



**Stratham Planning Board Meeting Minutes**  
**August 16, 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

**Members Absent:** Nate Allison, Alternate Member

**Staff Present:** Mark Connors, Director of Planning and Community Development

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

Mr. House called the meeting to order at 7:04 pm and took roll call.

**2. Approval of Minutes**

**a.** August 2, 2023

**Mr. Zaremba made a motion to approve the August 2, 2023 meeting minutes. Mr. Houghton seconded the motion. All voted in favor and the motion was approved.**

**3. Public Hearing (Old Business):**

**a.** JP Morgan Chase & Co. (Applicant) and NP Stratham LLC & Northstar Center LLC (Owners) - Request for approval of a Site Plan and two Conditional Use Permits for a proposed 3,322 square foot Chase Bank with drive-thru service facilities and associated improvements at 20 Portsmouth Avenue (Tax Map 4, Lot 14). Application submitted by Bohler Engineering, 352 Turnpike Road, Southborough MA 01772. This application was tabled from the August 2, 2023 Planning Board meeting.

Mr. Zaremba recused himself from the public hearing for this application.

Mr. Connors stated that the application has been before the Planning Board since April. There are three applications: the site plan and two conditional use permits. The conditional use permits are to allow a drive-through facility and to allow signage in excess of the maximum area. A detailed staff memo was prepared for the Board and the Stratham Fire Chief also submitted a memo with comments.

Randy Miron from Bohler Engineering reviewed changes since the last meeting. The footprint of

the building has been revised on the site plans. That update has changed the waiver request to allow more setback from the front property line. A sign was added to prohibit U-turns when exiting the Chase Bank drive-through. The CUP application was updated to add information with respect to the signage relief requested. The application requests 64.8 square feet where 46 square feet is allowed. Relief is also being requested for the halo-illuminated signage. Mr. Miron asked for questions from the Board.

Mr. Canada asked if Mr. Miron had a chance to review the letter from the fire chief. Mr. Miron replied yes. The fire chief discussed access around the site particularly regarding fire apparatus turning maneuvers and taking into account issues like snow banks and traffic congestion. Mr. Miron commented that the fire chief did not say that the trucks cannot maneuver. Snow storage areas are depicted on the plans and they are not within paved driveways. If snow piles got to the point where they impede traffic operation then the snow would need to be removed off site. Regarding traffic congestion, the Applicant is adding signs to prevent parking in the fire lane in front of the plaza.

Mr. Miron invited Ken Knowles from Eaglebrook Engineering to discuss the Starbucks's traffic study in response to comments from the fire chief. Mr. Knowles stated that two cameras were set up to review the traffic queues at the Starbucks and the traffic memo was presented at the last meeting. He repeated the presentation noting that they chose two weeks that would be normal operations and that Stratham is a typical bedroom community without peak seasonal influxes of people. Mr. House asked if the Town can have a copy of the video. Mr. Knowles replied that he does not have a copy and will ask the company that has it. Mr. House asked if other Board members have seen a traffic back up at Starbucks. Mr. Canada has not seen a backup between 5:00 am and 6:00 am. Mr. Knowles replied that per the video, the busiest time is 10:00 am.

Mr. House stated that the fire chief's biggest concern appears to be with water for fire suppression and that a sprinkler system is not proposed. Mr. Miron replied that Mr. Connors proposed a fire pond capacity evaluation be completed as a condition of approval and the Applicant is in favor of that. Mr. Miron added that he also believes Chase would be in favor of adding a sprinkler system to the building. Mr. House stated that the fire chief is concerned with the proximity of the building to the new electric vehicle charging stations. Mr. Connors met with the fire chief and the fire chief requested a third party expert to review the fire pond capacity. The Applicant requested that be completed during the building permit process whereas Mr. Connors recommends it be completed prior to site plan approval. Mr. House summarized that the Board would be approving a project without all of the information and is concerned what happens if the evaluation returns that the pond is not sufficient and the Board has already approved the project. Mr. Houghton and Mr. Connors replied that the Board could add a condition that the Applicant return to the Planning Board if that is the case. Mr. Knowles reviewed the proposed condition and commented that the owner of the plaza (Northstar) and not the tenant should be responsible for completing the evaluation. Northstar has agreed to hire a private engineer and they are concerned as well about a code or insurance issue. Mr. Knowles requests that the condition state that if a fire protection engineer determines that there are upgrades required, then the landowner is required to install those.

