



Stratham Planning Board Meeting Minutes
April 19, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. Approval of Minutes

a. April 5, 2023

Mr. Canada noted a correction on Page 7 of the draft April 5, 2023 minutes related to potential water and sewer connections from Exeter for the Stoneybrook Lane project.

Mr. Canada made a motion to approve the April 5, 2023 meeting minutes subject to the correction. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

3. Public Hearing:

- a.** The Planning Board held a public hearing to clarify its decision in the application outlined below previously decided on December 8, 2021. This public hearing is the result of a decision of the Superior Court remanding this case to the Planning Board. This matter was tabled from the February 15, 2023 meeting by the Planning Board and postponed from April 5, 2023 at the request of the applicant:

Aberdeen West Cooperative (Owners) - Request for approval of a Conditional Use Permit to construct a medium-scale, 90 kilowatt ground mounted solar array at the Aberdeen West Cooperative, Lovell Road and Aberdeen Drive (Tax Map 19, Lot 36), Zoned Manufactured Housing/Mobile Home District. Owner/Applicant's representative is Horizons Engineering Inc., 34 School Street, Littleton, NH 03561.

45 Mr. House said that he would recuse himself from this application, as he has done in the past,
46 because he is an abutter. Mr. House stepped down and Vice Chair Mr. Canada took over the
47 chairmanship duties. Mr. Canada asked Mr. Connors to introduce the matter.
48

49 Mr. Zaremba stated that he read the minutes from the previous hearing because he was absent from
50 the February meeting. He added that he participated in the Planning Board discussions when
51 Aberdeen West was in front of the Board before the appeal.
52

53 Mr. Connors said that this matter was last considered by the Planning Board in February. This
54 application is in front of the Planning Board because it was remanded back to the Board by an
55 order of the Superior Court to clarify aspects of its original 2021 decision. Mr. Connors said at the
56 February 15 meeting, the Board voted to amend the 1988 restriction placed on the parcel by the
57 Planning Board to allow the ground-mount solar facility that is the subject of the application. The
58 Board also held deliberations regarding the two Conditional Use Permit criteria the Court
59 remanded back to the Board and determined the application complied with the criteria.
60

61 The Board tabled action on the site plan and conditional use permit motion however, pending the
62 submission of a revised landscape plan by the applicant. The Board requested that the applicant
63 enhance the proposed landscaping to provide additional screening for the abutting property owner.
64 Mr. Connors said that the landscape plan is the final issue outstanding related to this application.
65

66 Mr. Canada asked if the applicant would like to present the landscape plan. Ms. Oliver and David
67 Cressy, a law and master's student, stepped forward to present the Landscape Plan. Ms. Oliver
68 recited a brief history of the application. She said that the landscape plan had been significantly
69 revised since the last meeting. Ms. Oliver noted that Aberdeen West relied on the guidance of
70 David Short of Stratham Nursery, who is very experienced in such matters and who submitted a
71 letter describing how the plan fulfills the Town's requirements and provides a visual buffer from
72 the abutting property. Mr. Cressy noted that the plan includes 51 plantings, largely concentrated
73 along the property line, an increase from 33 in the previous plan. Mr. Cressy said that the revised
74 landscape plan met both the spirit and intent of the statutory requirements and fully responded to
75 the comments of the Planning Board. Ms. Oliver said that there is only one statutory standard and
76 that should be the focus of the Board, not trying to placate different parties. She noted the standard
77 the Planning Board should follow which is: reasonable efforts, as determined by the Site Plan
78 Review authority, shall be made to minimize visual impacts by preserving natural vegetation,
79 screening abutting properties, or other appropriate measures. Ms. Oliver said that full compliance
80 with the Site Plan Review Regulations is not required for a medium scale solar array.
81

82 Mr. Canada announced that Mr. Allison would be a voting member for this application due to the
83 recusal of Mr. House. Mr. Canada asked if the abutting property owner would like to make any
84 comments.
85

86 Eric Maher, an attorney at Donahue, Tucker, & Ciandella, PLLC, and Robert LaPlante, of 58
87 Lovell Road, stepped forward to address the Board. Mr. Maher said that he was representing Mr.
88 LaPlante in this matter. Mr. Maher said that Mr. LaPlante had acquired the services of a certified
89 landscape architect to design what would constitute an adequate visual buffer. Mr. Maher said that
90 is not Mr. LaPlante's responsibility, this is not his project, but he wanted the advice of a certified
91 landscape architect. Mr. Maher said that plan has been provided to the Town and was provided to
92 the applicant well in advance of this meeting. Mr. Maher said that they do not believe the revised
93 plan meets the site plan requirements and will not provide an adequate vegetated buffer from the

