



Stratham Planning Board Meeting Minutes
May 20, 2020
Virtual Meeting/Conference Call
Time: 7:00 PM

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

Members Absent: Pamela Hollasch, Alternate Member
Colin Lavery, Member
Vacant, Alternate Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

Mr. House welcomed everyone to the Town of Stratham Planning Board meeting for May 20th 2020. He said before they get started he is required to notify everyone that do to the State of Emergency declared by the Governor as a result of the Covid-19 Pandemic in accordance with the Governor's Emergency Order # 12 pursuant to Executive Order 2020-04 the public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously. This meeting is authorized pursuant to the emergency order however, in accordance with the emergency order, he is confirming that all members of the Planning Board have the ability to communicate contemporaneously during this meeting through this platform and the public has access to listen and participate if necessary in this meeting. The public can dial in with the number 1-800 764-1559 with an access code of 4438. Meeting materials are available through the town website and can be found by clicking on the agenda links under each section. The agenda includes information for accessing the meeting including Tavis Austin's number to call if there is a problem, 603-772-7391 extension 147 and he will be able to help someone get on. Mr. House asked everyone to silence their phones and announce if anyone else is present with each participant.

Mr. Austin took roll call. Mr. House stated he was present and by himself, Mr. Canada stated he was present and by himself, Mr. Houghton stated he was present and by himself, and Mr. Roseen stated he was present and by himself.

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

38 **a. May 06 2020**

39 Mr. Roseen made a motion to approve the minutes and Mr. Houghton seconded the motion.
40 Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Roseen, Aye.

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

- 42 **a. Site Plan Review Permit. “Marin Way Parking” Expansion to amend the**
43 previously approved site plan to add an additional 150 parking spaces so there
44 are a total of 214 spaces located at 2 & 8 Marin Way, Stratham, NH 03885,
45 Map 1 Lots 9 & 10 submitted by Rob Graham SIP-Lot 3 LLC & SIP-Lot 2
46 LLC, PO Box 432, Stratham, NH 03885.

47 Mr. House introduced the Marin Way Parking project. He said due to the location of
48 the project it may or may not be of regional impact. He asked Mr. Austin to provide
49 comments.

50 Mr. Austin said review of developments in regional impact are covered in the statute
51 and defined further in RSA 36:55. A development of regional impact is a project that
52 the Planning Board may or may not feel has regional impact based on the following
53 criteria:

- 54 1. Relative size or number of dwelling units as compared with existing stock.
55 2. Proximity to the borders of a neighboring community.
56 3. Transportation networks.
57 4. Anticipated emissions such as light, noise, smoke, odors, or particles.
58 5. Proximity to aquifers or surface waters which transcend municipal boundaries.
59 6. Shared facilities such as schools and solid waste disposal facilities.

60 Mr. Austin said if the Board believes that the proposed increase in parking stalls
61 triggers the above criteria as the project having regional impact, then they have to
62 make a motion to put that into effect. The process is then to send the application to
63 RPC for them to conduct a regional impact hearing and conclusion to that would be
64 to send it back to the Board and then they can move forward with the project.
65 Alternately the Board can find that they believe the project will not have a regional
66 impact and accept jurisdiction of the project and move forward as the Board typically
67 would.

68 Mr. Austin said Staff's recommendation is the Board make the finding of the project
69 having no regional impact, primarily as a finding, there is no building expansion.
70 There will be no additional people in the building. He said in regard to number three,
71 there is a traffic analysis done by Pernaw for the Board to review. The findings were
72 that this project would significantly impact the existing transportation networks
73 within the park. Mr. Austin said that the analysis suggested there would be traffic
74 increase with the proposed project, but it is not going to be compounding traffic. The
75 traffic patterns for the proposed use are reversed. When most people are coming into
76 Marin Way, they will have people coming out and vice versa, when people are
77 leaving, they will have people coming in. Those are two findings that Staff would
78 suggest are cause for the project not having regional impact.

