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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **September 4, 2013**
8 **Municipal Center, Selectmen's Meeting Room**
9 **10 Bunker Hill Avenue**
10 **Time: 7:00 PM**
11

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13 Members Present: Mike Houghton, Chairman
14 Bob Baskerville, Vice Chairman
15 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Member
17 Tom House, Member
18 Steve Doyle, Alternate
19 Christopher Merrick, Alternate
20

21 Members Absent: Mary Jane Werner, Alternate
22

23 Staff Present: Lincoln Daley, Town Planner
24

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

26 The Chairman took roll call.
27

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

29 a. August 28, 2013.

30 The minutes were not ready for review.

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

32 a. **Sarnia Properties Inc., 3 Portsmouth Avenue, Stratham, NH, Tax Map 4, Lots 2**
33 **through 6.** Site Plan Review Application for a shopping center redevelopment to
34 construct approximately 17,900 square feet of retail and office space and related
35 lighting, landscaping, drainage, and parking/access improvements. (Continued from
36 8/28/13)

37 The Chairman reminded everybody this was a continuation from the previous Planning
38 Board meeting. He opened by asking the applicant if there had been any changes.

39 Mr. Todd Baker, Project Manager of Sarnia Properties introduced himself and the
40 Manager of Sarnia Properties, Nick Crock. Mr. Baker said that since the last meeting,
41 they had submitted an updated lighting plan. Previously the plan showed a small wall
42 pack lighting 5 spaces; that has been removed. There was some concern that the

1 equipment being used was not night sky compliant, so that has been changed also. Mr.
2 Daley said he had given the plan a cursory review and it looked good.

3 Mr. Daley then mentioned that Mr. Doyle would need to recuse himself from this
4 particular application due to communication outside of the public hearing relative to the
5 application. Mr. Doyle recused himself.

6 Mr. Baker continued that they had updated the signage plan to show more details at the
7 request of the Board members. They had received the review and comments from the
8 Town's engineering consultant, CivilWorks regarding the drainage and stormwater,
9 but did not have time to address.

10 Mr. Daley said there are two major areas of concern involving the drainage and traffic
11 study. Mr. Jason Plourde from Tighe and Bond addressed the issue of the traffic study.
12 He said there are five items associated with the study. CivilWorks asked how they
13 were able to do a reliable traffic trip generation if they haven't done a traffic count as of
14 today. Mr. Plourde said he had explained that it was difficult to do apples to apples
15 comparison as the site is not fully occupied as of today which is why they used a
16 formula from the ITE manual. Mr. Plourde said the second comment is with respect to
17 the driveway grade. He said that the NHDOT have certain criteria for driveways and
18 they have complied with that. Civilworks referred to possible queuing on Stoneybrook
19 Lane and Portsmouth Avenue which he addressed also at the last meeting by listing
20 how many extra vehicle trips could be expected. Based on those criteria the queuing on
21 the adjacent road system would be negligible. The next observation was the need for
22 traffic systems at the site driveways along Stoneybrook Lane and Portsmouth Avenue.
23 Mr. Plourde said the amount of extra traffic will be negligible. Mr. Daley asked Mr.
24 Plourde if he believed that during the peak period there won't be any queuing in the
25 corridor between the Lindt facility and the main building with the way the traffic flow
26 is designed for the day care going through the parking lot itself. Mr. Plourde said right
27 now there are many conflict points on Stoneybrook Lane and what they are doing is
28 consolidating those to have more defined access points. Mr. Plourde pointed out too
29 that the medical facility hours are different to the day care hours so parents won't be
30 arriving at the same time as those using the medical facility.

31 Mr. Daley asked if the analysis had taken in special events that may be held by the day
32 care or Lindt that would introduce more vehicle trips onto the site. Mr. Plourde said the
33 analysis had not taken that into account, however he felt that as this wouldn't happen
34 very often, it didn't seem necessary to put in other measures. Mr. Baker reminded the
35 Board that when the day care center relocates onto the site it will be smaller than the
36 current one. Mr. Daley said that they can still legally have up to 54 children and asked
37 how many they have now. Mr. Baker responded by stating 20 children. Mr. Daley said
38 it is important to think what impact that could have on Exeter as well as Stratham,
39 should it increase from the current amount of children.

40 Mr. Houghton asked Mr. Plourde if his analysis was showing the potential common
41 trips per day based on the current configuration of the property versus future trips per
42 day for the future configuration. Mr. Plourde replied that was correct based on certain
43 peak periods per day. Mr. Houghton confirmed with Mr. Plourde, that at no point he
44 had looked at actual traffic. Mr. Plourde said if they did count today, firstly the site

1 isn't fully occupied and secondly there are too many unknowns to do a sensible
2 comparison. Mr. Merrick said that he felt there were mitigating factors such as the
3 different businesses having different opening hours. This would make sure the traffic
4 impact is more evenly distributed throughout the day.

5 Mr. Plourde returned to the Civilworks comments. He said they referred to crash
6 history data. He said he reached out to Police Chief Scippa and the officer that patrols
7 that area. He spoke to Kevin Russell from NHDOT District 6 and an official from the
8 Bureau of Planning and Community Assistance. Based on those conversations where
9 local jurisdiction is along Stoneybrook Lane, and State jurisdiction is at the Route 101
10 interchange, if there were safety concerns, they would go to the next step of looking at
11 crash history data. Discussions with the local police station revealed there is not a
12 safety concern along Stoneybrook Lane and it was the same for the Route 101
13 interchange since the improvements were done there over 8 years ago.

