



**Stratham Planning Board  
Meeting Minutes  
September 6, 2017  
Municipal Center, Selectmen's Meeting Room  
10 Bunker Hill Avenue  
Time: 7:00 PM**

Members Present:     Bob Baskerville, Chairman  
                             Jameson Paine, Vice Chairman  
                             Mike Houghton, Selectmen's Representative  
                             David Canada, Member  
                             Robert Roseen, Alternate

Members Absent:     Tom House, Secretary  
                             Nancy Ober, Alternate

Staff Present:         Tavis Austin, Town Planner

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

The Chairman took roll call.

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

**a. July 19, 2017**

Mr. Austin explained to the board that the meeting minutes include amendments from Mr. Paine and include several question marks with Mr. Baskerville's name next to them.

Mr. Roseen abstained from the vote due to his absence at this meeting. Mr. Paine made a motion to approve the meeting minutes of July 19, 2017 with the removal of the sentence by Mr. Baskerville, page 4. Motion seconded by Mr. Baskerville. Motion carried with 4 votes in the affirmative and 1 vote abstained.

**b. August 16, 2017**

Mr. Paine and Mr. Houghton abstained from the vote due to their absence at the meeting. Mr. Canada made a motion to approve the meeting minutes of August 16, 2017. Motion seconded by Mr. Baskerville. Motion carried with 3 votes in the affirmative and 2 votes abstained.

### 3. Public Hearing

- a. **6-Lot Subdivision Application** to create five (5) new building lots at 8 Whittaker Drive, Stratham NH 03885, Map 19 Lot 68 submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH 03885.

Mr. Baskerville stated the applicant requested to continue this hearing until September 20, 2017. Mr. Austin explained the applicant did not have anyone available to present the project this evening and, given the timeframe of receipt of that request, the third party engineering review is also timed-out based on the September 20, 2017 date. Mr. Baskerville questioned if the applicant's request was in writing and Mr. Austin confirmed and acknowledges the waiver of the 65 day timeline to that date.

Mr. Paine made a motion to continue the public hearing for the 6-Lot Subdivision Application located at 8 Whittaker Drive until September 20, 2017. Motion seconded by Mr. Houghton. Motion carried unanimously.

### 4. Planning Board Workshop

Mr. Austin stated he had a meeting with a resident who would like the planning board to consider some revisions to agricultural zoning in Stratham. The resident requested the board consider modifications to the zoning ordinance regarding roosters, and regulations mandating those who have livestock, under the definition of agriculture, specifically to maintain a perimeter fence, wall, pen, cage, etc. to keep the animals on the property of the owner. Mr. Austin stated there have been two instances, which he is aware of, that a rooster has been a nuisance to neighbors and other animals have traversed property lines without permission. Mr. Baskerville stated the board could look into this matter, and that some research would need to be done due to his lack of expertise on the subject. Mr. Canada stated there may be some laws currently in place that deal with fencing/keeping livestock on the owner's property. Mr. Canada questioned whether the police department would have a resolution. Mr. Austin stated the police department is not able to take criminal action against animal trespass. Mr. Paine asked if the existing noise ordinance covers this issue. Mr. Deschaine stated the noise ordinance does not cover this issue since it is an allowed, agriculture use. Mr. Baskerville asked the board if they would agree to have the resident expert look into the Town of Stratham and state regulation to see what may be implemented regarding roosters and property line issues. Mr. Baskerville asked if there was anyone in the audience who would like to speak.

Mr. Goodrich, owner/operator of Salt Box Farm on Portsmouth Avenue, stated he is the resident asking for a resolution to an issue he's been experiencing with an incessant, crowing rooster. The other issue being livestock on his property. After speaking with the neighbors 2-3 times, the rooster problem has been resolved, but the livestock still remains a problem. Mr. Goodrich stated the neighbors put up a 4' fence to control chickens and the neighbor stated the goats are tied up all the time, which is not the case. Mr. Goodrich spoke with the police and Officer Law stated there are no regulations in zoning that helps to solve the problem and stated a broad-sense regulation may need to be put into place to help residents that are faced with this issue.

