



**Stratham Planning Board
Meeting Minutes
July 6, 2016
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Mike Houghton, Chairman
 David Canada, Selectmen's Representative
 Bob Baskerville, Vice Chairman
 Jameson Paine, Member
 Nancy Ober, Alternate
 Lee Paladino, Alternate

Members Absent: Tom House, Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call. He asked Ms. Paladino to be a full voting member in the absence of Mr. House and Ms. Ober in the absence of Mr. Baskerville. Both members agreed.

2. Review/Approval of Meeting Minutes

a. June 15, 2016

Mr. Paine made a motion to approve the meeting minutes for June 15, 2016. Motion seconded by Ms. Paladino. Motion carried unanimously.

3. Public Meeting

b. One Fine Chocolate Place—Lindt & Sprungli—Administrative Amendment—Marin Way entranceway restructuring and guard house

Mr. Brad Mezquita, Tighe and Bond, said they were last before the Board seeking approval for a parking lot on site as well as drainage improvements and utility work down through the entrance. Since then, they have met with the Conservation Commission and got their approval for impacts down at the entrance. They will be putting in a permanent guard house at the entrance. They have met with Town staff, provided plans to the Highway department as some of the work will be in the right of way in the existing cul-de-sac and they will probably need to make some modifications to that cul-de-sac which makes for a more direct straight line entrance from Marin Way into the Lindt property, but still provides for the jug handle for anybody who has missed their turn along the way and reverse direction. They are before the Board in the hopes of getting an administrative amendment.

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Mr. Mezquita continued that they do have some widening in the area of the guard house so they can put the guard house in the middle and have passing lanes either side of it. They are waiting NHDES approval from the Wetlands Bureau. The Highway department are fine with the modifications to the right of way.

Mr. Austin said Mr. Laverty, Highway Agent was given a copy of everything before the Board tonight and the only comment received was that the Town would be responsible for no more snow removal than under the present design context. Mr. Austin said the site plan review law is not specific in providing an administrative amendment, but at the same time 98% of the work proposed on these plans doesn't really qualify for site plan review. The majority of the work is in the Town's right of way and the Highway Agent is amenable to the proposed changes. There is an existing guard house which through these plans is getting relocated and formalized into an area that is more consummate with the applicant's needs. Mr. Austin recommended that the Board adopt an amendment to the 5/18/2026 plans as approved at this location.

Mr. Paine said it appears on the plan that the road goes beyond the right of way. Mr. Mezquita replied that it does. Mr. Paine said he can't see a proposed right of way on the plan. Mr. Mezquita said the existing limits are the pavement; although the proposed does exceed the right of way it will be more conforming than the non-conforming existing condition.

Mr. Houghton said that the proposed guard house appears to be a little larger than the existing guard house. He thinks it would be a good idea to discuss the specifications such as the dimensions and footprint for the proposed guard house. Mr. Mezquita said they could supply that.

Mr. Paine asked which security measures were in place in the event of an incident. Mr. Mezquita said the security ties into security elsewhere on the Lindt site who in turn would notify the Town's emergency services. Mr. Paine asked if it would make sense to adjust the right of way line. Mr. Mezquita explained it would require a Town meeting and would therefore be more hassle. Mr. Mezquita said he would provide an easement for that area. Mr. Paine asked who would maintain the easements. Mr. Austin said he can't speak for the Highway Agent, as this was not included in his comments. There was conversation about who should maintain the outlet. Mr. Paine said it should be identified and if the Town has access across the structure or if there should be a 10' offset from the structure. Mr. Paine asked about the wetland permit application. Mr. Mezquita said compared to the parking lot, this is minimal, and is about 3,000 S.F.

Mr. Baskerville arrived at 7:14 pm.

Mr. Austin asked if Mr. Baskerville would be voting on this application now that he had arrived. Mr. Houghton said not for this application.

Mr. Houghton made a motion to approve an amendment to the May 18, 2016 plan to include additional items referenced in the discussion this evening; elevations and dimensions for the guard house and access maintenance easement to storm infrastructure. The Planning Board found this did not rise to the level of an additional site plan review. Motion seconded by Mr. Canada. Motion carried unanimously.

Mr. Paine made a motion to approve the amendment to the May 18, 2016 approved plan to include the guard house dimensions and offsets the various contours related to the structure and the easement that was requested to include both the access road and the drainage structure that grades to the storm water pond on the property. Motion seconded by Ms. Ober. Motion carried unanimously.

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Mr. Houghton said Mr. Baskerville would now be a voting member and he thanked Ms. Ober for her participation as a full voting member in Mr. Baskerville's place.

- c. 60 Portsmouth Ave—Porsche of Stratham—Preliminary Consultation—Conceptual Site Plan to construct a 4,942 square foot auto dealership building expansion, façade improvements, and landscaping enhancements.