14 The last item mentioned by Civilworks was about extending a sidewalk further west
15 along Stoneybrook Lane to facilitate pedestrian access to the individual driveways and
16 parking areas. Mr. Plourde said there will be a walkway around the building that will
17 bring all pedestrians to access any of the facilities on the site but due to the NHDOT
18 Right of Way issues they are unable to do what Civilworks is suggesting. They were
19 willing to extend the sidewalk from Portsmouth Avenue onto the side and then have a
20 cross walk. Mr. Daley said that Mr. Deschaine spoke with the Town Manager in
21 Exeter and it could be an opportunity for both towns to work together on the
22 maintenance or the snow plowing of that side walk. More information is needed to see
23 what can and can't be done. Mr. Daley said they had never received a formal letter
24 from the DOT specifying the need for the Town to submit a memorandum so the Town
25 needs to do more research on that.

26 Mr. Daley said to the Board that as part of the Gateway District discussion was the
27 requirement of putting sidewalks along the length, in this case, of Stoneybrook Lane.
28 He said that on the landscaping plan there is a 5' or 6' strip which is south of the
29 landscaped area in the Town Right of Way, and there might be the ability to put a 5'
30 wide sidewalk in there with granite curbing on top of that. Mr. Daley wondered if the
31 Board supported that idea. Mr. Baker said they did look at the idea of putting a
32 sidewalk in there but decided more screening and landscaping was more important. He
33 said also that not that many people would use that part of the property as it is easy to
34 get onto the various properties without it. Mr. Baker felt that to put in thousands of
35 dollars of improvements along that way for a total of 6 houses is an unreasonable
36 request. Mr. Daley said he felt differently as he was looking to the future as over time
37 the houses there on Stoneybrook Lane may be turned into a commercial site. Mr.
38 Baskerville said that from an engineering perspective if you put a sidewalk there you
39 could put it at grade and paint it or raise it with a curb which would affect the catch
40 basins there. The drainage would be affected too. Mr. Daley said he could see
41 something as simple as a crosswalk connecting Stoneybrook Lane to the internal walk
42 ways on the proposed site.

1 Mr. Baskerville asked if they had a discussion with Exeter DPW about the Right of
2 Way and condition of the streets. Mr. Baker said he hadn't. He had only spoken with
3 their Town Planner and Building Inspector.

4 Mr. Paine said it appears that at the back of the building there are some access doors for
5 the properties there. He wanted to know if they were intended for employees only or
6 the general public. Mr. Baker said it will be primarily for employees but it's up to the
7 discretion of the business owners.

8 Mr. Houghton asked if there was any more feedback concerning the traffic. Mr.
9 Baskerville commented that due to the mixed uses and different business hours, he
10 wasn't too worried about it. Mr. Merrick said the major impact comes from the day
11 care center which is an existing use. Mr. Baker said that drop off for the day care
12 center is typically between 7:00 and 8:30 am and pick up between 5:30 and 6:00 pm.
13 Mr. Paine confirmed that the applicant had requested a reduced parking number for the
14 site and the purpose for that was due to the uses on the overall site. Mr. Paine felt that
15 the mix of uses on the site makes it an adequate facility and site for what is proposed.
16 Mr. Paine asked if the applicant was going to have signs to direct vehicles to the Route
17 101. Mr. Baker said they would.

18 Mr. House commented on sidewalks and said he agreed with Mr. Baskerville about
19 extending them to the back. He asked if the applicant had considered extending the
20 sidewalks down both sides of Stoneybrook so instead of visitors having to walk down
21 the street into the parking lot, they can use the 2 sidewalks. Mr. Baker said they had
22 tried to connect over to another section which he showed on the plan. Mr. House
23 commented that safety was extremely important in his opinion.

24 Mr. Baskerville said there had been some plans showing future parking if needed, if the
25 houses remain, he doesn't see many people wanting to walk across the street, but if
26 those houses were redeveloped into commercial, then he wouldn't mind leaving the
27 landscape for now with an option for sidewalks to be put in the future. Mr. Daley
28 asked if that would include cross walks on too. Mr. Baskerville asked where the Town
29 line was. Mr. Deschaine said to make things clear, Stoneybrook Lane is a Stratham
30 owned road into Exeter's Right of Way. He said the Town line used to go in a diagonal
31 line through the houses which became impractical so it was changed. Historically the
32 whole road is Stratham's. Exeter plows the area, but when it comes to maintenance of
33 the road, it is Stratham's responsibility. Mr. Federico asked what happened if Exeter
34 needed to repair the sewer. Mr. Deschaine said that Exeter has the easements for the
35 water and sewer elements. Mr. Daley said that both Towns are involved ultimately.
36 Mr. Federico agreed that the applicant should just put the greenery in and if anything
37 happens on the other side then a discussion can be had about putting in sidewalks. Mr.
38 Daley asked at whose cost. Mr. Federico said if they ask the applicant to put in the
39 sidewalks now, there isn't an agreement with Exeter about them. Mr. Daley said one
40 possibility could be a capital fund which the applicant could contribute to, that at some
41 point in time could be utilized for future expansion. Mr. Paine asked if the applicant
42 would be amendable to providing enough easement for a 5' sidewalk in the future. Mr.
43 Baker said it sounded reasonable to him, but he said there could be a lot of contention
44 about it due to the amount of screening that will be in that easement. Mr. Daley asked

1 Mr. Deschaine if there was a time table in place for repaving or improving Stoneybrook
2 Lane. Mr. Deschaine said the Highway Agent, Colin Lavery was in the process of
3 doing a Highway improvement plan which he hopes to have done by the Fall. Mr.
4 Deschaine said he isn't sure where Stoneybrook Lane fits into that plan as of now.

