



Stratham Planning Board
Meeting Minutes
September 21, 2016
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Chairman
Bob Baskerville, Vice Chairman
David Canada, Selectmen's Representative
Jameson Paine, Member
Tom House, Member
Nancy Ober, Alternate
Lee Paladino, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call.

2. Review/Approval of Meeting Minutes

a. September 07, 2016

Mr. Paine made a motion to approve the meeting minutes of September 07, 2016. Motion seconded by Mr. House. Motion carried unanimously.

3. Public Hearing

b. Stratham Hill Stone, LLC, 313 Portsmouth Ave., Stratham, NH, Tax Map 22 Lot 29. Site Plan Review for landscaping and construction business (continued from September 07, 2016).

Bruce Scamman introduced himself as representing the applicant. He referenced the September 7 meeting and the applicant's understanding of how the Planning Board wanted them to proceed. He gave an overview of both the existing and proposed conditions plans and talked about a detailed proposed stone wall and changes to lighting as provided in the application materials.

Mr. Scamman said he had added a note about the hours of operation which are from April 15 – October 15 06:00 am – 6:00 pm and October 16 through April 15 04:00 am – 08:00 pm. Winter hours would be dependent on snow storms and loading of trucks for snow plowing purposes. Noted also on the plan is that all conditions of the site plan shall remain in effect for perpetuity.

Mr. Paine asked where the materials for snow would be stored. Mr. Scamman indicated 3 bays on the plan and added that was why there is a motion detector light there too to alert staff. Mr. Paine asked where the equipment for loading up trucks would be on the site. Mr. Scamman said if it's snowing the equipment will be open on the site. Mr. Birse added that typically it gets stored in the front bay of one of the buildings. Mr. House confirmed that the stone wall would be 2' back from the property line and asked if that would be enough and would a landscaping plan be

1 required. Mr. Scamman said they are proposing to do ornamental grasses that would have some
2 height; Mr. Birse added also some rhododendrons to add color. Mr. House said he would like to
3 see the relationship between the wall and depth of grass because of the large structures on the
4 site.

5 Ms. Ober referred to the hours of operation stated by Mr. Scamman and asked if those were the
6 hours currently. Mr. Scamman believed that those were current, but occasionally they did close
7 earlier.

8 Mr. House asked if the applicant had looked at the cell tower plans. Mr. Scamman said
9 additionally they calculated areas and found an extra slab which is on the plan in front of the
10 Board and will be on the final plan. On the impervious area, they are at 39.5% and 60.5%
11 pervious which includes graveled areas. The building coverage is 11.6%. Mr. Paine asked
12 about the contours of land. Mr. Scamman said it is extremely flat and in places only 1% so water
13 doesn't flow fast anywhere so there is nothing constructed at the rear of the property for that
14 purpose. Mr. Scamman referred to open space and said there are large areas inside the cell tower
15 area that are crushed stone so water is being stored in that; it's not the same as traditional gravel.
16 Traditionally open space sees infiltration of groundwater, but they are on wells so there are plenty
17 of areas on this lot that infiltrate water. Mr. Scamman said that Mr. Austin suggested putting a
18 note on the plan to stack materials no higher than the screening within the front setback. Mr.
19 Scamman added there is also a 6' stockade fence all around the property.

20 The Board went through the applicant's waiver requests from the Site Plan regulations:

21 **Section 4.3.1.k – Soils**

22 Mr. Baskerville made a motion to approve the waiver for Section 4.3.1.k. Soils Map as the
23 proposed site plan is not proposing any new buildings or paved areas that would affect the
24 drainage which is one of the primary reasons for the soils map so he believes this carries out the
25 spirit and intent of the regulations. Motion seconded by Mr. Paine. Motion carried unanimously.

26 **Section 4.3.2 – Proposed Plans a. – o.** which includes grades, topographic contours, shape, size,
27 height and location of proposed structures, expansions and alterations, a statement from an
28 architect, all landscaping, screening, location, size and proposed signs or existing signs, location,
29 type and design of lighting, surveyed property lines and the bearings, traffic impact analysis and
30 a copy of the plan submitted in a digital format as provided for in addendum D, digital submission
31 requirements.

32 Mr. Scamman explained that at the last meeting the discussion was to go through Section 5 and
33 go through each of those individually. Under the spirit and intent, the applicant is basically saying
34 that because they went through each and every one under this section, a duplication of doing
35 them under 4.3.2 didn't make sense. He suggested it would make sense to come back to this
36 waiver once the Board addresses all the waivers under Section 5. Additionally he thinks that the
37 Board could probably group some of the waivers together. The Board agreed it made sense to
38 put this waiver for 4.3.2 to the end as it may contradict some of the waivers under Section 5.

39 **Section 5.1 Access Design**

40 Mr. Baskerville made a motion to approve the waiver from Section 5.1 of the Site Plan regulations
41 for access design as it meets the spirit and intent of the regulations as the site has existed since
42 1972 and this plan does not change any of the geometry or grading of the existing access ways.
43 Motion seconded by Mr. House. Motion carried unanimously.

44 **Section 5.2.C Landscape Design Standards**

45 The Board decided to bundle together 5.2.C, D, E, F, G, H, J, K, M.3, M.4, and N.

1 Mr. Houghton said he would like to see more specificity as it relates to the stretch in front of the
2 building with some sort of indication of what the plantings are.

3 Mr. Scamman talked through what was on the plan for plantings including trees. The neighbors
4 are happy with the current landscaping which is another reason for applying for these waivers.
5 Mr. Austin asked the Board if is of the opinion that landscape materials need to be installed
6 forward of the wall or does the wall satisfy the inventory screening that was sought by the Board
7 at the last meeting. If landscaping is favored forward of the wall, does the Board want to require
8 a landscape plan for those areas. Mr. Scamman had pictures to show what is currently there and
9 if it needs to be added to the plan, it can be. Mr. Paine agreed that information should be put on
10 the plan. Mr. Scamman said they would be more than happy to provide a list of plantings
11 including amounts as a condition of approval. Mr. Austin said there is a list of acceptable
12 plantings in the regulations. Mr. Scamman said the wall will be expensive and provide solid
13 screening so they are looking more at perennials and plants to go in front of that wall to break it
14 up. Mr. Birse said that choice is also for a practical reason relating to access and egress in and
15 out the site. Mr. Canada asked about the fence. Mr. Scamman showed where the fences were on
16 the property; he believes some of the fence might be over the property line. Mr. Canada said that
17 is a concern because if the neighbor decides to take it down, the applicant won't be able to do
18 anything about that. Mr. Canada feels the applicant should be required to maintain a fence there.
19 Mr. Austin said it could be a condition of approval that should the fences on the adjoining
20 properties be removed, they are to be reinstalled to effectuate the screening as approved
21 09/21/2016 on the applicant's property. Mr. House said they should stipulate what kind of wall
22 was being putting up.

23 The Board discussed the different ways to record the waivers and the conditions attached thereto.
24 Mr. Austin suggested adding it to the final plan too.

25 Mr. Deschaine, Town Administrator commented that if part of the waiver request is because of
26 the natural buffers or pre-existing fences then there is an interest to maintain those as a stipulation
27 of the waiver, otherwise the applicant would be free to clear cut their property. Mr. Austin added
28 that you can't add a condition to this project that affects the abutters. Mr. Scamman said they
29 want to maintain all the landscaping on site especially as they are a landscaping company.

