



**Stratham Planning Board Meeting Minutes**  
**September 19, 2018**  
**Municipal Center, Selectmen's Meeting Room**  
10 Bunker Hill Avenue  
Time: 7:00 PM

Members Present: Bob Baskerville, Chairman  
Jameson Paine, Vice Chairman  
Mike Houghton, Selectmen's Representative  
David Canada, Member  
Robert Roseen, Alternate  
Diedre Lawrence, Alternate

Members Absent: Tom House, Secretary

Staff Present: Tavis Austin, Town Planner

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

The Vice Chairman took roll. Mr. Paine asked Mr. Roseen if he would be a voting member for this evening's meeting in place of Mr. House. Mr. Roseen agreed. Mr. Baskerville arrived at 7:03 pm. Ms. Lawrence arrived at 7:06 pm.

**2. Review/Approval of Meeting Minutes**

a. September 5, 2018

Mr. Roseen made a motion to approve the meeting minutes of September 5, 2018 as submitted. Mr. Canada seconded the motion. Motion carried unanimously.

**3. Public Hearing**

a. **Preliminary Consultation Application** to construct a drive through Starbucks restaurant within the existing Parkman Brook Shopping Center parking lot located at 20 Portsmouth Avenue, Map 14 Lot 1 submitted by Kenneth Knowles, PE, Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, MA.

Kenneth Knowles, Eaglebrook Engineering & Survey, introduced Frederic Leopold, owner of the plaza at 20 Portsmouth Avenue, as well as the Shaw's Plaza at 100 Shaws Lane. Mr. Knowles explained the existing building and tenants on the site. Mr. Knowles stated the

applicant would like some feedback from the board prior to a formal application. The applicant is not proposing to alter the traffic signal or the main drive aisle. The intent of this plan is to build a Starbucks with a drive-through which will be contained within the existing parking lot. The applicant has proposed to construct a right "in" in order to facilitate the drive-through and a single lane which will be a double lane for a by-pass, and the exit would go back to signal. As part of the development the right hand side of the parking lot would be reconstructed to add three (3) landscape islands in order to end the parking bays and reconstruct the top three (3) to restripe and repave. The building faces east/west and the main entrance is on the patio shown on the plans. The patio is twice the size of what is shown on the elevations. This was designed to mimic the 110 Grille across the street. The applicant is proposing to connect with the existing sidewalk to increase pedestrian travel. The applicant incorporated as many Gateway District regulations as was possible. The building has been moved as far forward to Route 33 as possible. Mr. Knowles explained the engineering and stormwater design has not been completed, but the impervious is increasing on the site by 5,000 square feet and one (1) landscape island will be removed and a light pole relocated. Other than those changes, the site lighting doesn't get changed. Mr. Knowles stated the site has a private fire pond/pump house in the back and the building will be sprinklered as part of the fire protection system. The domestic has a well and treatment, and the applicant is proposing to rebuild a septic system for this project. Mr. Roseen asked for clarification that this project would be on a separate septic system. Mr. Knowles explained the existing septic was permitted for 7,100 gallons per day and was designed as part of the original Shaws before the new one was built across the street. DES stated the water records for the plaza are well below the 7,100 gallons per day, the book value on all the retail is 9,600 gallons per day and above the existing permitted, even though the water records are only 2,000 gallons per day. Mr. Baskerville questioned where the new septic was being planned. Mr. Knowles stated six (6) test pits have been done, the soils are consistent throughout the site, and the most logical spot would be to remove and replace the old system which exists underneath the parking lot. Mr. Knowles stated a variance from the zoning board of adjustment will probably be required since there is not 18 inches of existing material above seasonal high.

Mr. Austin explained he had a conversation with Mr. Knowles and this project is not Gateway District compliant. The way the ordinance is written, those projects that are not Gateway District compliant require standard site plan review process. Mr. Austin suggested to Mr. Knowles to have a preliminary consultation to get feedback the planning board can provide, the project will then go to the TRC. Mr. Knowles stated in order for the Gateway to move forward, it needs to move forward a piece at a time. It is impossible on this piece of property to get a large residential above commercial below project with a roadway because lot loading is missing, and until the town gets sewer the Gateway won't advance to its ultimate goal. Mr. Austin explained that in order for this project to proceed the planning board, through the conditional use permit, will have to grant a waiver to essentially everything in the Gateway District. Mr. Austin does not agree with the outright prohibition of drive-throughs in the Gateway District. Mr. Austin stated the planning board has the ability to waive anything in the Gateway Ordinance.

