



Stratham Planning Board Meeting Minutes
March 18, 2020
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Selectmen's Representative
Tom House, Member
Robert Baskerville, Alternate Member

Members Absent: Colin Laverty, Member
Pamela Hollasch, Alternate Member
Robert Roseen, Member
David Canada, Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

Mr. House took roll call. Mr. Baskerville was designated a voting member.

2. Public Hearing(s):

- a. Lot Line Adjustment Application.** To facilitate a lot line adjustment between Tax Map 15 Lots 41, 42, and 43; *a.k.a* 119, 121R, and 123 Union Road, Stratham, NH 03885; submitted by Anthony W. Holt & Marie D. Holt, 119 Union Rd., Stratham NH, 03885, Brandon H. Jewell & Rochelle H. Jewell, 121R Union Rd., Stratham NH, 03885, and William H. Holt Jr. & Teresa L. Holt, 123 Union Rd., Stratham NH, 03885.

Mr. Austin reviewed the project. It is a lot line relocation that is not creating nor deleting any parcels. It is relocating lines between 3 developed parcels. All of the resultant lots comply with the frontage and area requirements of the Stratham regulations. Mr. Austin said he has some conditions subsequent and precedent for the Boards consideration after the public hearing. It is a complete application and Mr. Austin recommends the Board receives it as complete.

Mr. Houghton made a motion to accept the application as complete and Mr. Baskerville seconded the motion which passed unanimously.

Eric Weinrieb, from Atlas Engineering, introduced Bill Holt and Rochelle Jewell. The lot

38 line adjustment is to have the barn on the front property and adjusting the rear parcel. Lot
39 41 will change from 6.8 acres to 8.2 acres. Lot 42 will change from 12.97 acres to 10.655
40 acres. Lot 43 will change 3.28 acres to 4.115 acres.

41 Mr. Austin explained in the Board packet's there is a stapled section 'Planning Board
42 Project Review Responses'. To clarify for the Board the department is sending out a
43 comment request form for each project. The cover sheet outlines who received the form,
44 when they received it and when their responses were requested. The cover sheet shows
45 that the comment form was received from the Assessing Department, Fire Chief, Code
46 Enforcement Officer, Pedestrian Cycle Advocacy Committee, Energy Commission, and
47 Recreation Commission. That is a small subset of the total group asked for comments.
48 Those that provided comments are attached to the cover sheet.

49 Mr. Baskerville asked if one of the lots is in current use.

50 Mr. Weinrieb said it is.

51 Mr. Austin said he will not suggest that all the comments are relevant to the application.
52 He reviewed some of the comments. Mr. Austin said the Fire Department is looking for a
53 Fire Department turn-around. There is nothing in the application that supports such an
54 exaction. There is nothing being developed or created for further development and there is
55 no road in contemplation for this project and no mechanism to require a future roadway
56 connection. After the meeting, Mr. Austin will be working to provide more detail for what
57 a project entails as part of the comment request form.

58 Mr. Houghton asked if the applicant would speak to the Building Department comments
59 regarding a condition precedent.

60 Mr. Austin asked if he could comment on the question before the applicant.

61 Mr. Houghton said he could comment.

62 Mr. Austin said the comment from the Code Enforcement Office relates to an existing
63 Home Occupation that the property was granted several years ago. There is currently a
64 situation where the property as a whole is operating in noncompliance with the original
65 Home Occupation permit and the property owner has been put on notice of that through
66 the Code Enforcement Office. This project doesn't increase, it decreases the degree of
67 noncompliance with the original Home Occupation permit, but does not resolve the Home
68 Occupation permit. Because the application went to numerous departments and there was a
69 known violation, the Code Office wanted to update the Planning Board on the existence of
70 the violation. The recommended condition of approval is that the applicant submit to the
71 ZBA for a modified Home Occupation permit. This project will neither remove nor
72 exasperate the existing violation, it has no bearing on it. As the notice of compliance has
73 not been responded to in earnest. It is a reminder that before further approvals are granted,
74 existing problems should be addressed.

75 Mr. House said that they will add that as a condition for approval.

76 William Holt, the property owner of 119 Union Rd., said that they have had conversations
77 about the violation and that they are cooperating and will address it.

78 Mr. Austin said that he would suggest to the Board that they support a 2 minute limitation
79 per person on public testimony.

80 Mr. House said there is a 2 minute limitation on each individual.

81 Mr. Baskerville opened the public hearing and Mr. Houghton seconded which passed
82 unanimously.

83 Mr. Baskerville closed the public hearing and Mr. Houghton seconded which passed
84 unanimously.

85 Mr. House asked Mr. Austin what the conditions for approval are.

86 Mr. Austin said Staff recommends that condition precedent that the recorded Mylar be
87 prepared in conjunction with the Assessing Department to ensure any Map and lot number
88 and/or address changes be recorded so that the recorded Mylar reflect those. The applicant
89 be required to submit Zoning Board Application to address the existing Zoning violation
90 on the properties. Condition subsequent, which is after the Mylar is recorded, that the
91 applicant provide the town with a copy of the deeds that affect the land transfer related to
92 the lot line relocation. Mr. Austin said that there are instances where the Board approve lot
93 line relocations and applicants then go and submit a Mylar that gets recorded at deeds and
94 then everyone thinks they are done. Until the deed actually transfers the land, nothing
95 happens. There are instances where people do a lot line relocation and then sell the
96 property and they are actually selling the property they bought as opposed to the property
97 they think they are selling. There was a lot line adjustment in Newton where the deeds
98 transferred the entire property from one neighbor to the other. That's why copies need to
99 come in once the deeds are effectuated.

100 Mr. Weinrieb asked if he wants a letter stating the boundaries are set before they record
101 the Mylar.

102 Mr. Austin said that there could be a condition to comport with the law. He said there
103 could be a condition that they need the pins set before the Mylar is recorded.

104 Mr. House said that they would like that to be a condition.

105 Mr. Austin said the condition would be that the applicant shall ensure all pins are set prior
106 to submission of Mylar.

107 Mr. Baskerville said it can be a letter from the surveyor stating that all the pins are set.

108 Mr. Baskerville made a motion to approve the lot line relocation, Tax Map 15 Lots 41, 42
109 & 43 aka. 119, 121R, 123 Union Rd., with conditions subsequent and precedent as
110 discussed. Mr. Houghton seconded the motion which passed unanimously.

111 **3. Review/Approval of Meeting Minutes**

112 **a. March 04, 2020**

113 Mr. Houghton made a motion to approve the March 04, 2020 Meeting Minutes. Mr.
114 Baskerville seconded the motion which passed unanimously.

