



1
2
3
4
5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **October 2, 2013**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

12
13 Members Present: Mike Houghton, Chairman
14 Bob Baskerville, Vice Chairman
15 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Member, Planning Board
17 Tom House, Member
18 Steve Doyle, Alternate
19 Christopher Merrick, Alternate
20

21 Members Absent: Mary Jane Werner, Alternate
22

23 Staff Present: Lincoln Daley, Town Planner
24

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

26 The Chairman took roll call. As Mr. Baskerville would be arriving later, the Chairman
27 asked Mr. Doyle to be a full time member in the interim. Mr. Doyle agreed.
28

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

30 a. August 28, 2013.

31 Mr. Doyle made a motion to accept the August 28, 2013 minutes. Motion seconded by
32 Mr. Federico. Motion carried unanimously.

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

34 a. **Retail Management & Development, 881 East Street, Tewksbury, Massachusetts,**
35 **01876 for the property located at 27 Portsmouth Avenue, Tax Map 8, Lot 2.**
36 Waiver request from the Stratham Site Plan Review Regulations, Section 4.5.5 to
37 extend the Site Plan Review permit and a Conditional Use Permit pursuant to Section
38 20.3 of the Zoning Ordinance for the replacement and expansion of the existing septic
39 design.

40 Mr. Jeff Kevan from TF Moran introduced himself. He explained that the original plan
41 was approved about 5 years ago and they have been back requesting extensions since
42 then. He said the main reason is Market Basket working together with the Town to get
43 water to the site. He said that the Board had requested they move the building closer to

1 the street. The applicant had obtained a Variance to locate the building within the 100
2 foot front setback. Using the same driveway access point, a larger market could be
3 provided. The current store is approximately 61,000 square and they want to take it to
4 71,000 square feet. There are two septic systems located on site which are being used
5 currently. The proposal would maintain and utilize the same septic system for the
6 current one even though the building will be bigger and the flow will remain the same.
7 The two retail spaces would use a septic that is located in close proximity to the current
8 location and has the current chamber system just behind the building. Mr. Kevan said
9 the architecture that was presented at the time is something similar as shown on the
10 plan. He presented the Bedford store to illustrate what they would like to build, but
11 added that Market Basket would return to the Board to review and approve any/all
12 architectural changes. The applicant would work with the Board on the final
13 architectural design.

14 Mr. Kevan addressed the access/connector road from the site to River Road. He said
15 since the original approval, Market Basket said they are willing to work with the Town
16 on making that connection. There have been some changes to that since they originally
17 talked as far as River Road not having any through part on it. They would need to look
18 at traffic to make a decision. He said that Market Basket has met with the Town
19 Administrator and discussed getting a formal agreement written out so they can take it
20 to the Board of Directors.

21 Mr. Kevan said the septic system was reviewed and approved by the State originally,
22 since then the Town reviewer talked about having additional test pits done so Market
23 Basket would like a special permit so they don't have to do that. He said the reasoning
24 is that they have submitted flows from similar sized stores proving that the supermarket
25 uses the exact same flow. At most they would get a new pump. Mr. Kevan said the
26 other system is in the pavement and there is a gas line back there too. They will be
27 relocating it a little so they are able to carry out some more test pits in that area. They
28 do not want to do additional test pits as they would have to dig up the pavement.

29 Mr. Kevan referred to a memo submitted from the Fire Chief reference a fire
30 suppression system. He said they do not have a problem with the time frame he
31 suggested. He doesn't think it is appropriate however to make this site plan approval
32 conditional on the Fire Chief's inspection as he can carry out an inspection whenever
33 he wants to.

34 Mr. Merrick asked if the new store would have public restrooms. Mr. Kevan said all
35 the new stores do. Mr. Kevan said they had data on the amount of flow and according
36 to the data, installing public toilets, won't increase the flow. Mr. House asked about
37 service lines. Mr. Kevan said the gas line and the septic and sewer lines are at the back
38 of the supermarket. He said there is a dry water line also that was put in at the request
39 of the previous Town Planner which runs around the perimeter of the property.

