



Stratham Planning Board Meeting Minutes
February 20, 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
Robert Roseen, Alternate

Members Absent: Tom House, Secretary
David Canada, Member
Diedre Lawrence, Alternate

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 in place of Mr. House's absence. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

a. February 6, 2019

Mr. Houghton made a motion to accept the meeting minutes of February 6, 2019 as presented. Mr. Paine seconded the motion. Motion carried unanimously.

3. Public Hearing:

a. No applications to be heard.

4. Public Meeting:

a. Preliminary Consultation: Site Plan Review Permit. *Project LEGO*, represented by Joshua Fenhaus, AECOM Hunt, requests a Site Plan Review Application for Lindt Expansion for Growth and Optimization with 101,000+/- square feet of facility upgrades and a parking structure, at One Fine Chocolate Place, Tax Map 3 Lot 1.

Joshua Fenhaus, representing AECOM Hunt, introduced David Lanning, Lead Architect for AECOM. Mr. Fenhaus stated there are some square footage changes since the hearing on January 30, 2019 that include the facility being enlarged and the parking garage proposed to be 4-stories. Mr. Baskerville questioned if a height variance is required. Mr. Fenhaus stated yes. Mr. Fenhaus explained all the buildings that require a height variance. David Lanning, AECOM lead architect, explained the site plan change is a proposed new alternative truck route. The proposed parking structure was located in the area of the new truck route and moved closer to Building "C". Mr. Fenhaus pointed to the board which shows the heights of the proposed buildings. Mr. Lanning stated there is roughly 101,000 square feet of new expansion; 20,000 square feet for the "AE" expansion on the north east side and 81,000 square feet for the "BE" expansion on the south west side of the existing facility. There is approximately 230,000 square feet of interior renovation to the existing facility proposed. One of the concerns was Zoning Board approval for the building height on everything over 35 ft. Mr. Lanning stated the applicant went before the Zoning Board with a special exception and the Zoning Board requested the applicant apply for a Variance. Mr. Austin explained the regulations in 4.3.e states the height limit in the industrial district is 35 ft. and applicant may apply to the Zoning Board of Adjustment to exceed height as long as the height of the structure is found to be safe. Mr. Austin stated the ZBA tabled the special exception and requested the applicant to return for more discussion. Mr. Austin explained the Town of Stratham previously granted (1) one special exception and (3) three variances for 1 Fine Chocolate Place to exceed the height limit which questions whether 35 ft. is appropriate height limit in the industrial park. Mr. Paine questioned if the height of 35 ft. is due to the fire equipment Stratham currently has. Mr. Austin stated that height limits may have been added to zoning ordinances originally based on fire response, but it may not be appropriate now. For example, what ladder truck reaches the skyscrapers in New York City? Mr. Austin and Mr. Wolph, Stratham Building and Code Enforcement Officer, researched for general public safety. Mr. Baskerville explained the Stratham Fire Chief will be required to approve the safety measures proposed for building purposes. Mr. Austin explained the Fire Chief's concern is that Exeter may respond to an emergency and the Planning Board should seek to confirm that enough conditions and provisions are in place so it doesn't appear that Stratham isn't allowing anything to happen because they can rely on another town's ladder truck. The Fire Chief also requested that all parties have keys to the access gate off Rollins Hill so in the event of an emergency it will be covered.

Mr. Fenhaus stated the Town of North Hampton has a fire truck that will reach 90 ft. Mr. Lanning stated no levels above Level 1 are occupied space, it is a gravity-fed equipment system which is automated. Maintenance crews will perform repairs and work on equipment at times but this will not be a fully occupied building. Two stairwells will be provided, one interior and one exterior, and the maximum distance to get to grade is 157 ft., which a fire department can access. A fire standpipe will be on the interior stair for fire use. A Dynosphere Electric Lightening rod will be installed to draw a potential lightning strike against the tower. The applicant has applied to the Zoning Board for a variance to be heard on March 12, 2019. Two concerns at the

