



Stratham Planning Board Meeting Minutes
April 5, 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. Mr. House appointed Mr. Allison to serve as a voting member for this meeting.

2. Approval of Minutes

a. March 15, 2023

Mr. House made a motion to approve the March 15, 2023 meeting minutes. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

3. Public Meeting:

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

Mr. Allison announced that he is recusing himself from this matter as he is an abutter.

Mr. Connors briefly described the project. The Lindt campus contains six buildings and this 3,500 square foot addition is proposed to Building AA for shipping and loading. The project includes changes to the pavement parking area which will have some impact to the no-disturbance wetlands buffer. The Applicant is proposing mitigation by eliminating some parking areas in a previously disturbed area and restoration to that area with a wildflower meadow.

Doug Brodeur with HL Turner presented the project on behalf of Lindt. Also in attendance representing Lindt are Dan Goulet and Dean Dudley from Lindt, Mark Goldstein from Milestone Construction, and Brendan Quigley who is the project wetlands scientist from Gove Environmental.

Mr. Brodeur described the 3,500 square foot loading dock addition. The project idea began in 2019 with Lindt's previous expansion that increased production. Currently product is moved to the warehouse in Building D for shipping. This addition will allow Lindt to ship directly out of Building AA. This project will reduce internal truck traffic getting onto the site because trailers will be loaded directly for shipping as opposed to loading trailers, transferring product to Building D, and then shipping the product out. A Conditional Use Permit is required for wetlands impacts that are necessary for this project. There are two waiver requests as well. The project went before the Conservation Commission last month and the Commission had no objections and stated they intended to submit a memo to the Planning Board upon receipt and review of the wetlands plan. Mr. Brodeur presented some site plan visuals showing the current and proposed shipping of final product.

Mr. Brodeur described the waiver requests. Section 4.2.2 of the Site Plan Review Regulations lists exhibits required at the time of submission. Lindt is requesting waivers for a high intensity soil survey and for test pits and percolation tests. Those are typically required for sites with septic systems and this site is served by municipal sewer and water. The second waiver is from the Zoning Ordinance Section 4.2, Table of Dimensional Requirements. Section 4.3(e) allows the Planning Board to waive the maximum building height requirement in the industrial district. In the table, there is 35 feet allowed by right. Lindt is requesting 46.5 feet, which is the existing height of current building around the property. The architecture will be similar to the existing facilities.

Mr. House reminded the Planning Board that this is a Preliminary Consultation meeting and therefore the paperwork for the Conditional Use permit and waivers will be reviewed later.

Mr. Brodeur described the screen structure for the proposed loading docks along with the proposed changes to the pavement in relations to the wetlands buffer line and the proposed wetlands mitigation. The net result is no increase in drainage.

Mr. House asked if they are redirecting some stormwater off the pavement and where is the existing drainage. Mr. Brodeur responded that there is no stormwater being directed and that it is all drained into catch basins internally to the onsite stormwater infrastructure. The project will also be reviewed by NHDES for an Alteration of Terrain permit.

Mr. House asked about truck idling with respect to noise. Mr. Brodeur responded that the trailers will be dropped, loaded and when full, trucks will pick up the trailers and leave the site, so there will be no idling. Mr. House asked for confirmation that it's the cooling trucks that normally need to idle. Mr. Goulet responded that the dropped trailers will be connected to electric for cooling. Mr. House recommended that they review the utility drainage since they are increasing the electric usage.

Mr. House asked the Board for comments.

Mr. Houghton asked how many staff at the property will be added with this project and what the increase in traffic is. Mr. Brodeur responded that there is no additional increase in staff from the

LEGO expansion approved in 2020. In 2019 a previous consultant estimated for the 2021 through 2031 build out, which includes this, at the am peak hour five additional trucks entering and exiting and at the pm peak hour three additional trucks exiting and entering. The consultant also looked at the Marion Way intersection as well as both the exit and entrance ramps both directions on Route 101.

Mr. House summarized the three biggest recurring issues over time have been, traffic, noise, and wetlands impact. He asked for confirmation that the Conservation Commission reviewed the project and that they are comfortable. Mr. Brodeur replied yes. Mr. House stated that leaves the other two concerns that consistently get raised, and from the Board's point of view, the Board should revisit some of that.

Mr. Zaremba asked for an explanation on the current movement of product. Mr. Brodeur responded by describing the movement using the site plan visual aid.

Mr. Canada asked if there would be less internal traffic. Mr. Brodeur responded yes and doesn't believe there will be any appreciable noise increase. There will continue to be trucks entering and existing in that vicinity of the site. Mr. Canada asked if there was a berm installed in the past to address noise complaints. Mr. House responded that he did not recall but the biggest issue was the idling trucks particularly at nighttime.

