



Stratham Planning Board Meeting Minutes
October 20, 2021
Municipal Center, Meeting Room A
Time: 6:59 pm

Member Present: Tom House, Chair
Mike Houghton, Selectmen's Representative
Pamela Hollasch, Member (7:03 pm to 9 pm)
Joe Anderson, Alternate Member
Chris Zaremba, Alternate Member

Members Absent: David Canada, Vice Chair
Robert Roseen, Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 6:59 pm and called roll call. Mr. House appointed Mr. Zaremba and Mr. Anderson as a voting member.

2. Review/Approval of Meeting Minutes

October 6, 2021

Mr. Anderson made a motion to approve the minutes of October 6, 2021. Mr. Zaremba seconded the motion. Motion passed unanimously.

3. Public Hearing:

- a. Route 11 Investments, Inc. (Owner) - Request for approval of an amended site plan to allow a building addition and modifications to a site driveway and parking areas of an existing ambulatory surgery center at 4 West Road (Tax Map 4, Lot 9), Zoned Gateway Commercial. Applicant's representative is Jones & Beach Engineers Inc., P.O. Box 219, Stratham, NH 03885.

Mr. Connors stated this is a minor application at 4 West Drive and is a site plan amendment to modify the driveway in the rear of the building and create a new drive-through area, and to relocate the parking. There will be no reduction in parking. The applicant is proposing to add approximately 450 square foot addition to the existing building. Mr. Connors recommends the board find the application to be complete.

Mr. Anderson made a motion to accept the application as complete and that is project will not have a regional impact. Mr. Zaremba seconded the motion. Motion carried unanimously.

Joseph Coronati, Jones & Beach Engineers, introduced Michael Keane, Michael Keane Architects, and Rob Graham, Graham Consulting. Mr. Coronati explained this property is a surgical care center located behind CVS Pharmacy. The applicant is proposing to add a drop off for patients at the rear of the building so as not to be visible from Portsmouth Avenue. Currently there is a parking lot that will have some parking spaces removed for the proposed covered drop off. A small building addition is being proposed and the removed parking spaces will be relocated. There will be a slight decrease of impervious surface.

Michael Keane, Michael Keane Architects, stated the addition will be expanding into existing medical office space. There are regions within the surgery center that will not be able to use the main entrance to serve the new operating room and recovery area so a new an additional entrance to the back of the building is being proposed. The covered drop off and pick up area will be similar to the existing area on the east side of the building. The addition will create an accessible entrance and physical therapy area for patients. The proposed addition will create one (1) surgery room, a recovery area, and administrative areas. The addition will look like the existing building with stucco finish and roof.

Mr. Houghton asked for confirmation that the addition and drop off will be encroaching on existing parking and the parking will be relocating without impacting the travel lane. Mr. Coronati said yes. Mr. House stated the same amount of handicapped parking will remain.

Mr. Anderson made a motion to open the hearing up for public comment. Ms. Hollasch seconded the motion. Motion carried unanimously.

Hearing none, Mr. Zaremba made a motion to close the public hearing. Ms. Hollasch seconded the motion. Motion carried unanimously.

Mr. Anderson made a motion that the Planning Board approve the amended site plan to allow a building addition and modifications to the site driveway and parking at 4 West Street (Tax Map 4, Lot 9), as shown on the site plan by Jones & Beach Engineers, Inc, last revised September 29, 2021, subject to the following conditions.

Conditions

- 1.) The amended site plan shall be recorded. All recording fees shall be borne by the applicant.
- 2.) The applicant shall correct the geometry of the two parking spaces proposed for the west side of the site.

Mr. Zaremba seconded the motion. Motion carried unanimously.

- b. Lindt & Sprungli USA, Inc. (Owner) - Request for approval of amendments to Planning Board conditions of approval placed on a Site Plan and Conditional Use Permit approved on March 18,

2020 at One Fine Chocolate Way (Tax Map 3, Lot 1), Zoned Industrial. Applicant's representative is AECOM, 13355 Noel Road, 4th Floor, Dallas, TX 75240.

Mr. Anderson recused himself from the hearing due his position as Board President for the development his residence belongs which abuts Lindt property.

Mr. Connors stated the Lindt Project Lego was approved in March 2020 with conditions. Mr. Connors stated the applicant is before the board to request modifications to two (2) of the conditions placed on that approval.

Condition Subsequent #5: "Applicant shall be responsible for the full cost and implementation of the Marin Way cul-de-sac improvements within the Town right-of-way which shall be completed to the satisfaction and acceptance of the Town of Stratham Select Board and Department of Public Works. Further, the Planning Board recommends that prior to commencing such work, Applicant shall bear the cost and responsibility of notifying the Marin Way abutters for coordination and assurance of adequate use and access during construction."