30 Mr. Baskerville made a motion to approve the waivers for Section 5.2.C., 5.2.D. 5.2.E., 5.2.F,
31 5.2G, 5.2H, 5.2.J, 5.2.K, 5.2.M.3, 5.2.M.4 and 5.2.N all regarding the landscaping plans for this
32 project. It is based on the spirit and ordinance of the regulations being carried out based on the
33 discussions that have been had at this meeting which are documented in the minutes and the notes
34 and possible details will be added to the plan as a condition of approval regarding the stone wall,
35 the landscaping, and the new landscaping that has been added since then. The note that will be
36 added about the fence will be rebuilt if it fails on the abutting property or this property as
37 necessary all of that will be handled. Based on those discussions Mr. Baskerville makes this
38 approval. Motion seconded by Mr. House. Motion carried unanimously.

39 **Section 5.3 – Storm Drainage**

40 Mr. Scamman said they are not proposing any grading changes or impervious changes other than
41 removing a trailer and 2 concrete walls which remain from Mr. Hanna so there will be less
42 impervious.

43 Mr. Baskerville made a motion to approve a waiver from Section 5.3 of the Site Plan regulations
44 for storm drainage; these proposed plans do not significantly increase any impervious areas, they
45 should move the trailer, they are adding additional landscaping as discussed and it doesn't appear
46 there are any changes in grading or issues that will significantly alter the drainage. He believes
47 the proposed plans carries out the spirit and intent of the ordinance. Mr. Baskerville amended

1 his motion to include snow storage is placed in the assigned locations identified today by Mr.
2 Scamman and on the plan. Mr. House questioned the bin that goes over the property line and
3 what would go in its place. Mr. Scamman said nothing as it is already a wooded area. Motion
4 seconded by Mr. Paine. Motion continued unanimously.

5 **Section 5.6. Waste Disposal Screening**

6 Mr. Scamman said the dumpster has been there for many years; behind it by the neighbors there
7 is a heavily wooded vegetation area. From the road there is a very large tree which blocks the
8 view from the road. They are proposing that remains in place and that is why they are requesting
9 this waiver.

10 Mr. Baskerville suggested they add a note on the plan that if the screening behind or in front of
11 the existing dumpster gets removed or damaged that either the screen be replaced or the screening
12 of the dumpster to be relocated on site.

13 Mr. Baskerville made a motion that the waiver be granted to Section 5.6 of the Site Plan
14 regulations, Solid Waste Disposal Screening as the dumpster has been in place for a long time,
15 with screening both front and behind it and the applicant has agreed to replace or improve such
16 screening if that screening gets removed or damaged. Motion seconded by Mr. House. Motion
17 carried unanimously.

18 **Section 5.7 Sidewalks**

19 Mr. Scamman said they put in a handicap parking spot. Mr. Paine asked if it was properly signed.
20 Mr. Scamman said they will do whatever the Board requires. It is designed with the right
21 dimensions. They are asking for a waiver because traditionally it's mainly contractors coming
22 to the site so it doesn't make much sense putting in sidewalks either out front or on the site. Mr.
23 Paine requested that the applicant add the proper handicap signage.

24 Mr. Paine made a motion to approve the waiver from Section 5.7. Site Plan regulations Sidewalks
25 with the understanding that the waiver meets the spirit and intent of the regulations. It is an
26 existing site and they have been in operation for over 40 years. While the property is currently
27 in commercial use, there is no commercial land uses currently along Route 33 to the north or
28 south of the subject property and therefore there is no justification in installing sidewalk along
29 Portsmouth Avenue at this time. Motion seconded by Mr. Baskerville. Motion carried
30 unanimously.

31 **Section 5.8 – Illumination/Noise Emissions**

32 Mr. Austin referred to the level of noise that can be made from machinery like bobcats. Mr. Birse
33 said there used to be loudspeakers on the property, but they removed them when they purchased
34 the building. Mr. Houghton said they did put a provision for noise in the cell tower for the
35 generator on site. Mr. Scamman asked if the Board would like to add a note to the plan that all
36 conditions of the cell tower requirements would be met. Mr. Baskerville said he would like a
37 note added saying this approval does not supersede or invalidate any of the conditions of approval
38 of the previous cell tower approval to make it clear they stand alone. Mr. Scamman asked if they
39 could add that all conditions of the cell tower approval will still be in effect with this approval.
40 Mr. Paine said it should be made uniform across the site so there is no confusion. Mr. House
41 said his concern lays with the hours that contractors will turn up for salt and sand during winter
42 and the beeping when they are reversing. He wondered if that beeping is above the permitted 60
43 decibels. Mr. Austin said he believed it probably is. Mr. Jeremy Riecks, Stratham resident said
44 it is 108 decibels. Mr. Scamman said that part of the operation has been going on for 9 years.
45 Mr. Birse said the sound of other plows out and about are more annoying to their surroundings
46 than what they are up to. They maintain the neighbors on both sides for snow removal. Mr.

1 Scamman recommended putting the note that all conditions for the cell tower will stay and remain
2 in full force in effect and unmodified.

3 Mr. Paine made a motion to approve the waiver for Section 5.8 of the Site Plan Regulations –
4 Illumination/Noise emissions with the understanding that all of the restrictions and regulations
5 that have been placed on the cell tower, remain in place and in effect in perpetuity with the
6 understanding the proposed lighting is upgraded to the existing and has limited light spillage
7 based on the information presented today and no additional lighting will be placed on site beyond
8 what is there today and that what we have is carried out with the spirit and intent of the
9 regulations. Mr. Birse commented that they wanted to make sure they can illuminate their
10 existing flag pole. Mr. Paine added to the motion that the flag pole will receive a new light that
11 is down lit only and not to be up lit at any time. Motion seconded by Mr. Baskerville. Motion
12 carried unanimously.

13 **Section 5.10 - Water and Sewer Service**

14 Mr. Austin said there is a septic and water on site.

15 Mr. Baskerville made a motion to grant the waiver to Section 5.10 Site Plan Regulations, Water
16 and Sewer Service as there is nothing on the plan which should increase the water or sewer
17 demand on this site. There is an existing well and septic system and no changes are proposed.
18 Mr. Baskerville believes this carries out the spirit and intent of the ordinance. Motion seconded
19 by Mr. House. Motion carried unanimously.

20 **Section 5.11 – Fire Protection**

21 Mr. Morong, Building Inspector said he hadn't been in the building to check alarms. He thinks
22 having labelling and fire alarms is a good idea. He would love the opportunity to go on the
23 property and see if it meets the code for fire and signage. Mr. Baskerville said if they don't force
24 the cistern, do they need to grant this waiver. Mr. Scamman said the fire department has had the
25 opportunity to review this; they were asked for comments several months ago, but did not give
26 any. Tractor trailers are able to access the site so fire trucks have complete access around the
27 site. The biggest concern to him would be the cell tower and generator and he knows that was
28 reviewed in the previous site plan. Mr. Austin addressed Mr. Baskerville's concern that granting
29 the waiver in any way precludes the code official, the fire department or any life safety entity
30 from going in and saying someone could get hurt.

