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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **December 2, 2015**
8 **Municipal Center, Hutton Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
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13 **Members Present:** Mike Houghton, Chairman
14 Bob Baskerville, Vice Chairman
15 David Canada, Selectmen's Representative
16 Jameson Paine, Member, Planning Board
17 Nancy Ober, Alternate
18
19 **Members Absent:** Tom House, Full Member
20 Christopher Merrick, Alternate
21
22 **Staff Present:** Glenn Coppelman, Interim Town Planner
23

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

26 The Chairman took roll call and asked Ms. Ober to be a full voting member in place of Mr.
27 House. Ms. Ober agreed.

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

29 a. November 4, 2015

30 Mr. Paine made a motion to approve the meeting minutes for November 4, 2015.
31 Motion seconded by Mr. Canada. Motion carried with the note Ms. Ober was not
32 present for the November 4 meeting.

33 b. November 18, 2015

34 The Chairman recommended tabling the November 18 minutes and provide Ms. Cutler
35 with any feedback if necessary.

36 **2. Public Hearing(s).**

- 37 a. **Verizon Wireless, represented by McLane Law Firm, 900 Elm Street, Manchester,**
38 **NH 03101 for the property located at 28 Bunker Hill Avenue, Tax Map 9 Lot 51.**
39 Conditional Use Permit application, Site Plan Review Application, and Special
40 Exception Permit application pursuant to Sections 19.4.2 and 19.7 of the Stratham
41 Zoning Ordinance to construct a 90' tall monopole wireless service facility, associated

1 antennas and cabling, and installation of ground based telecommunications equipment
2 and fencing. (*Requested continuance from November 18, 2015*).

3 Mr. Tom Hildreth, attorney for Verizon Wireless took the floor. He summed up what
4 happened at the previous meeting and reminded the Board that D.O.T. had requested
5 formal engineered plans of the proposed driveway including conformance with the
6 required 400' sight distance from right to left. The D.O.T. have not yet made a
7 decision. Since the last meeting their civil engineers, Dewberry Engineers were at the
8 site on October 27, 2015 and met with Mr. Hutton to do the necessary survey work.
9 They requested a continuance from the November 18, 2015 meeting as their storm
10 water management plan was not ready. They have that now.

11 Mr. Hildreth talked about the access point. He said they are proposing a gate and a 15'
12 wide gravel surface driveway positioned roughly in the center of the 50' wide right of
13 way. He continued that discussions have been happening between Mr. Karon, attorney
14 for Mr. and Mrs. Foss, the Town and D.O.T. concerning this driveway. One thought is
15 to make this new access point exclusively for the town parcel where the tower will be
16 located; this would untangle the issue with the Foss's and their driveway.

17 Mr. Hildreth talked about the 150 days clock that requires municipal action within that
18 time and the State statute that says there should be action within 90 days of acceptance
19 of the application. One of those has been passed already and the next deadline is fast
20 approaching. He said they are willing to extend those deadlines especially as they have
21 to wait for Town Meeting vote on this anyway. Mr. Hildreth said that as yet the fire
22 department, DPW or police have not seen the new driveway as they haven't had time to
23 do that.

24 Mr. Houghton asked if the applicant would be talking them through the new driveway
25 plans. Mr. Merrill, engineer said he had met and spoken with Mr. Hutton about the on-
26 site conditions. He said it would have a 15% grade and would intersect Mr. Hutton's
27 driveway and follow most of the contours of the existing drive. Mr. Paine asked if this
28 would be a permanent driveway. Mr. Merrill said it wouldn't work because of the
29 gravel and the flow, but it will be totally fine if used only once or twice a month. Ms.
30 Ober asked if the resident in the Town property at the top of the hill would be using this
31 new driveway or continue to use the Foss's driveway. Mr. Hildreth said based on
32 discussion, the resident would use the newly created driveway.