40 Mr. Paine asked about the treatment of stormwater. Mr. Kevan said there will be an
41 underground system which the water will infiltrate; the water will be detained for
42 treatment before it is released for flow. Mr. Paine asked about the Gateway standards
43 being applied to the exterior of Market Basket. Mr. Kevan said they will make sure the
44 architecture is approved and shared an example of a store in Bedford. Prior to

1 construction Market Basket will come back to the Board with the actual architecture for
2 the Board's comments.

3 Mr. Merrick asked if they had past test pit data and asked where they were located. He
4 asked if they would tie into the existing leach field. Mr. Kevan said they would be.

5 Mr. Daley said that part of the Rockingham County Conservation District's (RCCD)
6 recommendation is to certify the basal area of both the proposed and existing systems
7 meet state and local regulations. . Mr. Merrick thought that would be needed further
8 down the road as part of the building permit process. Mr. Daley explained that for
9 some strange reason the plan was state approved, but not locally and so RCCD has no
10 records of ever having approved this system.

11 Mr. Daley referred to the letter from the Fire Chief. He said the Fire Chief
12 recommends that two conditions be considered as part of the approval by the Planning
13 Board for the waiver request related to the inspection of the facility and time frame for
14 the installation of a water supply to support the fire suppression system for the
15 current/and or new facility. The Fire Chief is amenable to the idea of allowing a time
16 line up until October 2016. Mr. Daley explained that October 2016 was the suggested
17 based on the possibility that water and sewer will be put into the Town in 2016. Mr.
18 Kevan was in agreement with the deadline, but didn't think the inspection condition
19 should be added to the site plan. Mr. House sought clarification as in his mind, a
20 cistern approval should form part of the site plan review. Mr. Daley explained that they
21 could come back with an amended site plan.

22 Mr. Daley said the waiver request for the extension of the site plan approval to October
23 2014 is for other aspects of the plan. Mr. Daley informed Mr. Kevan that both Subaru
24 and Autofair had shown a willingness to be involved with the construction of a
25 connector road from Market Basket to River Road. The main issue is the timing as the
26 timing for the Subaru and Autofair may not coincide with Market Basket.

27 Mr. Daley asked if Mr. Kevan could share Market Basket's time line for working with
28 the Town on the connector road. Mr. Kevan said his understanding is that if the Town
29 presents Market Basket with a plan they will work on that now, but he is not sure of the
30 timeframe for actually constructing the road. Mr. Kevan mentioned that the property
31 owners have a couple of questions especially concerning traffic count and possible
32 congestion at the light in front of the store. Mr. Daley said that all parties seem to be on
33 the same page with being willing to move forward with a design of some sort and also
34 the permitting process which will be somewhat lengthy and need the cooperation and
35 collaboration of all parties impacted by the roadway. Mr. Daley wondered if Market
36 Basket would commit to at least working with the Town to submit an application to the
37 State for wetlands crossings. Mr. Kevan said his understanding is that they are fine
38 with getting a layout and configuration, and the Town moving forward with the
39 applications. Mr. Daley asked if Market Basket would be willing to commit to a
40 schedule if the Town were, for example, to submit a permit application at the end of the
41 year. Mr. Kevan said they were willing to support the Town.

42 Mr. Cheever, Autofair said they had hoped to get their permitting done for their project,
43 a process they see as being fairly straight forward so they could begin construction

1 potentially as the beginning of spring next year so the time line for the road is very
2 important to them.

3 Mr. Houghton asked Mr. Daley how long the permitting typically takes. Mr. Daley
4 said it could take up to 100 days for the wetlands permit. If this does include the
5 discontinuation of Portsmouth/River Road, then the discontinuation needs to be voted
6 on at the Town meeting. In addition, there are ongoing projects that have decided to
7 partially delay their permitting process to discuss the issue of the roadway construction
8 because the orientation and location of the road will impact their overall design going
9 forward. It will be beneficial in the long term planning effort if the orientation and
10 location are decided within a certain period of time.

