



Stratham Planning Board Meeting Minutes
January 16, 2019
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

Members Absent: Tom House, Secretary
Diedre Lawrence, Alternate
Robert Roseen, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll.

2. Review/Approval of Meeting Minutes

a. January 2, 2019

Mr. Canada made a motion to accept the meeting minutes of January 2, 2019 as presented. Mr. Paine seconded the motion. Motion carried unanimously.

3. Public Hearing:

No Items To Be Heard

4. Public Meeting:

- a. Preliminary Consultation.** *Legacy Lane Farm Cabin Colony*, represented by Bruce Scamman, Emanuel Engineering, Inc, requests a Site Plan Permit Application Preliminary Consultation for adding agricultural tourism with the addition of up to 5, 1 bedroom cabins for temporary farm stays at 217 Portsmouth Ave., Stratham, NH, Tax Map 21 Lot 88.

Mr. Austin explained this property currently has a single family home and an existing Home Occupation approval in an accessory structure. This proposal is to add five (5) cabins. Section 3.6.B.1, Table of Uses, in the current zoning ordinance allows overnight and day camps, cottage colonies, vacation resorts and similar recreational facilities as a Special Exception in the zoning district. Mr. Austin explained the applicant, code officer, and staff had several meetings and the applicant chose to propose a cottage colony. Mr. Austin stated the applicant will be requesting a joint public hearing for site plan and a special exception after this preliminary consultation.

Bruce Scamman, Emanuel Engineering, representing Dorothy Thompson explained the location and property to the board. Ms. Thompson currently has a small agricultural operation with some goats and rabbits and would like to have farm stays for the public to learn about agriculture and farming. The applicant is proposing up to 5 (five) cabins at the edge of the yard/wooded area of the property. Mr. Scamman explained the property has been delineated for wetlands and showed the board where the cottages would be placed on the property. Mr. Scamman stated the driveway will be a one-way driveway with 5 (five) parking spots associated with the cabins and a gravel path as a driveway with a turnaround for emergency services. Once the additional cabins are built a further gravel drive would be extended to the driveway turnaround also. The proposed cabins are 16'x20' with a 4' deck in the front. The proposed cabins will be seasonal/temporary housing and will follow the state law and regulations regarding this type of housing. Mr. Scamman stated a new leach field and septic would be required for the cabins. Mr. Austin stated a discussion took place regarding the issues requested/required by the site plan regulations and it would be helpful if the board would contemplate groups of waiver requests as opposed to a list of line item waivers.

Mr. Baskerville asked for confirmation that this proposal is for the purposes of inviting the public in to learn about agriculture and if the cabins would potentially be used as Airbnb type housing. Dottie Thompson, 217 Portsmouth Avenue, stated the proposal is for families to come to allow children to participate in the everyday life of farming for a weekend. Mr. Austin stated conditions could be part of the special exception approval that includes transient occupancy only. Mr. Austin stated in order to comply with zoning regulations limitation would have to include that the cabins could not be used for Airbnb. Mr. Canada asked for the list of qualifications for cottage colonies. Mr. Austin stated there are no definitions and the criteria is the standard 5 (five) special exception criteria the zoning board would evaluate on. Mr. Austin stated farmhands historically worked on farms or agricultural lands and known as cotters and when the owner's of the land wanted these employees to stay overnight they built little houses for them. Mr. Scamman stated the State of NH RSA's for erecting properties has this defined with regard to how many days you can stay without having to have a long term contract. Mr. Paine questioned if the existing structures on the property will be included in the "colony". Mr. Scamman and Ms. Thompson stated no. Mr. Paine questioned if the applicant has an agreements in place with other agricultural businesses in town. Mr. Scamman stated this is all on site. Mr. Austin stated this property is currently a farm by state definition. Mr. Canada stated agri-tourism is important but must be subservient to the farm operation and 3 acres with 4 goats does