Mr. Zaremba recommended that the application highlight noise concerns and asked what hours trucks will enter and exit the site after this change. Lindt will provide a response at the next meeting.

Mr. House asked if the Applicant has any questions for the Board. Mr. Brodeur responded only on what the Board will be looking for in addition to the materials submitted tonight for the next meeting.

Mr. House asked if Mr. Quigley had anything to add. Mr. Quigley asked the level of detail regarding the wetlands mitigation that the Board will want to review. The proposed mitigation is a very simple removal of pavement and reseeded of the area. In this area the buffer is completely disturbed by pavement. Mr. Quigley believes the mitigation proposal is a sufficient trade for a very small additional impact. He welcomes any input from the Board on what additional details they would like to review. For example, the Conservation Commission did not have any comments not the specifics of the seed mix.

Mr. Houghton asked if the project requires review by NH DOT. Mr. Connors replied that yes, the project requires an updated DOT driveway permit. Either the Town or the Applicant needs to file with DOT for any expansion. DOT will likely have comments including requiring a turning lane onto Route 111. Mr. Connors suggested that the Planning Board could approve the project with a condition that the Applicant file with DOT. If there is a problem with DOT, then the project would come back to the Planning Board.

- b.** Boulder Realty Corp. (Applicant), LaBonte Investment Realty, LLC (Owner) -- Request for Preliminary Consultation to review a site plan for a proposed 58-unit residential development at 13-15 Stoneybrook Drive, Zoned Special Commercial. Application submitted by Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885.

Mr. House announced that he is recusing himself from this matter. Mr. Canada chaired this portion of the meeting. He stated that this is a Preliminary Consultation so nothing is binding.

Joe Coronati of Jones & Beach Engineers presented the project on behalf of the Applicant. Mike Garrepy, the owner of the property was also in attendance. Other conceptual projects have been submitted to the Board in the past that were denser. Discussions with the Town of Exeter for utility service were not fruitful, so this plan includes the construction of septic systems and drinking water supply wells. The overall road network has not significantly changed from past plans. This plan includes 58 single family homes which is about half the amount of townhomes previously suggested. The home will be under condominium ownership with private roads and a small Community Public Water System. The septic system designs are not complete, but soil testing has been completed. All land in Exeter would be completely undeveloped and some land would remain as undeveloped open space. There is an easement along Route 101 which will provide a 100 foot separation from the units to Route 101. The next step would be to start the design work incorporating any comments from the Board.

Mr. Canada asked Mr. Houghton if he had any comments. Mr. Houghton replied that his concern with previous plans was the impact with traffic on Stoney Brook Road. There may be 100 more cars for morning and evening and it doesn't provide for good traffic flow in its current configuration. Mr. Coronati replied that they will present a traffic study to the Board and noted a few limitations with Stoney Brook including a right turn into the site from Route 101 and the use of the connector.

Mr. Allison asked the size of the homes. Mr. Coronati replied approximately 40 feet by 65 feet and the first floor master type of layout is popular in the Seacoast area especially by people over the age of 55, but this development will not be age-restricted. Mr. Canada asked if they would be one story. Mr. Coronati said some might be two stories. Mr. Canada commented that a two-story 40' by 65' house would be 5,000 square feet. Mr. Coronati replied that the second floor would be much smaller than the first floor. Conceptually the second floor would have two rooms and a bathroom. Mr. Garrepy added that these are conceptual footprints and the style of the homes would vary throughout the development.

Mr. Allison asked assuming that there are no individual lot lines around the houses, how wide are the roads and are they curved. Mr. Coronati replied the roads are drawn at 24 feet for width, and they will meet whatever kind of width requirement that the Board requires. Curbing makes the most sense here in a closed drainage network to direct stormwater to detention ponds. Mr. Allison asked if they are not looking at recharge of stormwater and instead looking at a more conventional type system with pipes and detention basins. Mr. Coronati confirmed that is the plan for the roadway and added that around the house lots they will consider rain gardens, drip edges, and low impact designs. This has to meet all the AOT requirements and they need to save room for the septic system, so there are setbacks to the drainage features and septic system to be mindful of.

Mr. Allison noted some errors on the plan with regards to the flood plain elevation. Mr. Coronati explained they are aware of the discrepancy but they do not modify the flood line or contours from the firm maps and instead they insure that the homes would be well above floodplain.