11 Mr. Baskerville asked how the building of the road would be coordinated as it appears
12 to him that 2 different companies could be used to build the road. Mr. Daley said they
13 know that Market Basket will pay for their section of the road, but a discussion will be
14 needed for the other sections that come off of the road. Mr. Baskerville asked if Market
15 Basket would be paying for the design and building to their property or to River Road.
16 Mr. Kevan said there was a draft agreement worked out between them and the Town so
17 he doesn't know the details of that. Mr. House asked if the Town would be responsible
18 for the road. Mr. Daley said that it is his understanding that once the road is built the
19 Town will assume responsibility for the entire road. Mr. Kevan said it would have to
20 be worked out because there will be a septic on two lots. As part of the wetlands permit
21 someone will have to do values and functions and he guesses there will probably be
22 around 10,000 square feet of impact. If they treat the Town like developers, the Town
23 will need to address and include mitigation measures. Mr. Daley said this is the first
24 full discussion they have had with Market Basket and now the Town will work with the
25 involved parties to coordinate the efforts. Mr. House asked what the distance was from
26 the Market Basket to River Road. Mr. Bruce Scamman said the distance from the
27 existing parking lot to River Road is about 1000 – 1100 feet.

28 Mr. Houghton opened the session up to the public for comments. Bruce Scamman,
29 Emanuel Engineering, said he was at the meeting with Mr. David Yanofsky, the owner
30 of the abutting property to the north which is now under site plan review by the
31 Planning Board. He said they would like to get started on the design immediately with
32 the road continuing through. He continued by stating that he would be glad to work
33 with the other applicant to get that design started. Mr. Houghton said that all parties
34 seemed to be willing to want to move this forward but what about the Town having to
35 vote on the discontinuation of the road.

36 Mr. Paul Deschaine, Town Administrator clarified that the question before the Town
37 will be whether to relinquish the right to pass and re-pass on River Road that currently
38 exists. Mr. Deschaine observed that all interested parties need to sit down together to
39 discuss who is going to do what and one of the participating engineering firms will
40 need to be the lead engineering firm that does the complete design.

41 Mr. Yanofsky, Subaru said one course of action might be not to act on this tonight, but
42 to defer action for a month while they all get together and then they can come back in
43 November to inform the Board where they are at. Mr. Kevan responded that Market
44 Basket may not be in a position a month from now as it has to go through the Board of

1 Directors and will require time to review the information and options. They need also to
2 be presented with an agreement.

3 Mr. Yanofsky said his concern is that if Market Basket gets a year's extension, that
4 Market Basket won't have to do anything for a year and there are other site plans
5 basically waiting to see what is going to happen with the road. Mr. Yanofsky said if
6 one month isn't long enough, what would be a sensible amount of time as they have
7 designed their site plan with the road in mind, if it turns out that the road doesn't go
8 ahead then they need to completely redesign their site plan.

9 Mike Cheever, Autofair said they were in a different situation. They have constructed
10 the other part of the road and granted easements for the continuation of the connector
11 road. Mr. Daley said it is extremely important to the Town to have that road as it is part
12 of the Gateway District vision. Mr. Cheever stressed that he understood the
13 significance of the opportunity but Autofair will be looking at a substantial financial
14 investment and they have already invested \$10,000,000 in the Town and the wetlands
15 permitting alone will take a long time and is expensive. Mr. Merrick said he can't see
16 Market Basket being in a hurry.

