



Stratham Planning Board Meeting Minutes
August 4, 2021
Municipal Center, Meeting Room A
Time: 7:00 pm

Member Present: Tom House, Chair
David Canada, Vice Chair
Mike Houghton, Selectmen's Representative
Pamela Hollasch, Member
Joe Anderson, Alternate Member
Chris Zaremba, Alternate Member

Members Absent: Robert Roseen, Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:03 pm and called roll call. Mr. House appointed Mr. Anderson as a voting member.

2. Review/Approval of Meeting Minutes

July 21, 2021

Mr. House asked if anyone had comments regarding the draft July 21, 2021 Planning Board minutes. Mr. Canada said he had no comments. Mr. Houghton made a motion to approve the meeting minutes of July 21, 2021. Mr. Canada voted to second the motion. All voted in favor.

3. Public Hearing:

- a. Sitting Bull Realty, LLC (Owner) - Request for approval of a condominium subdivision to convert a duplex under construction at 87 & 89 Bunker Hill Road (Tax Map 10, Lot 8) into two residential condominium units, zoned Residential Agricultural. Application submitted by Tim Mason, Cabernet Builders of Stratham, NH, P.O. Box 291, Stratham, NH, 03885.

Mr. House asked Mr. Connors if he had any comments related to the application. Mr. Connors stated the application is for a condominium subdivision of an existing duplex at 87-89 Bunker Hill Avenue. The duplex is under construction and very close to completion or recently completed construction. The condominium subdivision would allow the property owner to sell

each side of the duplex as two separate condominium units. There are a few recommended conditions related to the well locations and obtaining all the necessary state permits, but the application is pretty straight-forward. Mr. House asked Mr. Connors if he believed the application to be complete. Mr. Connors said yes. Mr. Anderson made a motion to accept the application as complete with a finding that it does not pose a regional impact. Mr. Canada seconded the motion. All voted in favor.

Mr. House asked for the applicant to introduce the application. David Vincent from David W. Vincent Land Services, LLC of Dover, NH, said he was here tonight representing the applicant. He said the owner and developer, Tim Mason of Cabernet Builders, were also present tonight as well. He said that the Planning Board previously approved a lot line relocation back in 2019 that adjusted the boundary for this lot. He said the condominium documents, and state septic permits have been provided and part of our application materials. He said that there is a backlog at NHDES and they have not yet received their State Subdivision Permit, even though they had submitted it several weeks ago. He said he anticipated that would be issued anytime.

Mr. Vincent said Mr. Connors had some questions related to the well locations and the NHDOT Driveway permit. Mr. Vincent said he had e-mailed Mr. Connors additional materials yesterday. Mr. Connors said Mr. Vincent had sent the NHDOT Driveway Permit yesterday. He also sent some additional information related to the well approvals. Mr. Connors said that based on his reading of the NHDES requirements they do not typically permit wells within 50 feet of state highways or where the 75-foot protective radii encroaches on to other properties unless you meet certain conditions. He said in this case it is clear the wells are within 50 feet of Bunker Hill Avenue, which is a state road. The Town would just like documentation that the wells were built in accordance with NHDES requirements and that there are no outstanding issues to address with the state. Mr. Vincent said that would be provided.

Mr. House asked if there was a motion to open the public hearing. Mr. Anderson moved to open the public hearing. Ms. Hollasch seconded the motion. All voted in favor. Mr. Bill Kenny, 1 Russell Drive, calling in over the telephone, stated that he was an abutter. He asked for clarification regarding the protective well-radii and it encroaching on to a neighboring property. Is that my property you are talking about? He asked if there were any liability issues associated with that. Also, Mr. Kenny said he found the timing of the application curious. Why did the applicant not file the application before they started development of the site? The building is basically complete and now we are being notified of a condominium subdivision. He said I just find that curious.

