



Stratham Planning Board Meeting Minutes

April 19, 2023

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. Approval of Minutes

a. April 5, 2023

Mr. Canada noted a correction on Page 7 of the draft April 5, 2023 minutes related to potential water and sewer connections from Exeter for the Stoneybrook Lane project.

Mr. Canada made a motion to approve the April 5, 2023 meeting minutes subject to the correction. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

3. Public Hearing:

- a. The Planning Board held a public hearing to clarify its decision in the application outlined below previously decided on December 8, 2021. This public hearing is the result of a decision of the Superior Court remanding this case to the Planning Board. This matter was tabled from the February 15, 2023 meeting by the Planning Board and postponed from April 5, 2023 at the request of the applicant:

Aberdeen West Cooperative (Owners) - Request for approval of a Conditional Use Permit to construct a medium-scale, 90 kilowatt ground mounted solar array at the Aberdeen West Cooperative, Lovell Road and Aberdeen Drive (Tax Map 19, Lot 36), Zoned Manufactured Housing/Mobile Home District. Owner/Applicant's representative is Horizons Engineering Inc., 34 School Street, Littleton, NH 03561.

Mr. House said that he would recuse himself from this application, as he has done in the past, because he is an abutter. Mr. House stepped down and Vice Chair Mr. Canada took over the chairmanship duties. Mr. Canada asked Mr. Connors to introduce the matter.

Mr. Zaremba stated that he read the minutes from the previous hearing because he was absent from the February meeting. He added that he participated in the Planning Board discussions when Aberdeen West was in front of the Board before the appeal.

Mr. Connors said that this matter was last considered by the Planning Board in February. This application is in front of the Planning Board because it was remanded back to the Board by an order of the Superior Court to clarify aspects of its original 2021 decision. Mr. Connors said at the February 15 meeting, the Board voted to amend the 1988 restriction placed on the parcel by the Planning Board to allow the ground-mount solar facility that is the subject of the application. The Board also held deliberations regarding the two Conditional Use Permit criteria the Court remanded back to the Board and determined the application complied with the criteria.

The Board tabled action on the site plan and conditional use permit motion however, pending the submission of a revised landscape plan by the applicant. The Board requested that the applicant enhance the proposed landscaping to provide additional screening for the abutting property owner. Mr. Connors said that the landscape plan is the final issue outstanding related to this application.

Mr. Canada asked if the applicant would like to present the landscape plan. Ms. Oliver and David Cressy, a law and master's student, stepped forward to present the Landscape Plan. Ms. Oliver recited a brief history of the application. She said that the landscape plan had been significantly revised since the last meeting. Ms. Oliver noted that Aberdeen West relied on the guidance of David Short of Stratham Nursery, who is very experienced in such matters and who submitted a letter describing how the plan fulfills the Town's requirements and provides a visual buffer from the abutting property. Mr. Cressy noted that the plan includes 51 plantings, largely concentrated along the property line, an increase from 33 in the previous plan. Mr. Cressy said that the revised landscape plan met both the spirit and intent of the statutory requirements and fully responded to the comments of the Planning Board. Ms. Oliver said that there is only one statutory standard and that should be the focus of the Board, not trying to placate different parties. She noted the standard the Planning Board should follow which is: reasonable efforts, as determined by the Site Plan Review authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures. Ms. Oliver said that full compliance with the Site Plan Review Regulations is not required for a medium scale solar array.

Mr. Canada announced that Mr. Allison would be a voting member for this application due to the recusal of Mr. House. Mr. Canada asked if the abutting property owner would like to make any comments.

Eric Maher, an attorney at Donahue, Tucker, & Ciandella, PLLC, and Robert LaPlante, of 58 Lovell Road, stepped forward to address the Board. Mr. Maher said that he was representing Mr. LaPlante in this matter. Mr. Maher said that Mr. LaPlante had acquired the services of a certified landscape architect to design what would constitute an adequate visual buffer. Mr. Maher said that is not Mr. LaPlante's responsibility, this is not his project, but he wanted the advice of a certified landscape architect. Mr. Maher said that plan has been provided to the Town and was provided to the applicant well in advance of this meeting. Mr. Maher said that they do not believe the revised plan meets the site plan requirements and will not provide an adequate vegetated buffer from the

LaPlante's home, which will have a direct line of sight to the solar panels. Mr. Maher said that they are in receipt of a compromise option, put forward by the Town Planner and described in the staff memo. Mr. Maher said that option would be acceptable to Mr. LaPlante as a compromise measure. Mr. Maher said the only plan in front of the Planning Board for consideration completed by a certified Landscape Architect was the plan submitted by Mr. LaPlante.

