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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **December 18, 2013**  
8 **Municipal Center, Selectmen's Meeting Room**  
9 **10 Bunker Hill Avenue**  
10 **Time: 7:00 PM**  
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13 **Members Present:** Mike Houghton, Chairman  
14 Bruno Federico, Selectmen's Representative  
15 Jameson Paine, Member, Planning Board  
16 Tom House, Alternate  
17 Mary Jane Werner, Alternate  
18 Steve Doyle, Alternate  
19 Christopher Merrick, Alternate  
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21 **Members Absent:** Bob Baskerville, Vice Chairman  
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23 **Staff Present:** Lincoln Daley, Town Planner  
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25 **1. Call to Order/Roll Call.**

26 The Chairman took roll call and asked Mr. Merrick to be a full voting member until such  
27 time Mr. Baskerville arrived.  
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29 **2. Review/Approval of Meeting Minutes.**

30 a. December 4, 2013

31 Mr. Federico made a motion to approve the minutes of December 4, 2013 as submitted.  
32 Motion seconded by Mr. Paine. Motion carried unanimously.

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

34 a. **Lindt & Sprungli (USA), Inc., One Fine Chocolate Place, Stratham, NH 03885, Tax Map 3**  
35 **Lot 1 Site Plan Review Application to construct a 108,261 square foot building addition, 110**  
36 **space parking lot, and associated site improvements including the relocation of driveways and**  
37 **utilities, and grading work.**

38 Mr. Federico made a motion that the Board accepts the application as complete as  
39 recommended by the Town Planner. Motion seconded by Mr. House. Motion carried  
40 unanimously.

41 Mr. Brad Mezquita from Tighe and Bond introduced himself as the representative for  
42 Lindt. He started by reminding the Board of the cocoa building they had approved a  
43 few years ago located at the back of the site. Part of that particular plan included an

1 addition and parking which was approved, but has not yet been constructed. Mr.  
2 Mezquita showed where the addition and parking would be on an aerial plan of the  
3 facility.

4 He said they had added a connector between the existing building and the addition on  
5 the plan, and expanded the tractor trailer area somewhat. The access drive has been  
6 relocated to bring it back to the cocoa plant and the access for the fire vehicles had been  
7 changed to get around the entire building. A loading dock has been created also. Mr.  
8 Mezquita said as part of the project, some utilities will be displaced and drainage, sewer  
9 and water will have to be relocated as they are currently on the proposed footprint.  
10 Several state permits will be required, and they have already submitted and received a  
11 permit for the Alteration of Terrain (AOT). Another required permit is needed for  
12 filling a 5,950 square foot pocket of wetland which they have also already received.  
13 Mr. Mezquita said they had already gone before the Conservation Commission and a  
14 copy of their letter is included as part of the application for the Planning Board. He  
15 said they had already received a list of items from Staff and Civilworks they needed to  
16 address.

17 Mr. Mezquita said nothing will really change in regards to the circulation of the site.  
18 There was always a loop road that goes around the back, and parking will just get  
19 displaced from one parking area to the new one. One thing they are working on is  
20 sewer discharge as the whole site has the capacity to discharge into the Town of Exeter.  
21 Lindt exceeds the designated volume flow and so they have purchased extra capacity  
22 from an adjacent parcel that is not using their full capacity. He told Mr. Daley they  
23 would be applying for a sewer discharge permit which is not listed in the application.  
24 Mr. Mezquita said the current drainage and sewage discharge points will be displaced  
25 by the new addition and indicated on the plan where the new locations for those would  
26 be. One significant change that has been made is a better treatment of water run off in  
27 the truck parking area by directing the water out front to avoid it running into the  
28 wetland area.

29 Mr. Mezquita addressed the issues of waivers and variances. He explained variances  
30 would be required to permit some pavement to be located within the side setback area  
31 where the turnaround area is located, another for building separation, one for building  
32 height, and 2 more relating to dredging, filling and disturbance of wetland buffers and  
33 the buffer no disturbance zone.