Mr. Allison asked if they have any right to go within the 400' utility easement with the construction or with clearing. Mr. Coronati replied that they are researching that, but the easement is currently undeveloped. And there are no plans for the utility to utilize the easement area. So we've started

those conversations about either abandoning the easement or exploring the legal options on how we can utilize the easement area for something like septic leach field areas. Ideally, it'd be great to just leave that as a buffered area for the highway.

Mr. Allison commented that the conceptual plan depicts buildings that are almost touching buffer areas (including the easement area) and it is likely that a disturbance into those areas will occur due to the nature of construction. Mr. Coronati replied that the structures in question are for example, three season rooms or decks and notes that they may need to limit the structures to decks to limit the disturbance in those areas if grading is allowed. Additionally the Owner will not impede the ability of the utility to place poles and will include this topic in further discussions with the utility. The Owner wishes to coordinate with the utility on either clearing in certain areas of the easement or using the easement for below ground infrastructure such as leach fields.

Mr. Canada asked if there is a gas pipe. Mr. Coronati replied that there is an old abandoned gas line that runs across the property, right along where the proposed road is. He believes the line is still in the ground, but has been cut and capped. That easement area has been abandoned. There is a gas line that runs along the highway. Mr. Coronati added that the Town of Exeter cannot provide water or sewer to this development now, but the Owner is preparing for a future ability to tie in and will provide easements for that.

Mr. Kunowski asked if there is any intent for resident or public access to the river. Mr. Coronati replied that the plan is to provide access to the river for the development itself, but they haven't discussed public access yet. The Owner expects to discuss the project with Conservation Commissions in both Exeter and Stratham. The Owner also owns a large parcel of land in Exeter adjacent to land owned by the Town of Stratham and hopes to coordinate with the Exeter Conservation Commission about the land so that it can stay forever undeveloped, and perhaps have a public access component to as well.

Mr. Allison commented that with the closeness of driveways, the Owner should carefully consider the snow storage areas to avoid drainage areas and septic systems.

Mr. Connors noted that although there is no requirement to notify abutters for a preliminary consultation, the Town completed notification at the Owner's request and expense.

Mr. Zaremba commented that he has slight reservations about an entire residential development in the Special Commercial District. The intent of that district is to have only commercial uses and so he has conceptually some concerns about using commercial land for residential uses. Mr. Coronati replied that the Board voiced those concerns in the past as well. A site walk was performed in the past to demonstrate to the Board that the land is not conducive to commercial development for a variety of reasons, and the ordinance does allow for this sort of multi-family approach within the parameters of the permitted uses of the Ordinance. This parcel is challenged for commercial uses especially given the fact that there is no access to municipal water and sewer. This concept was not the first choice. They initially tried to provide a denser development scenario that might accommodate workforce housing and the two previous plans are not available because municipal water is not available to the site that would allow for a more dense development.

Mr. Canada agrees with Mr. Zaremba's concerns and cited statistics from a UNH Study on the cost of community services that shows every dollar collected from residential costs the Town \$1.11, whereas commercial/industrial costs the Town 45 cents. Mr. Canada believes there are commercial

241 uses that could be planned for the site and provided examples of large office buildings, medical
242 buildings, hotels, etc. that do not need the drive by traffic. He believes housing development is not
243 supported by the zoning and stated the intent of this district per the Ordinance is to provide an
244 opportunity for the development of hotel, conference center, and restaurant and entertainment
245 complexes in addition commercial/professional uses are allowed with upper story residential uses
246 encouraged. Mr. Coronati replied that Mr. Canada is looking at the purpose section of the
247 Ordinance and stated that the Table of Uses allows residential uses. Mr. Canada replied that is true
248 under certain circumstances. Mr. Canada added that the subdivision regulations also states in the
249 general principles that a project must conform to the Master Plan and the official map. Mr. Canada
250 does not believe the zoning or the subdivision regulations support the proposal. He recognizes the
251 expense with building into the site, but added that if the project included affordable housing, it
252 would better support the Master Plan.

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254 Mr. Coronati appreciates the feedback and stated that if it is the opinion of the Board that if this is
255 not an allowed use, then the Owner does not want to proceed with spending money on engineering
256 to later find out the project is not in compliance with the Ordinance. He suggested seeking an
257 opinion from the Town Attorney. Mr. Coronati stated they would like to understand the options
258 and the Board's position this evening. Mr. Canada stated he cannot imagine supporting the project.
259 Mr. Coronati replied his question is whether or not the project is an allowed use in the Zone. Mr.
260 Canada does not believe it is an allowed use. Mr. Coronati repeated that he would like clarification
261 on whether or not this project is in compliance with the Ordinance because that will determine if
262 they will need a decision from the Zoning Board of Adjustment.

