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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **March 16, 2016**
8 **Municipal Center, Selectmen's Meeting Room**
9 10 Bunker Hill Avenue
10 Time: 7:00 PM
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13 Members Present: Mike Houghton, Chairman
14 David Canada, Selectmen's Representative
15 Tom House, Member
16 Nancy Ober, Alternate
17 Lee Paladino, Alternate
18
19 Members Absent: Bob Baskerville, Vice Chairman
20 Jameson Paine, Member
21
22 Staff Present: Tavis Austin, Town Planner
23

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

25 The Chairman took roll call and asked Ms. Ober and Ms. Paladino to be voting members.
26 Ms. Paladino said she would have to recuse herself because of the working conflict with the
27 applicant.

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

29 **a. March 02, 2016**

30 Mr. House made a motion to approve the meeting minutes of March 02, 2016. Motion
31 seconded by Ms. Ober. Motion carried unanimously.

32 **3. Public Hearing**

33 **a. Realty Acquisitions, LLC, 142 Portsmouth Avenue/PO Box 432, Stratham NH**
34 **03885 for the property located at 9 Portsmouth Avenue, Tax Map 4 Lot 11.** Site
35 Plan Review and Conditional Use Permit to construct a banking facility with drive-
36 through services. Public Hearing scheduled for March 16, 2016 following
37 recommendation of approval from Technical Review Committee.

38 Mr. Houghton asked if the application was complete. Mr. Austin said it was. Mr.
39 Houghton asked the applicant if they had all the necessary permits. Mr. Stevens replied
40 the only permit would be a demolition permit for demolishing the gas station. They will
41 need a septic system plan before they can pull a building permit. A test pit was done
42 today.

1 Mr. House made a motion to accept the application for Realty Acquisitions, LLC, 142
2 Portsmouth Avenue, P.O. Box 432, Stratham, NH for the property located at 9
3 Portsmouth Avenue, Tax Map 4 Lot 11. Motion seconded by Ms. Ober. Motion carried
4 unanimously.

5 Mr. Stevens, reminded the Board of the application as they were before the Board on
6 March 2, 2016. He said they now had the landscaping, lighting, drainage details and had
7 made requested changes to the site plan including the removal of the right turn out onto
8 Portsmouth Avenue and the internal traffic flow on the site. The existing pylon sign is
9 in a grandfathered area at a grandfathered height which they don't want to lose. They
10 would like to move the location of the sign, but if they can't, they will have to keep it
11 where it is currently.

12 Mr. Stevens said they will need 5 conditional use permits (CUP). One for the 2 drive
13 through lanes, parking lot set back, location of 100' from Portsmouth Avenue, the
14 distance from Parkman Brook, and the requirement of a tree every 25' and one light for
15 every 25' too.

16 Mr. House asked if the proposed stone wall on the plan is acting as a retaining wall too.
17 Mr. Stevens said it wasn't. Mr. Austin wondered about putting a speed table in where
18 steps are currently shown leading to the stone wall. Mr. Stevens said they would do that
19 if they needed to, but he would prefer to avoid it if he can.

20 Mr. Stevens reminded the Board he can bring potable water and fire protection from one
21 his nearby properties to this property.

22 Mr. Canada said the State had given the Town a grant to bring water from Exeter to this
23 facility, but he doesn't know to what extent it is linked to the bond issue on Friday night
24 which wasn't approved by the Town.

25 Mr. Houghton said he couldn't see any dumpsters or trash services. Mr. Stevens said
26 they have cleaners that come in every day and they dispose of the trash. Mr. Houghton
27 inquired about mechanicals. Mr. Stevens showed where they mechanicals would go as
28 well as spots for snow piles.

29 Mr. House said the Fire Chief had a couple of questions; one being the access around the
30 canopy and the other about whether the building is sprinkled. Mr. Stevens said there is
31 water available for water suppressant. Mr. Michael Keane, architect said the 15'
32 dimension is taken to the edge of the concrete pad and the canopy roof cantilevers off the
33 island. He is happy to give 18 or 19' as long as he can hold back the canopy roof and
34 suggested it be added as a condition. Mr. Stevens said that they took a fire truck and
35 everything worked. Mr. Keane referred to the sprinkler question and said that it is not
36 required as per fire codes.

37 Mr. Keane talked about lighting and said the lighting plan in the package was done
38 quickly so they had a complete application, but they looked at it in more detail and
39 decided it could be better and have brought the plans for that. Mr. Keane talked through
40 the second lighting plan which showed the site as being more evenly lit. Mr. House asked
41 if the light for the drop off deposit box was on 24/7. Mr. Keane said that at least one of
42 them would be. Mr. House asked if there were any motion sensors in case there were
43 any robberies or something similar. Mr. Keane said he would have to check with the

1 bank's security on that. Ms. Ober asked if employees would be exiting and entering
2 through the front or through the back door that goes out toward where they park. Mr.
3 Keane said he assumed out of the back door.