33 Mr. Merrill said that building this driveway will involve cut and fill which will increase
34 the further up the hill they build. There is a walking path that goes through the same
35 area so that may be affected. The driveway will be steeper than 15% in some areas. He
36 addressed the storm water next; the watershed goes back to the existing house on top of
37 the hill and from that entire watershed, the soil type is "C" which means water doesn't
38 flow through that soil very easily and this is why Mr. Hutton's driveway ends up with
39 an inch or two of water when it rains. With that in mind, when they put in the gravel
40 driveway it won't make a huge difference to the current situation; the water will still
41 flow down to the street as it does now. Mr. Paine asked if they were proposing to build
42 any structures to aid with the drainage where the driveway meets Bunker Hill Avenue.
43 Mr. Merrill said not currently because there will be only a 3% increase in the total
44 amount of water. There are other options, but they would have to use more land from

1 Mr. Hutton's property or use the Town land across the street. One other option would
2 be to bring the water underneath the abutting driveway and down into the detention
3 basement located next to Bittersweet Lane.

4 Mr. Baskerville said he wasn't too concerned about 3% increase in water, but the flow
5 off the hill goes across the easement and eventually to a road side ditch along the side
6 of the Foss driveway. When this driveway is created on the Hutton side, it will
7 intercept that so it has to be brought down to a point discharge. Mr. Merrill said it will
8 flow along and through the gravel; the slope of the hill generally slopes towards the
9 Foss's driveway and so most of the water will permeate through. Mr. Baskerville said
10 there were a couple of ditches shown on the plan. Mr. Merrill said they were intending
11 to put gravel in those. Mr. Paine asked who would be maintaining this drive. Mr.
12 Hildreth said it would be sorted out in the lease agreement between the Town and
13 Verizon Wireless. Mr. Paine asked if they had an expectation when a determination
14 will be made as to whether this will be a limited use driveway or full time road. Mr.
15 Hildreth said it is probably a matter of days or weeks at this point.

16 Mr. Baskerville asked if the drainage report had been sent to Civilworks; he thinks it
17 would be a good idea. He advised a closer look at the drainage and pointed out that in
18 New Hampshire silt fences are required rather than hay bales as shown on the plan.
19 Mr. Coppelman asked if the Board was comfortable with a plan that is planning to
20 increase the water flow and not maintain and treat it on site. Mr. Baskerville said it did
21 need to be treated, but he would need to look at the Town regulations about the increase
22 issue. He thinks that they are usually OK as long as it's been reviewed by Civilworks.
23 Mr. Coppelman said he would check the regulations. Mr. Baskerville added that this
24 should be done properly. Mr. Houghton suggested the applicant's plan be sent to
25 Civilworks for review.

26 Mr. Fred Hutton, abutter said he helped with the design for Bittersweet and said when it
27 rains it comes down the hill onto the trail in between some apple trees. If this driveway
28 goes in, he would like to see at least 200' of pavement from Bunker Hill Avenue in. He
29 has put in a brand new driveway and he knows the edges will start to break down if
30 construction vehicles go across it. He thinks the drainage could be controlled a little
31 better if there was some asphalt part way in. He loses part of his garden spot also
32 which he has an easement for.

33 Mr. Coppelman read out Section 5.3 from the Site Plan regulations concerning storm
34 water drainage. Mr. Houghton said the applicant should take another look at the
35 drainage.

36 Mr. Whitney Saidler, 7 Emery Lane and developer of the Bunker Hill subdivision said
37 it was hard getting the trails in and informed everybody that he and Ms. Alexis Makris
38 still own the rest of the land, they own the drainage ditches and they definitely would
39 not allow anybody to connect to their ditches or have their water run off on to their
40 property. Mr. Saidler continued that they had given Mr. Hutton a right of way across
41 and they had control of all the land at one point.

42 Mr. Karon, attorney for Mr. and Mrs. Foss said he had communicated directly with
43 D.O.T. about the access way. In the course of that discussion, he came up with the
44 suggestion that the Town give up its easement on the Foss's land that it uses presently

1 and instead turn this old easement into a permanent access to the lot. He asked D.O.T.
2 for its opinion. The person from D.O.T. asked Mr. Karon to send the old plans with the
3 easements. Mr. Karon said their hope is that the Town will agree to use this dead
4 easement as the driveway to its property and relinquish the easement to the Foss's
5 driveway. Mr. Paine said that he is currently seeing 3 different entries onto Bunker Hill
6 Avenue in that area and Mr. Karon is on about combining 2 into 1. There is an
7 easement for Mr. Hutton to access over to Bittersweet Lane. Instead of combining
8 them or having multiple drives in the one spot, could those 2 driveways go into
9 Bittersweet and use that. Mr. Karon said the reason there is an easement cutting across
10 the Foss driveway to Bittersweet would come into effect if ever there was an
11 intensification of use and that was done because in the preliminary Makris plans it was
12 discovered that the Foss driveway had to stay straight.