Mr. House asked Mr. Connors if he spoke with the fire chief regarding his comment that the proposed bank is next to the EV chargers and that the new ATM machine is next to the chargers and not the bank. Mr. Connors replied yes that he spoke with the fire chief and they reviewed all codes and could not find a required setback to the EV charging stations, but the fire chief would like to see a sprinkler system. Mr. Canada asked Mr. Knowles if he is authorized to speak on behalf

94 of the land owner in committing to fire protection upgrades including a sprinkler system. Mr.  
95 Knowles replied yes.

96  
97 Mr. House has concerns with the architecture. The front elevation has a lot of glass some of which  
98 is tinted. He would like to see tinting added to opposite end to balance the look. Mr. Miron will  
99 take that comment back to the Applicant. Mr. House would like to make that a condition of  
100 approval.

101  
102 Mr. House requested a presentation on the CUP application for the signage. Mr. Miron stated that  
103 nothing changed since the last meeting. Mr. Connors stated that the Board is voting to approve  
104 deviations from the Ordinance in two respects. The first is to allow halo-illumination and the  
105 second is to allow more signage area than allowed under the Ordinance. Mr. Miron described that  
106 the square footage allowed is based on the street frontage and because the short side of the building  
107 faces the street, the calculation on wall signage is restricted. If the calculation was performed using  
108 the front of the building, then the project would not need relief. They are requesting 64.8 square  
109 feet where 46 square feet is allowed. They are also not requesting any free-standing signs. Mr.  
110 Miron added that the sign above the main entrance was reduced slightly based on comments in an  
111 earlier meeting asking that it fit within the windows.

112  
113 Mr. Canada asked for a description of halo-illumination. Mr. Miron described that the sign is solid  
114 and there is lighting that illuminates the sign from behind. Mr. Canada asked that the sign is visible  
115 because there is an absence of light. Mr. Miron confirmed.

116  
117 Mr. Kunowski asked Mr. Connors if the new sign ordinance requires that signs be turned off at a  
118 certain time. Mr. Connors replied it does and that the main change was to eliminate internally  
119 illuminated signs and replace it with down lighting.

120  
121 Mr. House summarized that the requested increase in size is about 50%. Mr. Miron agrees.

122  
123 Mr. House asked for a board discussion on the signs. Mr. Canada does not object to the signs as  
124 they seem reasonable. He added that the complaint he has heard from business owners in town that  
125 the amount of allowed signage is too restrictive. Mr. House agrees that the signs are proportional  
126 to the elevations. Mr. Houghton agrees. Mr. Kunowski agrees as well since the signage is spread  
127 over three facades.

128  
129 Mr. House asked for a board discussion on the halo illumination. He stated that down lighting with  
130 gooseneck lights would look more like traditional New England architecture. Mr. Canada asked if  
131 there are examples of halo illumination in town. Mr. House replied Chipotle is an example but it  
132 was approved before the zoning ordinance was updated. He added that an approval defeats the  
133 purpose of changing the ordinance. Mr. Houghton, Mr. Kunowski, and Mr. Canada agree the signs  
134 should be down lit.

135  
136 **Mr. Canada made a motion that the Conditional Use Permit application for signage is**  
137 **complete. Mr. Kunowski seconded the motion. All voted in favor and the motion was**  
138 **approved.**

139  
140 **Mr. Canada made a motion to open the public hearing on this Conditional Use Permit. Mr.**  
141 **Kunowski seconded the motion. All voted in favor and the motion was approved.**  
142

Mr. House asked if any members of the public want to provide comments to the Board on the signage with regards to area and illumination. No members of the public spoke.

**Mr. Canada made a motion to close the public hearing on this Conditional Use Permit. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

**Mr. Houghton made a motion to approve the Conditional Use Permit Application on signage to allow the Applicant to increase the square footage from 46 square feet to 64.8 square feet with the stipulation that lighting be consistent with the current regulations of exterior down lit illumination and not halo back lit illumination. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

Mr. House asked if Mr. Miron wanted to add any additional information regarding the CUP application for the drive through. Mr. Miron replied that it is only an ATM drive through and no teller window.