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264 Mr. Canada requested a straw poll from the Board members. Mr. Houghton stated that he thinks
265 the project would be of high use to the area on a long term strategic basis. Mr. Allison stated that
266 he thinks mixed use is the intent of the Ordinance and that the proposed project is an intense
267 development for the amount of land particularly given that it is not a mixed use. Mr. Kunowski
268 agrees with Mr. Allison that the intent of the zoning is for mixed use. Mr. Zaremba agrees with
269 Mr. Canada's interpretation of the Ordinance.

270
271 Mr. Coronati added that the main takeaway from the site walk was this is not a straightforward
272 rectangular piece of commercial land that abuts a great access highway. This is back land, off the
273 end of a sort of dead end road. He used visual aids to show the stretch of roads that would be
274 between commercial pad sites. It is his opinion that a commercial use would be impossible and
275 industrial use could fit, but is challenging with no municipal water or sewer. Wetlands setbacks
276 are significant as well. With regards to tax revenue, this project would consist of private roads with
277 no Town maintenance or trash pickup. Town services would be limited to fire, police, and
278 schooling. Mr. Coronati does not agree with the UNH Community Services study referenced by
279 Mr. Canada.

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281 Mr. Canada asked if anyone in the audience would like to speak.

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283 James Force, abutter at 14 Stoneybrook Lane spoke. He is concerned due to the uniqueness of the
284 Town boundary line running through Stoneybrook Lane, that there is already an issue with some
285 town services piling up including snow removal. With regards to school age children, if the
286 development is a private road, he asked where the bus pickup would be located. He commented
287 there could be a great many cars coming in and out for kids to meet the buses and asked if the bus
288 will go onto a private road. He also asked how snowplowing works at the intersection of a public
289 or private road. Mr. Coronati responded that the Association would maintain the private roads and

the Owner would coordinate with the post office on the location of a mail kiosk, coordinate with the school district on a bus stop location, and coordinate with DPWs from both towns on plowing. Mr. Coronati added that a turnaround for snowplows could be created at the entrance for the project.

Mr. Force asked if there is some other way to in and out of the development other than Stoneybrook Lane. He has concerns about the increase in traffic and provided examples of close call and actual accidents. Mr. Coronati replied there is not. They have looked at multiple options for secondary access and due to the location of a NHDOT detention pond and wetlands, there is no other reasonable access. He added that they will have more information on traffic within a month or so.

Brian Daigle of 11 Stoneybrook Lane and an abutter to the parcel, spoke. He has concerns with increased traffic on what is a nice, dead end road, but acknowledged this is a smaller project than previously proposed which his family is more comfortable with. Mr. Daigle also has concerns with noise. He asked if there are plans for a noise cancellation wall or something similar. Mr. Coronati explained that Mr. Daigle's house is near the water supply well locations which will have a 200 foot protective radius around each well essentially offering Mr. Daigle a 400 foot wooded buffer.

David Sharples, Exeter Town Planner, spoke. He clarified that he does not believe it is an accurate statement that Exeter does not support or will not provide water and sewer. He stated that Exeter is doing some groundwater development because they have some capacity issues with water, but municipal sewer is available. There are two possible connections points for sewer. One is through the Portsmouth Avenue sewer shed. The challenges with that are the pump station can only take so much flow and there are some line capacity issues. The new development could upgrade those lines and upgrade the pump station to provide the additional capacity. The second option is a siphon under the river. Exeter assumed the project would not pursue either option because of finances and just wanted to correct for the record that it is not the case that Exeter does support the project, they just outlined the challenges.

Mr. Canada asked if the Select Board said yes. Mr. Sharples replied the project didn't get to that point yet. With regards to water supply, Mr. Sharples stated that a future connection is possible if Exeter's groundwater supply development is successful.

Mr. Zaremba is concerned with traffic and thinks there are questions that the Board should discuss further when the traffic study is available.

Mr. Coronati thanked everyone for their time and acknowledged they were under the impression that Exeter did not have any capacity for the project and if water and/or sewer can be made available, they will pursue that with Exeter and return to the Planning Board with a revised plan.

Mr. Sharples stated that the Town of Exeter is operating under an Administrative Order by Consent for nitrogen in the Squamscott River so they are more concerned with septic systems in the area leaching more nitrogen into the river, so they would prefer to supply sewer to the project.

Mr. Connors directed the applicant to continue water and sewer discussions with Exeter as this parcel is likely the best positioned in Stratham to host an extension of public water and sewer. Regarding traffic, he noted that the town line bisects Stoneybrook Road and that part of the driveway falls within Exeter so the Exeter Planning Board would have jurisdiction to approve the access to the development. So that would give Exeter some say in the traffic. And NHDOT replied

to the public notice that they would like to be involved early in the traffic discussions.

