



Stratham Planning Board
Meeting Minutes
June 6, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bob Baskerville, Chairman
Jameson Paine, Vice Chairman
David Canada, Member
Diedre Lawrence, Alternate
Robert Roseen, Alternate

Members Absent: Mike Houghton, Selectmen's Representative
Tom House, Secretary

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Vice Chairman took roll. Mr. Baskerville asked Mr. Roseen to stand in as a voting member in place of Mr. House tonight. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

a. May 16, 2018

Mr. Canada made a motion to approve the meeting minutes of May 16, 2018 as submitted. Mr. Baskerville seconded the motion. Motion carried unanimously. Mr. Paine abstained from the vote due to his absence at the May 16, 2018 meeting.

3. Public Hearing

- a. **3 Lot Subdivision Application** to create 2 new duplex building lots for condominium development, and one lot to maintain the condominium duplex at 15-17 Union Road, Stratham, NH 03885, Map 10 Lot 76-1&2 submitted by Brock Ehlers, 163 Deer Street, Portsmouth, NH 03801 and Nina & Mark J Merida, 17 Union Road, Stratham, NH 03885.

Mr. Austin stated since the last public hearing on this item, Civilworks has responded to the review of the plans and the plans were revised and are in the planning board binders, as well as the information provided by Beals Associates. Civilworks stated a Conditional Use Permit for the wetland impact is required. The wetland impact is caused by widening the existing driveway to the proposed road. The CUP permits activity in the wetland buffer, the state provides the authority to work in the wetland. The applicant has proposed two waivers, one is a shoulder width waiver from 2 ft. to 4 ft., and one is a right of way waiver from 60 ft. to 50 ft. in order to minimize the area of encroachment into the wetland buffer. The CUP cannot be discussed tonight due to being noticed for the June 20, 2018 meeting, but Mr. Austin told Mr. Smith there would be some discussion about the waivers since the waivers are requested to minimize impact which is a plus for the future CUP discussion. Mr. Austin stated he received a request from DPW this afternoon is the request for of a 60 ft. right of way and 4 ft. gravel shoulders. Mr. Austin stated the board should put some thought into whether or not to grant a waiver to minimize wetland impacts where DPW and regulations stipulate otherwise. Staff explained the application is complete and should the board vote to continue the public hearing to the June 20, 2018 meeting, staff recommends all action can occur after opening the public hearing on the conditional use permit as opposed to acting on waivers this evening. Mr. Austin stated there was discussion at the last meeting raised by an abutter with regard to minimize lot size and the regulations precluding wetland soils from being calculated as part of the minimum lot size. The minimum lot size in that criteria is the soil loading minimal lot size, not the 3 acres required for a duplex.

Mr. Baskerville opened the public hearing. Christian Smith, Beals Associates, representing the owners of this project explained the waivers requested for this project. Mr. Smith explained all the Civilworks comments have been addressed, as well as applying for the Conditional Use Permit, and Luke Hurley, Gove Environmental, has an agenda item for the Conditional Use Permit on June 13, 2018. Mr. Baskerville questioned if a wetland permit is required. Mr. Smith stated there are approximately 300 SF of wetland impact, which is in two areas. One area is a result of an existing culvert extension and the other is the side slope grading from the road deck. Mr. Baskerville questioned if the lot sizes work with a 60 ft. right of way. Mr. Smith stated yes and they meet 150%. Mr. Paine questioned if the spur to the left of the road is intended to be a future through road if needed/necessary or a turn around. Mr. Austin explained to Mr. Paine it was discussed at the last planning board meeting to leave a paper street, which would not be deeded over but a right of way. Mr. Roseen questioned why the construction detail doesn't mention the soil addition it only mentions existing material. Mr. Smith explained the seeding specification is silent to soil but the standard is 4 inches of loam before the specification falls into place. Mr. Roseen asked Mr. Smith to adjust this to be 22 inches of filter media and seed on the surface. Mr. Smith agreed. Mr. Baskerville opened the meeting for public comment. No public comments made.

Mr. Paine made a motion to continue the public hearing for the 3-lot subdivision application to June 20, 2018. Mr. Canada seconded the motion. Motion carried unanimously.