13 Mr. Deschaine said he had heard about this proposal first thing this morning from the
14 Town's Counsel Kevin Bond so there hasn't been a conversation yet, but if one
15 develops, the Town will listen.

16 Ms. Melda Ormeci Matoglu, abutter addressed the issue of the driveway concerning
17 maintenance. Verizon Wireless has already said they are not going to plow it during
18 winter and she wonders how an emergency will be handled. She feels that this is an
19 important issue. Mr. Canada said emergency vehicles will use the Foss driveway if
20 necessary.

21 Mr. Houghton said that as part of the review process they get feedback from the
22 emergency management community. It is a little difficult without knowing what the
23 access is going to be at this moment in time, but he is sure they can look at different
24 scenarios and get an idea of what that will look like.

25 Ms. Matoglu referred to a FCC ruling that an existing tower can be extended up to 20'
26 without any further approval from the Town. Mr. Canada asked if that was a proposed
27 rule rather than an existing one. Ms. Matoglu said it is existing and when she spoke to
28 Mr. Daley he confirmed that. Mr. Houghton asked Mr. Coppelman if he could check
29 on whether it is a proposed ruling or a current rule. Mr. Hildreth said the rule is in
30 effect and is a statute from 2012. It is not an automatic extension, but it creates a
31 category of proposed modification of an existing wireless communication facility that is
32 called an eligible facility's request. If the proposed modification falls within the
33 definition of the rule then the reviewing municipality is supposed to approve those
34 changes. There are 6 – 8 different specific requirements to qualify as an eligible
35 facility. A future applicant would have to prove they meet those criteria. Mr.
36 Baskerville inquired if it was up to 20'. Mr. Hildreth read from the regulation; "for
37 towers outside the public right of way an increase in the height of the tower by more
38 than 10% or by the height of one additional antenna array with separation from the
39 nearest existing antennas, not to exceed 20', whatever is greater." He continued that
40 typically antennas are separated by 10' so for this tower if another applicant wanted an
41 antenna adding to this, it would not put it outside of the facility eligibility request.

42 Ms. Matoglu said she'd like to remind everybody that with the top of the mono pine,
43 the tree would be at about 95' so the extension would be higher than the allowed 20'.

1 Another abutter commented that now a lot of the leaves have fallen off, they can see up
2 the hill. She feels the Board should consider whether there should be another balloon
3 test that shows the impact during the fall and the winter.

4 Mr. Houghton summarized by saying the Board still needs more information on storm
5 water and drainage and a resolution to the access. He said the applicant should work
6 really hard at trying to prevent any additional run off and to talk with Civilworks.
7 There should be some dialogue with emergency personnel in town and to lay out
8 different scenarios. Mr. Coppelman checked with Mr. Hildreth that by continuing the
9 application, the applicant was giving permission to extend the time deadlines. Mr.
10 Hildreth confirmed that he was.

11 An abutter made an observation that the engineer Mr. Merrill had said when first seeing
12 the proposed driveway and easement that he didn't think it would work at all and has
13 said tonight it will be suitable if used only once or twice a month. If this driveway does
14 become the main access to the Town's property, there will be a significant increase in
15 use. Mr. Merrill said he hadn't looked into that yet.

16 Mr. Baskerville made a motion to continue the hearing to January 20, 2016. Motion
17 seconded by Ms. Ober. Motion carried unanimously.

18 Mr. Houghton pointed out the fact to the Board members that there was an abutter's
19 petition which he would like them to study as they will need to go through it item by
20 item at the January 20, 2016 meeting.