The applicant is requesting this condition be eliminated because there were some modifications made to the site plan previously the guardhouse encroached into the public right of way but they were able to redesign so the improvements were entirely within the Lindt site and not on the town's right of way and this condition is no longer applicable. Mr. Connors stated he does not object to eliminating Condition Subsequent #5.

Condition Subsequent #4: "In furtherance of Condition Precedent #4: Applicant shall submit a proportional contribution of funds or similar surety in a manner directed by the Stratham Select Board to defray those Town costs related to NH 111 and Marin Way right-of-way/driveway permit mandated by NH Department of Transportation."

The applicant is requesting this condition be redirected to help fund the reconstruction of Marin Way. The Director of Public Works, Nate Mears, submitted a memorandum stating support of this request. This change in the condition came after several discussions and it results in a better outcome for the Town because it would be a higher contribution that what is allowed under the intersection modifications. Any impact fee would have to be spend within six (6) years so if improvements are not made to the intersection within six (6) years, the Town would be required to return the funds to Lindt.

Mr. Connors recommended the board accept this application as complete. Mr. Houghton made a motion to accept the application as complete and it does not impose any regional impact. Mr. Zaremba seconded the motion. Motion carried unanimously.

Joshua Fenhaus, AECOM, stated in March 2020 the Notice of Decision containing the conditions subsequent and precedent was received. The applicant would like to update two (2) of the conditions subsequent as described by Mr. Connors. Mr. Fenhaus explained the plans to the board via power point presentation. Mr. Fenhaus stated a letter from Mr. Phillips, Lindt, asked that the language be updated based on discussions with the Town of Stratham. The contribution

132 agreed to is \$50,000. Mr. Fenhaus gave the board a copy of the proposed language. Mr.
133 Fenhaus received a staff letter from Mr. Connors today that had different language with the same
134 intent. Mr. Fenhaus stated all the work that is within wetlands is complete and the natural
135 resources inventory will be performed end of this year, 2021, or beginning of 2025. As stated by
136 Mr. Connors, the improvements that were to be off site, were able to be moved on site per
137 meeting the Town of Stratham Planner and the applicant is requesting that Condition Subsequent
138 #5 be removed. Mr. House asked if there were updated plans. Mr. Fenhaus showed the board
139 the recorded plan showing the guardhouse. Mr. Houghton asked for confirmation of the changes.
140 Mr. Fenhaus stated there were slight improvements to the circle which is located on town
141 property and Project Lego was originally going to slightly improve that circle. The guardhouse
142 was moved back slightly to the northeast which allowed all improvements to take place on Lindt
143 property. Mr. Fenhaus stated Lindt coordinated with Mr. Mears during the process. Mr.
144 Houghton asked for confirmation that the circle would be part of the improvements that the town
145 would make to Marin Way. Mr. Connors stated Lindt requested slight modifications to the circle
146 to account for truck movements and the Public Works Director indicated he has no objection to
147 that. Mr. Connors stated there would be no changes to the Lindt plan. Mr. Zaremba asked for
148 confirmation that the \$50,000 is for the improvements the cul de sac or intersection of Route
149 111. Mr. Connors stated the money would be slated for the reconstruction of Marin Way.

150
151 Mr. Zaremba made a motion to open the hearing for public comment. Mr. Houghton seconded
152 the motion. Motion passed unanimously.
153

154 Richard Adie, 16 Kirkwall Drive, stated his attendance at the meetings at the end of 2019 and
155 early 2020. The abutters of Haywick, Cannich, Kirkwall, and Moray Court have been tolerant of
156 the construction noise at Lindt. Mr. Adie voiced concern that this noise may continue through
157 2025. Mr. Adie is concerned that Lindt has not resolved the conflicts of the noise concerns that
158 have been raised by the Haywick neighbors regarding the roof mounted air chillers. Earlier this
159 year compressor noises which occurs every ten (10) seconds, almost 24 hours per day. It is more
160 noticeable after the winter when windows are open. In the Planning Board meeting minutes of
161 March 18, 2020, Line 195 through 196, Mr. Fenhaus stated “for the proposed improvements
162 there will be no more noise”. Mr. Adie stated the noise is in violation of Town of Stratham
163 Noise Ordinance 1-15.01 through 1-15.03. Mr. Adie stated he personally communicated twice
164 with Mr. Vollenweider of Lindt on May 28, 2021 and August 16, 2021. Since there have been
165 no improvements all the Rollins Hill Development neighbors gathered to address the concerns in
166 a letter to Lindt. Lindt has agreed to meet with the neighbors sometime in mid-November. Mr.
167 Adie stated the residents of The Vineyards have briefed them on the issues they’ve had with
168 noise and still do not feel it has been successfully resolved going back to 2014. Mr. Adie asked
169 if Lindt would agree to take action to reduce the noise in the air handlers and sugar towers, the
170 light impact of Haywick and Kirkwall neighborhoods, and meet representatives of the
171 neighborhood which they’ve agreed to. Mr. Adie asked the planning board to postpone any
172 further approval from Lindt until they meet with neighbors and present a plan for noise and light
173 mitigation for the Vineyards (76 homes) and Rollins Hill Development (64 homes) that fulfills
174 past agreements going back to 2014.
175

