



Stratham Planning Board Meeting Minutes

July 10, 2024

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: Mike Houghton, Select Board's Representative

Staff Present: Mark Connors, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. Approval of Minutes

a. June 19, 2024

Mr. Zaremba made a motion to approve the June 19, 2024 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. Public Meeting:

- a. Chinburg Properties, Inc. (Applicant), Lanzillo Irrevocable Trust (Owner) - Request to modify a condition of approval granted by the Planning Board on May 15, 2024 for 189 Bunker Hill Avenue, Tax Map 6, Lot 167, relating to when a performance surety must be provided for a proposed six-lot subdivision.

Mr. Connors explained that in May the Planning Board approved a 6-lot subdivision on Bunker Hill Avenue with several conditions. One of the conditions states that prior to the start of construction, a performance guarantee in the form of bond, letter of credit, or check shall be provided to the Town along with a signed development agreement consistent with the subdivision regulations. Last year, the NH State Legislature made a change to the statute that speaks to performance guarantees for road projects associated with subdivisions. The new wording of the statute says that the Town cannot hold the bond prior to the start of construction on the road, it can only start holding that bond before a lot is sold in the development or before a building permit is issued. The developer's representative brought this to the town's attention and Mr. Connors discussed it with the town's attorney who advised that the condition is not enforceable because it conflicts with state law. Mr. House asked when the law changed. Mr. Connors replied in the fall

45 of 2023. The Applicant submitted a request to modify the condition to requiring it before a building
46 permit is issued. Mr. Connors suggested an edit to include or prior to the sale of a parcel in the
47 subdivision, whichever comes first.
48

49 Mr. Zaremba asked if the town's attorney reviewed the edits. Mr. Connors replied that the attorney
50 agreed it needed to be changed, but he did not review the new language. Mr. Connors believes the
51 language is pretty straightforward.
52

53 There were no other comments or questions from the Board.
54

55 **Mr. Zaremba made a motion to amend condition 14 in the Planning Board's May 15, 2024**
56 **approval of a six lot subdivision at 189 Bunker Hill Avenue, Tax Map 6, Lot 167, to read as**
57 **follows:**

58 **14. Prior to the issuance of a building permit for a structure or prior to the sale of a parcel**
59 **in the subdivision, whichever comes first, a performance guarantee in the form of a bond,**
60 **letter of credit, or check shall be provided to the Town along with a signed Site**
61 **Development Agreement consistent with the subdivision regulations. All other conditions**
62 **of the Planning Board approval shall remain in full effect.**

63 **Mr. Kunowski seconded the motion.** Mr. House asked if the Applicant reviewed the language.
64 Mr. Connors replied that the Applicant submitted the language and the only addition is about the
65 sale of a parcel. **All voted in favor and the motion passed.**

66 b. Copley Properties LLC (Applicant), Helen E. Gallant Revocable Trust 95 (Owner) – Request for
67 Preliminary Consultation of a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14,
68 Lots 56 and 57, into a Residential Open Space Cluster Development with up to 37 residential lots.
69 The parcel is Zoned Residential/Agricultural. Application submitted by Emanuel Engineering Inc.,
70 118 Portsmouth Avenue, Stratham NH 03885. *This application was tabled from the June 19, 2024*
71 *meeting.*

72 Mr. Connors introduced the project. It is a preliminary consultation that was continued from the
73 last meeting. Written comments were submitted from two owners in the Treat Farm subdivision:
74 Jon McBride of 19 Treat Farm Road and Kelly Petrarca of 20 Treat Farm Road. Mr. Connors read
75 aloud the letters for the record.
76

77 Mr. Connors stated that since the last meeting Mr. Goddard met with the Parks and Recreation
78 Director, Town Manager, and Mr. Connors to discuss the possibility of trails in the open space
79 land.
80

81 Mr. House stated that this is a preliminary consultation, there is nothing binding, and this is just
82 informational. He invited the Applicant to present any changes in the plans and address any public
83 comments received.
84

85 Mr. Goddard addressed the public comments by stating that he has no desire to connect to Treat
86 Farm Road with vehicular traffic, but would like to connect with walking trails. He stated that he
87 spoke with the fire and police departments to see whether those departments felt connectivity was
88 required. At this point they don't think connectivity is needed to support the subdivision.
89

90 Mr. Zaremba asked Mr. Connors if the reason for vehicular connectivity is for safety concerns.
91 Mr. Connors replied that the fire department likes to have two ways in and out if possible and from
92