Mr. Austin stated Mr. House sent an email to Mr. Baskerville, Mr. Paine, and Mr. Austin with comments regarding this application. Mr. Austin asked Mr. Knowles for confirmation that the septic will not meet the depth to high water table. Mr. Knowles stated Stratham has a regulation that 18 inches of natural occurring soil above seasonal high water table and since this site does not meet this would require a variance from the ZBA. Mr. Austin stated he is unsure how the planning board will approve a project that will require waivers from all of the Gateway

94 regulations, but stated he agreed with the applicant that it is very difficult to develop Gateway  
95 without the tools (water and sewer) to follow the regulations. Mr. Baskerville questioned if the  
96 applicant would be willing to put a pitch roof instead of a flat roof on the building. Mr.  
97 Knowles explained he would speak with Starbucks about a pitch roof, and stated a flat roof  
98 gives the applicant the room to put mechanical equipment which can be hidden by a decorative  
99 parapet and a pitch roof the mechanical would need to go on the ground and then covered in  
100 fencing. Mr. Houghton asked for clarification of the size of the structure and the number of  
101 people it accommodates. Mr. Knowles stated 2,200 SF and will double check the number but  
102 believes it to be 65. Mr. Knowles explained a parking analysis was done for the entire site  
103 which resulted in a net reduction of 60 spaces on the entire site. Mr. Houghton asked if there is  
104 outdoor seating to the left side of the structure. Mr. Knowles stated yes. Mr. Roseen questioned  
105 if the applicant would be willing to add some additional landscaping for additional shade for the  
106 patio. Mr. Knowles stated yes. Mr. Austin stated the intent of Gateway was to have intense and  
107 dense development where there would be no room for drive throughs. Mr. Baskerville  
108 explained that when the board voted to adopt the Gateway regulations it was understood that  
109 waiving regulations would not be allowed. Mr. Baskerville stated since then, water and sewer  
110 was voted down by the town residents and now the zoning ordinance doesn't have teeth. Mr.  
111 Houghton stated water and sewer was the enabler to Gateway to promote the density, and the  
112 density is what drove the thought about there being a pedestrian friendly, walkable, community  
113 with limits on drive throughs. Mr. Houghton explained water and sewer is the enabler to that  
114 and as the master plan redevelopment and design occur it is an item that needs to be reconciled  
115 as to where we are as a community. Frederick Leopold, 150 58<sup>th</sup> Street, New York, NY,  
116 explained that Starbucks did not invent the concept of drive throughs, but their customer  
117 demands it and they are not viable without it. Mr. Leopold stated it would be worse to have it  
118 built and then fail, it does not help the owner or the town. Mr. Leopold stated a deal was just  
119 made with Staples, retail is very challenging, and he had to fight to keep Staples since they were  
120 going to leave. Mr. Leopold stated a rent concession was made to keep them there. Mr.  
121 Leopold stated this is a transition that is consistent with the spirit of what the town would like to  
122 do, build high quality development out by the street and start to activate it to get people out  
123 there. Mr. Leopold stated eventually they will have the right to build where the leaching field is,  
124 but they couldn't do it now because water and sewer is not available. Mr. Leopold explained if  
125 the town is looking at this from a longer term perspective, if there is demand, then the Gateway  
126 could extend into that area where the leaching fields are. Mr. Knowles stated this is similar to  
127 110 Grille which was a previously approved site plan, but if it was proposed today, a lot of that  
128 does not meet Gateway either. Mr. Canada questioned how flexible Starbucks is on design. Mr.  
129 Knowles stated the elevations submitted this evening are a part of their Northeast design  
130 package and has a lot to do with the methods of construction (i.e. being in the northeast as  
131 opposed to being in Texas or elsewhere). Mr. Austin explained one of the hurdles is that  
132 Gateway regulations stated "no franchise architecture".