Mr. Canada asked if there were any other public comments. Hearing none, he asked if there were any comments from the Board. Mr. Kunowski said he felt the landscaping proposed by the applicant would provide an adequate vegetated buffer, and probably exceed that, as described in the letter by Mr. Short and that a significant number of additional plantings was added to the plan consistent with the Board's feedback to supplement the visual buffer. Mr. Canada agreed and said that it would comprise a visual buffer to screen the solar panels from the abutting property. Mr. Canada stated that this matter reminds him of another application, in which case an abutter did not want trees [for screening purposes], but instead wanted a forest. He said that the Board needs to determine if reasonable efforts have been made to screen the panels and it is his opinion that the revised plan reflects a reasonable effort. Mr. Houghton said he felt the revised landscape plan is responsive to the comments of the Board in February and meets the Town's requirements for screening.

Mr. Canada made a motion to approve the Conditional Use Permit and Site Plan to permit the construction of a medium-size 90-kilowatt ground-mounted solar energy system at the Aberdeen West Cooperative (Tax Map 19, Lot 36), Zoned Manufactured Housing, consistent with the site plan by Horizons Engineering, last revised April 12, 2023, subject to the following conditions to be incorporated prior to plan signature or as noted:

1.) The Plan and the Notice of Decision shall be recorded and the recording fees shall be borne by the applicant.

2.) Prior to the start of construction, the applicant shall install erosion and sediment control measures and stake out the location of the panels. These measures must be inspected and approved by the Town Planner.

3.) A note shall be added to the plan specifying that the maximum height of the solar arrays shall not exceed eight-feet.

4.) After construction of the solar panels, the applicant shall restore disturbed areas, including the temporary access driveway, to its predevelopment condition.

5.) Disturbance to the site shall be minimized to the highest extent practicable and shall be limited to areas necessary to install underground utilities, the solar panels, and associated improvements.

6.) After construction of the solar panels, the applicant shall restore temporarily disturbed areas, including the temporary access driveway, to its predevelopment condition.

7.) Hours of construction activity shall be limited to between 7 am and 6 pm on Monday through Friday and between 8 am and 4 pm on Saturday. No construction activity may take place on the site on Sundays.

143 8.) The Planning Board's amendment of Note 8 on the 1988 site plan shall be memorialized
144 in the form of a note on the plan, to be signed and recorded, which shall read: "This site plan
145 supersedes the prior site plan recorded as Plan No. 18778 in the Rockingham County
146 Registry of Deeds to amend Note 8 to permit the siting of a single 90-kilowatt ground-
147 mounted solar energy system and related infrastructure as depicted hereon. This site plan is
148 not otherwise intended to change or abrogate any of the conditions of the existing plan No.
149 18788. Note 8 of Plan No. 18778 shall remain binding on this parcel with the exception of the
150 improvements approved by the Planning Board and depicted on this plan."
151

152 9.) All improvements, including proposed landscaping shall be installed subject to the
153 approved plan. The Town shall hold a security in the amount of the cost to install the
154 landscaping. No more than 90 percent of the total security amount shall be released to the
155 owners after installation of the landscaping. The remaining security shall be released to the
156 owner one year after the date of installation of the landscaping.
157

158 10.) Prior to the start of construction, the owner shall sign a legal agreement drafted by the
159 Town guaranteeing the removal of the solar facilities and the return of the area to its
160 predevelopment condition within 120 days of the abandonment of the solar facilities.
161

162 Mr. Houghton seconded the motion. All voted in favor and the motion was approved.
163

164 4. Public Meeting:

- 165
166 a. Piatti Revocable Trust (Owner) - Route 33 Heritage District application to construct a residential
167 addition at 180 Portsmouth Avenue (Tax Map 17, Lot 81).
168