not constitute a farm operation. Mr. Canada stated cottages are in the regulations and are allowed but he does not agree that this is agri-tourism. Mr. Austin agreed it's not fully agri-tourism, but the applicant is self-limiting and marketing practice and agri-tourism base makes it more compliant with the ordinance than just a cottage colony. Mr. Paine questioned the distance from the proposed structures to the residents abutting the property in the rear. Mr. Scamman explained the abutting properties distance to the board via an aerial photo, which includes a commercial operation on one side, agricultural/commercial operations on one side, and wetlands on one side. Mr. Baskerville asked if the existing well on the property will serve the five cottages. Mr. Scamman stated there will most likely be a new well. Mr. Scamman stated there is a dug well on the property that runs into the wet area but he doesn't believe that would be used for drinking/potable water. Mr. Austin questioned if the cottages will be year round or summer only. Mr. Scamman stated primarily summer, but the applicant would like the option for families to potentially spend time during Christmas and New Year's break. Mr. Paine questioned if there is signage being proposed. Mr. Scamman explained there is an existing signage for the Home Occupation but he hasn't discussed it with the applicant. Ms. Thompson stated there is room on the existing sign which is currently covered. Mr. Austin stated the existing sign complies with the regulations. Eric Tarantino, 217 Portsmouth Avenue, explained the existing driveway is a one-way driveway which exits on the opposite side of the house. Mr. Tarantino explained to the board the request is for a maximum of five (5) cottages but the plan, or Phase I, would be to start with three (3) cottages for a couple years to see how it goes and then add the other cabins after that. Mr. Houghton asked if the applicant is envisioning the farm being open to the community. Ms. Thompson stated yes but she's not looking to be a big commercial farm. Mr. Baskerville explained the board approves a use on a property that stays with the property and if it gets sold changes may occur. Mr. Austin explained the board approves the site plan for a proposed use. Mr. Austin stated a Home Occupation is not transferable, but some Special Exceptions may be. Mr. Paine questioned the total number of occupants for the five (5) cottages. Mr. Scamman stated each cottage will have two (2) twin beds or one (1) double bed in each cottage.

Bettina Kersten, PCAC Co-Chair, stated she is in favor of this proposal and with the property being located across from Barker's Farm and Barker's Farm abutting Stratham Hill Park, this is great for families to come enjoy the agri-tourism. Ms. Kersten stated Squamscott Road is a designated bike road and bike signs are being proposed for the bikers coming from Newfields. The PCAC is trying to connect the bike trail in Newfields with the bike trail that passes through North Hampton and Rye and may be able to use this facility. Ms. Kersten is happy this will be opened to the community.

Mr. Baskerville questioned the board on drainage requirements. Mr. Paine stated he does not believe the drainage needs to be overdesigned. Mr. Austin asked the applicant about foundations. Mr. Scamman stated the foundations will be concrete blocks. Mr. Austin questioned roof run off. Mr. Scamman stated stone could be installed. Mr. Canada does not see a need for over design of drainage. Mr. Houghton

135 agreed that minimal stone under the cottages would be acceptable. Mr. Scamman
136 asked if the septic design could be a condition of approval after approval of the special
137 exception. Mr. Austin stated staff recommends the first condition precedent on the site
138 plan would be ZBA approval. Mr. Baskerville stated test pits should be completed to
139 show there is suitable areas but the design does not need to be approved prior to
140 special exception.

141
142 Mr. Austin stated Mr. Scamman was recently before the board for a Preliminary
143 Consultation on 61 Stratham Heights Road, the Robinwood Center. The Robinwood
144 Center submitted an application for Site Plan Review and requested a joint hearing
145 with the Zoning Board of Adjustment as well. Mr. Austin explained there are two
146 properties, each requiring Site Plan Review and a Special Exception and each
147 requesting joint hearings. Mr. Austin explained the two projects are functionally the
148 same, and neither of the site plans are arduous tasks for the board, and the date
149 discussed was February 26, 2019. Mr. Paine and possibly Mr. Roseen will not be able
150 to attend, Mr. Canada and Mr. Baskerville can attend, and Mr. Austin will check to see
151 if Mr. House can attend. Ms. Lawrence will not be able to vote as an alternate due to
152 being a voting member on the ZBA. Mr. Austin will continue discussions with Mr.
153 Scamman to come up with a date which will work for all parties involved. Mr.
154 Scamman stated March 6, 2019 is the next date available for the joint hearing.

155
156 Mr. Austin stated a 90-day extension request was received from Cheryl and Andrew
157 Ewert, 7 Smith Farm Road, NOD dated 11/7/2018, regarding the approved
158 subdivision. Staff has no concerns regarding this request and recommends the board
159 grant the 90-day extension.

