



**Stratham Planning Board  
Meeting Minutes  
September 20, 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  
                             Tom House, Secretary  
                             David Canada, Member  
                             Robert Roseen, Alternate

Members Absent:     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. September 6, 2017**

Mr. Houghton made a motion to approve the meeting minutes as submitted. Motion seconded by Mr. Paine. Mr. House abstained from the vote due to his absence at the meeting. Motion carried; 5 in favor and 1 abstention.

**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. Jonathan Ring, Jones & Beach, introduced himself, reiterated the history of the subdivision, and made some revisions to the plans for resubmittal dated August 16, 2017.

Mr. Ring explained the revisions as; the previous hammerhead was changed to a cul de sac, one-way around with 18 ft. of pavement, and a storm water detention basin within the right-of-way bulb along with the storm water detention basin in the center of the cul de sac. The cul de sac is super elevated in the center so that the storm water from all pavement goes into the center of that basin and will keep the flow below the existing conditions on the site. Mr. Ring stated they added a note "22" for clarification on Sheet C2, "each lot is going to have a raingarden to capture some of the roof runoff and infiltration on each lot". The soil base lot size calculations were submitted and a minor revision was made to the wetlands, in the thickly wooded area, which was noticed during the site walk and was added to the plan. The soil scientist revised the soil map as well. Mr. Ring stated site distance of 250 ft. was also provided from the entrance intersection on High Street, in each direction. Mr. Ring explained plans were submitted on August 16, 2018 and the Civil Works review was received on September 13, 2018. Mr. Ring did not believe it was fair to make the revisions September 14<sup>th</sup> and 15<sup>th</sup> and submit new plans this evening to address the items. Civil Works recommends an additional waiver for the plan scale. The regulations state the plans should be at 50 scale and they are currently at 60 scale in order to keep it to one plan and to keep with the Registry of Deeds and the Town of Stratham sheet size. A waiver is also requested for the drainage in the center of the cul de sac. Mr. Ring stated a memo was received today from Colin Laverty, Town of Stratham Road Agent, who does not support drainage in the center of the cul de sac. Mr. Ring explained there is going to be drainage in the center of the cul de sac and finds it reasonable to have the detention pond in the cu de sac due to a berm having to be built. Civil Works also mentioned the cul de sac grade should be 2% so the plan needs to be revised from 3% grade to 2% and Jones & Beach will provide a profile of the road at the intersection of High Street. Mr. Ring stated Civil Works approved the drainage analysis and they are in agreement with NH Division of Environmental Services Subdivision Approval, which will be submitted September 21, 2017.

Mr. Ring responded to Mr. Laverty's memo dated September 20, 2017. Mr. Laverty does not support the dead-end street being proposed. During the site walk it was noted the steepness of Hillcrest makes it very difficult to squeeze in a road at that location. Mr. Laverty stated he does not find it reasonable to have a cul de sac as a one-way and Mr. Ring disagrees. Mr. Ring stated it is reasonable to have the drainage detention basin inside the cul de sac which Mr. Laverty does not approve. Mr. Ring explained the drainage plans, Sheets P1 and C2, to the board. The road comes down from High Street with a swale, left and right, which goes under the road to enter into the cul de sac. There is a 6 ft. pond, detention basin, which is where the storm water is controlled and will not increase watersheds downstream. There is a watershed going in the direction of the big marsh and another small watershed which will result in no increase in the storm water off site. There is a pipe that comes out of the detention basin which keep the flow controlled and maintains no erosion or sedimentation. Mr. Ring suggested a catch basin structure instead of a cross pipe which will allow more water to be held back. If the detention basin is moved the town will need driveway access to maintain it. Mr. Ring stated the department head comment regarding "may require a cistern" is unreasonable for this small subdivision to be burdened with the responsibility of installing an \$80-90,000 fire cistern. The applicant would be willing to give an easement to the town for that cistern to be placed, and would like to note there is no cistern on Whittaker or Hillcrest subdivisions.