- b. **6-Lot Subdivision and Conditional Use Permit Application** to create five (5) new building lots with road to Hillcrest Drive at 8 Whittaker Drive and associated wetland impacts, Stratham NH 03885, Map 19 Lot 68, submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885.

Mr. Baskerville stated the board accepted and opened this hearing at the previous planning board meeting. Mr. Austin explained the only hold over from the last hearing was a discussion with DPW on the remaining waivers that the planning board did not want to take action on without comment from DPW and the additional cross sections. DPW is in agreement with the submitted plans and a note is in the packet with DPW comments. A staff review is also in planning board packets which references Department Head comments. Although the Stratham Fire Chief would prefer a fire cistern, he is in agreement with the proposed homes being sprinklered. The Assessing Department condition is to have the mylar, prior to recording, has accurate map, lot, address references on the mylar. Mr. Austin stated a conversation with the applicant it was suggested that the homeowner documents not be presented to the planning board for review but submitted to staff as a Condition Precedent for attorney review. Staff also recommended a Condition Precedent that a draft performance agreement surety instrument be submitted with the mylar in order to begin review. Mr. Austin requested a "no access" easement placed across the two parcels that have frontage on High Street. Mr. Austin stated Staff recommends approval of this project based on the notes and revisions on the plan set before the board this evening.

Mr. Paine made a motion to accept the application for the Conditional Use Permit as complete. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Baskerville opened the public hearing for both the 6-Lot Subdivision and Conditional Use Permit. Jonathan Ring, Jones & Beach Engineers, introduced Brian Sullivan and Attorney Kevin Baum. Mr. Ring explained the CUP was submitted on May 16, 2018 but the plans were revised after a meeting with Mr. Austin and Mr. Laverty. Mr. Ring stated Civilworks signed off letter dated May 30, 2018 and all Department Head comments have been addressed. The applicant has NH State Subdivision approval permit, NH Wetlands Bureau permit, and a meeting with Mr. Austin and Mr. Laverty was had on May 17, 2018 to review plans, the remaining waivers, and the Conditional Use Permit. Mr. Ring stated there are several notes on the subdivision plan (#22 addresses the residential sprinkler systems per NFPA Chapter 13R for each proposed house lot; #23 address there shall be wetland markers placed every 50 ft. at the west side of wetlands on Lot #3 and the north side of wetlands on Lot #5; and #24 addresses the mailboxes will be located on the north side of the road). Mr. Ring explained to the public that a Conditional Use Permit is required to effect any wetlands in the Town of Stratham so in order to build the drainage pipe through the two small wetlands on Lot #3, as well as a wetland permit from the State of NH. The wetland permit has been filed and approved by the state. Mr. Ring explained the town will own and maintain the catch basins and there is a pipe coming out at the low spot and will go into a pipe maintained by the homeowner's association for the five new lots. The wetland impact is 2,350 SF down to the back of Lot #3 into the detention basin. Mr. Ring explained the applicant explored relocating the drainage and decided it was not feasible due to the higher topography of the site, the run of the pipe would be longer, it would reduce the slope, increase the pipe diameter due to the reduced slope, and would add some drain manholes along the way as well.

Mr. Paine asked for clarification that the homeowner's association will maintain the drainage pipe outlet area and whether the roadway will be maintained by the homeowner's association or the town. Mr. Ring stated the roadway will be in a town right of way from Whittaker to Hillcrest and

will be maintained by the town, including the three catch basins and the drainage pipe in the road; from catch basin #3 heading south will be maintained by the homeowner's association, as well as the detention pond. Mr. Paine asked if the drainage coming off the road has an easement on the area for the town. Mr. Ring stated yes a drainage easement is shown on the plans. Mr. Roseen asked for an explanation regarding the two different versions of the grading and drainage. Mr. Ring stated the Wetland's Bureau requested more information and what is occurring is disturbing of the soil, taking out the trees, installing the pipe, and re-loaming and seeding on the top; which will remain wetland soils and grasses on top of the structure itself. Mr. Roseen asked for clarification that all wetland impacts will be temporary, Mr. Ring stated yes. Mr. Paine questioned if there will be efforts to mark the wetlands to keep people out of the wetland area and if the existing property can be marked as well. Mr. Ring stated the applicant will put markers on the north side of that wetland. Mr. Roseen asked about the detail for house lot rain gardens and where are they identified on the individual lots. Mr. Ring stated the drip edge is not shown on each house lot because the location of the houses are unknown. Mr. Roseen stated there are no foundation drains or drains in the drip edge and suggested the applicant add this to the plans. Mr. Ring stated he will make a note of this change. Mr. Baskerville opened the hearing up for public comment regarding the subdivision application, as well as the Conditional Use Permit.