115

116 **4. Public Hearing(s):**
117

- 118 **a. Site Plan Review and Conditional Use Permit.** Project LEGO, at One Fine
119 Chocolate Place, Stratham NH 03885, Tax Map 03 Lot 01. Lindt Expansion
120 (32,769 s.f.) for growth and optimization. Submitted by Joshua Fenhaus, Hunt
121 Construction Group, Inc, 13344 Noel Road, Fourth Floor, Dallas, TX 75240.

122 Mr. Austin said that the project was originally opened for public hearing on
123 December 4th 2019 and received subsequent continuations at the applicant's requests
124 since the December 18th meeting when the first continuance was requested. The
125 continuances were requested by the applicant because the applicant had elected not to
126 return to the Planning Board until at least 8 permits, chiefly the Alteration of Terrain
127 and the Department of Environmental Science Wetland Permit, had been issued. The
128 applicant has been working with Department of Transportation on the NH 111 Marin
129 Way intersection. They provided a traffic study which the Board has had a copy of
130 since December. There were initial comments back to DOT from the applicant. The
131 applicant responded back to DOT against those comments. There were subsequent
132 comments back and forth and the applicant is currently waiting for the final set of
133 comments back from DOT. The Planning Board needs to reflect that DOT is still an
134 outstanding element. It is unlikely from Staff's understanding of the project that it is
135 tied directly to any driveway improvements. DOT has made it very clear to Mr.
136 Baskerville and Mr. Austin that any such improvements would be a driveway permit
137 of the town not the applicant.

138 Mr. Austin went over what has changed about the application since the December 4th
139 2019 meeting. There were 2 documents that were submitted. A detail of some
140 proposed landscaping around the proposed truck marshaling area. The issuance of the
141 State Wetland Permit which is in all the Board Packets and a study that Lindt
142 requested with regards to emissions to see how site emissions related to the emissions
143 permit held by the property owner. They are in compliance. Staff recommended that
144 during the public hearing, the Board requires a 2 minute limitation to speakers.

145 Mr. Baskerville asked if they got the AOT permit.

146 Mr. Austin said they do have the permit. He also said that another change since the
147 last meeting is the third party consultant Horsley Witten has approved the design.

148 Mr. Austin addressed the letter from the Stratham Conservation Commission that
149 was one of the other items that had been requested in December. There are copies of
150 the wetland detail mentioned, there are copies of the emissions report provided, and
151 there are copies of the Stratham Conservation Commission letter to the Board. For
152 the Board and the public, there are printed emails from anyone who decided to send
153 an email with comments about the meeting.

154 Mr. Austin addressed an email from Paul Piraino that had some very project specific
155 concerns in it. The other emails he received were not project specific, they were

156 related to why the Planning Board is holding a meeting which was addressed earlier.
157 The Board have all the emails in their packets and there are copies for the public if
158 they want them.

159 Mr. Austin read Paul Piraino's email. Paul Piraino at 10 Haywick Dr. submitted the
160 following:

- 161 1. Noise is such a specialized field that at the December 4, 2019 meeting I voiced a
162 concern and proposed that no work be performed to design the new expansion
163 until a noise control engineer was retained to analyze the noise sources
164 concerning the existing roof-mounted chillers and the refrigerated distribution
165 trucks being readied for shipment of product.
- 166 2. For the roof-mounted chiller(s), the noise control engineer would test the as-
167 found noise and its sources in dBA and recommend noise mitigation of the same
168 sources with a prediction of attenuation after the noise mitigation is completed.
- 169 3. For the refrigerated distribution trucks will the trucks be allowed to idle with their
170 refrigeration system running in the parking lot adjacent the Kirkwall Housing
171 Development on Haywick Drive?
172 If so, then the noise control engineer would analyze and mitigate the refrigerated
173 truck noise.
- 174 4. The proposed parking lot west of the existing facility may be a potential subject
175 for noise source resulting from the eventual truck marshaling facility.
- 176 5. This new parking lot and building wall mounted lighting will have LED dark sky
177 compliant lighting reflecting downward only.

178

179 Mr. House said the applicant has addressed all of these concerns.

180 Mr. Houghton said he would like the applicant to respond to the email.

181 Mr. Austin said related to number 1, it would be hard for the Board to require that
182 based on evidence submitted so far. For number 2, the roof-mounted chillers, Mr.
183 Austin has a recommended condition for the Board to consider. Mr. Austin said there
184 is nothing in the application that suggests noncompliance with the application. For
185 number 3, the refrigerated distribution trucks, Mr. Austin has a recommended
186 condition that would address that situation. For number 4, Mr. Austin does not know
187 which parking lot is being referenced. For number 5, Mr. Austin said he doesn't
188 know if the lighting is LED, but the applicant has provided that they will be dark sky
189 compliant and he has a condition related to that.

190 Mr. Austin said he has recommended conditions that address Mr. Piraino's email for
191 the Board to consider.

192 Josh Fenhaus from AECOM spoke to the email. There are no documents that would
193 indicate that they would exceed limits.

194 Mr. Houghton asked if there would be more or less noise.

195 Mr. Fenhaus said that at the property line there would be no more noise. For the
196 proposed improvements there will be no more noise.

197 Mr. Austin said that the site plan regulations state that compliance is no more than 65
198 decibels at the property line.

199 Mr. Fenhaus showed the Board where the proposed expansion is on the plan. He said
200 that they don't expect to exceed 65 decibels or what the current noise is.

201 Mr. Fenhaus addressed item number 2 on Mr. Piraino's email. He is assuming that
202 the email is referencing Building 'D'. The owner has installed sound continuation
203 blankets on the existing rooftop equipment. They have worked on their control
204 strategy of the units to minimize how often they stage up and stage down.

205 Mr. Houghton asked if the blankets were applied to the compressors and if the
206 manufacture provided any data that would indicate what the noise reduction is.

207 Mr. Fenhaus said there was data that he can forward if requested.

208 Mr. Austin said that if the comment does in fact relate to Building 'D'. It was done
209 under the same noise stipulation, so the noise being under 65 decibels would still
210 apply.

211 Mr. Austin said that the Board may recall that there is a difference between the Town
212 noise ordinance and the site plan regulations. The Planning Board had a dialogue on
213 December 18th, 2019 about changing the site plan regulations based on a presentation
214 that the Code Officer Shanti Wolph made. At that time, it was the decision of the
215 Board not to amend the site plan regulations but to forward a recommendation to the
216 Select Board for the Town's consideration of modifying the noise ordinance. There
217 may be numerous comments that relate to noise ordinance infractions or alleged
218 infractions, but Mr. Austin does not know if the Planning Board can act on those
219 specifically. If, however, evidence is submitted that shows noncompliance with the
220 site plan regulations, the Planning Board could add a condition to this project
221 whether the chillers were, or were not part, of this application to address the
222 infraction because it was a documented infraction of the site plan regulations. Staff is
223 not aware of any information submitted that demonstrates noncompliance with the
224 site plan regulations at this time.