5 Mr. Houghton said it is hard to know what will happen in the future so he would be
6 more inclined to bring the existing perimeter of sidewalks down to the street as that
7 would provide some level of safety relative to pedestrian access should the other side of
8 the street get changed. Mr. Baker said the extension of the cross walk is a good idea
9 except they don't want it to get close to Stoneybrook Lane because then they get into
10 ADA regulations so a wheelchair ramp has to be provided and a cross walk. Mr.
11 Houghton said that like Mr. Baskerville he wouldn't be adverse to something being
12 added to the plan stipulating "to be built in the future." Mr. Daley confirmed that the
13 idea is to put a condition in the approval saying that if DOT allows the connector from
14 the existing sidewalk on Route 108 within the Right of Way, that should be included
15 as part of the plan and if DOT allows it, build it and if not don't show it. Mr. Houghton
16 said he meant that a provision should be put in the plan that extends that perimeter side
17 walk on both sides to Stoneybrook Lane to provide for safe access in the future in the
18 event that the properties are developed and pedestrian traffic becomes more prevalent.

19 Mr. Mezquita wanted to clarify the issue of extending the sidewalk from Route 108
20 around the corner into the site cross walk. He said should DOT not issue a permit
21 based on discussions with the Town, they have proposed to take that out if they can't
22 build it. Mr. Daley confirmed that it would be fine.

23 Mr. Daley said the next subject raised by Civilworks related to the drainage study. Mr.
24 Mezquita said they met with Civilworks in August and they gave some preliminary
25 comments regarding the drainage. As a result of that, the applicant resubmitted a plan
26 last week based on those comments. Today they received comments on that plan at
27 3:45pm so haven't had time to make any changes. They have commented on the
28 underground retention area on the south east side of the existing buildings. Mr.
29 Mezquita said Civilworks asked them to analyze the catch basin at the manhole on the
30 street which the water discharges into. The applicant did that and assumed the worse
31 case; the structure being flooded right to the rim to make sure the system could still
32 hold it. Civilworks had made some very general comments at this point about that
33 analysis.

34 Mr. Daley agreed that some of Civilworks' comments were broad brush comments and
35 that he would facilitate a meeting to narrow down the scope of their concerns. Mr.
36 Baskerville commented on the size of the outlet structure with a water quality tank in
37 front of it. Mr. Mezquita said it would be buried so nobody will see it, but that it will
38 help the flow of water for Stoneybrook Lane. Mr. Baskerville asked what the outlet is
39 like for the unit out in the back of the site. Mr. Mezquita said there are details for that
40 structure on the plans.

41 Mr. Daley said another concern from Civilworks was the use of porous pavement and
42 whether there are other structures being included as part of the overall design. Mr.
43 Mezquita said they have underground drains and the details have been provided. Mr.
44 Daley then asked how much pre treatment was occurring prior to the entry of water into

1 the Exeter system. Mr. Mezquita said D.E.S. has a current standard of using 400 cubic
2 feet storage per acre of impervious that you submit to it. The applicant meets that. Mr.
3 Mezquita stressed that the site will be getting much better treatment than it gets today.
4 Mr. Daley asked where the stormwater ends up in the Exeter system. Mr. Mezquita
5 showed on the plan where that occurred.

6 Mr. Merrick addressed utilities and the need for trenches. Mr. Mezquita said the
7 existing sewer system has a line shown on the plan. Mr. Merrick asked if the lines for
8 the buildings being demolished would be capped. Mr. Mezquita confirmed they would
9 be. Mr. Merrick asked about the gas lines. Mr. Mezquita said they wouldn't have to
10 run back to the main line. Mr. Merrick asked how much trenching would be necessary
11 overall. Mr. Mezquita talked through it. Mr. Merrick confirmed that the construction
12 traffic would access the site via Stoneybrook Lane. Mr. Mezquita said it would depend
13 which direction they come from. Mr. Merrick asked what the incremental cost would
14 be to pave that part of the road as part of the project. He observed that wouldn't the
15 applicant want brand new paving as part of their brand new facility especially after it is
16 being used by construction vehicles.

17 Mr. Baskerville said that the Town has a certain obligation for Stoneybrook Lane too so
18 he doesn't feel it's fair to expect the applicant to take care of it. Mr. Daley asked Mr.
19 Deschaine if a private developer has ever partnered up with the Town to take care of a
20 road. Mr. Deschaine said it had happened on many occasions although more so in
21 residential zones. He added that the quandary is that the road is serviceable now, but
22 will it be made unserviceable by the traffic that will use it for this new development.
23 One concern Mr. Daley voiced is that the Town does have some obligation to maintain
24 its roadways, although the improvements being made to the buildings will have an
25 impact on the condition of the roadway so he feels there is some rationale to partner up
26 with the developer to improve the roadway. However he isn't sure what that
27 involvement or contribution should be due to a lack of information about the current
28 state. Mr. Houghton asked Mr. Deschaine how close the Highway Agent is able to give
29 some cost analysis for Stoneybrook Lane. Mr. Deschaine said he had no information
30 with him so he would have to make an inquiry about that.

31 Mr. Houghton asked the applicant if they were willing to participate in a cost exercise.
32 Mr. Baker said a lot of things would need to come into that conversation such as taxes
33 and said they didn't come into this project to single handedly start improving public
34 roads. However, Mr. Baker did say if they cause any damage to the road, they will
35 repair it. Mr. Daley suggested some dialogue about it and cited the project at Frying
36 Pan Lane as an example where a bond was raised. He suggested adding the dialogue as
37 a post development condition.

38 Mr. Federico asked about the child care center and concerns with all the mechanicals in
39 the back and mentioned the Exeter Town Planner's concern about the location of the
40 driveway in context with the Stoneybrook connector. Civilworks' suggestion was to
41 have the driveway moved to the Stoneybrook connector as that way traffic would flow
42 directly from the Stoneybrook connector into the site. Mr. Federico asked if there was
43 any way they could move the child care facility to the left or to the south to make an
44 entrance through the middle of the development rather to the left. Mr. Baker said they

1 tried it, but first of all the day care facility is under lease under one of the buildings that
2 they want to demolish so their cooperation is needed to make it work. He explained
3 that they want some visibility from Portsmouth Avenue so when they tried to change
4 their location it didn't quite work.

