



**Stratham Planning Board
Meeting Minutes
November 15, 2017
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Jameson Paine, Vice Chairman
Mike Houghton, Selectmen's Representative
David Canada, Member
Robert Roseen, Alternate
Nancy Ober, Alternate

Members Absent: Bob Baskerville, Chairman
Tom House, Secretary

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call and requested Ms. Ober and Mr. Roseen be voting members for tonight's meeting. Mr. Roseen and Ms. Ober agreed.

2. Review/Approval of Meeting Minutes

a. November 1, 2017

Mr. Canada made a motion to accept the meeting minutes of November 1, 2017 as submitted. Ms. Ober and Mr. Roseen recused themselves from voting due to their absence at the November 1, 2017 meeting. Motion seconded by Mr. Houghton. Motion carried by 3 yes votes and 2 abstaining.

3. Public Hearing

a. 6-Lot Subdivision Application to create five (5) new building lots at 8 Whittaker Drive, Stratham NH 03885, Map 19 Lot 68 submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH 03885.

Mr. Austin stated a letter was received November 6, 2017, from Jones & Beach Engineers, which is included in the binders, requesting an extension to the December 6, 2017 meeting,

45 and extending the 65 day clock. Mr. Austin advised the board that no information has been
46 received from the applicant regarding what will be returning before the board. A meeting is
47 scheduled for Monday, November 20, 2017, with DPW to review the plans. Mr. Austin
48 anticipated sending plans to Civilworks, for review, and their current calendar suggests a
49 review November 27-30, 2017, and depending on what will be submitted, may not allow for
50 appropriate review time. Civilworks offered to start the review December 6, 2017 and
51 return the report in time for the December 20, 2017 meeting. Staff asked the board to
52 determine a cut-off date for Civilworks in order to request the applicant to extend to
53 December 20, 2017 if warranted. Mr. Austin stated if a response is back from Civilworks
54 by November 30, 2017 a review could be forwarded to the planning board for review. The
55 planning board would then have 2 days to review Civilworks comments. All other
56 documents, plans, and staff comments will be sent to the board by November 29, 2017 for
57 review, and third party review will come after that date. Mr. Houghton stated the last time
58 the applicant was before the board was October 18, 2017 and have had 45 days to present
59 their documents. Mr. Houghton does not agree that 2 days for review is adequate and
60 December 20, 2017 would be a more appropriate date to give the board ample time to
61 review the documents. Mr. Paine agreed with Mr. Houghton.

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63 Mr. Roseen made a motion to continue the Sullivan Subdivision, 8 Whittaker Drive,
64 application to December 6, 2017. Ms. Ober seconded the motion. Motion carried
65 unanimously.

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67 **b. Site Plan Review Application** to revise existing site plan from 6 buildings to 4 buildings
68 with associated parking, utilities, and drainage. The proposed 4th building will have a
69 footprint of +/-20,000 square feet. The project is located at 118 Portsmouth Avenue,
70 Portsmouth, NH 03885, Map 13 Lot 69 submitted by Fred Emanuel, Emanuel Companies,
71 Inc., 118 Portsmouth Avenue, Stratham, NH.

72
73 Mr. Austin stated the planning board has not accepted this application as complete or
74 open for a public hearing. Mr. Austin stated staff review of this application is complete
75 from the vantage point that the applicant has satisfied all the submittal requirements and
76 appropriate sections of the regulations and ordinance with the provision that the
77 submittal requirements have been satisfied via a waiver request. However, the packet in
78 front of the board received at the meeting includes additional information. Mr. Austin
79 stated the board needs to accept the waiver or the extent the information needs to be
80 added. Staff stated the board could accept the application as complete and move to
81 open the public hearing tonight if the planning board chooses, but at the time the staff
82 review was prepared it was unclear what additional information the applicant was going
83 to provide at this meeting. Mr. Austin stated the staff review points out Section C calls
84 for which sections are complete or complete via the waiver. Site Plan Regulations do
85 not call out an amended site plan review process, therefore, this is functionally a new
86 site plan but there is an existing "approved" site plan which the applicant could move
87 forward and build. The applicant has an existing vested site plan so it is the board's
88 determination as to whether new consideration is required or if this is a modification
89 within the parameters of the existing approval. Mr. Houghton asked if there is an
90 increase in parking spots. Bruce Scamman stated approximately 100 spaces. Mr.
91 Houghton asked if there is an increase in the total amount of square footage. Mr.
92 Scamman stated 13,000 square feet.