Mr. Ring also suggested that each house have a sprinkler, with a holding tank off the well, instead of a cistern. Mr. Ring introduced Kevin Baum, attorney's office, and Brian Sullivan, and restated that the applicant is Brian & Robin Sullivan not Jones & Beach.

Mr. Canada stated the site walk was done in poor conditions and without proper preparations. Mr. Canada asked for clarification from Mr. Ring where the measurement of the start of the road is and the slope that would occur. Mr. Ring stated 8% slope. Mr. Ring explained an 8% slope for that road would require a 100 ft. wide strip to go up or down the neighboring properties or a large retaining wall added. There is only a 50 ft. wide right of way at this location. Mr. Canada asked if the road would start at the edge or the center of the bubble on Hillcrest. Mr. Ring stated the existing topography was from the edge of the bubble. Mr. Canada suggested going back to the center. Mr. Ring agreed and stated the width through the 50 ft. strip would need to fit. Mr. Austin spoke to the discussions regarding a road and, although it has been discussed, the board has not seen a design plan for the possible road from Hillcrest. Mr. Austin stated the Subdivision Regulations, "*Dead-End Road, 4.4.3*", requires enough information for the planning board to determine whether or not "topographical conditions make such continuance or conformity impractical and, if so, the board may permit dead-end streets". Mr. Austin stated there have been a number of meetings and discussion regarding extending existing cul de sacs to serve the same function and would like to know how that plays into other elements of the design parameters that have been discussed. Mr. Austin suggested the board make a determination on 4.4.3 and if the board cannot get to a point where they feel a dead-end/cul de sac/hammerhead/teardrop can be discussed further, the planning board needs to determine how to treat that. Mr. Baskerville agreed with Mr. Austin and would suggest public input before continuing with that. Mr. Austin stated there is an email that was submitted via the website.

Mr. Baskerville stated Mr. Laverty's is clear that he does not support an additional dead-end street where other solutions are available to connect the proposed subdivision. Mr. Baskerville asked for clarification regarding Mr. Laverty's "I do not support a one-way 18ft paved cul de sac", and believes it should be 16 ft. It is clear that Mr. Laverty would like 20 ft., so the number in the memo is in error. Mr. Baskerville asked if there a written policy of when a cistern becomes valid. Mr. Austin is unsure if there is specific written policy of the number of homes which would trigger a cistern, but the operating policy, as explained by the fire chief, is typically 5 or more homes. Mr. Paine stated that is based on current standards, not when the original homes were built. Mr. Austin explained the fire chief is requesting a cistern due to the discussion of a through road being proposed and lack of fire protection services in that area. Mr. Austin explained the fire chief's concern is the 5 or 6 on either side of the subdivision and that there will be 15 homes in the area without a cistern. Mr. Austin agreed with Mr. Ring that 5 houses seems a bit much for a cistern, but there is a public health, safety, and welfare component of this project's impact on the neighborhood as a whole. Mr. Austin stated an easement may be the way to go. Mr. Baskerville asked for clarification that the fire chief is requesting a cistern, whether there is a cistern on Whittaker or Hillcrest, and where the nearest cistern is located. Mr. Austin stated he is unsure if there is a cistern on Hillcrest or Whittaker and would have to confirm, but believes the closest cistern may be located on Jacqueline Way. Mr. Canada asked for clarification of the distance of the pond on the Daley property. It was confirmed

the pond is less than one quarter mile away. Mr. Baskerville stated discussion should take place if there is a large area with no cistern and take some steps towards getting a cistern, an easement, sprinklers, etc. Mr. Austin explained the Breslin Farm Subdivision required its own cistern and, due to Parkman Brook and Country Farm, the developer offered an additional easement. Mr. Canada suggested looking into impact fees for cost relief. Mr. Paine questioned if there are developer fees for other projects and can the board ask an estimate for the installation fee; have the developer pay the installation fee and the town will cover the cistern costs. Mr. Austin explained the approval will need to come from the Board of Selectman and he is unsure if those fees are currently allocated elsewhere.