79 Mr. House asked the Board if they have questions or comments.

80 Mr. Canada said that he doesn't believe it is a project of regional impact.

81 Mr. Houghton said he doesn't have concerns for regional impact.

82 Mr. Roseen said he has no concerns.

83 Mr. House said he also has no concerns.

84 Mr. Austin said they need a motion that the Board found no regional impact and
85 accept jurisdiction of the project.

86 Mr. Houghton made a motion that the Board found no regional impact and accept
87 jurisdiction of the project. Mr. Canada seconded the motion. Mr. Austin took roll call,
88 Canada, Aye; Houghton, Aye; House, Aye; Roseen, Aye.

89 Mr. House asked if Staff has more comments before they move forward.

90 Mr. Austin said Staff believes that a complete application was submitted for the
91 project with the original submittal. Additional information was submitted to Staff
92 after the public hearing notice was posted. He asked the Board if they want to
93 continue with the original application or continue with the application and the
94 additional submittals. He said the Board should ask the applicant if they want to
95 proceed with the additional information submitted. The additional submittals include
96 the drainage calculations plan sheet and the traffic analysis. They originally had a
97 waiver for a drainage analysis, which is now not needed. Staff's recommendation is
98 to accept the application as complete and open the public hearing. The applicant
99 could make a statement as to accepting the new information.

100 Mr. Austin said in the online packet on page 62 there are Department Head
101 comments. The application was sent out to Boards, committees and commissions.
102 Two comments were received, one was from Seth Hickey and stated that he has no
103 comments. The second was Melissa Gahr who is on the Pedestrian Cyclist Advocacy

104 Committee. Her comment stated that she believes there are wetlands there and she
105 thinks it looks illegal. Mr. Austin stated Staff does not believe that is the case and the
106 applicant can address that in more detail if the Board has questions. Mr. Austin said
107 he has recommended draft conditions. He said he recommends the Board accept the
108 application as complete and opens the public hearing.

109 Mr. Roseen made a motion to accept the application as complete and open the public
110 hearing, Mr. Houghton seconded the motion. Mr. Austin took roll call, Canada, Aye;
111 Houghton, Aye; House, Aye; Roseen, Aye.

112 Mr. House said the applicant should state their name, state whether they are alone in the
113 room and introduce their team.

114 The applicant introduced himself. Robert Graham, SIP Lot-2 and Lot-3. With him this
115 evening is Joe Coronati from Jones and Beach Engineers and Steve Pernaw from Pernaw
116 and Company. Mr. Graham stated he was alone.

117 Mr. Pernaw stated he was alone in his office.

118 Mr. Coronati stated he was alone as well.

119 Mr. Graham said that he would like to explain more since the last meeting. They have a
120 pressured timeline with the tenant and overlooked the stringent drainage requirements
121 when they submitted the waiver. He said they have completed the drainage analysis and
122 would like to pull the waiver He said they have a new and improved drainage design which
123 captures most of the site. That is why they had a later submission time. They are
124 comfortable with the Board using the newly submitted material in the hearing. He said if
125 the Board wants engineering review for the drainage analysis, they have no problem doing
126 that. He said Mr. Coronati will give a site overview and explain the changes to the site plan.

127 Mr. Austin said that if the Board is following along on the PDF they should start on page
128 66.

129 Mr. Coronati said since the last meeting (5/6), the parking layout is the same and they
130 added detail to the drainage on the plan. The detention ponds were designed under the old
131 rules for site specific pond and drainage. They were designed in the early 2000's and have
132 been maintained. The ponds are well mowed, the berms are maintained, the outfall is in
133 good shape. He said in 2008 the State adopted the Alteration of Terrain rules. They
134 overhauled the stormwater treatment. Their objective on the layout was to modify the
135 existing ponds which are sized correctly for the properties. The main goal was to find a
136 way to increase the stormwater treatment. They looked into the current AoT rules, even
137 though they are not required to have an AoT permit. They wanted to come up with a way to
138 treat additional stormwater. They are proposing to add 24 inches of filter media to both of
139 the bottoms of the ponds. Both ponds would end up with 24 inches of filter media in the
140 bottom of the pond and that would be filled on top of what is there. The loam would be