176 Mr. House asked if the 2025 deadline is noted anywhere. Mr. Connors stated the site plan is
177 vested, and noted in zoning. Mr. House stated the application before the board tonight is

178 regarding the driveways and they cannot make decisions on the other items because it does not
179 relate to the application before the board. Mr. House stated Shanti Wolph, Code Enforcement
180 Officer/Building Inspector, should be contacted regarding noise decibel levels. Mr. Connors
181 agreed and stated that would be a code violation that could be filed with the Code Enforcement
182 Officer. Mr. Houghton stated the Notice of Decision did not specify the completion date which
183 would be driven by the Town Ordinance. Mr. Houghton suggested Lindt, the Town Planner,
184 Code Enforcement Officer, and members of the concerned community should come together to
185 have a conversation to work through the issues to clear up any confusion on the approvals. Mr.
186 Connors said the Town would be able to participate in the meeting and asked Mr. Adie to send
187 him the meeting information.

188
189 Mr. Zaremba made a motion to close the public hearing. Ms. Hollasch seconded the motion.
190 Motion carried unanimously.

191
192 Mr. Zaremba asked for confirmation on whether the improvements will be on One Fine
193 Chocolate Way and Marin Way. Mr. Connors stated the improvements are slated for just Marin
194 Way.

195
196 Ms. Hollasch made a motion to approve the request of Lindt & Sprungli USA (Owner) to modify
197 the conditions of approval placed on the Site Plan and Conditional Use Permit approved by the
198 Board on March 18, 2020, including the elimination of Condition Subsequent #5, because due to
199 site modifications the condition is no longer applicable, and the amendment of Condition
200 Subsequent #4 to read:

201
202 “The applicant shall provide the Town of Stratham a contribution of \$50,000.00 to help fund the
203 reconstruction of Marin Way and Fine Chocolate Place, including improvements to the Fine
204 Chocolate Place cul-de-sac consistent with the detail submitted on August 2, 2021, within 90
205 days of this decision. The Town of Stratham shall program for the improvements to be
206 completed by December 31, 2022.”

207
208 Mr. Zaremba seconded the motion. Motion carried unanimously.

- 209
210 c. Aberdeen West Cooperative (Owners) - Request for a determination on, or an amendment to, a
211 condition placed on a 1988 site plan approval and for approval of a Conditional Use Permit and
212 Site Plan to construct a 90 kilowatt ground-mounted solar array at the Aberdeen West
213 Cooperative, Lovell Road and Aberdeen Drive (Tax Map 19, Lot 36), Zoned Manufactured
214 Housing. Applicant’s representative is Horizons Engineering Inc., 34 School Street, Littleton,
215 NH 03561. *This application was postponed from the September 15, 2021 meeting.*

216
217 Mr. House recused himself from the hearing due to being a direct abutter and Mr. Houghton will
218 act as Chair.

219
220 Mr. Connors stated before the board can vote on the Site Plan and Conditional Use Permit, a
221 condition placed on the property in 1988 as part of the Aberdeen West site plan approval which
222 includes the following condition:
223

224
225 “There shall be no further development on this site. Open space and/or common land will
226 continue to be used for conservation, park, and/or recreation purposes in perpetuity, and shall not
227 be disposed of by sale or otherwise except to any organization established for the purpose of
228 owning and maintaining such open space.”
229

230 Mr. Connors stated that the Town has received several letters from abutters and Aberdeen
231 residents that are part of the Planning Board packet. Letters were received from Michael Daley
232 Sr, 61 & 63 Lovell Road; Richard Beauregard, 9 Aberdeen Drive; Laura Grimsted & Jennifer
233 Thibault, 95 Willowbrook Avenue; Maureen Laroche, 7 Aberdeen Drive; Robert Laplante, 58
234 Lovell Road; Rose Rowe, 2 Aberdeen Drive; Rebecca Mitchell, 200 Portsmouth Avenue; and
235 Dorothy Rafferty, 5 Aberdeen Drive.
236