Mr. Paine questioned the eastern basin located on Lot 5 and the runoff from the road that will dump into a cul de sac basin, then that will discharge into the eastern basin which is pointed onto the well-head. Mr. Ring explained the road drainage goes to the settling basin and then outputting into the direction of the eastern basin. The topography carries the discharge to the level spreader and then flows down slowly. Mr. Paine stated if the discharge goes downstream the well head will be hit. Mr. Ring stated he will look into redirecting the discharge or shifting the well/leach field areas. Mr. Paine stated he would like the discussion of the design considerations for the through road to include Whittaker.

Mr. Canada suggested possibly a waiver for a steeper pitch coming off of Hillcrest and the highway department could go out Whittaker. Mr. Baskerville agreed. Mr. House stated he is opposed to the cul-de-sac design and, particularly opposed, to the cul de sac design exiting onto High Street because presents a much greater risk from a safety point of view. Mr. House stated prior planning boards provided easements through these properties so through roads could be provided and a hardship has not been brought to the board to date. Mr. House explained that if the road is to be a town road, it is required to be a minimum of 20 ft. Mr. Ring stated the main road is 22 ft. wide and the cul de sac is shown as 16 ft., one-way, with the main access road coming from High Street, which is the waiver request before the board. Mr. Ring stated discussions have taken place regarding a design coming down from Hillcrest, the slopes extending 20-30 ft. towards Mr. Graves house, the detention pond would need relocation, and a new wetland was found along the thick brush. Mr. Austin questioned whether this plan was submitted with the formal application or the preliminary consultation. Mr. Ring confirmed it is a working drawing that was created to evaluate and he believes was discussed during the site walk. Mr. Paine asked if inverting the road to push the runoff to the other side so as not to need drainage on the same side as the wetland was discussed. Mr. Ring stated they are before the board for direction for this subdivision, once they have the board's comments, they have Civil Works comments to address, and would like feedback from the abutters so they can revise the plans and come back in 2 to 4 weeks with plans. Mr. Baskerville stated he does not agree that a case was made which requires a cul de sac coming off of High Street as the only option and he does not believe it is in the best interest of the town. Mr. House questioned what the soils are like between Hillcrest and the right-of-way. Mr. Ring stated there is an existing gravel driveway which belongs to Mr. Graves and the side slopes were most likely fill for the driveway, and just beyond that is the wetland in the wooded thicket. The road would most likely be 5 ft. and possibly affect that wetland. Mr. Roseen stated 4.4.3.a.1 speaks to soils and topography and he would like more information in order to make a decision. Mr. Ring explained that internal conversations have taken place

regarding extending Whittaker to the same center area and having the detention basins in the center where it can be controlled, which is very close to the abutter.

Mr. Baskerville read an email received September 20, 2017, addressed to the planning board, from John and Ann Marie Gray, 32 Vineyard Drive:

“Though unable to attend this evening's meeting, I wish to make it known that I am in favor of reducing the number of cul de sacs in Stratham by extending a road from Whittaker through to Hillcrest Drive, if at all feasible. This would appear to be in keeping with Town Planning and be an improvement regarding safety issues. The Sullivan proposal would instead add another cul de sac and add to safety concerns. Thank you for your considerations.”