Roy Byrnes, 2 Hillcrest Drive, questioned what changes have been made that the public has not been able to see. Mr. Byrnes explained he asked to see the profiles because he has concerns with the snowplows going down the proposed new road possibility tearing up the embankments with the erosion control fabric. Mr. Ring stated a letter was issued on May 22, 2018 to the planning board and Mr. Austin which explains the changes, the location of the storm drainage at the bottom, and a homeowner's association. On page 3 there are responses to Mr. Laverty adding North America Green erosion protection fabric at the areas on Whittaker where there is 3:1 slopes and 2:1 slopes. There is erosion protection fabric from Station 400 down through to Hillcrest. The road cross section is included, which shows 4 ft. shoulders on both sides of the road are possible. Mr. Ring explained the road was lifted and eliminated one section where there was a curve that had more than 75% in front of Lot #2 the road was changed, removed that portion of the curved slope. Mr. Byrnes stated he is not a plow driver or an expert, but he sees the piles outside of his driveway and doesn't think 4 ft. shoulders may not be enough for snow removal activities. Mr. Paine asked Mr. Ring if the intention of the fabric mentioned is meant to stabilize the ground while the vegetation is emerging and once that is in place the vegetation will control the stability of the ground. Mr. Ring agreed. Mr. Ring stated in the vicinity of Hillcrest down there is sloped granite curb and in many cases there are no curbs so in a snowstorm plow drivers don't know where the road actually is. In this case, there is a curb that the plow will ride along. Mr. Byrnes questioned if the radius on the corner was changed. Mr. Ring changed the radius was changed and the road was elevated coming around the corner, the radius went from 100 ft. to 90 ft. radius which pushed it away 5 ft. from the Byrnes residence. Mr. Byrnes questioned the drainage near the Tilton's property which is far away from the proposed road. Mr. Ring stated it is staying in the shoulder along the edge and the town will own the bubble, pavement is being removed and the driveway is being reconstructed. The drainage will continue to go to the catch basin on that side. Mr. Byrnes stated the catch basin is nowhere near the road now and questions why it's not being moved. Mr. Austin stated the existing swale down the side of Hillcrest is going to be extended down so all of the Hillcrest drainage is going down the side of the road and a swale going through the open area to the catch basin. Mr. Byrnes has concerns with the sight distance for his driveway and believes he will now have a blind driveway. Mr. Austin stated sight lines refer to an intersection. Mr. Paine questioned what the posted speed limit for this road. According to public comment there is a posted 25 mph speed limit currently on Hillcrest Drive.

Mr. Ring stated if signs are necessary, and the DPW or the Planning Board require signs, the applicant will add signs. Mr. Austin stated the need for speed limit signs could be a condition subsequent.