141 stripped off and there is a stone layer, and then 24 inches of filter media. With adding 24
142 inches of filter media they would raise the berm to not decrease the amount the pond can
143 hold. By adding the stormwater treatment to the entire pond, they end up treating the entire
144 asphalt in addition to their proposed increase parking stalls. They are able to treat more of
145 the site to a higher level than what is required by the town by adding filter material. He said
146 he thinks it is a good benefit to the site because they are handling basically the entire
147 property for stormwater without increasing the size of the pond. They had Jim Gove from
148 Environmental Services flag where the wetlands are to update the wetland delineation. The
149 wetland lines on the plan are the current wetlands. That addresses the Department Head
150 Comment that stated they were building in the wetlands, which they are not. They proved
151 that by providing an updated analysis. He said that is it for the changes since the
152 Preliminary Consultation (5/6). He said that they submitted a waiver for the landscape.

153 Mr. House said that he is glad they had the wetlands confirmed. He asked about the
154 easements and if the applicant could provide some comments.

155 Mr. Coronati said they are proposing access from the two different lots. Previously the two
156 sites were not connected. One of the changes they are proposing is to connect the two lots.
157 They have 6 different areas they are proposing to connect to assist traffic in maneuvering
158 around the buildings and increase access for traffic. They will provide easements for all of
159 those access points.

160 Mr. House asked how the applicant wanted to present their project.

161 Mr. Graham said that he said it works well to have everyone go over their overview and
162 then the Board can ask questions or comments.

163 Mr. Austin said the traffic findings are on page 54 in the PDF.

164 Mr. Pernaw said that he thought one important traffic findings is that the new tenant will
165 operate with three work shifts. The previous tenant only had one work shift. During the
166 morning peak hour, the new tenant will generate more traffic than the former, but most
167 people will be leaving in the morning which will help mitigate the impacts. During the
168 evening hour, the new tenant will generate fewer trips. They looked at the study they did
169 for Lindt chocolate and found that this project doesn't change any of it. They know from
170 existing volumes they should have a left turning lane into Marin Way. His guess is that a
171 turn lane would be a State DOT project. Based on existing volumes, there is enough traffic
172 to install a turning signal. He said that right now they have a police officer directing traffic.
173 He said this change in tenant is an improvement to the traffic at Marin Way. He said he
174 would answer any questions that the Board has.

175 Mr. House asked the Board if they had questions.

176 Mr. Canada said he had no questions.

177 Mr. Houghton said he had no questions.

178 Mr. Roseen said he had a few comments. He said he has no concerns, but a few
179 suggestions. He said it is great that they are only required to treat stormwater for 0.9 acres
180 and are treating 7 acres. He said on the detail sheet he noticed that there is a note for a clay
181 liner, and he asked why it was necessary. He said his recommendation is to eliminate the
182 clay liner.

183 Mr. Coronati said that they have stone at the bottom and can remove the clay.

184 Mr. Roseen said for ease of maintenance he suggested they make it a bioswale and
185 continue to mow it. He said it is an aesthetic preference.

186 Mr. Coronati said they could change that.

187 Mr. Roseen said their detail for the bioretention has a 4 inch ppc pipe and that seems
188 small for 4 acres. He suggested that they need a larger pipe.

189 Mr. Coronati said they would look into that.

190 Mr. Roseen said that the bottom of the system is $\frac{3}{4}$ inch clean stone and he thinks it
191 may be better with a 3 inch layer of P gravel in between.

192 Mr. Austin asked Mr. Roseen if his discussion points should be conditions or an
193 alternate design that could be reviewed by Mr. Roseen before signoff.

