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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **December 19, 2012**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
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13 **Members Present:** Mike Houghton, Chairman
14 Bruno Federico, Selectmen's Representative
15 Jameson Paine, Member
16 Mary Jane Werner, Alternate
17 Tom House, Alternate
18

19 **Members Absent:** Bob Baskerville, Vice Chairman
20 Jeff Hyland, Secretary
21 Christopher Merrick, Alternate
22

23 **Staff Present:** Lincoln Daley, Town Planner
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26 **1. Call to Order/Roll Call.**
27

28 The Chairman took roll call.

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

30 a. December 5, 2012

31 Mr. Houghton reminded everybody that the draft minutes had been sent to everybody
32 via email for them to review and requested any feedback be given to Mr. Daley or Mrs.
33 Cutler.

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

35 a. **Makris Real Estate Development, LLC., 32 Bunker Hill Avenue, Tax Map 9, Lot**
36 **49.** Request to extend the Conditional Approval for the twenty lot Residential Open
37 Space Cluster Subdivision granted on previously July 18, 2012. (*Request for*
38 *Continuance to January 16, 2013*)

39 Mr. Houghton explained that he had received a letter from Mr. Mike Donahue, attorney
40 for Makris Real Estate Development requesting a continuance to January 16th for Tax
41 Map 9, Lot 49 as they are still working with the N.H.D.O.T. on permit issues plus it
42 allows extra time for Town Counsel to review all documents on file for this application.
43

1 Mr. Daley said he had met with the N.H.D.O.T., Makris representatives and the
2 engineer representing the Foss family. The D.O.T. is requesting additional easements
3 be placed along the frontage of Bunker Hill Avenue, and also as part of the revised plan
4 there is a short connector from the Foss driveway to Bittersweet Lane; the D.O.T. has
5 asked that that easement be granted to both the Town, the Foss's and Mr. Hutton. The
6 attorney for Makris has submitted revised easement language to the D.O.T. for their
7 review. The D.O.T. responded that they need additional time for their legal
8 representatives to review that language and respond accordingly. Mr. Daley continued
9 that the other remaining item is the license agreement with the Board of Selectmen.
10 The draft has been revised to incorporate additional accommodations about developing
11 a portion of the connector road from the proposed municipal parking lot improvements
12 and also to install the water line from the Town property on top of the hill to the Town
13 Hall property. The legal representatives for Makris have provided language for Town
14 Counsel to review in time for the meeting on January 16th, 2013.

15 Mr. Houghton asked Ms. Werner and Mr. House if they would be full time voting
16 members in place of Mr. Baskerville and Mr. Hyland. They agreed.

17 Mr. Federico made a motion to allow Makris Real Estate Development, LLC, a
18 continuance until January 16th, 2013. Motion seconded by Mr. Paine. Motion carried
19 unanimously.

20

21 **4. Public Meeting(s).**

22 a. **Zoning and Land Use Amendments – Workshop**

23 i. **Zoning Ordinance, Section III. Establishments of Districts and Uses,**
24 **Professional / Residential District** – Amend the Zoning Ordinance, Section 3 to
25 provide for limited retail opportunities in the Professional / Residential District.

26 Mr. Daley said that after the initial discussion with the Board, the changes made
27 will involve adding 4 new definitions, and breaking down the different types of
28 retail and commercial uses in further detail. The 4 definitions will be: Commercial
29 Service Establishments, Personal Service Establishments, Retail sales and
30 modifying the definition of Professional Office.

31 *Mr. Merrick arrived at 7:08 PM*

32 Mr. Daley read out the new definition of Professional office and explained that in
33 conjunction with that, the table in Section 3.5 needs to be modified to allow for
34 certain retail uses to exist.

35 At Mr. Federico's request Mr. Daley read out the 4 definitions in full. Mr. Daley
36 hoped that these new definitions will provide more clarity for those areas that
37 currently fall into a gray area in the Ordinance.

38 Mr. Daley said that he had modified the footnotes in Section 3.6. to include the
39 size limitations also. On the west side of Route 108, new retail sales will be
40 limited to existing buildings and shall not exceed 500 square feet. New retail
41 sales on the east side will be limited to a 2000 square feet footprint either within
42 an existing or new building. Drive through facilities are not permitted. He

1 continued that there was much discussion last time expressing concern about
2 limiting an existing building to 2000 square feet of retail sales. Mr. Federico said
3 that 2000 square feet should not include storage or warehousing.

4 Mr. Daley continued that footnotes 2 and 3 were basically renumbered. Mr.
5 Federico said he agrees whole heartedly with the changes and he hopes the public
6 agrees with these zoning changes. Mr. Paine and Mr. Merrick agreed.

7 Mr. Daley made the Board aware that with these changes, there exists the
8 possibility of buildings being torn down either partially or in their entirety to be
9 replaced by new buildings. The Board should encourage the use of existing
10 buildings.

11 The Board discussed the restriction of drive throughs. Mr. Fred Emmanuel from
12 the public asked what the background for that decision was. Mr. Federico replied
13 that when a drive through is added a lot of space is required so by prohibiting
14 them the space can be better used.