5 Mr. Houghton asked Mr. Daley to present comments from the Town of Exeter. Mr.
6 Daley started by summarizing comments from the Rockingham Planning Commission
7 (RPC) first. He said they are concerned about the traffic impact on the general area
8 along with the drainage and impact upon Exeter and they want to be sure that the
9 lighting plan is dark sky compliant.

10 Mr. Daley moved to Exeter's comments. The Exeter Town Planner is concerned with
11 the properties on Stoneybrook Lane being devalued by the view of the back side of
12 buildings which will also reduce the potential for future development including
13 commercial. They are concerned about the dumpsters and noise generated by the
14 mechanicals and the lighting of vehicles as they exit onto Stoneybrook Lane. The next
15 concern is the orientation of the buildings themselves. The plaza is shown without a
16 main entrance and the Portsmouth Avenue entrance has a difficult turn, it can only
17 accommodate south bound traffic, the large entrance from Stoneybrook directly impacts
18 abutments and the third entrance allows employees and trucks to access the back of the
19 buildings. Mr. Daley said that Exeter suggested having the buildings face Stoneybrook
20 Lane, utilizing grandfathered, existing locations, and having interesting architectural
21 styles as that could both enhance Stoneybrook commercial potential and reduce
22 multiple impacts for existing residents.

23 Mr. Daley continued that the Exeter Town Planner recommends a 25' buffer which the
24 Planning Board can ask for under the Site Plan regulations. The issue of sidewalks
25 along Stoneybrook Lane would require boundaries, creating a safer and even pedestrian
26 friendly landscape; a pedestrian link to McDonalds could also be established. Exeter
27 would like more details about the water and sewer. The recommendation to the
28 Stratham Planning Board is to have the Town's engineer meet with Exeter's DPW to
29 discuss any possible issues with water, sewer or other proposal elements that impact
30 Exeter's municipal departments. Secondly the applicant should work with both
31 planning and public work departments to work out any details or adjustments to the
32 systems. With regard to drainage and stormwater systems, the concerns are that the
33 drainage has minimal grade infrastructure components such as tree wells. One
34 component showing a rain garden is inaccessible and therefore difficult to maintain on
35 an annual basis. After conducting a site walk an outfall of the drainage system for the
36 plaza was discovered has created a major erosive ravine at the end of Stoneybrook Lane
37 which flows into a tributary into the Squamscott River. Lastly, Exeter referred to snow
38 stormwater storage removal, saying it drains to the wetlands directly without any
39 treatment. Exeter suggests that water quality enhancing systems could be installed in
40 the areas that are easier to be maintained such as large island in the parking area, tree
41 wells and swales. The proposed rain garden could be replaced with a gravel wetland
42 which according to the NH Stormwater Center is one of the best methods for removing
43 petroleum based hydro carbons and other pollutants. The applicant could repair
44 damages to the ravine and redesign the outfall to ensure erosion does not continue. To
45 reduce overall impervious surface, parking could be held to the minimum required and

1 lastly downstream of snow storage areas, the applicant's engineer could design swale
2 systems to filter out debris and pollutants prior to them entering the wetland system.
3 With regards to architectural drawings, Exeter's Town Planner recommends putting a
4 buffer around mechanicals to the highest standards available, elevations to the north
5 could appear more residential by utilizing various architectural elements.

6 Mr. Daley asked about the possibility of consolidating some of the mechanicals to the
7 top of the building. Mr. Baker said they are very heavy and he believes are not allowed
8 to be located on the roof. Mr. Merrick suggested the applicant using a muffler for the
9 generators.

10 Mr. Daley asked the Board if they had any concerns that haven't yet been discussed
11 relating to the Town of Exeter's comments. Mr. Baskerville said there are some sites
12 where he hasn't been happy with underground system and he wasn't aware of the
13 erosion issue as mentioned by the Exeter Town Planner. He said it would be cost
14 saving instead to put in a solid base and maybe put it at the end of the road where the
15 outlet pipe is, now an outlet with bad erosion will be fixed and it would be cheaper to
16 build. Mr. Federico said his only concern is that if you put it where the road ends; you
17 have an abutter that has access rights all the way down. Mr. Baker said they chose the
18 current system as it slows down the water flow for the residents across the road. Mr.
19 Daley asked the Board if they would be amenable to Mr. Baskerville's suggested idea.
20 Mr. Baskerville said they need to know who is responsible for the drainage whether it is
21 Stratham or Exeter.

22 Mr. Mike Donahue, lawyer representing one of the property owners said that the State
23 took part of the land to construct a detention system as a state maintained facility that's
24 along the curb of Stoneybrook and runs out back towards the Parkman Brook. Mr.
25 Paine asked about a permit for the stormwater. Mr. Mezquita said there will be a
26 NPGES with the EPA as well as a construction permit which will be recorded.

27 Mr. Baskerville said in his mind the site layout has been discussed, he likes some of the
28 improvements they have made and until he found out that Stratham is responsible for
29 Stoneybrook Lane, he was fully ready to vote for its approval with conditions.

30 Mr. Houghton invited the public for any comments they may have. Mr. Deschaine said
31 that he and Mr. Daley had visited the Convenient MD facility in Wyndham and he
32 thinks it will be a great addition to the Stratham community, but one thing that came up
33 about access is if you are coming from Exeter, you might not necessarily know that you
34 have to take a turn into the facility especially if you are not in a clear state of mind so
35 there needs to be clear signage as they may take a u-turn where they are not supposed
36 to. He asked if any discussion had taken place with Exeter about signage. Mr. Baker
37 said they have to get a variance from the Town of Exeter to share sign space with Route
38 66 as their allowance is maxed out. Mr. Deschaine said even a directional sign on the
39 island would be helpful. He suggested they pursue the sign issue further with Exeter.