94 a connectivity perspective sometimes it is nice to not have a series of cul-de-sacs. Mr. Canada
95 added that from a DPW perspective it is much easier to have a through road than cul-de-sacs. Mr.
96 House stated that both the fire and police departments usually prefer to have a second way in and
97 out for a detour in case of an emergency where a road was closed. Bruce Scamman of Emmanuel
98 Engineering, representing the Applicant, stated that they spoke with police and fire on a
99 preliminary basis and both stated the project looked good as it is.
100

101 Mr. House asked Mr. Scamman to present the plans they submitted this evening and reminded Mr.
102 Scamman that for a formal application, materials need to be submitted two weeks in advance. Mr.
103 Scamman replied that in the past for preliminary meetings they have brought materials on the night
104 of the meeting.
105

106 Mr. Scamman described the different sections of the development and stated that they added an
107 array lot for a new total of 35 lots (previously 34 lots) and added a no-cut zone for the brook along
108 the rear of Lots 1 through 7. They created an open space lot for a mailbox area with six parking
109 spots for access to the pond. Mr. Scamman stated they haven't done any trail layouts yet but the
110 thought is that area could be the start of trails that would wrap around the property. Mr. Goddard
111 added that one change from the last draft was the pond was on an open space parcel but it is now
112 on one of the array lots that will have an access easement for everybody to be able to access it.
113 Whether it's open space or on the array lot, the general public will have unfettered access to the
114 pond.
115

116 Mr. Scamman stated they have changed the open space counts and changed some lot shapes around
117 the outside edges. Lot 24 was changed to meet the regulations by adding a large section of
118 wetlands. The open space is now 35.05% and the open space wetlands is now only 19.9%. Mr.
119 Goddard added that was done to address comments from the last meeting and that it is cleaner and
120 easier than asking for a waiver. Mr. Scamman added that he'd personally rather have the wetlands
121 be part of the open space and not part of someone's lot, but now it meets the regulations. He added
122 that the road location has not changed and the barn will be moved to lot 9 adjacent to the existing
123 house and will be reduced to its original size. Mr. Goddard added that a preservation company
124 looked at the barn and said it is not in the best shape. They will repurpose the timbers in the portion
125 of the barn that will be removed into the portion of the barn that will be preserved.
126

127 Mr. Scamman presented the yield plan. They reviewed the 150' by 150' boxes and all are on the
128 lots touching the front setbacks. He stated there was discussion on whether the boxes could have
129 wetlands or be in the setbacks. He believes the regulations don't say that they can't be in the
130 wetlands or the setbacks. They also reviewed other cluster subdivisions that were recently
131 approved, and they had these boxes in the wetlands and setbacks. Mr. Scamman continued that
132 they reviewed the density bonuses and believe that they can have up to 49 lots with density bonuses
133 including: one as a threshold bonus; one as a preserve the buffer entrance; 10% additional for
134 unique land environmental features because they are keeping the barn and the house as part of the
135 subdivision; 10% for "innovation, layout, the design of the village community and environment"
136 by having multiple dollar value homes with two-bedroom, three-bedroom, four-bedroom, and
137 estate homes, all in one neighborhood which they believe is unique and non-traditional; and 5%
138 for the development of trails. They calculated 49 possible lots, but are proposing only 35. Mr.
139 Scamman and Mr. Goddard explained the difference between the number of lots and the number
140 of homes proposed.
141

142 Mr. Kunowski commented that the density bonus for the preservation of the potential frontage lot

143 as open space is clear in the regulations, but he does not interpret in the same way the remaining
144 bonuses. He believes the regulations are not clear that bonuses may apply to the number of housing
145 units. Mr. Goddard replied that the density bonuses go towards the lots not the housing units. Mr.
146 Scamman added that this will get more affordable homes in town. Mr. Kunowski commented that
147 the density bonus is at the discretion of the Planning Board and that they may award them, but it
148 is not a right for the Applicant.
149

150 Mr. Goddard discussed the meeting he had with Mark, Seth Hickey, and David Moore regarding
151 trail connectivity and trying to get trails to the Smyk Property and where else the trails could go to
152 create trail connectivity. He stated that a he is a for-profit developer and what he is trying to do
153 with this project is something where he is not maximizing his profit. Affordable housing projects
154 use subsidies and partnerships from local, state, and federal governments where this project isn't
155 proposing any of that. Mr. Goddard stated he needs to try to do what he can to maximize densities
156 to be able to provide a product where he can do that. He suggested to Mr. Moore that they partner
157 together by allowing the density bonuses and being generous with them knowing they are going
158 towards these units. Mr. Goddard continued that if he doesn't get the density bonuses, he will have
159 to look at the dollars and cents of what he is paying for the land the arrays would probably go.
160