Mr. Wayne Morrill, representative for the applicant introduced himself and Mr. Scott Laffey from ICL Autos. He explained that they are proposing a 987 S.F. addition onto the existing 5,035 S.F. building. Mr. Morrill said they brought this project before the TRC 4 times, but at the last meeting they were advised to come to the Planning Board. He talked about the addition; it would be added on the southern end of the existing building and will be a small pull up area which is currently a paved surface. They will also do a small addition out to the rear which allows them to swap the existing service doors to the east side of the building so it's not facing Portsmouth Avenue or the access road on the Audi property. The siding will be changed to a steel gray, hardy siding which is going to go on the side that faces Portsmouth Avenue, the access road that faces Audi and the back side facing east. They are going to introduce some hardy plank panels in the middle of the glass windows to break it up and then they will have a full glass door which is where the customer drop off will be facing Portsmouth Avenue. In the rear there are still glass doors coming across facing east. The only side that won't receive hardy plank will be the side facing Windy Knoll Village. There is no access as such to that side of the building. Mr. Morrill talked about the landscaping; there will be street trees along both Portsmouth Avenue and the Audi access road. They have an access easement on the Audi access road. In the back there is a large fire pond and they will be adding landscaping on both ends of the building to break up the building a little bit on each side. Mr. Morrill said they would like some guidance from the Board before they put together engineered plans.

Mr. Canada asked about what they are providing for a future Gateway road. Mr. Morrill said Mr. Laffey has been talking with the Town Planner about preparing a master plan which will show the Audi access road and how that would connect in. They don't own the Mitsubishi piece of property, but the master plan will show that as a future purchase and hopefully in a few years they will be able to fully develop the master plan. As of now they are showing the street trees along the side. He asked the Board if they would like them to put in a sidewalk similar to Subaru. They have retained Mr. Jeff Hyland from Ironwood to be their landscape architect and he worked on the Subaru project. Mr. Canada confirmed that the project Market Street was not on Porsche's property. Mr. Morrill said that was correct and that it is on Audi's property. Mr. Houghton commented that Audi is part of ICL Autos. Mr. Morrill said it is, but it is a separate franchise property. Mr. Laffey showed where the Gateway Road approved in the 2013 Town meeting goes through Porsche and subsequent to that Market Street came in and lines up to the rear of Audi so east to the storage buildings that are in the back.

Mr. Baskerville asked what they had for lighting along the front currently and what they were proposing. Mr. Laffey said currently they have shoe box style lights out there and where there are no modifications such as the parking lots, they were intending to keep the existing lights. Mr. Baskerville said in fairness to Subaru who had to adhere to a certain spacing for their trees, it is hard to allow Porsche a different spacing right across the street. Mr. Morrill explained that they are trying to work around the existing landscaped islands, but as they move deeper into this project, they will try to develop it more. Mr. Paine said his preference would be to see sidewalks so they can inter connect with other future development adjacent to this. Mr. Morrill asked if the Subaru sidewalk was in the right of way or on the property itself. Mr. Paine said he wasn't sure. Mr. Austin said when BMW was here, there was a discussion about if putting in a sidewalk may end up being in the

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way of any future infrastructure improvements. Whoever does the infrastructure improvements would be responsible for replacing the sidewalk. Subaru put in their water line already so the pavement would not need to be ripped up when connecting to any future water systems.

Mr. Baskerville said he feels Porsche are heading in the right direction and he is looking forward to seeing a better building. Mr. Austin suggested the drive way element be solidified as it's in the Gateway district. Mr. Baskerville said it's not technically a drive through because people pull into a building and then get out of their car. Mr. Canada said he has concerns with the building. He understands it is hard to please the manufacturer and local requirements, but this looks nothing like he envisaged it to be for the Gateway; it's very corporate looking and he feels it needs to be softened. Mr. Paine suggested more detail on the trim work and suggested looking at the Subaru.

A Stratham resident said he was happy to hear that the lighting wasn't going to change on the building. Mr. Laffey said the only thing that could change in the future would be changing to L.E.D. but the same wattage and brightness. The resident asked if there would be any external fixtures to the building and would they be down light or up lighting and is there an electrical plan? He mentioned that the Audi site needs cleaning up and the lighting there presents a real glare at night time. Mr. Laffey said they hadn't thought that far ahead yet, but as of now there are both some up and down lights.

Ms. Ober asked if more street trees would be added when the landscape architect works on the plan, or would that block the view of the vehicles parked there and will that cause a conflict. Mr. Morrill said they will have to come up with the best plan possible and might have to ask for some relief from the Board later on. Mr. Austin said that TRC had asked him to produce a check list so that when a plan is submitted he or the TRC could go through it to see where it does or does not meet the Gateway standards. Anything that doesn't meet will matriculate down to the Planning Board as a conditional use permit request.

Mr. Deschaine referred to the pond behind the building and said it was originally prized to meet the fire flow requirements for the whole development and predominantly recharging by storm water but it never held enough water and subsequent to that a cistern was built to replace it in terms of fire capacity. He requested that the structure be reevaluated as far as storm water compliance needs to meet the anticipated impervious surfaces. If it could be shrunk because it no longer requires the 30,000 – 40,000 gallons that would give a better ability to move the Market Street connection or get the drives to the bays better. Mr. Baskerville said if it is a fire pond that is now a drainage pond and Market Street is being put in, it might serve for drainage for Market Street. Mr. Paine asked where the well and septic were located. Mr. Morrill showed where they are on the plan and said they may have to move one of the tanks, but the leach field will remain where it is and it appears that they be able to put the well into almost like a catch basin structure and keep it where it is also.

