



Stratham Planning Board Meeting Minutes

June 2, 2021

Municipal Center, Meeting Room A

Time: 7:02 pm

Member Present: Tom House, Chair
David Canada, Vice Chair
Mike Houghton, Selectmen's Representative
Joe Anderson, Alternate Member

Members Absent: Robert Roseen, Member
Pamela Hollasch, Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:02 pm and called roll call. Mr. House appointed Mr. Anderson as a voting member. Mr. Anderson thanked Mr. House.

2. Review/Approval of Meeting Minutes

May 19, 2021

Mr. Anderson requested the spelling of his name throughout the minutes be corrected to "Anderson",

Mr. Roseen made a motion to approve the minutes of May 19, 2021 as amended. Mr. Canada seconded the motion. Motion passed unanimously.

3. Public Hearing:

- a. Robert Hammerfest, LLC (Owner) - Request for approval of a condominium subdivision to convert an existing duplex at 46-48 Lovell Road (Tax Map 23, Lot 24) into two residential condominium units. Application submitted by Berry Surveying & Engineering, 335 Second Crown Point Road, Barrington, NH, 03825.

Mr. Connors stated the parcel is 3 acres with, currently having a duplex constructed. The parcel is exempt from site plan review because single and two-family units are exempt. Mr. Connors explained the parcel has wetlands and staff recommends the wetlands be flagged and

42 the property owners be notified of Town's wetland setback and buffer requirements. The
43 wetland setback comes very close to the structure itself and limits additional building activity.
44

45 Mr. Houghton made a motion to accept the application as complete and find the application
46 does not impose a regional impact. Mr. Anderson seconded the motion. Motion carried
47 unanimously.

48 Mr. Anderson made a motion to open the public hearing. Mr. Houghton seconded the motion.
49 Motion carried unanimously.

50
51 Joseph Berry, Berry Surveying, explained a full survey was completed of the 3.2 acres, as well
52 as a topographic and wetland survey. Mr. Berry corrected the agenda that reads "Robert
53 Hammerfest LLC" and explained it should simply read "Hammerfest LLC". The applicant
54 would like to convert the existing duplex to two condominiums. There is a state approved
55 septic for the duplex showing a tank for each unit with a shared leach field. The property
56 owner has agreed to mark the wetlands with a permanent sign or fencepost approved by the
57 Town. The limited common areas are shown on the plan for each unit and will be marked
58 appropriately. Mr. Berry explained there are a couple waiver requests before the board regarding
59 the typical traditional subdivision items.

60
61 Mr. Berry stated the first waiver is for the topographic map showing proposed layout of streets,
62 lots, etc. A topographic survey of the front portion of the property and buildable area up to the
63 wetland was completed and granting this would conform to the regulations.

64
65 Mr. Canada stated he approves the granting of this waiver. The board agreed. Mr.
66 Houghton made a motion to grant the waiver for topographical maps showing the proposed
67 layouts of streets and lots. Mr. Anderson seconded the motion. Motion carried unanimously.

68
69 The second waiver is for a high intensity soils survey on the lot. The duplex is allowed in the
70 zone and NRCS soils on the front portion of the septic design shows the gallons per day
71 proposed is acceptable so a soils survey will not change the request on this application. Mr.
72 Houghton questioned if the applicant has DES approval for the duplex. Mr. Berry stated yes,
73 the septic was approved by the Rockingham County and the State of New Hampshire. Mr.
74 House questioned if the basement elevation is below the septic. Mr. Berry stated yes.

75
76 Mr. Canada made a motion to approve the waiver to submit high intensity soils survey for the
77 lot. Mr. House seconded the motion. Motion carried unanimously.

78
79 Mr. Berry stated the third waiver is to allow the condominium subdivision plan and septic
80 design be the plans allowed since other sketches or plans would not change the application.

81
82 Mr. Connors stated the subdivision plan showing the street and the wetland plan are sufficient
83 for this requirement. Mr. Houghton questioned if the condominium documents will detail the

85 responsibilities of the property owners. Mr. Connors stated yes, that is part of the condition.
86 Mr. Houghton requested the responsibilities regarding the shared leach field for both property
87 owner be clearly defined in the association documents.

88
89 Mr. Berry asked how the Town would like the wetlands to be marked. Mr. Connors said the
90 edge of wet should be marked. He also noted that the owners should be informed of the setback
91 boundaries. Because of the distance to the structure, it would be very difficult to obtain a
92 building permit for any building activity in that vicinity.