34 Mr. Paine asked if the permits Mr. Mezquita had mentioned were new or amended. He  
35 replied that they were brand new permits. Mr. Paine asked about the Conservation  
36 Commission requiring a certain amount of mitigation for disturbing wetland areas  
37 versus the State granting a wetland permit. Mr. Mezquita explained that the State  
38 requires zero mitigation and Lindt wanted to know if the Board was going to require the  
39 same mitigation measures that the State would have demanded if the area of impact was  
40 larger. Mr. Paine asked about the old truck parking area. Mr. Mezquita said they didn't  
41 feel they needed storage down in that area so put it somewhere else. Mr. Paine asked if  
42 the turnaround area was a difference in elevation in the upper western corner. Mr.  
43 Mezquita said the elevations are very similar to what exists now.

1 Mr. Houghton asked how many total parking spaces were currently at the site. Mr.  
2 Mezquita said that one of the waivers they are requesting is for parking. They currently  
3 have 649 spaces on the entire campus. According to the regulations, based on the  
4 square footage, 999 spaces would be required, but the Town regulations allow for a  
5 third reduction in parking. They will be adding a net total of 81 spaces which will be  
6 for about 100 employees. Due to shifts they won't all be at the site at the same time.  
7 Mr. Houghton asked about the traffic impact. Mr. Mezquita felt there wouldn't be an  
8 issue.

9 Mr. House inquired to the amount of land available. Mr. Mezquita said they still had  
10 over the 51% required open space and pointed out that this addition was already  
11 approved, although they had increased it by 30,000 square feet.

12 Mr. Paine asked if there were any crosswalks for employees coming from the front of  
13 the building to the back. Mr. Mezquita said the architects are looking at an employee  
14 entrance and there will be a crosswalk. Mr. Paine asked about traffic to the highway.  
15 Mr. Mezquita said nothing much will change.

16 Mr. House requested confirmation that the variance request for the building height was  
17 to match the existing building's height. Mr. Mezquita confirmed that to be the case.  
18 Mr. Houghton asked what the new building would be used for. Mr. Mezquita said 2  
19 new chocolate lines were being installed to support Ghiradelli Chocolates' product line.  
20 Mr. House inquired about the smell and noise levels. Mr. Mezquita said it's going to be  
21 the exact same as the existing building. The noise level is minimal.

22 Mr. Daley reviewed his staff report. The first half of the report addresses site plan  
23 orientated elements that need to be included as part of the final plan set. He said that he  
24 and Mr. Mezquita had already met to discuss those. Mr. Daley talked about the access  
25 design. He said 81 spaces are going to be added and he feels that could have a traffic  
26 impact on the Route 101 and as such he said the Board might want to consider  
27 mitigation measures on the Route 11, and to consider property owners living in that  
28 area. A police detail is needed often in that area because of traffic congestion. Mr.  
29 House says he drives by there sometimes in the morning and has seen the police detail,  
30 but other times he doesn't see much out there. Mr. Mezquita said the only issues occur  
31 during shift changes. Mr. Daley reminded the Board they can request a Traffic  
32 Analysis report as part of the site plan review if they feel it is required. Mr. House  
33 confirmed with Mr. Mezquita that an estimated extra 30 people per shift will be added  
34 to the current traffic count. Mr. Mezquita said that it was a reasonable assumption.

35 Mr. Federico said he had never seen any traffic problems although he was aware at the  
36 Marin Way junction there could sometimes be a back up of traffic, but that's due to the  
37 other businesses in the Industrial Park.

38 Mr. Daley asked if the 60' x 40' pad site they are proposing will impact the traffic  
39 circulation for vehicles trying to access the back part of the building. Mr. Mezquita  
40 said they submitted the route for fire trucks to the Fire Chief showing the turnaround  
41 radii as well. Mr. Daley asked if the dock was elevated. Mr. Mezquita said it would  
42 be.