Don Graves, 5 Hillcrest Drive, would like to see a detail of the four inch bump in front of his driveway. Mr. Rings stated it would be 12 inches wide and 4 inches high. Mr. Ring explained that originally he suggested 6 inches and Mr. Graves requested 4 inches. Mr. Ring stated Station 850 and Station 900 is where there is 4 inch bituminous concrete curb. Mr. Graves requested minimizing the 4 inch and put a depression in the asphalt for a slight negative swale. Mr. Graves asked if there has been discussion on a homeowner's association. Mr. Ring stated that was discussed and the documents will be a precedent condition to signing the mylar for recording. Kevin Baum, attorney for the applicant, stated the homeowner association documents will be reviewed by Town Counsel and will include a provision to allow the town to enforce the maintenance. Mr. Graves asked when a homeowner's association take effect, because it will take a period of time for all lots to be occupied, transfers of property assigned, and recorded. Attorney Baum explained the homeowner's association would be controlled by the developer until such point when a percentage of lots are sold. Mr. Graves questioned if there is a formula for the cost of the infrastructure base fees for homeowner's associations. Mr. Austin explained not to base fees for associations, typically with a performance bond surety instrument the town requires the applicant to provide an estimate that gets verified by DPW and/or a third party to verify the cost stated is appropriate. The bond will need to cover the drainage pipe to get installed correctly and then it becomes beholden on the association to have enough money set aside. The town cannot control how the association determines that information. The town has previously asked other associations to include a clause that prevents the association from dissolving itself, or absolving itself from certain responsibilities, without town sign off. Mr. Austin requested the planning board ask for a condition that the town review all association changes. Mr. Graves requested to be noticed of the rules and regulations, as well as the bylaws of the homeowner association documents when they are prepared. Attorney Baum stated the documents will be public, the town will have a copy and the documents will be recorded. Notice will not be provided to the neighborhood. Mr. Graves would like to be notified when Attorney Baum has the documents, and he doesn't go to the town to check when documents are submitted. Mr. Austin stated that if directed by the planning board, he will let Mr. Graves know when there is a public document for review. Mr. Austin explained there will not be a discussion point between Mr. Graves or any abutter or any other resident regarding the contents, valuation, etc. Ms. Lawrence is concerned with the town getting into the business of notifying citizens. For example, if Mr. Austin forgets to notify an individual the town faces a legal liability for failing to notify. Mr. Baskerville and Mr. Roseen agreed. Mr. Graves stated on record to indemnify the planning board of any legal action regarding this notice and is looking for a courtesy notification. Mr. Canada suggested that Mr. Austin make a good faith effort to remind Mr. Graves.

Mr. Roseen made a motion to close both public hearing. Mr. Paine seconded the motion. Motion carried unanimously.

Mr. Austin requested to withdraw the comment on the staff review related to the Conditional Use Permit. Mr. Baskerville asked the board for comments or discussions regarding the CUP. No comments or discussions noted.

Mr. Paine made a motion to approve the Conditional Use Permit as submitted this evening, subject to the conditions of the wetland's permit. Mr. Canada seconded the motion. Motion carried unanimously.

Mr. Ring stated Waiver A) Section 2.3.6.a, Fees Administrative Costs Lot Filing; and B) Section 3.3.2 & 3.3.3; Plan Scale to Allow 1"= 60' waivers were approved at the May 2, 2018 hearing.

Mr. Roseen made a motion to ACCEPT the following waivers as submitted:

- C) Section 4.5.1.f, Side Slopes 3:1 and 2:1
- D) Section Addendum A, Table 1, Road Width 22'
- E) Section Addendum A, Table 1, Centerline Radius 90'
- F) Section Addendum A, Table 1, Roadway Slope 7.0% on Curve
- G) Section Addendum A, Figure A, Sloped Granite Curb

Mr. Canada seconded the motion. Motion carried unanimously.

Precedent Conditions:

- 1) Applicant to verify and show correct Map, Lot, and Addresses to be signed off by the Town of Stratham Assessing Department prior to mylar submittal.
- 2) Applicant to submit Homeowner Association documents, relative to detention pond and drainage piping outside Town right of way, to Staff for Town legal counsel review.
- 3) Applicant to submit a draft Performance Agreement and Surety Instrument for public improvements per regulations to staff prior to mylar recording for legal review.
- 4) Add a "No Access Easement" along High Street frontage for Lot #1 and Lot #2 to be added to mylar for recording, as well as deed language for review.
- 5) The wetland flagging on the plan be revised, as presented this evening, to include the primary residence.

Subsequent Conditions:

- 1) General compliance with the Subdivision Regulations.
- 2) The applicant submit in writing to the Town of Stratham Police Department and Department of Public Works a request to evaluate speed zone along the proposed new road.
- 3) The applicant and/or developer to submit a construction schedule for the town and convene a conference prior to construction with the Department of Public Works and town staff to come up with rough time lines for the record.