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134 Paul Deschaine, Town Administrator, stated the basic concept of the form based code is that  
135 you're building in blocks with drives, avenues, boulevards in between and drive throughs have  
136 to consume the roadway system that is expected to use as passage and/or parking, it has to be  
137 open for free roundabout or it shrinks the block because it consumes buildable space on a lot  
138 that would have been a high density, higher value work. Mr. Deschaine asked Mr. Leopold if  
139 due to the absence of water and sewer infrastructure that the town has been attempting to get, are  
140 these the only models available to him to present to the town, and given the infrastructure of  
141 water and sewer how much opportunity would he have to bring other options to the town. Mr.  
142 Leopold stated Starbucks is a high end place and they make it more appealing for others to

143 come. Mr. Leopold stated to the right of the Starbucks there is potential, if there is water and  
144 sewer and the uplands could be freed up, for more development. Mr. Leopold stated he would  
145 love to see one of the Boston lab oriented companies that bring in high skilled physicians come  
146 to this site. Mr. Austin questioned if a fair statement would be that without water and sewer  
147 there is no ability to bring this type of development. Mr. Leopold stated agreed. Mr. Knowles  
148 stated that from a regulation standpoint it cannot be done due to the calculations of so many  
149 gallons per day, per square foot and without sewer the high intense use cannot be put on that  
150 site. Mr. Leopold would like to make the board aware that if this cannot be done, nothing will  
151 happen on the site.

152  
153 Lucy Cushman, 159 Winnicutt Road, stated Gateway is near and dear to her heart and when she  
154 saw this building proposal it looked like a box of Jo from Dunkin Donuts and doesn't meet any  
155 of the architectural standards of Gateway. Ms. Cushman stated she's been involved in writing  
156 zoning in Stratham for a long time and most of the stuff that has been written is reactive due to  
157 past issues. People don't like flat roofed buildings, they don't like drive throughs, they don't  
158 like franchise architecture. Although many people didn't think there was ever going to be water  
159 and sewer in their lifetime in Stratham, they voted for the Gateway because it was a way to have  
160 control and stop what they didn't like happening. Ms. Cushman stated the town got stuck with  
161 the architecture at 110 Grille because of some people and the old planning board putting  
162 restrictions in the future. Ms. Cushman does not approve of driving up to the stop light and  
163 seeing a drive through and the mechanicals, it's not very welcoming to Stratham. Ms. Cushman  
164 also finds it hard to believe that the largest septic system in town cannot accommodate a coffee  
165 shop. Ms. Cushman is concern with this proposal don't have anything to do with whether there  
166 is water or sewer, it's about the architecture and the way the building is presented to make it  
167 attractive and fit what the people voted for when they voted for the Gateway and there is nothing  
168 in this proposal that has any of that. Mr. Baskerville asked Ms. Cushman's thoughts if  
169 Starbucks worked with the town on landscape and architecture, what would Ms. Cushman's  
170 thought be on the drive through. Ms. Cushman responded there is no screening, there's nothing,  
171 and if that was done she's not sure because if the board gives them a drive through, who else  
172 will be given a drive through. Mr. Baskerville stated there are ways to put restrictions on it. Mr.  
173 Baskerville stated this building will bring in a use to a parking lot that does not get used and that  
174 people want. Mr. Austin stated this particular drive through puts vehicles were they already  
175 exist and not introducing new vehicles. Mr. Baskerville stated there could be enough screening  
176 along the front to see the logo but the cars could be hidden. Ms. Cushman stated there would  
177 have to be screening that would prevent car lights onto cars at the stop light.

178  
179 Marty Wool, 188R Winnacutt Road, stated the Gateway was set up for no drive throughs, but  
180 Burger King's drive through is in the back which are not visible from the front. Mr. Wool stated  
181 if the drive through can be set up so as not to be seen from the road, it might be more acceptable.  
182 Mr. Knowles's stated the ordering window will not be visible until one is parallel with the  
183 building. Mr. Paine questioned if the building could be moved. Mr. Knowles stated from a  
184 plaza standpoint, the parking lot in front of Planet Fitness is much busier than the side being  
185 proposed which may create more traffic problems, especially in the morning. Mr. Houghton  
186 stated the board is in a challenging spot with regard to zoning and regulations and at some point  
187 the board needs to be practical about where the town is. Mr. Houghton stated when  
188 infrastructure promotes density there will be a much higher use for that property and those two  
189 lanes could probably go away but the town is a long way from doing that. Mr. Houghton  
190 encouraged the applicant to continue discussion of the orientation and design of the building.  
191 Mr. Wool asked for confirmation of where the order board would be. Mr. Knowles explained

the plan to Mr. Wool. Mr. Wool would like at least some Gateway regulations be followed on new buildings there will be 30 buildings that look like this one and no one will care about the look what water and sewer arrive. Mr. Leopold stated he is confident that architectural issues can be addressed and this plan is just something to get started. Mr. Roseen stated that the board and the town need to be aware that retail businesses are struggling and to have some additional draw and traffic is both a positive to not only keeping the plaza alive, but also a nod to Mr. Leopold for keeping Staples in Stratham. Mr. Canada stated the opportunity to bulldoze and start over with both plazas has come and gone. Ocean State bought the property for \$8 million and they need to get their money back and can't just bulldoze it anymore.