161 Mr. Kunowski replied that he loves the mixed nature of the housing units proposed in the project
162 but that the Town does not see large subdivision plans like this very often and it is important to
163 him that the Board gets it right. He stated that he has spent a lot of time reviewing the regulations
164 for this project and may need help interpreting the regulations. He continued that clearly in the
165 purpose of the open space cluster development it states, "the residential, open space cluster
166 development uses allowed on any particular tract will be a function of innovative land planning
167 and subdivision design, interacting with the special characteristics and limitations of the site". Mr.
168 Kunowski believes the plan meets that intended purpose, but he did pause on the special
169 characteristics and limitations of the site. He stated there are some historic structures that Mr.
170 Goddard has addressed, but Mr. Kunowski has concerns that the wetlands on site have not been
171 properly addressed. He thinks in terms of the objectives in Section 8.3 they have met all of those
172 objectives. He believes some of the comments that were shared tonight regarding the interim
173 discussions on the open space and the greenways certainly checks those two boxes off that he had
174 circled as potential areas of concern. Mr. Kunowski still has concerns with item d in Section 8.3,
175 to preserve those areas of the site that have the highest ecological value, including, for example,
176 wildlife habitat, large unfragmented blocks of undeveloped land, areas of highest condition, water
177 resources, waste, watersheds, wetlands, streams, and rivers with regards to this project. Mr.
178 Kunowski commented that the preliminary cluster subdivision plan goes beyond the red line on
179 the preliminary development area plan. He stated that under the definitions in this section of the
180 regulations, it talks about non-buildable area, and says that land area that cannot be counted toward
181 the minimum lot size under a conventional subdivision includes wetlands. It is Mr. Kunowski's
182 interpretation that in the preliminary yield plan a lot of wetlands has been included in the two-acre
183 lots. Mr. Goddard replied that they reviewed yield plans from other recent projects. He stated the
184 yield plan essentially creates standards for conforming lots and it doesn't have to be 100% upland.
185 He referenced Section 11.5.1 which states "areas designated as poorly drained soils may be utilized
186 to fulfill the minimum lot size required by Town ordinances, and subdivision regulations provided
187 that a contiguous non-wetland area of 30,000 square feet is provided for each lot. This contiguous
188 non-wetland area must be sufficient in size and configuration to adequately accommodate all
189 housing and required utilities such as sewage disposal, water supply, and all applicable setbacks".
190 Mr. Goddard stated that they looked at that in their yield plan and went the extra step of showing
191 the house to show scale that there is sufficient room for a house and a septic area. Mr. Kunowski

192 stated that regarding the contiguous area, he needs more evidence that lots 21, 22, and 25 meet that
193 requirement.
194

195 Mr. Kunowski provided comments on the array homes with proposed shared water and septic. Mr.
196 Goddard stated that there will be some level of shared septic throughout the subdivision but a
197 decision on water has not been made. They are not planning on a community water system but
198 there might be some houses sharing a well. Mr. Kunowski referenced Section 8.9.b.i.1 of the
199 Zoning Ordinance with regards to minimum lot size and on-site wells and septic systems. Mr.
200 Goddard stated that they are aware of that change and the significant increase in lot sizes for cluster
201 subdivisions. He stated that is another topic they discussed with Mr. Moore as it hurts density
202 which hurts affordability. He added that they are trying to be creative and ultimately they will look
203 at that strategy where there will be some lots with no septic and no wells, and some will have a
204 well, some will have septic, it's still too early. Mr. Goddard stated that the plan reviewed today
205 will likely not be the final plan.
206

207 Mr. House commented that he likes the plan and is interested in seeing how walkways and trails
208 will be planned especially across the wetlands. Mr. Goddard agreed that the path to get to the Smyk
209 property will be difficult. He plans to talk to two homeowners on Bunker Hill Avenue that are
210 between the property and Smyk Park to see what he can do to make that happen. There are a couple
211 of wetlands crossings for very small seasonal streams that might need a bridge. Mr. House
212 reminded Mr. Goddard that NHDES would need to approve that work. Mr. Goddard stated that he
213 hopes to work with the Town to get connectivity to work otherwise there might just be a trail
214 around this property.
215

216 Mr. House commented that the mailbox area should be off the road and include parking for people
217 stopping at night. Mr. Goddard replied it is set back five feet and he asked if the Town has a detail
218 on mailbox pull-offs.
219

