police order about deliveries on  
667 Route 108. He said he will address the other matters with the fire chief and the code  
668 enforcement officer to keep an eye on those concerns. He wants Group One to know that  
669 people notice when things operationally are not occurring. The parking relocation to the  
670 rear of the dealership couldn't occur. Those are not small things when putting a plan  
671 together. There is a separate distinction between Planning Board action on a substantial  
672 conformance then the operational components which can be addressed through other  
673 means.

674 Mr. Ricks said that it goes to the statement that it's easier to ask forgiveness than  
675 permission. Group One knew when they realigned that driveway what they were getting.  
676 In his opinion they were relocating three parking spaces and getting the ability to stack 6  
677 or 7 cars deep two lanes wide, which they didn't have in the previous approved  
678 incarnation. Otherwise they probably wouldn't have done it.

679 Mr. House said to Mr. Ricks that all he can suggest is to talk to Mr. Austin about the  
680 operation. The Board is not here tonight to address those concerns.

681 Mr. Ricks asked if they could make them change the driveway back to what they  
682 originally approved.

683 Mr. House asked where he was talking about.

684 Mr. Ricks explained where on the plan.

685 Mr. House said that he doesn't have the full plan set in front of him.

686 Mr. Austin explained where Mr. Ricks was describing.

687 Mr. Ricks said that they gained something by doing something that they aren't supposed  
688 to. He said that he thinks that they couldn't get a fire truck back there and especially not to  
689 the cistern. He said he thinks they knowingly did that.

690 Mr. House asked if there was anything said about stacking cars in the original plan.

691 Mr. Houghton said that spot didn't exist, there were only four spots where the driveway  
692 was.

693 Mr. Austin said he believes the Planning Boards general process is that they are allowed to  
694 park vehicles where you have designated parking spaces. He said it's conceivable that the  
695 Planning Board could make it clear on the as-built plan that there can be no additional  
696 parking spaces.

697 Mr. Pasay said that Group One appreciates the information from Mr. Ricks. Group One  
698 wants to be a good neighbor. He said where they are right now is the product of the  
699 collaboration with the town. It is the product of reviewing the revised plan set against what  
700 exists on the ground identifying discrepancies and doing a comprehensive analysis of each  
701 and every one of those discrepancies in their letter to explain why they're there and how  
702 they got there. He can say for sure is that Mr. Cattani and Mr. Tabia can offer a different  
703 viewpoint on the design of the end of driveway, the genesis of that design, and he is very  
704 confident that the design was not to accommodate an illegal or a parking strategy that was  
705 inconsistent with town regulations. He is hoping they can get back to the purpose of the  
706 meeting. He said that they are happy to engage in discussion of how they are operating,  
707 but they are here tonight for the 12 discrepancies and he would like to get back on track.

708 Mr. House asked if the reorientation of the driveway was in the list of 12.

709 Mr. House said he agrees with him that they are here to look at the 12 discrepancies. If  
710 there is a violation, then they need to bring it up to Mr. Austin and the Code Enforcement  
711 officers attention.

712 Mr. Austin said to answer Mr. Houses previous question, page 5 states the service drives  
713 relocation.

714 Mr. Austin said that the neighbors need to address him and Mr. Wolph to handle operating  
715 concerns. Mr, Austin said the Board needs to focus on the 12 listed.

716 Mr. House asked if the service drive was listed,

717 Mr. Austin said only the service drive entrance is listed as one of the twelve.

718 Mr. House said that the Code Enforcement Officer is the one that can enforce the rules.

719 Mr. House asked Mr. Canada what he thought.

720 Mr. Canada said that he thinks it is something for the Town to handle, but it is not for the  
721 Planning Board to handle. He needs to bring it up to the Code Enforcement Officer.

722 Mr. Houghton said he thinks that compliance issues should be taken up with Code  
723 Enforcement.

724 Mr. Roseen and Mr. Lavery agreed.

725 Mr. House told Mr. Ricks that they appreciate his observations., but he needs to bring it up  
726 to the Code Enforcement Officer.

727 Mr. Ricks thanked them for allowing him to speak.

728 Mr. House they have a motion and a second and asked if anyone wanted more discussion.  
729 He asked Mr. Austin to take role call. Mr. Austin took roll call; Canda, Aye; Houghton,  
730 Opposed; House, Aye; Lavery, Aye; Roseen, Aye. 4:1 vote, motion carried.