Bruce Scamman commented that the Town of Stratham has some money put aside for sewer and water connections and suggested that due to the proximity of this project to the commercial district, it might be in the Town's interest to be involved in some of that conversation.

4. 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:

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. The applicant has requested that this matter be postponed to the April 19, 2023 Planning Board meeting.

Mr. Connors provided a brief update on the project. The Planning Board discussed the project in February and decided to amend the condition to allow the solar panel installation, but postponed action on the application pending a revised landscape plan. The Town hosted a meeting between the Aberdeen West Association and the abutter and the abutter hired their own landscape architects and submitted a plan they would like to see implemented. The abutter's plan was provided to Aberdeen West and it is Mr. Connors' understanding that Aberdeen West has not yet responded, but will do so shortly and will be ready to discuss a revised landscape plan at the meeting scheduled for April 19, 2023. Aberdeen West formally requested postponement to the April 19th meeting. There were no comments from the Board on the request to continue the hearing.

Mr. Canada made a motion to reschedule the Aberdeen hearing until April 19th. Mr. Zaremba seconded the motion. Mr. House abstained from the vote as an abutter. All voted in favor and the motion was approved.

- b. 94 Portsavo Stratham, LLC (Owner) – Request for approval of a Site Plan Amendment and Conditional Use Permit to construct an accessory structure housing two residential units and associated improvements to an existing mixed-use site (office and residential) at 94 Portsmouth Avenue (Tax Map 13, Lot 89), Zoned Professional/Residential. Owner's representative is Emanuel Engineering, Inc., 118 Portsmouth Avenue, Stratham, NH 03885. This application was tabled from the March 1, 2023 Planning Board meeting.

Mr. House asked what submittals are new for this project. Mr. Scamman replied four waivers are new. Mr. House asked if the application is complete. Mr. Connors replied yes. Mr. House called for a motion to accept the application as complete.

Mr. Zaremba made a motion to accept the application as complete. Mr. Houghton seconded the motion. All voted in favor and the motion was approved.

Mr. Connors presented the history of the project. A Preliminary Consultation was completed in January. The Site Plan and Conditional Use Permit applications were submitted in February. The

Board reviewed the applications and had comments. The Applicant postponed earlier meetings to have time to address the Board's major concerns. The applicant is proposing to construct an accessory building that would house two, two-bedroom residential units in the back of the property. In order to facilitate that, they are making some improvements to the driveway and the parking area.

Mr. Scamman presented the project on behalf of the Applicant. Mr. Scamman described the existing and proposed parking areas and driveway. The Applicant proposed to remove a large gravel area under the power line easement, add parking along the building, and widening the driveway to a 20 foot wide driveway that is accessible for both fire trucks and a dumpster. A hammerhead was added for the trash truck to make its turn and for fire apparatus. The previous plans had parking right up to the property line in the back. The parking was revised to meet a 20 foot setback on one side, but the hammerhead is necessary to remain for the other purposes. There are two residences proposed as a first floor and second floor apartment. There is an existing residence in the main building. A new access is proposed for the existing building for the commercial business that will be at grade. All the other accesses are upstairs, so the new access will be more handicapped accessible. The proposed handicap parking spot will be near the new building access but the new access will not be wheelchair accessible. They can have an access point in the rear if needed. The dumpster is proposed to be in a location that will not be visible from the road. For the landscape plan, a row of trees is proposed to screen the dumpster.

Mr. Goddard said that a landscape designer prepared the plan. And although with the existing house there is no change of use, the designer suggested the landscaping be more period correct. On the South side, landscape buffering is included to screen the new structure, the garage, and the dumpster. They consulted with Eversource on the buffering requirements under the power lines. It is Mr. Goddard's objective to heavily screen the rear buildings.

Mr. Scamman commented on Mr. Connors' request in the staff memo to move the proposed landscaping at the accessory building at least 12 feet from the building for fire apparatus. He stated that request can be accommodated with the information received from Eversource.

Mr. Kunowski asked if Eversource will allow the driveway to extend into the easement. Mr. Goddard replied that any structures above or below ground that would restrict Eversource's access is prohibited, but a driveway access is permissible.

Mr. Scamman stated that the fire truck turn radius information has been submitted for review and the septic system has been approved and installed.

Mr. House asked if the projects was submitted to the police department for review specifically with regards to the buffering of the rear residences. Mr. Connors replied that the plans were sent to the police department and no comments were submitted.

