



Stratham Planning Board Meeting Minutes
June 5, 2019
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Selectmen's Representative
David Canada, Member
Tom House, Secretary

Members Absent: Bob Baskerville, Chairman
Robert Roseen, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Secretary took roll.

2. Review/Approval of Meeting Minutes

a. May 15, 2019

Mr. Canada made a motion to approve the meeting minutes of May 15, 2019 as submitted. Mr. Houghton seconded the motion. Motion carried unanimously.

3. Public Hearing:

- a. Subdivision and Conditional Use Permit.** *Robie Farms*, represented by Wayne Morrill, Jones & Beach Engineers, Inc., requests a Subdivision and Site Plan Review & Conditional Use Permits for an Open Space Cluster Subdivision at 90R Winnicutt Rd., Stratham, NH 03885, Tax Map 14 Lots 53&54.

Mr. Austin stated this application is listed and noticed as a public hearing but the board needs to procedurally consider the yield plan and the concept plan. Once the concept plan is vetted by the Planning Board the applicant can proceed with full design of the subdivision. Several required items are not included with the application this evening since the applicant is unsure of which direction to go with the subdivision. Staff recommends the board open the public hearing to the presentation of the applicant, move through the yield and concept plan, and hear public comment at board discretion, since

there is not a subdivision plan to approve as of this evening. Staff spoke with Mr. Morrill and received permission to proceed to Third Party review upon staff receipt of the fully designed plan. Staff recommends the board continue the public hearing to August 7, 2019 following conclusion of this evening's meeting.

Mr. Houghton made a motion to open the public hearing to discuss the concept and yield plan for Robie Farms at 90R Winnicutt Road acknowledging that the application at this point is not complete. Mr. House seconded the motion. Motion carried unanimously.

Wayne Morrill, Jones & Beach Engineers, walked through a power point presentation to explain how the applicant came up with the yield and the cluster amount of lots proposed. Mr. Morrill explained there are two parcels which total 57.5 acres with approximately 585 feet of frontage on Winnicutt Road. Mr. Morrill explained there are a couple open spacing conservation lands on the east side, a farm that has a restriction on it, a couple more across the street, and the trail networks on the power line. Mr. Morrill stated the applicant came up with yield plan standard 2 (two) acre lots following the town's regulations and new requirement for the 125 foot square which required to meet on the front setback and be within each lot. This yield plan is an 11 lot subdivision with less than 1,000 linear feet of road, 200 feet of frontage for each lot, and each lot has the required square inside the lot. Mr. Morrill explained the cluster removes the 50 foot vegetative buffer from the entire lot and subtract that from the lot which leaves 47.67 acres of land which could be developed. The total lot has 25.5 acres of upland soils on the entire lot. Mr. Morrill explained a conservation subdivision a minimum of 35% of the lot must be open space and this subdivision is showing 31.24 acres of the 57.5 acres as open space, which leaves 65.5% of the lot will be open space. Mr. Morrill explained 50% of the open space has to be uplands and this lot shows 8.92 acres of open space which excludes any area in the 50 foot buffer, and this leaves 53.4% uplands in the required open space. The criteria is met with the open space and uplands in the open space. The proposed plan shows, along Winnicutt Road, an open space lot to the east of the road and a 2-acre lot on the west side of the road which will be left as open space. The first lot will be the existing Robie house which will remain and the subdivision starts where the old house on the 3 acre lot was and run out to the back field from there to a cul de sac that is approximately 1,000 feet in length. 40 test pits have been performed within the field area to prove that 18 inches of natural material exists before the seasonal high water table. Once this plan is approved, test pits will be completed on each lot. Mr. Morrill explained the bonus lots per Section 4.6.5 of the Subdivision Regulations. Bonus 1 allows 1 lot bonus for a cluster subdivision; Bonus 2 allows 4 lots per open space for the visual buffer created by the two front lots on either side of the subdivision road and fronts on Winnicutt Road; Bonus 3 allows a .6 bonus for innovation and bonus for recreation and public access and the applicant will be working with a forester to create a trail network which will go from Winnicutt Road, along the roadway south, and into the rear open space to potentially connect to the power line at the pinch point and to work with existing developments on the east to potentially connect any existing trails for connectivity between open spaces; Bonus 4 allows 1.2 bonus for linking the open space parcels to connect the corridors for wildlife and environmental areas and the increase of the amount of open space at a minimum of 50%; Bonus 5 leaves the rear paddock undeveloped and