Mr. Vincent said he believed he could address both those items. The 75-foot protective well radii extend approximately 5-feet over the property line of 1 Russell Drive. The owner will need to file a release acknowledging that they accept the risks associated with that. There is nothing that is required for Mr. Kenny. As for the timing of the application, Mr. Vincent said that timing is standard for condominium subdivisions. Mr. House asked if there were any other public comments, hearing none, he asked if there was a motion to close the public hearing. Mr.

Anderson moved to close the public hearing. Mr. Houghton seconded the motion. All voted in favor.

Mr. House asked if there was any additional discussion or a motion on the application.

Mr. Anderson moved that the Planning Board approve the application for a condominium subdivision to convert a duplex into two residential condominium units at 87-89 Bunker Hill Avenue (Tax Map 10, Lot 8), consistent with the condominium subdivision plan by David W. Vincent, LLS Land Surveying Services, dated July 12, 2021, subject to the following conditions to be incorporated prior to plan signature or as noted:

Conditions:

- 1.) The applicant shall obtain a Map and Lot number for each condominium unit from the Stratham Assessing Department and the map and lots numbers shall be clearly depicted on the Condominium Plan.
- 2.) The draft Condominium Documents shall be subject to the review and final approval of the Town.
- 3.) The plan shall be updated to show the 75-foot protective well radii for both wells that are part of this application. Additionally, the applicant shall submit documentation indicating the wells were constructed in accordance with NHDES requirements.
- 4.) All recording fees shall be paid by the applicant.

Mr. Canada seconded the motion. All voted in favor.

4. Public Meeting:

- a. Tuck Realty Corp. (Applicant), LaBonte Investment Realty, LLC (Owner) - Request for preliminary consultation for a proposed 128-unit multi-family townhouse development at 13 and 15 Stoneybrook Drive, Zoned Special Commercial. Application submitted by Mike Garrepy, Garrepy Planning Consultants, 89 Glen Hill Road, Dover, NH.

Mr. House announced that he would be recusing himself from this application and that Mr. Canada would be chairing the meeting for this application. Mr. Canada asked who was representing the applicant. Mike Garrepy, of Garrepy Planning Consultants, said he would be making the presentation tonight. He said we are here tonight to hear your input before we go any further. We would like for you to be comfortable with the proposal. Mr. Garrepy said that the application is for two properties totaling about 63 acres, zoned Special Commercial, and located just south of Route 101 and north of the Exeter town line. He said many people don't realize this is even part of Stratham. About 16 acres of the property extends into Exeter, however, we would be looking to contain the development within Stratham. He said that about 15 years ago there was a proposal to build a church on the property but it did not go forward. Mr. Garrepy said that they had spent several months looking at the property and the zoning and the potential uses. He said the greatest need that was identified, both

129 regionally and here in Stratham, was for more housing. He said we have settled on a
130 townhouse style development. He said Mr. Connors' memo gives a good history of the site
131 and the direction that we are looking to take. He said that a higher density garden style
132 apartment project had initially been considered but the Town and the Fire Chief expressed
133 concerns to only providing a single point of access to a higher density development. Because
134 the property is surrounded by Route 101, an access drive would be constructed off of
135 Stoneybrook Lane to serve the development. Mr. Garrepy stated the townhouses would be
136 clustered but in no more than eight to a building and would conform to the Stratham Zoning
137 Ordinance, which limits multi-family structures to no more than eight residential units per
138 building. Mr. Garrepy stated they are looking at constructing mostly two-bedroom units,
139 although some may be three-bedroom.