1 Mr. Daley turned the topic to landscaping. He pointed out the fact that no landscaping  
2 had been proposed and the applicant is requesting a waiver from Section 5.2 in its  
3 entirety. He asked Mr. Mezquita to give the rationale behind that decision. Mr.  
4 Mezquita said there are acres of wood around the back of the site and if they put in a  
5 couple of green islands, they have concerns about snow plowing. He feels putting  
6 landscaping out the back seems like a waste. Mr. Daley said that part of the Site Plan  
7 regulations does require that an applicant identifies trees of a certain caliper; 12” is  
8 cited in the regulations. Mr. Daley continued that they will be moving some trees on  
9 the property to create the parking facility. He encouraged the applicant to identify the  
10 trees that will be moved and consider a mitigation plan to offset the loss of those trees.  
11 In the past the Board has accepted payment in lieu or the request of a waiver from this  
12 requirement. Mr. Mezquita asked for clarification about a comment made in the Staff  
13 report as it refers to 6” caliper trees as well as 12”. Mr. Daley explained it was  
14 referring to 2 standards, one being the current conditions plan and the other referring to  
15 the new one, and today’s landscaping standards.

16 Ms. Werner said she tends to agree with Mr. Mezquita that it wouldn’t be sensible to  
17 add more trees at the back of the property as there are already plenty of trees back  
18 there. However, she does agree with Mr. Daley that some trees need to be banked. Mr.  
19 Daley spoke about the applicant disturbing the 50 foot wetland buffer zone and asked if  
20 they were intending to locate snow removal in that buffer area also. Mr. Mezquita said  
21 they would like to. Mr. Daley responded that he is not in favor of that and  
22 recommended that the Board require the snow is removed off site or to an alternate  
23 location on the property itself. Mr. Mezquita said that they already have an approved  
24 snow storage area which is within the buffer and another area within the tractor trailer  
25 area too. Mr. Daley encouraged Mr. Mezquita that when he updated the plans to  
26 identify clearly the snow storage areas which are outside the buffer area. Mr. Houghton  
27 sought clarification that going forward the snow would not be stored in the buffer area.  
28 Mr. Mezquita said that was correct. Mr. Daley asked if it was possible to pull the  
29 fences back from the areas that fall within the buffer areas closer to the impervious  
30 surface. Mr. Mezquita said they could do that.

31 Mr. Daley referred to the lighting plan and said it was inconsistent with the rest of the  
32 plan. Mr. Mezquita said that had been corrected. Mr. Daley returned to the subject of  
33 parking and said when applying for a waiver; a written rationale does need to be  
34 provided.

35 Mr. Daley continued to run through the staff report. He told Mr. Mezquita he needed to  
36 show the roof mechanicals and their elevations on the plan.

37 Mr. Daley said some complaints had been received about the level of noise from the  
38 cocoa processing plant. He wondered if Mr. Mezquita could suggest ways to mitigate  
39 the noise. Mr. Mezquita said he would consult with Lindt about that. Mr. Daley then  
40 referred to the odor sent out from the same plant and asked if he could talk with Lindt  
41 about that too.

42 Mr. Daley addressed the issue of the roadway connection around the site saying it  
43 hasn’t been completed yet. He said his understanding was that it involved coordination  
44 with an abutting property. Mr. Mezquita showed the Board where Lindt at one time

1 was contemplating an access road. He added that Lindt would like the current site to be  
2 more secure as people can access the site from Marin Way currently. Mr. Daley said  
3 Lindt should still put a plan together. Mr. Mezquita asked what a property owner's  
4 incentive would be to discuss a roadway going through their property with Lindt. Mr.  
5 Mezquita said he would bring the subject up with Lindt and added it hadn't been  
6 discussed since 2006.

7 Mr. Houghton invited the public for comments and questions. Mr. Mark Devine from 4  
8 Greenvale Drive commented on the noise levels from the cocoa plant and was  
9 concerned that the new addition will only mean more noise. Currently, the noise they  
10 hear appears to be from an HVAC unit when the cocoa facility is in operation.  
11 Occasionally they hear a high pitched noise too. He said they would be grateful for any  
12 mitigation that can be done to prevent the noise levels both at the current facility and  
13 the new addition. Mr. House asked if the noise continues throughout the night. Mr.  
14 Devine said that it did.