93
94 Mr. Anderson made a motion to approve the application for the condominium subdivision to
95 convert an existing duplex at 46-48 Lovell Road (Tax Map 23, Lot 24) into two residential
96 condominium units according to the application and plans submitted by Berry Surveying &
97 Engineering, subject to the following conditions to be incorporated prior to plan signature or as
98 noted.

99
100 Conditions:

- 101
102 1) The unit numbers depicted on the plan shall be revised to reflect the address for each unit --
103 46 and 48 Lovell Road.
104 2) The title of the plan shall be revised to '46-48 Lovell Road Condominium Subdivision Plan.'
105 3) The structural setbacks, edge of wetlands, and wetland setback boundaries shall be depicted
106 in the recorded condominium plan. The condominium documents to be recorded shall be
107 revised to reference that no building activity may take place within the setback areas as
108 required under the Zoning Ordinance. The applicant shall flag or sign the wetland setback
109 boundaries on the property.
110 4) The draft condominium documents shall be subject to final approval by the Planning
111 Department and submitted for recording with the condominium plan. All recording fees shall
112 be the responsibility of the applicant.
113 5) Condominium documents shall include a requirement that the septic tank is pumped at least
114 every three (3) years.

115
116 Mr. Houghton seconded the motion. Motion carried unanimously.
117

- 118 b. NP Stratham, LLC c/o Northstar Centers, LLC (Owners) - Request for approval of a Site Plan
119 and Conditional Use Permit to construct a 132 square-foot freestanding ATM drive-through
120 facility and associated improvements at 20 Portsmouth Avenue (Tax Map 4, Lot 14).
121 Application submitted by Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Ste. 304,
122 Danvers, MA 01923.

123
124 Mr. Connors stated the applicant was before the board for a preliminary consultation in the
125 summer 2020 for a "drive through only" ATM facility. The parcel is located at 20 Portsmouth
126 Avenue, where the Chipotle is located. The facility will be located on the opposite side of the
127 parking lot from Chipotle along the frontage. The structure would remove approximately eight
128 (8) parking spaces and will not allow pedestrian's to use the facility. The architectural design

129 and landscaping has been updated since the preliminary consultation but the use remains the
130 same. Mr. Connors stated “drive through” facilities are permitted by Conditional Use Permit.
131 Mr. Connors explained the Conditional Use Permit is for the use, to allow the structure to be
132 set back 140 feet from Portsmouth Avenue, require 15 feet and to waive the requirement that
133 15 percent of the site be dedicated to public use. There are two waivers for storm water
134 requirements and the landscape plan requirement to be signed by a landscape architect be
135 submitted. Mr. Connors recommended the board accept the application as complete

136
137 Mr. Anderson made a motion to accept the application as complete. Mr. Canada seconded the
138 motion. Motion carried unanimously.

139
140 Mr. Anderson made a motion to open the public hearing. Mr. Canada seconded the motion.
141 Motion carried unanimously.

142
143 Ken Knowles, Eaglebrook Engineering & Survey, gave the board a site overview. Mr.
144 Knowles stated the proposed drive-up ATM is located in the northerly section of the site.
145 There are a couple of mature trees the applicant would like to save as part of the application.
146 The drive-thru cue is contained within the existing pavement. There structure will sit on a
147 concrete pad. The plan includes a dominimus reduction in impervious area by five (5) or ten
148 (10) square feet. A waiver has been requested for storm water requirements because the
149 project is below the threshold. A reduction of eight (8) parking spaces is being proposed for
150 the site and will remain above the required minimum for the overall site. The parking space
151 requirement is 298 and 318 will be maintained on the site. The applicant has updated the
152 structure to mimic the look of the Chipotle and Starbuck's structures. The building materials
153 will be hardi-plank in similar colors to Chipotle & Starbuck's structures. Mr. Knowles
154 explained the traffic flow and landscaping. Mr. Knowles stated there will be two (2) pedestrian
155 sized lights that mimic the town's Gateway standards similar to the ones installed for sidewalk
156 built last summer. Mr. Knowles stated two separate ATM's will be required to satisfy the
157 different height requirements for ADA requirements which is the reason for pedestrian access
158 is not included directly to the ATM. Mr. Knowles stated it is worth noting that Northstar has
159 built more “pedestrian friendly” improvements in the Gateway District than any other single
160 landowner in Stratham. Mr. Knowles stated a site plan requirement for Chipotle required the
161 property owner to permit a crosswalk to connect the pedestrian sidewalk on Portsmouth
162 Avenue, southerly portion, and has been with NH DOT since April 2019. Once approved by
163 NH DOT, a sidewalk will be constructed from Chipotle for a signal on both sides. NH DOT
164 requested a crosswalk across Route 108 so there will be signalization improvements and
165 pedestrian signals on both sides as well. Mr. Knowles explained the Chipotle site plan review
166 required a condition that Mr. Leopold and Northstar were to be responsible for up to \$15,000
167 worth of signalization and anything beyond that was the responsibility of the town. The
168 crossings far exceed that threshold so Northstar came back to the planning board and town and
169 requested a modification of that approval. The work will be done as soon as NH DOT issues a
170 permit. The applicant has agreed to make the connection to help with pedestrian safety.