169 Mr. House assumed the Chairmanship and asked Mr. Connors to introduce the application. Mr.
170 Connors explained that this is a Route 33 Heritage District application for a residential addition.
171 This is not the type of project that the Planning Board would typically review but is doing so in
172 this case because the property is located in the Heritage District and the addition will be very
173 visible from the right-of-way, he said. This is a relatively small addition to the existing structure
174 along the side of the existing residence and partially in front. Mr. Connors said as part of this
175 application, the applicant is requesting the Board approve a waiver of the front setback requirement
176 to allow the addition to be closer to the front property boundary than the zoning allows. Mr.
177 Connors said the Heritage District zoning allows the Planning Board to waive the setback
178 requirement if the Board finds the waiver will not negatively impact the historic or architectural
179 character of the District.
180

181 Mr. Houghton asked if there is a waiver form associated with this application. Mr. Connors said
182 that there is not, that at this time there is not a waiver form specific to the Heritage District,
183

184 Mr. House noted that he serves on the Route 33 Heritage Committee which provided the feedback
185 to the applicant. Mr. House asked for clarification on the setback distance of the residence. Mr.
186 Piatti noted that he had located the pin from the surveyor and believes that the house is setback
187 approximately 28-feet from the front property boundary. Mr. Connors explained how the Town
188 estimated the distance. He said without a property survey, it was not possible to say the exact
189 distance, but the Board could approve a general waiver of the front setback to allow the addition.
190

191 Mr. Piatti indicated he would like to install an aluminum and glass railing for the porch. Mr. House

said that the railing material should be consistent with the other exterior building materials. He said that a glass and aluminum railing was more contemporary and not consistent with the residence.

Mr. Canada moved that the Planning Board approve a waiver from the front setback requirement, as provided under Section 3.10.6 of the Zoning Ordinance as approval of the waiver would not diminish the historic and architectural character of the District. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. House moved to approve the Route 33 Heritage District application to permit a residential addition at 180 Portsmouth Avenue subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall provide the Planning Department details for the proposed roof and porch railing materials in an open baluster style.

2. The exterior building materials shall be consistent with the application materials provided by the applicant. The exterior shall match exterior paint colors on other portions of the residence.

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

5. Public Hearing:

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

Mr. House asked Mr. Connors to introduce the application. Mr. Connors said that the preliminary application for this proposal was reviewed at the Board's last meeting. The application tonight is for site plan approval to construct an addition, identified as Building G on the plans, and for a conditional use permit to encroach into the Town's required 50-foot non-disturbance area from the edge of a wetland boundary. A small part of the pavement area associated with this application would encroach into the non-disturbance area. Mr. Connors said that the applicant has prepared a mitigation plan that would restore an existing paved area and convert it into a wildflower area. As a result of the improvements and the mitigation, the amount of impervious surface cover on the site will be slightly less under the post-development conditions. Mr. Connors said the Conservation Commission reviewed the application at their March meeting and unanimously voted not to register any objections to the application. A letter from the Commission Chair is included in your packets.

Mr. Connors said that there are four waiver requests associated with the application included in your packets. He said the Planning Department is in receipt of a letter and e-mail received from Richard Adie of 18 Kirkwall Drive, which has also been provided in the Board packets.

Mr. House asked if the application was complete. Mr. Connors said he would recommend the Board find the application to be complete and that it does not pose a regional impact.

Mr. Zaremba made a motion that the Board find the application to be complete with a finding that it does not pose a regional impact. Mr. Canada seconded the motion. All voted in favor and the motion was approved.

Douglas Brodeur, a senior civil engineer with H.L. Turner Group Inc. and Dan Goulet, director of facilities for Lindt & Springli USA stepped forward to present the application. Mr. Brodeur presented the plans to the Board describing that the addition would help allow truck traffic to more efficiently serve the facility. A parking area in the vicinity of the improvements would be removed to provide better access for truck traffic. Mr. Brodeur said that these improvements were originally planned as part of the Project LEGO expansion completed in 2020-2021. Mr. Brodeur said the traffic impacts associated with the expansion were included in the 2020-2021 traffic study. There is no additional traffic projected in excess of that.