31 Mr. Paine asked if gasoline was stored on site for the vehicles. Mr. Birse said the only fuel tanks
32 that were on the property were removed when he purchased the building. They don't do any on
33 site fueling either. Mr. Morong commented that if this waiver is just that the applicant doesn't
34 need to present a plan, then he would probably be OK. He said also that he doesn't think the fact
35 the business has been in existence for so long is a guarantee it meets code for fire protection. He
36 said combustibles are not just about fuel; office furniture is a combustible too.

37 Mr. House made a motion to approve this waiver for 5.11 of the Site Plan Regulations Fire
38 Protection as it's an existing building that has been there for quite some time and we believe that
39 they don't need a cistern for fire protection. Motion seconded by Mr. Paine. Motion carried
40 unanimously.

41 **Section 5.12.a – Utilities**

42 Mr. Austin explained this was a waiver request from having to put utilities underground. Mr.
43 Scamman said the utilities for the cell tower were all placed underground. There is an easement.
44 They are not proposing any changes in utilities on the site.

45 Mr. Austin said paragraph b refers to propane tanks and other tanks that store fuel, gas or liquids
46 needing to be buried underground. If any tanks have to be above ground adequate fencing and

1 screening has to be provided. This waiver is not being requested by the applicant. Mr. Austin
2 said the only reason for reading this paragraph is if the property were to include those things in
3 the future, they do not have a waiver and they would have to come back before the Planning
4 Board to address it. Mr. Scamman said there is an above ground tank which has an 8' stockade
5 fence around it.

6 Mr. Paine made a motion to allow the waiver from Section 5.12.a. of Site Plan Regulations
7 Utilities as it's been in operation since 1972 and they are not looking to make any changes to
8 existing utilities and things will remain as they are. Motion seconded by Mr. House. Motion
9 carried unanimously.

10 **Section 5.13 – Stormwater Management**

11 Mr. Scamman said this expands on the stormwater management within the regulations. They are
12 not changing anything on site of any significance. It doesn't make any sense to do a stormwater
13 management plan and would be an unnecessary hardship.

14 Mr. Baskerville made a motion that they waive Section 5.13 to the Site Plan Regulations
15 Stormwater Management as none of the buildings are changing, none of the impervious or
16 pervious areas are significantly changing. The changes are so minor in nature that they should
17 not affect the stormwater maintenance so it would be an unnecessary hardship to do a stormwater
18 management plan when the areas of disturbance are as minimal as proposed and it's less than
19 20,000 S.F. Motion seconded by Mr. House. Motion carried unanimously.

20 **Section 5.15 – Architectural Plans**

21 Mr. House said it didn't make sense to provide such plans as the buildings have been there for a
22 long time.

23 Mr. House made a motion to accept the waiver from Section 5.15 of the Site Plan Regulations
24 Architectural Plans. Motion seconded by Mr. Baskerville. Motion carried unanimously.

25 **Section 5.16 – Open Space Setback**

26 Mr. Baskerville made a motion to waive Section 5.16 of the Site Plan Regulations – Open Space
27 Setback as there is no additional pavement or buildings being proposed so it meets the spirit and
28 intent of the ordinance. Motion seconded by Mr. Paine. Motion carried unanimously.

29 **Section VII – Agreements and Bonds**

30 Mr. Deschaine said that the Board's articulation of previous conditions probably meet the
31 requirements that would normally be included in this waiver.

32 Mr. Baskerville made a motion to grant the waiver to Section VII of the Site Plan Regulations
33 Agreements and Bonds based on the fact that everything has been carried out as part of the
34 previous waivers and plans which meets the intent and spirit of the ordinance. Motion seconded
35 by Mr. Paine. Motion carried unanimously.

36 **Section 4.3.2 – Proposed Plans**

37 Mr. Baskerville made a motion to grant the waiver to Section 4.3.2 Site Plan Regulations
38 Proposed Plans as the Board has reviewed this project in depth for all the other waivers and this
39 meets the spirit and intent of the ordinance. Motion seconded by Mr. Paine. Motion carried
40 unanimously.

41 Mr. Canada talked about the inventory in the south west corner and said he would like to see it
42 kept behind the line of the building. That site on the photo was recently a grassed area and there
43 is no green space there; he would like to see some green space there. Mr. Scamman said they
44 understood that they had to screen it which is why they went with a more expensive stone wall

1 and to work with the Board on a solid barrier for screening purposes and with vegetation also.
2 Mr. Canada said if the inventory is going to be stored behind the wall shouldn't the Board
3 stipulate it should be no taller than one pallet high. Mr. Scamman said they had talked about
4 that in the front setback area that it would not be taller than the screening. Mr. Birse added that
5 they were storing pallets there. He had some aerial photos to show the building, from 2008 and
6 2009 showing the inventory there; they were discussed and shown during the site walk almost 2
7 years ago. Those photos can be presented again if needs be. Mr. Canada said the idea of the stone
8 wall is to hide inventory and asked if the Board shouldn't stipulate that it is going to be one pallet
9 high on the inventory. Mr. Scamman said that is what they talked about in the front setback area
10 and that it would be no taller than the screening. Mr. Austin said that the thought was the stone
11 wall would be 30" and that nothing would be stacked taller than the stone wall, but to what depth
12 into the property the stone wall extended is still something the Planning Board can consider. The
13 stone wall is 2' to 3' off the property line and the wall is approximate 18' to 2' in width; that's
14 5' so basically the first row of pallets will be held at that same height if the Board were to use the
15 setback line as the depth of plane for screening. Mr. Baskerville asked if they knew how far back
16 this would be from the setback line. Mr. Canada said it should be further back than that. Mr.
17 Houghton and Canada referred to the plan. Mr. Austin said the building is approximately 40'
18 back from the line and 90' from the center line of Portsmouth Avenue. Mr. Canada said he'd
19 rather see grass there, but if the Board agrees inventory can be there, but below the wall screening,
20 he'd like to see it go back 40'. Mr. Scamman said the current operator needs to have the materials
21 there to operate. Mr. Canada said that wouldn't keep them from operating at that height. He
22 asked Mr. Morong if he had recent photos of that corner which was vegetative. Mr. Austin said
23 at the last meeting a discussion was had that the expansion of outdoor storage had been a natural
24 progression of the site. Mr. Austin said that only leaves vertical expansion as the storage has
25 reached all the property lines. Mr. Austin said he had a conversation with Mr. Scamman
26 suggesting ground level inventory storage which extended into a conversation about a wall or
27 other screening. Mr. Austin said he would feel comfortable if they proposed a 6' fence across
28 the front and said nothing stored behind it, but that would cause more storage than is typically
29 there now. Mr. Canada said he was looking at a picture from 2014 that shows a grassy area with
30 a tree in that area. In the 2011 photo there are even more trees and in 2015 storage has appeared
31 so this is a recent development.