Mr. House asked if the fire department had comments. Mr. Connors replied that they did and most of their comments have been addressed. The outstanding comment was to have access on two sides of the new structure, but Mr. Connors believes that can be addressed with the proposal to move the landscaping. Mr. Goddard replied that he agrees with moving the landscaping away from the building. He further described the landscaping and that he is seeking a natural look.

Mr. Allison commented that one entrance into the main building looks as if it is from the grass and

not from a pad. Mr. Goddard confirmed that it is from the grass and that it is not a fire exit and he may remove the door as it is not a regular entrance.

Mr. House asked if the floor steps down inside the building or if it is all the same level. Mr. Goddard replied it is all the same level. Mr. House asked why the handicap ramp is in the back. Mr. Goddard replied that they are not making modifications to the existing building and therefore he does not think he should be required to make access modifications to the existing building. However, for future planning, it is something they will try to accommodate. Mr. Scamman added that the grades up to the building from the road are very steep, so a ramp in front would be very difficult. Mr. House asked what the grade percentage in the front is. Mr. Scamman responded 4 or 5%. Mr. Allison stated the plan is a much improved grading scenario for the front and the proposed landscaping makes sense with regards to the entrances.

Mr. House asked if the one well is current. Mr. Goddard replied that there is a new well in the back for a total of two wells, one for each structure.

Mr. House asked what is proposed for propane tanks. Mr. Goddard replied one 1,000 gallon tank will feed all structures and the buildings will be separately metered with the new building having two meters, one for each unit. There are six above ground tanks currently that will be consolidated into the single new tank.

Mr. Zaremba asked if there is an apartment in the existing building. Mr. Goddard replied yes but that the previous owner did not rent it out. Mr. Zaremba asked if Mr. Goddard's office will be in the commercial space. Mr. Goddard replied yes.

Mr. Kunowski asked for confirmation that in the existing building there was one apartment on the second floor and all of the remaining space was one commercial tenant. Mr. Goddard replied yes, that there will be no change of use, that it will be all commercial.

Mr. Zaremba asked if the original proposal had one or two structures in the back. Mr. Goddard replied that the original proposal was to have four residential units and he planned to convert the first floor of the main house to make the main house all residential, but he didn't meet the new density requirements so the main house will be all commercial.

Mr. Scamman presented the lighting plan. There is a series of lights around the exterior of the building and there will be one 15 foot LED down facing light pole. Mr. Goddard added it will be a triad so it will light the entrance and shed light in three directions. They submitted a waiver of a photometric plan and presented the Board with the specifications of the light pole.

Mr. Allison commented that it looks like one bay of the three bay garage is going to be blocked off. Mr. Scamman replied that it was previously blocked off and contains only utilities so they are not proposing to change it. The garage bay is not supposed to have a vehicle stored in it so they are using that area as a no parking area for the handicapped space.

Mr. Kunowski asked if there are plans for signage. Mr. Goddard replied that the sign he put up is his construction sign and he does not yet have a plan for a sign. He will apply for a sign permit when he is ready.

Mr. House asked for a presentation of the waivers. Mr. Scamman stated the first waiver request is

for the landscaping design. The plan contains landscaping that was not prepared by a landscape architect. Mr. House asked if there are any comments on the landscape plan. Mr. Connors requested that they move the landscaping to screen the parking area. Mr. Goddard would prefer that towards Portsmouth Ave there is less of a buffer effect and more decorative landscaping. There will be a buffer screen for the back half of the property between the garage, the parking, and the new units. But closer to Portsmouth Ave around the parking he'd prefer to have a decorative plan like a normal parking lot where it is not a continuation of the buffer, but a continuation of the landscape design.

Mr. Connors asked how far from Portsmouth Avenue is the new building. Mr. Scamman replied over 200 feet. Mr. Connors commented that the new pavement in the front will be a change from the existing conditions and suggests some landscape screening for that. Mr. Goddard hopes that the building exterior improvements will be such that it can be highlighted instead of trying to hide it. He suggests tasteful, natural landscaping for aesthetics as opposed to a screen. Mr. Connors clarified his request is not for screening, but for buffering near the parking area. Mr. Allison noted that they need to be careful to not obscure sight distances at the entrance. Mr. Goddard agreed with the need for sight and commented that one of the light poles was hit recently.

Mr. House asked if there are any more comments from the Board on the landscape architect waiver request. There was a small discussion but no significant comments.

Mr. Zaremba made a motion to open the public hearing. Mr. Kunowski seconded. All voted in favor and the motion was approved.

Mr. Canada made a motion to close the public hearing. Mr. Zaremba seconded. All voted in favor and the motion was approved.