225 Mr. Fenhaus asked for a condition that could be acceptable for number 3 in Mr.
226 Piraino's email.

227 Mr. Austin said that a recommended conditions of approval stating that ‘at no time
228 would the truck marshalling area be able to operate in violation of the site plan
229 regulations’ and ‘the proposed landscape be installed before the area is used as a
230 truck marshalling area.’ This condition is premised on staff’s understanding that the
231 proposed landscaping referenced in the condition of approval had been discussed
232 between the applicant, or the applicant’s client, and the abutters as a way to address
233 those concerns raised at the December 4, 2019 public hearing. It is Staff’s opinion
234 that nothing has been added to the project file by the public, applicant, or anyone
235 suggesting violation of the ordinance or regulation at this time and that this
236 landscaping was proposed by the applicant to address concerns raised at the
237 December meeting.

238 Mr. House asked Mr. Austin to read the proposed conditions of approval.

239 Mr. Austin said that he has some potential conditions of approval based on Planning
240 Board discussions to date and the public comments that have been received to date.
241 The proposed condition would be that the truck marshaling area not be used in excess
242 of the noise limits set by the site plan regulations. The landscaping proposed by the
243 applicant be installed prior to use of the area as truck marshaling. Those conditions
244 are not set in stone. If the Board adds to those then everything that was just said
245 becomes amended by the Board.

246 Mr. Fenhaus addressed number 4 on Mr. Piraino’s email. The lot is intended for
247 light vehicles. He assumed it is the west lot that is being referenced.

248 Mr. Austin said it is not clear from the comment which parking lot is in question. Mr.
249 Austin read number 4 again: ‘The proposed parking lot west of the existing facility
250 may be a potential subject for noise source resulting from the eventual truck
251 marshaling facility.’ Mr. Austin said he doesn’t know which lot or west of what
252 existing facility. He said he isn’t sure if it is appropriate for someone other than Mr.
253 Piraino to assume what lot is being referenced.

254 Mr. Fenhaus addressed number 5 on Mr. Piraino’s email and said the lights are LED
255 and they are dark sky compliant.

256 Mr. Austin read the emails that referred to the meeting being held during the
257 COVID-19 pandemic and closure of the Municipal Center to the public. They are
258 attached. Mr. Austin responded to every email stating that he received with a
259 response that included that the latest update from Town Administration about the
260 meetings and how to contact the Staff. Each email response also reminded senders of
261 the ability to comment on any project via email noting that all emails would be
262 entered into the record.

263 Mr. House said he would like to talk about the Conservation letter.

264 Mr. Austin said that he sent a copy of the letter to all the Board members. The
265 applicant was not required to present to the Conservation Commission by regulation

266 because they were not seeking an expedited permit. They took the opportunity to
267 present their proposed project to the Conservation Commission, which generated
268 interest by the Conservation Commission. Conservation Commission then received
269 official notice from DES stating an application had been submitted for wetland fill.
270 Conservation Commission provided comments back to DES on that. The applicant
271 provided comments back to both DES and the Conservation Commission on that.
272 The Wetland Permit from DES states that to the satisfaction from DES, the applicant
273 has demonstrated compliance with the comments and concerns raised by the
274 Stratham Conservation Commission. The Stratham Conservation Commission then
275 wrote the letter that each Board member received in their packet. There are copies
276 available if anyone in the public would like one. The Conservation Commission did
277 go through elements of the Conditional Use Permit approval process and presented
278 things that Board may wish to discuss. One that stands out is on page 3 of their letter
279 suggesting that should the project be approved, the Stratham Conservation
280 Commission would prefer that the mitigation are placed in the Stratham Land Use
281 Conservation fund rather than the State Aquatic Resource Mitigation fund which is a
282 stipulation of the permit.

283 Mr. Baskerville said that his understanding is that the money has to go in this
284 watershed as determined by State DES.

285 Mr. Austin said if Stratham Conservation Commission had a project list or a land
286 acquisition list or similar, that had things in the price neighborhood of the moneys
287 that would go in, they could be appropriated that way.

288 Mr. Austin said he was told that Mr. McCarthy of the Conservation Commission
289 would be at the meeting, but he is not.

290 Mr. Baskerville asked for clarification, there is one Conditional Use Permit for
291 wetlands and one Waiver for interior landscaping.

292 Mr. Austin said that was true.

293 Mr. Houghton said that the only clarification on the Conservation Commission's
294 letter is on page 2 section 11.4.1d. It states on page 3 of their letter dated January
295 22nd 2020: 'Lindt argues that a large multi-tiered parking garage is not feasible for
296 several reasons including cost, longer schedule, difficult traffic flow, and future
297 flexibility. For clarification, Mr. Houghton asked if the Board approved a parking
298 garage in a prior application.

299 Mr. Austin said the prior parking garage approval is void.

300 Mr. Houghton asked if the Board approved a parking garage, how is it not feasible.

301 Mr. Austin answered that the comment in the letter which generated this comment
302 from Conservation was the applicants comment and they can affirm, deny, or modify,

303 that the original parking garage was just for the natural growth of the building and
304 not for a building expansion. A building expansion comes with additional parking
305 demand that the parking garage is not feasible.

306 Mr. Houghton asked where the data that verifies that is. He said they approved a
307 parking garage that had a certain number of spaces and there is a certain number of
308 spaces required in the expansion. Mr. Houghton would like to know how it is
309 different.

310 Mr. Austin said he would have to ask the applicant that.

311 Philip Vollenweider introduced himself as the director engineer for Lindt. He said
312 there is a substantial difference in the amount of parking that they are requesting
313 comparatively to the former application. They were asking for a parking garage with
314 almost 400 or more spots, before it was about 150 spots. They have correspondence
315 with the Conservation Commission which speaks to this topic.

316 Mr. Austin explained the Board has copies of all the letters.

317 Mr. Vollenweider reviewed the letters with Conservation Commission.

318 Mr. Houghton clarified what Mr. Vollenweider said. The current plan requires 400
319 spaces and the previous submission only required 165.

