



Stratham Planning Board Meeting Minutes
January 02, 2019
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 Chairman took roll. Mr. Baskerville asked Mr. Roseen if he would be a voting member for this evening's meeting in place of Mr. House. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

a. December 19, 2018

Mr. Paine made a motion to approve the meeting minutes of December 19, 2018 as submitted. Mr. Canada seconded the motion. Motion carried unanimously.

3. Public Hearing:

a. Zoning Amendment - Proposed Town Warrant Article – Town Center Citizen Petition: Public Hearing date to be determined. To see if the Town will amend the Zoning Map, to include 170 Portsmouth Avenue (Tax Map 17 Lot 86) in the Town Center Zoning District.

Mr. Austin explained this amendment was submitted last year and the Planning Board did not support the warrant article. This amendment was on the 2018 Town ballot

43 and defeated. Mr. Austin stated staff has not been approached with a development
44 proposal for this parcel.
45

46 Eugene Barker, 170 Portsmouth Avenue, stated he would like his parcel to become
47 part of Town Center due to the hardship of selling the property. Mr. Barker explained
48 the property has been on the market for six (6) months and anyone that shows interest
49 would like to have a professional office for business on the property and no families
50 are interested due to the busy street. Mr. Barker stated the town would benefit if the
51 property was zoned Town Center and it would help the Town Center succeed giving
52 businesses the variety of properties. Mr. Canada questioned how large the parcel is.
53 Mr. Barker stated 2.5 acres. Mr. Paine asked Mr. Austin what the zoning acreage
54 requirements are for Town Center. Mr. Austin stated there are no acreage
55 requirements. Mr. Austin explained the original Town Center zone stopped at Parcel
56 #89, on the corner of Winnicutt and Portsmouth Avenue, and then two subsequent
57 rezones occurred. From a zoning standpoint, continuing up that line on Portsmouth
58 Avenue without including parcels on the opposite side of Portsmouth Avenue appears
59 to be zoning "creep". Mr. Austin stated staff's understanding of the original Town
60 Center zone was to create a Town Center which remained together in a circular
61 pattern. Mr. Austin explained that last year's discussion regarding radiating out a
62 "spoke" of the center defeats the intent of the Town Center District. Mr. Austin
63 explained that it is also unclear at this point whether the utility district which
64 underlays in the district would expand and a promise for Town Center amenities
65 without the utilities that are required to support the zone. Ms. Lawrence questioned
66 why the other lots were allowed to "creep". Mr. Canada stated the town voted for it
67 at town meeting.
68

69 Mr. Baskerville opened the hearing for public comment. Tyler Libby, 169
70 Portsmouth Avenue, stated he owns Map 17 Lots 44 & 45 which are approximately
71 12 acres on the opposite side of the road which are not in the Town Center District.
72 Mr. Libby stated he does not care either way, the "Town Center" sign is on his
73 property which appears that he is in the Town Center. Mr. Libby objects the Town
74 Center down one side of the road. Mr. Libby explained 165 Portsmouth Avenue was
75 approved for an antique store, which was originally the Wingate Spa, and today it is
76 rented as an apartment. 169 Portsmouth Avenue is currently Mr. Libby's residence.
77 Mr. Canada stated concern for zoning "creep" and "spot zoning" and the entire zoning
78 structure may need to be reviewed between Town Center and the Town of Greenland
79 line. Mr. Canada stated the Heritage Commission has concerns and thoughts
80 regarding rezoning so it is more business friendly and save some of the older
81 structures on Portsmouth Avenue. Mr. Paine asked if the Professional Zone which is
82 currently between the Gateway and Town Center could be considered in the future.
83 Mr. Houghton agreed and stated this merits some intense thought on the part of the
84 planning board. Mr. Houghton stated there are instances along Portsmouth Avenue
85 where prior residential properties that may have been grandfathered are now being
86 used for businesses at those locations. Mr. Roseen agreed with the conversation that
87 the area needs to be looked at.
88

Mr. Baskerville closed the public hearing. Mr. Canada made a motion to not recommend this article to the town voters but move it to the 2019 town warrant. Mr. Paine seconded the motion. Motion passed unanimously.