Mr. Paine made a motion to APPROVE the proposed 6-Lot Subdivision and Conditional Use Permit Application to create five (5) new building lots with road to Hillcrest Drive at 8 Whittaker Drive and associated wetland impacts, Stratham NH 03885, Map 19 Lot 68, submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 0385 with the Conditions, Precedent & Subsequent, as identified on the Staff Review dated June 6, 2018 and as discussed and modified. Mr. Canada seconded the motion. Motion carried unanimously.

Mr. Baskerville called for a short recess. Hearing reconvened at 8:40 pm.

- c. **Site Plan and Conditional Use Permit Applications** for the revision of an existing site plan and associated parking, utilities, and drainage located at 58 Portsmouth Avenue, Stratham, NH 03885, Map 9 Lot 15 submitted by Wayne Morrill, Jones & Beach Engineers, Inc, 85 Portsmouth Ave., Stratham, NH 03885.

Mr. Austin stated Mr. Morrill submitted a series of plans that were approved in 1990's for a separate structure and parking area. Staff's understanding that at that time the site was prepped, all the drainage of the structure was installed, and the only item not completed was the parking lot paving or the construction of the building. The question is Audi is looking for additional "used car sales and vehicle storage area" and the request is to pave the parking lot. Staff contends the original site plan was not substantially started or vetted and the plan which is before the planning board has been standing so the application needs to be treated as a site plan amendment. When Mr. Morrill first presented this to staff, a general discussion took place on the Gateway Zoning Regulations under Section 3.8 and Mr. Morrill suggested that perhaps vehicle storage could be provided in an area that did not encumber the town's master plan "gateway street" or "Market Street" extension which goes through the property. A discussion was had the planning board level regarding this during the Verizon Wireless Tower application. It is staff's understanding that a conversation occurred between Mr. Morrill and the property owner, which the property owner was reluctant to show any indication of the Market Street extension through the property at this time and the application was submitted as such. Mr. Morrill requested the hearing date of June 6, 2018 and staff told Mr. Morrill in order to be heard on June 6, 2018 a complete site plan application and a Conditional Use Permit would need to be submitted which identifies every element in the Gateway Regulations that the property is currently not compliant with. The planning action granted waivers along the shared drive between Porsche and Audi with regard to lighting, trees, and sidewalk location with the clear understanding, from the planning board and town perspective, that the waivers only extend to that portion currently proposed for development. The application packet before the board this evening is largely a complete site plan review application but is lacking in the Conditional Use Permit application, which only requests a waiver to the drainage criteria based on the existing drainage on site. Staff recommendation is the application is incomplete and not ready for the planning board to review. Staff review suggests the planning board set the public hearing for July 18, 2018 with a mandate that the applicant submit the requisite Conditional Use Permit application materials at least two (2) weeks prior that meeting for review. Mr. Baskerville stated he became a board member during the last sections of the review period for the Gateway District regulations and Mr. Canada was a selectmen at the time. Mr. Baskerville reviewed the Gateway Zoning Regulations after seeing this on the agenda. Audi is in the northern end of the Central Zone and on the regulating plan that shows both an Avenue and a Street going through the property. Mr. Baskerville explained the regulations are clear and there is no leeway with this and it must be done and any deviation from the ordinance is only permitted by a grant of a Conditional Use Permit. The Planning Board has the right to not complete individual items, provided the deviation does not negate the intent of the ordinance as a whole. If the Planning Board is going to grant something that does not meet the criteria a Conditional Use Permit is required which details every item that does not meet. Mr. Austin requested the applicant submit the application packet and a Conditional Use Permit which includes every item in Section 3.8 which the applicant is not proposing to complete, and this was not submitted. Mr. Baskerville stated the application goes before the Technical Review Committee for

review prior to the Planning Board, which has not happened with this application. Mr. Austin stated every project in the Gateway District, since the adoption of the Gateway Ordinance, has come to the planning board since there has not been a complete Gateway District compliant project submitted. Mr. Baskerville recommended the board hear a Preliminary Consultation so the applicant can do an introduction but the application will not be part of a public hearing.