21 b. **John Reiss, 16 Emery Lane, Stratham, NH 03885 for the properties located at 97**
22 **Portsmouth Avenue, Tax Map 13 Lot 37 and 16 Emery Lane, Tax Map 13 Lot 38.**
23 **Subdivision application to create a 1 Lot Subdivision and Lot Line Adjustment.**
24 ***(Requested continuance from November 4, 2015).***

25 Mr. Bruce Scamman, Emmanuel Engineering introduced himself as representing the
26 applicant John Reiss. Last time they were before the board there had been discussion
27 about the width of the driveway which would lead down to the access for the 2 lots and
28 the turnaround area. They have listened to the input from the Board, staff and the Fire
29 Chief and have changed things to reflect that. The driveway will have a 24' entrance
30 that will taper off after the first 50'. At the last meeting the Board wanted a 20' wide
31 driveway; the applicant was hoping for something less wide. Mr. Scamman spoke with
32 Chief Rob Cook whose biggest concern was firetrucks having to back all the way down
33 the driveway and onto Portsmouth Avenue in order to leave the site should the width be
34 12' as originally requested. When Mr. Scamman met with Fire Chief Cook he said
35 what he would really like is a turnaround area. Mr. Scamman said they have proposed
36 a "U" shaped area so the truck can back up, turn around and then leave. He referred
37 back to the driveway saying they are proposing that the pavement goes to the end of the
38 taper where it will then become an 18' wide gravel driveway and then it will split into
39 12' driveways to the lots. At this point the applicant would like to know if the
40 Planning Board likes this idea.

41 Mr. Coppelman said one of the concerns was if only part of the drive was to be paved,
42 how good the storm water management would be. Mr. Scamman talked about using
43 gravel for the majority of the driveway pointing out it would be better for the

1 environment. Mr. Canada asked if some fill would be put in at the entrance so it is not
2 quite so steep. Mr. Scamman said they have designed it to meet the Town's
3 requirements for slope of 6% so there will be up to 6' of fill in places. Mr. Paine asked
4 if the front lot is going to stay the same for now. Mr. Scamman said it would, but they
5 are going to retain the right to have access to it for future planning purposes. Mr. Paine
6 asked if the roadway would be a private one to be maintained by an association. Mr.
7 Scamman said it would be.

8 Mr. Coppelman asked Mr. Scamman if documentation would be presented showing
9 documentation that would outline the maintenance. Mr. Scamman said they are waiting
10 at the moment until they have an answer on the road. If they have to go back to a full
11 road, they would look at having more lots to help pay the cost of the road. Mr.
12 Baskerville asked if the turnaround for the firetruck was in the hammerhead of the
13 private road. Mr. Scamman said it wasn't and they are talking about putting it right at
14 the end of the existing 4 acre lot so if that ever becomes another lot, this would be a
15 spot that could be used for an access to the back of the lot. Mr. Baskerville said he
16 thinks they will have to put it in the right of way of the private road. Mr. Scamman said
17 they intend to keep the hammerhead so they meet Town specifications for the design of
18 a road so if it ever needs to become a public road, there is the ability to put a full
19 hammerhead in.

20 Mr. Canada said he thinks this is the most minimally invasive design they could have
21 come up with and if the Board agrees he proposes they accept this driveway design.
22 Mr. Houghton said he wanted to confirm they are talking about a shared driveway with
23 a Portsmouth Avenue street address for the homes in the back. Mr. Scamman said that
24 was his understanding.

25 Mr. Baskerville referred to another planning board case and said it would be good to
26 put into the association documentation that lot Map 13 Lot 35 which abuts the driveway
27 has the right to access the driveway. Mr. Scamman said that he believed that there is
28 an old plan that shows a right of way to this property from Butterfield Lane. It would
29 make more sense to put in a short road off of that right of way, but they were unable to
30 locate the plan from the Town showing its existence. Mr. Baskerville asked if the
31 wetland in the driveway would be completely filled. Mr. Scamman confirmed that it
32 would. Mr. Scamman said he went to the Conservation Commission meeting 2 weeks
33 ago and discussed it. It's 201 S.F. of wetland at the pipe outlet. Mr. Paine asked if
34 anything would be affected by the storm water being pushed that much further. Mr.
35 Scamman said they would be extending the pipe under the driveway with an 8" pipe to
36 an existing ditch. Mr. Paine reminded Mr. Scamman that the last time he was before
37 the Board, adjacent property owners had concerns with things such as headlights. Mr.
38 Scamman said they are looking at addressing that and the turnaround they are
39 suggesting will mean a lot less head lights. Mr. Paine asked about a D.O.T. permit.
40 Mr. Scamman said they wanted to get the Board's approval on the driveway before
41 applying.