32 Mr. Tom Keane, attorney said the 2013 photo shows inventory all the way out to the edge of the
33 site which is the way the business has been conducted. Mr. Austin said it is entirely within the
34 Planning Board's jurisdiction to determine, given the commercial use of the site within a
35 residential/agricultural zone; it is not a structure so setbacks alone don't capture it, but how the
36 property is used is entirely why a site plan review is happening. Whether there is storage or not,
37 that is the conundrum that got this here in the first place and what happens and to what degree.
38 Mr. Houghton said what Mr. Canada is saying that the inventory storage on the southwest corner
39 has encroached beyond the setback over the last several years and what the applicant has
40 proposed is that a wall be put there and the first row of storage would be below the wall. Mr.
41 Scamman said yes, but within the setback which they had talked about with members of the Town
42 staff. Mr. Houghton confirmed the storage would be in the setback and pushed back 10' which
43 will be below the height of the wall. Mr. Scamman said to the height of the screening which is
44 the wall. Mr. Canada said he thinks the Board should consider requiring it to go back further
45 because 10' doesn't do much; his personal preference is grass because there is no grass on the
46 entire site. If the Board feels inventory is fine there, then it should at least be kept below the
47 height of 30" back to the front line of the building. Mr. Canada continued he would like to reduce
48 or eliminate inventory between the front line of the building and the street of that south west
49 corner. Mr. Keane asked Mr. Canada to specify exactly where he was talking about; Mr. Canada
50 showed him on the plan.

1 Mr. Keane said they were here to determine whether or not there was any expansion of the use
2 as alleged by the Code Enforcement Officer. He understands that inventory was stored in here
3 since Mr. Birse started operating. He feels the applicant has gone to great lengths to screen the
4 inventory to improve the appearance of the site, there are plantings and a wall. The applicant has
5 made a real effort to make the appearance of the site better and also they have restricted inventory
6 storage if you go back to the lot line in that area. To impose a burden on the operator of the
7 business to restrict the inventory beyond that is really contrary to what the Board has said all
8 along that they don't want to put this guy out of business. Mr. Keane said the operator needs a
9 certain amount of inventory to stay in business and he thinks the conditions being discussed will
10 impact his ability to do that.

11 Mr. Houghton said to Mr. Keane to strive for clarity from Mr. Keane's comments that he would
12 agree that there is disagreement among the photos that have been passed along this evening with
13 respect to the applicant having been using that space for inventory for considerable periods of
14 time? Mr. Keane said he would agree at different periods of time the photographs of the property
15 show different levels of inventory which he thinks is a natural progression of the business. Mr.
16 Houghton said so there are inconsistencies in the period of time that has been used for inventory
17 because, Mr. Houghton said that Mr. Keane has alleged it has been for a long time. Mr. Houghton
18 continued that the photos would suggest that might not be true. Mr. Keane said Mr. Birse is
19 probably the best person to address about that, but every photo he has seen shows inventory in
20 that area right on the way out front ever since he has known the property, there has been inventory
21 on the property. Mr. Houghton said again for clarity that Mr. Keane is saying that every photo
22 that he has seen and every photo that Mr. Kean has presented shows that. Mr. Houghton stressed
23 he wants to be clear because there is disagreement over what has been shown in the photos. Mr.
24 Houghton said he wasn't trying to be argumentative, but they need to get to the facts and cut to
25 the chase. Mr. Keane said the fact of the matter is that they are talking about a business that has
26 levels of inventory that changed monthly, weekly and daily so whether a photo was taken in
27 October or December or June, you will see different levels of inventory which are dependent on
28 the time of the year and the demands in different types of inventory. Mr. Keane said his point is
29 that they have worked in earnest to address an awful lot of the Board's concerns. He thinks the
30 screening, the wall, the trees, the plantings and the agreement to push the inventory back a little
31 bit and not stack it up as high as it's been stacked up in the past is a significant achievement
32 which the Board and applicant have made. Mr. Scamman said there will be less inventory because
33 it's graveled out beyond the property line so there has been storage there before, probably a pallet,
34 in the State right of way and by removing a minimum of 5' of area for the wall and plantings,
35 there are at least 2 rows of pallets less which the client and operator will have for operating their
36 business.

37 Mr. Baskerville said if the Board and applicant are open to a suggestion; the front setback looks
38 like it's an extremely small number compared to what it used to have to be. Per his measurement
39 there should be about 25' of grass in between the actual State highway and right of way so some
40 of it needs to go back a little bit. He suggested that as there should be about 25' there, a note
41 could be added that says in the future no inventory or near the structure or materials shall be in
42 the State right of way and that in the area from the western driveway to the west property line
43 none of the inventory will be taller than 30" for the area within 25' of the front property line. It's
44 more than 10', but less than 40'. Mr. Baskerville said he is open to compromise on his suggestion.
45 Mr. Keane said Mr. Baskerville was trying to limit the stocking of inventory for an additional
46 15'. Mr. Austin said functionally that is 3 pallets deep and 1 pallet tall. Mr. Keane said the only
47 person who can really talk about the impact of that would be the operator. Mr. Scamman said
48 the 6' fence along the property line is approximately 20' from the front property line which would
49 help screen inventory. Mr. Scamman thinks it would be logical at the end of that fence, which is
50 approximately 20' off the front property line as a spot, which is a compromise, as that is where

1 taller screening is already in place. Mr. Austin said that's imposing 30" where the fence begins,
2 is where the storage could be. Mr. Scamman said for him it all goes back to screening and that
3 it should go back to the height of the screening being associated with the height of the inventory.
4 He suggested it should say the inventory is screened by the front screening back until the
5 screening at the fence and that fence would be the limit of the inventory behind it beyond the
6 fence in that direction. Mr. Keane confirmed his understanding by asking Mr. Scamman if he
7 was proposing taking the width proposed which was in the setback and moving it back to the
8 edge of the fence so nothing would be stacked higher than the wall until you get to the end of the
9 fence. Mr. Scamman said that it seems that is based on screening which the Board and public
10 would be concerned about.

11 Mr. Canada didn't think a compromise was necessary as it is clear from the photos there are trees
12 there and there is recent development in the south western corner and he thinks it's ludicrous to
13 put in a 3' high fence and stack stuff even 20' behind it. He thinks it is ludicrous also to suggest
14 this going out of business because they can have only one pallet high when they didn't have this
15 inventory space for years. He has visited that site plenty of times and in his opinion there is
16 plenty of room for the inventory to be moved around and so forth. Mr. Birse said the inventory
17 does go up and down and they do use that area to store inventory and to move inventory around.
18 These areas are crucial to loading and unloading. Mr. Keane repeated that he felt the operator
19 was in the best position to address those comments and that he and Mr. Scamman can only go by
20 the guidance that the applicant and operator give them. Mr. Birse said the inventory does go up
21 and down and they do use that area to move and store inventory. During Winter time things get
22 pushed together and that area opens up and they use it so they can clear for things like plowing,
23 but the suggestion that there is tons of room for inventory with the proper setbacks for parking
24 and driving around the building; those areas are crucial to unloading and making sure the pallets
25 are out of the way of pathways rather than cramming the site. Their intent is to have the inventory
26 there sold and the inventory is revolving so it drops dramatically during the fall and winter. Mr.
27 Paine said from the photos presented, it does appear that there was once vegetation and a tree
28 which seems to have moved by 2015. From that standpoint working with setbacks and everything
29 else he would be amenable to some suggestions. Ms. Ober asked if the Board thought it would
30 be worthwhile to do a site visit to see what actually is there now. Mr. Canada said he would
31 prefer to wrap this up tonight plus the inventory there now is probably lower based on the time
32 of year. Mr. Keane asked what the purpose of building the wall and putting in the trees and the
33 screening in that area was if it wasn't understood that there would be inventory behind it because
34 if there wasn't inventory behind it, there would be no need to screen it. Mr. Canada said that
35 right now they are discussing the height of the inventory. His personal preference is to have
36 grass, but it would seem that people are generally OK with inventory, so now it's a question of
37 height. Mr. Keane responded that if the applicant goes with Mr. Scamman's suggestion of
38 building a wall to help screen inventory to a certain height and that height according to the
39 presentation goes back to the setback of 10', and go back to where Mr. Scamman proposed to
40 20', an additional 10' of inventory piled no higher than the wall, then the wall would actually
41 serve a purpose and the inventory would be screened and set back from the road by some
42 considerable way. Mr. Keane said the owner of the business would need to be asked if he could
43 live with that.