237 Mr. Anderson made a motion to accept the application as complete and the application does not
238 have a regional impact. Mr. Zaremba seconded the motion. Motion carried unanimously.
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240 Jeannie Oliver, of the Vermont Law School Energy Clinic, along with her students have been
241 assisting the applicant to secure grant funding to pursue this solar project. Ms. Oliver introduced
242 Ryan Fowler, Horizons Engineering Inc., who prepared the site plan and Ted VanSant, KW
243 Management, who will install the solar project. Mr. Fowler stated the proposed solar array will
244 be installed in the northwest corner of the property. The total impact area is less than 18,000
245 square feet and does not require an alteration of terrain or wetlands permitting. The wetlands
246 have been flagged by a certified wetland scientist and delineated on the plan. Minimal
247 excavation on the site is proposed and the IC units are driven into the ground and no grading will
248 be required or major construction. Silt fence will be installed on the southeastern of the property
249 where downslopes would affect wetlands for any digging to take place. Previous conditions set
250 for on the plan is the biggest concern for the town planner as this project has minimal impact.
251 Ms. Oliver explained Vermont Law School Energy Clinic is involved in this project to help
252 expand the reach of renewable energy to low and moderate income communities. Ms. Oliver
253 explained the impact between low and moderate income people with regard to affordability, or
254 lack thereof, to afford renewable energy. The NH Public Utilities Commission has grant funds
255 available on a competitive basis for low to moderate income based community solar projects.
256 Aberdeen West was chosen by the NH Public Utilities Commission to receive the grant and
257 signed off by the State of NH Governor. This solar array will directly benefit the 23 members of
258 this community. This is not a commercial solar array.
259

260 Mr. Anderson asked Mr. Connors to define “development” on the previous plan. Mr. Connors
261 stated that is for the Board’s determination. There is no definitive definition of what constitutes
262 development. Mr. Houghton read the note of the previously approved site plan and explained the
263 Board must interpret the Planning Board intent in 1988. Mr. Houghton questioned whether other
264 locations on the property were considered for this array. Mr. Fowler explained a location
265 towards the end of the cul-de-sac was considered but was not chosen because of the potential for
266 wetlands in that area is high. The best area is the northwest corner of the parcel. Mr. Houghton
267 questioned the southern portion of the property. Mr. Fowler stated the southwest corner has
268 wetlands. Mr. Fowler explained there is a stream through the wetland that would need to be
269 crossed to access the area. Mr. Fowler explained the wetland areas that were flagged and shown

on the plan. Ms. Oliver explained the proposed array is less than half the size of maximum array and less than one quarter (1/4) acre of land use and sized to match the demand needed in the community. Mr. Fowler stated the solar panels take up less than 4,000 square feet of area. A solar scrim is proposed to eliminate the need for fencing the area to benefit the wild life in the area. The fenced area shown on the plan is less than 12,000 square feet of area. Mr. Houghton asked what the applicant is proposing to mitigate the view for the abutters. Ms. Oliver stated the applicant is proposing landscaping to mitigate the view. The plantings will be more substantial on the western side where current vegetation does not exist. The applicant is proposing plantings on the northern side. Mr. Houghton questioned the height of the panels. Ms. Oliver stated the panels are between 10-11 feet. Ms. Oliver explained the applicant is proposing a mix of Arborvitae and juniper bushes and is open to input from the planning board if there is other vegetation they would like to see. Ms. Oliver stated the landscape plan would be submitted after feedback from the Planning Board.

Mr. Zaremba asked for clarification that this use does not infringe on Condition #8. Ms. Oliver explained their view is the solar array is not the type of development that the planning board had in mind when they proposed Condition #8. The context of the meeting minutes and conditions around #8, i.e. #7, that what they had in mind was the development of more units, which would be more permanent structures with foundations. The solar array will have minimal impact to the land and does not have impact on the open space and is less than 1/4 acre of the 30 acre parcel. Ms. Oliver stated the array is conservation related and renewable energy is necessary for the conservation of all of our natural resources. Ms. Oliver stated the Planning Board has the sole discretion to interpret or amend the condition placed in 1988 as times have changed and the array is very low impact from an environmental perspective. Mr. Fowler stated the Town of Stratham Zoning Ordinance does not recognize the solar array as impervious. Ms. Oliver stated the Town of Stratham website lists the Aberdeen community as a cluster development and the zoning ordinance cluster development reference allows accessory uses, structures, or utilities to be installed to be used for the benefit of the community residents. Mr. Zaremba questioned what "temporary" means. Ms. Oliver stated this is new technology and the array will last at least 20 years, possibly up to 30 years. Ms. Oliver explained her reference to "temporary" means the alteration to the land since it not on a foundation and doesn't require escalation. When a solar project is decommissioned the poles are pulled out and taken off site and the land is restored to its original condition. Mr. Connors explained to the board that the Solar Ordinance requires the town take a financial guarantee to assure the panels are removed and disposed of.