Bruce Scamman, Emanuel Engineering, representing Emanuel Companies, stated there is an existing site plan and during the prior preliminary hearing there was some discussion on whether this was an amended site plan and where the balance lies. In order to submit a complete package the applicant was required to put in the waivers so it was a complete application to come before the board. Mr. Scamman stated the applicant has met with some abutters regarding their concerns and some preliminary lighting and landscape work was done, which is included in the package submitted this evening. Mr. Scamman stated the applicant is before the board to start the process for this application, get planning board feedback, and the waivers are not expected to be voted on tonight. Mr. Scamman stated waivers are requested for drainage, two for landscaping, lighting, and traffic study. Information was brought tonight to for the two landscaping and lighting waivers. Drainage and traffic impact are the major portions of that and waivers may still be needed on landscaping and lighting, depending on how the board would like the applicant move forward to finalize a design.

Mr. Canada asked Mr. Scamman to confirm an increase in impervious surface. Mr. Scamman stated no, the question was regarding square footage of buildings. The original approval is for 65,000 square feet of building and the applicant is proposing a total of 73,000 square feet of building. Mr. Scamman stated the design changed from traditional pavement with runoff to porous so ponds aren't needed, mosquito breeding areas go away, and it is a much higher quality treated facility for storm water. Mr. Scamman stated a drainage study will be submitted to receive an alteration of terrain permit also. Mr. Austin explained the proposed plan has 13,000 additional square feet of office and 100 additional parking stalls, but dramatically reduces the impervious surface. Mr. Austin stated that staff's only waiver question that remains is to what extent the planning board would like the traffic analysis. There is an approved site plan which addresses the site traffic entering the 108 corridor and it has been constructed in accordance with that plan. The traffic analysis is typically done for a site as how the site enters a public road, and there is a concern that exists that Millbrook's interface with Route 108. Mr. Austin asked if modification from 6 buildings to 4 changes the traffic analysis that would not have been done with the original approval; and is it the same form and function with regard to office entering Millbrook and then entering 108. Mr. Roseen asked if a traffic study is required for an unplanned road. Mr. Austin stated if this were a vacant site, the entire footprint of what this site encompasses, with 4 total office buildings, the planning board would most likely look for a traffic study for impacts on Millbrook and Route 108. Mr. Paine stated square footage is being added which was previously approved, but also adding the potential for additional parking which wasn't previously approved; which is near 25 percent. Mr. Scamman explained that the original approval was for general office space, which is 3 spots per 1,000, and it is known that there are several doctor's offices in the current building and that range is 4.5 to 5.5 spaces per 1,000. Because of this it was averaged as 5 spaces per 1,000 for the entire site. Mr. Houghton motioned to accept the application as complete with the understanding that the missing items on the application are present or in the form of waivers. Ms. Ober seconded the motion. Motion carried unanimously.

Mr. Scamman explained where the project site is, 2 office buildings are currently on the site, with multiple office tenants renting space within that facility. Mr. Scamman stated the previous approval is 6 office buildings with a center courtyard; what is being proposed is to

keep the 3 front buildings as a center courtyard and combine the back 3 buildings and combine them into one building. Mr. Paine asked for confirmation that when this project was approved, was it approved only as this project or was the residential behind it part of the approval process. Mr. Scamman stated this was a site plan for just the office park and previous to this there were 2 or 3 subdivisions with lots being subdivided in the 1970's and behind it in the 1980's. He pointed out to the board the section that was subdivided off in the late 1980's, a site plan was done in the late 1980's, and it was developed according to this site plan in the late 1990's. Mr. Scamman explained the current site plan to the board and stated in the future there could possibly be connectivity to Tricia's Way since Mr. Emanuel owns the property which connects the two. At this point in time the applicant is planning on extending the road a little over 400 feet so there's another access for safety. Porous pavement will be used due to the sands that are on the site and the ability to perk water back into the ground and to put it back into the aquifer as opposed to running it to the ponds and out to Mr. King's property as is currently designed.