44 Mr. Paine asked if Mr. Keane meant to push the material back to the 10' setback. Mr. Scamman
45 said no, that there would be a height restriction; the screening in the front going back 20' and the
46 height restriction would be for the side screening of 6'. That whole side would be screened to
47 6'. Mr. Scamman indicated on the plan what he meant. He added that they are proposing the
48 stone wall be built to buffer and screen the materials in the first 20' of the property. Mr. Paine
49 said so right now the whole area of inventory from the existing warehouse to the street is more
50 or less one level of pallets. Mr. Paine asked if they allow for one pallet of height, 30", however

1 many feet back, after that will there be a wall of materials? Mr. Scamman replied that as they
2 have said from the beginning, the materials change every day. Mr. Paine said in principle, a
3 loaded truck could come in; would the applicant want to use about 3000 S.F. of inventory storage
4 area on the lot and you have it about 6' high and they bring in the inventory, this would allow
5 them to build a solid structure of 3,000 S.F. apart from the setback. Mr. Scamman said in
6 principle, yes, but as of today it is not a solid packed wall of stone; it is just an inventory area.
7 Mr. Paine said but it does give them an allowance. Mr. Scamman agreed and added this whole
8 process was to put parameters on the site so the Town felt comfortable that those parameters are
9 here moving forward. Mr. Paine said if the other garden center in Town was allowed to have
10 materials, can they go into the setbacks with their materials? Mr. Paine said he is trying to get
11 clarification. Mr. Austin said yes to the extent permitted under the Site Plan review. One of
12 those elements being 5.2.F. screening of unsightly features to which this has a waiver. Mr. Paine
13 continued that with or without a waiver for screening would they be able to put materials in the
14 setback. Mr. Austin said they could be allowed to put materials in the setback unless it was a
15 structure where a variance would be required and it would be up to the Planning Board to
16 determine how and to what extent the materials would be placed in those areas.

17 Mr. Canada made a motion to restrict inventory storage to the south west corner of the property
18 to the height of the wall from the front building line forward. Mr. Houghton asked if he meant
19 from the front building line to the front property line. Mr. Canada said if you draw a line across
20 the front of the building all the way over to the property line, forward of that would be restricted
21 to an inventory height no greater than the buffered wall. Mr. Paine added; which they have
22 identified as the existing building office warehouse. Mr. Canada wished to add that until 2 years
23 ago that was a wooded and grassed area. Mr. Keane said that is simply not an accurate fact. Mr.
24 Houghton observed that this was the motion on the table. Mr. Birse tried to say something, but
25 Mr. Deschaine pointed out you can't have discussion with the motion having been made. Mr.
26 Houghton stressed to Mr. Birse there was a motion that had been made which the Board needed
27 to act upon. Mr. Paine requested a motion for clarification of the motion and checked that the
28 existing orange area on the plan would still remain; the applicant's inventory can still be to the
29 area that the applicant has proposed and it would just be to the height of the wall. Mr. Canada
30 confirmed Mr. Paine's understanding. Motion seconded by Mr. Paine. Motion carried
31 unanimously.

32 Mr. Austin said this motion should be included as a condition of the overall approval. He said it
33 might also be appropriate to close the public hearing. Mr. Keane said for clarification the motion
34 that was made and passed, limits inventory no higher than the wall. Mr. Austin said to the height
35 of the wall from the property line to the depth on the property equal to the front plane of the office
36 warehouse building; the southern, purple horizontal line on the plan. Mr. Keane referred to the
37 plan and indicated where he understood that to be and asked if it would be limited to 3'. Mr.
38 Austin said "the height of the wall". Mr. Canada said the height of the wall was what his motion
39 was. Mr. Keane said he understands that, but he asked what the height of the wall would be. Mr.
40 Houghton said the wall that was approved was 36", Mr. Austin said the proposed wall is 30".
41 Mr. Keane said if that is not acceptable to the applicant, he would ask they come back to amend
42 the plan so the wall was increased to 5' and asked if the Board would consider that. Mr. Austin
43 said hypothetically there is a point when the height of wall triggers the building permit which
44 then triggers a variance for its location. He is not suggesting that the applicant is now considering
45 an 8' wall, but once 6' is crossed (Mr. Austin looked to Mr. Morong for advice). Mr. Morong
46 said 30" for a landscaping wall is acceptable, once you get between that and 6' a building permit
47 is required as long as it's a foot off the property line. Over 6' requires a variance. Mr. Austin
48 said currently the wall is represented as being 2' to 3' off the line so the applicant could go to 6'.
49 He doesn't know if the applicant would want to continue the stone wall 6' in height to mimic the
50 other driveway.

1 Mr. Austin asked the board if they felt a site plan amendment would be required if the applicant
2 when preparing to install the wall, decided to increase the height of the wall. Mr. Baskerville
3 asked if an amendment meant the applicant would have to come back and start from scratch. Mr.
4 Austin said an amendment to any element of the plan. Mr. Keane said they are here in the spirit
5 of compromise and the spirit of compromise was they would come up with a plan acceptable to
6 the Board and applicant. To pass an amendment to the plan may not be acceptable to the
7 applicant. They will have to talk to the operator of the property to see if that is acceptable and to
8 determine whether or not that is how they resolve the case. He doesn't want to go back and start
9 again as it wouldn't be in anyone's interest. Mr. Houghton asked if Mr. Keane was asking for a
10 continuance. Mr. Keane said as he understands it the Board has passed a plan with a condition.
11 Mr. Houghton said they haven't passed anything; the public hearing is still open. Mr. Austin said
12 a motion has been passed to restrict the height of storage within the first 40' on the south west
13 corner if the front plane of the building is at 40'. Mr. Houghton said they are either going to
14 continue this or close the public hearing; he said he is going to give Mr. Keane the opportunity
15 to decide which way he would like to go. Mr. Keane asked to speak to the applicant.