Mr. Baskerville requested staff to look into rezoning the lots near Town Center and/or all the way to the Greenland town line. Mr. Austin asked for clarity. Mr. Roseen asked staff to look into what would help Mr. Barker first and then look into taking it to the Greenland line.

- b. **Site Plan Application** to construct a free standing 2,200 SF Starbucks restaurant with associated drive through, parking, utilities, and landscaping, including a **Conditional Use Permit** required by Section 3.8.6.II of Stratham Zoning Ordinance for request to deviate from requirements of Section 3, GCBD-CZ, at 20 Portsmouth Avenue, Map 4 Lot 14 submitted by Kenneth Knowles, Eaglebrook Engineering & Survey LLC.

Mr. Austin stated the application is complete and the staff review is brief due to the completeness of the application before the board. Staff's opinion is the applicant addressed all the waivers and conditional use permit information, and the site plan application is a formal submission of exactly what the board saw during the preliminary consultation. Mr. Austin explained landscaping was added as guided by the planning board discussion, architectural elevations provided have been modified based on planning board input and the ordinance. Mr. Austin explained an email was received today from Bettina Kersten, PCAC, and is included in the packet before the board. Mr. Austin stated staff position on this email is yes the information requested is great and should be afforded to Gateway projects, but staff is hesitant in recommending the planning board make all the stipulations conditions as what is being proposed is not the "heavy lift" that Gateway is designed to encounter. The offered suggestions are not an equal footing with the project itself. Mr. Austin explained the applicant is willing to include bike racks with the project and most of the pedestrian consideration, public amenities contemplated in the Gateway are already being proposed with the patio provisions of the project. Mr. Austin stated staff recommends approval as submitted for both Site Plan and Conditional Use Permit with the potential condition being added to the staff review that the project be required to install bike parking facilities.

Mr. Houghton made a motion to accept the application as complete. Mr. Paine seconded the motion. Motion carried unanimously. Mr. Baskerville opened the public hearing.

Kenneth Knowles, Eaglebrook Engineering & Survey, representing NP Stratham and North Star Properties. Mr. Knowles stated the existing property currently has several retail clients on the parcel. Mr. Knowles explained the current layout of the parcel and where the proposed location of Starbucks restaurant will be. Mr. Knowles explained the proposed 2,200 sq. ft. layout and the restaurant will tap into the existing private water/well. The applicant is proposing to construct a separate septic system for this building due to some DES requirements. Mr. Knowles stated the applicant is requesting a waiver from the town's requirement of 18 inches of natural recurring material above seasonal high ground water. Mr. Knowles stated the applicant is requesting a waiver for

the drive through which then triggers the Conditional Use Permit. Mr. Knowles stated the total que volume was assessed at Londonderry, maximum que at 6:45 am, which was 12 cars at one time and Epping where the traffic on Route 125 is almost identical to the traffic on Route 108 based on DOT car counts and the maximum que at 6:30 am was 6 cars at one time. This design includes 12 total in que before it would affect the drive aisle. Mr. Knowles stated the applicant is extending pedestrian access to the existing sidewalk on Portsmouth Avenue which currently dead-ends at the site drive and installing a sidewalk that enters the patio and continuing the sidewalk to the main retail building. As part of these changes that portion of the parking lot will be resurfaced. Drainage remains intact and the catch basins on the site will be adjusted to grade which drains to an existing detention basin. Mr. Knowles stated the septic design is ready to be submitted to RCCD pending planning board approval of the Conditional Use Permit for the 18 inches requirement.