42 Mr. Paul Deschaine, Town Administrator had 2 observations; he said the frontage
43 requirements for this subdivision require to be a road of some fashion. He asked does it
44 meet the minimum requirements of the subdivision regulations in terms of frontage and
45 making those legal lots. He said he doesn't believe 911 really likes addresses such at

1 97R or a and b; a road name might be more appropriate especially if there is a potential
2 for a third lot in the future. Mr. Scamman said Mr. Daley had looked at the frontage
3 and there is over 200' on the right of way for both lots. Mr. Scamman said they don't
4 mind if the roadway is named or not, but it is slightly confusing as realistically it is a
5 split driveway. Mr. Baskerville said he thinks it should be named. He asked how
6 much of the driveway would be paved. Mr. Scamman said a little over 100'. Mr.
7 Baskerville asked if the Fire Chief was ok with the gravel component of the driveway.
8 Mr. Scamman said he had discussed it with the Fire Chief and he is fine with it.

9 Mr. Houghton said he was generally supportive of the plan, but should it evolve into
10 something else in the future, he would have to come back before the Board and with a
11 higher standard for the road. Mr. Scamman said he was aware of that.

12 Mr. Scamman said they would be amending some of the waivers as the road had
13 changed from the original version for when they come back. They would apply to the
14 D.O.T. also.

15 Mr. Baskerville made a motion to continue the application to January 20, 2016. Motion
16 seconded by Mr. Paine. Motion carried unanimously.

17 18 **3. Public Meeting**

19 a. **Presentation: "Recommended Ordinance Revisions to Improve Wetlands** 20 **Protection." By Horsley Witten Group**

21 Mr. Rob Roseen from the Horsley Witten Group introduced himself. He explained that
22 a grant had been provided to communities to update or revise their regulations to
23 improve wetlands protection. He referred to the issues associated with the vernal pools
24 as part of the recent Rollins Hill Development project and hopes these suggested
25 changes will really help to streamline the process when dealing with those situations.
26 There is currently a lot of discretion in the current site plan regulations under the
27 natural features provision which allows essentially for protection of resources based on
28 recommendations that will come out of the Conservation Commission or their
29 designated experts. This is an opportunity to provide a more detailed list of what that
30 would look like so planning resources will hopefully be saved. Mr. Roseen said they
31 would go through 3 portions; fresh water wetlands, shore land and then vernal pools
32 and palustrine exemplary natural communities such as white cedar swamps.

33 Ms. Ellie Baker introduced herself. She said one of the most effective ways to protect
34 wetland resources is through the use of buffers so they are trying to enhance the
35 existing overlay districts; there is one for wetland preservation and one for shore land
36 protection. They are trying to improve the wetland protection but balance it out with
37 private property rights. There is a lot of research available about how important
38 wetlands and vernal pools are.

39 Ms. Baker started with fresh water wetlands and said the goal is to increase the fresh
40 water wetland buffer to 100'. A buffer being a vegetative buffer strip and shouldn't be
41 confused with setbacks. If wetlands are below 3,000 S.F. in area, they would have a
42 small buffer of 25'. All of this applies to the residential community. In the commercial

1 and industrial mixed use districts, the buffer would be 75'. Once again if the buffer
2 was under 3,000 S.F. in area, a 25' buffer would apply.

3 Ms. Baker said in the event that a grandfathered use is discontinued, the buffer would
4 have to be restored to a naturally vegetative condition. A pre-existing non-conforming
5 structure is allowed to continue to exist but it is not allowed to infringe any closer to a
6 wetland buffer than it already does. Mr. Coppelman asked if that were to happen could
7 someone apply for a variance. Ms. Baker said they could.

8 Mr. Paine asked what happens if a wetland covers an area that goes into a neighboring
9 lot, but less than 3,000 S.F. of that wetland is on the property being developed, would
10 the 25' buffer apply even though technically the wetland is bigger than 3,000 S.F. in
11 totality. There followed some discussion on how to get around that. Mr. Houghton
12 asked if going forward the Board will be asking applicants to document and measure
13 wetlands on their plan submittals. Mr. Deschaine said all of those conditions need to be
14 evaluated anyway, even today that is a requirement. Mr. Houghton said that relative to
15 setbacks, yes, but not to the size of the wetlands. Mr. Roseen said the group will need
16 to work out what to do should a wetland be contiguous.