15 Ms. Pat Elwell from the Conservation Commission said that the commission fought for  
16 the small piece of wetland the last time Lindt came before the Board and now it is  
17 going to be eliminated. She said they are requesting mitigation measures because they  
18 are concerned Lindt will keep coming back and gradually pick away at all the wetlands.  
19 Ms. Elwell said she knew it seemed like an isolated pocket of wetlands, but there may  
20 be a sub surface connection even if it's not a vernal pool or a high value wetland, but it  
21 is still a wetland. When wetlands are being lost, considerations need to be taken to  
22 make up for that loss be it monetary or recreating wetlands somewhere else. Mr.  
23 Houghton asked Mr. Mezquita if he had contemplated any mitigation measures for the  
24 wetlands. Mr. Mezquita said the State said none were required because it is less than  
25 10,000 square feet, but if they impact more wetland in the future on top of what is  
26 already being eliminated and it amounts to over 10,000 square feet, that is when Lindt  
27 will become accountable. As to what Lindt would do should they go over the 10,000,  
28 Mr. Mezquita said he thinks they would like a monetary solution. Mr. Paine asked if  
29 Lindt would be amenable to the idea of paying an "in lieu" fee to the Town instead of  
30 the State. Mr. Mezquita said the State wouldn't recognize that fee so that is a problem.  
31 Ms. Elwell said they would be taking away wetlands from the Town, but paying money  
32 to the State. Mr. Mezquita replied that although that is the case, the agreement is that  
33 that money would have to be used in the same watershed.

34 Mr. Tom Mannis, 38 Goss Road, abutter from North Hampton said he was there for  
35 himself and others who live on Goss Road. He said if the Board look at the warehouse,  
36 Goss Road is approximately 1500' behind the warehouse. He commented on the noise  
37 and asked about the relocation of the tractor trailer parking lot being brought up to that  
38 warehouse as there are currently tractor trailers there with refrigeration units that are  
39 run throughout days and nights. He was concerned that this expansion would increase  
40 that. Mr. Mezquita said he didn't think additional trucks would be brought in. Mr.  
41 Mannis asked if Lindt could consider some mitigation to help with the noise. Mr.  
42 Mannis referred to the access road mentioned by Mr. Daley. He said there is currently  
43 a stub road which could be connected to make an access road, but he wondered what  
44 the other options might be.

1 Mr. Friedman, abutter, 24 Goss Road said his property would be the most affected for  
2 the road that Lindt might be considering. He understood that nothing was definite, but  
3 would like to see the route of the truck traffic. Mr. Mezquita showed Mr. Friedman on  
4 the plan. Mr. Friedman wondered if there would be an increased percentage of traffic  
5 from trucks delivering materials to the warehouse. Mr. Mezquita said he would ask  
6 Lindt. Mr. Friedman said he was thinking about diesel trucks going to the relocated  
7 delivery area and the noise that would be bring as well as not being particularly eco  
8 friendly. He wondered if Lindt could think about using mitigation and even some other  
9 kind of truck. Mr. Friedman was also interested in the increase of water usage. He  
10 asked if any studies had been undertaken to determine the amount of water available  
11 and the impact the added facility may have on that. Mr. Friedman asked if the Board  
12 might consider requesting a study for water usage. Mr. Friedman wondered about  
13 Lindt creating a road from Rollins Hill Road into the facility for emergency vehicle use  
14 only which would be less expensive than running around wetlands.

15 Mr. Graham said he represented Rollins Hill development and was there on behalf of  
16 Mark Stevens. He said he wanted to clarify a couple of things. He started addressing  
17 the issue of an access road and said it was a condition of the approval in 2006. Mr.  
18 Stevens feels the plan should be approved and they would be happy to help the process.  
19 Mr. Graham said they were looking for some actual calculations for the fire pond for  
20 fire suppression and the capacity of the system. The other issue they had was in the  
21 past they had some problems with effluent from the facility being in the discharge. Mr.  
22 Graham said they weren't aware of any noise issues where they are, but they have  
23 noticed the smell from the cocoa plant which they were told wouldn't occur. They  
24 would like to meet with Lindt to discuss the smell and access road.