16 The operator of the business, Mr. Gordon said he is asking for a compromise at 20' because when
17 an additional 20' is taken away at 2 pallets high, you reduce a significant amount of area to store
18 materials as it's a small site. He is willing to build an expensive stone wall at all corners of the
19 property and to put in shrubs, bushes and plants to screen that inventory back 20' at no more than
20 1 pallet high. At 20', he would need to go 2 pallets high. He rarely stacks pallets more than 2
21 high because it's not safe, but he does really need the 20'. He feels 40' is a hardship. Mr.
22 Baskerville asked what an acceptable height for the wall would be. The operator said for every
23 foot of wall, becomes a foot wider so if they go 2.5' tall, the wall will be close to 3' wide. Mr.
24 Austin asked what the height of 2 pallets was. Mr. Gordon said approximately 6' and pointed
25 out that the pallets will be full of stone with chicken wire around it. It is not unsightly and a
26 pallet of stone represents what a wall looks like.

27 Mr. Keane asked if the Board could reconsider the motion made earlier to state 40' instead of
28 20'.

29 Mr. Baskerville said he liked the idea of a stone wall, but asked if it would be possible to put a
30 row of arborvitae or something similar about 6' tall behind it fairly narrow in depth. Mr. Gordon
31 said in theory it sounds good, but in reality he thinks the probability of anything surviving is
32 tough. Things aren't typically designed to live next to a wall. Ms. Ober said why not just put in
33 the arbor vitae instead of a wall. Mr. Austin said one of the things that came up with vegetation
34 only is that the plants will get beat on and there could be creep between plantings. A wall will
35 prevent storage creep happening. Mr. Scamman said part of the reason he came up with the
36 stone wall is that it is a physical barrier. With trees you can put things underneath them and his
37 guess is that pallets were put under trees when trees were there. He hasn't seen the pictures, but
38 the purpose of the wall is to provide a solid barrier.

39 Mr. Houghton said the options open to the Board are to make another motion to revert the motion
40 made, to continue the hearing or close the hearing. Mr. Keane said they are willing to
41 compromise at this point with the Board, but 40' is too onerous. Mr. Canada said he votes to
42 close the public hearing. Mr. Paine said the reason for this visit is to formalize what is on site
43 based on previous discussions and meetings, it's not to rehash the whole thing. The photos Mr.
44 Paine has seen have shown this area wasn't used to a certain degree; the Board has allowed the
45 applicant to use that with at least one layer which hasn't necessarily been used over time and
46 gives the applicant full access to that plus full access to here; the Board didn't do anything about
47 off setting any kind of setbacks on the other sides. He agrees they go ahead and close the hearing.

1 Mr. Canada made a motion to close the public hearing. Motion seconded by Mr. Paine. Motion
2 carried unanimously.

3 Mr. Baskerville made a motion to approve the site plan for Stratham Hill Stone as discussed
4 tonight with all of the conditions agreed to by the Board that have been discussed as part of the
5 discussion tonight. Mr. Baskerville added that this motion includes all of the conditions stated
6 during the waivers, the motion by Mr. Canada regarding the 40' for the building front setback
7 wall and everything agreed to by the applicant tonight. Motion seconded by Mr. Paine. Motion
8 carried unanimously.

9

10 **c. Group 1 Realty, Inc, 800 Gessner Road, Suite 500, Houston TX 77024** Site Plan Review and
11 Conditional Use Permit applications for the redesign and updating of site details for the BMW
12 Dealership located at 71 Portsmouth Avenue, Stratham, Tax Map 13 Lot 1, in the Outer Zone of
13 the Gateway Commercial Business District.

14 Mr. Mike Donahue, attorney and representative for the applicant introduced himself.

15 Mr. Donahue said this application will bring significant improvements to the site which have
16 already been well received by abutters and members of the public at previous hearings. He said
17 there are 3 minor waivers associated with this application.

18 Mr. Baskerville made a motion to accept the application as complete. Motion seconded by Mr.
19 House. Motion carried unanimously.

20 Mr. Donahue started by discussing the requested waivers starting with Section 4.3.1 existing
21 features – they haven't gone across Raeder Drive or Portsmouth Avenue to identify some features
22 such as the dentist's office or Police Department.

23 The second waiver request is from Section 5.7 Site Plan Review regulations identifying the
24 location of site improvements and keeping them within 50' of Portsmouth Avenue. However in
25 the Gateway regulations, site improvements are allowed within 20' and even less. These site
26 improvements are under 50' but no less than 20'.

27 The final waiver request is from Checklist Item F. The applicant has submitted plans in 24" x
28 36" format.

29 Mr. Michael Keene, resident Doe Run Lane said the applicant might want to check with the
30 Registry of Deeds as to what size they accept for recordation.

31 Mr. Donahue said he'd like to amend the final waiver to include that the applicant will meet any
32 and any/all requirements of the Rockingham County Registry of Deeds.

33 Mr. Canada referred to sidewalks and wondered if they waived Section 5.7. if that would mean
34 waiving the right to reserve some space on the site for a future sidewalk. Mr. Austin said this
35 applies more to onsite paving and onsite walks as opposed to public sidewalks. Mr. Donahue
36 said they will be discussing the sidewalk issue as part of the conditional use permit application
37 (CUP).

38 Mr. Baskerville made a motion to grant the waiver to Section 4.3.1. Existing features on the sites
39 that are across rights of way from the site as it meets the spirit and intent of the regulations.
40 Motion seconded by Mr. Paine. Motion carried unanimously.

41 Mr. Baskerville made a motion to grant the waiver to Section 5.7 pavement along Portsmouth
42 Avenue as there appears to be a conflict between the Site Plan and Gateway regulations leaving
43 open that the Board will be discussing sidewalks which falls outside of this waiver and that it
44 meets the spirit and intent of the regulations. Mr. House said he would like to include the

1 modifications to the existing pavement is not going to move any closer to Portsmouth Avenue as
2 exists. Motion seconded by Mr. Paine. Mr. Baskerville observed that the current pavement isn't
3 any closer at its narrowest point, but in some points it is based on what is on the plan. Mr.
4 Baskerville accepted the amendment from Mr. House to his motion. Mr. Paine seconded the
5 amended motion. Motion carried unanimously.

6 Mr. Baskerville made a motion that the waiver be granted to Checklist Item F 24" x 36" plans,
7 those are OK as plans and will not be recorded at the Registry and the applicant understands that
8 the plan for the Registry will be a 22" x 34" size. Motion seconded by Mr. House. Motion
9 carried unanimously.

10 Ms. Charity Chatfield, abutter for the 96 Stratham Heights Road application raised a concern that
11 due to the time she was worried that the 96 Stratham Heights Road application wouldn't get the
12 due diligence it deserved.

13 Mr. Donahue started with the CUP application. He referred to Mr. Austin's staff memo which
14 discussed connection to adjacent properties on Raeder Drive. The applicant has addressed that
15 under Section 3.8.3. There is no benefit either to the applicant or the neighborhood to add a
16 driveway to Raeder Drive which was discussed at the time of the original approval for this
17 dealership. There is no activity on this site that warrant such a connection and it would be
18 threatening to the neighborhood to have it as it increase the risk of people going for test drives
19 down such a connection. There is however a 30' area to allow for a future cross easement with
20 the Scamman property in the event that the Scamman property were to be developed.

21 Mr. Austin said the applicant did add a pedestrian connection to Portsmouth Avenue from the
22 front of the building, a picnic table, some bike racks and relocated the shed which a neighbor had
23 concerns about storing tires adjacent along the property line. There was discussion at a previous
24 meeting about a fence along the rear of the property and he wondered if that issue had gone away.