17 Mr. Mark Stevens asked how the group arrived at 3,000 S.F. for a wetland. Mr.
18 Baskerville said he was on the wetland committee and there was a lot of discussion
19 about wetlands running the entire gambit from being really special to pretty good to OK
20 to some with hardly any value. His understanding is that the Rockingham Planning
21 Commission (RPC) had done a map of the Town showing available land left and there
22 is very little land left to subdivide so putting a 100' buffer on all wetlands for existing
23 homes would mean a lot of variance applications. There was a lot of debate about this.
24 Ms. Alison Knab, Conversation Commission said the 3,000 S.F. was a compromise
25 partially based on the State. Mr. Stevens asked if it wouldn't make more sense to have
26 a setback predicated on the value of the wetland rather than a setback that is carte
27 blanche to every wetland. Ms. Knab said if they do it by the size of wetlands it avoids
28 disputes about the quality of the soils. Mr. Roseen said there are different classes of
29 wetlands and reiterated that the 3,000 S.F. did come from the State as that is what
30 triggers the need for a dredge and fill permit. Mr. Stevens gave an example of a house
31 on a 1 acre lot that has a 10' wide wetland strip that is more than 3,000 S.F. big. He
32 argued that once the house is built, there is nowhere left in the back yard to put
33 anything because of having to adhere to the 100' protective buffer. He doesn't feel that
34 is being sensitive to property owner's right. Mr. Deschaine explained why it wouldn't
35 be a problem. Mr. Tim Mason said that people would have to go before the ZBA and
36 seek relief. He asked if the hardship would be that the Town has introduced this new
37 regulation and would everybody automatically qualify for relief.

38 Ms. Baker continued with the presentation. She recommended the Board look at the
39 subdivision regulations as there is some existing language in there that gives the Board
40 the ability to require an extra buffer.

41 Ms. Baker talked about shore land buffers and said they are recommending 100'
42 vegetative buffer be required which would be larger than what is currently required.
43 That would apply to all districts in Town.

1 Ms. Baker moved to vernal pools and palustrine exemplary natural communities. She
2 explained that the State maintains a list of natural communities town by town. If a
3 community is on the list, it needs to be regulated; she gave the white cedar swamps in
4 Stratham as an example.

5 There are 2 options being proposed for vernal pools; a uniform buffer of 150'
6 vegetative buffer around the vernal pool. Originally they were proposing 250', but
7 during discussion with other parties it has been reduced. The other option would be a
8 directional buffer which comes from guidance from the Army Corps of Engineers.
9 This would require some input from a wetlands scientist. The idea of this is to free up
10 more space in a project area as it won't have such an impact on the critters using that
11 vernal pool. A directional buffer would be defined to connect the vernal pool with
12 another resource area with a minimum buffer on the far side of 100'. That whole area
13 would be vegetated and an undisturbed natural area. Within the 250' set back area
14 certain development would be allowed, but there would be restrictions on what can
15 happen and how that development occurs; impervious cover cannot be more than 10%
16 of the 250' setback area and no connected pervious cover so it's all disconnected and
17 going back into the ground. There would be restrictions on the use of pesticides and
18 fertilizer. If there was to be a lawn placed in the 250' area, it would have to be
19 augmented with loam. Native and non-invasive plants would be required and there
20 would be a restriction on the use of chloride and de-icing chemicals. Roadways aren't
21 restricted per se, but this restriction for chloride and de-icing would apply. If lighting is
22 necessary, that would have to be low spillage lighting and there should be critter
23 crossing signage too.

24 For the palustrine exemplary natural communities, the options are similar to the vernal
25 pool options. It's a simple 150' vegetative buffer or a 100' no alteration buffer and a
26 250' setback with the same restrictions applied to vernal pools. Within both of these
27 the group has included the need for some type of visual demarcation of the wetland
28 buffer so that it gets protected. If either of these 2 categories are under 300 S.F., then it
29 receives a 25' buffer and if it falls within the commercial/industrial mixed use districts,
30 it will be treated as a regular wetland, the 3,000 S.F. regulation applies.