Mr. Brodeur described the interior floorplans. He said that the programming for the interior of the building was reasonably straight-forward. Mr. Brodeur described other elements of the plans including exterior lighting, architectural elevations, and drainage. Mr. Brodeur said that Lindt met with the neighbors in Rollins Hill regarding the plans and to try to address their concerns.

Mr. Brodeur said the Town Planner is recommending a stockade fence to capture some of the noise so there is less impact to the abutters. However he said after meeting with the neighbors and considering different options, they felt that a ten foot tall sound-proofing fence closer to the building would be more effective at reducing noise impacts. Mr. Brodeur provided plans of the proposed mitigation. Mr. Goulet said that Lindt wants to be good neighbors and has worked and will continue to work with the neighbors to address their concerns.

Mr. Houghton asked if the trash compactors are loaded from inside the building. Mr. Brodeur responded yes.

Mr. Brodeur commented that other changes include a new sewer pump station that is necessary for a new small restroom in a building for use by the truck drivers.

Mr. Brodeur discussed sound mitigation. Lindt proposes to install along the side of the loading dock, a roughly 10 foot high fence with sound proofing material. The material is made to attach the chain link fencing, looks like a black tarp, is weather resistant, and there is a sound absorbing pad inside. The material should absorb sound. Mr. Brodeur believes this proposal will mitigate sound better than a stockade fence because sound does not travel in a straight line. In addition to the sound mitigation, the new loading dock should reduce the internal traffic transferring product between buildings. Lindt is also instituting a program to double stack pallets instead of single stacking them.

Mr. House asked for confirmation that there will be no new trucks idling all night long. Mr. Goulet responded that the trucks are thermostatically controlled. A small heater turns on when the temperature gets below freezing and when the temperature is above 50 the trailer will be cooled.

Mr. House asked if that is the case for all of the trucks onsite or just the trucks at the new loading dock. Mr. Goulet responded that they have some trailers that are not transporting temperature sensitive materials or packaging and that any trailers transporting chocolate are thermostatically controlled.

Mr. House asked what will the new loading dock be use for. Mr. Goulet responded that it will be used for finished product so the trailers will be thermostatically controlled.

Mr. Houghton asked if the finished product is shipping to customers or transferring to Building D. Mr. Brodeur responded that once the program is implemented, Lindt will ship directly from the new loading dock.

Mr. House asked if Lindt is adding more trucks to the site. Mr. Goulet responded that the expectation is this new program and loading dock will reduce the number of internal trucks on the site. Mr. Goulet added that over time, there may be an incremental truck increase as additional production lines are added.

Mr. Zaremba asked how long it takes to fully load one truck. Mr. Goulet responded about 5 and a half hours. Mr. House asked what time of day is that done. Mr. Goulet responded it is a 24 hour operation.

Mr. Zaremba asked if the trucks are continually temperature controlled even if they are only half full. Mr. Goulet responded yes, they are held at a constant 55 degrees.

Mr. Canada asked if the refrigeration is fueled by diesel. Mr. Goulet confirmed. Mr. House stated he thought in the past it was said that the trucks can be fueled by electricity. Mr. Goulet responded there are electric units at Building D for standby trailers. The over the road trailers are diesel.

Mr. Canada stated that the diesel units are 10 to 12 feet tall and the mitigation proposal is for a six foot fence. Mr. Brodeur corrected that they are proposing a 12 foot high fence.

Mr. House asked where the trench drains near the trash area are routed to. Mr. Brodeur demonstrated on the plans where they ultimately drain to a 30 inch culvert.

Mr. House asked where the new bathroom will be located. Mr. Brodeur referenced an area of Sheet A1.1 which will be updated to show a small shipping office with a bathroom for drivers and vendors. Mr. House asked where the new sewer pump will be. Mr. Brodeur referenced Sheet C3 that shows a sewer service line to a pump station to the force mains. Mr. Brodeur described the details of the sewer pump station depicted on Sheet C6.3.

Mr. Houghton asked if any new mechanical equipment proposed. There is nothing specific for Building G.

Mr. House asked for confirmation that the building height of 46 feet is from average grade to the top of the roof. Mr. Brodeur confirmed but that the request is for 46.5 feet. There was discussion on the plans and heights and Mr. House stated he does not think they should build higher than the existing building. Mr. Brodeur agreed that is the intent.