94 LaPlante's home, which will have a direct line of sight to the solar panels. Mr. Maher said that
95 they are in receipt of a compromise option, put forward by the Town Planner and described in the
96 staff memo. Mr. Maher said that option would be acceptable to Mr. LaPlante as a compromise
97 measure. Mr. Maher said the only plan in front of the Planning Board for consideration completed
98 by a certified Landscape Architect was the plan submitted by Mr. LaPlante.
99

100 Mr. Canada asked if there were any other public comments. Hearing none, he asked if there were
101 any comments from the Board. Mr. Kunowski said he felt the landscaping proposed by the
102 applicant would provide an adequate vegetated buffer, and probably exceed that, as described in
103 the letter by Mr. Short and that a significant number of additional plantings was added to the plan
104 consistent with the Board's feedback to supplement the visual buffer. Mr. Canada agreed and said
105 that it would comprise a visual buffer to screen the solar panels from the abutting property. Mr.
106 Canada stated that this matter reminds him of another application, in which case an abutter did not
107 want trees [for screening purposes], but instead wanted a forest. He said that the Board needs to
108 determine if reasonable efforts have been made to screen the panels and it is his opinion that the
109 revised plan reflects a reasonable effort. Mr. Houghton said he felt the revised landscape plan is
110 responsive to the comments of the Board in February and meets the Town's requirements for
111 screening.
112

113 **Mr. Canada made a motion to approve the Conditional Use Permit and Site Plan to permit**
114 **the construction of a medium-size 90-kilowatt ground-mounted solar energy system at the**
115 **Aberdeen West Cooperative (Tax Map 19, Lot 36), Zoned Manufactured Housing, consistent**
116 **with the site plan by Horizons Engineering, last revised April 12, 2023, subject to the**
117 **following conditions to be incorporated prior to plan signature or as noted:**
118

119 **1.) The Plan and the Notice of Decision shall be recorded and the recording fees shall be**
120 **borne by the applicant.**
121

122 **2.) Prior to the start of construction, the applicant shall install erosion and sediment control**
123 **measures and stake out the location of the panels. These measures must be inspected and**
124 **approved by the Town Planner.**
125

126 **3.) A note shall be added to the plan specifying that the maximum height of the solar arrays**
127 **shall not exceed eight-feet.**
128

129 **4.) After construction of the solar panels, the applicant shall restore disturbed areas,**
130 **including the temporary access driveway, to its predevelopment condition.**
131

132 **5.) Disturbance to the site shall be minimized to the highest extent practicable and shall be**
133 **limited to areas necessary to install underground utilities, the solar panels, and associated**
134 **improvements.**
135

136 **6.) After construction of the solar panels, the applicant shall restore temporarily disturbed**
137 **areas, including the temporary access driveway, to its predevelopment condition.**
138

139 **7.) Hours of construction activity shall be limited to between 7 am and 6 pm on Monday**
140 **through Friday and between 8 am and 4 pm on Saturday. No construction activity may take**
141 **place on the site on Sundays.**
142

143 **8.) The Planning Board’s amendment of Note 8 on the 1988 site plan shall be memorialized**
144 **in the form of a note on the plan, to be signed and recorded, which shall read: “This site plan**
145 **supersedes the prior site plan recorded as Plan No. 18778 in the Rockingham County**
146 **Registry of Deeds to amend Note 8 to permit the siting of a single 90-kilowatt ground-**
147 **mounted solar energy system and related infrastructure as depicted hereon. This site plan is**
148 **not otherwise intended to change or abrogate any of the conditions of the existing plan No.**
149 **18788. Note 8 of Plan No. 18778 shall remain binding on this parcel with the exception of the**
150 **improvements approved by the Planning Board and depicted on this plan.”**
151

152 **9.) All improvements, including proposed landscaping shall be installed subject to the**
153 **approved plan. The Town shall hold a security in the amount of the cost to install the**
154 **landscaping. No more than 90 percent of the total security amount shall be released to the**
155 **owners after installation of the landscaping. The remaining security shall be released to the**
156 **owner one year after the date of installation of the landscaping.**
157

158 **10.) Prior to the start of construction, the owner shall sign a legal agreement drafted by the**
159 **Town guaranteeing the removal of the solar facilities and the return of the area to its**
160 **predevelopment condition within 120 days of the abandonment of the solar facilities.**
161

162 **Mr. Houghton seconded the motion. All voted in favor and the motion was approved.**
163

164 **4. Public Meeting:**

- 165
166 **a. Piatti Revocable Trust (Owner) - Route 33 Heritage District application to construct a residential**
167 **addition at 180 Portsmouth Avenue (Tax Map 17, Lot 81).**
168