40 Mr. Deschaine then commented on the fact that the applicant obviously wants to move
41 forward as soon as possible, but he is hearing a litany of conditions growing with other
42 unknowns. He cautioned the Board that although approvals with conditions have been
43 given before it gets problematic when there is this amount of conditions involved.

1 Mr. Paine asked if the applicant had contacted D.O.T. about signs. The applicant said
2 they would look into it.

3 Ms. Lucy Cushman suggested investigating the Olympic Sports complex for a sign
4 because you really need to know that you need to turn before you get to that
5 intersection as there are 3 lanes of traffic there.

6 Mr. Houghton asked Mr. Daley about the latest signage plan. Mr. Daley said he had
7 received it today and reviewed it. He said he would be talking to the applicant about
8 the methodology for calculating their allowance. He said directional signage
9 information hadn't been supplied as of yet. He said it would be fine to list signage as a
10 condition if the Board wished to do so.

11 Mr. Houghton asked about the lighting plan. Mr. Daley said he had received the
12 finalized plan this evening so hasn't had time to go through it in any detail. Mr. Baker
13 said he thought there was one thing left for them to do with the spillage of lighting on
14 some parking spaces.

15 Mr. Daley summed up outstanding items as lighting, drainage, signage, and the issue of
16 roadway improvements and confirmed the Board was satisfied with the issues of traffic
17 and landscaping.

18 The Board discussed whether or not they were ready to move forward with an approval.
19 Mr. Daley pointed out that if they moved forward with the approval that it did involve
20 an excessive number of conditions for a site plan approval.

21 Mr. Daley summed up the conditions; there's been a resolution of the lighting plan, he
22 recommended the condition be placed requiring the applicant to work out the final
23 details and issues with the Town Planner to resolve any and all issues regarding the
24 lighting plan. Resolve outstanding issues with Civilworks and Town staff on site
25 regarding drainage. Mr. Baskerville said drainage issues should probably be broken
26 down into two issues involving site drainage and new drainage measures on
27 Stoneybrook.

28 Mr. Merrick asked if the problems relate to the whole street, how is that the applicant's
29 problem. Mr. Daley stated that the applicant contribute to the stormwater output. Mr.
30 Baker pointed out that the amount of rainfall will not change on the site whether they
31 develop it or not. Mr. Deschaine asked if there was going to be a condition with the
32 two part drainage issue or is it a one part drainage issue. Mr. Baskerville said that Mr.
33 Paine wanted the applicant to make sure outside drainage is cleared up with Civilworks,
34 but there has to be a condition about Stoneybrook Lane being investigated and
35 discussed or should a site walk be organized involving DPW. Mr. Daley said he felt
36 there wasn't enough information for the Board to make a condition with substance.

37 Mr. Federico made a motion to continue with the conditions and determine whether we
38 are going to do a conditional approval based on those conditions. Mr. Daley said he
39 would table the motion until the Planning Board closes the public hearing.

40 Mr. Paine made a motion to close the public hearing. Motion seconded by Mr.
41 Merrick. Motion carried unanimously.

1 Mr. Daley was asked to continue listing the conditions. Lot consolidation is required
2 for the 4 lots merging into one. The Board agreed.

3 Mr. Baskerville said he would like to place a condition on the approval that as part of
4 the changes the applicant proposes to Stoneybrook Lane that the Board do further
5 research with the Stratham DPW and we ask the applicant to agree to have a discussion
6 with us considering the improvements that ought to be made to Stoneybrook Lane and
7 possible cost sharing with the understanding that if an agreement is not reached, they
8 have to return to the Planning Board for another compliance hearing. Mr. Daley asked
9 what the goal of that meeting would be. Mr. Baskerville said the applicant is proposing
10 certain changes to Stoneybrook Lane and he was under the impression that was going
11 to be reviewed by Exeter DPW as a consequence Mr. Baskerville hasn't been thinking
12 about Stoneybrook Lane and tonight there is no feedback available from Stratham
13 DPW so he feels uncomfortable about that. The road hasn't been looked at with regard
14 to the pavement, conditions and changes to the drainage. Mr. Baskerville continued that
15 they either have a condition that discussion with the Stratham DPW has to take place or
16 we wait for two weeks and talk to them in the meantime.

17 Mr. Paine asked if it would be a benefit to put an end date to that condition. It was
18 agreed 30 days after the approval of the plan.

19 Mr. Deschaine said he is hearing that the Board is giving a conditional approval with
20 conditions that will both be precedent and post which is vastly complicated. Mr.
21 Deschaine continued by stating that a decision could be overturned if the conditions are
22 not definite and clear and sufficient justification is not provided.

23 Mr. Baker asked if Mr. Deschaine was 100% sure about the Town line and the road
24 belonging to Stratham. Mr. Deschaine said he had checked by using deeds and talking
25 to the Town of Exeter and as the road belongs to Stratham, one has to assume Stratham
26 is responsible for its maintenance. The exception is winter maintenance as Stratham
27 reached an agreement with Exeter. Mr. Merrick asked if it wasn't possible to set a
28 condition to allow for an equitable discussion within the 30 days or two weeks. Mr.
29 Federico said it is difficult without comments from Stratham's DPW. He told Mr.
30 Baker that it is more than likely they will need to post a bond for the piece of road in
31 front of the property.