89 previous public hearing with the Zoning Board was visibility and sight of the tower.
90 Mr. Lanning showed the board and explained the drone footage and panorama views
91 from abutting developments taken for the proposed mass tower at 100 ft., as well as
92 the proposed 90 ft. sugar silos, which is the tallest heights of the proposed structures.
93 Mr. Paine questioned if the color of the structures will blend in with the trees or match
94 the existing white buildings. Mr. Lanning stated an insulated panel system to match
95 the existing facility is being proposed. Mr. Austin explained the site plan includes the
96 Marin Way, town right of way, modifications which were accepted by the Department
97 of Public Works. Mr. Austin stated concerns that accompany these changes may
98 occur at the public hearing for this proposal and the Planning Board will act as an
99 “advisory opinion” for the Select Board to handle modifications in the town right of
100 way. Mr. Austin explained these changes were to bypass semi traffic entering the
101 plant through the new guardhouse which Lindt previously agreed to maintain that
102 section of right of way due to their modification. There is possibly a drainage
103 easement to the town’s benefit for the cul de sac to drain to the retention pond, but the
104 guardhouse was never built as approved. Mr. Lanning stated the request for the
105 allowable code exception in the IBC 2009 for 55/45 allowance. Preliminary light
106 fixtures are provided due to light and infiltration of light concerns. The light fixtures
107 proposed are LED, low energy, down-facing and low throw. Mr. Lanning explained
108 any structures built in the last 10 years the lighting is LED. Mr. Paine questioned the
109 lumen of the lights. Mr. Lanning stated it is soft-white in color.

110
111 Mr. Paine questioned if the truck route affects the previously approved wetland impact
112 and if these changes remain in this impact. Mr. Lanning stated it is similar and it will
113 impact the direct wetlands and the buffer. Mr. Baskerville stated parking calculations
114 which show proposed and required parking, drainage calculations, state alteration of
115 terrain permits, and possible sewage discharge permit need to be addressed for this
116 application. Mr. Baskerville asked how old the wetland permit is and whether it will
117 be required to be modified for this proposal. Mr. Austin stated staff recommendation
118 will include conditions precedent to obtain permits. Mr. Fenhaus stated they are
119 working with Pernaw to obtain a preliminary traffic scope. Mr. Roseen questioned if
120 the applicant thought of any traffic improvements which may be proposed. Mr.
121 Fenhaus explained they are waiting for the conversation with DOT. Mr. Austin
122 explained the remedy may include all of the property owners experiencing traffic
123 issues at the entrance to Marin Way and Route 111. Mr. Roseen stated there is a
124 noticeable odor and questioned if odor control measures being proposed. Mr. Fenhaus
125 explained there is a thermal oxidizer being installed in the liquor plant and scrubbers
126 for exhaust. Mr. Austin explained the Planning Board does not have the ability to
127 reduce aroma below existing levels. Mr. Houghton stated there are existing concerns
128 regarding noise and aroma, as well as the traffic at Marin Way and Route 111 and
129 these issues will be an important component at the public hearing. Mr. Houghton
130 stated the Conservation Commission may be required for the wetlands impact. Mr.
131 Houghton recommended the applicant gather information of “how to” mitigate
132 abutters concerns. Mr. Houghton recommended the applicant put a balloon test up to
133 100 ft. and then revisit the locations of the still photos to illustrate what will be visible
134 or not. Mr. Baskerville suggested the applicant also announce day and time of the test

for residents to view. Mr. Baskerville recommended the applicant look into a forestry landscaper to possibly add landscaping to supplement the tree line with trees to improve noise and visibility. Mr. Paine questioned if the storm water pond has reached the limit with the new proposed structures. Mr. Lanning stated the existing retention pond has added capacity which can be used, even with the expansions. Mr. Baskerville questioned if the (3) three detention ponds shown are existing. Mr. Lanning stated yes and they are dry. Mr. Baskerville stated that since the footprint of the impervious is not changed significantly, the planning board will not have many issues with this proposal, but the applicant will need to cover the issues regarding noise, lights, and odor from the abutters during the public hearing. Mr. Lanning questioned if the Planning Board is the authority to determine regional impact. Mr. Baskerville stated yes and it is in the statute. Mr. Austin will forward the statute to Mr. Lanning and Mr. Fenhaus for review.

- b. Preliminary Consultation: Open Space Cluster Subdivision.** *Robie Farms*, represented by Wayne Morrill, Jones & Beach Engineers, Inc., requests a Preliminary Consultation and Yield Plan Review for an Open Space Cluster Subdivision at 90R Winnicutt Rd., Stratham, NH 03885, Tax Map 14 Lots 53&54.