89 allow the abutting horse farm will continue to utilize the land for horse riding and trails,
90 and will only be mowed during the fall mowing season. The total allowance of density
91 bonus equates to 6 lots and equals 17 proposed lots.
92

93 Mr. Austin stated staff is in support of the yield plan, the bonuses outlined, and the
94 concept plan of 17 lots. Mr. Houghton asked for clarification whether there is a house on
95 Lot 1. Mr. Morrill explained there is no house or well on Lot 1 or 2 and both will be open
96 with natural environment.
97

98 Beth Adams, 86 Winnicutt Road, explained she has a working farm and she would like a
99 fence protecting future property owners from walking through the tree line and to prevent
100 dogs from walking over to the property. Ms. Adams is also concerned with the water
101 table and questioned if she would be affected.
102

103 Mary Mielkie 91 Winnicutt Road, voiced concern that if the current driveway is used for
104 the access road she will be affected by headlights. Ms. Mielkie also has concern with the
105 additional traffic on Winnicutt Road. Ms. Mielkie asked if a traffic study has been, or
106 will be done. Mr. House stated that could be a possibility during the design phase. Ms.
107 Mielkie questioned if there is another access road that could be a possibility rather than
108 the existing driveway. Mr. Morrill stated the driveway was moved slightly to the east to
109 face in between the two homes. Mr. Morrill explained a traffic study was done with
110 Steve Pernaw which will be going to the State of NH DOT since this is a state road, but
111 the applicant could present it to the board.
112

113 John McCray, 22 Muirfield Drive, stated he is on the Sprucewood Homeowner's
114 Association as well and questioned if the applicant has reached out to any of the
115 associations regarding a trail network. Mike Blackwood, Continuum Development,
116 stated they are working with a forester at the moment to locate the trails and once that
117 step is complete the applicant will reach out to the associations.
118

119 David Moisan, 6 Barnes Drive, stated he is the president of the Muirfield Association and
120 voiced concern with the groundwater situation.
121

122 Mr. Canada made a motion to accept the yield plan as submitted. Mr. Houghton
123 seconded the motion. Motion carried unanimously.
124

125 Mr. Canada made a motion to accept the concept plan based on the submitted density
126 bonuses with the exception, Sheet C2, Note 4ii, where the board recognizes one (1)
127 frontage lot and a density bonus of two (2), not four (4), lots. Mr. Houghton seconded the
128 motion. Motion carried unanimously.
129

130 Mr. Houghton made a motion for staff to send this application for Third Party engineering
131 review upon receipt. Mr. Canada seconded the motion. Motion carried unanimously.
132

133 Mr. Houghton made a motion to continue this application to the August 7, 2019 meeting
134 date. Mr. Canada seconded the motion. Motion carried unanimously.

- 135 b. **Site Plan and Conditional Use Permit.** Porsche of Stratham, 58-60 Portsmouth
136 Ave., M&E Jespersen Realty, LLC, represented by Wayne Morrill, Jones & Beach
137 Engineers, Inc., proposing demolition of existing structure and construction of a new
138 dealership building with associated parking lot and drainage updates at Tax Map 9
139 Lots 15&14 within the Gateway Zoning District.

140
141 Mr. Austin explained this application is the same as was submitted in the
142 Preliminary hearing with the full design set. Mr. Austin stated staff
143 recommends third party engineering review and a continuation to June 19,
144 2019, and recommends the board accept the application as completed, open the
145 public hearing, and no formal action can occur on the application until third
146 party review is complete. Mr. Austin explained the board has department head
147 comments in the packet, as well as a letter received this afternoon from Doug
148 & Stella Scamman.

149
150 Mr. Houghton made a motion to accept the application as complete. Mr.
151 Canada seconded the motion. Motion carried unanimously.

152
153 Mr. Houghton made a motion to open the public hearing for this application.
154 Mr. Canada seconded the motion. Motion carried unanimously.