220 Mr. House asked if there will be centralized trash pickup or individual. Mr. Goddard replied he
221 proposes it as a public road so he would prefer individual pickup.
222

223 Mr. House asked if the lots in the blue/purple section have the correct frontage. Mr. Goddard
224 replied yes, it is 50 feet.
225

226 Mr. Canada asked about the orientation of the barn and if it will be blocked by the house. Mr.
227 Scamman replied it will be parallel to the new road and will be visible from the road.
228

229 Mr. Canada commented that for Lot 24 he would rather see a waiver request than have it include
230 wetlands. He is concerned with the precedent. Mr. Zaremba commented that he did not see a
231 problem with the waiver. Mr. Scamman asked if it is a waiver or a ZBA application. Mr. Connors
232 replied he needs to check on that.
233

234 Mr. Canada asked if there is an emergency road connecting to Treat Farm if there would be a
235 wetlands crossing. Mr. Scamman replied maybe multiple and they have not proposed that. They
236 have discussed a walking trail so that the neighborhoods can connect. Mr. Canada thought he heard
237 something about an emergency plan. Mr. Scamman replied it was a comment from an abutter that
238 asked if there was something, to make it an emergency access with gates.
239

240 Mr. Scamman stated that they also added more wetlands to Lots 26 and 25 to meet the regulation.

241 Mr. Goddard added Lots 23 and 22 as well. Mr. Scamman stated Lot 27 as well. Mr. House stated
242 he is interested to see how they will cross the wetlands on Lots 27 and 28 to get to the houses. Mr.
243 Scamman replied there will be driveway wetlands crossings as part of those.
244

245 Mr. Allison commented that he still believes the project does not follow the directions for
246 preparation of a yield plan. He thinks the ordinance is confusing on the matter. He thinks a yield
247 plan is quite different from a conventional subdivision. And that it is very specific, that you cannot
248 use specific areas in the overall design of a conventional subdivision. But they also say you can't,
249 include these areas, when you prepare your plan. He understands that conventional subdivisions
250 allow a certain amount of wetlands area, but he added that there is an overlap between the uplands
251 area and the buffers to wetlands that is sort of a no-man's land. He added that technically speaking,
252 you cannot construct within that wetlands buffer. Mr. Allison asked how they will manage wells
253 and septic systems in the green areas of the proposed subdivision. Mr. Goddard replied they will
254 address that when they get into the planning phase and review the test pit locations. Mr. Allison
255 asked if Phases 1, 2, and 3 will be on individual wells. Mr. Goddard replied there is a potential that
256 there could be wells shared by multiple homes in those phases. Mr. Allison asked what the well
257 radius for a single family lot is. Mr. Scamman replied 75 feet. Mr. Allison asked how wide the lots
258 in the yellow and the red sections are. Mr. Goddard replied they are minimized in cluster
259 subdivisions and in other projects there are well easements onto the other lots. Mr. Allison stated
260 if he goes to the state and looks at the state documents, he will learn that each of the owners of the
261 wells is responsible for everything basically within that well radius. So the owner buys a lot, they
262 get a well, the lot is 100 feet wide, but the well radius spills over 25 feet on each side, and they are
263 responsible for that with easements. He asked if that is the case here. Mr. Goddard replied they are
264 not responsible, but they have protective rights to that area. Mr. Allison replied that he does not
265 see how that will work particularly well without having a lot of overlap on each of those lots from
266 one well radius to the next one, lot after lot. Mr. Goddard replied that there is that kind of overlap
267 at Treat Farm and it was all recorded at the Registry of Deeds. He stated the majority of wells are
268 in the rear with septic systems in the front and that it is normal practice to create the easement plan
269 and record it with the registry. Mr. Scamman added that it will be part of the build out plan or full
270 design just like the wetlands crossings and the grading of the roads. Mr. Allison stated that it
271 surprises him but he will take their word for it that the well radii can overlap. Mr. Goddard stated
272 it is a necessary evil with cluster subdivisions because everything is so condensed.
273

274 Mr. Allison asked if the roads will be owned by the Town. Mr. Goddard replied yes. Mr. Allison
275 asked what the front setbacks are and will they conform. Mr. Goddard replied yes, they will 100%
276 conform to the regulations. He believes that the front yard setbacks are 30 feet, rear yards are 20
277 feet and side yards are 10 feet; individual structures other than arrays must have 40-foot separation
278 between buildings and within the arrays, they can be as close as 10 feet.
279