Mr. Baskerville stated he is unfamiliar with the several state regulations on agriculture and would look into it. Mr. Baskerville also asked Mr. Goodrich to find any information he could on how other towns handle this issue and to bring the information to Mr. Austin to share with the board. Mr. Deschaine stated he is vaguely familiar with some statute that a

victim of free-ranging livestock can petition the Board of Selectmen to assign damages to the owner of the livestock. Mr. Deschaine stated he would need to look at the statute to confirm the exact information, that there must be damages, and there are some restrictions on unrestrained livestock; chickens and roosters is a more intricate issue. Mr. Goodrich explained he has kept a log of the rooster occurrences and showed the neighbor that it was more than an “every now and again” occurrence. Mr. Baskerville asked Mr. Goodrich for confirmation that the rooster/chicken issue is resolved at the moment. Mr. Goodrich confirmed.

Mr. Bob Hillary, Whittaker Drive, stated he has horses, occasionally mules, and other animals due to being a foster volunteer at the NHSPCA and supports Mr. Goodrich comments that any agriculture livestock should be the owner’s responsibility to keep on their own property. Mr. Hillary explained that the noise versus rooster issue is a door that should be carefully thought about because it opens a whole different can of worms regarding livestock and noise complaints (i.e. a pig squeal is 150 decibels). Mr. Hillary also offered to do some research to find a resolution.

**a. Planning Board Workshop to review Site Plan and Subdivision Regulations**

**1) PCAC-Pedestrian and Cyclist Advisory Committee**

Mr. Baskerville questioned whether Mr. Lavery was going to be in attendance for the workshop. Mr. Austin explained that he spoke with Mr. Lavery and advised him that the Planning Board had more work to do before Mr. Lavery would be required, Mr. Austin and Mr. Roseen have more work to do for drainage and storm water, and Mr. Lavery stated he would rather do that work in the winter. Mr. Austin sent the board the top five topics discussed at the August 16, 2017 meeting; through-roads versus dead-end roads, right-of-way cross sections as provided by Mr. Lavery, bike ped involvement, frontage measurement and determination (i.e. where is frontage measured, irregular versus regular lots). Mr. Canada stated there was a long discussion last meeting on rewriting the pork chop regulations and that appeared to be important. Mr. Baskerville stated that when he sent the email he thought about breaking the workshop into 12 or 15 topics in order to fully discuss the issues, check off the topics that are ready for adoption, and continue with open topics. Once a conclusion is reached for each topic, Mr. Austin will put together some language to support in the final draft form.

Mr. Baskerville received an email regarding the new advisory committee for sidewalk/pedestrian (PCAC-Pedestrian and Cyclist Advisory Committee). Mr. Baskerville stated the Board of Selectman approved the committee of seven members; four members of the public, one member from Conservation Commission, one member from Recreation Commission, and one member from the Planning Board. This an adhoc committee to discuss sidewalks, pedestrians, biking paths, with plans to rewrite the master plan and include this information. Ms. Melissa Gahr, 5 Orchard Hill Road, stated she is one of the founding member of this group along with Bettine Kersten, Pam Hollasch, and Andrea Benson with the idea of creating more connectivity in town. Ms. Gahr stated they read the old master plan, looked at maps, and want to brainstorm some ideas to create connections to different neighborhoods which residents could access by foot. Another goal of the committee is to brainstorm ideas for kids to safely walk to school. Ms. Gahr spoke to the advantages of knowledge and keeping residents

informed by having a planning board member join the committee. Mr. Baskerville questioned Ms. Gahr on timeframe of meetings. Ms. Gahr stated once a month. Mr. Deschaine explained the committee is adhoc so the appointment is for one year and at the end of that year it will be determined whether it will continue or be abandoned. Mr. Austin stated at a recent Board of Selectman meeting there was an RFP for a Master Plan update and this committee would help with an update for bikeable/walkable and be adapted as an appendix, addendum, or a part of the transportation element of the Master Plan. Mr. Paine questioned if this plan would be town-wide or a certain corridor of town. Ms. Gahr explained the committee would like to start town-wide and then pull in Exeter and work with the Rockingham Planning Commission to connect to other towns. Mr. Paine explained the DOT has a statewide bike trail system and those maps would be a good base to state. He also stated that other towns in the seacoast, such as Dover, Newmarket, etc. already have areas along the busy corridors for bike lanes. Mr. Paine stated the DOT has a dedicated pedestrian/bicyclist coordinator in Concord to oversee such programs. Ms. Gahr stated the group met with the head of Rockingham County Planning Commission where they received an outline of Brookline, NH's Master Plan and the town was able to create connectivity, at a very low cost. Mr. Paine stated he may be a good candidate to be on the committee. Mr. Roseen made a motion to appoint Mr. Paine to the PCAC-Pedestrian and Cyclist Advisory Committee. Mr. Houghton seconded the motion. Motion carried unanimously.