Mr. Anderson made a motion to open the hearing to public comments. Ms. Hollasch seconded the motion. Motion carried unanimously.

Michael Daley, property owner of 61 & 63 Lovell, stated he would like to see the array moved to a different location on the property and if not possible his concern is that there is a stream that runs through this property close to this project which is not shown on the plan. Mr. Daley stated he spoke with the state environmental services today and they stated the stream should be indicated on the plan. Mr. Daley stated 63 Lovell Road has a pond that is fed by the stream and the panels contain hazardous waste. Mr. Daley stated concern that the flow will be changed with the driveway installation. There is no culvert shown under the driveway and will change the flow of the water that comes off the roads. Mr. Daley is concerned that during rainstorms, as the

panels deteriorate, some of waste will come off the panels and contaminate the stream. Mr. Daley stated he has plans to build a home on 63 Lovell Road and the applicant has not shown any screening on that side of the project. Mr. Daley stated there is no protection shown on the plan to stop runoff going into the stream during construction. Mr. Daley is concerned with a potential warning system when the panels are not working correctly (i.e. flashing light, siren, etc.) that could be noisy for the neighborhood. Mr. Daley believes there is another location that would not affect the abutters. Mr. Daley does not agree that solar panels constitute open space and believes the board in 1988 did not want anything installed on the property.

Lester Cuff, 50 Stratham Heights Road, stated he is a grassroots activist for solar and climate change. Mr. Cuff stated he built his house in 1986 and it was designed as passive solar with the future of installing solar panels. Mr. Cuff has had three (3) installations of solar panels in 2012, 2015, and 2017. Mr. Cuff's goal is to educate Stratham residents and representatives on solar. Mr. Cuff has been involved in at the state level, as well as local level, to advocate for solar energy. Mr. Cuff was involved in helping the selectman decide to install solar panels on the Town of Stratham Fire House. Mr. Cuff held a presentation on his solar journey to explain the benefits he achieved and to help the residents of Stratham receive the same benefits. Mr. Houghton asked Mr. Cuff to comment directly to the applicant before the board. Mr. Cuff spoke to the Conservation Commission and Energy Committee and the selectman passed the solar panels on the fire house, but the fire station could not have holes in the fire station so it was installed on the police station. Mr. Cuff is helping to educate the town and residents. Mr. Cuff stated this project is very important and is the future of Stratham.

Charlie Case, 36 River Road, has been a member of the Energy Commission for five (5) years. Aberdeen West is proposing to do what we should want them to do. They will be saving energy, using renewable resources, and the definition of conservation is conserving energy and everything we need to in order to have the world 100 hundred years from now for the grandkids. Mr. Case stated renewal energy reduces greenhouse gases, substantially reduces costs for the members of the Cooperate, particularly low income people which is important.

Michael Daley Jr, resides at 61 Lovell Road, stated the solar array will be in his view every day and every night. Mr. Daley stated he is not opposed to solar. Mr. Daley stated his employer has 1,000 solar panels installed on the south facing roof and questioned why this is not being proposed. Mr. Daley asked how much of the power is going back into the development to be couched or is it being sold back to the power company.

Cassandra LaPlante, 58 Lovell, stated she is an abutter to the project (to the right of her property) and appreciates the value of solar panels and does not believe this vote is for or against solar panels but it is specifically around the placement of the solar panels. Ms. LaPlante stated placing the panels in conservation land is taking away from one to give to another. Conservation land delivers enormous environmental benefits to the broader public. Ms. LaPlante has concerns placing the solar on conservation land. Ms. Laplante stated the carbon footprint of the conservation would be disturbed by installing the panels on conservation land. Ms. LaPlante reiterated the debate is not regarding solar panels are good or bad, this is a proposal for a residential development that would rob from the conservation land and only benefit a small subset.