4 Mr. House asked if the sign that is on the site is lit. Mr. Stevens said he believed it was
5 internally lit and they will keep it the same way.

6 Mr. Houghton looked at the site plan review check list and said on pages 2 and 3 there
7 are a significant list of items that say pending. Mr. Graham said most of those things are
8 now with the Board apart from the test pit data; the date was moved to a week later for
9 that. Mr. Canada said he felt that most of the issues had been covered tonight and thought
10 they could accommodate the applicant by approving this tonight contingent on any
11 outstanding items. Mr. House and Ms. Ober agreed. Mr. Houghton observed that the
12 regulations require a landscape architect stamp on the landscaping plan. Mr. Canada
13 observed that the Landscape Architect was from Maine. Mr. Stevens said it might be
14 better to request a waiver instead because he is confident in the ability of the person they
15 used.

16 Mr. Canada made a motion to waive the requirement for the Landscape Architect stamp
17 and accept the plan as presented. Mr. Houghton said they should have a waiver request
18 document in place. Mr. Canada said they could make it a condition. Mr. Austin read the
19 regulations which confirmed the need for a stamp or the Board could waive the
20 requirement if the project was under \$400,000. The applicant completed a waiver.

21 Mr. Austin asked the Board if they felt they had enough information to make a
22 determination or would they prefer to see the check list. He requested that once a decision
23 is made about the water situation that it be shown on the final version of the plans.

24 The Planning Board went through the CUP requests. Mr. House said in regards to the
25 street lighting it's quite lit up in that area already so he doesn't have a problem with the
26 request. Mr. Houghton said the Gateway regulations are more for the boulevards and
27 avenues and he feels what is shown for this plan is appropriate for the site.

28 Mr. House made a motion to approve a conditional use permit for street trees and lighting,
29 waiving the requirement of the Gateway Commercial Business District (GCBD) in
30 deference to the landscaping plan as outlined on sheet L1 of the plan set and lighting as
31 outlined on sheet E1 or 2 of the plan set. Motion seconded by Ms. Ober. Motion carried
32 unanimously.

33 Mr. House made a motion to close the public hearing. Motion seconded by Ms. Ober.
34 Motion carried unanimously.

35 The next CUP addressed the distance from Parkman Brook minimum of a 100' setback
36 and said the applicant had already explained they will be encroaching on this setback.
37 The Board agreed it will still be an improvement on the existing encroachment.

38 Mr. Canada made a motion to allow a conditional use permit for infringing on the wetland
39 setback. Motion seconded by Mr. House. Motion carried unanimously.

40 Next the front setback of a maximum front yard setback of 15' was discussed. Mr.
41 Houghton asked Mr. Stevens what the proposed setback actually was. Mr. Stevens said
42 it was a total of 40'.

1 Mr. House said with the discussion that has been had tonight, the applicant has shown
2 photographs of existing conditions when the roads are plowed the snow is within that 10
3 – 15’ anyway plus there is a drive through that goes around the building so there is no
4 way the applicant can keep a 15’ setback.

5 Mr. House made a motion to allow a CUP for a front yard setback of a maximum of
6 between 40’ and 43’ from the front property line on Portsmouth Avenue. Motion
7 seconded by Ms. Ober. Motion carried unanimously.

8 Mr. Canada said that various applications had shown that some of the Gateway
9 regulations are not working well and he wondered if Mr. Austin should keep a list of the
10 various issues and review them at some point. Mr. House said he thought that was a great
11 idea and the TRC has already come across some things too.

12 The next point discussed was the requirement for a minimum of a 100’ setback from
13 Portsmouth Avenue for a parking lot. Mr. House said they clearly can’t make that as the
14 existing building is already within that setback. Mr. Houghton said that for all the
15 reasons discussed tonight he supported this CUP. The design intent was to have
16 buildings closer to the road with the parking behind the building.

17 Mr. House made a motion to support a conditional use permit to allow for the parking
18 design as depicted on sheet C2 of the plan set. Motion seconded by Ms. Ober. Motion
19 carried unanimously.

20 The next CUP to be discussed was for 2 drive-through lanes where none are otherwise
21 permitted as relates to Section 3.8.8.a Permitted Uses by Zone. Mr. Houghton asked the
22 Board if they were in agreement that the current use as a gas station with 8 bays equate
23 to the existence of 8 drive throughs. Mr. House said in his mind it is a grandfathered
24 condition so it is better as it’s going down from 8 to 2. Mr. Austin said one of his concerns
25 is that the term “drive-through” is prohibitive in Section 3.8, but drive-throughs are not
26 defined in the zoning law. He recommended that the Board determine that gas pumps do
27 in fact meet the definition of a drive-through. Ms. Ober said she thinks it meets the
28 criteria for both a gas station and a bank for the purpose of what is taking place. Mr.
29 Canada agreed.