17 Mr. Baskerville suggested either the Board meeting fortnightly with all parties to
18 discuss this project or to form a sub committee to meet with relevant parties and get this
19 organized. Mr. Merrick said would the Town be prepared to do some kind of
20 investigatory work to see how good or bad the constructability is. Mr. Baskerville said
21 the soil scientist would have to get out there before the snow comes and this project is
22 going to need a lot of coordination plus lawyers will get involved in the drawing up of
23 the documentation too. Bruce Scamman said that Emmanuel Engineering was hired by
24 the Town to flag the wetlands from Market Basket all the way to River Road. They
25 have that delineation so that portion is done. Mr. Scamman said he has personally
26 plowed that land many years and he doesn't believe there is any place that has peat bog
27 so he doesn't think that will be a big issue. Mr. Scamman said also that he had spoken
28 with various members of D.E.S. and they didn't believe the Town's application would
29 be held up.

30 Mr. Deschaine advised the Board not to get dragged down in the minutiae. His
31 recollection was that the commitment from Market Basket was the design, permit, with
32 the Town being the applicant and providing mitigation, and to build the road to River
33 Road. He added that was independent of any other applicant. Now there are applicants
34 with similar interests, but different timetables. Mr. Deschaine said he would still
35 advocate that the parties get together and have a lead engineer to create the design. The
36 Town will need to be involved as this is the only corner that will work for Wright and
37 Pierce (Town Engineering Consultants) to lay out sewer lines. He said their concern
38 back then is the same as it is now, they would prefer to construct the building before the
39 road. Mr. Yanofsky made the observation that shouldn't Market Basket be held
40 accountable for the agreement they made way back then to design and build the road.
41 Mr. Houghton said when they actually move forward with their site plan they will then
42 be accountable.

43 There was some discussion about getting Market Basket to commit to building the road.
44 Mr. Merrick asked if a formal agreement exists between the Town and Market Basket.

1 Mr. Houghton said that there wasn't a formal written agreement, but that it will be a
2 condition of the site plan approval. Mr. Merrick asked that if the site plan approval is
3 extended will the condition about the road remain part of the site plan approval. Mr.
4 Houghton confirmed that it would.

5 Mr. Baskerville said he felt it would be sensible to table this request to give people time
6 to talk about the road. Mr. Daley said the thought the idea of a subcommittee was a
7 good idea to get the relevant parties together and to get answers to the many questions
8 associated with this project. Mr. Paine asked why Market Basket couldn't leave an area
9 for where the road would go so the other applicants can move forward with their
10 developments. Mr. Daley said there is an opportunity to move along with the process
11 under the assumption that the goal is to discontinue a portion of River Road. At the
12 same time, Market Basket is committed to build the road at some point in time. That
13 way the Town can look at designing the first leg of the connector road behind Subaru
14 and next to Autofair. Mr. Federico asked if the issue is the designing or the building of
15 the road. Mike Cheever said it has nothing to do with their site plan other than granting
16 an easement on the corner of the lot to allow the road to have a circuiting configuration.
17 The issue that is in limbo for him is the discontinuation of River Road as that might
18 have some benefit to Autofair because of the gas easement. Mr. Houghton said the
19 discontinuation can't be voted on until March 2014 at the annual Town meeting. Mr.
20 Cheever said they would want to go ahead as things are now and should River Road be
21 discontinued they would come in with an amended site plan. He shared his experience
22 about getting a wetland permit, saying it took about a year and cost around \$100,000.
23 Without some written agreement about financial commitment from those parties
24 impacted, getting started is difficult.

25 There was some discussion about how long they should extend the site plan review. A
26 couple of members felt 6 months would be appropriate because of the other parties
27 impacted.

28 Mr. Houghton asked the public if they had any comments about the waiver request.
29 There were none.

30 Mr. Federico made a motion to close the public hearing. Motion seconded by Mr.
31 House. Motion carried unanimously.

32 Mr. Baskerville asked if he was now a voting member due to his arriving late to the
33 meeting. Mr. Daley replied that Mr. Doyle was the voting member for this agenda
34 item.

