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**Stratham Planning Board Meeting Minutes**  
**February 05, 2020**  
**Municipal Center, Selectmen's Meeting Room**  
10 Bunker Hill Avenue  
Time: 7:00 PM

Members Present: David Canada, Member  
Tom House, Member  
Robert Roseen, Member  
Pamela Hollasch, Alternate Member  
Mike Houghton, Selectmen's Representative

Members Absent: Robert Baskerville, Alternate Member  
Colin Lavery, Member

Staff Present: Tavis Austin, Town Planner

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

Mr. House took roll call and asked Ms. Hollasch to be a voting member. Mr. Hollasch accepted.

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

**a. January 15, 2020**

Mr. House made a motion to approve the January 15, 2020 Meeting Minutes and Mr. Canada seconded the motion which passed unanimously.

**3. Public Hearing(s):**

- a. *Site Plan Review and Conditional Use Permit.*** Project LEGO, at One Fine Chocolate Place, Stratham NH 03885, Tax Map 03 Lot 01. Lindt Expansion (32,769 s.f.) for growth and optimization. Submitted by Joshua Fenhaus, Hunt Construction Group, Inc, 13344 Noel Road, Fourth Floor, Dallas, TX 75240. *Requested Continuance to February 19, 2020 meeting.*

37 Mr. Austin explained that the applicant is waiting for a wetland permit.

38 Mr. Canada made a motion to accept the request to continue to the February 19, 2020  
39 meeting. Ms. Hollasch seconded the motion which passed unanimously.

40  
41 **b. *Lanzetta Septic Expansion.*** Conditional Use Permit Application to replace septic  
42 with expanded capacity for Accessory Dwelling Unit at 17 Winnicutt Road, Stratham,  
43 NH 03885; Tax Map 17 Lot 106; Property Owner: John Iudice and Melissa  
44 Iannacone.

45  
46 Mr. Austin explained existing conditions at 17 Winnicutt Road. There is a single family  
47 home on the property with a portion of the structure in the setbacks. The Zoning Board  
48 approved a Special Exception to expand a pre-existing non-conforming structure. The  
49 owner needs to install a new septic to support an Accessory Dwelling Unit. Staff's  
50 position is that the Board has complete materials for opening a public hearing and  
51 proceeding with the issuance of the Conditional Use Permit. Staff does not believe there  
52 is any need to submit a Mylar because it is a septic plan.

53 Mr. Roseen made a motion to accept the application as complete and Mr. Canada  
54 seconded which passed unanimously.

55 Josh Lanzetta, an attorney at Bruton Law in Dover NH, is representing the owners of 17  
56 Winnicutt. Mr. Lanzetta described the application and how there is no septic system on  
57 record. The State requires 12 inches of soil for a septic system, the Town of Stratham  
58 requires 18 inches, and the property has 15 inches. By replacing the system, the capacity  
59 would be 1250 gallon tank. What is estimated there now is about 450 gallons, but there is  
60 no record to be sure.

61 Mr. Lanzetta introduced the General Contractor Ed Patenaude.

62 Mr. Patenaude said that there are existing trees in the top corner and there are trees that  
63 will need to be cut.

64 Mr. Lanzetta explained that there is no other way to do this septic system.

65 Mr. Canada made a motion to open the hearing to the public and Ms. Hollasch seconded  
66 the motion which passed unanimously.

67 Pat Elwell, a Stratham resident, asked how the new system is improving what is currently  
68 there.

69 Mr. Patenaude said the septic designs have improved. The current system is older,  
70 anything after 1970 is supposed to be on file and the current system is not. The newer  
71 system has two chambers instead of one and had 1250 gallons instead of the estimated  
72 450 gallon previous tank.

73 Brad Jones, an abutter, wanted to express his support of the application.

74 Mr. Canada made a motion to close the public hearing, Ms. Hollasch seconded which

passed unanimously.

Mr. Houghton asked what other alternatives there are.

Mr. Lanzetta said that there are no other alternatives. The State requires septic systems to be on record in order to build. As Mr. Patenaude has said, most system's after 1970 are recorded. Eventually the system will fail and need to be replaced with one that meets the standards which is what they are planning to do.

Mr. Austin said the alternative could be a new system that doesn't expand the capacity. If the Board does not approve the application, then they are denying the applicant an Accessory Dwelling Unit which may cause the State to intervene.

Mr. Roseen said that they could add more fill to make it 18 inches.

Mr. Houghton asked if they have State Septic approval.

Mr. Lanzetta said that they have a stamp from the engineer.

Mr. Austin said that he does not think that it warrants a Mylar or performance agreements.

Mr. Canada made a motion to accept the Conditional Use Permit. Mr. Houghton seconded and the motion passed unanimously.