731 **d. Other Business**

732 Mr. Austin said there are several businesses in town that may or may not be able to open  
733 in the near future. He believes that with regard to site plan amendments. The Planning  
734 Board hears it as there is no expedited site plan process. One of the things restaurants  
735 mayu be looking at is providing outdoor seating where indoor seating is not available. Mr.  
736 Austin said it is an ability for Town Staff to change the operational function of the site and  
737 making slight adjustments to the site plan until the emergency order has ended. He  
738 suggested having something that states the Town of Stratham Planning Board  
739 acknowledges site plan operational changes under the emergency Covid-19 order by the  
740 Governor and the Covid Pandemic accordingly authorizes or delegates the Code  
741 Enforcement Officer and Town Planner in consultation with the Chief of Police and Chief  
742 of the Fire Department to accept temporary modifications to a site plan to allow operations  
743 during the state of emergency for a period ff less than or equal to 1 year. The end of the  
744 state declaration of emergency or when pre-emergency order operations resume on site  
745 without formal site plan amendment. Essentially allow outdoor seating on a sidewalk for  
746 example. This is not taking up parking spaces. He doesn't know how many possible  
747 machinations this might take, but the idea, if it's something Staff is generally comfortable  
748 with, it can exist during the emergency order or sometime period, without coming back  
749 formally to the Planning Board for a Public Hearing and the mylar and all of that process.  
750 Staff would request the ability to say it is going too far and it should go to the Planning  
751 Board. If something goes beyond folding chairs on the sidewalk for example. If the  
752 Planning Board were willing to accept a statement like this it would ultimately be up to the  
753 Select Board to approve.

754 Mr. House asked where this would happen. He asked if it was only for restaurants.

755 Mr. Houghton said there are restaurants that want to provide outdoor seating because of  
756 social distancing. He said his view is that they shouldn't let an emergency order change  
757 site plan operations. He would find a different way to do that.

758 Mr. Austin said he agrees. The four triggers for site plan review suggest that outdoor  
759 seating needs to go in front of the Planning Board. He said he is not trying to sidestep the  
760 Planning Board. He is trying to adjust to the Pandemic. They don't have time to change

761 anything, so he wanted to write a temporary order to allow outdoor seating on the  
762 sidewalk as long as they're not creating a Police, Fire, or Code issue. The hardest part is  
763 trying to put a time period on it.

764 Mr. Houghton thinks they should try and accommodate that.

765 Mr. Roseen said that he agrees that they need to accommodate that without making it too  
766 strict. The temporary clause is an essential part.

767 Mr. Canada said that he thinks it is a good idea, but they shouldn't limit it just to  
768 restaurants. He said he thinks they need flexibility.

769 Mr. Austin said hypothetically the order would end in 30 days.

770 Mr. Roseen said he doesn't know if it needs to be only 30 days.

771 Mr. Houghton said it extends 30 days after the state of emergency.

772 Mr. House asked Mr. Austin if he could draft something and send it in an email.

773 Mr. Houghton said once the state of emergency is lifted they can resume to normal  
774 business. If they would like to perpetuate the outdoor seating they can move forward with  
775 a site plan.

776 Mr. Austin said his suggestion is that him and Mr. Wolph put a letter together that  
777 Planning Board acknowledges that site plan moderation may occur and that they give  
778 Town Staff, the Code Officer, the Town Planner, Police Department and Fire Department  
779 accept an outline for code safety for operations of the site during the state of emergency to  
780 expire 30 days from the end of the state of emergency for them to resume normal  
781 operations or submit a site plan for amendments.

782 The Board said that works for them.

783 Mr. Austin said he will write that memo and review it with Mr. Wolph and get Mr. Houses  
784 signature on it.

785

786 **4. Public Meeting:**

787 a. *None*

788

789 **5. Adjournment**

790 Mr. Canada made a motion to adjourn the meeting at 9:25 PM and Mr. Lavery seconded  
791 the motion. Chairman House asked for roll call; House, Aye; Canada, Aye; Houghton, Aye;  
792 Roseen, Aye; Lavery, Aye.

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797 Note(s):

798 1. Materials related to the above meeting are available for review at the Municipal  
799 Center during normal business hours. For more information, contact the Stratham  
800 Planning Office at 603-772-7391.

801 2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on  
802 items that are not listed on the agenda.