172 Mr. House questioned how pedestrian traffic to the ATM will be curbed. Mr. Knowles stated
173 there is no way to control a pedestrian from walking up to use the ATM. Their site in Exeter
174 has pedestrians walking up to the drive through ATM all the time. Mr. Houghton questioned
175 why there will be two machines and why an ADA compliant machine cannot be installed to
176 satisfy the business. Mr. Knowles stated the height of the keypad and controls for a vehicle are
177 different than the height of the keypad and controls for ADA accessibility. Mr. Canada stated
178 Mr. Leopold has made some contributions to the accessibility of the area the board should
179 honor their needs and allow the drive up and not the pedestrian access. Mr. Houghton stated
180 this drive through is no different than any other bank drive through in the area other than it's a
181 free standing structure. Mr. Houghton stated the structure presented is an upgrade and
182 complimentary to the design standards for the Gateway District. Mr. House and Mr. Houghton
183 would like to see a sidewalk added (west to east) for the safety of pedestrian traffic. Mr.
184 Knowles stated the sidewalk will be bituminous.

185
186 Mr. Knowles stated the applicant is requesting a waiver from Section 3.8.7.d and 3.8.8
187 requiring the lighting of thoroughfares. This does not preclude the layout of what was
188 previously depicted as thoroughfares through the site. Section 3.8.8 waiver request is for the
189 15 foot maximum setback from Portsmouth Avenue. The ATM was laid out so headlights
190 would be pointing away from Portsmouth Avenue at night. The ATM was pushed back to
191 allow a three (3) car que. There is an existing public plaza and the applicant is adding some
192 passive recreation but it does not meet the 50% dedicated public open space currently. Mr.
193 Knowles stated Addendum C waiver was discussed previously during the prior two projects
194 and the board agreed it was better to waive it than not to waive it. The threshold for a storm
195 water design is 43,000 square feet of disturbance and this project has 6,000 square feet and
196 well below the threshold.

197
198 Waiver 1: Section 3.8.7.d requires the lighting of thoroughfares. This is not a new
199 development and is an existing commercial retail plaza. The mapping showed a thoroughfare
200 where the existing main driveway and signal are, along with the front and behind the building
201 so being an existing parcel this should not be acquired.

202
203 Mr. House agreed. Mr. Houghton made a motion to approve Waiver #1 from Section 3.8.7.d.
204 requiring the lighting of thoroughfares. Mr. Canada seconded the motion. Motion carried
205 unanimously.

206
207 Waiver 2: Section 3.8.8, Tables 1, 4, and 5. Mr. Knowles stated the lighting of thoroughfares
208 is listed again and this is just to confirm it is not required.

209
210 Mr. Anderson made a motion to approve Waiver #2 from Section 3.8.8, Tables 1, 4, and 5 to
211 waive the applicability of Section 3.8.8, Tables 1, 4, and 5 related to requirements for the design
212 of thoroughfares and blocks. Mr. Canada seconded the motion. Motion carried unanimously.

214 Waiver 3: Mr. Anderson made a motion to approve 3.8.8, Table 2, which requires 15 feet
215 maximum setback. Mr. Canada seconded the motion. Motion carried unanimously.
216

217 Waiver 4: Mr. Anderson made a motion to approve 3.8.8, Table 6, which requires 15 percent of
218 total area dedicated to public spaces. Mr. Canada seconded the motion. Motion carried
219 unanimously.
220

221 Waiver 5: Addendum C: Mr. Knowles stated this does not apply since there is less than 25,000
222 square feet of impervious which is a net reduction and well below the threshold. This waiver
223 was granted on the previous Chipotle and Starbuck's projects.
224

225 Mr. Anderson made a motion to approve Addendum C, Town of Stratham Storm water
226 Regulations. Mr. Canada seconded the motion. Motion carried unanimously.
227

228 Waiver 6: Section 5.2.n.2 which requires a landscape architect stamp on the plan. The
229 landscaping selection and layout is consistent with Starbuck' and Chipotle given the styles of
230 the projects and indicated on the plan. Mr. House stated he does not believe it is required as
231 long as the applicant is keeping in line with Chipotle and Starbucks.
232

233 Mr. Connors asked if Mr. Knowles was comfortable with the recommended condition that
234 additional landscaping be provided in the grassy area between the use and Portsmouth Avenue.
235 Mr. Knowles responded that he had no objection and could work with the Town Planner on
236 that.
237

238 Mr. Canada made a motion to approve Section 5.2.n.2 from the requirement of requiring a
239 landscape architect stamp on the plan. Mr. Anderson seconded the motion. Motion carried
240 unanimously.
241

242 Mr. Anderson made a motion to close the public hearing. Mr. Houghton seconded the motion.
243 Motion carried unanimously.
244

245 Mr. Anderson made a motion to approve the application for a Conditional Use Permit and Site
246 Plan to construct a 134 square-foot drive-through facility at 20 Portsmouth Avenue (Tax Map 4,
247 Lot 14), consistent with the site plan by Eaglebrook Engineering & Survey, because per the
248 Board's deliberations, the application does meet the Conditional Use Permit criteria, subject to
249 the following conditions to be incorporated prior to plan signature or as noted:
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- 251 1) The applicant shall revise the plan to provide for pedestrian pathway linking the Portsmouth
252 Avenue sidewalk to the shopping center. The revisions shall be to the satisfaction of the
253 Planning Department.
254 2) The applicant shall revise the landscape plan to include additional landscaping within the
255 grassy median separating Portsmouth Avenue from the site, including at least one additional
256 tree and five shrubs. A note shall also be added to the plan that existing landscaping shall be
257 preserved.

- 258 3) The applicant shall update the architectural plans or provide a separate narrative noting all of
259 the proposed exterior building materials.
260 4) The applicant shall provide one mylar plan and two full-size paper plan sets for signature and
261 recording and provide checks for recording fees.
262 5) Use of the facility shall not be permitted until all improvements depicted on the plan have
263 been installed.

264

265 Mr. Houghton seconded the motion. Motion carried unanimously.

266 **4. Other Business:**

267 a. Solar Energy Systems Ordinance

268

269 Mr. Connors explained the Aberdeen HOA is looking into installing a solar energy solution.
270 Mr. Connors stated a plan has not been submitted and there is a requirement that the town hold
271 a bond or check in the event the solar panels are abandoned. Mr. Connors agreed this
272 requirements needs to be changed and the Zoning amended. The board discussed what
273 collateral the associations could provide to cover the expense of removing panels in case of
274 abandonment. Mr. Houghton stated the board should discuss how enforceable a lien on the
275 property would be if the panels were not removed within a designated amount of time.

276

277 b. Miscellaneous Planning Issues

278

279 Mr. Houghton stated it was brought to his attention that the subdivision on Market/Bittersweet
280 is not supposed to allow pools, sheds, etc. and was part of the conversation among the planning
281 board at the time. Mr. Houghton stated it is the understanding that this was part of the final
282 decision of approval for the subdivision and there are several pools and sheds which have been
283 constructed. Mr. Houghton questioned how the planning approvals align with building. Mr.
284 Houghton requested Mr. Connors look into this and discuss with Mr. Wolph.

285

286 **5. Adjournment**

287

288 Mr. Anderson made a motion to adjourn the meeting at 8:34 pm. Mr. Canada seconded the
289 motion. Motion carried unanimously.

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293

294

295 *Note(s):*

- 296 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more
297 information, contact the Stratham Planning Office at 603-772-7391 ext. 147.
298 2. The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed on the
299 agenda.