169 Mr. House assumed the Chairmanship and asked Mr. Connors to introduce the application. Mr.
170 Connors explained that this is a Route 33 Heritage District application for a residential addition.
171 This is not the type of project that the Planning Board would typically review but is doing so in
172 this case because the property is located in the Heritage District and the addition will be very
173 visible from the right-of-way, he said. This is a relatively small addition to the existing structure
174 along the side of the existing residence and partially in front. Mr. Connors said as part of this
175 application, the applicant is requesting the Board approve a waiver of the front setback requirement
176 to allow the addition to be closer to the front property boundary than the zoning allows. Mr.
177 Connors said the Heritage District zoning allows the Planning Board to waive the setback
178 requirement if the Board finds the waiver will not negatively impact the historic or architectural
179 character of the District.
180

181 Mr. Houghton asked if there is a waiver form associated with this application. Mr. Connors said
182 that there is not, that at this time there is not a waiver form specific to the Heritage District,
183

184 Mr. House noted that he serves on the Route 33 Heritage Committee which provided the feedback
185 to the applicant. Mr. House asked for clarification on the setback distance of the residence. Mr.
186 Piatti noted that he had located the pin from the surveyor and believes that the house is setback
187 approximately 28-feet from the front property boundary. Mr. Connors explained how the Town
188 estimated the distance. He said without a property survey, it was not possible to say the exact
189 distance, but the Board could approve a general waiver of the front setback to allow the addition.
190

191 Mr. Piatti indicated he would like to install an aluminum and glass railing for the porch. Mr. House

192 said that the railing material should be consistent with the other exterior building materials. He
193 said that a glass and aluminum railing was more contemporary and not consistent with the
194 residence.
195

196 **Mr. Canada moved that the Planning Board approve a waiver from the front setback**
197 **requirement, as provided under Section 3.10.6 of the Zoning Ordinance as approval of the**
198 **waiver would not diminish the historic and architectural character of the District. Mr.**
199 **Zaremba seconded the motion. All voted in favor and the motion was approved.**
200

201 **Mr. House moved to approve the Route 33 Heritage District application to permit a**
202 **residential addition at 180 Portsmouth Avenue subject to the following conditions:**
203

204 **1. Prior to the issuance of a building permit, the applicant shall provide the Planning**
205 **Department details for the proposed roof and porch railing materials in an open baluster**
206 **style.**
207

208 **2. The exterior building materials shall be consistent with the application materials provided**
209 **by the applicant. The exterior shall match exterior paint colors on other portions of the**
210 **residence.**
211

212 **Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**
213

214 **5. Public Hearing:** 215

- 216 **a. Lindt & Sprungli (USA), Inc. (Owner) -- Request to review a site plan amendment for a proposed**
217 **3,500 square-foot building addition with loading docks and modifications to a driveway and**
218 **parking area which would include impacts to the non-disturbance wetland buffer area at One Fine**
219 **Chocolate Place (Tax Map 3, Lot 1), Zoned Industrial. Application submitted by The H.L. Turner**
220 **Group, 27 Locke Road, Concord, NH 03301.**
221

222 Mr. House asked Mr. Connors to introduce the application. Mr. Connors said that the preliminary
223 application for this proposal was reviewed at the Board's last meeting. The application tonight is
224 for site plan approval to construct an addition, identified as Building G on the plans, and for a
225 conditional use permit to encroach into the Town's required 50-foot non-disturbance area from the
226 edge of a wetland boundary. A small part of the pavement area associated with this application
227 would encroach into the non-disturbance area. Mr. Connors said that the applicant has prepared a
228 mitigation plan that would restore an existing paved area and convert it into a wildflower area. As
229 a result of the improvements and the mitigation, the amount of impervious surface cover on the
230 site will be slightly less under the post-development conditions. Mr. Connors said the Conservation
231 Commission reviewed the application at their March meeting and unanimously voted not to
232 register any objections to the application. A letter from the Commission Chair is included in your
233 packets.
234

235 Mr. Connors said that there are four waiver requests associated with the application included in
236 your packets. He said the Planning Department is in receipt of a letter and e-mail received from
237 Richard Adie of 18 Kirkwall Drive, which has also been provided in the Board packets.
238

239 Mr. House asked if the application was complete. Mr. Connors said he would recommend the
240 Board find the application to be complete and that it does not pose a regional impact.