- 2) Mr. Baskerville referred to the handouts provided by Mr. Lavery at the last meeting regarding cul-de-sac and cross-section details he would like to discuss.

- a.) **Details for Hammerheads** – Mr. Baskerville explained that Mr. Lavery made two new details for hammerheads. Before the Town of Stratham had a hammerhead regulation and a very large cul-de-sac, Mr. Lavery researched the town's turning radius for highway and fire department trucks and the result was to only have cul-de-sacs and do away with hammerheads.

- b) **Cul-de-sac Regulations and Details:**

Mr. Baskerville stated the plan looks complete, but would like to wait until Mr. Lavery is present to discuss. Mr. Austin stated the fire department needs access. Mr. Paine stated a smaller is more aesthetic, to which Mr. Austin explained the two circular options are for ease and expedience of maintenance. Mr. Canada asked Mr. Paine if he was speaking to get rid of hammerheads or to keep them and Mr. Paine stated to get rid of hammerheads and use cul-de-sac, circles or teardrop. Mr. Baskerville stated Mr. Lavery prefers grass that slopes towards the middle so it doesn't go over pavement and something easy to maintain. Mr. Austin stated the circles will not have ponds, detention basins, etc. Mr. Baskerville explained this would not be as big a turn-around as previous plans, so instead of having it be real small or real big, a cul-de-sac would be used. If someone came to the board with a very unique circumstance and wanted a hammerhead they wouldn't be stopped, but for purposes of the regulations Mr. Baskerville would like to keep with Mr. Lavery's suggestions. Mr. Roseen spoke to the fact that if someone needs a hammerhead and can make a good case for it, it could prevent the applicant from going to the ZBA. Mr. Baskerville explained that hammerheads are easy to build

and more cost effective for a small piece of land which is tight and is the attraction to developers. Mr. Austin also stated the developer then loses frontage because there is less perimeter, which will play into the regular or irregular scenario. Mr. Baskerville stated Mr. Lavery has to take into effect where driveways are located when snowplowing and where to pile the snow so as not to block residents with the piles of snow, since it makes more issues than having a cul-de-sac.

Mr. Houghton stated one of the missing components is that regulations should support the town's vision. The current master plan is being redeveloped, but one of the questions is development of the town. At a previous meeting there was discussion with a resident who does not want to see any more development and is the reason they moved to Stratham for the rural character. Mr. Houghton explained there are many questions that have not been brought forth with clear intent and purpose as it relates to future planning techniques within the Town of Stratham and it is crucial to bring forward. Mr. Houghton also stated there is a fiscal responsibility that is brought to planning and the cost associated with maintaining the town. Mr. Houghton would like the town to be developer friendly, but not exclusively enable them to have whatever they want since the town exists for the residents of Stratham. Mr. Baskerville stated the past the planning board gave too many options and Stratham is easier with regulations compared with other towns, so it has become expected. Mr. Baskerville would like to make a standard. Mr. Baskerville explained the cul-de-sac is more efficient and cost effective for the highway department to plow. Mr. Austin asked if the planning board was to entertain a "T", under a waiver circumstance, there may need to be a standard. More importantly, 4.4.3 *Streets*, page 45, would the planning board like Mr. Austin to look at strengthening the language to preclude "dead-ends" or is the board accepting of the fact that the town is a majority developed and, therefore, anything developed in the future and will necessitate a dead-end. There has been some talk "if a road dead-ends then it is private", as well as "dead-ends shouldn't be allowed", but there is an application in front of the planning board currently that needs to be determined whether the applicants have met the criteria for a dead-end street. Mr. Baskerville stated that some of the language needs to come out, since there wouldn't be two options, and some of the language needs to be modified. Mr. Baskerville agreed that once the detail is approved, there needs to be more verbiage to encourage continuations of principal streets and through-ways. Mr. Baskerville suggested Mr. Austin add some verbiage. Mr. Paine stated that it appears citizens like to live on dead-end streets, but it serves the town better to have a through street, and asked Mr. Houghton about his opinion of dead ends. Mr. Houghton stated it is a challenging discussion but with bikeable/walkable type situations dead end streets are not ideal for connectivity infrastructure. Mr. Houghton stated the planning board should promote, broadly define, connectivity and that the challenge is how much developable land is in the Town of Stratham. Mr. Canada stated if the Town of Stratham would like connectivity, it cannot be easy for developers to choose the dead-end street, which is cheaper, easier, and a faster route to achieve but the town should discourage their use. Mr. Canada voiced his approval for "private only" unless the developer connects to another road and then it becomes the town's responsibility.