Mike Godin, Phase Design, the architect for Frederick Leopold, property owner. Mr. Godin explained the redesign of the building, including the pitched roofs, dormers and change of materials to the board. The clapboard siding material proposed is hard planks or hardiboard. Mr. Godin asked the board for feedback regarding the visible meters and compressors. Mr. Paine asked for clarification for the public as to why the building cannot face Route 108. Mr. Knowles explained the main front door with the patio faces the access drive of Portsmouth Avenue and there is a site constraint with the existing septic system, as well as the main drive aisle which puts limits as to how the building is situated on the site. Mr. Paine requested four-season screening for the compressors. Mr. Austin stated Section 3.8.9.a.18 speaks to approved building materials, including natural wood and/or cement based artificial wood siding. Mr. Roseen requested a stone wall in the space abutting Route 108 in order to prevent car headlights from entering Route 108. Mr. Austin stated the area where the vehicles will be utilizing the drive through lanes is where cars, if using the parking area, would be accessing now and this is not adding an element that doesn't already exist in the same direction of travel. Mr. Canada does not agree that car headlights are an issue. Mr. Austin asked the board to make a possible recommendation that the applicant install a small directional sign at the entrance which states "Do Not Block Access Drive". Robbie Woodburn, Woodburn & Company, explained the landscape plan to the board. Mr. Paine questioned if the plants in the front were four-season in nature to block the headlights in the off-season. Ms. Woodburn stated yes. Mr. Houghton asked how many waivers are being requested for this application. Mr. Knowles stated the requested waivers from Section 3.8.7.d requiring the layout of thoroughfares; Section 3.8.8, Development of Standards and Tables regarding Table 1, 2, 4, 5, and 7; and Section 3.8.8.a, to allow the drive-through.

Mr. Baskerville opened the hearing for public comment. James Lee, 104 Union Road, stated he is attending in support of the project.

Mr. Paine questioned the walkway between the parking areas of the northern bay but the other two sections don't have a walkway between them and the PCAC asked for the safety of walking smaller children from the car to building. Mr. Knowles explained pushing it out 4-5 feet with car overhang a retaining wall would be required for the slope.

The reason for selecting the first bay is that it lines up with the patio and the end of the building. Mr. Baskerville questioned the type of sidewalk being proposed. Mr. Knowles stated bituminous walkway with vertical raised granite curb. Mr. Austin recommended the board request a note on the site plan that the sidewalk will be a “year-round” sidewalk. Mr. Austin questioned if the patio has a fence around the area. Mr. Knowles stated there is landscaping around both sides to screen between the drive-through and the patio. Mr. Roseen questioned the detail of the drainage. Mr. Knowles stated there is a grass swale due to past back experience with mulch and plant swales. Mr. Roseen asked if the applicant was anticipating engineered soil media, bio-retention soil mix, etc. which can be planted. Mr. Knowles stated that has not been discussed yet. Mr. Baskerville questioned the depth of the swale and whether it will be mowed or will the applicant just let the grass grow. Mr. Knowles stated it will most likely be mowed. Mr. Houghton questioned where the roof drainage goes. Mr. Knowles stated the roof drainage goes to a drip edge that will be underdrains. Mr. Baskerville questioned if the under drains lead to catch basins. Mr. Knowles stated yes.

Mr. Austin stated staff recommends the planning board accept the waivers and CUP as presented in the materials submitted. Mr. Baskerville stated he agrees with the septic system request; the drive-through had a “conceptual” discussion at the last meeting which the board approved; and asked the board for any discussions.

Mr. Roseen made a motion to accept waivers requested from Section 3.8 of the Zoning Regulations as presented on the waiver request form and justified by the submitted narrative as submitted by the applicant. Mr. Paine seconded the motion. Motion carried unanimously.

Mr. Paine made a motion to grant the Conditional Use Permit under Section 20.3 of the Zoning Regulations as submitted and justified by the applicant. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Roseen made a motion to approve the Site Plan and Conditional Use Permit under Section 3.6 of the Zoning Regulations as submitted and justified by the applicant, including the following conditions:

Conditions Precedent:

1. Mylar to show the correct map, lot numbers, and addresses as applicable to department satisfaction prior to recordation.
2. Applicant shall submit one (1) full size paper copy of site plan with mylar at time of recordation.
3. Applicant to add notes on the site plan regarding bike rack to department satisfaction prior to recordation.
4. Applicant to add a sign which states “Do Not Block” at the entrance intersection and show on mylar.
5. Applicant to add a screened fence for the a/c condensers units and additional landscaping screening for the meters.