241 **Mr. Zaremba made a motion that the Board find the application to be complete with a**
242 **finding that it does not pose a regional impact. Mr. Canada seconded the motion. All voted**
243 **in favor and the motion was approved.**
244

245 Douglas Brodeur, a senior civil engineer with H.L. Turner Group Inc. and Dan Goulet, director of
246 facilities for Lindt & Springli USA stepped forward to present the application. Mr. Brodeur
247 presented the plans to the Board describing that the addition would help allow truck traffic to more
248 efficiently serve the facility. A parking area in the vicinity of the improvements would be removed
249 to provide better access for truck traffic. Mr. Brodeur said that these improvements were originally
250 planned as part of the Project LEGO expansion completed in 2020-2021. Mr. Brodeur said the
251 traffic impacts associated with the expansion were included in the 2020-2021 traffic study. There
252 is no additional traffic projected in excess of that.
253

254 Mr. Brodeur described the interior floorplans. He said that the programming for the interior of the
255 building was reasonably straight-forward. Mr. Brodeur described other elements of the plans
256 including exterior lighting, architectural elevations, and drainage. Mr. Brodeur said that Lindt met
257 with the neighbors in Rollins Hill regarding the plans and to try to address their concerns.
258

259 Mr. Brodeur said the Town Planner is recommending a stockade fence to capture some of the noise
260 so there is less impact to the abutters. However he said after meeting with the neighbors and
261 considering different options, they felt that a ten foot tall sound-proofing fence closer to the
262 building would be more effective at reducing noise impacts. Mr. Brodeur provided plans of the
263 proposed mitigation. Mr. Goulet said that Lindt wants to be good neighbors and has worked and
264 will continue to work with the neighbors to address their concerns.
265

266 Mr. Houghton asked if the trash compactors are loaded from inside the building. Mr. Brodeur
267 responded yes.
268

269 Mr. Brodeur commented that other changes include a new sewer pump station that is necessary for
270 a new small restroom in a building for use by the truck drivers.
271

272 Mr. Brodeur discussed sound mitigation. Lindt proposes to install along the side of the loading
273 dock, a roughly 10 foot high fence with sound proofing material. The material is made to attach
274 the chain link fencing, looks like a black tarp, is weather resistant, and there is a sound absorbing
275 pad inside. The material should absorb sound. Mr. Brodeur believes this proposal will mitigate
276 sound better than a stockade fence because sound does not travel in a straight line. In addition to
277 the sound mitigation, the new loading dock should reduce the internal traffic transferring product
278 between buildings. Lindt is also instituting a program to double stack pallets instead of single
279 stacking them.
280

281 Mr. House asked for confirmation that there will be no new trucks idling all night long. Mr. Goulet
282 responded that the trucks are thermostatically controlled. A small heater turns on when the
283 temperature gets below freezing and when the temperature is above 50 the trailer will be cooled.
284

285 Mr. House asked if that is the case for all of the trucks onsite or just the trucks at the new loading
286 dock. Mr. Goulet responded that they have some trailers that are not transporting temperature
287 sensitive materials or packaging and that any trailers transporting chocolate are thermostatically
288 controlled.
289

290 Mr. House asked what will the new loading dock be use for. Mr. Goulet responded that it will be
291 used for finished product so the trailers will be thermostatically controlled.
292

293 Mr. Houghton asked if the finished product is shipping to customers or transferring to Building D.
294 Mr. Brodeur responded that once the program is implemented, Lindt will ship directly from the
295 new loading dock.
296

297 Mr. House asked if Lindt is adding more trucks to the site. Mr. Goulet responded that the
298 expectation is this new program and loading dock will reduce the number of internal trucks on the
299 site. Mr. Goulet added that over time, there may be an incremental truck increase as additional
300 production lines are added.
301

302 Mr. Zaremba asked how long it takes to fully load one truck. Mr. Goulet responded about 5 and a
303 half hours. Mr. House asked what time of day is that done. Mr. Goulet responded it is a 24 hour
304 operation.
305

306 Mr. Zaremba asked if the trucks are continually temperature controlled even if they are only half
307 full. Mr. Goulet responded yes, they are held at a constant 55 degrees.
308

309 Mr. Canada asked if the refrigeration is fueled by diesel. Mr. Goulet confirmed. Mr. House stated
310 he thought in the past it was said that the trucks can be fueled by electricity. Mr. Goulet responded
311 there are electric units at Building D for standby trailers. The over the road trailers are diesel.
312

313 Mr. Canada stated that the diesel units are 10 to 12 feet tall and the mitigation proposal is for a six
314 foot fence. Mr. Brodeur corrected that they are proposing a 12 foot high fence.
315

316 Mr. House asked where the trench drains near the trash area are routed to. Mr. Brodeur
317 demonstrated on the plans where they ultimately drain to a 30 inch culvert.
318

319 Mr. House asked where the new bathroom will be located. Mr. Brodeur referenced an area of Sheet
320 A1.1 which will be updated to show a small shipping office with a bathroom for drivers and
321 vendors. Mr. House asked where the new sewer pump will be. Mr. Brodeur referenced Sheet C3
322 that shows a sewer service line to a pump station to the force mains. Mr. Brodeur described the
323 details of the sewer pump station depicted on Sheet C6.3.
324