Paul Deschaine, Town Administrator, questioned if the tonight's forum was a noticed public hearing. Mr. Austin stated the application was noticed as a public hearing should the planning board accept the application as complete and open a public hearing. Mr. Deschaine explained the meeting was noticed for a Public Hearing not a Preliminary Consultation. Mr. Roseen questioned if the applicant could present their case, with some discussion, and at the end of the discussion find the application incomplete. Mr. Baskerville asked the applicant if they would like to discuss the application.

Scott Ellison, Attorney, stated the applicant would like to discuss what is or what is not in the package before the board. Attorney Ellison would like to go on record and respond to Mr. Austin's statement with regard to the previously approved plan never being substantially started and disagrees with that statement. The plan was approved most of the improvements on the plan were taken by the current owner at significant expense and reliance upon the approval that had been granted, drainage was installed, lighting was installed, a cistern was installed which over a \$100,000 expense which was done in reliance of the plan which was approved. The applicant is requesting to pave a lot which was put in after the previous plan was approved. Mr. Baskerville questioned the date on the plan the applicant submitted. Attorney Ellison stated 1998. Mr. Baskerville questioned the date on the last site plan approval. Mr. Austin stated July 19, 2017. Mr. Austin stated the most recent plan recorded for the Audi site includes the Verizon Cell Tower which was the previous site plan, and since the plan dated 1998, there have been at least two other plans recorded. Attorney Ellison stated he does not believe there was anything on those plans that is inconsistent with what the applicant is seeking this evening. Mr. Austin that may be true, and he may be able to retract his earlier statement, because there is nothing in the packets before the board substantiating the vesting the original site plan. If the town is not made aware, per the 1998 plan, the \$100,000 cistern, \$4 million worth of site improvements and drainage, etc., how is the town to make a determination that the existing 1998 plan is vested in that area. Attorney Ellison understands and does not disagree. Attorney Ellison explained the cistern was installed and improvements made with an amended plan approved in 2001, which shows the parking and the applicant is now just seeking to pave. Mr. Canada questioned if the applicant has been using the area as an unpaved parking lot. Attorney Ellison stated yes. Mr. Baskerville explained new zoning was introduced in 2011 that has several conditions. Attorney Ellison stated the existence of the lot predates that zoning. Mr. Austin stated proposed sheet C2 does not match what is being referred to as the vested site plan. Mr. Austin stated it seems appropriate for the planning board to approve paving the parking areas as identified on the 1998 plan under the vesting argument, but not the plan that is currently presented without further amendment. Wayne Morrill, Jones & Beach Engineers, stated part of the application submitted is a waiver regarding the existing drainage. The pavement being proposed is a reduction of impervious of 4,296 from what was originally approved. The current drainage is through the entire parking lot, which is detailed on the "Grading and Drainage" plans, where