Mr. Deschaine stated even the Gateway block design building or thought still had a perimeter road element to it for fire protection, deliveries, etc. If this drive through is palpable, and all the other concessions are gained, this could be laid out in a perimeter road fashion so it could be a design feature for future development. Mr. Deschaine stated most drive through windows in the area are on the side and the front view is what is important. Mr. Roseen would like to see more green space and vegetation with this project. Mr. Paine questioned if the applicant had concerns with the aisles being clogged up with the new driveway cut. Mr. Knowles stated Starbuck's requirements are six (6) cars to the order board with four (4) behind that; the applicant currently has six (6) cars to the order board and an additional six (6) cars before it gets to block any cars coming into the area. Mr. Baskerville requested the applicant think about moving the entrance so as not to block the entry to the plaza. Mr. Wool questioned how wide is the piece of building facing the road. Mr. Knowles stated 25 feet. Mr. Wool questioned the spacing when entering Starbucks and then entering the order line, it's a very tight turn. Mr. Knowles stated the employees will walk across the two order exit lanes to where the dumpster will be placed.

Peter Grey, 20 Squamscott Road, voiced concern with the entrance being a problem and a potential bottleneck. Mr. Grey asked what type of architecture the town is looking for. Mr. Austin stated architecture regulations are in the ordinance and offered to send Mr. Grey the link to that information. Mr. Grey declined. Mr. Houghton stated with the present design, the bottom right hand corner on page 12 which faces Portsmouth Avenue, is very unattractive and asked the applicant to move the building around or add significant landscaping to make this project attractive. Mr. Roseen stated Stratham has a new MS4 permit which includes a lot of new storm water management requirements, the Site Plan and Subdivision Regulations are in the process of being updated and it would be nice to have these updates voluntarily included in the application.

**b. Bartlett Cushman House/Property Line Adjustment**

Mr. Austin explained the Municipal Center parcel line is shifting over as shown on the plan before the board this evening, cutting the Bartlett Cushman parcel approximately in half which will create a 1.1 acre, approximately, parcel on the corner of Bunker Hill Avenue and Portsmouth Avenue. This plan also shows an easement at the intersection of Portsmouth Avenue and Bunker Hill Avenue and is before the board for Planning Board Chairman sign off in order to have the Mylar recorded. This does not require a public hearing and this is not a subdivision as no new parcel is being created. Mr. Roseen questioned if this will become a non-conforming lot. Mr. Austin stated this parcel is in Professional/Residential Zone and, if in the residential zone, would create a non-conforming lot. Mr. Deschaine stated the town, as the owner, has to apply for the state subdivision approval. Mr. Deschaine stated

240 this property is being reduced to the smallest minimum requirement and if, in the future, this  
241 changes then an amendment could be made. Discussion took place regarding the use of this  
242 property. Mr. Canada asked Mr. Austin what the allowable density use is for the front lot.  
243 Mr. Austin stated it would depend on the use of the property and the parking that would be  
244 required.

245  
246 Mr. Paine made a motion to authorize the Planning Board Chairman to sign the mylar as  
247 prepared. Mr. Roseen seconded the motion. Motion carried unanimously.  
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#### 249 **4. Public Meeting.**

##### 250 a. 2018 Municipal Law Lecture Series

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252  
253 Mr. Austin stated the October 3 meeting will be attending the Municipal Law Lecture series  
254 with the following people attending; Mr. Canada, Mr. Baskerville, Ms. Lawrence, Mr.  
255 Houghton, and Mr. Roseen. Mr. Baskerville and Mr. Roseen will be attending September  
256 26 lectures. Mr. Austin asked Mr. Paine if, and what lectures, he would like to attend.  
257

258 Mr. Austin stated a Low Impact Development Workshop will be held on the October 17<sup>th</sup>  
259 meeting date. Mr. Austin encouraged all members to attend this workshop in order to  
260 discuss the Southeast Watershed Alliance regulations.  
261