**c. *Stratham Green Condo Unit Owners Assoc. Solar.*** Proposal to install (27)0-300 watt photovoltaic modules (5)-14.4 kw inverters, Schletter mounting, AC and DC disconnect, revenue grade—ground mounted solar array at Stratham Green Condos, College Road, Stratham, NH 03885; Tax Map 17, Lot 31. Application submitted by George Horrocks, Harmony Energy Works, 10 Gale Road, Hampton, NH 03842.

Mr. Austin said at the Preliminary Consultation there was a question about open spaces not being touched because they are conservation land. Mr. Austin said he asked Stratham Green if they had any documentation proving they can build on the open space. Stratham Green showed Staff their by-laws. Stratham Green does not have the ability to create more convertible land within their association. They have the ability to modify or convert open space land for structures that benefit the association. The association voted to put the land through the conversion process to allow for solar panels. Mr. Austin recommends the Planning Board address visibility of the panels from College Road. The Harmony Energy Works group filled out the Site Plan Review Checklist which includes 24 Waiver's. The Board has a complete application that can be acted on. Staff recommends the Planning Board approves the Waivers in mass as opposed to going individually through them. Mr. Austin said he believes the application can be approved.

George Horrocks, a representative from Harmony Energy Works, explained that it is hard to visualize what the solar panels will look like because it is a new process. They are proposing the array within all the setbacks. The major obstacle was getting the abutters at Stratham Green to agree. There is existing vegetation that will cover

114 the array from College Road. At some parts of the year, the array may be visible  
115 from the road. It isn't an invasive structure and what is being proposed is the best  
116 design it could be.

117 Mr. Austin asked if the middle of the array is at street level or is the middle of the  
118 panel above road elevation.

119 Mr. Horrocks explained that College Road has a lot of vegetation and there is maybe  
120 one opening that the array is visible. The array is in a low level of the property.

121 Mr. Austin said that the picture provided appears to have half the array below road  
122 level.

123 Mr. Horrocks said that was accurate.

124 Mr. Canada asked how the Board will know the vegetation will stay where it is.

125 Mr. Horrocks said that it is on the Stratham Green property and they are going to  
126 leave it.

127 Ms. Hollasch asked what the need is for a screen.

128 Mr. Austin said he agreed with Ms. Hollasch, but there are other properties in town  
129 with solar arrays that abutters expressed concerns with visibility.

130 Mr. Roseen asked if there is a fence around the arrays.

131 Mr. Horrocks said there is no fence. He said 9.6 ft. is the height of the array.

132 Mr. Roseen asked how the electric transformers are managed.

133 Mr. Horrocks explained the AC inverters will be at the lower part of the back of the  
134 arrays and will be essentially invisible and all the other electrical conduits will be  
135 run underground to the transformers.

136 Mr. Roseen asked about the erosion control waiver. He wanted to know how many  
137 post will be put in and it looks like there is couple hundred feet of trenching.

138 Mr. Horrocks said that this is the least invasive ground mounted systems that they  
139 can install. The post get put in 6 ft. There is no concrete or digging.

140 Mr. Canada made a motion to open the hearing to the public and Ms. Hollasch  
141 seconded the motion which passed unanimously.

142 Mike Desroches, an abutter across the street, said that he has no problem with the  
143 array as long as he can't see it. He can see into the field from his house, he knows

144 other array's in town that were shocking to see. He suggested a berm to build it up  
145 and hide the visibility of the array.

146 Mr. Horrocks said that he has taken pictures from the properties abutting and Mr.  
147 Desroches is the only property that has visibility to the field. Some type of an  
148 evergreen would hide the array.

149 Richard Goulet, Vice President of the condo association, is in favor of the project.  
150 This project has been vetted in meetings with the condo association. The project was  
151 introduced because of environmental reasons as well as good economics. They have  
152 committed to adding vegetation where needed to satisfy the condo association.

153 Pat Elwell from Stratham Conservation Commission said that it is incorrect to say  
154 that it is not a structure. It is a very big structure in an open space in Stratham. The  
155 Conservation Commission is trying to conserve the open spaces and views. There is  
156 a solar panel in her neighbor's yard and she thinks it is not nice to look at. Her main  
157 concern with the Stratham Green array is that there are wetlands around it, it is now  
158 an impervious surface in an open space. It's adjacent to wetlands. It is the first solar  
159 array in an open space in Stratham which has not been discussed yet. There are  
160 many other condo associations in town that may want to start putting up solar  
161 arrays. They are setting a precedent and she has a lot of concerns. Ms. Elwell is not  
162 in favor of the array.

163 Mr. Horrocks said that the abutter's are the ones who matter the most because they  
164 may see the array. He thinks adding more trees to hide the arrays for Mr. Desroches  
165 view is reasonable.

166 Ms. Elwell said she disagrees and thinks that it is a town issue because this is  
167 something that could happen all over town. There are other ways to do solar arrays  
168 other than taking up an open space.

169 Mr. House asked if she is speaking for herself or the Conservation Commission.

170 Mr. Austin said that he did not receive anything in writing from the Conservation  
171 Commission so she is speaking for herself.