15 Mr. Emmanuel asked if a person would be allowed to have an upper floor of 2000
16 square feet in addition to the downstairs having 2000 square feet. Mr. Daley said
17 there was a maximum of 2000 square feet for retail use. A second floor could still
18 be used for any of the other uses listed. Mr. Emmanuel thought that the changes
19 were all good and heading in the right direction.

20 Mr. Daley asked Mr. Emmanuel if, in his mind, 2000 square feet is sufficient.
21 Mr. Emmanuel said he would not like anything less. Mr. Daley asked also if Mr.
22 Emmanuel felt the changes offered enough flexibility to expand his own site or
23 offer new opportunities. Mr. Emmanuel said the real hardship comes with the set
24 backs, and 10 feet parking spaces. Mr. Daley said the Board might want to
25 consider setbacks for discussion this evening. Mr. Daley suggested putting in a
26 footnote that setbacks will be in accordance with the D.O.T. setbacks for the TC
27 and PRE zones as well as the Gateway.

28 The Board discussed having parking located at the back of a building rather than
29 the front. Ms. Werner felt they had been diligent as a Board requesting that from
30 applicants. Mr. Paine asked about interconnectivity between roads to avoid traffic
31 going back out onto the Route 108. Mr. Daley said that part of the parking
32 regulations deal with that and encourage shared resources to minimize curb cuts
33 on the Route 108.

34 Ms. Werner said that she didn't find it realistic to try and discuss the setbacks
35 issue with all the other proposed amendments to the Ordinance. Mr. Merrick said
36 he felt it was relevant to the uses.

- 37 ii. **Zoning Ordinance, Section 3.8 Gateway Commercial Business District** –
38 Amend Zoning Ordinance, Sections 3.6, 3.8, 4, 7 to change the Gateway
39 Commercial Business District from voluntary to mandatory and eliminate the
40 General Commercial District.

41 Mr. Daley explained that this was a multi step process which mainly involves the
42 Table of Uses. Previously the Board had gone through the table looking at the
43 GCM and seeing which uses in the Gateway District in the Central Zone (CZ) and

1 the Outer Zone (OZ) would be allowed to be included in this table. Mr. Daley
2 then ran through the suggested uses.

3 Mr. Houghton asked Mr. Daley how these ties into the use of form based codes.
4 Mr. Daley responded that this isn't a true form based code in the sense of not
5 focusing on the uses. This is a hybrid approach. Mr. House questioned the
6 allowed use of mobile homes as technically, in his view, they are single
7 residences. The Board discussed the definitions of manufactured housing versus
8 mobile homes. Ms. Werner agreed with Mr. House that it sounds contradictory
9 not allowing a single family home, but allowing a mobile home which could be
10 perceived as a single family home too. Mr. Emmanuel said he is on a board for
11 manufactured homes and nowadays manufactured homes would fit the current
12 definition in the Ordinance for mobile homes. Mr. Houghton suggested changing
13 the terminology to modular construction. The Board suggested putting an "X" in
14 the Table of Uses Sections 3.6 and 3.8.8.

15 Mr. Daley said he had put Light Industrial uses and commercial sawmills as non
16 permitted uses in both districts.

17 Mr. Daley commented that as he was reviewing the Zoning Ordinance, he noticed
18 the conditional use permit section on page 9 is added as a foot note to the Table of
19 Uses. In other towns, he continued, they have a separate section devoted to
20 conditional use permits and spelling out what the process entails. Mr. Daley had
21 borrowed language and given it its own section.

22 Mr. Daley referred back to setbacks and said on page 14, table 2, footnote 2 deals
23 with the issues of setbacks. At the moment the Ordinance requires buildings and
24 structures are within 15 feet of the front setback. However as it is written
25 currently, the Ordinance doesn't deal with properties that front the Route 108.
26 Footnote 2 tackles that issue and says the minimum building structures setback
27 requirement for buildings fronting Portsmouth Avenue shall comply with the
28 minimum rights of way established by the N.H.D.O.T. Mr. Daley said he would
29 change the footnote in 4.2 to address this issue also. He added that on page 17,
30 Section 4.3.e deals with the 100 foot setback on properties that front Route 108
31 and the 60 foot setback for properties in the Town Center.

32 Mr. Paine inquired about parking structures. Mr. Daley said that the possibility
33 definitely exists of a parking structure some time in the future in the Gateway
34 District and said he would add it as a classification of use allowed through a
35 conditional use permit. Mr. Daley checked if the Board wanted it as a permitted
36 use in the Industrial district also. The Board decided it should be added as a use
37 but through a conditional use permit.

38 Mr. Daley explained that south of the Route 101 is the Special Commercial
39 District. The definition is similar to the Gateway principles so Mr. Daley asked
40 the Board if they would be amenable to extending the Gateway District to include
41 the current Special Commercial District. The Board agreed it was a good idea.

42 iii. **Zoning Ordinance, Section VII. Signs** – Amend the Zoning Ordinance, Section
43 VII to provide additional opportunities for signage, further clarify the

1 methodology for calculating maximum signage allowed, and establish design
2 standards.