194 Mr. Roseen said that his comments are only suggestions and he would be fine with
195 the application if they didn't make any of the changes. He said he could review it
196 again if they did make the changes.

197 Mr. Houghton asked the applicant if they are willing to make Mr. Roseen's changes.

198 Mr. Graham said that they are willing to make the changes and add them into the
199 final plan set.

200 Mr. Austin said that Mr. Pernaw stated that the Marin Way intersection warranted a
201 traffic signal based on his traffic study. Mr. Austin said that logically makes sense
202 because the Town has an officer at the intersection 5 days a week. He said that a
203 condition precedent for project LEGO was for Lindt to reach out to DOT and find the
204 final comments that DOT had on the traffic analysis. In that memo they found that
205 the bureau of traffic agreed that signal was warranted at the two route 101 off-ramp
206 intersections, but not at the Marin Way intersection when considering the right-turn
207 reduction factor. Mr. Austin said he doesn't know what the right-turn reduction factor
208 is and perhaps Mr. Pernaw can address that. Ultimately with LEGO, there were no
209 mandated improvements, but there were suggestions. One being a left turn lane as
210 Mr. Pernaw was stating earlier. The left turn lane for traffic coming from 101 and
211 turning into Marin Way. Mr. Austin said he is currently working with the Select
212 Board, Town Administrator, Director of Public Works, and others to come up with a

213 plan. Ultimately the town is probably going to come up with a long-range plan.
214 Whether it is a 10-year plan as was suggested by Mr. Pernaw. The other option is for
215 the Town to take the project on themselves. DOT is aware of this project and had
216 zero comments on this project. Mr. Austin asked Mr. Pernaw if he had comments.

217 Mr. Pernaw said he has not seen what Mr. Austin is referring to, but can address the
218 right-turn reduction factor. When you analyze the warrants for signalization, there are
219 a few ways to do it. If you analyze an intersection with two exit lanes and the left
220 turn volume and the right-turn volume leaving, which is what he did in their study,
221 you find that it warrants. He believes what DOT is saying is because right-turn
222 departures are easy, you can eliminate that volume completely from the analysis and
223 analyze the intersection with only the left-turn volume. If you do that, then the
224 analysis would show that you do not need a traffic signal. He said from experience,
225 the DOT does not like to have a lot of signals on their state highway. His problem
226 with the finding is that the town will still need to have an officer out there to make
227 sure things are flowing properly.

228 Mr. Austin asked if a left-turn lane is added, then people exiting and turning left have
229 to look for more cars and he asked if that warrants a signal.

230 Mr. Pernaw said adding the left turn lane would change the analysis, but it wouldn't
231 effect the conclusion. He said unfortunately, it is a State highway so DOT decides
232 what happens. He said he thinks the town should push for a light at Marin Way.

233 Mr. Austin thanked Mr. Pernaw for his comments.

234 Mr. House asked if they heard anything back from Chief King.

235 Mr. Austin said no, the only two comments they received were from Seth Hickey and
236 Melissa Gahr.

237 Mr. Houghton said he thinks traffic is significant at Marin Way, but cannot hold the
238 applicant accountable for that. He said that he is satisfied with the applicant
239 providing land for the potential of changing the intersection. He doesn't think
240 holding the applicant solely accountable is appropriate.

241 Mr. Austin said that neither project LEGO nor this project are significant increases.
242 The message that the town has heard from all of this is that the current situation is
243 bad and needs improvements. No one is individually accountable. He said it could be
244 a 10-year plan project.

245 Mr. House asked the Board members, applicant, and public if they had any additional
246 comments or questions.

247 Mr. Austin said no one has called, texted, or emailed him stating they had problems
248 getting onto the call.

249 Mr. House asked for a motion to close the public hearing.

250 Mr. House made a motion to close the public hearing and Mr. Roseen seconded the
251 motion. Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Roseen,
252 Aye.

253 Mr. Austin said the waiver is to waive the landscape architect stamp on the submitted
254 plans. He said the landscaper they used, as indicated on the waiver request form, has
255 a bachelors in landscaping and more than 30-years of experience. He said the
256 plantings are consistent with regulations. He said Staff's recommendation is to accept
257 the waiver.

258 Mr. Houghton made a motion to accept the waiver and Mr. Roseen seconded the motion.
259 Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Roseen, Aye.

260 Mr. Austin said the waiver is approved.

261 Mr. Austin said that Staff is recommending for condition subsequent as follows:

262 1. Applicant shall submit a proportional contribution of funds and/or similar
263 surety and/or land, including but not limited to right-of-way dedication along Marin
264 Way and/or NH-111, in a manner as directed by, and in consultation
265 with, the Stratham Select Board to defray those project costs related to NH-
266 111 and Marin Way right-of-way intersection improvements.

267 2. Applicant shall comply with Site Plan regulations.

268 3. Performance Agreement and Surety required as prescribed in the Regulations
269 for Landscaping and Stormwater improvements prior to building permits.

270 4. Applicant shall provide Town with copies of easement language related to
271 access and parking for those illustrated on the site plan.

272 5. Applicant shall submit inspection reports for work related to stormwater
273 improvements. Annual O & M reports to the town.

274 6. As-built plans shall be submitted in accordance with Site Plan Regulations.

275 Those are Mr. Austin's recommendations for condition subsequent.

276 Mr. House asked the Board if they had questions.

277 Mr. House asked the applicant if they had any questions.

278 Mr. Graham said it might be helpful for them to agree on giving the land and they
279 can provide the documents to the Town.

280 Mr. Austin said he doesn't know how much land is appropriate or required. He said
 281 the Town could always ask for more. He understands why the applicant wants a
 282 specific amount listed.

283 Mr. Graham said they can provide an easement and work on language stating 'as
 284 design requires' up to a certain amount.

285 Mr. House asked if there is a motion.

286 Mr. Houghton said that the way it is written, the Select Board has to weigh in on that
 287 condition subsequent.

288 Mr. Austin said the additional right-of-way on the Marin Way side is in jurisdiction
 289 of the Select Board.

290 Mr. Houghton said he is willing to try and accelerate that process with the Select
 291 Board. He said he didn't think the Planning Board can address his concerns.

292 Mr. Roseen made a motion to approve the application with conditions subsequent
 293 listed and Mr. Canada seconded the motion.

294 Mr. Austin asked if the Board had any input on the Performance Agreement and
 295 surety relative to building permit or occupancy. He said he does not know how many
 296 building permits will be required. There will be a demolition permit for removing a
 297 generator. He said if the Board is willing to accept the landscaping surety bond,
 298 perhaps prior to their construction.

299 Mr. Graham said they could post the bond before work starts.

300 Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Roseen, Aye.

301 Mr. Graham thanked the Board.

302 **4. Public Meeting:**

303 a. Board discussed June 03, 2020 meeting. T. Austin stated no project
 304 applications submitted for June 03, 2020 meeting. Board discussed topics
 305 of discussion for June 03, 2020 agenda

306 Mr. Austin said that no projects have been submitted for the June 3rd meeting. He
 307 asked if the Board wants to have the meeting or not. He said potential topics for that
 308 meeting would be anything the Board wants to discuss. Such as discussions of 5G. At
 309 the last meeting there was two Preliminary Consultations that have not submitted an
 310 application.

311 Mr. Roseen asked Mr. House if it would make sense for the Board to have a
312 conversation with the Legacy Highway Committee as a progress update.

313 Mr. Austin said the Legacy Highway Committee met last Wednesday (5/13). He had
314 sent them a draft of the goals of the committee. They will be meeting in a week on
315 the 27th of May. Mr. Austin said it might be a prime time to meet with them on June
316 3rd if they are ready.

317 Mr. Roseen said he meant it as to discuss progress wherever the progress falls. Just to
318 receive some feedback to see where they are going.

319 Mr. Austin said he could invite the committee to the June 3rd meeting.

320 Mr. House said that is a good idea.

321 Mr. Austin said they can discuss 5G towers and meet with the committee on June 3rd.

322 Mr. House asked about a previous training that was scheduled.

323 Mr. Austin explained that the training was canceled due to the Covid-19 Pandemic.
324 He said he has concerns about doing the training remotely. He thinks they should
325 wait until they can meet together.

326 Mr. Roseen said he has no interest in doing a webinar and would rather do it in
327 person.

328 Mr. House said that was fine.

329 Mr. Austin said that he is going to invite the Adhoc Legacy committee to the June 3rd
330 meeting. He will also get together information for 5G. He has sent a draft right-of-
331 way permit to Nate Mears, the DPW director, to see what his thoughts are on the
332 permit. He said he tried to make a protocol for building in the town right-of-ways.
333 One of the things he wrote into the permit was, as the Select Board considers
334 introduction of structures into the right-of-ways, he built in the ability for the Select
335 Board to request an advisory opinion of the Planning Board. None of that is final yet.
336 His intent was to come up with a way for the Select Board and Planning Board to
337 interact with that. He has not heard back from Nate Mears yet. If he can work that
338 into June 3rd he will.

339 Mr. House asked the Board what they thought of that.

340 Mr. Roseen asked Mr. Austin with the last meeting, in regards to BMW, why the
341 Planning Board deals with substantial compliance. It seems like an inspection
342 problem. He asked why the Code Enforcement Officer isn't able to catch the
343 problems.

344 Mr. Austin said that the Town has always followed up on inspections when
345 inspections are requested. One of the compounding elements is that the project did
346 not trigger any reason for the Code Enforcement Officer to be there. There were no
347 building permits other than the electrical permit for the parking lot lights.

348 Mr. Roseen asked if it was different from a new development.

349 Mr. Austin said for example, Porsche had a demolition, as a part of that, the first step
350 is to go out and see if they have construction tents up, then when someone goes back
351 out to do the foundation, the site gets reevaluated, then when they're done the
352 foundation someone goes back out again and they may have the retaining wall up. So
353 someone sees all the construction.

354 Mr. Roseen said he understands now.

355 Mr. Austin said another thing about the BMW project was that there were three
356 different Code Enforcement Officers on the project. Mr. Austin said most of the
357 asphalt is in the same place, but it was just being used differently.

358 Mr. Roseen said they should add a section to plan modification when it triggers a
359 third party review and add 'and signoff'. He said he was thinking it might help
360 prevent some future issues.

361 Mr. Austin said this year the Town needs to work on its construction schedule and
362 post-construction schedule in regards to MS4.

363 Mr. Roseen said he thinks they should distinguish between what is in the MS4 and
364 what is not. Mr. Roseen said they should have the conversation another time.

365 Mr. Houghton said he thinks it is an important conversation for the Board to have.
366 Mr. Houghton doesn't want to set a standard for future applicants to be able to ask
367 for forgiveness when they knowingly changed the plan. He said contractors do what
368 they are told. It is up to the owner to make sure everything is approved.

369 Mr. Roseen said that he agrees.

370 Mr. Austin said if a proposed or existing tenant submits an application without the
371 owners signature, it is not valid. He said it is hard to know what the owner tells
372 someone to do.

373 Mr. Roseen said that they should have this conversation on June 3rd.

374 Mr. Austin said they can change the dialogue in the site plan regulations with regards
375 to pre-construction.

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377 **5. Adjournment**

378 Mr. House made a motion to adjourn the meeting at 8:30 PM and Mr. Houghton seconded
379 the motion. Mr. Austin took roll call, Canada, Aye; Houghton, Aye; House, Aye; Roseen,
380 Aye.

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397 Note(s):

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