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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **October 15, 2014**
8 **Municipal Center, Hutton Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

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13 **Members Present:** Bob Baskerville, Vice Chairman
14 Bruno Federico, Selectmen's Representative
15 Tom House, Member
16 Christopher Merrick, Alternate
17
18 **Members Absent:** Mike Houghton, Chairman
19 Jameson Paine, Member
20 Nancy Ober, Alternate
21
22 **Staff Present:** Lincoln Daley, Town Planner
23

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

25 Due to Mr. Houghton's absence, Mr. Baskerville, Vice Chair, chaired the meeting. He
26 started by taking roll call.

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

28 *Mr. Merrick arrived at 7:05 pm.*

29 a. September 17, 2014

30 Mr. House made a motion to accept the minutes from September 17, 2014. Motion
31 seconded by Mr. Federico. Motion carried unanimously.

32 b. October 1, 2014

33 Mr. Federico commented that the minutes state he arrived at 7:46 pm when in fact he
34 arrived at 7:19 pm. Mr. House made a motion to accept the October 1 minutes as
35 amended this evening. Motion seconded by Mr. Federico. Motion carried unanimously.

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

37 a. **Forma Realty II, LLC., 18 Congress Street, Portsmouth, NH 03801 for the property**
38 **located at 157 Portsmouth Avenue, Stratham, NH Tax Map 17, Lot 41.** Site Plan
39 Review Application to upgrade existing parking lot and related landscaping and drainage.

40 Mr. Daley handed out additional information related to the easement required for this
41 project as well as waiver requests.

1 Mr. House made a motion to accept the application as complete. Motion seconded by
2 Mr. Merrick. Motion carried unanimously.

3 Mr. Joseph Nichols, Beals Associates and representative for the applicant took the floor.
4 He talked the Board through the site plan. He said some renovation had taken place on
5 the property and as a result more people are now showing up so more parking spaces are
6 necessary. Mr. Nichols said he understood the Town is looking at developing the down
7 town area so they are looking at doing this in phases starting with finalizing the parking.
8 Once they get a better idea of how down town will look, they will try to meld the two
9 together and enhance the entrance area of the project. The septic design has been done
10 and they had a cross easement to put the sewage behind the existing apartment building
11 that is adjacent to the property. There is one other owner on the property; a dentist. The
12 applicant has bought out all the other buildings on the property. Mr. Nichols said that
13 while they were doing the septic design they looked at doing a lot line merger, but due to
14 circumstances, they can't do that at this time.

15 They are looking to add 33 additional parking spaces to the site for Phase 1 and for Phase
16 2, they were able to do one more additional parking spot for the apartments. They have
17 a draft easement which was completed and will be recorded after the meeting provided
18 they are granted approval.

19 Mr. Nichols continued that they are looking for a lighting waiver. The whole area is
20 pretty well lit already. He said Mr. Daley had been to the site to understand the project
21 better. During that site walk, Mr. Daley had said it would be nice to have a side walk
22 incorporated into the parking area for those people parking there. They took that into
23 consideration for the drainage analysis also. They didn't do drainage originally because
24 of the size of the project, but the Town engineer from Civilworks requested it when
25 reviewing the site plan. They have now done a drainage analysis on existing and
26 proposed drainage and the analysis found that during a 2 year storm event, the existing
27 peak discharge per cubic foot was 8.94 existing and proposing would be 8.98. During a
28 25 year storm event, the reading was 19.56 for existing and the proposed 19.41. For a
29 100 year storm event, existing was 29.43 and proposed was 29.08. Overall only a minor
30 change. They had taken into consideration all of Civilworks' comments and addressed
31 them.

32 There will be an additional 7,821 s.f. of pavement; in phase 2 there will be 3,980 s.f. for
33 a total of 11,801 s.f. of additional impervious surface. They are actually adding 5, 591
34 s.f. of drain space incorporated into this plan. They looked at the project as a whole and
35 looked at what they could do to improve traffic patterns for the applicant and Town, and
36 look at green space too to keep within the landscaping plans of the Town. They ended
37 up putting sidewalks around Formichelli's restaurant, incorporated the additional
38 sidewalk around Easter Seals as well as all the green areas shown on the plan. They
39 changed the traffic pattern from 2 informal entrances into 1 formal entrance; there was a
40 recommendation from CMA to add an island into the center. Existing conditions cause
41 constraints that make it difficult to follow all the landscaping requirements. Site distance
42 also affects green areas; they are unable to plant any tall shrubs or trees.