Whitney Bedard, 57 Lovell Road, stated she lives directly across the street from the site and is not against solar. Ms. Bedard has been restoring her home since they purchased it two years ago and read the deed that references nothing is to be built on the property since that was a concern to them. There are studies that show large, visible, structures directly across from their home would be detrimental to property values. Ms. Bedard asked if the panels could be installed on individual home for a cost savings or locate the panels in a different, non-visible, area on the property.

Roger LaPlante, 58 Lovell Road, stated Mr. Connors should have shared the deed between Aberdeen Trust and the current owner, Aberdeen West Cooperative with the board. Mr. LaPlante stated in 1982 solar panels were used in a large scale in CA in order to generate a large amount of electricity. In minutes of May 1988 there were some notes added which added #6 and #7 were minimally added at that time. From May until October 1988 when the site plan was drawn Note #8 was added. Note #7 states the maximum number of units allowed is 23. Note #8 specifically applies to anything additional cannot be developed on that land. The note says the property can be used for conservation, park, or recreation. Solar panels do not meet any of those three (3) criteria. Conservation land is for the sole purpose of conservation of, or conserving, the natural ecology. In 2006 it is noted that it became a determined condition that the seller put on the buyer that they have to adhere to the site plan, which is noted in the deed, last paragraph, as reference here as recorded at the Rockingham County Registry of Deeds as Plan D-18778. This grants all the granted right, or interest in, and opportunity rights in private roads, water and sewer, and infrastructure within said manufactured housing community and is submit to the rights, matters and conditions set forth in set per plan. The conditions of the sale were bound by the constraints at the time. Mr. LaPlante does not agree that the board has a right to remove the note, or reinterpret what is currently written on the plan. Mr. LaPlante explained the deed should be followed.

Mike Welty, 6 Walters Way, Chairman of the Stratham Energy Commission, stated the Energy Commission believes it is truly in the spirit of the word "conservation" to go solar. Mr. Welty stated December 1, 2021 all electric bills in the Unitil territory will be going up 60 percent. The supply rate in which the solar would be supplied from Unitil today is at \$.07 and come December 1 it will be \$.17. Aberdeen is a lower income community and Mr. Welty stated it we need to help.

Kim Woods, 16 Aberdeen Drive, stated the property has changed tremendously since she's lived in the community. The lot across the street which was a single family home has recently produced income producing apartments at 57A & 57B Lovell Road, 58 Lovell Road lot was originally one (1) single family home. Since it was purchased in 2011 it was subdivided into two (2) single family homes, Mr. Daley's property recently had six (6) lots approved and now subdivided, the Baken's property down the street which was a single family home now is a duplex. Ms. Woods stated the whole neighborhood has changed and the Aberdeen community carefully considered all locations to install the solar. Ms. Woods stated they do not want to impede on anyone's rights or use but the Aberdeen community owns the property and this grant was given as a tremendous opportunity to benefit the 23 homes in the community. The credits earned will go directly to the lower moderate income people as credits on their bill.

408
409 Jim Joseph, 12 Aberdeen Drive, stated he is in support of the project and Ms. Oliver can speak to
410 the point of installing on the roofs of each individual home. The grant was written for a ground
411 mount solar array, not as individual home panels. Mr. Joseph stated in his occupation and
412 working with property deeds over the last 12 years, plans are often referenced on deeds as
413 references, not as conditions of sale.

414
415 Drew Bedard, 57A & 57B Lovell, purchased the property in 2019, which was in disrepair, and
416 owner of a legal duplex. Mr. Bedard reiterated that the note states “there shall be no further
417 development on this site, open space and common land will continue to be used for conservation,
418 park, or recreation purposes in perpetuity” which means forever. Mr. Bedard stated he is all for
419 solar but does not think it should be installed on conservation land. Mr. Bedard asked the
420 definition of the term “structure” and does this array meet that definition.

421
422 George McMahon, 23 Aberdeen Drive, has owned the property for a little over two (2) years and
423 is in support of the solar project before Climate Change becomes worse. Mr. McMahon stated
424 the solar array is nothing different than the utility or power station right down the road. Mr.
425 McMahon stated the board is responsible for these types of decisions and this is not, and will not
426 be the first time it comes before the board. Mr. McMahon stated this will benefit the community
427 and the children well into the years ahead of us.

428
429 Joan Gilman, 6 Aberdeen Drive, stated agrees with Mr. McMahon and at some point we all need
430 to take responsibility and stop pushing it off on other people to save the ecology. Ms. Gilman
431 enjoys watching the wildlife walk through the property and in it is very likely that two
432 generations down there may not be any because there will be no foliage.