- 227 6. Applicant to add some additional detail on a grass bio-swale as opposed to the swale
228 as currently labeled. The grass bio-swale would be approximately 24 inches deep of
229 engineered media, 50 percent loam and 50 percent sand or similar mix.
230 7. Applicant to make the rooftop and underdrains perforated pipe enroute to the catch
231 basins using something similar to a 4 inch septic pipe, raised approximately 6 inches
232 off the bottom in order to promote infiltration.
233 8. Applicant to add a note to the mylar requiring year-round access for the sidewalk,
234 particularly in the winter time.
235

236 Conditions Subsequent:
237

- 238 1. Applicant to provide a Performance Agreement and Surety to be accepted by the town
239 prior to issuance of a building permit.
240 2. As-built plan set, including 1 (one) copy in electronic format, shall be submitted prior
241 to issuance of a Certificate of Occupancy.
242

243 Mr. Baskerville closed the public hearing.
244

245 Mr. Paine seconded the motion. Motion carried unanimously.
246

- 247 c. **Conditional Use Permit** request by *Public Service Company of New Hampshire*
248 *(PSNH) d/b/a Eversource*, represented by Kristopher Wilkes, VHB, for utility
249 structure upgrades with associated wetland buffer impacts along existing PSNH
250 Right-of-way, Tax Map 15 Lot(s) 73, 75, 77, 78 & 84.
251

252 Mr. Austin stated the Chairman is required to open and close the public hearing
253 regarding this application and the consensus of the board was that this is an
254 information Conditional Use Permit regarding PSNH.
255

256 Mr. Paine made a motion to accept the application as complete. Mr. Canada
257 seconded the motion. Motion carried unanimously.
258

259 Mr. Baskerville opened the public hearing.
260

261 Mr. Austin explained the project in its entirety is being presented to the board and the
262 Conditional Use Permit is only specific to wetland buffer crossing. Mr. Austin stated
263 staff recommendation is that the applicant be held to their own self-imposed
264 conditions as presented in the application.
265

266 Kristopher Wilkes, VHB, presenting on behalf of Eversource. Mr. Wilkes explained
267 the project involves periodic and routine maintenance work which Eversource
268 performs throughout their distribution lines throughout the state. Every year
269 Eversource inspects structures to determine if they require replacement based on
270 environmental factors. This project involves the S153 transmission line which runs
271 through Stratham and continues into Greenland. The portion being discussed this
272 evening is directly east of Union Road and involves replacing one structure (structure

273 #96). Currently the structure is an “H” frame wood structure at 50 ft. in height. Mr.
274 Wilkes stated the project will enter under the right of way, as not to encroach on
275 abutting land, off of Union Road. There are several wetlands which will be
276 encountered along the way. The work is being proposed to be completed at the end of
277 January 2019 into February 2019 depending on ground conditions. Frozen/snow
278 covered ground is ideal for the work to be completed for the least impact on the
279 wetlands. If the ground is not frozen/snow covered and soft, timber mats (4 ft. long x
280 16 ft. wide) will be put down in the wetland to build a “boardwalk” for a stable
281 platform for the equipment to travel over to prevent rutting in the wetland. The work
282 will remain on the southern side so as not to have any impact on the pipeline that runs
283 through the pipeline which runs along the northern edge. The existing structure is
284 currently sitting on the edge of a wetland and will be replaced 50 ft. to the east of the
285 existing structure to bring it out of the wetland. Mr. Baskerville questioned if the
286 height remains the same. Mr. Wilkes stated the wood structure configuration is being
287 replaced with steel and will be 56 ft. in height, which is the current standard. Mr.
288 Canada questioned if it is an “H” frame style structure. Mr. Wilkes stated yes. Ms.
289 Lawrence questioned the foundation. Mr. Wilkes stated the structure does not require
290 a foundation.

291
292 Mr. Baskerville opened the hearing up for public comment. Matt Sturtevant, 100R
293 Union Road, asked if the dotted line on the plan is the path of travel of the equipment.
294 Mr. Wilkes stated yes. Mr. Wilkes stated matting will be built over the stone walls in
295 order have the least impact on the wall. Matt Flanders, Sighting and Construction
296 Services for Eversource, explained there are several different options to protect stone
297 walls and state laws indicate if a stone wall is a boundary marker both parties need to
298 sign off in order to move the wall. Mr. Flanders stated if the wall was required to be
299 moved in order to comply with state law and that can be avoided by bridging it with
300 mats. Mr. Sturtevant stated he would like to see the stone wall remain as it is. Mr.
301 Sturtevant questioned how the disturbed grass and open areas will be repaired. Mr.
302 Flanders stated they work with the homeowner and come back in the spring to loam
303 and seed the area. Jessica Sturtevant, 100R Union Road, stated there are children and
304 animals that live at residence and asked how long the construction timeline will be.
305 Mr. Flanders stated possibly a month.