25 Mr. Houghton asked if there were any abutter comments about this proposed plan. Mr. Bruce
26 Scamman said his family own the property to the south and they are generally in favor of this
27 development, but have one concern about this portion of the CUP. The Zoning Ordinance for
28 the Gateway Outer Zone clearly states you need to provide connection roads between all outer
29 zone lots and that between 51' and 55' right of way is required. The 30' shown only goes to the
30 parking lot. They looked at the Master Plan for Stratham and under that it clearly states that there
31 is going to be a connector road between Raeder Drive connecting to River Road. Mr. Scamman
32 said this plan does not show connector roads on this lot or on the existing parts of the farm which
33 the Town went forward and kept right of ways across the farm to connect all the way down there.
34 The Master Plan also talks about trying to connect Butterfield Lane to Raeder Drive so a 30' right
35 of way to the end of the parking lot doesn't meet the Master Plan and the zoning and he doesn't
36 see how they would fit a physical road through there at this point.

37 Mr. Mike Keane, 3 Doe Run Lane specific to Bruce Scamman's comments said that the
38 regulating plan for the Gateway does not show any connecting roads in the Gateway District on
39 this site at this end of the Gateway District; everything stops at about the Nissan Dealership. In
40 terms of the Master Plan, compliance for connecting roads from Butterfield to River Road, he
41 believes that there are paper roads that connect to the Scamman property further back at least
42 from the Raeder side over to the Butterfield properties, it is just deeper into the development.
43 Mr. Keane said with relation to the driveway onto Raeder Drive, the State did not permit a curb
44 cut where the drive was proposed. Through discussions with the Scammans he believed they
45 managed to procure one of the Scamman driveway permits and relocate it so all of the access to
46 this site now has access onto Portsmouth Avenue. Mr. Keane believes the original site plan
47 approval reserved a right to driveway access where the cistern is and it was reserved in the event
48 that Portsmouth Avenue should ever become a divided highway so that site would have access

1 to a right and left turn coming out of Raeder Drive. There has been a lot of work between the
2 neighborhood and BMW and the neighborhood thinks this is a much better plan than the original
3 one as it is more sustainable and stops the sprawl into the neighborhood. Mr. Keane continued
4 that BMW has been very accommodating at reaching the neighborhood's goals. He does ask the
5 Planning Board to make sure the technical details are correct and suggested they get a turning
6 template plan to be part of the plan set to make sure the trailers can get around the site as shown
7 and document whatever conditions of approval are considered important just in case a future
8 management team isn't as cooperative.

9 Mr. Jeremy Riecks, Doe Run Lane said he seconded what Mr. Keane said. He added that there
10 is a paper street further down Raeder Drive from Meadowbrook that shoots across to Butterfield
11 Lane, but a previous Planning Board allowed some condominiums to be put in there which made
12 it non-usable. There is also a paper street further down Butterfield that abuts his property at 18
13 Doe Run Lane. He did add that if they did try to force a street there, it would probably cause
14 more havoc than it is worth.

15 Mr. Barry Osborne, 7 Raeder Drive said he thinks this is a fantastic plan.

16 Mr. Bruce Scamman said they are not necessarily looking at the road to be put in, but an easement
17 or some sort of plan should be put in place that can be there. The rear one would connect Raeder
18 Drive to River Road which would go right through the conservation easement which the Town
19 would then have to pull back the conservation easement in order to put the road in. Mr. Canada
20 said he doesn't think the Town can violate that because the Federal Government is involved.

21 Mr. Baskerville asked if a new D.O.T. driveway permit would be required for this plan. Mr.
22 Austin said the size of the driveway is increasing so it will need an amendment to the existing
23 permit. Mr. Paine said with regards to the easement does the Town have a standard it
24 recommends. Mr. Austin said the regulations state for a right of way 51' minimum, 55'
25 maximum, and a 2-way traffic flow is required. It is the same for local streets apart from that
26 sidewalks are required one side of the street. Mr. Paine asked Mr. Donahue if the applicant would
27 consider matching the Town's right of way width for an easement. Mr. Donahue said it might
28 be possible to put on a plan, but if it was ever constructed it would wipe out the entire screening
29 that has been rezoned residential. Mr. Paine asked if it could be shifted. Mr. Donahue said they
30 would have to talk to the owner, but he doesn't think a 51' width right of way would ever be
31 required in that area.

32 Mr. Austin said the reason he didn't touch on this connecting road issue was largely because of
33 the rezoning adjacent that happened and the discussion that occurred in the preliminary hearing
34 meeting. He also believes placing even a 51' right of way across any horizontal band to the rear
35 of the building is going to negate more stalls than are proposed to be increased with this current
36 proposal. The Ordinance does call for it though. Mr. Canada said it looks like they would only
37 lose 3 parking spots. He added they would lose some green area, but they could discuss that at
38 the time. Mr. Canada was in favor of it being added. Mr. Donahue argued it makes no sense
39 since the properties at the back were rezoned to residential/agricultural. Mr. Canada said the
40 Town is reserving it for a future Planning Board; it may not happen for 50 years.

41 Mr. Neil Sander, engineer for this project asked if the Board would be expecting them to remove
42 all proposed features from that easement as they have a large retention basin and an existing
43 cistern which would fall within that 50'. Mr. Austin said he sees no reason why they would have
44 to be removed until such time a road was installed.

45 Mr. Keane said from an urban planning perspective, it doesn't make any sense to have a parallel
46 road off of Portsmouth Avenue 200' behind Portsmouth Avenue. The road is only going to come
47 when the Scamman property is redeveloped. At that point of time the rezoning of the properties

1 across the street can be looked at again. He feels the access should be further down Raeder Drive.
2 He asked what would trigger the construction once the easement is put in and can the Scammans
3 suddenly decide to develop their piece of property and force BMW to lose half of their site?

4 Mr. Bruce Scamman referred to the Master Plan under Chapter 3, Policy 3 and Recommendation
5 2 which says connecting Raeder Drive and River Road. The problem he sees with that, is it
6 connects between 2 residential houses.

7 Mr. Austin referred back to the waiver request via the CUP for the road scape standards in Table
8 5 and read through the qualifying requirements for the waiver.

9 Mr. Keane argued that there is no requirement in the Master Plan that shows a connecting back
10 road in this section of the Town.

11 Mr. Paine said his intention was just to increase the existing easement shown on the plan to 51'.
12 Mr. Donahue said they are prepared to go to the owner and recommend that.

13 The next topic discussed was sidewalks as addressed under Section 3.8.3.c.vii of the Gateway
14 regulations. Mr. Donahue said the improvements to the site don't in any way prevent the
15 construction of a sidewalk in the Portsmouth Avenue right of way which is where it has been
16 constructed in other areas of the Gateway zone. Realistically it won't happen until there is
17 activity on the Scamman property which implicates a need for it. This application acknowledges
18 that a future sidewalk is something the Board can look towards. Once it is needed it can be built.
19 Mr. Austin added that the TRC originally commented on the lack of sidewalk, trees and lights.
20 During the last few TRC meetings, the TRC believes that the Town should get the sidewalks
21 when the development is occurring. The concern is that tax payers may end up being
22 accountable for filling in the gaps or paying for pieces of sidewalks that a developer wasn't held
23 accountable for when development occurred. The way the statutes are written, if the Planning
24 Board was to ask for a deposit of money to install sidewalks at a future date, it would have to be
25 expended within 6 years. Mr. Austin doesn't know if it's appropriate to put a condition on a
26 project that when the Scamman property develops. He'd hate to see it a forgotten condition 20
27 years from now.