1 They have asked for 2 waivers; the first from Section 5.8. Illumination/Noise Emissions
2 of the Stratham Site Plan regulations. The other waiver is for Section 5.2 of the
3 Landscape Design standard in Stratham's Site Plan regulations.

4 Mr. Merrick asked about the strip in front of Formichelli's. He said he could see it turning
5 into a dust ball pretty quickly. Mr. Nichols said it may be mulch if needs be and it is part
6 of Phase 2.

7 Mr. Baskerville said with regard to changing the driveway onto Portsmouth Avenue, had
8 that required D.O.T. approval and if so was it being done through Mr. Nichols or CMA.
9 Mr. Nichols said it would require D.O.T. approval, but they are not doing that just yet.

10 Mr. Merrick asked why there were no lines on the plan showing parking spaces. Mr.
11 Nichols said they had chosen to wait until they have done the paving. Mr. Merrick asked
12 what the long term project for the property was. Ms. Alex Forma said that ideally her
13 father, the property owner John Forma, would like to expand the seating in the restaurant
14 as it is doing quite well, but septic is an issue currently. They are waiting to see if they
15 will be able to have Town water and sewer. They would love to have some outdoor
16 seating. They are hoping to put an addition on the restaurant for storage also. Mr. House
17 asked about snow storage. Ms. Forma said they have the snow removed off of the
18 property. Mr. Nichols said they have it on the plan as it's a requirement of the site plan.

19 Mr. Nichols said both properties have the same owner and the overall combined
20 impervious surface is 35%. This project will add an extra 5%. Mr. House said the
21 parking count for the Town Center building says there are 55 spaces proposed. Mr.
22 Nichols said they are actually adding an additional 33 spots to what is already there. Mr.
23 House said he counted 50. He observed also that they might want to adjust their North
24 arrow on sheet 2 as it is pointed south. Mr. Merrick thought the traffic flow could be
25 better. Mr. Nichols said they took that under advisement and had a couple of designs;
26 they chose CMA's proposal. Mr. Daley said it's worth noting that CMA only looked at
27 the entrance way and egress from the site itself, it didn't discuss the internal circulation.
28 Mr. Merrick felt that the landscaping in front of the restaurant was getting in the way.
29 Mr. Nichols said it is intentionally taking away parking in front of the restaurant.

30 Mr. Daley asked how Mr. Nichols designed the 34 spots on the back part of the property.
31 Mr. Nichols said it was based on the building size and what's currently taking place. Mr.
32 Daley asked if he had consulted the site plan regulations for parking design for certain
33 uses. Mr. Nichols said they did and they have 34 spots although one of those will be a
34 spare one.

35 Next Mr. Daley asked what rationale was used to improve circulation within the facility
36 because it still looks as confusing as it was before. Mr. Nichols explained that they had
37 a pre-planning meeting with CMA and it came down to natural habits, whatever entrance
38 you use to come in, you use to go out. Currently they want to formalize that so they have
39 one location coming in and going out and also by putting the additional paving area
40 behind the restaurant, it allows more of a through pattern. It allows parking on the side
41 of the restaurant preventing people from parking in front of the restaurant. They have
42 angled parking on the side of the restaurant and a through pattern for the delivery trucks.
43 They are hoping that by having the through pattern, it will formalize the entrance way by
44 putting a divider island in there as well will keep the traffic coming in one side and

1 leaving by the other side. There is future discussion of possibly purchasing Ye Olde
2 Town Hall Antiques which would help create another access and a better traffic pattern
3 but until that takes place, they are unable to improve the existing situation any more than
4 they have done.

5 Mr. Baskerville asked if Dr. Stern has to sign the parking agreement also. Mr. Daley said
6 he would have to as there is a condo association in place.