306
307 Mr. Baskerville closed the public hearing.

308
309 Mr. Paine made a motion to approve the Conditional Use Permit application for the
310 subject project addressing Section 11.4 in the zoning ordinance. Mr. Roseen
311 seconded the motion. Motion carried unanimously.

312 313 4. Public Meeting:

- 314
315 a. **Preliminary Consultation.** *Project LEGO*, represented by Joshua Fenhaus,
316 AECOM, requests a Site Plan/Conditional Use Permit Application Preliminary
317 Consultation for facility upgrades with potential associated wetland buffer impacts at
318 One Fine Chocolate Place, Tax Map 3 Lot 1.

Mr. Austin explained this project is multifaceted with a number of components. Mr. Austin stated a portion of this project will require a variance for height.

Mr. Baskerville called for a 5 minute break at 8:55 pm. Mr. Baskerville reconvened the meeting at 8:58 pm.

David Lanning, AECOM Hunt Architect, representing Lindt USA and before the board to review the proposed project. Mr. Lanning explained that Lindt plans to increase their chocolate making capacity at the existing Stratham, NH facility by 2026. In order to accomplish this, Lindt USA intends to do a Cap X expansion/buildout interior renovation with an intent completion date of 2022. This work will include a new and existing facility upgrades. Future utilization (i.e. installation of all new process equipment, etc.), expansion and renovation will not be fully realized until 2026. The Cap X scope of work to be completed by 2022 at the facility will include a 20,000 sq. ft. expansion to the east of Building AA. Building "AE" (20,000 sq. ft., two levels) expansion which will house raw material receiving and shipping of finished product/warehouse space and potentially include a new waste water treatment plant that would add 1,800 sq. ft. to the 20,000 sq. ft. The "BE" (81,000 sq. ft.), the west of Building B will house chocolate mass production including a 7 (seven) story tower, gravity fed process that is unoccupied tower, only the first two levels would be occupied. The "BE" expansion will also include a new mass holding tank farm with roughly 60 (sixty) tanks and a new main entrance for production employees, as well as some additional employee service space (i.e. lockers, lunchroom area, etc.). The final part of the project includes selected interior renovation of approximately 230,000 sq. ft. The interior renovations include existing Building A, roughly 2,000 sq. ft. of renovation for a new hygiene junction and additional Q&A retain space; Building AA, roughly 144,000 sq. ft. for new process equipment and new employee service as mentioned previously; Building B, roughly 37,500 sq. ft. to include new high density storage, new hygiene junction, and new employee corridor; Building C, roughly 16,000 sq. ft. to include some high density storage, hygiene junction, and new continuous lift to the bridge of Building B and Building C; Building E, roughly 10,000 sq. ft. to include high density storage, chocolate liquor/process line, and additional storage tanks and a new boiler; Building D will not have any impact or renovation. Along with facility improvements, additional site improvements will be required to support the expansion. The applicant has taken heavy care as not to effect existing wetland areas known on the site and a new wetland mapping is being completed for this project. Site improvements proposed would include adding up to 6 (six) new 120 ton sugar silos and a new 5,000 sq. ft. unloading shelter installed on the north side of Building B.

John Pelletier, Director of Engineering for Lindt & Sprungli USA, stated it is still trying to be determined whether Marin Way is a public right of way or a private way and where it ends with the two adjacent buildings with parking behind is being investigated as potential entryway to relieve some pressure off the main entrance and a direct route to the distribution center. Mr. Roseen questioned if Lindt traffic were

365 separated from existing Marin Way traffic would that make a difference. Mr. Austin
366 stated this project may trigger a traffic analysis to be completed.

