



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, August 04, 2022 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Steve Gerrato, John McDevitt, Dave Moore, Richard Winsor (Selectmen's Rep), Frank Catapano (Alternate)

Members Absent: Stu Gerome, Catie Medeiros

Staff: Mark Fougere – Consultant

D. Moore opened the Planning Board work session at 6:30 p.m. A roll call was taken and it was announced a quorum was present and the meeting was being recorded.

1. Subdivision and Site Plan Review Regulations Update

Subdivision Regulations: The Board reviewed the update to **Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.4.7 – Performance and Maintenance Security** (copy on file). There were a number of suggested revisions to the security requirement associated with bonding of new roads. The changes were due to the new development on Winnicut Road: the way the current article is written, there is no bonding required if there is no building permit. M. Fougere explained if a developer were to fold halfway through the project, there is no security to secure the site. The Town would not finish the road but would want to stabilize the property. The language was amended to give the developer the option to put up a limited bond for erosion control and site stabilization. Work could be started on the road; building permits would not be issued. Putting up a full bond would allow work to start and permits to be issued.

D. Moore questioned if 10% of the project would be enough; M. Fougere stated it would be. F. Catapano noted that the 10% was not included in the section referring to the site stabilization bond; there was a 10% contingency for cost escalation. F. Catapano stated the site stabilization is determined separately. R. Winsor understood that the engineer would determine the cost plus 10%.

MOTION: R. Winsor moved to approve the amendments to Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.4.7 – Performance and Maintenance Security and forward to public hearing on Thursday, September 15, 2022. Second – F. Catapano; all in favor.
MOTION CARRIED

Site Plan Review Regulations: M. Fougere also included revisions to **Section V – Site Design and Construction Requirements, Subsection 5.3 – Landscaping and Screening, Item D – Vegetation** (copy on file). The requirement for plants and shrubs along the building and street frontages was increased; it will not be mandatory but a consideration by the Board on a case-by-case basis. There were no specifics for quantity or location.

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Subsection 5.3, Item E – Trees: Rather than one tree for every 500 square feet of disturbance, it has been changed to one tree for every 3,000 square feet of disturbance. Currently, the regulation requires 87 trees on one acre of disturbance. The revision requires 15 trees for one acre of disturbance.

Subdivision Regulations: Revisions were made to **Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.4 – Design Standards, Subsection 4.4.1 – Lot Configuration, Item A – Lot Arrangement** (copy on file). There was a discussion about following the contour of the lot as a guide. F. Catapano suggested ‘take into consideration the contours of the lot’; following the contours is difficult. R. Winsor suggested ‘to the extent practical, all lots shall be configured...’. The first paragraph will be removed and replaced with the proposed revision.

Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.4 – Design Standards, Subsection 4.4.1.1 – Conditional Use Permit for the creation of a backlot subdivision of an existing lot of record as of March 13, 2007 (copy on file). Item B: M. Fougere recommended increasing the number of backlots from one to two. Item C: revised to include ‘a maximum width of **not less than 20 feet...**’; it cannot be less than 20 feet of frontage but can be more.

F. Catapano questioned the change from one backlot to two. M. Fougere did not have a problem with backlots and thought it was a good use of property. F. Catapano stated two backlots worked better than one.

R. Winsor, referring to Item C, questioned if two backlots would be accessed by one. M. Fougere explained that each lot would have to have frontage of 20 feet. He further explained that in order to have a backlot, there needed to be five acres and a minimum of 220 feet of frontage. Two backlots would require 240 feet of frontage. F. Catapano suggested including: one lot requires 200 feet of frontage in order to have a backlot. Research will be done regarding the creation of Subsection 4.4.1.1 and the lot of record date (March 13, 2007). M. Fougere will rewrite Item C for clarification.

Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.4 – Design Standards, Subsection 4.4.2 - Streets, Item A-2 – Maximum Length was discussed (copy on file). M. Fougere explained the way the item is worded, every 1,000 feet could go a mile into a site and a cul-de-sac could be done and keep going. R. Winsor recommended it be amended to one continuous route without sub-roads. M. Fougere will rewrite Item A-2.

Zoning Ordinance: **Article XIX – Age Restricted (Senior) Housing Ordinance:** The Board has been discussing density, comparing different neighborhoods, distance between dwelling units, the number of units, etc. F. Catapano questioned suspending the Ordinance. M. Fougere stated that posting something freezes it; posting cannot be done until late November. J. McDevitt noted there is a lot of work that needs to be done on the Ordinance. R. Winsor stated it was the Board’s duty to do the best they could to allow the Town to grow; age restricted housing is needed but not sure what was the appropriate number. D. Moore stated the Board needed to look at the sections in the Ordinance that had density bonuses attached. R. Winsor felt the Board was doing okay. F. Catapano suggested that the Residential Open Space-Conservation Subdivision and Age Restricted Housing Ordinances could be combined. There would not be as many houses but more open space.