7 Mr. Daley referred to the snow storage area near the former hotel next to the delineated
8 wetland area. He explained that the Town has 50' buffer areas from wetlands that need
9 to be observed and as there are no delineated areas showing, he can't ascertain if any of
10 the proposed improvement areas will extend into the buffer area. He suggested to Mr.
11 Nichols the snow storage area in front of the old hotel along Portsmouth Avenue be
12 moved, the reason being with any kind of site safety issues, sight distance needs to be
13 improved as much as possible. Mr. Daley said in speaking to the Code Enforcement
14 Officer and in line with the Honda Barn application, the Town Center was rezoned earlier
15 this year to follow the same form based code similar to the Gateway. Looking at this
16 application determined it would need a special exception from the ZBA because it's a
17 non-conforming structure and adding the parking lot triggers the special exception
18 requirement. This prevents the use for a conditional use permit before the planning board
19 pertaining to the form based elements, and so allows the application to go forward in its
20 current design. There was some discussion about whether it was a non-conforming use
21 or non-conforming structure. Mr. Baskerville said the Board is in favor of this project
22 and want to help make it work, it's just a question of procedure. The problem he sees is
23 the timing because if work needs to begin before snow fall, they won't get before the
24 Zoning Board until November. Mr. Daley said they did discuss doing gravel for now
25 and then paving in the spring time. Mr. Nichols said the one problem is that they are
26 getting more renters.

27 Mr. Baskerville asked if they had a full review from Civilworks. Mr. Daley said they had
28 Civilworks comments and Mr. Nichols has responded to them today. Mr. House asked
29 if they needed the additional space by the apartment block. Mr. Nichols said it was just
30 a space that was left over. Mr. House said as you come in, there is a parking spot right
31 near the driveway coming in, if someone tries to back out of that space, would it cause
32 an issue with other traffic coming in. Mr. Nichols said they could extend it. Mr. Federico
33 said they were going to remove the 2 free standing signs; one for the restaurant and one
34 for the office building and he wanted to know if they were going to replace it. Ms. Forma
35 answered that she would like to replace it with something a little more updated. Mr.
36 Federico said he sees them as a potential problem. Mr. Nichols said that was why they
37 were being removed. When they are replaced, they will be located in a better spot. Mr.
38 Federico confirmed they were removing the driveway in front of the apartment building
39 and replacing it with a green space. He felt that would be a logical space to put a sign.

40 Mr. Daley asked Mr. Nichols if they really needed 24' of clearance in the back parking
41 area for the aisle width and could it be reduced to 22'. Mr. Nichols said they could ask
42 for a waiver. Mr. Daley said he was trying to find ways to reduce the amount of
43 pavement. Mr. Deschaine, Town Administrator said to be careful because of tractor
44 trailers. Mr. Daley said he was focusing more on the rear parking area and the area to
45 the right and behind the former hotel facility. Mr. Nichols said he would take a look at

1 it. Mr. Baskerville asked about the kinds of trucks that pull in and out of the property.
2 Mr. Nichols said they were typically small box trucks. Mr. Baskerville asked if they have
3 room to turn around or do they have to back out. Ms. Forma said no one really unloads
4 anything back behind the Easter Seals building. Mr. Daley and Baskerville both
5 commented that there is a loading dock there. Mr. Federico said it is left over from the
6 Post Office. Mr. Daley asked if there was a need to have it. Mr. Nichols said they can
7 remove it. Ms. Forma said currently she thinks Easter Seals use that area for storage
8 purposes. Mr. House said shouldn't they consider the future in case Easter Seals move
9 out and a retail business moves in. Mr. Nichols said in his opinion, it would look odd to
10 remove it.

11 Mr. Merrick asked if the owner created an easement and just pulled back some top soil
12 and put down some gravel, would he even need approval for that. Mr. Baskerville said
13 he would argue that if you do enough of it, it initiates a site plan approval. Mr. Merrick
14 said gravel doesn't change any of the impervious surface or cause any drainage issues.
15 Mr. Deschaine said it really is a change of use because it was open space and now it is
16 going to be parking. That triggers the necessity of a site plan review. Mr. Nichols asked
17 if his client could remove the trees and park on the grassed area that currently exists as
18 long as they don't upgrade and bring new gravel and pavement areas. Mr. Daley said
19 the alternative is that they have to comply with the Town Center ordinance which is a
20 little more stringent when it comes to landscaping. Mr. Nichols doesn't feel it applies
21 because they are just adding some extra parking and they are trying to introduce some
22 green space and sidewalk despite it being an existing situation. Mr. Deschaine said that
23 is why if they get a special exception it will exempt them from all of that.

24 Mr. Baskerville said this is a two-phased project with the parking in the back pretty clear
25 cut to him and he understands it needs a special exception. Phase two would have to be
26 conditional on the D.O.T. permit and it would be nice to see a little more detail added to
27 the plans. Phase two could also change depending on what has been achieved in the
28 down town area. Mr. Nichols said that they could make a condition based on CMA's
29 final design in working with the Town in reference to landscaping. Mr. Deschaine added
30 that the design to be finalized by CMA will not include that side of the road. The only
31 contemplated improvement that might have bearing on the entrance is the placement of
32 a flushed island on Portsmouth Avenue to create a left hand turning lane.