Mr. Scamman explained the existing conditions. Currently the buildings are used as a mixed-use of offices. The current parking spaces are tight, the buildings are not 100% full, and it was determined that 3 spaces per 1,000, which was originally designed, may not be sufficient. There is a potential client that would like to rent one of the spaces in the new building and they requested 5 spaces per 1,000. Regulations state medical parking to be between 4.5 and 5.5 per 1,000 and the applicant would like to have enough parking so they don't run out of spaces. Mr. Scamman explained the proposed changes. The same architectural preferences will be kept to match the existing buildings. The required number of parking spaces is 365, and if the 5 spaces per 1,000 is used, the applicant is proposing 367. Mr. Scamman explained the applicant is proposing the parking lot and all the aisle ways to be porous pavement and the rear lot will all be porous pavement except for a thoroughfare. Tractor trailer turning templates were provided in the packet. The additional road was added for safety. Leachfields are proposed for both buildings in the courtyard and the well is a public water supply which will be providing water for the entire site. The fire department has questioned sprinkler systems. Dave Emanuel is working with the fire department to see what is best, and the applicant is working with Simplex to have a system designed. A pump tank is being proposed that may or may not be needed due to the existing pump tank and fire system. The existing generator will be moved next to the transformer with a vegetative barrier. There is only 1 dumpster site being proposed for the entire office park and will be located in the existing location and a vegetative buffer will be added. Mr. Scamman discussed the landscaping plan and Mr. King's concern with a buffer. A full evergreen buffer is being proposed down the rest of the parking lot. A waiver has been requested to match existing lighting. The proposed lighting is to follow the existing shoebox lights and space them along the centerline of the pavement and the front edge of the pavement. After speaking with Mr. King, the applicant hired Charlie Cote to prepare the preliminary plan and to move the lights from the exterior to 60 feet to the center of the parking lot in order to get them further away from Mr. King's property. The .5 foot candle is at the edge of the parking lot and the area closest to Mr. King's property, which is approximately 50-70 feet from the edge of parking lot and lower than the property line.

Mr. Paine asked what use is being proposed for the access route to the larger building. Mr. Scamman stated it is on the plan to give the delivery trucks such as UPS and Fed-X a

specific spot to park for deliveries, there are no tractor trailer deliveries. Mr. Austin asked what the average occupant space is in the existing two buildings. Mr. Scamman stated the average rental unit is approximately 2,000 SF. Mr. Paine asked for confirmation of the plan for snow storage. Mr. Scamman point the snow storage areas to the board. Ms. Ober questioned whether there is room on the access road for a truck to turn around. Mr. Scamman stated they would have to back in to come out going forward so a truck would not have to back out into a main aisle way. Mr. Scamman explained there is access on both sides of the building for fire protection. Mr. Austin stated site plan regulations require the performance bond be secured for the improvements that are a part of the approval. Staff is supportive, if the board is, to not require the landscape architect's stamp and there seems to be enough information on the concept plan in order to put a pricing and performance document together. Mr. Paine would prefer to have a stamped plan instead of approving a waiver. Mr. Scamman stated a landscaping waiver will most likely still be needed because of the landscaping regulations. Mr. Paine asked for confirmation of the construction phasing (period of time, sequencing of buildings, etc.). Mr. Scamman stated the applicant would like one building to go up as early as possible in the spring and would like the building occupied by December 2018; Building #3 will be done at a later date. Mr. Paine questioned what the landscaping plan is if Building #3 is being used to buffer the view of the larger building but it won't be built for "a period of time", is there the ability to have a phases landscaping plan. Mr. Scamman stated there is a significant amount that has started to be screened as the trees grow. Mr. Roseen requested a construction phasing plan from the contractor, or at least key elements of the plan, because the protection of the porous pavements there are considerations that need to occur if there is any risk exposure for construction traffic across the porous pavement. Mr. Scamman stated the 40 ft. strip all around the building will be temporary so there will be no lulls on the pavement. Mr. Roseen questioned where the drywells are shown on the grading and drainage plan. Mr. Scamman showed the board, on the plan, where the drywells are. Mr. Paine questioned what the slope of the pervious pavement or the percentage grade is. Mr. Scamman stated 1-2% going away from the building. Mr. Roseen questioned the cut and fill for the side. Mr. Scamman stated a full calculation has not been done yet, but by the time the prime materials are brought in there will be some excess which would be stored on the hayfield next door which is owned by Mr. Emanuel. Mr. Paine stated he is concerned about the traffic part of the application and he would like more confirmation of numbers and turns and the traffic on Route 108, since is not what it was 20 years ago. Mr. Canada stated the application would not be rejected due to the traffic increase on Route 108. Mr. Paine stated concern with an additional four structures of traffic entering Route 108 at peak times. Mr. Austin asked the board if a new traffic study is required, or if a traffic engineer should evaluate the change in condition from the approved design to the proposed design and determine if that would have an impact. Mr. Roseen suggested the original traffic study be reviewed to determine if the 25% addition was already factored in to the original report. Mr. Scamman asked if the applicant had a review of the intersection and numbers from Mr. Pernaw if that would be sufficient for the board. Mr. Paine requested Mr. Pernaw evaluate the existing traffic study and determine if the layout is appropriate. Mr. Houghton asked how many vehicles are on the site now with the current buildings. Mr. Scamman stated approximately 100 +/- vehicles. Mr. Austin stated the number of parking spaces is determined by a net number of employees on site during the standard office hours, but the additional parking is to account