Responding to a question from J. McDevitt, M. Fougere stated that there is no requirement that towns must have an age restricted housing Ordinance. The Board decided to add an age restricted housing Ordinance and it is hugely tax positive. F. Catapano stated younger people are needed in Town. B. Dion commented an incentive is needed to add housing for younger people. The Board discussed various options for limiting the number of age restricted developments including limiting the location and

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number allowed. J. McDevitt's concern was how the Board would state 'that's enough, we're done with age-restricted housing'. The Board had nothing to back that up; suitability and harmonizing with the neighborhood could be used. There would need to be a plan with realistic guidelines and restrictions on the development. R. Winsor stated that if the general consensus was that there was enough stock, just remove it. A conservation subdivision would yield enough density.

J. McDevitt noted there will be a new State law that Planning Boards would have to deal with. S. Gerrato noted the State of New Hampshire was short 20,000 housing units. B. Dion recommended that the Board identify the issues with the Age Restricted Housing Development Ordinance. The Board could make sure that what they proposed covered solutions of all the issues. M. Fougere noted that if the Board did not want to keep the Ordinance, it should be on the March ballot. D. Moore suggested options be submitted by the developer. Suitability was important to J. McDevitt; location was important to F. Catapano; D. Moore was concerned about septic if age restricted units became non-age restricted units. It was noted by Board members that septic would have to be reviewed by the State. B. Dion noted that the most restrictive Ordinance would be used if the local and State Ordinances were similar. S. Gerrato was concerned with the community septic system.

J. McDevitt stated that there were many problems with the Age-Restricted Housing Development Ordinance and that he would be on-board with removing it; R. Winsor agreed. F. Catapano stated that until the Board knew what they wanted, it made sense to remove it. M. Fougere stated that the ARH Ordinance would be 'paused for a while'.

Group Homes: J. McDevitt noted the discussion concerning group homes in the ZBA minutes and there was no definition. He felt the Board should consider adding a definition. Should they be allowed only in certain sections of Town? R. Winsor stated that if something is not specifically allowed, it is not. If there is not a definition of group home, it is not an allowed use. M. Fougere noted a definition would be needed if it was an allowed use. J. McDevitt noted a few exist in Town now. R. Winsor stated it was a non-conforming use and those are grandfathered. If the Board wanted to expand a non-conforming use and receive relief, they could go through the ZBA and the planning process.

Non-Forming Uses: M. Fougere stated that currently all non-conforming uses require a Variance to expand. In some communities, it would go to the ZBA for a Special Exception, which is a little more flexible. R. Winsor questioned the conditions of a Special Exception for a non-conforming use (see page 89 in the Zoning Ordinance). R. Winsor agreed it could be looked at for a Special Exception as long as the Board had the ability to execute on it. M. Fougere stated the language in Article XVII – Board of Adjustment, could be reviewed as it relates to a Special Exception Subsections 17.1.3.1 and 17.1.3.2; the ZBA has two sections they can consider.

2. Approval of Minutes

Approval of minutes from the Thursday, July 07, 2022, meeting was continued to the next meeting.

MOTION: R. Winsor moved to approve the minutes of Thursday, July 21, 2022, as presented. Second – J. McDevitt; all in favor. MOTION CARRIED

3. Consent Agenda

Invoices

- Town Budget - Donahue, Tucker & Ciandella: **\$943.50** (Tower Place)

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- PB Escrow Account – Truslow Resource Consulting: **\$1,567.20** (Tower Place)
- Town Budget – Fougere Planning and Development: **\$1,643.37**
- PB Escrow Account – Fougere Planning and Development: **\$468** (Tower Place)

MOTION: R. Winsor moved to approve the consent agenda dated Thursday, August 04, 2022, as presented. Second – J. McDevitt; all in favor. MOTION CARRIED

4. Topics for the Public Hearing

Tower Place will be the only item on the agenda for the public hearing on Thursday, August 18th. F. Catapano will not be at that meeting.

5. Other Business

House Bill 1661 was briefly discussed. M. Fougere explained there will need to be findings and facts, especially with a denial. The way the bill is written, findings and facts will be needed for approvals as well. There is also a provision that if elderly housing is allowed, work force has to be allowed for the same density. A webinar is scheduled for Wednesday, August 10th.

Possible topics for the September public hearing include Tower Place, 529 Portsmouth Avenue, and 69 Tide Mill Road.

NHDOT will be at the Board of Selectmen meeting on Monday, August 15th, to discuss the Rt. 33 project that proposes safety improvements in the two miles from the former Tech College in Stratham to the Winnicut Road intersection.

6. Adjournment

MOTION: R. Winsor moved to adjourn at 7:50 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, August 18, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant