



**Stratham Planning Board Meeting Minutes**  
**December 4, 2019**  
**Municipal Center, Selectmen's Meeting Room**  
10 Bunker Hill Avenue  
Time: 7:00 PM

Members Present: David Canada, Member  
Tom House, Member  
Robert Roseen, Member  
Mike Houghton, Selectmen's Representative  
Pamela Hollasch, Alternate Member  
Robert Baskerville, Alternate Member

Members Absent: Colin Lavery, Member

Staff Present: Tavis Austin, Town Planner

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

Mr. House took roll call. Mr. Baskerville was asked to be a voting member to fill the vacancy of Mr. Lavery.

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

**a. November 20, 2019**

Mr. Roseen made a motion to approve the meeting minutes of November 20, 2019 as presented. Mr. Baskerville seconded the motion, which passed with a unanimous vote.

**3. Public Hearing(s):**

- a. *Site Plan Review and Conditional Use Permit.*** Project LEGO, at One Fine Chocolate Place, Stratham NH 03885, Tax Map 03 Lot 01. Lindt Expansion (32,769 s.f.) for growth and optimization. Submitted by Joshua Fenhaus, Hunt Construction Group, Inc, 13344 Noel Road, Fourth Floor, Dallas, TX 75240.

Mr. Austin explained the Board needs to determine if the site plan has Regional Impact. Things for the Board to consider when making the decision are as follows; relative size or number of dwelling units, proximity to the borders of a neighboring community, transportation networks, anticipated emissions such as light, noise, smoke, odors, or particles, proximity to aquifers or surface waters which transcend municipal boundaries, and shared facilities such as schools and solid waste disposal facilities. It is Staff's recommendation that it is not a project of Regional Impact and the Board can accept jurisdiction.

Mr. Austin said that the applicant has submitted a traffic impact and site analysis study by Pernaw. At full buildout, about 10 years from now, traffic impact will be a 2% increase over existing conditions.

Mr. Canada made a motion accepting the jurisdiction of the project having determined no Regional Impact. Mr. Baskerville seconded the motion which passed unanimously.

Mr. Austin reviewed the materials of the application with the Board. It was concerning to residents that the Rollins Hill development property lines are not reflected on the existing conditions map. It was difficult for abutters to determine where their house is compared to the proposed construction. Mr. Austin suggested a photometric plan be added to the plan set at least in the area of Building 'D' which is close to the residential neighborhood. The reason is because the site plan dark sky regulations get more specific when there is a nonresidential use abutting a residential use. Staff suggests that if the new truck marshalling area will have refrigeration on the trailers running constantly, or idling semi tractors constantly, that a sound wall be installed. If the majority of truck traffic is going behind Building 'D', Building 'D' acts as a sound deflector toward the residential neighborhood. Recommendation would be the sound wall extend the length, not only the marshalling area, but also along all of Building 'D'. Mr. Austin is referring to an absolute height of 15 ft.

Mr. Austin said that the entire packet was sent out to Horsley Witten for 3<sup>rd</sup> party review and the feedback from them was received today and has been forwarded to the applicant. Ultimately tonight, Staff is anticipating a continuation of the public hearing to 12/18 so that the review can cycle through.

Mr. Austin said there is a traffic analysis that the Board can come and review. Applicant has submitted for AoT and the wetlands permit, the public hearing notice outlines a Site Plan and Conditional Use Permit. Primary purpose of the Conditional Use Permit is because there are some wetland buffer impacts. The wetland permit is for the fill of the wetland. The Planning Board is looking at the buffer in between. Most of the impact has already been reviewed by the Board previously and been approved by the Board previously, but the permit has expired so the Conditional Use Permit is revisited. Project comment request forms were submitted to all town departments, those that did respond, responded with no comment and were given the proviso that if we heard nothing we accepted it as no comment.

The letter in the packet is from the Pedestrian Cycle Advocacy Committee dated May of 2019 and previously forwarded to Lindt. The letter stated it anticipated much more of a traffic impact coming from the project. The traffic analysis is not suggesting improvements needed to Staff along Marin Way. The Plan Set shows proposed work in the Marin Way town Right of Way in the cul-de-sac that provides access to One Fine Chocolate Place. That is not in the

79 Boards jurisdiction. Staff added a comment that the Board supports the work provided that  
80 DPW director and the Select Board are amendable to the changes and provide some  
81 background.

82 The proposed expansion may generate an increased demand for water and sewer and septic  
83 demand. The project site is currently serviced by Town of Exeter water and sewer. There is  
84 an existing agreement in place, if it needs to be modified, it needs to transform into an inter-  
85 municipal agreement between the Town of Stratham and the Town of Exeter. No building  
86 permit should be issued for work that increases water and sewer demand beyond the existing  
87 contract levels until this condition has been satisfied.

88 Staff recommended the Board has a complete application and they can open the public  
89 hearing, but they do not have enough information to take action tonight, there should be a  
90 continuance.

91 All public comments received are in the Board packets as well as the PCAC letter.

92 Mr. Baskerville made a motion to accept the project as complete and open the public hearing.  
93 Mr. Roseen seconded the motion which passed unanimously.

94 The applicant, Josh Fenhaus from AECOM Hunt, explained the project. They have had two  
95 Preliminary Consolutions and have been to the Zoning Board for height variances. The next  
96 step is the Site Plan Application, Conditional Use Application and one waiver. The new  
97 square footage of the new structure is a 32,765 sq/ft footprint. Mr. Fenhaus displayed the  
98 plans as he described to the Board what the expansion will look like. He summed it by stating  
99 it is three lots, building expansion, and sugar silos. The goal is to start the civil improvements  
100 in February and starting to build in early spring. Regarding the traffic study, comments were  
101 received from DOT which were minimal, the Town was copied on the comments.

102 Mr. Austin pointed out to the Board and public that what is currently shown on the plan is the  
103 installation of stalls to allow Building 'BE' to move forward. Also in the packet, the truck  
104 marshalling area is in the same footprint as the parking area, but much different sized stalls.

105 Mr. Austin asked Mr. Fenhaus if a driveway permit has been submitted for the work.

106 Mr. Fenhaus answered that his knowledge on that is the meeting they had with DOT. There  
107 was a discussion of a driveway permit and its existence has been found, the additional  
108 driveway permit or provision of that permit is by the Town.

109 Mr. Austin explained that if DOT determines a driveway permit is required, DOT said that  
110 since it is a Town road, it would be the Town's application. Mr. Austin suggested to the  
111 Board that the project not be held up by the Town's need for a driveway permit.

112 Mr. Fenhaus stated that DOT said they have improvements planned in 2020.

113 Mr. House said for the record that Pamela Hollasch arrived at 7:24 PM.

114 Mr. Roseen asked about the water agreement with the Town of Exeter and if they will be  
115 exceeding the limit the contract allows.

116 Mr. Fenhaus stated that there is no plan to exceed the 18,000 gallons per day.

117 Mr. Austin said that the contract with Exeter allows 75,000 gallons per day and the  
118 participating entities within the park negotiate amongst themselves who takes what  
119 percentage of water.

120 Mr. House asked for clarification that the sugar shack be noted as Building 'F'.

121 Mr. Fenhaus understood and agreed to add it in.

122 Mr. Roseen said that during one of the previous consultations there was some discussion of  
123 swapping out some of the existing cooling units or mechanical units on the roof as part of the  
124 upgrade. Meaning there would be some additional units on the roof, by nature of them being  
125 new, they would be quieter. There was some discussion of including that upgrade for the  
126 existing, such that the noise generation for the existing would be lower and for the new would  
127 meet current standards. Mr. Roseen asked if there has been further thought on it.

128 John Pelletier director of engineering Lindt and Sprungli said the building in question is  
129 Building 'D' with the rooftop refrigeration units. There is a project slated for 2020 to replace  
130 those units. Regardless of this expansion they would be replacing them, they are aging out  
131 and due for replacement.

132 Mr. Fenhaus explained that Phase I includes expanding the shell of Building 'BE'.

133 Mr. Roseen asked about the location of the staging area or the marshalling area. He was  
134 wondering if he has considered other options with equivalent parking within the existing  
135 areas.

136 Mr. Fenhaus explained why they have located parking there.

137 Philip Vollenweider, from Lindt, said they are planning to have the trailers that have air  
138 conditioners to remain on the truck marshalling lot which is hidden by Building 'D'.

139 Mr. Austin said that the proposed truck marshalling area will not have air conditioner or  
140 refrigerator units running on the trailers, if the applicant is going to stipulate that, a note could  
141 be added on the plan. It should be clarified whether there will be idling semis there or if it is  
142 literally a drop and hook occurring in that area. Mr. Austin asked if the truck traffic will  
143 increase, decrease, or remain the same behind Building 'D'. The applicant will commit to air  
144 conditioned or actuated trailers only being in the existing parking lot. The Board can then  
145 decide if that truck marshalling area to the North does or does not warrant a sound wall.

146 Mr. House asked if there would be any trucks idling.

147 Mr. Vollenweider said that in theory there would be no idling trucks, but he can't say for  
148 certain that there will not ever be an idling truck. The plan is to not have the trucks idling.

149 Mr. Houghton asked if the plan and the changes to parking have been before the  
150 Conservation Commission.

151 Mr. Austin answered that it has. He has not received an official report, but he knows that the  
152 proposal went to them as part of the wetland permit process.

153 Mr. Houghton requests an official report from the conservation commission. He asked what  
154 number of trucks flow through the facility in the course of a week presently and how will that

155 change in the future as a result of the expansion.

156 Mr. Roseen asked at what hours the trucks will be driving through.

157 Mr. Fenhaus stated that the current and future predictions of truck flow are in the report.

158 Mr. Austin said the increase is 2%.

159 Mr. Austin asked the applicant if they have any concerns about a noise wall.

160 Mr. Fenhaus said that the trucks will be on the West side, not the East side.

161 Mr. Houghton asked about the employee count.

162 Mr. Roseen answered that it states an increase of about 300 by the year 2031.

163 Ms. Hollasch asked if the DOT permit is required at this stage because of the low impact at  
164 Marin Way.

165 Mr. Austin said it has not been determined yet, but if a DOT permit is required it will be the  
166 Town's obligation to get it.

167 Mr. Austin said if a traffic signal at Marin Way and Route 111 was required, the applicant  
168 would be responsible for 35% of it.

169 Mr. Canada made a motion to open the public hearing at 7:57 PM and Mr. Baskerville  
170 seconded the motion which passed unanimously.

171 Rob Graham is representing Mark Stevens, John O'Neil, Rollins Hill Development LLC,  
172 Kirkwall Drive LLC and Rollins Hill HOA. Mr. Graham shared that his firm developed the  
173 Lindt property and built the initial Lindt factory. He stated that everyone in the Town should  
174 be in support of the expansion because they are a great company to have in the community.  
175 Mr. Graham listed his comments:

- 176 • A snow rake and a scale in the back of Building 'D' have been removed
- 177 • Concerns with traffic pattern issues and noise
- 178 • Truck marshalling area should have no idling or refrigeration
- 179 • Support of a required photometric plan
- 180 • Address odor concerns
- 181 • Noise issues at the boundary, in favor of sound wall
- 182 • Ability for private vehicles to turn around in the cul-de-sac is important

183 Mr. Austin said the last time there was an expansion, there was discussion about Lindt taking  
184 over winter maintenance, potentially the Town giving out the cul-de-sac for Lindt ownership  
185 and operation.

186 Mr. Roseen pointed out that Domain Dr. is not a Town-owned road, it is a private right of  
187 way. If the Town gave the cul-de-sac to Lindt, it creates a dead-end and the plows cannot turn  
188 around.

189 It is not Staff's recommendation to transfer rights of the cul-de-sac to Lindt. The modification  
190 of the cul-de-sac can occur as long as the Town is on board with the improvements. Stratham  
191 Industrial Park should not lose their rights to cycle around the cul-de-sac.

192 Mr. Graham continued speaking about his support of a sound wall. He asked if the traffic  
193 review would go out for independent review. Some residents have contacted Lindt directly  
194 regarding rooftop noise. Mr. Graham said that he thinks the company should address the  
195 noise.

196 Mr. Baskerville stated that there is a lot of detail in the traffic study and DOT goes over it  
197 thoroughly. He said that a two-page summary at the beginning of the traffic study would  
198 make it easier for the Board to read.

199 Mr. Austin said that Staff will reach out to DOT to find out their viewpoint on what the  
200 traffic study means for the town.

201 John Massaua, a Stratham resident who lives at 6 Haywick Drive, said he appreciates that  
202 they will leave the refrigerator trucks behind Building 'D' which will mitigate the noise. The  
203 trucks will make noise regardless and he would urge the Board to consider a sound wall.