Mr. Zaremba asked what is the length of the trucks and will they be fully covered by the fencing. The response described the approximate location of the front wheels of the truck and the bumper in relation to the loading dock showing they will be enclosed.

Mr. House asked if any members of the public would like to speak.

Paul Piraino of 10 Haywick Drive spoke on behalf of Rick Adie of 16 Kirkwall Drive who could not attend the meeting. Mr. Adie attended the last meeting and has concerns with noise. Mr. Piraino stated the fence will be helpful but they would like representatives of Lindt to come to Kirkwall Drive in the evening to hear the noise level. Mr. Piraino asked for confirmation that the Town received the letter from Mr. Adie dated April 12th. Mr. Connors confirmed receipt of the letter.

Mr. House clarified that it will be a 12 foot tall fence on a curb that will raise the top of the fence higher. He added that there is only so much noise mitigation that can occur on the outside of a building.

Mr. Piraino commented that with regards to Building G, the roof is fed by air handling units described as 'dx' which is direct expansion and those have compressors just like a chiller does. He added that can be a generator of noise. He asked if the units will be sound deadened in a cabinet or if it will be water cooled. Mr. Goulet responded that they are not 'dx' units, they will have a cooling coil and a heating coil so all fans be enclosed in a sound deadening enclosure. The chillers are all inside the building. Lindt does not anticipate any noise from the units. The acoustic material proposed is the same used to address noise concerns from an abutter at Haywick Drive and that abutter has stated he is satisfied with the results.

Mr. House noted that the letter from Mr. Adie mentions an increase in the number of trucks and Lindt has addressed that concern by stating they will be reducing the number of trucks onsite. Mr. Adie's letter also question lighting. Mr. House asks for a presentation on lighting.

Mr. Goulet went to Mr. Adie's residence last night. Mr. Adie's concerns are with existing buildings and some lighting off Building D which is the warehouse building, Building C and the sugar tower (Building F). Lindt is working with the neighbor to address his lighting concerns. Any lights that will be installed on Building G will have screens or motion detection.

Mr. Brodeur presented a photometric plan. Within 50 feet of the site area, there is a zero foot candle illumination going towards the abutters. All the lights from the poles proposed along the exterior perimeter of the parking area are facing downward and will be installed with cut off fields. There are two wall packs proposed on the loading dock that face outward, but are shining down.

Mr. Houghton asked for confirmation that it is one truck. On the plan he sees one dock next to the trash compactor. The response was there are three loading docks in one location and one dock by the trash compactor.

Mr. Canada asked if the tractor that pulls a trailer could be turned off during loading. The response was that the tractor must be running for the refrigeration to work. Mr. Canada stated that some trailers can be refrigerated without the tractor running. Lindt will review how the trucks are equipped to determine if they can be shut off.

Mr. Zaremba asked if the fence could be installed in addition to the sound barrier. Mr. Brodeur responded because they do not believe the fence will add any sound mitigation value.

Mr. House asked for a presentation of the waiver requests.

Mr. Brodeur stated the first waiver request is from Section 4.2.2d and 4.2.2e of the Site Plan Regulations which require a High Intensity Soil Survey and data on test pits and percolation tests.

388 This data is typically required for septic systems and this facility is serviced by municipal sewer
389 system. Mr. House asked if they notified the sewer utility with regards to this project. Mr. Brodeur
390 responded they have not, but they can do that. Mr. Canada commented that the facility has a limit
391 from the sewer utility. Mr. Brodeur confirmed there is a limit for the site and they are not above
392 the limit.

393
394 **Mr. Houghton made a motion to approve the waiver to Section 4.2.2d and e regarding high**
395 **intensity soil and test pit data requirements for the Lindt Loading Dock G Site Plan**
396 **Amendment Application. Mr. Zaremba seconded the motion. All voted in favor and the**
397 **motion was approved.**
398

399 Mr. Brodeur stated the second waiver request is from Section 4.2, Dimensional Requirements of
400 the Zoning Ordinance to allow a 46.5-foot tall building where the maximum building height is 35
401 feet. The building height will be no higher than the existing building height in the area, is
402 significantly less than the 90-foot height of the adjacent bulk product towers, and they believe there
403 is no safety hazard imposed on the public. There was no discussion from the Board.
404

405 **Mr. Houghton made a motion to approve the waiver requesting a waiver to the limit of 35**
406 **feet in height to a maximum of 46.5 feet or less and no higher than the existing building**
407 **consistent with Section 4.2 of the Zoning Ordinance and Article 4.3 for the Lindt Loading**
408 **Dock G Site Plan Amendment Application. Mr. Canada seconded the motion. All voted in**
409 **favor and the motion was approved.**
410

411 Mr. Brodeur discussed the Conditional Use Permit application. He presented the Wetland Buffer
412 Disturbance Plan which depicts the current extent of disturbance on the site and the proposed paved
413 and gravel surfaces they plan to convert to a wildflower meadow. The net result is a reduction of
414 impervious surface by 2,400 square feet. New impervious surface area is needed to maintain an
415 access drive for Lindt and for safety vehicles. Stormwater from the new impervious surface will
416 ultimately drain to an existing retention pond on site.
417

418 Mr. House stated that the Planning Board is in receipt of a letter from the Stratham Conservation
419 Commission that they have no objection to the project. Mr. Brodeur presented to the Board
420 responses to each of the five Conditional Use Permit criteria. There were no comments from the
421 Board.
422

423 **Mr. Houghton made a motion to approve the Conditional Use Permit to allow the**
424 **encroachment of a driveway into the wetland non-disturbance buffer zone as the application**
425 **conforms with all of the permit criteria based on the materials submitted by the Applicant.**
426 **Mr. Canada seconded the motion. All voted in favor and the motion was approved.**
427

428 Mr. Brodeur stated that Lindt can assist the Town in preparing the NH DOT driveway permit, but
429 the Town is required to submit the application. More importantly Mr. Brodeur does not believe
430 DOT will grant the permit due to pre-existing conditions with the Marin Way and Route 11
431 intersection and to make the Lindt project conditional upon that permit is problematic. When the
432 Lindt LEGO project was approved, there was a condition that Lindt contribute \$50,000 towards
433 repaving Marin Way along with an additional \$40,000 contribution towards intersection
434 improvements which was above and beyond Lindt's fair share contribution. Mr. Connors believes
435 that either the Town or Lindt can apply for the permit and that the project does require a driveway
436 permit. He recommends we start the process to get an opinion from DOT. Mr. Brodeur asked that

the condition be changed to requiring that the application be submitted as opposed to DOT issuing the permit. Mr. Houghton asked Mr. Connors to confirm the funds mentioned by Mr. Brodeur have been secured by the Town. Mr. Connors stated that the concern is what will be the response from DOT. Mr. Zaremba asked what happens if the Board approves the CUP and DOT denies the driveway permit from Lindt's perspective. Mr. Brodeur replied it doesn't matter because the permit is held by the Town. The discussion continued with both Lindt and the Town suggesting possible DOT responses to the application and also the draft condition language for the CUP.

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

Mr. Houghton made a motion to approve the application for Lindt's building expansion for Building G with the following conditions:

- 1. The applicant shall work with the Town Planner to incorporate minor technical comments into the final plan.**
- 2. Lindt in conjunction with the Town Planner will work on submission of a NHDOT Driveway Permit. Lindt will agree to work collaboratively with the Town and other Marin Way property owners to seek longer term solutions to the Marin Way/111 intersection.**
- 3. Lindt will install a 12-foot high acoustic fence, noise reduction fence, above the concrete barrier to the truck docks on Building G for sound mitigation.**
- 4. A note shall be added to the plan that all refuse associated with the addition will be stored inside the structure or within fenced and secured enclosures.**
- 5. A note shall be added to the plans that all exterior light shall be mounted at a height not to exceed 20-feet.**
- 6. The NHDES Alteration of Terrain Permit number shall be noted on the plans.**
- 7. The waivers and the date of Planning Board approval shall be noted in the plans.**
- 8. Prior to the start of work, a pre-construction meeting shall be scheduled with the Town Planner, Building Inspector, and other relevant town staff.**
- 9. Prior to the start of the work, the applicant shall provide the Town a financial security to guarantee the improvements consistent with the requirements of the Site Plan Regulations.**
- 10. Prior to the issuance of a Certificate of Occupancy, all improvements depicted on the plan shall be installed.**

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

- b. JP Morgan Chase & Co. (Applicant), NP Stratham, LLC c/o Northstar Centers, LLC (Owners) -- Request for Preliminary Consultation to review a site plan for a proposed 3,322 square-foot bank**

with drive-through service facilities and associated improvements at 20 Portsmouth Avenue, (Map 4, Lot 14), Zoned Gateway Commercial. Applicant's representative is Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772.

Mr. Zaremba recused himself from the hearing. Mr. House appointed Mr. Allison as a voting member for this hearing.

Mr. Connors presented the project. A Preliminary Consultation was held at the February 15, 2023 Planning Board meeting. At that meeting the Planning Board expressed concern with architecture, traffic and circulation. The Board directed Planning Staff to send this application for a third party review specifically for traffic, site accessibility, circulation, and parking. The Town has not yet received a copy of the report. Mr. Connors recommends not making a decision until the report is reviewed and that there are other concerns that can be discussed tonight.

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

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

Joey Fonseca of Bohler Engineering spoke on behalf of the Applicant. He described the proposed location within an existing parking lot. The bank is allowed through site plan review, but the drive-thru requires a Conditional Use Permit. Mr. Fonseca summarized the onsite utilities including water, septic, gas, electric, and stormwater. Total parking onsite is about 321 spaces. The proposed bank is 3,322 square feet and is setback 86 feet from Portsmouth Avenue. A proposed trash enclosure is included in the application. The two-lane drive-thru is proposed on the north side of the building. Eight parking spaces (including two ADA) are located along the front of the building. The bank will remove about 50 existing parking stalls, leaving approximately 285 parking spaces for the plaza. A trip and parking generation assessment was prepared by McMahon indicating that 285 parking stalls are required, so the project meets the minimum requirements. The project reduces impervious cover by about 3,000 square feet due to the installation of landscape islands. The facility will be tied into the existing water and septic systems. They are actively working on NHDES approval to tie into the septic system and have also filed for a driveway permit change of use with NHDOT. The proposed lighting was presented as four pole mounted, 20-foot tall LED lights along with building mounted for pedestrian paths, parking, and the drive-thru. The trip generation memo indicated there would be 14 trips entering and exiting during the peak hour and would not be a noticeable impact on the plaza.

Kevin Kelly with Core States Group discussed the proposed architecture. The Applicant was asked to address the flat roof initially proposed and discussed at the Preliminary Consultation meeting. A large gable roof with black asphalt shingles and trimmed with white Hardie board. Several false dormers are included to break up the roof line. The main entry tower and the drive up will also improve the architecture. The gable lines and slopes will be equal on all roofs. Clapboard on the building will be grey on the main building and dark grey on the entry tower and drive-thru and trimmed with 6-inch white Hardie board. The only area that will have a flat roof is the eastern side facing away from Portsmouth Avenue for the purpose of housing mechanical equipment which will be screened from view. A black anodized canopy will be over the main entry and the drive-thru. A 24-hour vestibule will be in the main tower for an ATM. Three internally illuminated wall signs are proposed: one on the main entry, one facing towards Portsmouth Avenue, and one facing

east away from Portsmouth Avenue. They are evaluating the removal of the third sign from the project.

Mr. Canada asked Mr. Connors if the proposed signage meets the Ordinance. Mr. Connors replied that it does not and they would need a Conditional Use Permit for approval. Alternatively they can reduce the amount of signage and remove the illumination.

Mr. House commented that the concept of the Gateway District is to be traditional New England. He believes the glazing and glass is more contemporary. In particular the window corner wrapping on the end elevation. Mr. Kelly responded that is the conference room and is based off of Chase's normal design, but this design was adapted to fit in with surrounding styles. Primarily they reviewed Chipotle. They recognize that glass turning a corner is not standard New England. They can change the design to a large window divided by lintels or window grills. Mr. House believes that the corner needs something other than all glass. Mr. Kelly suggested instead revising the design to a solid corner with standard windows on both sides.

Mr. House asked when the traffic study is expected. Mr. Connors replied hopefully within a week.

Mr. House asked if this project reaches the maximum of the existing septic. Mr. Fonseca responded that he does not know the total system capacity, but does know there is capacity for the Chase Bank. They are waiting for NHDES approval.

Mr. Houghton commented that traffic is his biggest concern. He drives by frequently and the parking lot is always full. Traffic backs up on Route 108 every day from Starbucks. He understands the peak generation may only be 14 cars, but the parking lot is already jammed.

Mr. Kunowski asked if the drive-thru is only for the ATM and that there will be no teller. Mr. Fonseca confirmed it is an ATM and a night deposit with no live teller. Mr. Kunowski asked for an explanation as to why the landscape area is also snow storage. Mr. Fonseca responded they will take another look at that and find out what the plaza currently does for snow storage.

Mr. Kunowski asked how 285 parking spaces will be available during construction considering staging may take up more spaces. Mr. Kunowski added that it seems the parking area in this plaza is being maximized while the parking area in the neighboring plaza is underutilized. Mr. Fonseca replied that they will only be short two parking spaces during construction. Mr. Houghton believes that the staging will take up many more spaces than anticipated by the Applicant as has been demonstrated in past construction at the plaza. Mr. Fonseca stated they can submit a construction phasing plan with fencing and other details.

Mr. Connors commented it would be good if some landscaping could be moved to the front entrance where it will be highly visible to soften the look.

Mr. Kunowski still has concerns with the traffic flow between the Chase drive-thru, the two-way traffic lane, the access to the Citizens Bank ATM, and the in and out from the other parking lot.

Mr. House asked if there will be directional signs. Mr. Fonseca replied there will be pavement markings for the drive-thru and they can discuss as a team the option for more signs. Mr. House added there are two lanes on all four sides of the building.

Mr. Allison commented that the right side of the shopping center is very congested particularly with traffic for Starbucks.

Mr. Canada asked if the 285 parking spaces includes the new electric vehicle spaces. Mr. Brodeur replied yes. Mr. Canada thinks there is an issue with including them as part of the minimum requirements. He added that Sheet C3 shows a parking note of standard spots being 9 feet wide and compact car spots at 8 feet wide and asked if any of the proposed parking spaces are compact. Mr. Fonseca responded that all spaces will be 9 feet. Mr. Fonseca added that the owner has proposed striping 14 new spaces in the rear of the plaza and suggests that might be to offset the EV charging spaces. Mr. Canada and Mr. House believe that will be tricky with the lack of space due to loading docks, dumpsters, emergency vehicle access, etc. Plan C-301 shows the location of proposed parking spaces. Mr. Canada asked if they are included in the 285 space count. Mr. Fonseca believes it is in addition to the 285, but needs to confirm that.

Mr. Allison commented that two-way traffic between the Citizens Bank ATM island and the island proposed at the Chase Bank drive-thru could be a potential point of conflict. Mr. Kunowski agreed there is a lot of traffic patterns in that area. He believes the customer experience is going to be challenging for every tenant.

Mr. House asked for the Applicant to review the comments from the Board and asked for a motion to continue the meeting.

Mr. Kunowski made a motion to continue the discussion of the Chase Bank project to the May 17, 2023 meeting. Mr. Canada seconded the motion. All voted in favor and the motion was approved.

6. Upcoming Events

a. New Hampshire Planning and Zoning Conference, April 29, 2023

Mr. Connors explained the conference is virtual and if any Board members are interested in attending, Planning staff can assist with their registration. Mr. Connors will present the Heritage District.

b. Planning Board training May 3, 2023

Mr. Connors explained the last training was in 2021. This is a combined training with the Zoning Board. The first hour will be applicable to both boards and the second hour will be geared more towards the Zoning Board and therefore is optional for the Planning Board but might be interesting for the Planning Board.

c. Planning Board organizational meeting

Mr. Connors said at the next meeting the Board would elect its officers for a one-year term. Mr. House is currently chair and Mr. Canada is vice-chair. Officers can continue to serve in those roles if they are interested and elected by the Board.

Mr. Zaremba made a motion to adjourn the meeting at 9:59 pm. Mr. Canada seconded the motion. All voted in favor and the motion was approved.