Mr. Baskerville asked the public for any comments for or against this proposal. Elizabeth Brockelbank, 110 High Street, stated John and Ann Marie Gary are her parents who are present at her house every day so they understand the dangers of coming in and out of the driveway at 110 High Street. The road which is being proposed abuts Ms. Brockelbank's property. Ms. Brockelbank stated that Mr. Jones mentioned reasonable, the highway agent recommends against the dead end road because he does not feel the dead end road is reasonable, Mr. Jones mentions the dead end road is reasonable. Ms. Brockelbank does not agree that it is reasonable for someone to purchase a piece of developable land with three right-of-ways, knowing where those right of ways are, and then ask the town to ignore the right of ways and propose a new right of way with a new road that goes against the master plan. This proposed road is against the direction of where the town goes, not only does it go against our master plan, not only is it not keeping with how this land was originally subdivided, but the Sullivan's, who I always considered my neighbors and 3 houses away, have indicated they do not want the road next to their house because they don't want to disturb their neighborhood. Ms. Brockelbank stated she also opposes this plan because the dead end road is next to her property, it propose a dangerous situation for the occupants of her property, the road's placement is right up against her property with no buffer, the placement is not in the center of the road, no rain screen has been offered or discussed to assist the Brockelbank's with giving back some of the privacy they are losing, and it is a very inconsiderate plan. Ms. Brockelbank questioned what the site requirements are, for that road distance, and entering High Street. Mr. Austin stated 400 ft., unless there is a waiver. Ms. Brockelbank stated that in this presentation there is 250 ft., 150 ft. shy of visibility access from the proposed dead end road onto High Street. Ms. Brockelbank would like to note the missing pieces on the site plan walk survey. Ms. Brockelbank's barn is not on the survey. Ms. Brockelbank states she has measured from her barn to the property line and it is under 20 ft. She also stated that the adjacent property on the other side of High Street is not on the survey map, so she is questioned the survey map in general. Also noted on that survey map at the corner of 110 High Street and the Sullivan property of High Street, it is noted that a granite marker is found. Ms. Brockelbank and her husband have lived at this property for 11 years and have searched, over the course of 11 years, several times, for a marker and have never found a marker. Ms. Brockelbank states there is an old survey map from the same company from about 15-20 years ago which does not show their driveway which has been there since 1973. Due to all these discrepancies, Ms. Brockelbank calls into question the property line. Ms. Brockelbank

asked for a second opinion of that survey line with the proposed dead-end road abutting their property. Mr. Baskerville asked Ms. Brockelbank for confirmation of the granite boundary marker that she states is not in the ground. Ms. Brockelbank stated it is the corner which abuts the 110 High Street driveway. Mr. House questioned Ms. Brockelbank about her reference to "Mr. Jones", and asked if she was referring to Mr. Ring. Ms. Brockelbank stated yes.