160
161 Mr. Canada made a motion to grant the request for a 90-day extension. Mr. Paine
162 seconded the motion. Motion carried unanimously.

163
164 a. Workshop—(*subject to change*)

165
166 1. Stormwater Regulations

167
168 Mr. Austin stated due to Mr. Roseen's absence they spoke earlier today and he sent
169 along the Southeast Watershed Alliance Model Stormwater Standards for Coastal
170 Watershed Communities in board's packets. Mr. Austin stated (with Mr. Roseen's
171 permission) Mr. Baskerville and Mr. Roseen agree these Stormwater Standards are
172 ready to be approved as written. Mr. Austin stated this is not ready to set a public
173 hearing until staff adds a paragraph or two that tie in the P-TAP program which is a
174 water quality monitoring program in order to collect and store data into a master
175 data base at UNH.

176
177 Mr. Baskerville stated he and Mr. Roseen met and made some changes to these
178 standards. Mr. Baskerville stated the state Alteration of Terrain stormwater
179 regulations start at 2.5 acres (100,000 sq. ft.). Currently the EPA requires
180 stormwater protection plans starts at 1 acre. Mr. Austin stated Newmarket,

181 Newfields, and Dover currently have this in place. Some communities adopt by
182 regulation or as part of the zoning ordinance. Mr. Austin stated generally in
183 Stratham this kicks in when Site Plan is required. Mr. Austin stated staff does not
184 recommend adopting the Southeast rules for Stratham, Stratham has the Stormwater
185 Regulations. Mr. Baskerville asked the board for thoughts on whether this would be
186 for just site plans or if there is intent for a resident to build a house that this would
187 apply. Mr. Austin stated staff's recommendation is that the site plan regulations are
188 only obligated by commercial and industrial development. Mr. Baskerville stated if
189 this applies only to site plans and have an applicant with a smaller project request a
190 waiver. Mr. Austin stated the P-TAP tables are showing effective results and
191 decreasing impervious runoff, etc. Mr. Houghton questioned how many times that
192 less than 1 acre comes before the board. Mr. Austin listed several projects. Mr.
193 Austin stated that there are communities which require single family homes to show
194 how they will deal with stormwater effectively. Mr. Paine questioned if this speaks
195 to multiple efforts that increase impervious by 10-20,000 at a time. Mr. Baskerville
196 does not see that to be a problem. Mr. Canada questioned if Mr. Baskerville will
197 put together a final draft, to be sent to the board with ample review time. Mr.
198 Baskerville stated yes. The board discussed several options regarding hearings and
199 approvals.

200
201 The Board discussed implementing a "Consent Agenda" for the board to review and
202 approve items which do not require a public hearing (i.e. extensions, lot line
203 adjustments, etc.).

204
205 Mr. Austin questioned if the board would like to remove "Cottage Colonies" from
206 the Land Use Table. Mr. Baskerville questioned if campgrounds and the remaining
207 items in the box will be removed. Mr. Austin stated yes.

208
209 A resident stated they have a letter in their property file, from Stratham Planning
210 and Zoning, which states he has to prove he earned at least 35% of his income from
211 agricultural activities to even be considered agricultural. Mr. Austin stated the
212 resident could have appealed the decision but did not choose to. Mr. Austin stated
213 that 217 Portsmouth chose to apply for a Home Occupation and to remove the
214 speculation that the business agricultural, which most of the crafts made are
215 naturally occurring, grown on, or raised on the property.

216
217 Mr. Paine stated the board should review and discuss diversifying the
218 residential/agricultural zone. Mr. Houghton stated zoning along some areas needs
219 to be looked at.

220 221 2. General Discussion of Zoning Potential for Rt. 33 Corridor

222
223 Mr. Austin stated this discussion may not only be the Rt. 33 frontage if the point is
224 to also help convey the message and intent of the Heritage Commission for which
225 properties and to encourage adaptive reuse of such structures/properties.

227 **5. Adjournment**

228

229 Mr. Canada made a motion to adjourn the meeting at 8:46 pm. Mr. Houghton seconded the
230 motion. Motion carried unanimously.