25 Mr. Houghton referred to truck traffic and requested for more specificity about that. He  
26 asked how emissions from the cocoa plant were measured and where they are relative  
27 to the standards set that there would be no smell. Mr. Mezquita said he knows they are  
28 regulated by the State, but he doesn't know about odor. Ms. Werner asked if they were  
29 meeting the State's standards and how often the State regulates it.

30 Mr. Merrick said he was sure a noise analysis could be done fairly easily of the existing  
31 operations as could a projection of the added noise from the new addition. Then Lindt  
32 could suggest mitigation measures for the existing sounds. Mr. Merrick asked if the  
33 Town has any regulations concerning the noise from refrigeration trucks running in  
34 perpetuity. Mr. Daley said he would consult the Building Inspector about that. Mr.  
35 Daley asked Mr. Mezquita if there were any plans to increase refrigeration facilities on  
36 the site itself. Mr. Mezquita said it was part of Lindt's 5 year plan for expansion. Mr.  
37 Merrick said they should know how many of these refrigeration trucks are idling.

38 Mr. Devine commented that he observed it is the trailers that are idling and not the  
39 actual power units.

40 Mr. Daley felt there were lots of issues to be addressed and as such he recommended to  
41 the Board that they continue the application to January 15, 2014. Mr. Merrick asked if  
42 somebody from operations could be present that night to answer some of the questions  
43 raised tonight. Mr. Daley added that by that date Lindt would have been before the  
44 ZBA too. Mr. House asked how they should deal with the issue of the road being a

1 condition of the plan approved in 2006. Mr. Houghton said as it is a condition to an  
2 existing plan, the dialogue should start as soon as possible. Mr. Houghton reminded  
3 Mr. Mezquita about counting the trees.

4 Mr. House made a motion to continue the hearing to January 15, 2014. Motion  
5 seconded by Mr. Paine. Motion carried unanimously.

6 **4. Public Meeting(s).**

7 a. **Planning Board - Zoning and Land Use Regulation Amendments.** Amend Zoning  
8 Ordinance, amend Section 3.1 Establishment of Districts and Section add new section,  
9 Section 3.9 Town Center District to create a form-based code for the Town Center  
10 District.

11 Mr. Daley said he would like to hold the first public hearing for warrant articles on  
12 January 8, 2014. He asked the Board if they would like to go through the form based  
13 code or whether they felt comfortable enough to wait until January 8, 2014. Mr. Daley  
14 summed up what was discussed at the December 11, 2013 meeting for those who were  
15 unable to make it. The Board decided they were comfortable enough to wait until the  
16 January 8, 2014 meeting.

17 b. **SEA-3 Inc., 190 Shattuck Way, Newington, NH 03801, Map 20, Lot 13 and Map 14**  
18 **Lot 2.** Site Plan Review/Regional Impact Public Hearing to construct additional  
19 facilities to increase in off-loading capacity of liquefied petroleum gas.

20 Mr. Daley explained that this was an application for SEA-3 Inc. to expand the storage  
21 capacity of liquefied petroleum gas (LPG) on their facility. A portion of the Pan Am  
22 railway does fall within the North West corner of the Town of Stratham which is near  
23 Dumbarton Oaks. The expansion will increase the amount of locomotives that use that  
24 track. They will be transporting LPG to the facility in Newington which is then  
25 transported further by boat. SEA-3 Inc. says they anticipate that an extra 12 cars will  
26 run daily, 365 days a year. Currently they run once a week. Mr. Federico said the  
27 information they were given at the Monday night's Board of Selectmen meeting said  
28 there are 76 tanks on one train. Mr. Merrick asked if they deliver LPG daily already.  
29 Mr. Daley said they do, but due to the expanded capacity, there will be additional trips  
30 going forward.