Mr. Zaremba made a motion to grant a waiver from Section 5.2.N.2 landscaping design standard. Mr. Allison seconded the motion. All voted in favor and the motion was approved.

Mr. Scamman presented the second waiver request to allow the pavement area to be installed approximately 10 feet from the front property boundary where a minimum buffer of 35 feet is required. The proposed plan is an improvement from existing conditions. Mr. Goddard added that he removed the gazebo from the front setback. They are essentially adding more buffer than currently exists, but not returning the property to full compliance with the setbacks.

Mr. Canada made a motion to open the public hearing. Mr. Zaremba seconded. All voted in favor and the motion was approved.

Mr. Canada made a motion to grant a waiver from Section 5.7 and 5.16 to allow pavement area approximately 10-feet from the front property boundary where a minimum buffer of 35-feet is required. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Scamman presented the third waiver request to the requirement to provide a photometric plan. They have not hired an electrical engineer to review the single light pole. They provided the specifications for the pole and it is only 15 feet tall compared to 24 to 35 foot tall light poles in other large parking lots in town. The other lights are low, one story high downward facing LED light fixtures. Mr. Houghton asked for confirmation that the triple light will face the house,

powerlines, and back. Mr. Goddard replied correct and there is nothing facing the road. Mr. Houghton asked how far back from the road is the pole. Mr. Scamman replied it is about 38 feet from the edge of the right of way. Mr. Kunowski asked for confirmation that the commercial use is largely during regular business hours and the 24-hour use is with the residences. Mr. Goddard replied correct. Mr. Scamman and Mr. Goddard noted that the building lights will be either motion activated or dusk to dawn.

Mr. Canada made a motion to grant a waiver for the requirement in Section 5.8.1 (Illumination) that the applicant provide a photometric plan. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Scamman presented the fourth waiver request to submit a complete drainage report. There is only 4,000 square feet of new impervious area. The proposed plans depict a small berm and swale to direct water to a gravel area for infiltration. Mr. House asked if there will be a path from the site to the Smyk property. Mr. Scamman responded that it is in the draft conditions, but it has not yet been discussed. Mr. Zaremba asked if condition 11 of the staff memo assumes that the waiver is granted. Mr. Connors replied that yes, the Applicant would need more drainage information but that is a different concept than condition 11 which is a financial security held by the Town during construction to make sure things go in correctly.

Mr. Kunowski made a motion to waive the requirements of Addendum C (Stormwater Regulations). Mr. Canada seconded the motion. All voted in favor and the motion was approved.

Mr. Canada made a motion to close the public hearing. Mr. Zaremba seconded. All voted in favor and the motion was approved.

Mr. Scamman asked for clarification on proposed condition 2 that a note be added to the plan that no exterior architectural changes are proposed to the existing historic building. He would like it stated for the record that the note is specific for this application only and not in perpetuity. Mr. House and Mr. Connors agree that the note only applies to this project.

Mr. Connors described the reason for the Conditional Use Permit is because they are proposing three units on the property is. The closest definition to the proposal is multi-family and that use requires a Conditional Use Permit. The Board discussed whether or not this project is multi-family.

Mr. Kunowski asked if there were any public comments from abutters. Mr. Connors replied there were no abutter comments, but Nate Merrill, the Heritage Commission Chair submitted comments on the architecture. Mr. Goddard replied that the new building design is conceptual now and he plans to talk to Nate to get his thoughts and learn more about the history of the existing building.

Mr. Canada appreciates the work being put into the restoration of the existing building and Mr. House appreciates the landscape plan which will complement the buildings.

Mr. Canada made a motion that we find that we do not need a conditional use permit for this application. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Goddard asked for more information on the request for a trail to the Smyk property. Mr.

Connors replied that it is a simple request for the residents at the property to be able to access the Smyk Park due to the lack of sidewalks. It would not need to be paved. Mr. Goddard agrees it is a good idea. Mr. Scamman asked if the Town has any paths around the property. Mr. Connors replied that the Town is trying to get DOT to fund sidewalks from Bunker Hill towards the south. Mr. Houghton added that there is a major initiative around open space. Mr. Kunowski commented that a path could invite the public from the Smyk Park onto the private property. It was suggested a private property sign could be posted.

Mr. Canada asked why the property needs a Knox Box. Mr. Goddard replied it was a request of the fire chief.

Mr. House called for a motion to approve or disapprove the application.

Mr. Kunowski moved that the Planning Board approve the site plan application for 94 Portsmouth Avenue, Tax Map 13, Lot 89 owned by Portsav Stratham LLC to allow the construction of accessory building housing two 2- bedroom residential units and associated improvements consistent with the plans prepared by Emmanuel Engineering as revised March 21, 2023, subject to the following conditions to be implemented prior to plan signature, or as otherwise noted:

- 1. The applicant's engineer shall work with the Town Planner to address outstanding technical or minor comments.**
- 2. A note shall be added to the plan, that no exterior architectural changes are proposed to the existing historic building and that the intent of this condition is not to prevent any further future changes in other applications.**
- 3. The plan shall be revised to show individual parking stalls, the dimensions of which meet the Town's Site Plan Regulations.**
- 4. The plan shall be revised showing a trail connecting the parking area under the utility easement area to provide pedestrian access Smyk Park subject to the Applicant's discussion with the Planner on its location and citing.**
- 5. Documentation relating to proposed building exterior materials, if consistent with the discussions at the Planning Board hearing and agreeable to the Board, shall be provided in written form for the file or added to the architectural plans.**
- 6. The plans shall be revised to show the dumpster placed within a fenced enclosure. The height and material of the fence shall be noted on the plan or a detail provided.**
- 7. A note shall be added to the plan that all signage must receive a Sign Permit and meet the requirements of the Town's Sign Ordinance.**
- 8. The Landscaping Plan shall be revised to provide a continuous landscape buffer bordering the parking area along the Portsmouth Avenue frontage and along its southern edge. The revised Landscape Plan shall be subject to the approval of the Town Planner.**
- 9. If deemed necessary by the Fire Chief, the landscaping proposed immediately to the south of the accessory structure shall be relocated at least 12-feet to the south to provide a grassy secondary access point adjacent to the building for fire apparatus.**

636 **10. Prior to the issuance of a building permit, a NHDOT Driveway Permit or documentation**
637 **from NHDOT that a permit is not necessary shall be provided to the Planning**
638 **Department.**

640 **11. Prior to the issuance of a building permit, the Applicant and the Select Board shall**
641 **execute a Site Plan Review agreement and the Applicant shall provide a performance**
642 **surety to the Town to guarantee site stabilization and erosion control, landscaping, and**
643 **drainage facilities.**

645 **12. The location of a Knox Box shall be noted on the plan. Prior to the issuance of a**
646 **Certificate of Occupancy, the Fire Chief shall validate that a Knox Box is installed**
647 **providing access to all individual units on the property.**

649 **13. Mechanical equipment if any, will be located outside of the site line of the street.**

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

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653 **5. Additional Items:**

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655 **a. Potential third-party review of upcoming Planning Board applications**

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657 Mr. Connors stated that two large applications will be reviewed at the next meeting: the Lindt
658 loading dock and the new Chase Bank. Mr. Connors suggested for the Chase Bank application it
659 would be helpful for an engineer review the circulation in the plaza because it might be trickier
660 with a new building. Also parking should be reviewed. They submitted a plan meeting the parking
661 requirements, but they are only providing the minimum number. The plaza was not built for all of
662 these uses.

663
664 Mr. Canada commented that the parking area is always full starting at 5:00 am. Mr. Houghton
665 agreed. Mr. House agreed that a third party review is warranted for circulation. Mr. Connors added
666 it is good that they are maximizing the site with the new ATM and electric charging station, but
667 we should make sure the plaza is not being overloaded. Mr. Kunowski commented that
668 construction staging could be difficult as well.

669
670 Mr. House called for a motion.

671
672 **Mr. Houghton made a motion to allow the Town Planner to engage with third party engineer**
673 **to study traffic circulation associated with the Chase Bank application. Mr. Zaremba**
674 **seconded the motion. All voted in favor and the motion was approved.**

675
676 **b. Performance Bonds**

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678 Mr. Houghton stated that the Select Board has discussed the number of funds associated with active
679 performance bonds and the Town should engage in the discussions about returning some of the
680 funds. The auditors have commented on the age of some of the bonds.

681
682 Mr. Zaremba asked if an example is the bonds for drainage that developers are required to give.
683 Mr. Houghton replied yes, they are held until conditions are satisfied and in some cases conditions
684 have been satisfied. Mr. Connors added that sometimes the owner forgets or does not follow up
685 and the funds go back to the 1980s.

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Mr. Houghton asked the Planning Board to weigh in on the discussion and make recommendations about releasing the funds.

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Mr. House asked Mr. Connors to provide a list. Mr. Connors confirmed he will do that for a future meeting.

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Mr. Houghton added that the Town needs to complete due diligence and the result of some of the funds is that they can be released to the general fund. The discussion needs to be completed before June when the auditors return.

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Mr. Canada made a motion to adjourn the meeting at 9:51 pm. Mr. Kunowski seconded the motion.

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All voted in favor and the motion was approved.