433
434 Frances McMahon, 23 Aberdeen Drive, stated when the proposal of solar came about she was
435 excited for all the people in her community because many deserve a break. Ms. McMahon stated
436 the community was excited to get a chance to help the lower income folks save money and
437 worked hard and cared about what the abutters would see and where it was placed. Ms.
438 McMahon stated they are working to keep the environment safe. Ms. McMahon stated she does
439 not believe the solar array will not be a detriment to the conservation area.

440
441 Tom House, 89 Willowbrook Avenue, stated he will not be able to see the array from his house
442 but voiced concern, as an architect, with the visibility that Mr. Daley and Mr. Whitney [Mr.
443 House appeared to be referring to Mr. Bedard] have talked about. The arrays are approximately
444 11 feet tall on the high side, and with the slope away from Lovell Road the abutters will see the
445 high (back end) side. Mr. House stated the applicant does not show or discuss fencing or the
446 height, type, or denseness of the trees. Mr. House stated there was a solar array installed at a
447 condominium association off Route 108 and trees were installed as a buffer from seeing the
448 array. Mr. House questioned the equipment used to install the array.

449
450 Michael Daley, owner of 61 & 63 Lovell Road, stated the biggest concern is what the Planning
451 Board’s view is on Comment #8 of the 1988 plan. Mr. Daley stated if this is concerned a small
452 project then no bond is required by the Town of Stratham zoning. Mr. Daley asked the Board to
453 address whether bonding will be required. Mr. Connors stated this array qualifies as a medium

454 sized structure. Mr. Connors stated a medium sized solar array is 10-250 kilowatts and the
455 proposed array is 90 kilowatts so it qualifies as a medium array. Under the Zoning Ordinance,
456 medium sized arrays are required to post a financial guarantee to ensure they are not abandoned.

457
458 Mr. Anderson made a motion to close the public hearing. Mr. Zaremba seconded the motion.
459 Motion carried unanimously.
460

461 Ted VanSant. KW Management, will be the contractor installing the solar array. Mr. VanSant
462 stated he spoke with Stratham Circle Nursery and another nursery and the plantings being
463 considered will grow no more than 20 feet tall. Mr. VanSant stated that installing 20 foot
464 plantings would defeat the purpose of the solar array. The array will need to install vegetation
465 that is tall enough to visually screen the array but not something that grows too tall. Mr.
466 VanSant explained the choices for vegetation were arborvitae, a different type of spruce, and
467 Juniper Berry. The recommendation was to pick something that is deer approved so the deer
468 don't eat them. Mr. VanSant stated the vegetation will not be planted at the height of the array
469 because there are budgetary concerns so it will be planted at approximately six (6) feet and
470 choose something that grows quickly to cover the array.
471

472 Mr. Houghton asked the applicant if they have any response to the concerns they heard this
473 evening. Mr. Fowler stated Mike Seaver, licensed PE in the State of NH, looked at the
474 topography of the site and there is no defined swale based on the topography. The need for a
475 culvert for the temporary driveway would not be beneficial, although they would be willing to
476 put one in even if there isn't a defined swale but the benefit would be minimal. Mr. Fowler
477 stated the applicant decided to go with a solar stream instead of a fence based on abutter input
478 that will allow wildlife to migrate around and underneath the panels. Ms. Oliver asked to point
479 out a correction that this land is "common area" for the benefit and enjoyment of the Aberdeen
480 Community and there is no "conservation" easement on this property. Ms. Oliver stated this is a
481 condition of the site plan made by the Planning Board in 1988 and the current Planning Board
482 has the authority to determine if that prevents or permits solar. Ms. Hollasch stated there is a lot
483 of open, undeveloped space on that parcel and believes the spirit of comment #7 and #8 was not
484 to exclude solar panels in 1988 but to not have a large structure, clubhouse, or that type of
485 development. Ms. Hollasch stated comment #8 is not in misalignment with the construction of
486 this project.
487

488 Mr. Zaremba questioned when the pylons are being installed what happens if ledge is hit. Mr.
489 VanSant stated you can drill through ledge. Mr. VanSant stated the pilings could be ground
490 screws and drilling them in. Mr. Zaremba asked for clarification that 90 kilowatts is what is
491 needed for the 23 units. Ms. Oliver stated 90 kilowatts fits the space that is available and the
492 State of NH's net metering rules don't allow for a solar project to be sized larger than the
493 electricity used from the residents. This array is smaller than what is required for the residents
494 and scaled appropriately to the residential use. Mr. Houghton questioned if this takes into effect
495 that the heating sources would switch to electricity. Ms. Oliver stated the community decided to
496 keep the renewable energy credits to track usage. Mr. Houghton asked for clarification as to the
497 issues associated with the panels being roof mounted. Ms. Oliver stated cost and affordability.
498 There is more cost associated with installing individual roof mounted systems and a community
499 solar array can be grant funded to help deter costs. Ms. Oliver stated most consumers do not