32 Mr. Daley said his concern is that the condition for this needs to be more clearly
33 defined. Mr. Federico discussed how they set a bond for the Frying Pan Lane project
34 which involved the Highway Agent assessing the road condition and how much it
35 would cost to keep it in that condition once construction of the project was finished.
36 Mr. Daley asked if he was suggesting a similar approach for this project. Mr. Federico
37 said yes. Mr. Daley advised that he probably wouldn't set a time frame for a discussion
38 to occur, and suggested instead saying something along the lines of "they will post a
39 bond of a certain amount of money if necessary to maintain the responsibility of the
40 roadway." Mr. Houghton said they need to define that responsibility. Mr. Daley said
41 logically it could be the last exit of the far western entrance way. Mr. Houghton said
42 they still were not defining the responsibility, were they expecting them to reconstruct
43 the road and post a bond to do that. Mr. Federico said he didn't think they were asking
44 for that, but rather for maintenance to keep it in its current condition. Mr. Paine asked

1 if there was a required percentage for other developments off site or adjacent to the
2 roads. Mr. Federico said most of the traffic that will use Stoneybrook Lane will go to
3 this new development. After some further discussion, Mr. Daley suggested letting staff
4 resolve the issues concerning DPW.

5 Mr. Daley referred to the waiver requests. He reminded the Board that the applicant is
6 seeking a 20% reduction in parking spaces from 182 spaces to 147 spaces.

7 Mr. Baskerville made a motion to approve the parking requirement waiver. Motion
8 seconded by Mr. Federico. Motion carried unanimously.

9 Mr. Daley moved to the next waiver about landscaping. He reminded the Board of the
10 required ratios and the ratios requested by the applicant. Mr. Baskerville made a
11 motion that as the landscaping is going to be vastly improved over what it is now and it
12 misses by just a small amount that the Board accepts the landscaping as currently
13 submitted. Motion seconded by Mr. Paine. Motion carried unanimously.

14 Mr. Daley addressed the third waiver from Section 4.3.1.f. from the Site Plan
15 Regulations; The shape, size, height, and location of existing structures on abutting
16 properties and access roads within 200' of the site be shown on the plans. Mr. Daley
17 said they only show a smaller scale of the actual development itself.

18 Mr. Baskerville made a motion to approve the waiver. Motion seconded by Mr.
19 Federico. Motion carried unanimously.

20 The final waiver concerned Section 4.3.1.k which requires a soils map showing all soil
21 types and delineating any poorly or very poorly drained soils. He said the applicant
22 does show the extent of the delineated wetlands which were certified by one of the
23 scientists along with the 25' no disturbance and 50' wetland buffer areas.

24 Mr. Federico made a motion to grant the waiver. Motion seconded by Mr. Paine.
25 Motion carried unanimously.

26 Mr. Houghton asked the Board if they would like a continuance of this meeting or to
27 approve a conditional approval.

28 Mr. Federico made a motion for conditional approval with the listed conditions and
29 have the staff resolve any of those outstanding issues. Motion seconded by Mr.
30 Baskerville. Motion carried unanimously.

31 Mr. Doyle rejoined the Board.

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

33 a. **Exeter Subaru, 37 Portsmouth Avenue, Stratham NH, Tax Map 9, Lots 1 & 2.**
34 Preliminary Site Plan Review Consultation to construct a 6,000 sq. ft. addition to the
35 existing Subaru building, parking expansion on former Mobile Station, and related
36 drainage, landscape, and lighting improvements.

37 Bruce Scamman, Emanuel Engineering, representing Exeter Subaru introduced himself,
38 David Yanofsky, Mr. Michael Donahue, Attorney and Jeff Hyland, Landscape
39 Architect.

1 Mr. Scamman explained this project was located at the corner of River Road and
2 Portsmouth Avenue. They are before the Board for a preliminary hearing. They wish
3 to add an addition to the current building, a little less than double the size of the
4 building. They plan to continue parking across the front, but are still working on the
5 exact details of the lines on the pavement. They are working on landscaping. They
6 have a double stack of parking across the front, both driveways on the Mobil site will
7 be eliminated which will alleviate any heartache with extra driveways on Portsmouth
8 Avenue.

9 Mr. Federico asked if those two driveways would become greenery. Mr. Scamman said
10 yes and that there would also be greenery along the front. He pointed out where all the
11 parking rows would be on the plan and said also that this design gives a tractor trailer
12 the ability to travel through the site. Mr. Scamman then referred to the rear of the lot
13 and said they are planning to extend that but are working with DES and AOT to
14 determine the quality of the wetlands at the rear of the property. There has been some
15 discussion about how the applicant plans to do the drainage so they are working with
16 AOT on that. They were going to put in an underground storage of water and treatment
17 with an overflow pipe coming out, a raised bio retention pond with a treatment of 2' of
18 soil and a biomix so some nitrogen removal could occur. The Mobil site has been a gas
19 station for the last 50 – 60 years and there was some contamination on that site in the
20 past which has been monitored by DES. Their thought was to steer everything out to
21 the rear of the lot, but they were asked to talk with the waste division of the DES to talk
22 about the contamination. Their research showed that the Planning Board approved the
23 Mobil site provisions about 10 years ago and they had infiltration on the front of the
24 site. The site was tested in July and DES believes when the results come back they will
25 show that the contamination will be back to acceptable levels. Mr. Adams from the
26 DES suggested that if they can do infiltration on any place on the site, maybe they can
27 do some up front, use some porous pavement and other various ideas. Mr. Scamman
28 said they didn't realize this at the time they designed the drainage so they are still
29 working with the DES on that, but they will follow DES's recommendation. Some
30 treatments were already done in the original design so with some added rain gardens
31 and LID treatment centers they should be able to deal with that.