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141 Mr. Garrepy said that any development would need to cross Parker Brook. The expense of
142 constructing a crossing appears to have tripped up the plans to construct a church on the
143 property. Ms. Hollasch asked how traffic would access the site since Stoneybrook Lane is
144 only accessible from the southbound lanes of Route 108. Mr. Garrepy said yes, but there is
145 signalized access in the Town of Exeter through Finch Lane behind the McDonalds
146 Restaurant. The layout of the development is mostly informed by the location of the
147 wetlands since they occupy a large part of the site. He said that there are some utility
148 easements that cross the property and they are still learning the terms of the easements and
149 what types of uses are allowed or prohibited. He said that they are currently planning for a
150 development that would have both public water and sewer connections. Mr. Garrepy stated
151 once the architectural plans are refined they would be like to come back before the board for
152 a second preliminary consultation and conceptual design review with notice to abutters for
153 feedback. Mr. House gave a brief explanation of the layout of the units. Mr. Canada
154 questioned how utilities will be coming from Stratham since the past history of this has not
155 been workable. Mr. Garrepy stated he has spoken with a small group of folks from the
156 Town of Exeter, not the Board of Selectmen, and have had positive feedback on this project.
157 Mr. Garrepy stated test pits were performed and there is suitable soils for septic on this
158 property, although it would be a better project if tied into the municipal system in Exeter.
159 Mr. House stated the Convenient MD and daycare are currently on Exeter water and sewer
160 system. Mr. Zaremba questioned if this project is 100% residential. Mr. Garrepy stated yes.
161 Mr. Garrepy stated there is a significant crossing of Parkman Brook which is being looked at
162 to determine what the best way to cross this with the least amount of impact. Mr. Garrepy
163 stated there is a 2,100 foot roadway from the end of Stoneybrook Lane to the end of the cul
164 de sac with a couple design options to help with life safety issues and they will work closely
165 with the Fire Chief. Mr. Houghton asked if the new road could be reconfigured so it drops
166 down and connects into the Stoneybrook Connector. Mr. Garrepy stated there may be a way
167 but topographically challenging and they do not have ownership. Mr. Garrepy stated they
168 will work with a traffic engineer to conduct a full traffic study. Ms. Hollasch asked for
169 clarification of the property line. Mr. Garrepy explained and showed the board on the maps
170 before them. Mr. Canada asked if the town allowed private roads. Mr. Connors stated yes
171 and they must be built to town standards. Mr. Garrepy stated they will be meeting with the
172 Town of Exeter next to discuss utilities.

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174 Mr. Garrepy explained there will need to be some Conditional Use Permits for the wetland

175 and buffer crossings, possibly some narrow parts of the road, etc. Mr. Canada stated
176 concern that an area zoned for and set aside for mixed uses being used exclusively for
177 residential uses, and questioned if affordable, workforce housing would be incorporated into
178 the development. Mr. Garrepy explained that they analyzed the site and concluded it is not a
179 viable commercial site. Mr. Canada stated there are viable commercial uses for more
180 obscure spots. Mr. Garrepy explained the housing will not be restricted in rent or price but
181 targeted towards those working in the area who might not otherwise find housing in the area
182 and will look at “workforce” housing if that is what the board would prefer. Mr. Garrepy
183 explained that “workforce” housing is difficult without access to tax credits it makes it
184 nearly impossible to deliver that product and very challenging. Mr. Connors stated there is
185 another site in town that is being looked at to allow more density but the zoning will need to
186 be changed to allow for that. Ms. Hollasch questioned if there is a possibility for the portion
187 of the site closest to Stoneybrook Lane to be utilized as professional office space. Mr.
188 Garrepy stated they are working with Unitil to determine what uses are and are not permitted
189 within the 100 foot easement area that is not currently being utilized. Mr. Connors said that
190 the plan currently shows part of the driveway encroaching into the Town of Exeter. It is
191 possible you will need to obtain Exeter Planning Board approval for the access driveway, he
192 said. It’s a legal questions we will have to research. The Board agreed the project is
193 intriguing and the potential is great but encouraged the applicant to look closer at how it can
194 relate to the commercial and workforce housing aspect of the project. Mr. Houghton voiced
195 concern with traffic in the area due to the size and limitations of the existing road.
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197 a. Proposed Revisions to the Site Plan Regulations relating to Planning Board Site Plan Review
198 of applications:
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200 Mr. Connors stated the administrative board review process was reviewed by the board at the
201 last Planning Board meeting and another option was added for board review. The Board could
202 waive public hearings for small, minor, site plan revisions and would keep the process within
203 the Planning Board’s realm for approval. The process would involve a consent agenda process
204 where it would be listed on the agenda, the abutters would not need to be notified or meet the
205 public hearing requirements so the deadline would be less stringent for the applicants which
206 would be 10 days in advance of the meeting and the board has the option to approve the
207 consent agenda without opening discussion into an application. This would allow for an
208 expedited process. Mr. Anderson favors the administrative plan review process previously
209 discussed with the Board. Mr. Zaremba questioned approximately how many of these minor
210 site plan revisions occur in a year. Mr. Connors stated the change of use does not currently
211 require review so he is unsure of the number. Mr. Anderson stated if any of the five (5)
212 department heads who will review the minor site plan do not approve it will come before the
213 Planning Board. Ms. Hollasch asked how the department heads feel about the added workload
214 for their schedules. Mr. Connors said he did not believe it would add considerably to their
215 workloads. If they did not provide comments to the Town Planner, it would be assumed that
216 they did not have any objection. Mr. Canada asked for clarification that the consent calendar
217 proposal would be for small projects and not just changes in approved projects. Mr. Connors
218 stated yes and the administrative review would be for small changes for approved projects or a