Mr. Ring explained the shed was shown on the August 16, 2017 current plan. The subdivision plan shows a small area of the driveway that is in a different layer somehow and was missed, but will be pulled in on the next draft. Mr. Ring confirmed the bounds were located by Jim Vera. Mr. Ring will contact Mr. Vera to go and flag the bounds. Mr. Ring explained that 250 ft. was shown based on the speed limit of 35 MPH on High Street and used the AASHTO safety site distance to show on the plan. Mr. Ring confirmed there is 450 ft. for site distance and it will be modified if the location of the cul de sac remains. Mr. Paine asked Ms. Brockelbank for clarification that she was referring to a barn, not a shed. Ms. Brockelbank stated it is a 2-stall barn. Ms. Brockelbank stated if vegetation is removed it needs to be 400 ft., they have 21 trees that give buffer and privacy. Please keep in mind that the trees have been cultivated, maintained by the Brockelbanks for 11 years and provide privacy. Mr. Ring stated during the site walk they mentioned that he hope was to save the cedars, but it is up to the road agent whether the limbs can be cut back or if the trees have to be removed. Mr. Ring explained he would like to save the tree for the abutter but is unsure if that can be accomplished. Mr. House questioned the properties across the street. Mr. Austin explained that 3.3.2c states; "The locations, dimensions, and areas of all proposed or existing lots, and the location and setback dimensions of existing structures (within 100' of parcel to be subdivided);". Mr. Ring confirmed that the corners of the closest structures are approximately 95 ft. away. Mr. House asked if the Brockelbank's driveway will come off of the proposed new road. Mr. Ring explained the proposal was to eliminate the side where the proposed right of way is to come into the cul de sac and, for the use of safety and to improve site distance from the curve for the Brockelbanks. Mr. Ring confirmed a meeting was held with the Brockelbanks and it was proposed to relocate their driveway to come in off of the proposed new road, saving some of the trees, and to cut back their sump-pump drain which currently on the Sullivan property by about 20 ft. Mr. Austin asked for clarification on the setback from the proposed right of way line to the 2-stall barn/shed or could the right of way be modified to insure, if approved, 30 ft. would remain. Mr. Ring stated the barn/shed is 20 ft. from the property line. Mr. Austin explained that the proposed road creates a non-conforming structure for the existing structure on the Brockelbank's property. Mr. Baskerville and Mr. Austin clarified that at present it is a side setback, but if it becomes a road it becomes a front setback and become a non-compliant structure. Mr. Paine asked if the Brockelbank's have had the 2 driveways for 20 years and did they earn the right to maintain it. Mr. Austin stated the driveways were not there prior to the property line going in. Kevin Baum stated there is not adverse possession and the "Y" of the driveway and the drainage is an encroachment and needs to be removed. This issue has been discussed with Ms. Brockelbank but there is no need to move forward with the issue while the proposed road may change the situation, including giving access via the new cul de sac, which will improve the sight line for the Brockelbanks. Ms. Brockelbank stated Attorney Baum cannot dispute their right, and the Brockelbank's have legal counsel due to this issue, they

have proof that the second driveway and drainage were original with the property, the Sullivan was original with 110 High Street property. The issue is when the subdivision occurred, the property lines were dragged over the original driveway and the drainage pipe, as well as open use of the property.

Candy Graves, 5 Hillcrest Drive, stated that Donald Graves gave a unique proposal at the May meeting, which the applicant should propose, as abutters a diagram was presented to the board members that were present, and it is to extend Whittaker Drive. Mr. Graves spent a significant amount of time discussing how it would save taxpayer money. The connection of the two roads that were set up on paper in 1995 by Mr. Rush to get his subdivision through the planning board, has been there but it is a 9% grade coming off of Hillcrest, not 8%. Ms. Graves stated the suggestion to come off of Whittaker is more feasible in the long run for the town to take over the road. Ms. Graves stated she did not believe the applicant wanted to pursue coming off of Whittaker due to Ms. Sullivan not wanting impact off Whittaker.

Don Graves, 5 Hillcrest Drive, spoke with Mr. Ring regarding the present maps. Mr. Graves stated there was a better drawing of the access present at the site walk. Mr. Graves stated the plan shows and 8-10% slope coming off Hillcrest. Mr. Graves stated his driveway is severely impacted and taken to a 29% grade which he will then have to come up onto the proposed road with retaining walls and guardrails. Mr. Graves stated his property has another detached garage which will cause hardship to access the 2-story barn. The slopes are going well out of the right of way, going up Mr. Graves' front stairs. Mr. Graves stated last meeting he spoke about extending the Whittaker cul de sac where traversing the topography so all the water retention goes away. There is a 20-22 ft. elevation drop from High Street into the center of the cul de sac and 2-4 ft. from Whittaker cul de sac to the new proposed cul de sac. Mr. Ring stated the grade of Whittaker is about 88 ft. and the bottom of pond is about 80 ft., and by the road is 86 so it is feasible to extend Whittaker through. Mr. Austin asked Mr. Ring to send an electronic copy of P1.