31 In addition the group has proposed an increase in the septic systems setback to a 100'.

32 Mr. Mason asked why a vernal pool is not considered as valuable in a
33 commercial/industrial mixed use zone as in a residential zone. Mr. Roseen said it is
34 simply a feasibility issue recognizing that when a new regulation is introduced there
35 will be challenges and a secondary reason is that most of the wetlands in those areas are
36 probably impacted already. Mr. Mason said when somebody has saved their land for
37 30 or 40 years and they decide they want to develop it, it becomes an economic impact
38 for those folks also; he feels there shouldn't be any discrimination. Mr. Roseen
39 suggested holding a workshop to discuss this issue. He doesn't think that adding these
40 regulations are necessarily a negative impact; it drives a certain type of development
41 rather than prohibit development. He added that there is evidence proving that more
42 than 5% impervious cover has an impact on aquatic habitat. By the time you are at
43 25% the streams will be non-supporting and acting like drainage ditches. The Town of
44 Stratham is nearly at 16%; in a period of 30 years the Town has gone from 5% to 15%.

1 Mr. Mason said for the record that he found it sad that there were only 15 people in this
2 room that care about what is a really important topic.

3 Mr. Fred Emmanuel, resident said he thinks these regulations are too stiff and the Town
4 doesn't need more regulations for this. When homeowners come in and say they need a
5 variance because they don't meet the wetland setbacks they are very grumpy, they hate
6 to spend the money and it is very costly for them. Present day regulations are stiff
7 enough. Mr. Emmanuel asked if the Town has a problem with wetlands and said he had
8 noticed in the proposed chart that the professional/residential district was included for
9 the vernal pools. If he has 18 vernal pools, the professional residential district is wiped
10 out. That is a big impact.

11 Mr. Baskerville said determining the value of a wetland is a hazy affair and these
12 changes are trying to avoid that. Mr. Emmanuel said everybody thinks a 100' is
13 insignificant, but if you draw a circle or a square and count the square feet and how that
14 can impact a 1 acre lot or 50 acres; it is a huge impact.

15 Mr. Roger Groux, business owner said what if there was a zoning change that threw the
16 car dealerships into pre-existing non-conforming status, under these provisions; if he
17 sold the property, he would have to pull back the parking lot. Mr. Roseen said only if
18 the use changes. Mr. Groux said he meant if the use changed. He served on the
19 Gateway Committee and feels a lot of this conflicts with what they were trying to
20 achieve with that, which is based on getting water and sewer and developing more of
21 the Gateway area. The septic change will have a big impact too. Mr. Roseen said if a
22 site needed to be rebuilt it could be and you can even expand non-conforming
23 structures in the Gateway district by 20% without obtaining a permit. Mr. Groux said
24 with these changes they would have to pull back their impervious coverage if the use
25 changes. Mr. Roseen said it is no different to form based code which drives the shape
26 and the look of new properties within that district. The whole point of the form based
27 code is to lose the big parking lots and create a Town Center feel style down there. Mr.
28 Paine added that any proposed project in that district would have to incorporate some
29 open space, green space and perhaps some of that could be incorporated or counted as
30 some of that open space/green area if it's adjacent to a wetlands area.

31 Mr. Houghton said he believes they should be thinking of ways to protect shore lands,
32 vernal pools, and palustrine exemplary natural communities and do it in a responsible
33 manner. He thinks more time needs to be spent on vetting and thinking through
34 unintended consequences because the Town will be diminishing some property values
35 as Mr. Groux said.

36 Mr. Canada said before the Board can really consider these changes, we need to see
37 exactly what we're talking about; where those vernal pools and wetlands are for
38 example. Ms. Baker said they don't have that information and it would be great to have
39 it. Mr. Canada said they were able to make the current regulations work for the Rollins
40 Hill Development and the applicant worked with the Board. Ms. Baker said that
41 doesn't apply in every situation, but the other thing is that wetlands are very important
42 for the eco system, very important for water resources, drinking water, coastal
43 resources and the environment for this town. Buffers are very important for protecting
44 wetlands and when there are no buffers, even by protecting the wetlands themselves,

1 there are extreme impacts to the wetlands. She stressed this document is the result of a
2 lot of work by the group and other members in the community they have reached out to.