155
156 Mr. Morrill, Jones & Beach Engineers Inc., explained the applicant has been
157 before the Planning Board, the Technical Review Committee, and the
158 Conservation Commission and back to the Planning Board with a full
159 application. Mr. Morrill stated the existing Porche dealership will be
160 demolished. There is an existing parking lot in front, an easement that runs
161 along Windy Knoll which is access to Audi driveway which cannot be moved.
162 60 Portsmouth Avenue is 2.04 acres with 207.29 feet of frontage with 47
163 existing parking spaces on the lot. The lot and the back of the property was the
164 old fire pond and since it was not holding water correctly a fire cistern was put
165 in. There is a wetland along the rear and power comes from overhead on the
166 Windy Knoll side of the lot. There is an existing septic system between the
167 building and the driveway. The building will be demolished, the existing leach
168 field will be removed and replaced with a new leach field, and the existing fire
169 pond will be removed and replaced with underground chamber systems. The
170 proposal is to construct a new 15,666 SF building. There are a total of 50
171 parking spaces in the front and 45 parking spaces in the rear. The applicant is
172 proposing to connect the sidewalk along Audi, providing a crosswalk, and a
173 sidewalk along the frontage of Route 33 to the Windy Knoll. Mr. Morrill
174 explained the building set up. The rear lot is for employee parking, cars
175 awaiting pick up after service, and vehicles which need to stay overnight. A
176 new well, septic, pylon sign will be installed. There will be a retaining wall

177 along the rear of the property. The applicant is proposing to fill approximately
178 1,400 SF of wetlands which was approved by the Conservation Commission
179 and the application for the wetland permit has been submitted to DES for a
180 minimum expedited wetland permit. The property is within the Gateway
181 Outerzone with a minimum requirement of 15% open space and the applicant is
182 proposing 30%, with much of that being in the front. A closed drainage system
183 is being proposed with a catch basin that drains into the large field and a catch
184 basin will be installed on the Audi Roadway in order to capture water from a
185 low point in the road and then discharge to the rear of the property to the
186 stream that runs along the rear of the property. As part of the development,
187 since Porsche sits higher than Audi, the water was flowing uphill so the size of
188 the Audi pond was amended to store that volume. The proposed lighting is 20
189 ft. high LED, shoebox style lights, on timers to reduce the levels at night.
190 Landscape will be similar to Audi with street trees every 40 ft. along
191 Portsmouth Avenue, as well as along the Audi roadway. The entryway and
192 landscape island with low growing shrubs.

193
194 Kevin O'Toole, Regent Associates, explained the design and building plan for
195 the board. The design goal was to have a building consistent in form and scale
196 to the adjacent buildings but to also maintain its own identity. The design is
197 based on a visual relationship with the adjacent Audi Dealership just completed
198 last fall. The proposed colors for the exterior of the building are darker in
199 nature. Mr. O'Toole explained the proposed locations of the doors. Mr.
200 Canada asked for confirmation of the size of the building. Mr. O'Toole stated
201 the building is 22,000 SF overall; basement approximately 1,500 SF; first floor
202 is 15,666 SF, and the second floor is 4,800 SF. Mr. Houghton asked for
203 clarification for the mechanicals on the flat roof. Mr. O'Toole showed the
204 board the location on the plan. Mr. House asked if there is an overhang on the
205 front of the building. Mr. O'Toole stated there is approximately 1 ft. for the
206 overhang. Mr. Houghton questioned if the applicant has had dialogue with the
207 fire chief. Mr. Morrill stated not at this time. Mr. Austin stated Mr. Morrill
208 has not received the fire chief's comments and a dialogue will need to occur to
209 discuss his concerns.

210
211 Fred Emanuel, 6 Patriots Road, stated he owns a couple condos in Windy Knoll
212 Plaza and has concern with the north side of the building on Plan C3. The plan
213 reflects an exit of an overhead door coming to a paved access way as part of the
214 loop around the building. There is several feet elevation change between
215 Windy Knoll and the proposed driveway and there doesn't appear to be a
216 swale. Mr. Emanuel stated during the winter and during a large storm event,
217 all that water dumps onto Windy Knoll which is unacceptable. Mr. Morrill
218 stated on the Porsche side the applicant is proposing curbing so the water is not

219 flowing towards Windy Knoll and recommended the applicant will install an
220 inlet out to the Windy Knoll at the surface to collect that water and drain it into
221 the drainage system as it does now.

222
223 Kirk Scamman, 7 Frying Pan Lane, stated he has property on the east and south
224 side of this property. Mr. Scamman explained he has two concerns, drainage
225 and having the drainage on the east side that feeds into his agricultural pond be
226 fresh, clean water. Mr. Scamman stated there has been discussion in the past
227 regarding connecting roads through the property onto his property and asked if
228 the applicant is leaving potential right of ways for connecting roads. Mr.
229 Morrill stated the Audi approval has an access through Audi which connects
230 from properties near the Windy Knoll to Mr. Scamman's property for future
231 connectivity. Mr. Morrill stated this property is 2 acres and outside of that
232 access.