The Board reviewed each of the CUP criteria:

1. Spirit and Intent of the Ordinance: Mr. House believes it meets the intent. There are two other facilities next door and one of them is just for withdrawals with no financial transactions.

2. Existing violations of the Zoning Ordinance: The Board and Planning Staff do not believe there are any existing violations.

3. Site suitability: Mr. House stated that the Applicant has made changes to satisfy the Planning Board. A condition requested by the Fire Chief will be added to the approval. The existing use is a parking lot with no environmental constraints. The Applicant will address water supply issues through a condition of approval. Sewage disposal and stormwater have been addressed. Mr. Houghton believes there is a challenge with the site with regards to traffic. There are corners that will be hard to navigate and parking constraints. He stated that customers will be unhappy having to park farther away from their destination, but he understands that the project meets the required number of parking spaces. Mr. Knowles stated that is the primary reason that Northstar opted to expand parking on the side. Mr. Houghton noted that is just his observation and he is not stating that the parking does not comply.

4. External impacts: Mr. House stated that there will not be much noise generation, trash will be enclosed and there should be no odors or vibrations, exterior lighting has been addressed, so he believes the project meets this criterion. Mr. Houghton agrees. Mr. Canada added that the impact is no greater than existing uses and might be considered less than existing uses.

5. Site layout and design compatibility with the character of the neighborhood: Mr. Canada stated the Applicant addressed the concerns (e.g. relation of building to street, parking, etc.). The Board agrees the project meets this criterion.

6. Building design compatibility with the character of the neighborhood: Mr. House stated that balancing the window tint on the front elevation will bring the scale down and satisfy his concerns with the amount of glass. He added that the massing of the building is compatible with the other buildings. Mr. Houghton stated that the Applicant has adapted well to suggestions. Mr. Kunowski added that when completed there will be three similar New England style buildings that will

enhance the overall look of the plaza and the 1950s/1960s-style strip mall will recede in the background. Mr. Canada had no comments or issues.

7. Natural, cultural, historic, and scenic resources preservation: The Board agreed this criterion does not apply to the project.

8. Neighboring property value diminution: The Board agreed the project does not diminish surrounding property values.

9. Adequate utilities: Mr. House stated a condition will be added to the approval requiring a fire pond evaluation and they have met the criteria for other utilities. The Board agrees.

10. Fiscal impact on the Town: Mr. House stated he does not see a negative impact and it might be considered a positive impact. Mr. Canada added that an alternative of adding a third story to the current structure would create an issue with fire services with regards to ladder access. Mr. Kunowski agrees there is no impact.

11. Public interest: The Board agrees the project is in the public interest.

Mr. House summarized that the Board does not have any issues with the Application and requested a motion.

**Mr. Houghton made a motion to approve the Conditional Use Permit Application to allow a drive through facility. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

Mr. House reviewed the waiver application. The Applicant requested a waiver from Section 3.8.8, Table 2 of the Zoning Ordinance to allow a new structure to be sited 88 feet from the front property boundary where the Ordinance requires a maximum setback of 40 feet. Mr. House noted that there is an existing drive through facility on the property now that precludes this building from being constructed closer to the road. It also lines up well with the Starbucks and Chipotle buildings. Mr. House called for a discussion on the waiver. There were no comments from the Board.

**Mr. Kunowski made a motion to allow the new structure to be constructed more than 88 feet from the front property boundary where the Ordinance requires a maximum setback of 40 feet. Mr. Houghton seconded the motion. All voted in favor and the motion was approved.**

Mr. Connors directed the Board's attention to the proposed site plan approval conditions. There was discussion regarding the condition related to employee parking. Mr. Knowles stated that the property owner cannot dictate where employees of existing leaseholders park, but they can do so with each new lease. Mr. Houghton asked if the condition could read, 'encourage existing tenants and require future tenants'. Mr. Knowles stated there are insurance and legal reasons why a landlord would not want to demand where a tenant parks. He gave an example of liability concerns with parking behind the building depending on the time of the shift. He added it is a rare case, but is also a worst case scenario. Also certain weather conditions, such as snow, might direct the best place for an employee to park. The property owner is supportive of notifying the tenants annually that there is employee parking in the rear of the building and some employees park back there currently, however specifying that employees park in the rear is concerning to the property owner. Mr. Canada does not agree with the liability, but understands the current contractual obligations.

241 He asked for a list of current expiration dates of the leases. Mr. Knowles replied that he does not  
242 think that is in the purview of the Planning Board. Mr. Canada replied if it is a condition of approval  
243 that new leases contain that requirement, then the Town needs to know when they will expire so  
244 the Town can follow up on the requirement. Mr. Knowles suggested the requirement be tied to  
245 tenant building permits. Mr. Houghton stated that the condition should apply to a new tenant  
246 instead of to a new lease to avoid causing issues with an existing tenant. Mr. Knowles stated that  
247 is a fair point. Mr. Canada asked Mr. Houghton if he thinks the requirement should occur with  
248 lease renewals. Mr. Houghton replied that he thinks an existing tenant should be encouraged and  
249 not required and that Chase Bank is the Applicant and the condition being imposed would be on  
250 the property owner. He added that he does not think it is Chase's responsibility to do that. Mr.  
251 Canada agrees with that. Mr. Connors reiterated that it could be tied into building permits. Mr.  
252 House agreed with Mr. Knowles that the building permit process is the best avenue for parking  
253 requirements.

254  
255 Mr. Connors continued to read aloud the draft permit conditions and noted that condition 13 was  
256 worded to provide relief to Applicants for conditions not directly within the Applicant's control.  
257 He commented that there is an old requirement from Chipotle to install a pedestrian crossing at the  
258 signal, but it is delayed by the New Hampshire Department of Transportation (NHDOT). Mr.  
259 Knowles commented that the condition for offsite improvements relates to the Town's satisfaction  
260 and he notes that the work is subject to NHDOT review and approval and perhaps the Town would  
261 prefer to not be involved. Mr. Connors replied that the intent of the condition relates to prior  
262 approvals and to make sure items are addressed. He thinks it is a semantics issue and the Town  
263 will not hold the applicant or owner to a higher standard than NHDOT. Mr. Knowles recommended  
264 that the Town would be better suited to not get involved with NHDOT. He added that Chase Bank  
265 has the updated driveway permit which includes moving the Starbucks and Chipotle permit  
266 forward to incorporate Chase. The Chase DOT permit includes all of those offsite improvements  
267 and Chase cannot move forward under a separate DOT permit without completing the other  
268 improvements. Mr. Houghton stated that he believes that is Mr. Connors intent with the draft  
269 condition and suggested a minor edit.

270  
271 Mr. House asked to add a condition requiring tinting of some windows on the Portsmouth Avenue  
272 elevation. The Board agreed to incorporate this change as a condition of approval. This was  
273 followed by a discussion on the proper wording of the condition.

274  
275 Mr. Knowles asked for clarification on when the fire protection analysis should be completed. Mr.  
276 Connors replied that it should be prior to plan signature and the Town would use its third party fire  
277 protection engineer. Mr. Knowles replied that Northstar has its own fire protection engineer that  
278 is familiar with the existing pump house and the fire pond. He suggested it is more efficient to use  
279 that engineer that is familiar with the site and it is really the responsibility of the landlord and not  
280 the applicant to commission the study. Mr. Canada replied that suggestion defeats the purpose of  
281 third party review, but Mr. Knowles make a good point about efficiency. Mr. House agrees with  
282 Mr. Knowles as well.

283  
284 Mr. Connors suggested the wording for the condition related to the requirement for tinting of the  
285 southerly windows on the Portsmouth Avenue façade and after discussion the Board agreed to the  
286 wording. He also suggested the Board add a condition that the building be fully sprinklered  
287 consistent with the earlier discussion. Mr. House noted that would be contingent on the fire  
288 engineer review. Mr. Canada noted that the applicant already agreed to make this improvement so  
289 it was appropriate to include as a condition. The Board agreed to incorporate the condition that the

building be fully sprinklered.

**Mr. Houghton made a motion to approve the site plan application submitted by JP Morgan & Chase to construct a 3,322 square foot Bank at 20 Portsmouth Avenue, Tax Map 4, Lot 14, Zoned Gateway Commercial Business District subject to the site plan by Bohler Engineering last revised August 7, 2023 subject to the conditions in the staff memo and the deliberations of the Planning Board, including:**

- 1. The applicant shall work with the Town Planner to incorporate minor technical comments into the plans and any outstanding comments from the Town's consulting engineers.**
- 2. All relevant state permit numbers, including NHDOT Driveway Permit and NHDES Septic Approvals shall be noted on the plans.**
- 3. The Landscape Plan shall be revised to include a minimum a six additional trees in the front setback (in the esplanade separating the use from Portsmouth Avenue). The plan shall also be revised to include a certification required under Section 5.2.N of the Site Plan Regulations.**
- 4. If the Planning Board approves the waiver and Conditional Use Permits, these approvals shall be noted on the plans.**
- 5. The applicant shall provide an analysis by a fire protection engineer to determine if the existing fire protection supply and pressure meet applicable fire code for the site accounting for the addition of the Chase Bank building and additional fire hydrant proposed. The engineer's analysis will be provided to the Town prior to site plan endorsement. Any improvements required to meet fire code will be the responsibility of the property owner and installed prior to the issuance of a Certificate of Occupancy for the Chase Bank.**
- 6. The applicant shall compensate the Town for any outstanding third party review invoices.**
- 7. New parking areas located to the rear of the shopping center shall be utilized by employees who work onsite. The property owner shall be responsible to encourage tenants to utilize these spaces by employees and this requirement shall be binding on the site and enforceable by the Town. For major renovation projects or new tenants in the shopping center requiring building permits, the Town may include conditions requiring the spaces be utilized by employees.**
- 8. Prior to the issuance of a building permit, the applicant shall provide a financial security to the Town consistent with the requirements of the Site Plan Regulations.**
- 9. Prior to the issuance of a building permit, the applicant shall record an agreement with the Town obligating the owner and subsequent owners to maintain stormwater management facilities consistent with their design intent.**
- 10. Prior to the issuance of a building permit, the applicant shall submit a construction staging plan to the Planning Department. The plan shall provide for adequate emergency response and site circulation during all phases of construction. The plan shall be reviewed by all relevant Town Departments and subject to the approval of the Town.**
- 11. Prior to the start of construction, the applicant should schedule a pre-construction meeting with the Planning and Building Departments, Fire and Police Departments, and the Department of Public Works.**
- 12. Prior to the issuance of a Certificate of Occupancy, all improvements depicted on the site plan shall be installed.**

- 338 13. Prior to the issuance of a Certificate of Occupancy, all on- and off- site improvements  
339 required under previous approvals, shall be installed consistent with previously  
340 approved plans.  
341 14. The architectural plan shall be revised to show the two windows on the southerly side of  
342 the Portsmouth Avenue façade be tinted to match the two windows on the northerly side  
343 of the façade.  
344 15. The building shall be fully sprinklered.

345  
346 Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.  
347

348 Mr. Zaremba returned to the Board at 8:42 pm.  
349

350 **4. Public Hearing (New Business):**  
351

- 352 a. Robert Marshall of 85 College Road, Stratham, NH, Tax Map 20 Lot 7, Zoned  
353 Residential/Agricultural. Request for approval of a Conditional Use Permit to allow the  
354 construction of a driveway that encroaches into the Shoreland Protection District and Wetlands  
355 Conservation District.  
356

357 Mr. Connors described the location of the property adjacent to the Squamscott River and explained  
358 that the Applicant is seeking to expand his house into an area where there was previously an  
359 inground swimming pool. Variance and Special Exception permits were approved by the Zoning  
360 Board of Adjustment last week. The Applicant also proposes to install a driveway at an existing  
361 curb cut. The plan is to expand the driveway to meet the proposed garage. A Conditional Use  
362 Permit is required from the Planning Board because the driveway is within 150 feet of the  
363 shoreline. The Conservation Commission reviewed the project in May and they have no objection.  
364 The Applicant has agreed to use porous pavement for the driveway.  
365

366 Derek Durbin, attorney for the Applicant, spoke on behalf of the Applicant. Mr. Durbin presented  
367 a site plan dated April 2023 that depicts the jurisdictional wetlands line and the impervious area  
368 calculations. The entire property is encumbered by the 150-foot Shoreland Zone buffer and a  
369 significant portion is also encumbered by the wetlands buffer. To mitigate impact associated with  
370 the driveway the Applicant proposes a pervious pavement. The closest point of the driveway is 88  
371 feet from the mean high water mark of the Squamscott River and approximately 70 feet from  
372 jurisdictional wetlands. There are no grading changes to the property and a dense vegetative buffer  
373 will remain. NH DES has approved a Shoreland Permit for the project. Impervious surface will be  
374 reduced by approximately 150 square feet with removal of the patio and pool. The conditions  
375 proposed by the Conservation Commission were incorporated into the Zoning Board approvals.  
376 The Zoning Board imposed some additional conditions as well.  
377

378 Mr. House reviewed the proposed garage and driveway location and property line on the site plan.  
379 Mr. House asked Mr. Connors if the porous pavement can be installed over the property line into  
380 the right of way. Mr. Durbin replied that he believes NHDOT will not allow it and he did not  
381 include that area in the impervious calculations.  
382

383 Mr. House stated that the existing house is about 50 feet from the jurisdictional wetlands. Mr.  
384 Durbin confirmed. Mr. House asked how far will the new addition be from the wetlands. Mr.  
385 Durbin replied his recollection is about 115 feet and pointed the post conditions plan. Mr. House  
386 corrected that is to the river and not the distance to the wetlands. Mr. Durbin reviewed the materials



and replied the project will be 70 feet from the edge of jurisdictional wetlands.

Mr. House noted there is a gazebo within the districts as well. Mr. Durbin replied that is pre-existing. Mr. Canada recollects the dock was approved in 2008. Mr. Marshall confirmed and added that he purchased the property in 2014.

Mr. Houghton asked if the pool house and pool will be removed. Mr. Durbin replied the pool house will remain as an outbuilding and the patio and pool will be removed. Mr. House polled the Board members and there were no concerns with the project.

Mr. House asked what the circle is on the plan near the proposed garage and where is the well for the property. Mr. House subsequently found the well on the site plan. Mr. Durbin replied the circle is the septic system and part of the system is under the impervious patio. Mr. Marshall clarified the septic tank is under the patio. Mr. House asked where the septic system is and if the new garage will encroach on the septic system. Mr. Durbin replied that he worked with Adam Fog from NHDES who considered that issue during his review. The leach field is not depicted on the plan.

**Mr. Zaremba made a motion to accept the Conditional Use Permit application as complete. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

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

There were no comments from the public.

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

Mr. Durbin presented responses to the CUP criteria. A written narrative was submitted to the Board covering the individual criteria. The proposed driveway is necessary to access the garage and will be using an existing curb cut and is therefore essential to the productive use of land not within the Wetlands Conservation District. The impetus for the addition is to accommodate the property owner's elderly father. Pervious asphalt will be used to minimize detrimental impact to the wetland, there will be no grading changes, and there will be a decrease in overall impervious surface coverage. The Conservation Commission rendered a finding that there is no detrimental impact and the projects is in keeping with the goals of protecting natural resources. There is no proposal for construction of powerlines, pipelines, or other transmission lines. There is no alternative route as the entire property is encumbered by the Shoreland Protection District and a significant portion is within the Wetland District. Reasons for the proposed construction include creating easier and safer access to the property for the owner's elderly father and also for storage of vehicles and outdoor equipment.

The Board agrees the application meets the Conditional Use Permit criteria.

Mr. Kunowski asked for confirmation that there is no plan to change the existing curb cut and parking area. Mr. Durbin confirmed it will remain.

Mr. Zaremba asked if the conditions of approval were reviewed by Mr. Durbin. Mr. Durbin replied yes.

Mr. Zaremba made a motion that the Planning Board approve the Conditional Use Permit application, submitted by Robert Marshall, in accordance with Sections 11.4.1 and 12.7.1 of the Zoning Ordinance to allow the construction of a driveway at 85 College Road, Tax Map 20 Lot 7, Zoned Residential/Agricultural, as the Planning Board has determined the application meets all of the Conditional Use Permit criteria per the Board's deliberations, subject to the following conditions.

1. All conditions of the Zoning Board of Adjustment approval of the variance and special exception shall remain binding upon the application.
2. The driveway shall be constructed of a porous pavement material. Prior to the issuance of a building permit, the applicant shall submit to the Planning Department an Operations and Maintenance plan to ensure the driveway is maintained in accordance with its design function.

Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

## 5. Other Business:

- a. Lone Tree Homes, LLC (Owner), Great Island Builders, LLC (Applicant) - Request for approval of an Expedited Planning Board Review application to allow for improvements to parking area of a bakery under renovation at 100 Portsmouth Avenue, Map 13, Lot 86, Zoned Professional Residential.

Mr. Connors explained that the Applicant received approval from the Planning Board at the last meeting to add a storage container to the property. The property historically had a poor parking design and the Board encouraged the owner to submit an application for approval. The application before the Board tonight is for parking.

John McCormack of Great Island Builders described that the site plan has been updated to include changes requested by the Planning Board at the last meeting including screening for the dumpster and container and removal of the water heater structure and awning from the shed.

Mr. House asked if the amount of parking is in conformance with the zoning. Mr. Connors replied yes.

Mr. House asked if the planting areas in front of the building are new. Mr. McCormack replied that the beds were there at the start of the project. Mr. House asked if the beds are planters or if they are at ground level. Mr. McCormack replied at ground level and that nothing has been planted yet.

Mr. House noted that the sides of the building have been paved. Mr. McCormack confirmed that all previous pavement areas have been repaved. He added that the intent is that employees will park on the sides of the building leaving the striped areas for customers but that he is not certain where the business owner will have the employees park.

Mr. House asked if the dumpster will be picked up during operating hours. Mr. McCormack does not know what the bakery owner has scheduled. Mr. House stated that the parking is designated in front of the dumpster. Mr. McCormack replied he will suggest to the bakery owner that she schedule pickup outside of business hours. Mr. House suggested the same for access to the

container and asked what size truck will deliver goods for storage. Mr. McCormack does not know.

Mr. Houghton asked if there is seating inside the bakery. There was no verbal response. Mr. Houghton asked if it is primarily take out. Mr. McCormack confirmed and added that the take out window is not a drive up window and is a walk up.

Mr. Canada asked if Mr. Connors is satisfied with the parking plan. Mr. Connors replied that the property is somewhat limited due to it being a NHDOT driveway and it is better than it was. Mr. Canada asked Mr. Connors if he thinks it is the best they can do. Mr. Connors replied that he does not like huge curb cuts but they are less than what was there so it is an improvement. Mr. Canada asked again if Mr. Connors feels it is the best they can do under the circumstances. Mr. Connors replied no, he prefers to see a smaller curb cut. Mr. Canada asked if the Board should discuss that or is it already approved. Mr. Connors replied that the parking has not been approved and the earlier approval is related to the storage container and the take out window. The issue is the project would need NHDOT review and approval because it is a state road and that might cause a delay if the Town requests changes to the curb cut. Colby Delisle of Lone Tree Homes, the owner of the property, replied that the middle curb cut was reduced per NHDOT's request by about 75 feet and a grass island was added at NHDOT's request. Mr. Canada is satisfied with the response.

Mr. Zaremba commented that the bollard was removed near the take out window. Mr. McCormack replied that it was removed for paving and will be replaced. Mr. Zaremba also has concerns with parking near the take out window and would have preferred that the pavement had been reduced on the side. Mr. Kunowski has the same concern with the bollard, but it has been addressed. Mr. Houghton asked for the bollard to be added to the site plan. The Applicant agrees to correct the plan. Mr. House asked the Board if one bollard is sufficient. Mr. Houghton commented that it depends on what is being protected and for him it is the take out window. Mr. McCormack asked if concrete curbs could be a substitute for bollards. Mr. Connors replied that would be better. Mr. McCormack noted that they can be driven over, but it would have to be pretty fast. Mr. Zaremba agrees with that suggestion. Mr. Houghton asked for clarification on bollard vs. concrete curb and if the Applicant is suggesting a curb instead of a bollard. Mr. McCormack confirmed. Mr. House stated he thinks a curb is better than a bollard. Mr. Houghton asked if there would be one curb to the right of the building. Mr. Connors suggested that curbs be added to two spaces to the right of the building. Mr. House commented that with twelve parking spaces that could be a good sized line outside and agrees with Mr. Connors' suggestion of two curbs. Mr. McCormack stated the owner has the same set up at her Exeter location but he does not know how long the queue is but he got the impression it is quick and added that customers can go into the building as well. He will install as many curbs as the Board wants. Mr. Houghton commented that the more that are installed, the more encroachment there will be on snow removal, so he thinks one is sufficient. Mr. Canada has no comment, Mr. Zaremba thinks two are better, and Mr. Kunowski agrees with two.