potential new change of use project under 3,000 square feet. Ms. Hollasch is in favor of the administrative review process. Mr. Canada and Mr. Houghton stated they are in favor of the option that allows the process to remain within the Planning Board. Mr. Houghton stated concern with the change of use and 3,000 square feet limit as there are several properties on Route 108 at or under 3,000 square feet. Mr. Houghton stated some change of use is not minor and would be frowned upon in some sections of town. Mr. Houghton stated he agrees with simplifying the process but we need to ensure the proper control is reflective of the day to day realities are accounted for. He said the Town is fortunate to have an excellent staff, but there will always be staffing changes over time. This proposed process (brought forward by Mr. Connors tonight) is less of a departure from our current review process. Mr. Canada stated this is subject to review and Mr. Connors is not the final decision and he would like the full board, or any member of the board, bring it up for discussion. Mr. Zaremba agrees with the consent calendar as well. Mr. Anderson agreed. Ms. Hollasch prefers the “administrative” process and proposes item “a” be removed completely. Mr. Connors stated the language could be changed to make clear that any “change of use” would have to go before the Planning Board. Mr. House prefers the “expedited” process because of the different experiences of the Planning Board.

Mr. Canada made a motion to schedule a public hearing to adopt revisions to Section 3.3 of the Site Plan regulations to clarify when the planning board site plan review is required and to adopt a new Section 3.4 to incorporate an Expedited Planning Board review process described in the staff report dated July 30, 2021 with subsequent sections renumbered for September 1, 2021. Ms. Hollasch seconded the motion. Motion carried unanimously.

b. Planning Board Training Date:

Mr. Connors recommended Zoning Ordinance training for new members and a refresher, as it relates to legal requirements for the planning board. There has been some changes on the state level regarding housing appeals board and other case law which should be reviewed. Mr. Connors stated NH Municipal Association holds the training and their schedule does not allow for after 7:00 pm so there will be no applications accepted for the night selected to hold the training. Mr. Connors suggested October 20 or November 17 as potential dates. Mr. Connors will reach out to the NH Municipal Association to confirm the board’s first choice to be October 20 at 7:00 pm and work with their availability.

c. Miscellaneous Community Planning Issues:

None brought forward.

5. Adjournment

Mr. Anderson made a motion to adjourn at 8:36 pm. Ms. Hollasch seconded the motion. Motion carried unanimously.

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Note(s):

- 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
- 2. The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed on the agenda.*