500 have the funds available to install a solar array and then take the federal tax incentives. Mr.
501 Houghton questioned why the array cannot be pushed back further away from the road. Mr.
502 Fowler stated moving it away from the road would put it closer to wetlands and with the town's
503 wetland buffer and setback it would leave no room for the array. Mr. Fowler pointed out the
504 wetlands as a three (3) dotted/dashed line on the plan along with the wetland buffer and setback.
505 Mr. Anderson stated he would like to see the screening better defined and delineated on the plan.
506 Mr. Houghton recommended the board schedule a site walk. Mr. Houghton stated a landscape
507 plan, with details, would be required prior to approval. Mr. Houghton stated, in regarding to
508 Comment #8 on the original plan, this parcel was not put into a conservation easement and is a
509 stated intent of the planning board in 1988. Mr. Houghton stated he understands their words and
510 the significance of solar in our community and would like to pursue additional dialogue to come
511 together to resolve this. Mr. Houghton would like to see the mitigation efforts in greater detail
512 and recommends the Board perform a site walk. Mr. Anderson agreed that would be helpful.

513
514 Mr. Connors explained the site walk would need to be scheduled and noted that the site walk is
515 only informational and that while it is open to the public, no public testimony can be accepted at
516 that time. Mr. Houghton requested the applicant submit the Landscape and Screening Plan to
517 Mr. Connors prior to the site walk.

518
519 Mr. Anderson made a motion to continue this hearing to November 17, 2021. Mr. Zaremba
520 seconded the motion. Motion carried unanimously.

521
522 Mr. Houghton requested November 2, 2021 at 4:00 pm to have the site walk. The Board agreed.

523 524 **4. Public Meeting:**

525 526 a. NHDOT Ten Year Plan Update

527
528 Mr. Connors stated this items went before the Select Board on Monday, October 18, and Mr.
529 Houghton will sign and send a letter to NHDOT. Mr. House volunteered to attend the 10 Year
530 Plan hearings with Mr. Connors. It was agreed they would attend the November 1 hearing in
531 Hampton. The focus is to work on getting the Bunker Hill project advanced for construction in
532 earlier years. Although the Town is happy to see the investment for the Greenland/Stratham
533 project, concern has been expressed that this project has seemed to be prioritized over the Bunker
534 Hill Avenue intersection improvements. There also isn't very much certainty over what the
535 Route 33 safety improvements will include. The Town of Stratham noted their request to have
536 involvement in the planning, engineering, and design of this project.

537 538 b. Miscellaneous Community Planning Issues

539
540 Mr. Connors discussed the email from Rockingham Planning Commission in the Planning Board
541 packet. The Rockingham Planning Commission stated they are applying for some funding to
542 help implement water quality improvements. This would dovetail very nicely with the
543 completion of the Source Water Protection Plan, which should be finalized next month, so we
544 can ensure those recommendations are actually implemented. Mr. Connors asked for a letter of
545 support from the Planning Board to ask for RPC's help next year on implementing the

recommendations of the Source Water Protection Plan. The Board agreed that the Town should pursue the funding opportunity.

Mr. Connors stated the next meeting, Wednesday, November 3, is the annual training for the planning board. Mr. Connors stated he would reach out to Mr. Merrill, Chair of the Heritage Commission. That may be for November 10, the day of the monthly Heritage Commission meeting but he would coordinate and provide the final details. Mr. Connors suggested the Board work with the Conservation Commission regarding Open Space Cluster developments in Stratham and the Town's policy and regulations regarding solar for future applications. Mr. Houghton spoke to the note placed on the 1988 plan and has not seen anything worded in such a way all his years on the Planning Board. The deed wording refers back to the plan. Mr. Houghton stated the board will need to discuss this issue as there are a number of acres in conservation throughout the Town of Stratham where this may come in the future where the Board will need to be fair and equitable to people that invested in properties. Mr. House recommended the board put together language for solar power. Mr. Connors asked if there was a general sentiment from the Board regarding how they would like this to be regulated. There was agreement for allowing solar arrays in open space subdivisions subject to certain requirements. The Board agreed that a warrant article would likely be necessary to clarify this. The Board discussed future questions and answers for solar arrays installed in town and on conservation easements held by others.

5. Adjournment

Mr. Anderson made a motion to adjourn at 9:29 pm. Mr. Zaremba seconded the motion. Motion carried unanimously.

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.*