33 Mr. Deschaine asked if there was a construction sequencing plan developed or stated on
34 the plan. Mr. Nichols replied not as such. Mr. Deschaine said it would be very helpful
35 if that was added. Mr. Daley commented that they would be better just isolating the
36 parking area as that is Phase 1 and then come back for Phase 2 when the applicant is
37 ready to do so. Mr. Baskerville said he liked the idea of just looking at Phase 1 for now
38 and asked if they would have to resubmit if Phase 2 were taken off the plan. Mr. Daley
39 said this could include the framework for Phase 2 and then they can come back when
40 they're ready to go forward with Phase 2. The Board recommended highlighting the
41 Phase 1 area on the plan in some way. Mr. Nichols suggested drawing a box around it.

42 The discussion moved to waivers. Mr. Baskerville said he was in favor of the landscaping
43 and lighting waivers for the back parking lot. For Phase 2 however, some landscaping
44 should be incorporated; the Board agreed. Mr. Deschaine said the new standards would
45 require significantly more landscaping and suggested conditioning the waiver so that they

1 should get a landscaping plan. Mr. Daley said he would encourage additional trees along
2 Portsmouth Avenue and this is an opportunity to have landscaping that will have a
3 dramatic impact in that area. He acknowledged that there are constraints with this site
4 and that it is an existing situation, however there are still landscaping opportunities and
5 just adding grass areas doesn't, in his view, meet the intent of the regulations. Mr.
6 Nichols mentioned the concerns of sight distance when it comes to planting trees. Mr.
7 Daley said some trees could be added in the interior of the parking area. Mr. Baskerville
8 said landscaping is more than just trees and while he recognized the limitations of the
9 property, a landscape architect should take a look at the very least. Ms. Forma said she
10 didn't disagree, but it gets difficult when they are being told which trees to put on their
11 own property.

12 Mr. Daley asked the Board if they wanted to tackle the issue of sidewalks along
13 Portsmouth Avenue for Phase 2. Mr. Federico said they should at least talk about it. If
14 people want to cross over from the side with sidewalks, where are they going to walk?
15 Mr. Deschaine said there's a walkway that currently goes to the parking lot and he
16 wondered if that could not be extended to the road instead of a green strip being added
17 there. Ms. Forma said that actually there is no walkway around to the parking so that
18 may need to be added. Mr. Deschaine asked if the sidewalk around the side of the Easter
19 Seals building was being put up against the side of the building or is there going to be a
20 gap. Mr. Deschaine observed that the roof is slanted so rainwater will go onto the
21 sidewalk and the splash will eventually rot the siding on the building as well as icing
22 concerns. Mr. Nichols confirmed there was a gap. Mr. Deschaine suggested some
23 drainage in the final design also.

24 Mr. Merrick commented on the telegraph poles that are placed sporadically in the green
25 strip area so it seems they wouldn't work with any sidewalk along the roadway. Based
26 on what Mr. Merrick is seeing, he doesn't feel it makes sense to have a sidewalk along
27 Portsmouth Avenue.

28 Mr. Daley summed up that the Board is happy with Phase 1 and the associated waivers
29 for landscaping and lighting. Mr. Baskerville said they were but more discussion is
30 definitely needed for Phase 2.

31 Mr. Baskerville said they had in front of them a plan for the Town Center improvements
32 dated October 2014 by CMA. He asked if the islands on Portsmouth Avenue were raised.
33 Mr. Daley said they were flush. Mr. Deschaine pointed out that the D.O.T. hadn't seen
34 this plan yet. Mr. Merrick asked what the purpose of the islands was. Mr. Deschaine
35 said hopefully it will slow traffic down and create left hand turn lanes by O'Brien Energy.

36 Mr. Baskerville asked if they could allow just Phase 1 when the application is for both
37 phases. Mr. Daley said Phase 1 would need further definition. Mr. Merrick felt it would
38 be advantageous to wait until the next meeting and approve everything. Mr. Daley agreed
39 as it would give the applicant more time to gather the required information and to work
40 with Staff. Mr. Nichols asked if they could get the waivers granted this evening.

41 Mr. Merrick made a motion to grant a waiver for Section 5.8 Illuminations/Noise
42 Emissions for Phase 1. Motion seconded by Mr. House. Motion carried unanimously.