325 Mr. Houghton asked if any new mechanical equipment proposed. There is nothing specific for
326 Building G.
327

328 Mr. House asked for confirmation that the building height of 46 feet is from average grade to the
329 top of the roof. Mr. Brodeur confirmed but that the request is for 46.5 feet. There was discussion
330 on the plans and heights and Mr. House stated he does not think they should build higher than the
331 existing building. Mr. Brodeur agreed that is the intent.
332

333 Mr. Zaremba asked what is the length of the trucks and will they be fully covered by the fencing.
334 The response described the approximate location of the front wheels of the truck and the bumper
335 in relation to the loading dock showing they will be enclosed.
336

337 Mr. House asked if any members of the public would like to speak.
338

339 Paul Piraino of 10 Haywick Drive spoke on behalf of Rick Adie of 16 Kirkwall Drive who could
340 not attend the meeting. Mr. Adie attended the last meeting and has concerns with noise. Mr. Piraino
341 stated the fence will be helpful but they would like representatives of Lindt to come to Kirkwall
342 Drive in the evening to hear the noise level. Mr. Piraino asked for confirmation that the Town
343 received the letter from Mr. Adie dated April 12th. Mr. Connors confirmed receipt of the letter.
344

345 Mr. House clarified that it will be a 12 foot tall fence on a curb that will raise the top of the fence
346 higher. He added that there is only so much noise mitigation that can occur on the outside of a
347 building.
348

349 Mr. Piraino commented that with regards to Building G, the roof is fed by air handling units
350 described as 'dx' which is direct expansion and those have compressors just like a chiller does. He
351 added that can be a generator of noise. He asked if the units will be sound deadened in a cabinet
352 or if it will be water cooled. Mr. Goulet responded that they are not 'dx' units, they will have a
353 cooling coil and a heating coil so all fans be enclosed in a sound deadening enclosure. The chillers
354 are all inside the building. Lindt does not anticipate any noise from the units. The acoustic material
355 proposed is the same used to address noise concerns from an abutter at Haywick Drive and that
356 abutter has stated he is satisfied with the results.
357

358 Mr. House noted that the letter from Mr. Adie mentions an increase in the number of trucks and
359 Lindt has addressed that concern by stating they will be reducing the number of trucks onsite. Mr.
360 Adie's letter also question lighting. Mr. House asks for a presentation on lighting.
361

362 Mr. Goulet went to Mr. Adie's residence last night. Mr. Adie's concerns are with existing buildings
363 and some lighting off Building D which is the warehouse building, Building C and the sugar tower
364 (Building F). Lindt is working with the neighbor to address his lighting concerns. Any lights that
365 will be installed on Building G will have screens or motion detection.
366

367 Mr. Brodeur presented a photometric plan. Within 50 feet of the site area, there is a zero foot candle
368 illumination going towards the abutters. All the lights from the poles proposed along the exterior
369 perimeter of the parking area are facing downward and will be installed with cut off fields. There
370 are two wall packs proposed on the loading dock that face outward, but are shining down.
371

372 Mr. Houghton asked for confirmation that it is one truck. On the plan he sees one dock next to the
373 trash compactor. The response was there are three loading docks in one location and one dock by
374 the trash compactor.
375

376 Mr. Canada asked if the tractor that pulls a trailer could be turned off during loading. The response
377 was that the tractor must be running for the refrigeration to work. Mr. Canada stated that some
378 trailers can be refrigerated without the tractor running. Lindt will review how the trucks are
379 equipped to determine if they can be shut off.
380

381 Mr. Zaremba asked if the fence could be installed in addition to the sound barrier. Mr. Brodeur
382 responded because they do not believe the fence will add any sound mitigation value.
383

384 Mr. House asked for a presentation of the waiver requests.
385

386 Mr. Brodeur stated the first waiver request is from Section 4.2.2d and 4.2.2e of the Site Plan
387 Regulations which require a High Intensity Soil Survey and data on test pits and percolation tests.

388 This data is typically required for septic systems and this facility is serviced by municipal sewer
389 system. Mr. House asked if they notified the sewer utility with regards to this project. Mr. Brodeur
390 responded they have not, but they can do that. Mr. Canada commented that the facility has a limit
391 from the sewer utility. Mr. Brodeur confirmed there is a limit for the site and they are not above
392 the limit.

393
394 **Mr. Houghton made a motion to approve the waiver to Section 4.2.2d and e regarding high**
395 **intensity soil and test pit data requirements for the Lindt Loading Dock G Site Plan**
396 **Amendment Application. Mr. Zaremba seconded the motion. All voted in favor and the**
397 **motion was approved.**

398
399 Mr. Brodeur stated the second waiver request is from Section 4.2, Dimensional Requirements of
400 the Zoning Ordinance to allow a 46.5-foot tall building where the maximum building height is 35
401 feet. The building height will be no higher than the existing building height in the area, is
402 significantly less than the 90-foot height of the adjacent bulk product towers, and they believe there
403 is no safety hazard imposed on the public. There was no discussion from the Board.