Ms. Gahr asked the board when the last development, that wasn't a cul-de-sac, was built. Mr. Baskerville stated Market Street. Mr. Canada explained at present it is a loop with two entries/exits onto Bunker Hill Avenue, but the plan is to connect with Frying Pan Lane to achieve the connectivity. Mr. Baskerville also stated there have been approvals that the board has requested a "right-of-way" at the end of the road for future connectivity. Mr. Houghton stated the board needs to be mindful of plans that have been approved in the past that have easements for future connection.

Mr. Hillery, Whittaker Drive, spoke regarding the access to the 20-acres off of Union Road for horse riding. There is a 50' right of way on the plans which was for pedestrian traffic, and leads to an area of 20 acres previously part of that development plan that did not go forward in the late 1980's. This land was turned over to the town and is now town land; as well as other town owned parcels which can be connected.

**c. Sidewalks**

Mr. Baskerville stated Mr. Lavery would like to change the sidewalk width (page 38), which is a maintenance issue and should be discussed in more detail once the committee meets. Mr. Austin stated that "sidewalks" are not defined in the subdivision regulations and he will amend it to read "pedestrian ways". The verbiage needs to be refined to read "the applicant should except to put in pedestrian connectivity, including, but not limited to the following... as defined in communication with the Planning Board". Mr. Deschaine suggested the main heading be "pedestrian connectivity" with sub-headings such as "sidewalks", "trails", etc. and to provide a full definition of such.

Mr. Paine questioned a 3-4 foot minimum when DOT projects have a 5 foot minimum. Mr. Deschaine explained that it was corrected at the last meeting to be a 6 foot minimum due to Mr. Lavery stating if the connectivity becomes a town asset, 6 foot is the smallest width snow blower/tractor that the town has to maintain the sidewalk/trail.

Mr. Paine suggested classifying the road in which the sidewalk would be on to identify the size and needs. Mr. Baskerville stated the committee should start with a map of the town to identify the clusters of denser development to start the connectivity. Ms. Gahr stated Mr. Lavery made some suggestions to use on Gifford Farm Road and to study how people use the changes.

**d. Cross-Sections (connecting street and dead-end street)**

Mr. Baskerville gave a quick summary of what Mr. Lavery would like to have with type of pavement, how to build the cross sections, etc. Mr. Austin stated the subdivision regulations do not apply to the gateway corridor. Mr. Roseen stated the road cross-sections were mislabeled where it lists "bike lane". Mr. Austin clarified the reason for breaking it into several categories for discussions.

Mr. Baskerville stated a typical road is 22-24 ft of pavement and a future connecting road will call for 20 ft of pavement and two 4 ft bike lanes. Mr. Houghton asked PCAC to give some focus and thought to this issue. Mr. Austin will send the board a copy of the Federal Highways book, which has much discussion as to the

distension of the non-motorized shoulder, paved versus non-paved, dashed fog line as an advisory shoulder versus dashed fog line with rumble strip, etc.

**e. Driveways**

Mr. Baskerville stated Mr. Lavery would like to discuss driveway cross section so there is uniform way of building all driveways in town. Mr. Deschaine spoke to Mr. Baskerville about the mention of slope issues. Mr. Austin explained that it is not the planning board's responsibility to get into driveway detail beyond the limit of the right-of-way. Mr. Baskerville and Mr. Houghton would like to see plans include driveway, site distance, and acceptable drainage. Mr. Lavery and the Stratham Fire Department have more concern regarding driveways than the planning board. The Stratham Fire Department has been asked to add an addendum to the subdivision regulations regarding how a driveway, cistern, etc. is built.