Mr. Baskerville asked for the applicant representing the proposed project to come forward. No representation came forward.

- c. Gateway Regulations vs. Existing Single Family Home Discussion**

Mr. Austin explained the owner of real property in the Gateway Regulations do not allow new development to have vinyl siding. Mr. Austin questioned the board if existing single family homes within the Gateway district propose to reside their home with vinyl is site plan or technical review required, is planning board action or a conditional use permit required, etc. Mr. Roseen stated it is an existing non-conforming structure. Kirk Scamman, owner of 9 Frying Pan Lane, stated the house was built in 1988 and Mr. Scamman would like the planning board to vote to allow the building inspector to issue permits to allow vinyl siding and vinyl windows installed at this property. Mr. Scamman stated he plans to move back into the house and would like low maintenance. Mr. Scamman showed the board a sample of the siding to be installed. Mr. Scamman stated Harvey double-hung windows are also being proposed. Mr. Scamman requested relief from Section 3.8.9.a.xviii.5, natural wood and/or cement based artificial wood siding is required.

Mr. Paine questioned if the board could take these concerns on a case by case basis. Mr. Austin stated the board does not have the authority to make a determination on the ordinance, it is just supposed to be applied. Making a determination on the ordinance would be the Code Enforcement Officer and/or the Zoning Board of Adjustment. Mr. Houghton stated there was a similar discussion in Town Center and the ordinance doesn't define the difference between commercial or residential structure uses. Mr. Baskerville stated for the few homes in the Gateway Zone this does not set a precedent. Mr. Roseen stated if this was a new structure he would be

181 more apt to support the regulations as written, but this is an existing non-conforming
182 structure. Mr. Paine stated the design guidelines were written for the board for
183 guidance for the Gateway District and individual, existing, properties that are
184 maintained consistent with the spirit of the guidebook would be acceptable to
185 maintain in that manner. Mr. Austin stated Section 3.8.2.b of the Zoning Ordinance
186 states the provisions of the Gateway/Commercial/Business District shall be
187 mandatory for development projects within the Gateway/Commercial/Business
188 District. Development projects submitted for approval under this zoning district shall
189 be subject to applicable requirements of the Subdivision and Site Plan Regulations of
190 Stratham. Mr. Austin stated there is no definition for “development project”, but in
191 3.8.2.c states when in conflict with the provisions the Gateway/Commercial/Business
192 District shall take precedent over other ordinances, regulations, and standards, except
193 the local health and safety ordinances in the Building Code. Mr. Baskerville does not
194 agree that residing a house is considered a “development project”. The board
195 discussed difference in following the regulations. Mr. Austin explained the zoning
196 ordinance, Section 2, does not provide a definition of “development”. Mr. Austin
197 stated Mr. Scamman’s property is in the outer zone and is an existing “conforming”
198 structure.

199
200 Mr. Baskerville made a motion for the applicant to submit a Conditional Use Permit
201 to reside the existing single family residence with the application fee waived and to
202 allow staff to determine the supporting material required for the application
203 submittal. Mr. Paine seconded the motion. Vote 2 Yes; 1 Opposed; 1 Abstaining.
204

- 205 **d.** Mr. Austin gave the board an update on the Master Plan. The contract has been
206 active since July 2018 and the consultants and Master Plan Committee have
207 developed an operating framework for the construction of the Master Plan.
208 Department Heads, Town Boards and Commissions, as well as citizen groups have
209 been involved in feedback. A second public forum will be held in the next couple
210 months with the information received to date and a draft of the master plan will be
211 available for review and comment. Once those updates are made a complete
212 document will be ready for Planning Board Review, a public hearing, and acceptance
213 possibly July-August 2019. The board requested a review of the changes be made to
214 the board during a scheduled meeting date. Mr. Austin invited the board to the 108
215 Committee meeting at 7:00 pm on February 21, 2019 regarding the cost of the
216 installation of public utilities report from Weston & Sampson.
217

218 **5. Adjournment**

219

220 Mr. Houghton made a motion to adjourn the meeting at 9:05 pm. Mr. Paine seconded the
221 motion. Motion carried unanimously.