for 1 patient arriving while another is leaving and that turnover. Statistically nothing will be full.

Fred Emanuel stated there are varied tenants in the office park, a majority of the medical staff comes in the morning and are open until 7 or 8 in the evening when they leave. Mr. Emanuel states there has never been more than 2 cars waiting to enter onto Route 108. Mr. Emanuel explained several tenants have flex hours, work on the road, and it is not like a manufacturing plant at the end of the day. Mr. Emanuel stated under the old requirement this converts to 39 additional spaces based on the existing approved site plan.

Kevin King stated his concern regarding the lighting and shrubbery. Mr. King showed the board the location of his and his son's houses next door. Mr. King would like a 10 ft. berm built up and to lower the light fixtures. There is a light which currently shines very bright in Mr. King's son's backyard. Mr. King stated that Mr. Emanuel and Mr. Scamman are willing to work together to solve his concerns. Mr. Scamman showed an aerial photo of the properties. Mr. Houghton stated the collaboration between the parties as it relates to accomplishing concerns is great and the planning board would like that reflected in the plan. Mr. Austin stated the additional information the applicant presented tonight, the regulation and site plan with regard to lighting has been satisfied.

Jeremy Riecks, Doe Run Lane, stated he sent a letter to Mr. Austin, included in the binders with the same concerns as Mr. King. Mr. Riecks is concerned the existing lighting is not exactly the same as what is being proposed. The shoebox light fixtures, as they currently are, were designed for an HID or high-pressure sodium bulb. The LED fixtures chosen have the most number of LED units per fixture that is available. The column on the lighting plan for the application shows that there are 8 poles which look like they have double fixtures on them and the color of the fixture shows back life control which would be ok if they were perimeter mounted, but because they are internal they are not needed. The luminaire table shows LB1 and LB33 with a lumen level of 19, 611 and Mr. Riecks looked at the lighting cut sheet, the energy saving data page for the 90 LEDS, neither the LED fixture that is driven at 700 milliamps or 1,000 at 50 milliamps show that number anywhere across for a Type 3 distribution. Mr. Riecks asked what the existing lighting level currently is, what was the original plan approved for, and does the current proposal meet that approval. The wall packs appear to be mounted 18 ft. above the ground which might be high. Mr. Riecks stated the new large building has a cupola being proposed and requested that it not be internally lit, to discontinue the lighting in the front cupola, and to remove the ground lighting on the front of the building. Mr. Riecks stated he lives on Doe Run and Butterfield Lane is behind his property by 200 ft. Car lights traveling down Oak Street illuminate through the 200 ft. of forest into the back of his house due to the hemlocks and pines now losing their lower limbs. Mr. Riecks also asked for restriction on the hours that the lights are lit.