**f. Roads**

Mr. Baskerville stated that Mr. Lavery would like language and more detail put in with a pre-construction and how a road will be built. This will be discussed at a later date when Mr. Lavery is present. Mr. Baskerville explained that Mr. Lavery researched several other town's road standards and stated the Town of Stratham has the best road standards. Mr. Lavery would like to take our regulations and update a few items.

**g. Construction of Sidewalks**

Mr. Baskerville explained how many inches of bank run gravel, how many inches of pavement, etc. are a few of the items to be reviewed for the construction of sidewalks. Mr. Austin stated it is the construction of roads and not sidewalks, and appears Mr. Lavery did not change the title. Mr. Paine would like clarification that if road material required porous pavement that it would require a waiver request. Mr. Austin explained that Mr. Lavery would like the regulations put in place unless demonstrated otherwise. Mr. Deschaine spoke to a discussion with Mr. Austin and Mr. Lavery after the last meeting and the current practice of the town. Mr. Deschaine would like clarification as to when a road is accepted and when does the maintenance begin. The past practice has been once building permits are issued to an approved sub-division and it's conditioned, building permits won't be issued unless the roadway is at the base course level. Once permitted at the point a CO being issued is when the town would up the winter maintenance. Homeowner's purchase property and moved in, if there is an emergency response or fire risk, they could be compromised unless the road is maintained at the standard of all the other town roads. The question posed is that it may or may not be a typical situation in NH. Mr. Austin belongs to Plan-Link and Mr. Deschaine to Administrator-Link, and posed the question expressing the circumstance and understanding that there are court decisions in which towns were held accountable for maintaining private property. The response from those who responded to the question stated they do not do anything until the road is formerly accepted. One town stated they won't formally accept a road until 2

years after it is constructed, despite whether it has a maintenance bond or not. Mr. Austin stated that some towns require one freeze/thaw cycle before topcoat or they put up a sign that states “now entering a subdivision road, enter at your own risk”.

Mr. Baskerville questioned what this would come under in the regulations, Mr. Deschaine stated it is a management decision as to what town crews will maintain, but it should be explained explicitly in the subdivision regulations. Mr. Baskerville asked for confirmation of where it belongs in the regulations, Mr. Deschaine stated there could be a paragraph called “winter maintenance” which explains that a developer will need to discuss with the Board of Selectman. Mr. Austin stated that it could be a required submittal, “applicant has to provide a plan for winter maintenance, to be exercised until the town acceptance of the road”. Mr. Baskerville stated that it could be added as one of the standard conditions, and questioned where the standards are located. Mr. Deschaine stated they are in the building ordinance and not in the subdivision ordinance because it is the condition of the building permit. Mr. Roseen stated that if there is a winter maintenance section it needs to be clear on the conditions for town acceptance. Mr. Austin read 3.10 of the Building Ordinance which is more vague than he thought.

#### **h. Cisterns**

Mr. Austin would like to add a fire department addendum to the regulations; what and how a cistern goes in, where it goes in, etc. Fire code specifically speaks to length of driveways, etc. and should be referenced in the subdivision regulations. Mr. Baskerville stated several town in the state reference the distance a residence is to a road NFPA standards must be met (how wide the driveway is, how big the turnaround is, etc.). Mr. Austin explained NFPA for single family homes in the State of NH requires the local jurisdiction to determine what the turnaround is, depending on the road, and would like the fire department to have a say in the regulations. Mr. Austin stated that Chief Larrabee’s rule of thumb is that any development with more than 5 houses requires a cistern. Mr. Austin will work on this with input with Chief Larrabee.