Mr. Baskerville suggested paragraph 4.4.3 has been discussed several times and the language states "dead end street may be proposed" and continues as the planning board meets. It is not an official waiver, but an interpretation by the board which may not be made until the final hearing. Mr. Baskerville asked for a poll to be taken of the members based on what has been heard to date. Does the road coming in off of High Street meet the requirements the Planning Board needs to permit a dead end street. Mr. Canada and Mr. Paine requested a plan, similar to what will be emailed to Mr. Austin, to show what difficulties are present. The Planning Board needs to determine is what is best; coming in from High Street, having a through road, or extending the cul de sac from Whittaker. Mr. Graves stated if a through road is proposed, slope easements will be required and he will not give them today, nor would he 23 years ago when asked. A through road will have a severe impact as an abutter, as well as his property. As a taxpayer Mr. Graves does not want to see a through road because it is more linear footage of maintenance, and the curbing, guardrails and retaining walls is not aesthetic for the neighborhood. Mr. Graves stated the proposed extension of a cul de sac where there is an existing intersection with good lines of sight and stop signs makes sense with only a 2 ft. difference in elevation.

Mr. Baskerville stated the poll by the members is NOT a vote, it is NOT a decision on the application, it is NOT an approval or denial, and it is just to give the applicant direction. Mr. Austin asked for clarification from Mr. Baskerville that this is an unofficial straw poll consideration as to whether or not the applicant has provided enough information so far for the board to determine 4.4.3 for a dead end road. Mr. Austin explained that "in the opinion of the board" Mr. Baskerville may ask, but he would not suggest a vote or straw poll. Mr. Baskerville reiterated that the opinion is in regard to the cul de sac coming in off of High Street, not discussing a through road or other options at this time. The regulations state the Planning Board may permit "dead end streets" as described below, but they've heard in many discussions that there are two other access ways to this subdivision. For this design only, does the board feel the criteria has been met for this to be another cul de sac coming off of High Street. Mr. Baskerville does not agree that another cul de sac is needed off of High Street, that would put 3 cul de sacs in close proximity that the DPW would have to go in and plow and Mr. Laverty has stated it takes additional time versus the extension of one or the possibility of a through road. Mr. Baskerville also reiterated that Mr. Laverty's letter dated 9/20/2017 stated he is not in favor a new cul de sac off of High Street. Mr. Paine stated 4.4.3b, Future Subdivision, states "Where a tract is subdivided into lots of an acre or more, the board may require an arrangement of lots and streets such as to permit a later re-subdivision in conformity with the street requirements specified in these Regulations." At this point this is falling within the conformity of the existing right of way easements and Mr. Paine would hope they would use those existing easements to confirm with the regulations. Mr. Houghton stated the Master Plan speaks to regulations that provide for the continuation of the principal streets existing and adjoining subdivisions. Mr. Houghton stated there are extensions from other subdivision which are not impractical and this design is not in the best interest of the abutters or the town. Mr. House agreed with the comments made and stated if this road is to be put in as designed, a non-conforming lot is also being created. Mr. Canada stated there are two known access points and does not believe the applicant has proven that either one is impractical. Mr. Roseen stated the review letter from Civil Works makes a similar observation and recommendation as Mr. Laverty stated. Between the recommendation of the Public Works Director, Civil Works and noting the hardship with the neighbors with some long term existing property issues, it seems there are some better alternatives.

Roy Burns, 2 Hillcrest Drive, stated there has been much talk over hardship for other abutters, and there is no good solution to this other than no project at all. It appears that the purpose of the planning board is to determine the best course of action going forward, with the least amount of trouble for the town. Mr. Baskerville confirmed for Mr. Ring that there were no votes, just opinions of the board. Mr. Ring stated they will propose to extend Whittaker through and have the cul de sac. The plans will be revised in accordance with that direction, he will change the lot line loading calculations for the soils, and Mr. Ring will also deliver the P1 draft plan to Mr. Austin and the Planning Board for review. Mr. Ring requested a continuance with another 65 day clock waiver for the continuance to extend. Mr. Canada would like to see the plan that coming off of Hillcrest will not work. Mr. Canada asked that all of the road should be utilized, starting at the center of the bulb. Mr. Austin asked the board to determine if the application is modified to have a completely different arrangement, does it become a new application; and if the continuation, with a new design of the same application, should a new notice be sent. Mr.