Mr. House asked if the fencing and gate will be installed around the dumpster. Mr. McCormack replied yes and that is also a requirement of the state health inspector and they can't receive the state permit without it.

Mr. House reminded Mr. McCormack that a handicap parking sign is needed.

There were no additional comments from the Board.

**Mr. Kunowski made a motion that the Planning Board approve the Expedited Planning**

Board Review Application for 100 Portsmouth Avenue to install parking improvements subject to the site plan prepared by Emanuel Engineering, Inc. with revision as discussed at the August 16, 2023 Planning Board meeting, subject to the following conditions: the Applicant shall submit a NHDOT driveway permit to the Planning Department or documentation from NHDOT that such a permit is not necessary and the Applicant shall work with the Planning Department to incorporate minor technical comments into the plans. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Houghton left the meeting at 9:20 pm.

**b. Gateway Commercial Business District Zoning Workshop**

Mr. Connors described there are a lot of uses that require a Conditional Use Permit, not only in the Gateway District, but applications are submitted the most in the Gateway. Mr. Connors presented changes to the eleven CUP criteria. Many of the criteria are similar, so he took a look at how to consolidate the criteria to streamline review. He offered seven criteria and described proposed changes.

Mr. Canada left the meeting at 9:34 pm.

Mr. Connors continued describing proposed changes and commented that some of the criteria were written assuming public water and/or sewer service would be extended to the Gateway District and that hasn't happened. Kirk Scamman, member of the public, commented that because water and sewer service do not exist, he would like to see the Gateway District removed. He believes without water and sewer, the restrictions in the District are unreasonable. He is looking to develop his property in the Gateway District soon. With water and sewer service, it is a great plan, but in his opinion, the services are never coming. He is looking at car dealerships because they use very little water and sewer. Mr. Zaremba asked Mr. Scamman if there are specific restrictions in the District that are not workable. Mr. Scamman replied just in general and that the Town wants all the roads with pipes that are never going to be used. He came to the meeting hoping the Board would propose to get rid of the Gateway District as he is trying to figure out what to do with his property. Mr. Connors replied that water and sewer is not on the horizon and he is proposing to update the ordinance to reflect that and if water and sewer were to become available, there would be plenty of time to update the ordinance again. There are a lot of waivers and CUPs that the Board has to review and he is proposing a way to simplify that. Mr. House asked Mr. Scamman again for specific examples. Mr. Scamman does not have specific examples but he has spoken to a couple of people who mentioned water and sewer and building size and when that is not available, then it limits the businesses that can go in there. He added that the Town wants lots of little buildings with little roads and quaint stuff but the Town doesn't have those little businesses. Mr. Zaremba asked Mr. Connors for confirmation that is why he brought it to the Board tonight. Mr. Connors replied that Mr. Canada asked for it to be reviewed. Mr. Scamman added that the people he has talked to want to construct big buildings. Mr. Houghton stated that is not what the Board was going to discuss tonight and asked Mr. Scamman to create a list of issues and suggestions when he discusses development with the other people and provide that list to Mr. Connors who can bring it to the Board. Mr. Connors stated that he can send some drafts to Mr. Scamman.

Mr. Kunowski asked if changes to the CUP criteria need to go before the town. Mr. Connors replied it has to go to the ballot. Mr. Scamman asked when the deadline for the ballot is. Mr. Connors

replied that it has to be posted in December, so if he has any comments, it would be good to submit them by early November. Mr. Scamman thanked the Board.

**c. Miscellaneous Community Planning Issues**

None discussed

**6. Adjournment**

**Mr. Zaremba made a motion to adjourn the meeting at 9:41 pm. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**