1 Mr. Merrick made a motion to grant a waiver for Landscape Design Standards Phase 1.
2 Motion seconded by Mr. House. Motion carried unanimously.

3 Mr. House made a motion to continue the meeting to November 5, 2014. Motion
4 seconded by Mr. Merrick. Motion carried unanimously.

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

6 a. **Planning Board Workshop- Zoning and Land Use Regulation Amendments.**

7 i. Review and update Section XX. Sanitary Protection & Septic Ordinance.

8 Mr. Daley explained he had provided packets incorporating the existing regulations and
9 suggested amended regulations which incorporate the last discussion about this from
10 September 16, 2014 plus comments and input from Mike Cuomo (RCCD) and Paul
11 Connelly (Civilworks). Mr. Daley ran through the proposed changes.

12 Mr. Baskerville addressed the change from 3' to 2' of natural permeable soil above the
13 seasonal high water table beneath the sewage disposal area and sewage reserve area for
14 test pits. He said to the best of his knowledge, the only part of the State that has that is
15 Rockingham County. When speaking to Dr. Lenny Lord, Mr. Baskerville got the
16 impression he thought this was unnecessary. Mr. Baskerville gave some examples of
17 situations that could cause problems such as a piece of land having an area of 23.5" of
18 soil so they move the septic to where there is 24", but now they have to change the whole
19 site plan based on one inch and perhaps the soils aren't as good there. Mr. Deschaine
20 said he thought the requirement was more to do with nitrates. Mr. Daley and Federico
21 both said Mr. Cuomo was emphatic about the need for 24" of natural soil. Mr.
22 Baskerville feels that 15" would be fine. Mr. Daley asked Mr. Baskerville if he would
23 like to talk to Mr. Cuomo on this issue. Mr. Baskerville said he would be glad to.

24 Mr. Daley updated the Board on the Rollins Farm Development issue concerning septic
25 regulations. Town Counsel was consulted about which section of the regulations would
26 pertain to the RPC zoning district and after much consideration, she concurred with the
27 statements made by the applicant's attorney stating that Section 5.6 preempts Section 20
28 of the ordinance which allows the septic to be designed using State standards. The Board
29 discussed the issue.

30 Mr. Deschaine commented on current steps needed to be taken by anybody wishing to
31 do work in the Town Center or Gateway District. He asked if it was really necessary for
32 them to go to a secondary body citing the Honda Barn and O'Brien Energy applications
33 as examples. Mr. Daley said the standards have been put in place for a reason and if
34 there is a perpetuation of what is currently there, the Town will never reach its vision for
35 the Town Center or Gateway District. Mr. Deschaine said he agreed, but feels there
36 should be something in place for those situations where it might be a small change like
37 moving a driveway or adding a minor addition because they want to add extra storage.

38 ii. Review/Discussion of the design, streetscape, and infrastructure standards found in
39 Section 3.8 Gateway Commercial Business District and Section 3.9 Town Center
40 District.

41 The Board did not discuss this agenda item.

42 **5. Miscellaneous.**

- 1 a. Report of Officers/Committees.
- 2 i. Economic Development Committee
- 3 ii. Exeter-Squamscott River Local Advisory Committee
- 4 iii. Heritage Commission.
- 5 iv. Public Works Commission
- 6 v. Stormwater Management Committee
- 7 vi. Town Center Revitalization Committee
- 8 vii. Projects.

9 b. Member Comments.

10 c. Other.

11 Mr. Daley talked about the Alex Way subdivision project off of High Street and reminded
12 the Board they approved it back in 2012. The project is now finished and they have
13 submitted documentation and deed to adopt the road as a public way to the Board of
14 Selectmen. The Town Road Agent has inspected the road and deemed it to be acceptable
15 and meeting all the standards in review with the Town's subdivision approval. Mr. Daley
16 said he is looking for the Board's formal acceptance of the roadway for the release of the
17 remaining bond money of \$5000.

18 Mr. Merrick made a motion to accept the roadway and return the bond for Alex Way in
19 accordance with Staff's comments and the Road Agent's approval. He added that that
20 this is a recommendation. Motion seconded by Mr. House. Motion carried unanimously.

21 **6. Adjournment.**

22 Mr. Federico made a motion to adjourn the meeting at 10:00 PM. Motion seconded by Mr.
23 House. Motion carried unanimously.

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