320 Mr. Vollenweider said the scope of the expansion of the project is different. The
321 current project is to expand the campus, the previous project was to conserve of the
322 natural growth of the campus through natural evolution of the corporation. They are
323 planning to add an addition that was not planned previously which includes a
324 building which would be built on parking, which would eliminate almost 200 spots.
325 There are some changes in the scope that require an increase in parking. The building
326 addition means more employees will be working than planned before.

327 Mr. Austin said that there was additional commentary at the last Conservation
328 Commission meeting. There was discussion about a parking garage not being
329 feasible and if the applicant pursued alternate parking options. They discussed if
330 there was an option to share Timberlands parking spaces. Mr. Austin hasn't heard an
331 answer to that. He has some assumptions related to FDA requirements specifically
332 because of the required fencing, how people migrate on/off site, and how that might
333 impact shift work with the alternate shifts that Lindt already has in trying to stagger
334 against the flow of everyone else in the industrial park. That was an option that was
335 not brought up in the Commission's letter to his surprise. There was a brief
336 discussion of what the Planning Board was seeking.

337 Mr. Austin wanted to point something out in the letter to the Board. Previous projects
338 on the Lindt property are triggered in natural resources inventory, prior to Building
339 'D' and the related improvements at the time of Building 'D' and Stratham

340 Conservation has suggested that inventory be updated or that a natural resources
341 inventory be done both pre and post parking lot expansion if approved to track what
342 changes the proposed parking area has on the floor in front of the project site. That's
343 on page 2 second paragraph.

344 Mr. Baskerville asked who does a natural resource inventory.

345 Mr. Austin answered that RCCD could be a resource. In short, the applicant, if so
346 conditioned, would hire a third party consultant to complete the study. The potential
347 condition would read something like, "Applicant shall retain a qualified professional
348 to conduct a natural resources inventory before and after construction of the parking
349 area."

350 Mr. Houghton said that they have done them before.

351 Mr. Austin said it is a natural resources inventory conducted both before and after
352 construction to document the natural condition and then, any observed changes.

353 Mr. House reminded the public to keep their statements under 2-minutes.

354 Rob Graham introduced himself as representing John O'Neil for the HOA of Rollins
355 Hill and also Mark Stevens from the Stratham Industrial Park. He thanked the people
356 at Lindt for making their professionals available for several meetings. He will read
357 some of the changes that were made. The planting schedule of the berm on the edge
358 of the new marshaling area was a cooperative idea to block the site. Lindt has agreed
359 to restrict truck circulation around the back of Building 'D'.

360 Mr. Austin asked for clarification on what the note specifically was.

361 Mr. Graham said the intent of it is that the operations and circulations of trucks to
362 and from the loading areas and circulation for shipping materials are not circulating
363 behind the building which is what the old configuration was.

364 Mr. Graham continued with what issues have been addressed. The lighting issues
365 were issues that were raised in the last meeting, he saw that those have been
366 addressed with the dark sky lights. Before they had the opportunity to sit down, Lindt
367 had ordered the blankets for the compressors for the rooftop units. It is a good effort,
368 but they don't know what the result will be. They committed themselves to continue
369 working on that issue. It was nice to have that done proactively. They also changed
370 out some of the light fixtures on the back of the building. Which was some of the
371 annoying fixtures for Phase I at Rollins Hill.

372 John O'Neil introduced himself from Kirkwall LLC, Home Owners Association. He
373 said they have 61 homes over by Lindt. One of the concerns he has is that they just
374 planted 51 of the 18' Spruce. He thinks their idea was to carry on that same height,

375 size and scope which doesn't reflect on the plan. He said it's a tall building and hard
376 to judge what the size of the plants are.

377 Mr. Austin said the plan only says raised Spruce, Juniper or similar plantings, it
378 doesn't have a height.

379 Mr. O'Neil said he'd like a minimum of 16-18'. He said they just bought 51 of them
380 and they work well. He said he has installed 9 on the end of Kirkwall which is Phase
381 III. It was part of site plan. He got them from a wholesaler in Pennsylvania and they
382 are 16-18' tall when they arrive. They use the same company.

383 Mr. Graham said with respect to the new marshaling area, they understand that it will
384 be used initially as a parking lot, but in the future it will have trailers in it. Another
385 thing that was discussed was that those trucks in that area, in new marshaling area,
386 and at the end of Building 'D' would not have refrigerator units running on them.
387 They have discussed sound berm, plantings, and the lighting. All of the issues he had
388 with Lindt have been addressed to his satisfaction and John O'Neil's satisfaction.
389 Neighbors may still have comments, again he wants to thank Lindt for being
390 cooperative. He will reserve commenting on DOT because they haven't seen any
391 comments from them. He's not sure how to handle future discussions in terms of
392 what they'll propose or how the Board will handle that process. They have agreed
393 and resolved to continue working as neighbors with Lindt Chocolate. They will
394 comment when they hear something from DOT.

395 Mr. House asked if there are any other comments from the public.

396 Paul MacDonald introduced himself as a Stratham NH resident who lives at 14
397 Haywick Dr. He said it was mentioned that some work was done on the chilling units
398 on top of the building, which has been an on-going issue. In January when Dan
399 Goulet and said they were going to some testing and it was in conjunction with
400 Johnson controls and they were planning on cycling the control units so they would
401 never go above 50%. Typically during the summer they were running at 100%. It is a
402 loud, high-pitched noise. He said he wouldn't call it a DB issue, he'd say it's a
403 frequency issue that penetrates into the house all day and night. He said it's torturous.
404 They did start cycling those. He told Mr. Goulet on the phone that he could still hear
405 it. A few weeks later they informed him that they were installing acoustic blankets
406 over the compressor motors. Unfortunately they haven't been able to understand
407 what the impact of that installation has been. He believes Paul Piraino was referring
408 to that in his note. He looks forward to seeing what the result is of that mitigation to
409 see if it actually does reduce the noise. They raised the temperature inside the
410 building when they did the original testing in the winter months. They haven't had
411 the benefit of warm weather to see what is happening.

412 Mr. MacDonald wanted to mention that area adjacent to Building 'D' that Mr.
413 Piraino mentioned in his message. Mr. Piraino is two houses away from Mr.

414 Macdonald and they both abut that area which is an open space right now. Which is
415 where he assumes the plantings are going in. His understanding is that will be a 300
416 car parking lot. They haven't seen any studies that would suggest that the noise will
417 remain as it is today. There are no parking lots abutting the property, there is no truck
418 traffic along the property line currently. They are curious as to what the studies have
419 shown relative to how much noise. Perhaps 600 car trucks a day coming in and out of
420 that lot, not including if it will be used for night shifts. Then what the impact is of the
421 truck traffic that would be going into that lot. Then everything else, as soon as it's in
422 writing, the items that Mr. Graham went through.