172 Ms. Elwell said that they have discussed this issue at the Conservation Commission.  
173 They have talked about not wanting solar arrays in open spaces. This particular  
174 project they have not discussed.

175 176

Mr. in said that there is no ordinance that addresses solar arrays abutting  
Aust Conservation Land. The current solar regulations were voted on by the Town.

177 Mr. House said that they have an ordinance and there are regulations in place and  
178 Board and Commissions are always welcome to give input. The Board refers to the  
179 regulations to make their decisions. They always have the ability to change

180 regulations in the future. If the Conservation Commission wants to change  
181 something in the regulations they are welcome to meet with the Board to discuss.

182 Mr. Goulet said that he agrees that there are existing regulations that Stratham Green  
183 has followed.

184 Mr. Austin said that Staff and the town attorney went through the application to  
185 make sure it is allowed in the regulations.

186 Mr. Roseen said that the fact that it isn't fenced means that it is still habitat for  
187 animals. There are birds that nest underneath the arrays and other things. They  
188 encourage solar installations not to fence.

189 Ms. Hollasch said that the land has been designated by the condo association to be  
190 set aside for wildlife preservation, enjoyment and other uses. It is defined in her eyes  
191 that it is managed by the association. Ms. Hollasch does not believe it is the town's  
192 role to come and define the by-laws.

193 Mr. Horrocks said that they had conditions in terms of construction. Originally they  
194 were going to approach the town for a permit last February, at which time if they  
195 had done it, it would have been a non-issue a year ago because there were no  
196 regulations. The array is environmentally good. It will offset 19 meters that are used  
197 for street lighting, well pumps and septic. This will not affect the use of the houses.

198 Ms. Elwell asked what will happen when the system is out of date.

199 Mr. Austin said that they would need to come to the Board if they wanted to change  
200 anything and if it is abandoned then they would need to pay for its removal.

201 Mr. Horrocks explained the history of solar and how much it has improved over the  
202 last 14 years. This array is predicted to last 40-50 years.

203 Mr. Roseen made a motion to close the public hearing and Ms. Hollasch seconded  
204 the motion. The vote passed unanimously.

205 Mr. Roseen asked Mr. Austin if there is bonding and security under the solar  
206 regulations.

207 208



209 Mr. Austin said that the ordinance states that is required and it is not one of the  
210 requested waivers. It does not need to be a condition of approval because it is in the  
211 ordinance. There is a performance bond that is required for medium and large scale  
212 that under 5.14.7.7 the owner of the medium, in this case, ground mounted solar  
213 energy systems, shall establish a performance bond or provide the town of Stratham  
with an irrevocable letter of credit with the same amount showing adequate funds to  
return the site to its pre-solar energy conditions.

214 Mr. Roseen asked if it was medium.

215 Mr. Austin answered it is medium.

216 Mr. Canada asked about a lien on it instead.

217 Mr. Austin said that could be added as a conditional of approval, a lien or access to  
218 the property.

219 The Board discussed a lien.

220 Mr. Roseen asked if the association would have a preference whether it be a bond or  
221 a lien.

222 Mr. Goulet said a lien.

223 Mr. House read the Site Plan Review Checklist.

224 Mr. Houghton asked about storm water runoff.

225 Mr. Roseen said that there isn't storm water runoff with this size array.

226 Mr. Austin said that there is an individual waiver where they have descriptive detail  
227 and provided a statement of why, Staff read through the waivers.

228 Mr. Roseen made a motion to accept the waivers in mass as presented. Ms. Hollasch  
229 seconded which passed unanimously.

230 Mr. Austin recommended to the Board that a Mylar not be recommended for this  
231 project, instead the building permit submission will include the same basic drawing  
232 with a foundation certification.

233 Mr. Canada said that he recommends a 6 ft. tree to block the view.

234 Mr. Houghton suggested that the applicant and the abutter decide what will work.

235 Mr. Austin said that he heard the Board say, to maintain the existing vegetative  
236 buffer along college road and in coordination with the abutters at Stratham Green,  
237 negotiate additional, sufficient, evergreen screening to mutual agreement as  
238 determined by the Town Planner where if an agreement cannot be reached, they will  
239 come back to the Board.

240 Mr. Roseen said that sheet C3 be revised to reflect the pile driven post for  
241 appropriate erosion control.

242 Mr. Austin said prior to building permit, applicant needs to satisfy performance  
243 agreement or provide easement and related lien to town attorney.

Mr. House made a motion to approve the Site Plan and Conditional Use Permit as subject to the conditions and Mr. Roseen seconded and the motion carried unanimously.

#### **4. Public Meeting:**

- a. Mr. Austin said there is a TIFF meeting at 7 PM February 6, 2020 that the Board would benefit attending.

#### **5. Adjournment**

Mr. Roseen made a motion to adjourn the meeting at 8:33 PM. Ms. Hollasch seconded which passed unanimously.

#### **Note(s):**

1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Planning Office at 603-772-7391.
2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.