all the drainage pipes go to the detention ponds, no new catch basins are being installed. Erosion control will be installed around the existing catch basins as part of the construction. The existing light poles will be changed out and new LED heads will be added to the top of the pole. Street trees will be installed from the last Audi approval to be brought back around the service road to the back and also install a sidewalk that connects the customers from Audi Dealership up to the rear parking lot. A Conditional Use Permit was submitted and detail the items that weren't compliant within the Gateway Commercial District, and Mr. Morrill was not aware more detail was required. Mr. Morrill stated the applicant is proposing to pave an existing gravel area. Mr. Baskerville explained that Rockingham County wrote the Gateway Section which includes a lot of detail and is form based code. Mr. Baskerville suggested needing more time to review and speak with Rockingham County to get their interpretation, because he is not familiar enough for the law behind it to know whether the planning board can proceed tonight or not. Mr. Deschaine stated the argument that the 1998 site plan has vested and that is what the applicant is pursuing is the first argument tonight and the answer wasn't given to the question "what are you proposing to do today" identical to what it was being proposed in 1998. Mr. Baskerville questioned if the amended plan shows the paving on the plan as proposed. Mr. Austin stated no. Mr. Baskerville stated his understanding is the amended plan supersedes the original plan. Mr. Roseen stated that is his understanding and the point of the amendment, and is a revision. Ms. Lawrence stated the five (5) year limit under RSA in the Planning Board Regulations with regard to when that clock starts and stops. Mr. Austin stated it would be different if the area proposed for paving now were those area proposed in 1998 as the parking areas, which this is varying. Mr. Roseen stated the most recent plan takes precedent. Mr. Austin stated the Planning Board requested a master plan for the site in 2017 when the Audi plan was approved. Mr. Austin explained that discussions took place with the planning board in 2017 that Gateway Standards would apply to any future agreements. Mr. Baskerville stated a discussion occurred when Verizon went for approvals that the road would go between the storage units and the Verizon structure. Attorney Ellison stated he was present for that discussion and at no point did the applicant agree that the road could go through the middle of the property and cut it in half. The master plan that was submitted, as part of the Audi improvements, the road was shown going around the storage center. Mr. Canada stated it is not untypical for the back roads to be winding. Mr. Baskerville explained he does not agree that a back road that gerrymanders around and circles around is one thing, the regulations state this is to be a 74 ft. wide right of way, to be paved, building to building to include bike lanes, sidewalks, and parking on both sides of the roadway. Mr. Austin stated deviation is encapsulated with a CUP process would not be 200 ft. to the end of storage units and the applicant makes a fair argument that this is proposed parking to the rear of a building which is Gateway compliant. The issue is the district map shows a road going through the middle of the property and another going through the back of the property. The planning board has often offered by creating a future road, when development conditions allow, by having the road where the regulating plan suggests provides the owner of the property more developable land. The master plan road the applicant is indicating puts the east side of the road in an undevelopable state because it is on wetlands. Mr. Roseen questioned if the Gateway language specifies the location of the road as much as the function of the road. Mr. Roseen understands form based code is not as much that it is rigid in details, it is more form. Attorney Ellison stated if the road is located to the east of the storage units the access road is not being deprived from the ability to reach the car dealerships. Attorney Ellison disagrees that moving the road to the east will cut off access to

the dealerships. Mr. Baskerville stated his observation of the zoning is interpreted for a time where there would be municipal water and sewer and the layout of the regulating plan a large percentage of everything on Portsmouth Avenue disappears and gets redeveloped. Mr. Paine stated the long term management of this area, by the town, with the property owner's understanding of locations of the transportation system through this area from a vehicle, pedestrian stand point. Mr. Austin explained the vision of the future connecting road. Mr. Roseen explained that bringing the road around the outside may be correct, but where it could fail some of the Gateway aspirations is if everything to the east of that is wetlands and the vision of the Gateway district of dense development on both sides of the road cannot be accomplished. Mr. Baskerville stated based on the application submitted, staff recommends more information be submitted before the planning board reviews the application. Mr. Baskerville stated he has no comments to move forward at this time and the public hearing has not been opened for that discussion. Attorney Ellison stated Mr. Austin stated at the time he expressed his opinion it was not known to him that these steps were taken in reliance. Earlier this evening Mr. Austin stated the information wasn't known to him at the time he expressed his opinion. Mr. Austin replied that this is further evidence of an incomplete application. Attorney Ellison clarified the applicant is not looking to construct a parking lot, the applicant is looking to pave an existing parking lot which was constructed years ago. Mr. Austin explained that is inconsistent with the plan which the applicant is referring to. Mr. Austin requested the applicant show the 111 car, stacked, parallel parking area shown on the 1998 plan before the board this evening. Mr. Austin asked the applicant to show the board whether they are amending 1998 plan and submitting evidence that the site plan is vested but being modified to reflect the parking configuration or is the applicant amending the 2017 plan to reflect the configuration premised on a vested site plan. Nancy Oser, Audi of Stratham, stated at the last approval Mr. Canada questioned where the proposed road would go. At that time Audi requested the road go behind and Ms. Oser stated the only use for the one side of the property is to use it for parking and it is not feasible to have a road go through the center of the property.

Mr. Paine made a motion to determine that the application for the proposed Audi improvements is incomplete at this time and move to continue the project to the July 18, 2018 meeting date. Mr. Roseen seconded the motion. Motion carried unanimously.

4. Adjournment.

Mr. Canada made a motion to adjourn the meeting at 9:49 pm. Mr. Paine seconded the motion. Motion carried unanimously.