204 Mr. House asked if the applicant received a copy of the recommendations from Staff.

205 Mr. Austin answered yes.

206 Paul Macdonald, a Stratham resident who lives at 14 Haywick Drive, stated his home is  
207 directly behind the Northeast corner of Building 'B'. They are impacted by truck traffic that  
208 may go behind Building 'B'. Mr. Graham addressed a lot of the concerns the HOA has. Mr.  
209 Macdonald would appreciate a study on where a sound wall should be. He is concerned about  
210 increased light. The truck marshalling area is in a less dense area and Mr. Macdonald is  
211 concerned about noise from that. He would like to know what the plan is for the access road  
212 behind Building 'D'.

213 Paul Piraino, a Stratham resident who lives at 10 Haywick Drive, asked if an acoustic  
214 analysis could be done to show the noise levels. He said that just because the roof  
215 refrigerators are new doesn't mean that they will be quieter. They should be acoustically  
216 treated to be quieter.

217 Mr. Roseen said that it may be prudent that the applicant provide noise levels.

218 Mr. Austin said that there is no decimal limit in the town regulations and if an acoustic  
219 analysis is done they should have a threshold.

220 Mr. Roseen asked what the specs for the proposed units and the current units.

221 Mr. Baskerville said it is not just noise from the buildings that is increasing, truck refrigerator  
222 noise will also be increasing.

223 Mr. Vollenweider said the trucks will be increased, but they will be in the same spot.

224 Mr. Pelletier said the Building 'BE' expansion will only have one additional rooftop  
225 refrigeration, all the other additional utilities will be on Building 'D'.

226 Paul Tassini, a Stratham resident who lives at 16 Haywick Drive, wanted to thank everyone

involved in the project for being so cooperative. There is a whole industry that makes sound dampening materials. He is in strong support of making a sound wall. Mr. Tassini wanted Lindt to consider making Building 'D' out of sound dampening material.

Tom Kurten, a Stratham resident who lives at 8 Haywick Drive, said that noise is a major concern for the residents. He would like to know how much light will increase.

Mr. Austin asked the Board if they would like to see an acoustic analysis.

Staff's suggestion was further information on the number and direction of vehicle trips. The applicant has suggested that the refrigeration units will be at the South end, which is a note that could be added as a condition of approval on the plan. Of the non-refrigerator units, how many are going behind Building 'D', how does that impact the existing noise behind Building 'D', and how does the marshalling area noise change from the existing condition. How do they plan to mitigate for that. It is not the planning Board's job to design it, but suggest strongly to the applicant that they need to address it before the conclusion.

Mr. Austin informed the public that they will not be notified when the meeting is continued.

Mr. Baskerville asked what they decided on the noise concerns.

Mr. Austin asked the Board if they want to require a sound wall or sound mitigation.

Mr. Houghton said that he wants Lindt to come up with a solution to the sound concerns.

Mr. Baskerville said they need to identify what they need to mitigate.

Mr. Piraino said that there are 5 trucks and the overall sound level is 60 DB, if there are 10 trucks, the DB level will double.

Mr. Baskerville made a motion to continue the hearing to December 18, 2019. Mr. Houghton seconded the motion which passed with unanimous approval.

#### **4. Public Meeting:**

##### **a. *Rollins Hill Farm.*** Discussion of requested change to approved project.

Rollins Farm asked to be moved to the December 18, 2019 meeting.

##### **b. Zoning Amendments:** Discussion of Industrial Zone uses

Mr. Austin said that they had discussed changes in the amendment in the Industrial Zone and further adjustments in the Master Plan to make the industrial zone more permissive. Staff reviewed section 3.6 and the Industrial Zone allows a large number of uses for what is thought of in an Industrial Zone. There are two areas that seem consistent with other permitted uses in the zone that are not currently allowed. Staff sees area of improvement for Places of Worship and Restaurants. Staff suggested that Places of Worship and Restaurants could be added with a Conditional Use Permit. Should the Planning Board wish to move forward with these changes, staff would suggest an additional footnote (#9) stating "Such

uses shall not have stand-alone freestanding signage, but may be permitted directional signage in accordance with the Zoning Regulations.”

Mr. Austin will add the Industrial Park changes to the December 18, 2019 meeting.

Mr. Roseen said the lack of feasibility of the current noise regulations could be adjusted.

There was discussion on adding a noise ordinance into the regulations.

## **5. Adjournment**

Mr. Roseen made a motion to adjourn the meeting at 9:16 PM. Mr. Baskerville seconded which passed unanimously.

### **Note(s):**

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