35 Mr. Houghton confirmed that the Board wanted a 6 month extension with the condition
36 attached that the applicant and property owner shall be required to design and construct
37 a fire protection water source that meets the Town and State's specifications for the
38 current or new facility by October 31, 2016 as recommended by the Fire Chief.

39 Mr. Houghton said he agrees with Mr. Kevan that the Fire Chief can go and inspect the
40 building whenever he wants and it doesn't need to be a condition of the extension.

41 The Board members agreed. Mr. Houghton asked if anybody had anything else to add.

1 Mr. Daley commented that perhaps they should include a commitment from Market
2 Basket to continue to work with the Town and the property owners on the design and
3 construction of the roadway.

4 Mr. House said that they should make sure that Subaru can continue to move forward
5 with their site plans. Mr. Houghton and Daley said that was a separate issue but Subaru
6 should be allowed to do that.

7 Mr. Houghton felt it was OK to state that the applicant will work with the Town and
8 other stakeholders to bring definition and advance the design of the River Road
9 connector.

10 Mr. Federico made a motion as summarized by Mr. Daley to allow a 6 month extension
11 to build the water source by October 31, 2016 and the applicant will continue to work
12 with the Town and others to advance the design of the connector road. Motion
13 seconded by Mr. Doyle. Motion approved unanimously.

14 The Board then addressed the Conditional Use Permit for the waiving of the second test
15 pit.

16 Mr. Federico made a motion that the Board waives the requirement for a second test pit
17 on the property. Motion seconded by Mr. House. Motion carried unanimously.

18 b. **AutoFair Realty II, LLC, 1477 South Willow Street, Manchester, NH 03103 for**
19 **the property located at 41 Portsmouth Avenue, Stratham, NH Tax Map 9 Lot 4.**
20 Site Plan Review Application to construct a 25,600 square foot auto dealership and
21 related lighting, landscaping, drainage, and parking/access improvements. *Request for*
22 *a continuance to November 6, 2013.*

23 The Chairman said they had received a letter from the applicant requesting a
24 continuance to November 6, 2013.

25 Mr. Doyle made a motion to continue the hearing to November 6, 2013. Motion
26 seconded by Mr. Paine. Motion carried unanimously.

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

28 a. **Planning Board Workshop** – Stormwater Management Regulations.

29 Julie Labranche introduced herself from Rockingham Planning Commission and Robert
30 Roseen from Geosyntech Consultants. Ms. Labranche explained that they were here as
31 part of the technical assistance grant the Town received for the green infrastructure
32 project. She started by asking some broad questions; firstly she wanted to know what
33 the Town's goals for stormwater management are and what the Town feels it really
34 needs to work on.

35 Mr. Doyle asked if the new stormwater management regulations are for the whole of
36 Stratham or just for the water's edge of Great Bay. Mr. Roseen answered that it is just
37 for designated areas of Stratham, but some towns find it easier to implement it for the
38 whole town as it makes it easier to regulate. Mr. Doyle asked about costs associated
39 with the MS4 permit. Mr. Roseen said it is equivalent to buying a high efficiency
40 appliance; it costs more to buy, but over time that money is recouped. He said there is

1 another cost but that is distributed around the Town. Mr. Doyle asked what the end
2 goal of these regulations is. Mr. Roseen said is permit compliance and to improve and
3 manage storm water management in its totality. Ms. Labranche added it is to minimize
4 the pollutants also and said they could come from bird droppings on a roof to petroleum
5 deposits from a car or nitrates and sulphates from the atmosphere. Ms. Labranche said
6 it can be done by using mechanical devices that essentially take out the pollutants or
7 through an area with vegetation and the vegetation can take out the pollutants or
8 infiltrate it into soil in the ground. Mr. Roseen added that the Bunker Hill Avenue
9 development behind the municipal center have added some underground storm water
10 chambers so rather than that water running down the road, collecting pollutants along
11 the way and running into Great Bay, it puts it back into the ground which helps to
12 recharge wells. He said there are also tree filters as part of that development which is
13 essentially a catch basin around a tree which the water run off from the parking lot
14 flows into. The pollutants that are not good for the Bay act like a fertilizer for the trees.