423 Mr. House asked if there were other comments from the public.

424 Mr. Austin reminded the Board that if they close the public hearing and someone
425 leaves then they cannot reopen it without re-noticing a public hearing. He would ask
426 the Board to consider whether the Board members believe they have enough
427 information to review the project against the regulations or if they need additional
428 information either from the applicant or more public comment should be sought prior
429 to moving forward.

430 Mr. Baskerville said he thinks he has enough information to move forward. He is
431 ready to move onto conditions, but asked what would happen if the applicant or
432 public said that wasn't what they agreed to.

433 Mr. Austin said he would suggest the Planning Board focus on putting in conditions
434 that move the project toward greater compliance with what they have heard from the
435 public or stipulated by the regulations. Whether anyone agree with the conditions or
436 not, there is recourse, that's an appeal. Mr. Austin would advise against negotiating
437 conditions of approval.

438 Mr. Austin said that the Board could close the public hearing and decide to go into
439 deliberations on the project, talk about conditions of approval etc. and Mr. Austin
440 will watch the door to make sure nobody leaves and if they need an answer, they can
441 reopen the public hearing. He suggested that they do not leave the public hearing
442 open. Statutorily they need to close the public hearing and start deliberations. If they
443 run into a question, they can reopen the public hearing.

444 Mr. Baskerville made a motion to close the public hearing and Mr. Houghton
445 seconded which passed unanimously.

446 Mr. Baskerville said that he would do the waiver first, then the Conditional Use
447 Permit. He said it would be easier to do them one at a time.

448 Mr. Austin said the waiver is regard to the proportion of interior parking landscaping
449 and the justification without further expanding the parking area into the wetland

450 they're proposing to not have landscaping within the parking area to minimize
451 overall size.

452 Mr. Baskerville said that putting interior landscaping in would push construction
453 further into the wetland and it's in the back of the building. He said he thinks it's a
454 reasonable waiver.

455 Mr. Houghton said he agreed with Mr. Baskerville that the waiver is reasonable.

456 Mr. Austin read the waiver for interior landscaping: 'We are asking for relief from
457 the interior landscape requirements for the proposed parking lots. The North Lot is a
458 truck marshaling yard that will be used as a temporary parking lot during
459 construction. The location of the South and East lots require wetland mitigation and
460 they have been designed to minimize the overall square footage in order to minimize
461 impact on the wetlands.'

462 Mr. Baskerville made a motion to approve the waiver, Mr. Houghton seconded which
463 passed unanimously.

464 Mr. Austin said he put together draft conditions of approval as follows:

465 Conditions Precedent:

466 1. Applicant to amend plan to reflect correct locus plan.

467 Mr. Austin reminded the Board during the first meeting the Rollins Hill project
468 was not shown correctly on the locus map and this condition is for updating the
469 locus map.

470 2. Applicant shall submit final NH Department of Transportation comments related to the
471 NH 111 and Marin Way right-of-way/driveway permit to Town Planner.

472 3. Applicant shall remove the proposed Marin Way cul-de-sac/Town right-of-way work from
473 the plan prior to recordation.

474 4. Applicant shall coordinate with the Stratham Select Board and Department of Public
475 Works to establish a schedule and process for the Marin Way cul-de-sac/Town right-of-
476 way work. Such discussion shall also include deliberation on a proportional cost of
477 improvements to be paid to the Town by the applicant to defray those costs related to the
478 NH 111 and Marin Way right-of-way/driveway permit mandated by NH Department of
479 Transportation.

480 5. Applicant shall add a note to the recorded plan which states: "No building permit shall be
481 issued in furtherance of this project that increases the flow of water or sewerage beyond
482 the existing contract with the Town of Exeter, until such increased use can be
483 demonstrated to be in compliance with any related Association, Town, or State regulations
484 on such use."

485 Mr. Baskerville asked why number 5 was a condition

486 Mr. Austin responded and said that the entire industrial park has a private party
487 agreement with Exeter for a certain volume of water and sewer. Of that contract,
488 the association decided amongst themselves over who gets what share. If that
489 contract is to be increased, the statute no longer allows it to happen between the
490 Industrial Park Association and Exeter. It would need to take the form of an inner
491 municipal agreement between Stratham and Exeter. In the Board's packets, there is
492 a letter that states, 'We Lindt agree to either change out design to use less water,
493 recycle water on site, or come up with another way to remain in compliance with
494 the existing contract or renegotiate amongst the association so that they don't have
495 to negotiate with Exeter or it's all on hold until there is an inner municipal
496 agreement between Stratham and Exeter to serve the park.'

497 Mr. Austin said the condition is that they can't get a building permit to plumb
498 something until they prove they can plumb it and that everyone has signed off on
499 their plumbing needs.

500 6. Applicant shall add a note to the plan restricting normal circulation of vehicle operations
501 behind Building 'D'.

502 Mr. Austin said they can modify that condition.

503 Mr. Baskerville asked if it was vehicles or trucks.

504 Mr. Austin said given the comments he heard the Board receive he thought
505 vehicles.

506 Mr. Houghton asked what the intent is and how is it measured.

507 Mr. Austin answered that if there is a note on the plan that states regular vehicle
508 circulation isn't occurring behind Building 'D'.

509 Mr. Houghton asked if he meant any vehicle circulation.

510 Mr. Austin said Applicant shall restrict vehicles in excess of 26,000 GVW shall not
511 regularly circulate behind Building 'D'.

512 Mr. Baskerville said it made sense to say vehicles.

513 Mr. House said that he thought the person meant trucks.

514 Mr. House asked the other members if they are fine with tractor trailer trucks.

515 Mr. Austin stated note restricting regular tractor trailers behind Building 'D'.

516 Mr. Austin said there were concerns raised through public comment at the
517 December meeting about vehicles behind Building 'D'. Mr. Austin said his
518 understanding there was some ongoing dialogue about Lindt being willing to make
519 sure all semi-vehicle circulation occurred forward of Building 'D'. It was changed

520 tonight about restricting behind Building 'D'. A note could be added that stated
521 primary circulation pattern for semi-vehicles should be in front of Building 'D'.