367
368 Mr. Paine asked for clarification of the seven-story building. Mr. Lanning stated the
369 majority of the expansions for “BE” and “AE” are both two-story expansions with
370 the exception of the mass tower which will be seven-stories high. The applicant is
371 requesting approval for up to 110 ft. based on preliminary equipment layouts
372 provided. The tower would not be occupied above Level 1, but there would be
373 maintenance in the upper stories of the tower. Mr. Paine asked for more information
374 on Levels 2-7 regarding the ability of fire department coverage. Mr. Lanning stated
375 Level 7 down is sugar and other ingredients mixed at the top level silos which are
376 then mixed in Level 6, Level 5 is a pre-refiner, Level 4 is a mixer, and then over to a
377 conveyor belt and through on Level 1. Mr. Paine questioned if these levels are
378 automated or whether there are employees there. Mr. Lanning stated it is a gravity
379 fed system with no employees working at any station on the upper levels of the
380 tower. Mr. Austin stated the applicant may be required to submit NFPA compliance
381 from a fire engineer. Mr. Austin stated the distance to Exeter is close enough that
382 regional impact may need to be looked at. Mr. Houghton asked what the implication
383 is to abutters concerns of the aroma. Mr. Lanning stated the aroma will be there.
384 Mr. Baskerville questioned issues with noise. Mr. Lanning explained most of the
385 sound generated is from roof top units and that was addressed in the Building AA
386 expansion in 2013. All rooftop units now have shielding, sound guards, between the
387 units and the residential areas. Mr. Lanning stated the applicant is operating within
388 the air permitting requirements and the aroma is the nature of making chocolate. Mr.
389 Baskerville questioned of the applicant would need a variance for the height of the
390 tower. Mr. Austin stated yes, and the criteria is for the structure to be “safe”. Ms.
391 Lawrence stated there are a list of requirements required to grant a variance. Ms.
392 Lawrence questioned the chillers and cooling towers and the size of the addition
393 proposed for the roof. Mr. Lanning stated roughly 25 ft. in addition to the 55 ft.
394 building. Mr. Paine asked the applicant to provide a rendering from different angles
395 of the site to help give some perspective of the finished product. Josh Fenhaus,
396 AECOM Hunt Project Director, requested an informal follow up meeting with the
397 Town Planner and Code Enforcement Officer. Mr. Fenhaus stated Thursday (1/3),
398 Friday (1/4) or Monday (1/7) would work best for him to meet.

399
400 **b. Bartlett Cushman House Discussion**

401
402 Mr. Austin stated the Board of Selectmen are in the final deliberations on the
403 disposition of the Bartlett Cushman House and it was requested that staff ask if all the
404 procedural aspects of the statute have been followed with regard to the disposition of
405 the town property. Mr. Austin introduced David Moore, Town Administrator, to the
406 Planning Board. The board welcomed Mr. Moore. Mr. Houghton stated there is an
407 active sale being negotiated with a purchase and sale agreement in place and RSA 41
408 requires the information be brought forward to the Planning Board and the
409 Conservation Commission in an advisory capacity to provide any input deemed
410 necessary. Mr. Houghton explained a couple from New York State has placed a full

price offer to purchase the property in its subdivided form which was previously approved by the Planning Board, and they agreed to accept preservation easements on the exterior and interior of the property consistent with the Heritage Commission's recommendations. Mr. Moore stated this discussion is to satisfy the RSA requirement and to sell the property to maintain the exterior and interior conditions can move forward. Mr. Austin asked if the Planning Board has an anticipated or planned use or foresee such of the Bartlett Cushman property. Mr. Canada stated the sale will have to be postponed for this offer to go to Town Meeting and the Heritage Commission is pleased the potential buyers are agreeable to accept the interior and exterior preservation easement.

Mr. Roseen made a motion that the Planning Board move the sale of the Bartlett Cushman House to Town Meeting and the RSA 41 statute has been satisfied by the presentation this evening. Mr. Paine seconded the motion. Motion carried unanimously.

5. Adjournment

Mr. Houghton made a motion to adjourn the meeting at 9:57 pm. Mr. Canada seconded the motion. Motion carried unanimously.