15 Ms. Labranche explained that it is density per square mile that determines MS4 which
16 is why the commercial area doesn't qualify because there aren't many people over
17 there. However, the MS4 regulations do include a clause for New Hampshire which
18 says you must reduce pollutant loading into the Great Bay. Ironically the area that isn't
19 designated in Stratham, has storm water which flows directly into the Great Bay which
20 is why it makes sense to include all of Stratham in the MS4 permit.

21 Ms. Labranche confirmed that one of the Board's goals was to be MS4 storm water
22 compliant. The Board said they would like to map their storm water system too.

23 Mr. Baskerville asked for more details about what the grant includes. He was told it's a
24 mix of helping with the site plan regulations concerning storm water and the MS4
25 regulations themselves. Ms. Labranche added that if the Town does certain things the
26 Town will get credit for those. Mr. Baskerville asked if the Town would still earn the
27 credits if they do them ahead of time. Mr. Roseen confirmed that the Town would
28 receive the credits.

29 Ms. Labranche asked if there were any more goals the Board wanted to achieve. Mr.
30 Daley said they would like to look at acceptable standardized low impact design
31 elements within the more rural areas of Town as well as tools and techniques that
32 would be standards for the Gateway District that developers could utilize as part of the
33 overall design. Mr. Merrick stressed the standards should be flexible; Mr. Paine added
34 they should be low maintenance also. Mr. Daley said a concern of the MS4 permit was
35 the responsibility that will be placed on himself, the Town Administrator and the
36 Highway Agent on top of current and future projects. Mr. Paine said that some towns
37 are hiring a dedicated person for MS4. Mr. Daley said they had already discussed the
38 Highway Agent locating all of the outfalls which is a big burden. Mr. Daley asked
39 about the creation of a storm water utility district which can manage storm water in
40 sections of Town especially in a commercial district where multiple commercial
41 properties can utilize the same detention area for stormwater management.

42 Ms. Labranche explained that the goal is to keep the storm water as close to its source
43 as possible and there is a fee in place that charges people/businesses for how much they
44 contribute to storm water run off. This helps encourage people to try and minimize the

1 run off. Mr. Doyle asked if people would be charged for water that goes underground.
2 Mr. Roseen said a typical house may not have a fee, but if the water off of your roof
3 runs into a Town maintained storm drain, that could incur a fee. However, he added
4 there are many houses that are not directly connected. The Commercial district will
5 produce a substantial amount of run off which the Town has to be responsible for
6 managing. Ms. Labranche said another alternative could be charging a fee when a
7 Town owned and maintained system needs an upgrade due to a new development
8 adding too much storm water runoff.

9 Ms. Labranche asked if there were any concerns about flooding. The Board said there
10 wasn't much flooding in Stratham and the vast majority of properties which flood tend
11 to be in residential areas.

12 Ms. Labranche asked if the Board had any environmental goals concerning storm
13 water. Mr. Baskerville commented that the current regulations are stepped, below or
14 above 100,000'. In his mind it would be good to have a stepped approach along the
15 lines of between 50,000' and 100,000' you have to infiltrate some of the AOT
16 requirements so it's not one massive step. Mr. Daley asked if there was an advantage
17 to having similar stormwater management regulations as Exeter. Ms. Labranche said
18 there could be a benefit.

19 Ms. Labranche said part of the MS4 permit requires public outreach and education and
20 in a more aggressive way than has been done in the past. She referred to a
21 neighborhood called Brickwood Farm that applied for a grant and as Exeter has many
22 old subdivisions with no storm water, the Town of Exeter saw this as a perfect project
23 to carry out a pilot project which could then be rolled out to other neighborhoods. Ms.
24 Labranche said through outreach you might find a neighborhood in Stratham wanting to
25 do the same thing and the Town would get credits for that too.