522 Mr. Baskerville and Mr. Houghton agreed that was good.

523 Mr. Austin asked what side.

524 Mr. Baskerville said the West side.

525 Conditions Subsequent:

- 526 1. Applicant shall submit an as-built of all lighting fixtures related to this project that
527 includes photometrics of said fixtures to affirm permit compliance.
- 528 2. Truck marshaling area shall not produce noise in excess of Site Plan Regulations.
- 529 3. Truck marshaling area landscaping shall be installed per plan as amended to include
530 planted height of 16-18' spruce trees, prior to use of truck marshaling area.
- 531 4. In furtherance of Condition Precedent #4: Applicant shall submit a proportional
532 contribution of funds or similar surety in a manner directed by the Stratham Select Board
533 to defray those Town costs related to NH 111 and Marin Way right-of-way/driveway
534 permit mandated by NH Department of Transportation.
- 535 5. Applicant shall be responsible for the full cost and implementation of the Marin Way cul-
536 de-sac improvements within the Town right-of-way which shall be completed to the
537 satisfaction and acceptance of the Town of Stratham Select Board and Department of
538 Public Works. Further, the Planning Board recommends that prior to commencing such
539 work, Applicant shall bear the cost and responsibility of notifying the Marin Way abutters
540 for coordination and assurance of adequate use and access during construction.
- 541 6. Applicant shall complete a Natural Resources Inventory of the project site both before and
542 after work commences and upon completion of site construction within the wetland areas.
543 Work shall be completed by an appropriately licensed and/or qualified professional. A
544 copy of each survey shall be submitted to the Town Planner.

545 Mr. Austin said those were the conditions as he understood them.

546 Mr. House asked if the Board had anything to add.

547 Mr. Baskerville made a motion to reopen the public meeting and Mr. Houghton seconded
548 which passed unanimously.

549 Mr. Graham commented on condition precedent number 6 referring to trucks circulating
550 behind Building 'D'. He said the concern is that there are a lot of cars that may circulate
551 behind the Building and he would like a more broad term other than trucks.

552 Mr. House asked if the applicant would like to respond.

553 Mr. Vollenweider said he would like to compromise. He said the parking would be very
554 limited. It was planned to be a temporary lot. Once the truck marshaling area is in place there
555 would be no cars parking in that area. Limiting the path for all vehicles just because they were
556 planning a couple of months for cars to park won't solve the problem for both parties. At the
557 last meeting they suggested to the Board to leave the traffic as it currently is. Right now there
558 are no cars there, but they have a yard truck going back and forth. Mr. Vollenweider said they
559 have snow removal equipment that is staged there and is active. Their suggestion or
560 compromise to that condition would be that they will not increase the traffic East or West. No
561 vehicles would throw them back from where they are now.

562 Mr. Austin said he would suggest to the Board that whether it is semi-trucks or cars, the
563 project still can't exceed the decibel limits of the Site Plan Regulations.

564 Mr. Houghton asked that the parking lot is temporary until such time the parking lot in front of
565 Building 'B' and 'C' is completed. He recommended that the road to the East of Building 'D'
566 be restricted to maintenance vehicles, snowplows and others, except for its temporary use as a
567 parking facility until such time as the parking proposed South and East parking lot are
568 completed.

569 Mr. Vollenweider said that they currently do not have cars in the lot. They currently have
570 truck yards and every now and then a lost tanker truck will drive that way. There is limited
571 traffic.

572 Mr. Austin said there is a driveway proposed to the truck marshaling area, it's the same
573 driveway that is proposed for it to have vehicles. Currently there is no restriction on the use
574 behind Building 'D' and there is no demonstrated violation of Site Plan Regulations or
575 otherwise by vehicles behind Building 'D'. It might simply be that until the landscaping is in
576 place, the access be used for vehicles exiting west and not going behind Building 'D'.

577 Mr. Graham said there goal is not to restrict complete access behind the building. They need
578 to use it customarily in terms of site operations to access the building and for safety and all
579 those things. He can understand if there is a temporary condition while the site is being
580 constructed that they need to wrap traffic for a day or two because of construction. What they
581 are concerned about is that traffic patterns are designed in a way either now or in the future
582 that all of a sudden that becomes the primary use of that road and it becomes a traffic issue in
583 the back of the building. Whether it be tractor trailers or several hundred cars.

584 Mr. Austin said the condition would be adding a note to the plan restricting the use of the road
585 behind east of Building 'D' for semi traffic and a note stating that circulation be designed to
586 emphasize circulation on the west side of the building.

587 Mr. Baskerville said it should say the design intent that all vehicles shall be intended to be
588 used west of the building and no trucks should be behind it.

589 Mr. O'Neil said that he wants a time frame and that there is a limit so that the project doesn't

590 get extended.

591 Mr. Austin said maybe a way to address it is to state that the truck marshaling area or its
592 precursor, the auto parking area shall be designed specifically to circulate vehicles to the west
593 of Building 'D'.

594 Mr. MacDonald said as an abutter he is directly behind the building. He said any traffic that
595 goes behind the building today, they hear it because it is a steal building and the sound reflects
596 back to where they live. Restricting access of cars and trucks to that service road is what they
597 want. He said not just trucks, but any cars in the lot. As Mr. Graham mentioned, they don't
598 want it to be used as a shortcut all day and night. They don't want any trucks using it once it
599 becomes a marshaling area. He would recommend moving away from using east, west and
600 south. He suggested to say the access road behind Building 'D' along the fence line.

601 Paul Teleseme, soon to be 16 Haywick, made a suggestion to put a sign up that states,
602 'Emergency and Maintenance use road only'.

603 Mr. Houghton made a motion to close the public hearing and Mr. Baskerville seconded the
604 motion which passed unanimously.

605 Mr. House said they are clear on all the conditions except the last one being discussed.

606 Mr. Austin said Condition Precedent number 6 and 7 now read:

607 6) Applicant shall add a note and location reference on the plan to a sign stating
608 "Maintenance or Emergency Use only." The locations shall be at the north and south end
609 of the east side (rear side, abutting residential development) of Building "D".

610 7) Applicant shall add a note to the plan detailing that the use and operation of the parking
611 area at the north end of Building D shall occur only after construction of said parking area
612 is complete (paved lot and access thereto) with the understanding that the lot is designed to
613 allow circulation on the west (front side, furthest from residential abutters) of Building
614 "D".

615 Mr. Austin said that the original number 6 he read will be deleted and the two new ones
616 will take its place.

617 Mr. Houghton said he needed clarification on condition precedent number 2. He said it
618 says they'll submit the final DOT comments.