28 Mr. Canada addressed Mr. Deschaine and asked if there is room and would D.O.T. allow a
29 sidewalk within their right of way. Mr. Deschaine said they will always put in a sidewalk, but it
30 will be conditioned on the Town accepting maintenance responsibilities. He doesn't know what
31 utilities are in that area and if that would affect the sidewalk. Mr. Austin said another concern
32 he has is if the Board waives the sidewalk it might cause other developments to argue that if it is
33 waived for BMW why it can't be waived for them. Mr. Paine said he felt that they owed it to the
34 long term planning of Stratham. They are looking all the way down Portsmouth Avenue. Mr.
35 House referred to the water and sewer and how it could impact sidewalk being dug up and laid
36 back down again. He said they don't have a timeline yet for that so he wondered if they could
37 have a condition that states that within 6 years they have to install sidewalk. Mr. Donahue said
38 they could present to the owner that although they wouldn't have to construct a sidewalk right
39 now, it would be expected at such time should development occur to dedicate up to 20', or
40 number to be determined by the Board, of frontage. Mr. Houghton said it is all about providing
41 the future ability to have a sidewalk. Mr. Donahue said the other aspect is the street trees and
42 lights; they can include that in the commitment about the sidewalk.

43 Mr. Donahue said much of the architectural regulations of the Gateway don't apply to this
44 application. They are adding a shed and a gazebo, but that is it. Mr. Houghton said overall he
45 thinks this application is a step in the right direction.

1 Mr. Austin asked the Board if they felt any part of the plan should be sent out for third party
2 review. Mr. Baskerville said as there was a complete drainage redesign, perhaps they should do
3 drainage only.

4 The applicant decided to continue the application.

5 Mr. Baskerville made a motion to continue the application until October 19, 2016. Motion
6 seconded by Mr. Paine. Motion carried unanimously.

7

8 **4. Public Meeting**

9 **a. Cabernet Builders, P.O. Box 291, Stratham, NH 03885** Preliminary Consultation application
10 for a 22-Lot Cluster Subdivision for the location at 96 Stratham Heights Road, Stratham NH Tax
11 Map 5 Lot 120

12 Ms. Paladino, alternate, recused herself from this application.

13 Mr. Tim Mason, applicant, said this is a new application and has nothing to do with an earlier
14 application for a 17 lots subdivision submitted at the beginning of this year.

15 Mr. Mason said there have been 27 test pits done and witnessed by Michael Cuomo, RCCD. All
16 test pits passed and documentation for that is in the Town office. They are proposing a 16-lot
17 yield plan cluster subdivision. They met with both the past and present Fire Chiefs, and the Road
18 Agent. They have about 1500' to the loop road. The Road Agent said he preferred a paved road
19 with landscaping in the middle. The Fire Chiefs talked about the cistern being located in the
20 middle so no distance problems.

21 Mr. Mason acknowledged the late hour and said that he did hold an informal informational
22 session in another meeting room with the abutters. They shared the plan with them and they do
23 have questions and concerns.

24 Mr. Houghton asked if any roads were cut yet so the Board can do a site walk. Mr. Mason said
25 a site walk could be done. Mr. House said this plan looks similar to the one submitted earlier in
26 the year. Scott Cole, Beals Associates said they have made some slight revisions since then.

27 Mr. Mason said they were hoping to get some guidance on getting a waiver for the road length.
28 They've proposed about 21.75 acres of open space from a 40 acre parcel. Mr. House asked if it
29 was still going to be a 20 lot parcel and observed it looked reconfigured down in the south eastern
30 end. Mr. Cole said they had more updated data from the surveyor which shows the wetlands
31 more accurately. Mr. Paine asked if the reason for jumping from 16 lots to 20 lots was allowing
32 for bonuses. Mr. Mason confirmed that was the reason and said that Gove Environmental have
33 been out to the site and did a vernal pools study in spring. There were a couple of vernal pools
34 which are shown on the plan.

35 Mr. Deschaine said he wasn't sure that the public were aware of what a yield plan or a cluster
36 development means. Mr. Mason said he did explain it to all the abutters in the informational
37 meeting he held.

38 Ms. Chatfield, abutter, said they gave feedback already to Mr. Mason that they are disappointed
39 to see lots abutting Orange Circle farm. Mr. Mason said the reason for this is the location of the
40 vernal pools; they want to stay away as far as possible from them. Ms. Chatfield said there are
41 "right to farm" laws and suggested something be put in the deeds to reflect that they will be living
42 next door to a farm. Ms. Chatfield said there had been much discussion about water run off as
43 this development will be set higher up than the farm and this needs to be a significant
44 consideration.

1 Ms. Jean Pauly, abutter, 94 Stratham Heights Road read in the Zoning Ordinance about cluster
2 subdivisions and one of the objectives whenever possible is to connect open space to already
3 existing open space on other abutting properties. She would like that farm area not to have any
4 house lots.

5 Ms. Chatfield said they had concerns about the water supply with this development, not knowing
6 the impact of the Rollins Hill Development and the current significant drought. They don't see
7 any of the wetlands experienced by various abutters and neighbors on the ground on the plan;
8 that may be because of the drought. They don't see septic for each lot on the plan either. The
9 next concern is traffic and sight visibility. There is a house across the street so there needs to be
10 consideration for the people living there. They would like a traffic study if possible. They
11 wondered if there should be street lights in the neighborhood; it doesn't look like any are planned.
12 Conservation land is being lost and with that the wild life. The abutters talked about how services
13 would be affected by the new development, taxes and the school system.

14 Ms. Jan Teed, abutter Country Farm Road said if the road goes where it is shown on the plan, she
15 will have headlight glare right into her house.

16 Ms. Chatfield said the abutters always thought the land would be put into conservation and she
17 asked if that could still be a possibility and if so, how they can go about it. Mr. Canada said they
18 have no authority. Mr. Austin said other than buying the land there is no way to force someone
19 to put their land into conservation.

20 Mr. Baskerville said to the applicant that he is showing an existing farmhouse on Lot 1, but then
21 there is a Lot 1 next to it. Mr. Mason said the current owner's intention is to fix up the farmhouse
22 and restore the property. Mr. Austin spoke about density and said if you take the 40 acres and
23 divide it by 2 acres that will be 20 lots. With that existing lot it will be 21 lots.

24 Mr. Mason talked about the road again and wondered if the Board could see any issues granting
25 the waiver as 1500' length. Mr. Houghton said it wouldn't be a show stopper, but there is still
26 some way to go.

27 A member in the audience asked for an explanation of how the process for this application would
28 go. Mr. Austin explained how the process worked.

29 **5. Miscellaneous**

30 There were no miscellaneous items to report.

31 **6. Adjournment.**

32 Mr. Paine made a motion to adjourn at 11:34 pm. Motion seconded by Mr. House. Motion carried
33 unanimously.