233
234 Jeremy Riecks, 18 Doe Run Lane, voiced concern with the lighting plan and
235 would like to insure the town and the applicant understand how the lighting
236 plan was derived that the isometric plots are correct in the orientation of each
237 fixture on every pole so the problem which occurred at the Audi dealership
238 with the fixtures not being mounted correctly. Mr. Riecks questioned if the
239 free-standing Porsche sign internally or externally lit. Mr. O'Toole stated
240 internally. Mr. Riecks questioned if the wall signs on the building are lit,
241 internally or externally. Mr. O'Toole stated everything is lit internally. Mr.
242 Riecks asked if the interior of the building, with the large glass expansion, will
243 be lit all night because that contributes to some of the light pollution that has
244 been evident since Audi went in. Mr. O'Toole stated there will be security
245 lighting on the side of the building, not all the lights will be on during the night
246 but they will be brought down to a lower level. Mr. O'Toole explained the
247 ceiling plane at Porche is much higher than Audi so less light will filter out of
248 the building. Mr. Riecks asked the board, due to having an existing building,
249 that the existing lighting plan and lighting levels for Porsche be reviewed from
250 when it was approved and the applicant not be allowed to exceed the current
251 limit on that lot. Mr. Riecks questioned the vehicle loading and unloading.
252 Mr. Riecks has witnessed a trailer unloading vehicles into the roadway at Audi
253 and questioned if there is a provision in this plan for unloading vehicles off the
254 main road. Anthony Capone, CFO, International Cars with a parent company
255 of Porsche Stratham, stated Porche vehicles are off-loaded on the Audi
256 driveway between the two buildings.

257
258 Doug Scamman, 69 Portsmouth Avenue, stated concern that more pavement
259 will bring back the problem in 2012 when extra water washed out a culvert on
260 his property. Mr. Scamman asked that the applicant look into the water issue.

Mr. Houghton made a motion for staff to send this application for third party review, including the public comments from this evening regarding drainage. Mr. Canada seconded the motion. Motion carried unanimously.

Mr. Austin requested the applicant reach out to the lighting engineer to determine whether the isometric submitted this evening includes interior lighting, including when the lights are on or off. Mr. Austin stated if third party review can be completed in time, staff recommends this application be continued to the June 19, 2019 hearing. Mr. Canada questioned if there is a baseline on the current lighting. Mr. Austin stated there may be an existing lighting plan and it is staff's position that the current applicant has the ability to go to the extent the regulations allow. Staff will research if there is an existing lighting plan to see what the isometrics are, but they may have been prior to the dark sky requirements currently in the ordinance.

Mr. Canada made a motion to continue this application to the June 19, 2019 meeting. Mr. Houghton seconded the motion. Motion carried unanimously.

- c. **Site Plan Permit.** *NHSPCA "Site Plan" Expansion* to include building additions, a horse rehabilitation arena, dog play areas, with new access drives and parking located at 104 Portsmouth Avenue, Stratham, NH 03885, Map 13 Lots 83, 84 & 85 submitted by Jonathan Ring, Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885.

Mr. Austin explained this application came before the board as a preliminary in November 2018. Staff recommended the applicant to merge the three lots but there are legal parameters beyond that preventing a merge to happen. Mr. Austin stated what is being proposed is a permitted use which is the reason it is a site plan application. The applicant will need to work with NH DOT regarding the driveways and staff will be requesting a referral from third party review with a request of continuation to the July 17, 2019 meeting date.

Mr. Canada made a motion to accept this application as complete. Mr. Houghton seconded the motion. Motion carried unanimously.

Mr. Houghton made a motion to open the public hearing. Mr. Canada seconded the motion. Motion carried unanimously.

David Choate, Board Member of the NH SPCA, explained the expansion of the SPCA is the demand for clinical services and a large demand on equine services. The SPCA is the only equine shelter in the State of NH. Mr. Choate stated the SPCA has been in Stratham since the 1970's and the demand for the sheltering and clinical services has overwhelmed the current facility. Mr. Choate stated this expansion is possible by the acquisition of two properties over the last few years. Mr. Choate explained the properties to the board.