26 Mr. Doyle asked how many MS4 credits the Town of Stratham needs. Ms. Labranche
27 said she didn't think they are tallied. Mr. Deschaine said there are 4 elements and each
28 has to have at least 2 credits. Ms. Labranche said there are 6 minimum or required
29 things a Town has to do and one of them is outreach. A town gets credit for actions
30 that it takes. The other requirement for accounting purposes is to keep track of the
31 impervious surface and how much new impervious surface area is created every year
32 and pollutants that come of that surface. Credit is given for each accounting
33 mechanism.

34 Mr. Roseen addressed the MS4 calendar. In the first year there are many things that
35 need to be achieved but the 2 most important items to consider are to determine
36 impervious areas and directly connected impervious areas. He said this could be a
37 product of a Planning Board review. The other item is to develop written procedures
38 for site plan review which will be stormwater ordinances which are typically in the
39 form of a site plan review and a sub division review. The feasibility of implementing
40 green infrastructure practices so essentially low impact development, should be
41 included. In Year 2 it says to update post construction ordinance and evaluate changes
42 in Directly Connected Impervious Area (DCIA). Mr. Roseen explained that as a
43 condition of plan approval, a developer would have to document what the developed
44 area is including impervious surface and DCIA, and this could go into the Town's

1 tracking system. Mr. Baskerville referred to the post construction ordinance and asked
2 if that meant a year past construction. Mr. Roseen said it means once everything has
3 been signed and gave a parking lot as an example, saying once it is paved you enter the
4 storm water post construction phase. Mr. Deschaine added that this is for the future so
5 a condition could be added to an approval that says the stormwater has to be managed
6 in perpetuity. He said obviously addressing existing developments is something
7 different.

8 Mr. Roseen referred to the MS4 action of evaluating and reporting on LID design
9 standards which is increasing the level of requirement over 3 years. Mr. Daley said
10 there is a cost associated with trying to comply with the MS4 permit and Stratham had
11 a company do a rough estimation of the costs involved and the number was around
12 \$1,000,000 over 5 years. Mr. Roseen said how the costs are distributed is everything.
13 The most common, but least effective way to do it is to try to go through the existing
14 municipal's budget. The other way to do it is to have good regulations in place so then
15 the cost of stormwater management is borne by the entire community.

16 Mr. Deschaine said the \$1,000,000 figure was just to keep in compliance with the draft
17 permit, it doesn't include if investigations are needed.

18 Mr. Paine asked if he could get an insight into the detail of the yearly reporting that will
19 be required. Mr. Roseen said the reporting is reasonably detailed. A notice of intent
20 has to go in within the first 90 days, which if you submit in an electronic format, you
21 will receive an electronic reporting document that should facilitate much of the required
22 data.

23 Mr. Baskerville commented on the fact that Mr. Roseen had only picked out a couple of
24 items from the required list. Mr. Roseen explained that he chose the ones he did as they
25 overlap with what the grant application was. All the items have to be completed. Mr.
26 Roseen said there are 6 items in total they can help with, but they are focusing on the 2
27 items they have discussed initially.

28 Ms. Labranche highlighted the item "Evaluate O&M procedures and revise/edit" and
29 explained the Town could get half a credit for that just by having an agreement in place
30 with private developers and the Town would be authorized to check that storm water
31 management systems are being correctly maintained. Mr. Daley said he recalled that
32 the Town could get quarter of a credit also for having an inventory of all outfalls for a
33 certain percentage done each year up until 5 years.