404
405 **Mr. Houghton made a motion to approve the waiver requesting a waiver to the limit of 35**
406 **feet in height to a maximum of 46.5 feet or less and no higher than the existing building**
407 **consistent with Section 4.2 of the Zoning Ordinance and Article 4.3 for the Lindt Loading**
408 **Dock G Site Plan Amendment Application. Mr. Canada seconded the motion. All voted in**
409 **favor and the motion was approved.**

410
411 Mr. Brodeur discussed the Conditional Use Permit application. He presented the Wetland Buffer
412 Disturbance Plan which depicts the current extent of disturbance on the site and the proposed paved
413 and gravel surfaces they plan to convert to a wildflower meadow. The net result is a reduction of
414 impervious surface by 2,400 square feet. New impervious surface area is needed to maintain an
415 access drive for Lindt and for safety vehicles. Stormwater from the new impervious surface will
416 ultimately drain to an existing retention pond on site.

417
418 Mr. House stated that the Planning Board is in receipt of a letter from the Stratham Conservation
419 Commission that they have no objection to the project. Mr. Brodeur presented to the Board
420 responses to each of the five Conditional Use Permit criteria. There were no comments from the
421 Board.

422
423 **Mr. Houghton made a motion to approve the Conditional Use Permit to allow the**
424 **encroachment of a driveway into the wetland non-disturbance buffer zone as the application**
425 **conforms with all of the permit criteria based on the materials submitted by the Applicant.**
426 **Mr. Canada seconded the motion. All voted in favor and the motion was approved.**

427
428 Mr. Brodeur stated that Lindt can assist the Town in preparing the NH DOT driveway permit, but
429 the Town is required to submit the application. More importantly Mr. Brodeur does not believe
430 DOT will grant the permit due to pre-existing conditions with the Marin Way and Route 11
431 intersection and to make the Lindt project conditional upon that permit is problematic. When the
432 Lindt LEGO project was approved, there was a condition that Lindt contribute \$50,000 towards
433 repaving Marin Way along with an additional \$40,000 contribution towards intersection
434 improvements which was above and beyond Lindt's fair share contribution. Mr. Connors believes
435 that either the Town or Lindt can apply for the permit and that the project does require a driveway
436 permit. He recommends we start the process to get an opinion from DOT. Mr. Brodeur asked that

437 the condition be changed to requiring that the application be submitted as opposed to DOT issuing
438 the permit. Mr. Houghton asked Mr. Connors to confirm the funds mentioned by Mr. Brodeur have
439 been secured by the Town. Mr. Connors stated that the concern is what will be the response from
440 DOT. Mr. Zaremba asked what happens if the Board approves the CUP and DOT denies the
441 driveway permit from Lindt's perspective. Mr. Brodeur replied it doesn't matter because the permit
442 is held by the Town. The discussion continued with both Lindt and the Town suggesting possible
443 DOT responses to the application and also the draft condition language for the CUP.
444

445 **Mr. Houghton made a motion to close the public hearing. Mr. Canada seconded the motion.**
446 **All voted in favor and the motion was approved.**
447

448 **Mr. Houghton made a motion to approve the application for Lindt's building expansion for**
449 **Building G with the following conditions:**
450

- 451 **1. The applicant shall work with the Town Planner to incorporate minor technical**
452 **comments into the final plan.**
453
- 454 **2. Lindt in conjunction with the Town Planner will work on submission of a NHDOT**
455 **Driveway Permit. Lindt will agree to work collaboratively with the Town and other**
456 **Marin Way property owners to seek longer term solutions to the Marin Way/111**
457 **intersection.**
458
- 459 **3. Lindt will install a 12-foot high acoustic fence, noise reduction fence, above the concrete**
460 **barrier to the truck docks on Building G for sound mitigation.**
461
- 462 **4. A note shall be added to the plan that all refuse associated with the addition will be stored**
463 **inside the structure or within fenced and secured enclosures.**
464
- 465 **5. A note shall be added to the plans that all exterior light shall be mounted at a height not**
466 **to exceed 20-feet.**
467
- 468 **6. The NHDES Alteration of Terrain Permit number shall be noted on the plans.**
469
- 470 **7. The waivers and the date of Planning Board approval shall be noted in the plans.**
471
- 472 **8. Prior to the start of work, a pre-construction meeting shall be scheduled with the Town**
473 **Planner, Building Inspector, and other relevant town staff.**
474
- 475 **9. Prior to the start of the work, the applicant shall provide the Town a financial security to**
476 **guarantee the improvements consistent with the requirements of the Site Plan**
477 **Regulations.**
478
- 479 **10. Prior to the issuance of a Certificate of Occupancy, all improvements depicted on the**
480 **plan shall be installed.**
481

482 **Mr. Canada seconded the motion. All voted in favor and the motion was approved.**
483

- 484 **b. JP Morgan Chase & Co. (Applicant), NP Stratham, LLC c/o Northstar Centers, LLC (Owners) --**
485 **Request for Preliminary Consultation to review a site plan for a proposed 3,322 square-foot bank**

486 with drive-through service facilities and associated improvements at 20 Portsmouth Avenue, (Map
487 4, Lot 14), Zoned Gateway Commercial. Applicant's representative is Bohler Engineering, 352
488 Turnpike Road, Southborough, MA 01772.