32 Mr. Scamman showed some initial sketches of the building that Subaru want them to
33 have. Mr. Federico said he thought that the current roof had a slope to it and they
34 wouldn't approve the roof as currently shown on the design. Mr. Scamman talked
35 about traffic engineering; he feels that removing two driveways and the old Mobil site
36 which was a heavy traffic site that they don't need a traffic study done for this project.
37 Mr. Houghton asked how many parking spots there would be. Mr. Scamman said
38 approximately 250. Mr. Daley corrected the number as 260.

39 Mr. Federico said he would like to know the number of spots for employees and
40 customers. Mr. Paine confirmed it was 260 plus the 100 across the street. Mr. Daley
41 broke it down as 188 for Auto storage display, 57 for servicing and for employees, 8
42 customers, 3 handicap and 7 general ones which is a gravel area on the abutting
43 property. Mr. Federico asked if customers drop off their cars right in the front if they
44 are in for service. Mr. Scamman said on the side. Mr. Federico asked if they were
45 expanding both service and sales. Mr. Yanofsky said there would be.

1 Mr. Paine asked if there would be an office use as part of the addition. Mr. Yanofsky
2 said the back is all service.

3 Mr. Baskerville raised a concern involving traffic and proximity of the River Road
4 entrance to the Route 101. There is no queuing distance there. Mr. Scamman said they
5 had talked about it and they may move the entrance up a little. When it comes to traffic
6 counts, Mr. Baskerville said he tends to agree that a traffic study isn't needed. Mr.
7 Federico agreed as it's a diminished use from previously. Mr. Daley commented that a
8 traffic study wasn't required for Autofair Nissan. Mr. Houghton said this is a
9 diminished use when it comes to traffic. Mr. Daley confirmed that the Board felt a
10 traffic study wouldn't be required for the formal application.

11 Mr. Scamman said part of the thought process for putting a pond out near the rear and a
12 gravel driveway was to do with the road being put in for the Market Basket project as
13 this will allow for the possibility of a connector road.

14 Mr. Paine asked if fire trucks can get around the building. Mr. Scamman said there was
15 enough room, they had a 24' aisle. He asked if the piece in the wetland needed to be
16 there. Mr. Baskerville further asked how much of the wetlands would be impacted.
17 Mr. Scamman said about 9900'. He added that they are using retaining walls with an 8
18 foot step so plantings can be put in there. Mr. Baskerville asked about the quality of the
19 soils in the wetland. Mr. Scamman doesn't know at this point, but he did meet with Jim
20 Gove and Colin Laverty, both had limited concerns.. Mr. Scamman said Mr. Gove
21 talked about a new retaining wall system called a "rock sandwich" currently be used in
22 Maine for consideration on the site. Mr. Baskerville said filling the wetland will
23 probably be frowned upon because Subaru could just reduce the number of parking
24 spaces by 20.

25 Mr. Paine asked if this project falls under the Gateway regulations. Mr. Daley said it
26 did and added it will require a series of variances from the ZBA also for the
27 encroachment on the wetland areas. He encouraged the applicant to meet with the
28 Conservation Commission as soon as possible to address their concerns. Mr. Daley
29 asked if they had reviewed the Gateway guidelines and standards when they designed
30 the layout. Mr. Scamman said not 100% as they are not yet at the 100% stage. Mr.
31 Daley recommended reviewing the standards and the guidelines associated with the
32 Zoning Ordinance. Mr. Daley said such things as site walks along River Road and
33 potentially Route 101 are required. A maximum setback of 15' from the building, but
34 as it's an existing building that could be a challenge. Mr. Scamman said that the design
35 team did meet with Mr. Daley and Mr. Deschaine ahead of time and some of that
36 discussion was about the existing building.

37 Mr. Daley said the applicant should look at open space requirements also as they
38 include 15% of the entire site must be included as public and open space. He observed
39 that the majority of the site is impervious surface with the wetlands areas considered
40 open space. He said the Gateway guidelines require that it be usable open space too
41 and that there are pedestrian elements. Mr. Daley encouraged the applicant to look at
42 the landscaping elements along River Road while at the same time preserving the very
43 nice view shed of the conservation land.

1 Mr. Baskerville noticed that the back corner of the parking lot is very close to the
2 property line and has a guard rail. He asked what the change of grade was there. Mr.
3 Scamman said it is about 5' and there is a retaining wall there. Mr. Baskerville said
4 there won't be any room for landscaping there. Mr. Scamman said that was one of the
5 things they were working on. Mr. Baskerville suggested that the applicant get a
6 wetlands permit.

7 Mr. Daley asked Mr. Scamman if he could remind the Board of the discussions
8 concerning the road. Mr. Scamman said there is still discussion about which lot it is
9 going to be on. Originally when the Nissan Dealership and sub division was done, they
10 had planned on the back of those lots be right at the lot line so the road could continue
11 across. Due to the number of cars that lot had to be expanded by 2 acres that pushed it
12 out further. Mr. Scamman said as a consequence the discussion will be does the
13 connector road continue straight across or is it going to have to take a left and right.
14 Mr. Baskerville asked if Market Basket owns the land behind River Road. Mr.
15 Scamman said that Doug Scamman owns it. Mr. Scamman said in 2007 he did some
16 work with the Town about where to put a water pipe and the road was included in that
17 project too. Mr. Scamman said the question is, if they put in the driveway can the road
18 be connected to that for easier access. Mr. Paine asked if they would be amendable to
19 making the access further up on River Road where it bends. Mr. Scamman said
20 possibly although the gas pipe could be an issue.

21 Mr. Baskerville said as the discussions with Market Basket about the back access was
22 prior to several members being on the Board would it be possible to hold a workshop
23 about the history of the project.