Mr. Houghton summarized that the landscaping should be more conforming, the move to hardy plank from stucco siding is a step in the right direction, provisions for sidewalks should be shown on the plans, there is no real change to lighting but a lighting plan would be necessary if a change does occur; Mr. Baskerville asked about the master plan. Mr. Houghton asked if the Board should be looking for a master plan in conjunction with this application. Mr. Austin said that the TRC requested the master plan a number of times before even considering taking action on previous iterations and it is staff's recommendation to request it. He added that it is not clear on the master plan where the road is other than a line was drawn on the map.

d. Zoning Ordinance changes—ADU, TRC/GCBD, etc.

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Mr. Austin said he is just putting together the final draft language for accessory dwelling units

4. Miscellaneous

a. Report of Officers/Committees.

Mr. Austin talked about an upcoming application for 71 and 73 High Street. He explained that these properties had an approved subdivision through the Planning Board in 1997 that created a parcel. That parcel was then permitted a duplex and a duplex septic system on site. That's when the Town finished its review of the property. In March of 1998 Rockingham County Deeds recorded a condominium site plan and a homeowner's association document and the properties were sold as Units 1 and 2 and were taxed as such. About 10 days ago a request was made to replace a failing leach field at 71 High Street with a contractor. He went to D.E.S. to get a permit and they said it was a duplex and not a condo. The Town has never approved a condo sub division as required by RSA and local ordinance. Procedurally the Town would need to have a public hearing and a subdivision approval for the condominium plat. Mr. Austin asked the Board how much they would want to see in order to approve something almost 20 years after the fact. Staff's recommendation is that the conceptual site plan that was originally recorded be considered as an application and the owner be responsible for whatever is required for the planning recording level or as authorized by the Board to substantiate this legal subdivision of a property and application fees as the Planning Board might deem as appropriate. Mr. Austin mentioned something raised by Mr. Deschaine concerning application fees that if you are lenient with one person it might send out the message that it is not a big deal to do something wrong because it can be corrected for a small fee later on.

Ms. Zoe Manos explained that her mother owns 71 High Street. Mr. Baskerville asked if there was only one leach field. He was told yes and that leach field is on common property. Ms. Manos said that the well radius was originally set at 75', but it should have been 100'. At that point the drinking water rule was 100', the ground water rule was 75' and when you draw the 100' radius it goes onto the abutter's land. There was never a well release recorded. This property has been taxed as a condominium when technically it isn't. Mr. Austin said they contractor who was going to replace the leach field went to see Jones and Beach who did the conceptual site plan who said they had nothing but the condo conceptual site plan and nothing from the Planning Board back then. In theory a conceptual condominium plan is what was recorded. Mr. Austin said the Board could either consider this application as new or motion to accept the recorded document as a subdivision plat for the purposes of condominium subdivision. Mr. Baskerville said part of having an application fee is getting new plans from a surveyor, and the Board has to make sure they meet all the current regulations. Ms. Manos said they will put a 100' radius on the plan. Mr. Deschaine said the only unknown in his mind is that should the notice of decision be recorded and is that sufficient to validate the plat and relieve the party of any title conflict? He doesn't know the best thing to prevent this happening again 20 years from now. Mr. Austin said he's happy to work with the contractor and someone from Jones and Beach to say they may not have intended this, but this is where the applicant needs to go now and what does the applicant need to do to satisfy the DES so they can fix the leach field and fix the subdivision issue also with the Town. Mr. Baskerville asked if the Board has the authority to stamp a plan from 20 years ago for a purpose different to what the surveyor said it was.

Mr. Austin said as of right now, they are looking at a July 14 application date with all the signatures from the current owners to authorize this moving forward to get the notice in the paper and between now and August 3rd, getting something in front of the Board to decide if they are willing to authorize it. Mr. Houghton said he would think that Jones and Beach would want to step up and clarify what

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should be recorded. Mr. Baskerville asked if there was a subdivision plan for this originally so they can go back and amend a subdivision plan instead. Mr. Austin said the original approved subdivision plan was when a piece of the larger lot was subdivided which was later developed as a duplex and then this was recorded and transferred.

Mr. Houghton referred to the fees and said the applicant should pay the cost for notifying abutters and the notice with a nominal fee of \$100 for the whole application. Mr. Baskerville said he would be happy waiving the application fee with the note that this is a one-time case. Mr. Baskerville said that should the Board feel an additional kind of review is necessary, the applicant usually pays those fees.

Mr. Baskerville made a motion to waive the application fee of \$350 and apply the notice fee of what the Board believe is \$206 and if there are any other fees the Board might approach the applicant to pay those fees. Motion seconded by Mr. Paine. Motion carried unanimously.

Mr. Austin updated the Board that septic plans for Rollins Hill Development have been approved.

Mr. Paine made a motion to adjourn at 8:20 pm. Motion seconded by Ms. Paladino. Motion carried unanimously.

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