##### 262 b. Zoning Amendment Discussion: PB Member list

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264 Solar Regulations - Mr. Austin stated he has found model solar regulations and will send to  
265 the planning board member for review during the month of October and make any  
266 recommendations/revisions. Mr. Austin recommended creating Section 5.1.4 in the Zoning  
267 Regulations. Mr. Houghton asked if any comments, inquiries, or input has been received  
268 from town residents regarding solar projects. Mr. Austin stated yes. Mr. Austin explained  
269 the solar installations that have occurred in town are in line with the model regulations.  
270 There are some considerations that will need to be looked at. Mr. Austin explained the  
271 model regulations uses the square footage of the surface area of the panels to determine  
272 whether it is small, medium, or large for ground mount. Anything roof mounted is  
273 approved. Mr. Austin stated general scale is a small, ground mount array, would be up to  
274 18,000 square feet of panel. Mr. Roseen asked Mr. Austin to look into having the  
275 regulations not allow clear cutting the property just to install solar, unless there are some  
276 conservation components involved. Mr. Austin stated he will send out the model ordinance  
277 toward the end of October with a correlating draft and a public hearing can be set for the  
278 second meeting date in November.  
279

280 Pork Chop Lots – Mr. Austin is working on updating the pork chop lot to add the phrase  
281 “any lot established by the date of this ordinance is the only lot that can be pork chop”.  
282

283 Home Occupations – Mr. Austin is cleaning up the language regarding Home Occupations  
284 to make it clearer.  
285  
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287 New Bostonian Square – Mr. Austin stated the New Bostonian Square is drafted and will be  
288 presented if the planning board so chooses. There is also a bullet point regarding the  
289 additional frontage on the cul de sac.  
290

291 Vehicle Signage – Mr. Canada asked where the commercial signage on vehicles stands in  
292 the discussion. Mr. Austin stated that should be included in site plan approval and the sign  
293 ordinance already states that one cannot park a vehicle for the purpose of being a sign. The  
294 question becomes how to determine someone is parking a vehicle for the sake of being a  
295 sign. Mr. Austin stated the regulation currently addresses this item in Section 7.6.q.,  
296 Prohibited Signs, Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle  
297 when parked, stored, or displayed conspicuously on a public right of way or private  
298 premises in a manner intended to attract attention of the public for business advertising  
299 purposes are considered portable signs and within the context of this ordinance and are  
300 prohibited. This provision expressly excludes business signs that are permanently painted  
301 on or magnetically attached to motor vehicles or rolling stock that are regularly and  
302 consistently used to conduct normal business activities. However, this section does not  
303 prohibit an individual, not engaged in business, to display a sign, mounted, attached or  
304 painted on a trailer, boat or motor vehicle, when it is parked for the purpose of a one-time  
305 sale of said trailer, boat, or motor vehicle.” Mr. Canada and Mr. Houghton would like this  
306 tightened up. Mr. Roseen PTAP that the town is working with should be added to the Site  
307 Plan and Subdivision review process which states “the applicant to submit to PTAP”. Mr.  
308 Roseen explained if the applicant does not submit this, the planner will be required to  
309 complete it for them. Mr. Roseen explained how the PTAP data base works. Mr. Austin  
310 will put together language which states any future project will be required to park to the side  
311 of their building.  
312

313 Private Roads – Mr. Austin stated there was discussion regarding private roads and the  
314 Director of DPW would like to discourage all private roads going forward. Mr. Canada  
315 asked if the planning board would like to review, regulate and/or ban private roads. Mr.  
316 Roseen would like to review private roads. Mr. Baskerville would like to see all roads  
317 public and no private roads allowed. The Board discussed whether this should be go  
318 forward. Mr. Roseen does not like that this discussion is being directed by what is easiest or  
319 preferred by public works, with no disrespect. Mr. Deschaine stated the discussion is  
320 whether the road is owned and maintained by the town or owned and maintained privately.  
321 Mr. Deschaine stated the reason for not having private roads and maintained by someone  
322 other than the town then within a year that development comes back to DPW requesting the  
323 town take it over. Mr. Houghton stated this topic needs to be introduced to the future vision  
324 of the town with the new Master Plan.  
325

326 Mr. Canada asked the board if they would like to add the definition for “hardship” into the  
327 regulations. Discussion ensued whether “hardship” already exists with waivers. Mr.  
328 Roseen requested Mr. Austin continue to make progress on the electronic submission. Mr.  
329 Austin stated he has a budget request and money set aside to help alleviate paper  
330 submissions.  
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**5. Adjournment.**

Mr. Paine made a motion to adjourn the meeting at 9:55 pm. Mr. Houghton seconded the motion. Motion carried unanimously.