619 Mr. Austin said to be clear that DOT has not said that Lindt needs a driveway permit, the
620 Town will need a driveway permit. It is clear from the traffic study and from the
621 conversations with DOT that the problem that is there is not Lindt's alone and that the
622 Town is likely to be put into the position to make some improvements. Those
623 improvements will be dictated by the comments that were spurred by the Lindt project.
624 The comments are going back between the design group and the Planner group at DOT
625 and back. They will come up with a recommended intersection system and a timeline for

626 compliance and what has to happen. The conditions in here are applicant is to give the
627 final comments and recommendations mandates from DOT to the Town. Shortly after the
628 applicant is supposed to coordinate with the Town to discuss the dialogue and come up
629 with what the Select Board determines to be the proportional contribution to be made by
630 Lindt relative to the proposed scope of work. At this point it's not like the wetland permit
631 where there is a cost per acre. They don't know yet if it's a million dollars' worth of
632 improvements or fifteen million dollars of improvements and how the Select Board is
633 going to negotiate with the Industrial Park. They also don't know for a fact whether or not
634 DOT is going to say 'nothing happens at Lindt until the Town does their share' which is
635 why it is Condition Precedent. That's why they need the comments out front. Condition
636 Precedent has to happen before the Mylar, it also is prior to any building permit.

637 Mr. Austin said the Board can approve with conditions or deny and Staff's
638 recommendation is to approve conditions.

639 Mr. Baskerville made a motion to approve both the Conditional Use Permit application for
640 Project LEGO, at One Fine Chocolate Place, Stratham NH 03885, Tax Map 03 Lot 01.
641 Lindt Expansion (32,769 s.f.) for growth and optimization and the Site Plan approval for
642 the same project. With the conditions precedent and the conditions subsequent as
643 discussed this evening.

644 Mr. Austin said the conditions that are being approved are the ones that were handed out
645 as modified, amended, and discussed by the Board.

646 Mr. Houghton seconded the motion which passed unanimously.

647 Mr. Austin said the SPCA has resubmitted an application. They have some site plan
648 changes that will be posted for April 15, 2020. He said he will discuss with them as it gets
649 closer to set up alternate meeting means or continuance at their direction.

650 **5. Public Meeting:**

651 **a. Staff updated Board on training scheduled for April 01, 2020.**

652 Mr. Houghton made a motion to cancel the April 1, 2020 meeting and Mr. Baskerville
653 seconded which passed unanimously.

654 Staff will propose new date/format of training.

655 **6. Adjournment**

656
657 Mr. Houghton made a motion to adjourn at 8:45 PM and Mr. Baskerville seconded
658 which passed unanimously.

659

660

661 The following emails were sent to the Town Planner, Tavis Austin, by residents who
662 were unable to attend the meeting due to COVID-19.

663

664 1) **From:** Susan Michaels

665 **To:** Tavis Austin

666 **Address:** 4 Haywick Dr. Stratham NH, 03885

667 **Sent:** Wednesday, March 18, 2020 2:15 PM

668 **Subject:** General Comments to the Town

669 **Message:** We are very concerned that you are proceeding with the planning board
670 meeting this evening with so many CoVid 19 precautions and bans in place. Our
671 property directly abuts the Lindt property and we feel that we should be present
672 however you are putting us at risk as we are seniors. Many of our neighbors have
673 expressed the same concerns and will not attend as we value our health and our lives.
674 In light of the current pandemic we respectfully ask that you consider rescheduling
675 this meeting in fairness to all.

676

677 **Response:**

678 **From:** Tavis Austin

679 **To:** Susan Michaels

680 **Sent:** Wednesday, March 18, 2020 3:34 PM

681 **Subject:** RE: General Comments to Town

682 **Message:** Ms. Michaels,

683 Thank you for your email. I will forward your email to the Planning Board for their
684 consideration this evening. Further, if you have particular comments related to any
685 project on tonight's agenda, I am happy to receive comments via email that will be
686 entered into the public record for the project. Should you elect to attend the meeting,
687 I can offer that the Town has followed the guidance of the Governor and State of
688 New Hampshire.

689 Thank you,

690 Tavis

691 **Response:**

692 **From:** Susan Michaels

693 **To:** Tavis Austin

694 **Sent:** Wednesday, March 18, 2020 4:14 PM

695 **Subject:** RE: General Comments to Town

696 **Message:** Thank you for your reply Mr. Austin. It would certainly be difficult to
697 comment without knowing what the discussion is. My husband and I will attend the
698 meeting as we feel we cannot protect our interests otherwise. You have placed us
699 and our entire neighborhood in a very difficult position. This is an over 55
700 development and ages here range well into the 80's and 90's.

701 2) **From:** Cathy Warner

702 **To:** Tavis Austin

703 **Address:** 2 Haywick Drive

704 **Sent:** Wednesday, March 18, 2020 3:53 PM

705 **Subject:** Land Use Merting

706 **Message:** Can you please tell us why tonight's land use meeting is an exception to
707 the town's policy of closure and postponement due to Covid19?

708 This makes no sense.

709 John & Cathy Warner

710 2 Haywick Drive

711

712 **Response:**

713 **From:** Tavis Austin

714 **To:** Cathy Warner

715 **Sent:** Wednesday, March 18, 2020 4:13 PM

716 **Subject:** RE: Land Use Merting

717 **Message:** Ms. Warner,

718 Here is the latest statement from the Town Administration:

719 The following update has been posted to the web and will be distributed via the
720 newsletter distribution list (as well as FB).

721 [https://www.strathamnh.gov/sites/strathamnh/files/uploads/march_18_2020_-
722 _public_notice_-_meeting_updates_and_other_information.pdf](https://www.strathamnh.gov/sites/strathamnh/files/uploads/march_18_2020_-_public_notice_-_meeting_updates_and_other_information.pdf)

723 If you have comments for an agenda item for tonight's Planning Board meeting, you
724 are free to attend the meeting or provide comments to me via email. Email
725 comments will be entered into the record for the project.

726 Tavis

727
728 **3) From:** Paul MacDonald
729 **To:** Tavis Austin
730 **Sent:** Wednesday, March 18, 2020 1:59 PM
731 **Subject:** March 18 Planning Board Meeting

732 **Message:** Hi Tavis,
733 I understand that you are moving forward with the Planning Board meeting tonight.
734 As you know, the majority of interested parties in the **Site Plan Review and**
735 **Conditional Use Permit** for Lindt's Project LEGO scheduled for this evening's
736 meeting, are **seniors**. One of the major efforts undertaken by the President and the
737 NH Governor is to slow the spread of COVID-19 and reduce the fatality rate
738 particularly among seniors. We are now into Day 2 of a 15-day shutdown of schools,
739 restaurants, many businesses, and public gatherings in the state. A number of
740 residents at Rollins Hill were surprised to hear that the meeting was moving forward
741 as scheduled. I believe it is unwise to hold this meeting for at least the next two
742 weeks. Despite the use of a larger room, you have no way to determine if someone in
743 attendance at the meeting will be asymptomatic and able to transmit the virus to
744 others.