Jonathan Ring, Jones & Beach Engineers, introduced Lisa Dennison, Lucy Schlaffer-ARQ Architects, and Patrick Vogel-Jones & Beach Engineers. Mr. Ring explained the existing site to the board. Mr. Ring stated the property was 6 acres and has expanded to 15 acres with the addition of the adjacent parcels. Mr. Ring explained there is approximately 8,000 SF of building addition to the current structure and a 15,000 SF horse arena to service rescued horses. Mr. Ring stated there will be new driveway connections including some additional parking proposed. Some of the parking will be eliminated from the front of the building. Mr. Ring stated comments were received from Chief Larrabee and a meeting is scheduled for 6/10/19 to review his comments and concerns with the applicant and fire protection engineer. There is an existing cistern which sprinkles the Learning Center and an existing 30,000 gallon surface cistern for the fire department to hook up to. Mr. Ring explained the drainage on Sheet C3 to the board. Mr. Ring explained the utility plan on Sheet C4. The applicant is proposing a new leach field for the Training Center and Arena. Mr. Ring explained the lighting plan. The parking will be expanded toward Portsmouth Avenue. Two new parking lot lights will be installed on the south side to address the parking by the Training Center and Arena.

Ms. Schlaffer explained the primary existing building, the main adoption building, built two years earlier than the Learning Center, will remain as is with possible interior renovations. The addition will be a small Wellness Center to treat animals at the facility. A training wing will be added to the south side. The Arena is 2/3 arena and 1/3 stables for 10 horses. The small barn currently on Ms. Wentworth's property will be shifted slightly and used as a quarantine space for house horses when they arrive on the property. The landscape will follow US Green Building Guidelines.

Mr. House asked if the rooftop equipment will be hidden from public view. Ms. Schlaffer stated there will be no visible equipment on the roofs and stated they are advocating for a green roof and the equipment will be in the attic space of the existing adoption center.

Fred Emanuel, 6 Patriots Road, abutter to the east of the property asked for clarification in the northeast corner of the new property, the proposed dog play area, whether the area is fenced in or if there is a structure there. Ms. Dennison stated there is existing in many locations and the gaps in fencing will be completed on the back side. Ms. Schlaffer stated the "dog play area" has not structures, it is just an area to give flexibility of working with animals. Mr. Emanuel stated that could be a noisy area for a possible future abutter. Mr. Emanuel stated there is a 50 ft. right of way from Portsmouth Avenue heading east to the property in the rear and goes through the proposed horse arena. Mr. Ring stated the applicant will work with Mr. Emanuel to address the right of way issue.

Mr. Austin stated a LEED certifiable, net zero, project is nice to see in Stratham. The board agreed. Mr. Austin questioned if canine capacity will be increased. Ms. Dennison stated no.

351 Mr. Houghton made a motion to send this application to third party review. Mr. Canada
352 seconded the motion. Motion carried unanimously.
353
354

355 Mr. Houghton made a motion to continue this hearing to the July 17, 2019 meeting date.
356 Mr. Canada seconded the motion. Motion carried unanimously.
357

358 **4. Public Meeting:**

359 a. Workshop items: Master Plan next steps 360

361 Mr. Austin stated the Master Plan Committee will have the formal draft of the Master
362 Plan on Monday, June 10, 2019. The outline before the board is not final. Mr. Austin
363 anticipates two workshops between Master Plan Committee members and the Planning
364 Board, and to have a formal workshop that is a public meeting, including public
365 comment, on June 19, 2019. Following this workshop on June 28, 2019 an illustrated
366 draft. Mr. Austin stated the July 17, 2019 meeting may be a video recorded workshop
367 with the Planning Board and Master Plan Committee, possibly put on You-Tube for the
368 public that cannot participate in the workshops will have the opportunity to still be
369 involved.
370

371 The board had a discussion regarding footprint limitation in the Gateway District.
372
373

374 Mr. Austin stated Jaime Paine submitted his resignation from the board due to
375 Wednesday night conflicts out of state. Mr. Austin stated there are a couple pending
376 “irons in the fire” for candidates. Colin Lavery is one candidate that staff will
377 recommend appointment as a regular member to fill the vacancy opened by Mr. Paine.
378 Mr. House stated he has an architect friend who is interested in a position.
379

380 **5. Adjournment**

381 Mr. Canada made a motion to adjourn at 8:56 pm. Mr. Houghton seconded the motion.
382 Motion carried unanimously.
383