489
490 Mr. Zaremba recused himself from the hearing. Mr. House appointed Mr. Allison as a voting
491 member for this hearing.

492
493 Mr. Connors presented the project. A Preliminary Consultation was held at the February 15, 2023
494 Planning Board meeting. At that meeting the Planning Board expressed concern with architecture,
495 traffic and circulation. The Board directed Planning Staff to send this application for a third party
496 review specifically for traffic, site accessibility, circulation, and parking. The Town has not yet
497 received a copy of the report. Mr. Connors recommends not making a decision until the report is
498 reviewed and that there are other concerns that can be discussed tonight.

499
500 **Mr. Houghton made a motion to accept the application as complete. Mr. Kunowski seconded**
501 **the motion. All voted in favor and the motion was approved.**

502
503 **Mr. Kunowski made a motion to open the public hearing. Mr. Canada seconded the motion.**
504 **All voted in favor and the motion was approved.**

505
506 Joey Fonseca of Bohler Engineering spoke on behalf of the Applicant. He described the proposed
507 location within an existing parking lot. The bank is allowed through site plan review, but the drive-
508 thru requires a Conditional Use Permit. Mr. Fonseca summarized the onsite utilities including
509 water, septic, gas, electric, and stormwater. Total parking onsite is about 321 spaces. The proposed
510 bank is 3,322 square feet and is setback 86 feet from Portsmouth Avenue. A proposed trash
511 enclosure is included in the application. The two-lane drive-thru is proposed on the north side of
512 the building. Eight parking spaces (including two ADA) are located along the front of the building.
513 The bank will remove about 50 existing parking stalls, leaving approximately 285 parking spaces
514 for the plaza. A trip and parking generation assessment was prepared by McMahon indicating that
515 285 parking stalls are required, so the project meets the minimum requirements. The project
516 reduces impervious cover by about 3,000 square feet due to the installation of landscape islands.
517 The facility will be tied into the existing water and septic systems. They are actively working on
518 NHDES approval to tie into the septic system and have also filed for a driveway permit change of
519 use with NHDOT. The proposed lighting was presented as four pole mounted, 20-foot tall LED
520 lights along with building mounted for pedestrian paths, parking, and the drive-thru. The trip
521 generation memo indicated there would be 14 trips entering and exiting during the peak hour and
522 would not be a noticeable impact on the plaza.

523
524 Kevin Kelly with Core States Group discussed the proposed architecture. The Applicant was asked
525 to address the flat roof initially proposed and discussed at the Preliminary Consultation meeting.
526 A large gable roof with black asphalt shingles and trimmed with white Hardie board. Several false
527 dormers are included to break up the roof line. The main entry tower and the drive up will also
528 improve the architecture. The gable lines and slopes will be equal on all roofs. Clapboard on the
529 building will be grey on the main building and dark grey on the entry tower and drive-thru and
530 trimmed with 6-inch white Hardie board. The only area that will have a flat roof is the eastern side
531 facing away from Portsmouth Avenue for the purpose of housing mechanical equipment which
532 will be screened from view. A black anodized canopy will be over the main entry and the drive-
533 thru. A 24-hour vestibule will be in the main tower for an ATM. Three internally illuminated wall
534 signs are proposed: one on the main entry, one facing towards Portsmouth Avenue, and one facing

535 east away from Portsmouth Avenue. They are evaluating the removal of the third sign from the
536 project.

537
538 Mr. Canada asked Mr. Connors if the proposed signage meets the Ordinance. Mr. Connors replied
539 that it does not and they would need a Conditional Use Permit for approval. Alternatively they can
540 reduce the amount of signage and remove the illumination.

541
542 Mr. House commented that the concept of the Gateway District is to be traditional New England.
543 He believes the glazing and glass is more contemporary. In particular the window corner wrapping
544 on the end elevation. Mr. Kelly responded that is the conference room and is based off of Chase's
545 normal design, but this design was adapted to fit in with surrounding styles. Primarily they
546 reviewed Chipotle. They recognize that glass turning a corner is not standard New England. They
547 can change the design to a large window divided by lintels or window grills. Mr. House believes
548 that the corner needs something other than all glass. Mr. Kelly suggested instead revising the
549 design to a solid corner with standard windows on both sides.