Austin stated his belief is that the application needs to be noticed, as well as go back to Civil Works and the highway agent for review. Mr. Paine asked if the fire department would need to review if there is an introduction of a road off of Whittaker. Mr. Austin confirmed, yes. Mr. Baskerville stated he doesn't see the need for the applicant to pay another application fee for this change, only the fee to re-notice. To start from scratch would delay the application. Mr. Deschaine stated it is up to the applicant's strategy to determine whether they feel they can persuade the board with additional information that their proposal is meeting the criteria or is it easier to withdraw this application and resubmit a new application with a waiver to the board to wave the application fee. Mr. House stated that there is an existing P1 plan and asked Mr. Ring to rename the new plan so as to differentiate the plans.

Mr. Ring requested an extension to the October 18, 2017 meeting in order to redesign the proposed subdivision. Mr. Austin stated the extension to October 18, 2017 meeting may not allow enough time to receive and distribute the redesign, as well as review the information to make an informed decision.

Mr. Paine made a motion that any engineering plans submitted need to be reviewed by Civil Works for conformity and engineering review. Mr. House seconded the motion. Motion carried unanimously.

Mr. Paine made a motion to continue the Sullivan-Whittaker Drive Subdivision application to October 18, 2017. Mr. House seconded the motion. Motion carried unanimously.

#### **4. Miscellaneous**

Mr. Austin stated at the last TAC Committee with RPC, the revised 10-year plan, all 3-4 projects from Stratham made it on the list; 108/Bunker Hill Avenue light made it to the 8<sup>th</sup> spot, DOT elected to fund the first two projects. DOT's proposed projects were the top two, the second of which, after some cost adjustments cost more than the entire allocation that RPC was looking at receiving. TAC voted to move five projects forward in a lump, one of which is 108/Bunker Hill Avenue signalization. It now has moved from the TAC vote to the GASSIT hearings where it is decided which projects will receive funding and there are public hearing coming up. Mr. Austin will send out an email regarding the public hearings. The next meeting is in Newmarket and it is strongly suggested that residents and officials, preferably not town employees, go to these hearings and express their concerns to help get it approved.

Mr. Austin stated there is an application from AutoFair I to consider a site plan amendment. A preliminary consultation application has been received but due to enforcement action at AutoFair II it is unsure if they are coming forward. Due to the discussions on AutoFair II the applicant may elect not to appear from the AutoFair I application on October 4, 2017. Due to the Sullivan-Whittaker subdivision continuation, the October 4, 2017 meeting will be a continuation of workshop items.

Mr. Baskerville stated he listened to the one hour MS4 webinar which was very good. He question Mr. Deschaine's email regarding a 2 hr. meeting at the NH Municipal Association. Mr. Deschaine stated that it is specific to set a Bill 121, a study

commission established by the legislature to investigate whether or not the state should consider taking on the delegated authority under the Clean Water Act. The Clean Water Act was enacted and had provisos for delegated authority to assume the role of enforcing the Clean Water Act. Of the 50 states, 46 elected to assume that authority. The NH Municipal Association is meeting to gather interest and input from member towns. Mr. Austin stated the Seacoast Storm Water Coalition met this afternoon. Mr. Roseen explained the reason states don't delegate is because they want to go for the lower cost program. This has not come up only for the MS4, but often just for the storm water permitting. There is a 50,000 SF trigger for AOT, EPA is a 1 acre. DES processes may be 350 permits per year as opposed to several thousand a year that the EPA does. It basically triples the size of a program just for storm water permitting.

## **5. Adjournment.**

Mr. Houghton made a motion to adjourn the meeting at 8:57 pm. Motion seconded by Mr. House. Motion carried unanimously.