3 Mr. Daley said he will be meeting with Town Counsel to go over her comments
4 concerning the amended Signs Ordinance, but for tonight's meeting he was
5 seeking clarification on a couple of points. He explained that a business had used
6 a prop to improve their visual impact to get increased patronage. The Code
7 Enforcement Officer said that this particular prop is considered a 4D logo which
8 isn't allowed in the current Ordinance as signage. Mr. Daley asked for the
9 Board's feedback. Ms. Werner asked what the difference is between using a prop
10 and using a large vehicle parked up advertising the business on the side of it. Mr.
11 Daley explained that it is deemed to be extra signage. The general consensus was
12 it should not be allowed on a permanent basis, but as a one off for the opening of
13 the business, it would be acceptable. There is also the matter of being subjective;
14 what may be tasteful to one person may not be to another. Mr. Daley suggested
15 props being part of a site plan approval and said further discussion could be had as
16 part of the public hearing process.

17 Mr. Daley moved to sign allowance and asked the Board if they want to establish
18 an overall maximum area of signage, not to exceed a certain percentage. Mr.
19 Federico said it would have to be in proportion to the structure. He continued that
20 a three storey building should be allowed a larger allowance than a one storey
21 building. Mr. Houghton felt that a maximum allowance should be used in the
22 instance of a building that has 4 frontages. Mr. Federico and Ms. Werner felt it
23 would be a good idea to set a maximum but give an applicant to the opportunity to
24 seek relief through a conditional use permit. Mr. Houghton asked what the
25 maximum limitations should be based on. Mr. Daley suggested, using the scenario
26 of having frontage on all 4 sides, that the maximum of the primary and secondary
27 frontage of that property should be used. Ms. Werner felt that sounded fair.

28 **iv. Zoning Ordinance, Section VIII. Residential Open Space Cluster**
29 **Development** - Amend the Zoning Ordinance to further clarify and provide
30 additional guidance pertaining to density bonus calculations and open space
31 requirements within Residential Open Space Cluster Developments.

32 Mr. Daley ran through the amendments made as a result of the previous Planning
33 Board meeting held on December 12th, 2012. In Section 8.10 Minimum Open
34 Space Requirements there is a reference to Subdivision Regulations as opposed to
35 restating it over and over again. Secondly, in accordance with Mr. Baskerville's
36 suggestion, Town Counsel's opinion will be sought concerning the wording about
37 linking the expiration of the conditional use permit to the expiration of a
38 subdivision approval itself. Section 3.10 has been modified to include all criteria
39 of Subdivision Regulations. Mr. Daley asked if the Board had any questions
40 regarding the modified reduction of the density bonuses. The Board did not.

41 **4. Miscellaneous.**

- 42 a. Report of Officers/Committees.

1 Mr. Daley said the Towns of Exeter and Stratham have concluded their study for the
2 water and sewer discussion. The report is on line under the Public Works Committee
3 section of the Stratham Town website. It seems to prove that if the towns work
4 together there are substantial synergies and savings that both towns could benefit from
5 if they share resources and connect into the Exeter system. On the past Monday the
6 Board of Selectmen supported the report and approved the next step to engage in
7 discussions with the Board of Selectmen in Exeter.

8 Mr. Paine asked if Mr. Daley knew whether Exeter had accepted the EPA's mandate
9 for their sewer system. Mr. Daley said that Exeter received their permit from the EPA,
10 which regulates it down to a three which is the most stringent level. Exeter will take
11 time to decide what to do next so it may take some time. They have 30 days to appeal
12 or work out a situation with the EPA.

13 Mr. Daley then updated the Board on the 3-Lot subdivision on 130 High Street. He
14 explained that a potential buyer had expressed interest in building a duplex on one of
15 the lots. Mr. Daley wanted to know if they would be required to come back before the
16 Board as it is effectively a change of use albeit an allowed one. There followed some
17 discussion about whether it was the lots themselves that were approved or what was to
18 be built on them. Mr. Daley mentioned that they are required to put a building footprint
19 on the plan and show a septic reserve area to demonstrate that they can put a building of
20 a certain size on the property itself. He said it was his understanding that the Board
21 approved the lot itself, not the use of the property. Mr. Houghton said his only
22 comment is that a duplex is different to what the Board were led to believe would be
23 built on the lots. Mr. Daley said he could speak with Town Counsel tomorrow as he is
24 meeting with her and get guidance from her. Ms. Werner agreed with Mr. Houghton.
25 The Board members were somewhat concerned regarding abutters as they too left the
26 meeting believing single family homes were going to be built on the individual lots.
27 Mr. Merrick asked about the impact on the surrounding neighborhood.

28 Mr. Daley referred to the next meeting on January 2nd. Several members said they
29 would not be available. After discussion, the Board decided to meet January 9th and
30 23rd, 2013. There were 2 items for the agenda for January 16th, 2013 so the Board
31 agreed to meet if the applicants were unable to continue to another Planning Board
32 meeting.

33 b. Member Comments.

34 c. Other.

35 **5. Adjournment.**

36 Ms. Werner made a motion to adjourn the Planning Board meeting of December 19th at
37 9:21 PM. Mr. House seconded the motion. Motion passed unanimously.

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