550
551 Mr. House asked when the traffic study is expected. Mr. Connors replied hopefully within a week.

552
553 Mr. House asked if this project reaches the maximum of the existing septic. Mr. Fonseca responded
554 that he does not know the total system capacity, but does know there is capacity for the Chase
555 Bank. They are waiting for NHDES approval.

556
557 Mr. Houghton commented that traffic is his biggest concern. He drives by frequently and the
558 parking lot is always full. Traffic backs up on Route 108 every day from Starbucks. He understands
559 the peak generation may only be 14 cars, but the parking lot is already jammed.

560
561 Mr. Kunowski asked if the drive-thru is only for the ATM and that there will be no teller. Mr.
562 Fonseca confirmed it is an ATM and a night deposit with no live teller. Mr. Kunowski asked for
563 an explanation as to why the landscape area is also snow storage. Mr. Fonseca responded they will
564 take another look at that and find out what the plaza currently does for snow storage.

565
566 Mr. Kunowski asked how 285 parking spaces will be available during construction considering
567 staging may take up more spaces. Mr. Kunowski added that it seems the parking area in this plaza
568 is being maximized while the parking area in the neighboring plaza is underutilized. Mr. Fonseca
569 replied that they will only be short two parking spaces during construction. Mr. Houghton believes
570 that the staging will take up many more spaces than anticipated by the Applicant as has been
571 demonstrated in past construction at the plaza. Mr. Fonseca stated they can submit a construction
572 phasing plan with fencing and other details.

573
574 Mr. Connors commented it would be good if some landscaping could be moved to the front
575 entrance where it will be highly visible to soften the look.

576
577 Mr. Kunowski still has concerns with the traffic flow between the Chase drive-thru, the two-way
578 traffic lane, the access to the Citizens Bank ATM, and the in and out from the other parking lot.

579
580 Mr. House asked if there will be directional signs. Mr. Fonseca replied there will be pavement
581 markings for the drive-thru and they can discuss as a team the option for more signs. Mr. House
582 added there are two lanes on all four sides of the building.

583

584 Mr. Allison commented that the right side of the shopping center is very congested particularly
585 with traffic for Starbucks.

586
587 Mr. Canada asked if the 285 parking spaces includes the new electric vehicle spaces. Mr. Brodeur
588 replied yes. Mr. Canada thinks there is an issue with including them as part of the minimum
589 requirements. He added that Sheet C3 shows a parking note of standard spots being 9 feet wide
590 and compact car spots at 8 feet wide and asked if any of the proposed parking spaces are compact.
591 Mr. Fonseca responded that all spaces will be 9 feet. Mr. Fonseca added that the owner has
592 proposed striping 14 new spaces in the rear of the plaza and suggests that might be to offset the
593 EV charging spaces. Mr. Canada and Mr. House believe that will be tricky with the lack of space
594 due to loading docks, dumpsters, emergency vehicle access, etc. Plan C-301 shows the location of
595 proposed parking spaces. Mr. Canada asked if they are included in the 285 space count. Mr.
596 Fonseca believes it is in addition to the 285, but needs to confirm that.

597
598 Mr. Allison commented that two-way traffic between the Citizens Bank ATM island and the island
599 proposed at the Chase Bank drive-thru could be a potential point of conflict. Mr. Kunowski agreed
600 there is a lot of traffic patterns in that area. He believes the customer experience is going to be
601 challenging for every tenant.

602
603 Mr. House asked for the Applicant to review the comments from the Board and asked for a motion
604 to continue the meeting.

605
606 **Mr. Kunowski made a motion to continue the discussion of the Chase Bank project to the**
607 **May 17, 2023 meeting. Mr. Canada seconded the motion. All voted in favor and the motion**
608 **was approved.**

610 **6. Upcoming Events**

611 **a. New Hampshire Planning and Zoning Conference, April 29, 2023**

612
613
614 Mr. Connors explained the conference is virtual and if any Board members are interested in attending,
615 Planning staff can assist with their registration. Mr. Connors will present the Heritage District.

616 **b. Planning Board training May 3, 2023**

617
618
619 Mr. Connors explained the last training was in 2021. This is a combined training with the Zoning
620 Board. The first hour will be applicable to both boards and the second hour will be geared more
621 towards the Zoning Board and therefore is optional for the Planning Board but might be interesting
622 for the Planning Board.

623 **c. Planning Board organizational meeting**

624
625
626 Mr. Connors said at the next meeting the Board would elect its officers for a one-year term. Mr. House
627 is currently chair and Mr. Canada is vice-chair. Officers can continue to serve in those roles if they are
628 interested and elected by the Board.

629
630 **Mr. Zaremba made a motion to adjourn the meeting at 9:59 pm. Mr. Canada seconded the motion.**
631 **All voted in favor and the motion was approved.**