24 Mr. Paine asked about the septic and wells. Mr. Scamman said the existing Subaru has
25 a new septic approval which is pumping over to the old Mobil site. New test pits were
26 done and they will need a larger tank and a leach field which will be located a little
27 nearer to Portsmouth Avenue than currently. Mr. Scamman said there is an existing
28 well which is on the embankment at the back of the existing lot. Mr. Scamman is
29 proposing to keep that in place and raising the grade to the existing parking lot with a
30 sealed casing around it. He said there is also an existing well in the front of the Mobil
31 lot. Mr. Paine mentioned that the applicant had mentioned a solar facility in the past
32 and asked if that was still part of the plan. Mr. Yanofsky said they would still like to
33 look at it. Mr. Daley asked Mr. Scamman if they anticipate having tractor trailer traffic
34 on site. Mr. Scamman said they will come in during the over night period. Mr. Daley
35 asked about the picking up and dropping off of leased vehicles. Mr. Yanofsky said that
36 would be at Scamman's and the parts delivery has been changed to only at nights.

37 Mr. Daley told the applicant that because this is a Gateway project it will be reviewed
38 by the Gateway Technical Review Committee (GTRC) and then dependant on there
39 being any waivers or relief from the Zoning Ordinance, the project may be required to
40 go before the Planning Board for their input and approval. Mr. Scamman asked what
41 the next step will be. Mr. Daley replied that they should put in a formal application and
42 the GTRC will have jurisdiction to review it at a public hearing, and in conformance
43 with the Zoning Ordinance, if any relief is required, it will be sent to the Planning
44 Board.

1 Mr. Houghton asked if there had been any consideration given to the idea of re-aligning
2 River Road with Frying Pan Lane. Mr. Scamman said that this project has no control
3 over it, but they are willing to work with the Town. Mr. Daley said they need to meet
4 with the D.O.T. to see the plausibility of the re-alignment and was encourage by Mr.
5 Yanofsky's support. A general discussion about the re-alignment of the two roads then
6 ensued.

7 Mr. Deschaine asked Mr. Houghton if for the record he was directing staff to enter into
8 discussions with D.O.T. for the potential of the relocation of River Road based on both
9 plans. Mr. Houghton confirmed that he was.

10 The conversation returned to the issue of the Gateway design guidelines. Mr. Yanofsky
11 explained that he may have some problems getting Subaru buy-in but he would let them
12 know what the Board has says. Mr. Hyland said they met as a team and started the
13 discussion relating to the site plan and has started to draw up some concepts which they
14 will bring back before the Board.

15 Mr. Paine asked if the building could be orientated a little differently. Mr. Federico
16 reminded him that they were adding to an existing building.

17 Mr. House asked Mr. Scamman about the radius shown in the northern most corner.
18 He said it is shown as parking which he wondered if parking can be located in a well
19 radius. Mr. Scamman said it may be turned into a pre-treatment area or plantings may
20 be put in there. He said cars can be parked there, but due to the lack of
21 maneuverability, it probably isn't a practical place to park cars.

22 A member of the public asked if it was worthwhile for the applicant to meet with the
23 GTRC before the D.O.T. issue is resolved. Mr. Daley said he couldn't answer without
24 knowing the outcome of the meeting with the GTRC. Mr. Houghton added he didn't
25 think the dialogue relative to the road is going to change the building. Mr. Daley said
26 the dialogue with the D.O.T. will take time, even a few months just to do an analysis on
27 whether it's even feasible.

28 Mr. Daley asked about fire suppression. Mr. Scamman said there will be a Town fire
29 line on the easement right behind them so they haven't designed anything concerning
30 fire suppression at this point. Mr. Donahue said his recollection from the Mobil site
31 application is that they provided the Town with \$80,000 in lieu of constructing a cistern
32 that is sitting in a fund for fire protection in that area. Mr. Daley confirmed what Mr.
33 Donahue said.

34 Mr. Scamman asked the Board what type of information they would like to see about
35 going into the wetlands. Mr. Baskerville said they should speak to the Conservation
36 Commission, he would like to hear what Jim Gove has to say about the wetlands and
37 they might want to consider a joint site walk with the Conservation Commission to see
38 what this looks like on the ground. Mr. Scamman confirmed there are no endangered
39 species on the land and that his family used to plow the land so he is not expecting the
40 quality of the wetland to be too bad. Mr. Paine asked what the source for the ponds is
41 and would they be cutting it off. Mr. Scamman said they are hoping to let the flow
42 continue through. The Town put in a 24 inch pipe which collapsed so the water flows

1 through and filters into a certain area. It continues into the Market Basket area and
2 enters a large swale system behind Market Basket.

3 Mr. Baskerville asked if they wanted to set a date for a work session to talk about the
4 connector road to Market Basket. Mr. Daley asked if Mr. Scamman would be able to
5 make October 18th 2013. Mr. Scamman said he was available. Mr. Daley suggested that
6 the Conservation Commission take the lead on organizing a site walk. Mr. Scamman
7 said should they go before the Conservation Commission as a preliminary and go for
8 the site walk before submitting a formal application or put in the formal application
9 first. Mr. Daley suggested they meet with the Conservation Commission before
10 submitting the formal design as they will probably have comments.

11 **5. Miscellaneous.**

- 12 a. Report of Officers/Committees.
 - 13 i. Economic Development Committee
 - 14 ii. Exeter-Swampscott River Local Advisory Committee
 - 15 iii. Heritage Commission
 - 16 iv. Public Works Commission
 - 17 v. Stormwater Management Committee
 - 18 vi. Town Center Revitalization Committee
- 19 b. Member Comments.
- 20 c. Other.

21 There were no miscellaneous items to report.

22

23 **6. Adjournment.**

24 Mr. House made a motion to adjourn the meeting at 10:44 pm. Motion seconded by Mr.
25 Merrick. Motion carried unanimously.