34 Mr. Daley asked if the RPC had found towns working together to combine financial
35 resources to hire a firm to do the mapping of outfalls or other mapping elements. Ms.
36 Labranche said they hadn't yet. Mr. Roseen said the Watershed Alliance had looked at
37 the idea of 4 or 5 towns getting together to fund outreach and public education. He
38 wasn't sure there would be the same economy of scale on all things. Mr. Baskerville
39 asked for the definition of what is considered an outfall. Ms. Labranche explained it is
40 anything that helps convey water where the water discharges into waters of the U.S. If
41 the water doesn't go back into the ground it would not be an outfall.

42 The Board then discussed different way to reach out to the public and educate them
43 about MS4. Ms. Labranche said another thing the Town could get credit for is allowing

1 a developer to put a sign or plaque to explain a bio retention area or if they put a park
2 into their development.

3 Mr. Roseen said there are currently a lot of resources available. Mr. Paine added that
4 some of the data has already been collected for state roads so Routes 108 and 33 would
5 be available through the D.O.T. Mr. Deschaine added that he had attended many
6 forums on MS4 which stands for Municipal Sewer and Stormwater and he cited King
7 Highway's Plaza. If their retention pond discharged into Parkman Brook, that is not
8 considered a municipal discharge, so the Town is not responsible for that. Mr. Roseen
9 replied that the Town is not responsible, but if you included the Ordinance's Town line
10 and they went to redevelop it, and it triggered that condition, the Town would get credit
11 for it. Mr. Doyle asked how the Town found out about pollutants in discharge water in
12 Stratham. Mr. Deschaine said a certain percentage of outfalls are tested each year.

13 Mr. Deschaine said to the Board he would like to discuss and put together a list of goals
14 at the next meeting and he hoped that the Board would support having something in
15 place for the Town Meeting in 2014. Mr. Deschaine said that is the regulations. Ms.
16 Labranche said that a set of regulations has been put together for the Town of Durham
17 which the Board may want to look at. A few more tweaks are needed, but it would be a
18 good starting point.

19 Ms. Labranche, Mr. Roseen and the Board agreed to discuss MS4 again on December
20 4, 2013. In the meantime Mr. Daley suggested Board members read the documentation
21 and draft regulations mentioned earlier and submit comments to Ms. Labranche and
22 Mr. Roseen via email. Ms. Labranche said that she and Mr. Roseen could draft some
23 language that isn't in the model that the Board has now, that meets the 6 or 7 elements
24 of the MS4 permit. The Board agreed that would be great.

25 **5. Miscellaneous.**

- 26 a. Report of Officers/Committees.
 - 27 i. Economic Development Committee
 - 28 ii. Exeter-Swampscott River Local Advisory Committee
 - 29 iii. Heritage Commission
 - 30 iv. Public Works Commission
 - 31 v. Stormwater Management Committee
 - 32 vi. Town Center Revitalization Committee
- 33 b. Member Comments.
- 34 c. Other.

35 Mr. Deschaine informed the Board that the Board of Selectmen did vote to allow
36 consideration of accepting letters of credit. Mr. Daley added that the reason this is
37 being discussed is because Makris is looking to the Town to potentially submit a letter
38 of credit as part of their bonding efforts. Mr. Deschaine said they will be asking for a
39 waiver to allow a letter of credit at a later date. Mr. Daley said if the Board is

1 supportive of the waiver, the site plan regulations will need to be modified also to
2 reflect the change.

3 Mr. Daley updated the Board on the Sarnia Properties development at 3 Portsmouth
4 Avenue. One of the abutters on Stoneybrook Lane has asked for a rehearing of the
5 variance approval granted by the Zoning Board of Adjustment. The rehearing is about
6 the construction of the rain garden associated with the drainage plan; an encroachment
7 upon the wetland setback areas. He made the Board aware that the abutter may also
8 appeal the site plan that the Planning Board approved on September 4, 2013. The
9 appeal period ends on Friday so Mr. Daley said he would let the Board know if the
10 appeal goes ahead or not.

11 **6. Adjournment.**

12 Mr. House made a motion to adjourn at 10:18 pm. Motion seconded by Mr. Paine. Motion
13 carried unanimously.

14

15