Shane Wilson asked if there were formal submittals for the fixtures and stated his opinions regarding the lighting being proposed. Mr. Scamman stated the description and numbers are on drawing E1 and, traditionally, the planning board process does not require a submittal for lighting. Mr. Austin stated site plan regulations 5.8.1.b states what the planning board regulations are in regard to lighting and, for purpose of the regulation, as

long as the planning board is comfortable that the regulations have been satisfied, anything above that would be up to the applicant. Mr. Paine asked if staff agrees that the submittal requirement has been met in regard to lighting. Mr. Austin stated, to the extent it has been provided, staff believes the regulations have been satisfied. Mr. Roseen questioned if anyone is aware of timed lighting and, if so, why more isn't proposed. Mr. Austin stated staff does not see why a condition could not be put on, provided the condition does not preclude the life safety lighting that would otherwise be required by the structure. Mr. Riecks spoke about the light pollution in the Town of Stratham. Mr. Scamman stated he would take these comments back to the applicant and the electrical engineer and will take it under advisement and make sure to meet the standards.

Mr. Paine requested Mr. Scamman coordinate with the Fire Chief to insure the public safety concerns are addressed by the town; the landscape plan be coordinated with Ms. Woodburn with the comments discussed and receive her stamp on the plans; to have a professional traffic engineer evaluate the existing intersection to see if the design will accommodate the proposed plan; and to coordinate with the electrical professional to discuss comments received to insure that the plan is to the design standards and guidelines mentioned in the regulations. Mr. Houghton asked Mr. Scamman to confirm the proposed lighting. Mr. Scamman stated the existing lights are landscape lighting to light the building and the applicant is proposing to turn the lights to see if it would help the situation, and to shield the existing lights. Mr. Scamman stated discussion will take place to move away from the property line, but to do that the poles will need to be taller to get the spread. Mr. Scamman explained the property is much dimmer with the 4 or 5 foot candles than other properties. Mr. Austin requested Mr. Scamman have the landscape architect look at 5.2 and balance that against 5.9.10 of the Site Plan Regulations, with regard to a number of trees within the landscape area, the size of the landscape area, perimeter trees, etc. there may be waiver criteria. Mr. King is concerned with the trees being 10 ft. apart and waiting for them to grow out will not be acceptable, the berm will need to be made a forest. Mr. Scamman stated it will be a staggered 10 ft.

Mr. Houghton made a motion to continue the Site Plan Review Application for 118 Portsmouth Avenue, Map 13 Lot 69 to December 20, 2017. Mr. Canada seconded the motion. Motion carried unanimously.

4. Public Meeting

Mr. Austin explained to the board that there is a Table of Contents guide for the proposed zoning amendments, as well as a full copy of the Zoning Ordinance with slip sheets of the changes. Mr. Austin stated there is an Amended Section 19 which includes a box around the comments that were received by the Third Party RF consultant which includes content that has been removed and underlined language inserted. Mr. Austin and Mr. Houghton received an emailed set of comments which are also included in the binder. Mr. Austin stated staff opinion is the changes, other than Section 19, have been addressed and the board could move to set a public hearing for those changes in the ordinance. Mr. Austin asked the board how they would like to address Section 19 other than to say Section 19, as it exists today, with the Third Party RF Engineer's comments (19.2, the new A-G which was added is from the model telecommunications ordinance while waiting for the 5G determination); there are drastic amendments proposed. Mr. Austin explained the changes to the Telecommunications

Ordinance. Mr. Roseen questioned if the 100 ft. comes from the model ordinance, Mr. Austin stated yes. Mr. Paine questioned 19.6.4, Setbacks and Separation, and the Mr. Austin explained the model ordinance setback at 150%, but it was kept at 125% due to 50 ft. being taken off the maximum height. Mr. Houghton questioned if all the edits come from the model ordinance and third party input. Mr. Austin stated input is from the board, the model ordinance, and the third party input. Mr. Austin stated 19.4.1.(b)(c)(d) contain some very specific requirements and explained the language. Mr. Austin stated the definition of a tower could be an antenna array on a free-standing sign, or on a silo, so a tower now includes the small cell structures.