31 Mr. Daley said they need to get more information on where they will be idling trains.

32 Mr. Daley said he had spoken to the planner from Newington who told him they had  
33 held a regional impact meeting on December 9 and the next meeting has been  
34 continued until January 7, 2014 to allow surrounding communities to comment on the  
35 regional impact. The Town of Newington hired a consultant who recommended  
36 sending a letter to SEA-3 and NHDOT stating their general concerns such as will the  
37 tracks require upgrades due to the increased trips. Mr. Daley said the part of track in  
38 Stratham runs over a bridge so perhaps a structural analysis of that bridge should be  
39 undertaken. Mr. Doyle agreed and asked what would happen if a tank went off the  
40 track.

41 The Board discussed the train trips increasing from once a week to once a day  
42 minimum. Mr. Federico said there may be more than one trip a day. The concern Mr.  
43 Federico has is for public safety as the Town of Stratham doesn't have the necessary

1 fire equipment to handle a fire from LPG. Ms. Werner was surprised to hear there was  
2 no plan with the Fire Department for such an incident. Mr. Federico explained you  
3 need a certain type of chemical to extinguish an LPG fire so they need to find out what  
4 that is and how much should be stored and where it should be stored. Mr. Paine said  
5 he would like to ask SEA-3 or Pan Am for a copy of their emergency management  
6 plan. Mr. Federico said that is more for the Fire Department who will need training.

7 Mr. Paine asked if there is a regional response should the LPG ever explode. Mr. Daley  
8 said there should be a plan in place as it is federally regulated. Mr. Paine said he would  
9 ask also for improved crossing areas. Currently around the Great Bay Discovery  
10 Center there is an open crossing.

11 Mr. Daley asked, if given the number of tanks, there should be a physical noise barrier  
12 behind Dumbarton Oaks. Mr. Paine said half of it is in a valley and the other half  
13 would require a huge number of pine trees to create the barrier so it may not be  
14 feasible. The residents may not want it either.

15 Ms. Werner asked what options are available. Mr. Daley said not much as Mr.  
16 Federico stated, it's federally regulated. Mr. Daley said also that the focus isn't meant  
17 to be on the number of trips but rather the expansion of the site.

18 Mr. Paine wondered if federal grants were available for training.

19 Mr. Merrick asked how fast the trains go through Dumbarton Oaks. Mr. Daley said  
20 currently it is only 10 mph. as the track doesn't allow for faster speeds. Mr. Houghton  
21 said for him the main concern is the enforcement of life safety.

22 Ms. Werner asked if anybody knew what the impact would be if one of the storage  
23 tanks in Newington was to blow up. Mr. Paine said was it worth making a note that no  
24 additional rail lines should be built for storage or idling trains. Mr. Daley said he didn't  
25 believe there was enough room for a second line, but it would not do any harm to  
26 mention that. Mr. Daley said the Board of Selectmen is willing to sign a letter  
27 supporting this plan and he would draft a letter for the Planning Board for Mr.  
28 Houghton's endorsement.

29 **5. Miscellaneous.**

30 a. Report of Officers/Committees.

31 i. There was nothing to report

32 b. Member Comments.

33 There were no member comments.

34 c. Other.

35 Mr. Daley gave an update on the development at Heron Way and Willow Pond  
36 subdivision. He said the subdivision has now been completed in accordance with the  
37 Notice of Decision and approved plan set which Mr. Daley has reviewed. They have  
38 met the conditions precedent and subsequent. The roadway infrastructure was  
39 examined by the Highway Agent who deemed it to be satisfactory. Mr. Daley said the  
40 Town currently has an escrow account of \$31,991. Mr. Daley explained that in order  
41 for that money to be released, the Planning Board acceptance is required. The Board of



1           Selectmen met on Monday and recommended full release of the bond based on  
2           recommendations by staff.

3           Mr. Merrick made a motion to release the final bond amount as indicated in the letter  
4           from Lincoln Daley dated 12-16-2013. Motion carried unanimously.

5   **6. Adjournment.**

6           Mr. Merrick made a motion to adjourn the meeting at 9:14 PM. Motion seconded by Mr.  
7           House. Motion carried unanimously.

DRAFT