745 Sincerely,
746 Paul MacDonald

747 **Response:**
748 **From:** Tavis Austin
749 **To:** Paul MacDonald
750 **Sent:** Wednesday, March 18, 2020 3:33 PM
751 **Subject:** RE: March 18 Planning Board Meeting

752 **Message:** Mr. MacDonald,
753 Thank you for your email. I will forward your email to the Planning Board for their
754 consideration this evening. Further, if you have particular comments related to any
755 project on tonight's agenda, I am happy to receive comments via email that will be
756 entered into the public record for the project. Should you elect to attend the meeting,
757 I can offer that the Town has followed the guidance of the Governor and State of
758 New Hampshire.

759 Thank you,
760 Tavis

761 **4) From:** Paul Piraino

762 **Address:** 10 Haywick Dr.
763 **To:** Tavis Austin, Paul MacDonald, and John Massaua
764 **Sent:** Wednesday, March 18, 2020 2:44 PM
765 **Subject:** Lindt LEGO Public Hearing - Comments and Concerns

766 **Message:** Hello Tavis,
767 Thanks for talking about the Lindt expansion project hearing this evening. My wife
768 and I have decided not to attend the meeting today, but I am writing to re-emphasize
769 our concerns regarding the Lindt facility expansion.

770 Our concerns center around the noise, and lighting pollution generated by the new
771 expansion as well as the noise generated by the existing refrigeration chiller on the
772 roof of their existing building.

773
774 Details follow:

775 1. Noise is such a specialized field that at the December 4, 2019 meeting I voiced a
776 concern and proposed that no work be performed to design the new expansion until a
777 noise control engineer was retained to analyze the noise sources concerning the
778 existing roof-mounted chillers and the refrigerated distribution trucks being readied
779 for shipment of product.

780 2. For the roof-mounted chiller(s), the noise control engineer would test the as-found
781 noise and its sources in dBA and recommend noise mitigation of the same sources
782 with a prediction of attenuation after the noise mitigation is completed.

783 3. For the refrigerated distribution trucks will the trucks be allowed to idle with their
784 refrigeration system running in the parking lot adjacent the Kirkwall Housing
785 Development on Haywick Drive?

786 If so, then the noise control engineer would analyze and mitigate the
787 refrigerated truck noise.

788 4. The proposed parking lot west of the existing facility may be a potential subject
789 for noise source resulting from the eventual truck marshaling facility.

790 5. This new parking lot and building wall mounted lighting will have LED dark sky
791 compliant lighting reflecting downward only.

792 Thanks for the opportunity to assist in mitigation of noise and lighting control.

793 Best-

794 Paul Piraino, 10 Haywick Dr., Stratham, NH 03885

795
796 5) **From:** Mark Devine

797 **To:** Tavis Austin

798 **Sent:** Tuesday, March 17, 2020 10:41 AM

799 **Subject:** Lindt Public Hearing - Comments and Concerns

800 **Message:** Good Morning Tavis:

801

802 I called your office this morning to see if the March 18th Planning Board meeting was
803 cancelled. I was told that the meeting was still scheduled, however, I should send
804 comments to your attention regarding the Lindt expansion and public hearing.

805

806 Comments and concerns regarding the Lindt expansion and Site Plan application:

807

808 I live at 4 Greenvale Drive in The Vineyards of Stratham development. Our
809 development is comprised of 76 single family homes and borders the Lindt Facility
810 and property. Lindt's Cocoa Processing Facility or the "Liquor Plant" is the closest
811 building and operation to our home and the other residents on Greenvale and
812 Woodside Drives.

813

814 I have a few questions about the proposed expansion under review by the Planning
815 Board this evening, and a serious continuing issue:

816

817 • For clarification - what expansion is being proposed. Is it building expansion "AE"
818 and "BE" and additional parking? Any other structures?

819

820 • Expansion "BE" is proposed to be 100' in height, correct? It is my understanding
821 that the highest structure at the Lindt Facility currently is 66', correct?

822

823 • Are the (6) sugar silos part of Expansion "AE"? The (6) sugar silos height is
824 proposed to be 90', correct?

825

826 • Will any of these structures be visible from the Vineyards or Sterling Hill
827 developments? What about the 3rd and 4th floors of the Sterling Hill developments?

828

829 • Is there any potential noise emitting or generating equipment to be installed as part of
830 the proposed expansions? If yes, what steps and type of noise mitigating measures
831 will be implemented so as not to impact the Vineyards development or other
832 neighboring residents?

833

834 • Our continuing issue, especially for the residents on Greenvale and Woodside Drives
835 are noise impacts from the current operations at Lindt. Noise mitigation measures
836 were to be installed as part of the last expansion approval. The noise related approval
837 conditions outlined in the March 5, 2014 Notice of Decision were open-ended. The
838 Planning Board made it very clear that Lindt could be brought before the Planning

839 Board at a later date if noise continued to be a problem. At that time, Lindt was to
840 mitigate the noise and take measures to ensure that no additional noise would result
841 from the proposed expansion. As I've stated, we continue to be impacted by noise.
842 We continuously hear "air handling system" noise, along with at times a horn-type
843 sounds and truck backup alarms throughout the day and night. As a result, the
844 homeowners of the Vineyards request that the proposed expansion approval process
845 be put on hold pending evaluation and mitigation of the current noise impacts and
846 require, once again, that Lindt ensure that additional noise impacts will not develop
847 as a result of the proposed expansion.

848
849 To be as safe as possible for the elderly folks we care for, I will not be in attendance
850 at the March 18th public hearing.
851

852 Thank you,
853 Mark Devine
854

855 **Response:**

856 **From:** Tavis Austin

857 **To:** Mark Devine

858 **Sent:** Tuesday, March 17, 2020 10:52 AM

859 **Subject:** RE: Lindt Public Hearing - Comments and Concerns

860 **Message:** Mark-

861 Thank you for forwarding your comments. Your email will be entered into the
862 record at the next Planning Board meeting related to this project. You are correct
863 that the meeting is, at present, still scheduled for tomorrow evening. I also
864 understand and respect your decision to submit comments in writing and choice to
865 not attend in person—though to be clear all public is welcome. Yes, it is a difficult
866 time for such processes.

867
868 I will reach out to you should there be a change in scheduling for the project so that
869 you remain ever informed of the next steps in the process.
870 Tavis

871 Note(s):

- 872 1. Materials related to the above meeting are available for review at the Municipal Center
873 during normal business hours. For more information, contact the Stratham Planning
874 Office at 603-772-7391.
- 875 2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on
876 items that are not listed on the agenda.