Ceyda Yalcinkaya, 3 Bittersweet Lane, stated she provided her comments and believes, as a town, we shouldn't be concerned with the cost to the applicant. Ms. Yalcinkaya asked for further explanation of 19.4.1, "if the cost of co-location exceeds the cost of new facility by at least 50%...". Mr. Houghton asked Ms. Yalcinkaya if she means the applicant would need to prove that they've made all reasonable efforts on an existing facility regardless of cost. Ms. Yalcinkaya stated yes. Mr. Austin explained that this is discussed further in the zoning and in 19.7.4. requires size and coverage, as well as capacity. Mr. Houghton stated he would like to hear Ms. Yalcinkaya's input and suggested the ordinance not be adopted tonight. Ms. Yalcinkaya stated that under 19.4.3, Height Requirements, she would like to see the new height restriction for new construction, but is concerned with the footnotes under the table regarding 12% increase for the co-location. Ms. Yalcinkaya stated there shouldn't be a percentage, once it is approved it is approved. Mr. Paine questioned if 10% is a federal standard. Mr. Austin stated the federal standard is 20%. Mr. Austin clarified that an applicant wouldn't get a 20% and a 10%, it would be a co-location on an existing tower could go up 10%. Mr. Austin explained an applicant would have to do a study to prove it is too dense. Ms. Yalcinkaya stated the FCC already gives the cell companies the option to increase their towers by 20%, why is the town, for co-location purposes, giving the applicant an extra 10%. Mr. Roseen asked if the table needs to read more clearly "current height plus 20%", which is the allowed by the FCC. Mr. Austin stated if the tower is limited to current height, the applicant may automatically use the 20%, if the planning board has the ability to approve a co-location there is a permissive tolerance of up to 10% of the existing tower height. Mr. Paine suggested the language read "no more than 10% or the federal standard, whichever is less". Mr. Austin agreed. (Mr. Roseen dismissed himself from the meeting at 9:35 pm). Mr. Austin suggested removing the 10% and leave it "current height". Ms. Yalcinkaya questioned why the following footnote is needed, "in dense vegetation the tower can extend to height of no more than 20% above the tree height within 1,000 ft. of proposed facility", if the location doesn't fit their need then the applicant should find another location to put the tower. Mr. Austin explained that this footnote is allowing the 20% tolerance up to 120 ft. which is 30% short of what the regulations used to say. Mr. Houghton would like the zoning to be in compliance but not to overtly enable the applicants. Mr. Austin stated that removing the 20% footnote of dense vegetation is not going to alter anything because it's a default position and the FCC overrule is the 20%. Mr. Houghton would like some clarification on this before striking it from the ordinance. Mr. Austin stated he will send out the model ordinance and put it on the website. Mr. Austin explained to Ms. Yalcinkaya that "judgement of the planning board" and "aesthetically acceptable" is the response of the public hearing process. Ms. Yalcinkaya questioned whether, based on the new ordinance, will it be enough. Mr. Houghton stated the applicant needs to provide their analysis and the board's ability to gain a third party review of that analysis. The regulations are a guide of what the applicant can do should they be able to substantiate that

there is a gap. Ms. Yalcinkaya stated 19.7.4, Co-location Agreement, is crossed out and it should remain for the old technology and change the wording for new technology. Mr. Austin stated the existing 19.7.4 was stricken and added to the new 19.7.5 and the reason 19.7.4 was removed is due to the co-location installs will not be done in a manner that will allow for a co-location install. 19.4.1(c) states any new tower that comes into the Town of Stratham must maintain an agreement and states the applicant agrees to encourage and promote the joint use of telecommunications within the town. Mr. Paine requested Mr. Austin update these changes and provide changes to the board at the new planning board meeting. Mr. Houghton requested the board meet November 29, 2017 to discuss zoning amendments. Mr. Austin will email the board to check availability for November 29, 2017 at 6:00 pm.

Mr. Paine stated the Bike Path/Pedestrian Committee is submitting applications to the Safe Routes to School program grant and would like the planning board's support via letter. Mr. Houghton made a motion to send a letter in support of this proposal. Mr. Canada seconded the motion. Motion carried unanimously.

5. Adjournment.

Ms. Ober made a motion to adjourn the meeting at 10:28 pm. Mr. Houghton seconded the motion. Motion carried unanimously.