3 Mr. Bruce Scamman, resident referred to buffers being in a vegetative state and said
4 would people who have lawns near a wetlands need a variance because lawns aren't
5 considered a vegetative state. Mr. Roseen said only if the use changes. Mr. Mason
6 asked if you could expand your lawn if these new regulations come into effect. Mr.
7 Roseen said that was correct. Mr. Scamman asked if his brother who owns the Agway
8 was to put in a law office which would be a change in use, would he have to remove his
9 back driveway, leach field or anything else which is currently in the suggested buffer.
10 Miss. Baker said they are referring to major changes in use. They can work on the
11 wording. Mr. Roseen said that if a law office was added to the existing business that
12 would still be categorized as a mixed use. Mr. Scamman said the way it reads to him is
13 that they would have to come into compliance with the regulations if his brother added
14 a legal use.

15 Mr. Canada asked Mr. Roseen what his definition is for a change of use. Mr. Roseen
16 said it was intended that the uses are defined along with the districts. He said if a
17 change happens in the residential/agricultural district, but it is still of a
18 residential/agricultural nature, it isn't a change of use. Mr. Baskerville said there is a
19 lot of wording to work out in the workshop of when you increase the setback, you have
20 got a use there that is conforming now; the use is conforming, but now the septic and
21 parking lot becomes non-conforming.

22 Mr. Scamman pointed to a parcel his brother owns that is 55 acres and mostly
23 residential/agricultural. It has around 2,000 – 4,000 S.F. along the edge of it. With a
24 100' setback you lose somewhere between 20 – 40 acres out of the 55 acres. That
25 would have an impact on the value of his land. He has a stream and swales on there
26 too. Mr. Paine said with that you would look for more innovative developments like
27 cluster development.

28 Ms. Breslin, resident agrees that a lot more work needs to go into these regulations.
29 Herself and her family own land in town and there will come a time when they will
30 want to sell it for development so these regulations could affect the value of their land.

31 Mr. Larry Foss, resident said he's like to commend everybody for trying to take care of
32 the environment. He said we have rules and regulations already, but nobody seems to
33 follow up on them to see if they are being adhered to. He cited the Makris
34 Development as an example of where the regulations hadn't been followed entirely.

35 Mr. Stevens said it would be helpful if all the conversation land that the conservation
36 commission has bought and all the land that the Nature Conservancy owns was laid
37 onto the map of Stratham.

38 Mr. Scamman said it would be nice too to see an economic analysis of what is being
39 taken away and what is being gained. Mr. Deschaine said he agreed with Mr.
40 Scamman's thoughts, but things will still need to be done to keep water quality at a
41 good grade.

42 Mr. Houghton said he thinks a lot of great work has been done by the group. He cited
43 the Rollins Hill Development application adding that he thinks it's added a new

1 standard in terms of the way the Board deals with a lot of wetland issues in the Town.
2 He would like to know why the standards for residential are different to commercial so
3 that will need to be vetted further. He encouraged everybody to forward their ideas and
4 feedback to Ms. Cutler.

5 Mr. Canada said he'd like to respectfully disagree as he believes Rollins Hill
6 Development worked because of the current regulations. It was a unique situation and
7 to try and paint every single application with the same brush, isn't going to work and he
8 feels that is the problem with these suggested regulations; there is no differentiation
9 between qualities of wetlands. Mr. Houghton feels that items 2, 3 and 4 address the
10 quality of wetlands. Mr. Paine said he agreed with Mr. Houghton and observed that the
11 developer for Rollins Hills Development worked with the Board but the next developer
12 might not be as willing with mitigation measures.

13 Mr. Houghton asked Mr. Roseen to inform everybody in the room via their emails
14 when the next workshop on this will be. Ms. Knab said she is not sure that having 20
15 people in a room is the best way to get things done. Mr. Roseen disagreed and said as
16 long as it's well facilitated it would be good.

17 Mr. Mason feels this is being rushed. He thinks seeing the study that shows
18 developable and undevelopable land in Stratham would be a great help. Ms. Knab said
19 there is a financial component to this; they are working with a grant. Mr. Mason said
20 they shouldn't be held hostage as this is very important.

21 Mr. Roseen thanked everybody for their input.

22 As an aside Mr. Coppelman shared his experience in Kingston and said these
23 regulations should not be rushed. As for the money, it won't be wasted because the
24 work has been done and can still be used if this article didn't make the Town Meeting
25 in March 2016.

26 **4. Miscellaneous.**

27 There were no miscellaneous items to report.

28 **5. Adjournment.**

29 Mr. Baskerville made a motion to adjourn at 10:07 pm. Motion seconded by Ms. Ober.
30 Motion carried unanimously.