30 Mr. Austin suggested making 2 separate motions; one to accept the definition of a drive-
31 through and secondly to declare there are 8 legally existing non-conforming
32 grandfathered drive-throughs on the site currently and this site is receiving a CUP under
33 the pretense of continuing the existing grandfathered use on the property while
34 significantly reducing from 8 to 2 drive-throughs.

35 Ms. Ober made a motion to agree that as it stands now, the existing site has 8 gas station
36 drive-throughs where they drive in, receive services and leave. It is a grandfathered non-
37 conforming use as it stands now. Motion seconded by Mr. House. Motion carried
38 unanimously.

39 Ms. Ober made a motion that a proposed use as a bank will provide the same drive
40 through service, only reduced to 2 as opposed to 8 and still fall under the conditions that
41 it is non-conforming, but as an improvement to the existing site. Motion seconded by
42 Mr. Canada. Motion carried unanimously.

1 Mr. House made a motion to approve a conditional use permit to provide for a 2 drive-
2 through lanes where they are not permitted under the existing Section 3.8.8.a Permitted
3 Uses by Zone. Motion seconded by Ms. Ober. Motion carried unanimously.

4 Mr. Canada made a motion to grant the waiver of a stamped landscape architect plan.
5 Motion seconded by Mr. House. Motion carried unanimously.

6 The Board and applicant discussed the conditions to be attached to the approval. Mr.
7 Keane wanted it to be clear that they were not designating the back driveway as a fire
8 lane because they wouldn't be able to park at that outer lane at the ATM. He chose the
9 18' width as that is the width of a fire lane.

10 Mr. House made a motion to approve the application with the conditions stated:

- 11 • Provide 18' from edge of curb to edge of building for emergency access
- 12 • Work with staff to clean up housekeeping items and submission of final
13 documents such as state permits from NHDES for septic and DOT.
- 14 • Provide an as-built that clearly delineates the water lines and where it's coming
15 from
- 16 • Final plan set incorporating the later lighting information and ratifies any
17 outstanding plan issues.

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19 Motion seconded by Ms. Ober. Motion carried unanimously

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21 **4. Miscellaneous**

22 **a. Member Comments.**

23 Mr. Canada explained that the Board of Selectmen had discussed the storm water
24 regulations study that Mr. Rob Roseen had proposed. The Board's feeling is that they
25 should hold off until they get the Federal Government's requirements for MS4.

26 **b. Other.**

27 Mr. Canada said the water bond was shot down significantly at the Town meeting. The
28 Board of Selectmen are setting up a committee for multi agencies to talk about this. There
29 was a clear and distinct voice at the meeting that said they don't want any part of the
30 development in the Gateway commercial area; they like the Town as it is which is 100%
31 at odds with the Gateway concept. The Board of Selectmen needs to determine if there
32 is a sincere wish for no growth and if so, the Town needs to stop working on sewer and
33 water and secondly the zoning ordinance for the commercial district will need looking at
34 as the current Gateway proposition will not work without water and sewer. Mr. Canada
35 said in his opinion there should have been a stream of Planning Board members there to
36 support this as there was little to no support at the meeting. In the future he would like
37 it if members could attend.

38 Mr. Houghton said it was the Town who approved the Gateway plan 5 years ago. There
39 is a big disconnect between what residents said 5 years ago and what they are saying

1 today. Residents are also fed up that Market Basket haven't been able to move forward
2 with building their new store, but Market Basket needs water to do that. Mr. Austin
3 added that quite a few people come to the Planning department asking when the Town
4 are going to get something other than a car lot. He wondered where they were on Friday
5 night. Mr. Deschaine said it's hard to discern the disconnect due to the mixed messages
6 being sent out. Mr. Canada said some of the people at the meeting are new to Town and
7 weren't part of the original discussions.

8 The Board discussed other reasons the residents didn't approve the bond for the water.
9 Ms. Paladino said people just heard their taxes were increasing; Mr. Austin said many
10 people at the meeting were hearing about the water for the first time. Ms. Ober added
11 that people in town were not informed enough about this either. Mr. Austin said public
12 outreach wasn't easy when the Exeter/Stratham agreement got signed 42 days before the
13 Town meeting. Mr. Canada added that it was obvious that a lot of people had no idea
14 what the Gateway district was and said that for the record the property tax would have
15 increased by \$47 for the year. Mr. Roseen said that unfortunately there is a lot of mistrust
16 in municipalities today and it's important to get information out there so public
17 information is crucial.

18 Mr. Austin informed the Board that D.O.T. issued a driveway permit for the Verizon
19 Wireless cell tower a few hours before the Town meeting.

20 Mr. Roseen said it looks like the MS4 regulations won't be available for a while so
21 putting the wetlands regulations on the back burner shouldn't be an issue and he stressed
22 that the document will end up being a Planning Board document.

23 Mr. House said the TRC is meeting on March 29 to look at Porsche again. Mr. Austin
24 said BMW would be on the agenda also.

25 **5. Adjournment.**

26 Mr. House made a motion to adjourn at 9:13 pm. Motion seconded by Ms. Ober.

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