#### **i. Open Space**

Mr. Austin and Mr. Baskerville stated density bonuses need to be revisited. Mr. Austin asked the board if they wanted density bonuses. Mr. Baskerville replied yes, but it seems overly complicated, overly generous, and rewarded for the wrong goals. Mr. Austin volunteered to look it over and make a starting point for discussion. Mr. Baskerville commented that density bonuses were started 30 years ago, across the state, and they are almost all gone, and most communities have deleted open-space conservation subdivisions. Mr. Austin would like to rethink the density bonus. Maybe an incentive for the developer to have a density bonus would be to put in frontage, sidewalk, or multi-use trail, or within the



project have connecting projects, put in a public park, or volunteer a fire cistern in an area that has a need and make it performance based. Mr. Baskerville would like the Open Space to have some simplification. Mr. Roseen questioned whether it would be worth noting some of the limitations with the existing Open Space criteria. Mr. Houghton and Mr. Austin stated the yield plan drives the number of lots in a subdivision. Applicant's then come before the board with loopholes that were never meant as the intent of the regulations. Mr. Austin stated, 4.6.7 – Development Yield, page 57, states the changes applicant's use for creating more lots and past practice is because it's a built in multiplier. Mr. Deschaine explained when subdivisions moved from 4 bedroom to 3 bedroom the start of the multiplier. Mr. Houghton questioned why there needs to be a bonus consideration; if an applicant has 20 acres and leave 50% open you can have ½ acre lots, etc. Mr. Austin explained the original idea behind the cluster subdivision, or planned unit development, is to achieve the same density you on half the land. If 40 acres equals 20 houses with 2-acre zoning, you should get 20 houses on 20 acres. Mr. Deschaine stated some developers might reconsider that there is no bonus. Mr. Roseen agreed there needs to be a bonus. Mr. Austin stated the bonus needs leads back to “what is the benefit to the town”. Mr. Austin asked the board if they would like to keep open space cluster developments limited to 20 acre start points. Mr. Baskerville stated yes, at a minimum. Mr. Canada stated if the cluster becomes too small, there is no benefit to the town. Mr. Austin will break out each point and the board will discuss at length at a future meeting.

**j. Construction Specifications**

Mr. Baskerville stated the changes to the material used for drainage. Mr. Laverty added more detail and “Acceptance” paragraph, which provides more detail on releasing a bond, acceptance specs, etc. would be a good section to add “Maintenance”. Mr. Austin suggested putting “Maintenance” in the submission criteria, and add “see Addendum A”. Mr. Baskerville asked for clarification that an addendum is part of the regulations. Mr. Deschaine stated that by reference, yes. Mr. Austin suggested a “Town Road” section in the regulations, as well as a “Town Fire” section. Mr. Austin explained “Road Design and Specifications”, Addendum A, will be the reference text throughout the body of the regulations and all of the specificity within the regulations will come into Addendum A.

Mr. Baskerville would like to discuss Irregular Shaped Lots. Mr. Baskerville handed out the research he did of 3 towns and the regulations with irregular shaped lots. Manchester requires the lot be square and is too restrictive. Derry is not restrictive enough. New Boston requires a square at the front setback; if there is 200 feet of frontage, the square is 200x200x200 and it must touch the setback line and be parallel to the road. Mr. Baskerville stated when a developer is allowed to do a small lot, they tend not to be irregular because they are small. Discussion took place regarding the information within the handouts. Mr. Baskerville stated 99% of the lots in the town of Stratham are 200 ft. wide and

400 ft. deep, very standard. 1% of the lots in town represent 200 ft. of frontage but look nothing like the other 99%. Mr. Baskerville spoke about recent approved subdivisions and how they fit with a similar standard like New Boston.

## **5. Miscellaneous**

Mr. Austin stated the Sullivan-Whittaker Drive Subdivision continuation will be heard at the next meeting. Third party review comments will be emailed to the board by 9/13/2017. Also, Civilworks has both preliminary consultation iterations before you at the last meeting they attended and what has been revised subsequent to the site walk.

Mr. Baskerville made note that drainage is a topic to be addressed, and pork chop lots need a date. Mr. Austin explained any lot established prior to the date it was completed.

Mr. Baskerville would like to discuss the Septic/Well presentation he attended with the State DES, in which new well regulations took effect March 1, 2017. The State DES states that no well can be on another property or in a road, private or public. He would like the Town of Stratham regulations to state the same and show the well in the exact location it will be located on the plan. The state also requires if 25 or more people share a well, the well must be drilled.

Mr. Paine would like to discuss cell tower regulations.

## **6. Adjournment.**

Mr. Paine made a motion to adjourn the meeting at 9:23 pm. Motion seconded by Mr. Roseen. Motion carried unanimously.