280 Mr. Allison questioned whether all setbacks to property lines, wetlands, and water supply wells
281 can be met for many of the lots. He recommends that the Applicant include the setbacks on each
282 lot during the planning stage to demonstrate compliance. Mr. Allison also cautioned that regarding
283 the house locations abutting the wetlands buffer, that likely there will be encroachment into the
284 buffer during construction. He requested that the houses be moved farther from the wetlands
285 buffers. Mr. Goddard replied that the plan submitted tonight is very conceptual and he understands
286 Mr. Allison's points. He stated that he believes the yield plan prepared is in accordance with
287 Section 4.6.4 of the subdivision regulations and past practices in the town. Mr. Allison stated that
288 he does not dispute that yield plans have been done in that fashion to this point. He stated he does
289 not have past familiarity with the way they have been done and is simply reading the ordinance

290 and has come to a different interpretation and believes it is in conflict with the ordinance.
291

292 Mr. Canada asked Mr. Connors if the full subdivision plan will go to a third-party engineer for
293 review. Mr. Connors replied yes and he will specifically ask that they review the yield plan. Mr.
294 Kunowski and Mr. Zaremba commented that this is a large project and they are also carefully
295 reviewing it in accordance with the ordinance and regulations.
296

297 Mr. Goddard asked for opinions from the Board on the subject of pedestrian connectivity of the
298 project. Mr. House replied that he thinks Mr. Goddard is going in the right direction. He reiterates
299 that he is interested in seeing the trails as they meander around the outside of the housing lots and
300 wetlands. Mr. House stated there is still a lot of work to do and coordination with NHDES. Mr.
301 Canada agrees they are moving in the right direction.
302

303 Mr. Zaremba stated that specifically with regards to connectivity to Treat Farm, he would not push
304 that between the wetlands unless the fire or police departments request it from a public safety
305 concern. Mr. House stated he interpreted the connectivity question from Mr. Goddard to be related
306 to trails and not the road. Mr. Goddard confirmed. Mr. House agrees with not connecting the road.
307

308 Mr. Kunowski agrees that the vehicle road connectivity is not important, but the open space
309 connectivity is and that is part of the density bonus. He would like to see a concept of where the
310 trail connectivity would happen. Mr. Goddard stated with regards to trails his first step would be
311 to reach out to the Parks and Recreation Department. He added that he has another project in the
312 Seacoast that has a lot of bike trails and they will partner with some knowledgeable biking
313 communities that he would bring into this project to consult as well.
314

315 Mr. Goddard asked if relocating the barn is tracking in an acceptable manner. Mr. Canada replied
316 that he thinks it is important that the barn stay with the house. It will maintain the opportunity to
317 see what a traditional farmhouse and barn look like in Stratham. He stated that it is great to save it
318 onsite and not relocate it. Mr. House added that he would like to see the orientation so that when
319 driving down the road, the front of the barn with a barn door is visible. Mr. Zaremba asked if Mr.
320 Goddard will work with professionals that move barns. Mr. Goddard replied yes.
321

322 Mr. Kunowksi stated that the house is deemed to have historical significance and asked if its
323 structural integrity has been assessed. Mr. Goddard replied that from what he has seen, the house
324 is structurally sound and for the age of the house, it is in good shape, but needs some updating. He
325 prefers to address the exterior and may not personally address the interior. Mr. Kunowski stated
326 that he just wants to see the house continue to be part of the planning process and to not have a
327 change at the 11th hour where it's determined that it needs to be demolished.
328

329 Mr. House asked if Mr. Goddard plans to sell the existing house as a one-family or apartments.
330 Mr. Goddard replied as a one-family. Mr. House asked if the barn will stay with the house and not
331 be a common area. Mr. Goddard replied yes it will stay with the house.
332

333 Mr. Canada asked if Mr. Goddard would be willing to give a historic easement on the house. Mr.
334 Goddard replied he is willing to discuss what that entails. Mr. Canada stated he will talk to Nate
335 Merrill and have Mr. Merrill contact Mr. Goddard. Mr. Goddard noted that decisions made for this
336 project do not necessarily protect the structures long-term.
337

338 Mr. House invited anyone from the public to speak.

339 Brian Price of 12 Treat Farm spoke. He thanked the Board for listening to the residents of Treat
340 Farm Road regarding the road connectivity. He stated that he can't envision anyone not in favor
341 of the trail access. Regarding the density of the project, he is concerned with the size of the student
342 population at Stratham Memorial School and if it is nearing or at capacity. Mr. Price's
343 understanding is that there has not been strong support for expanding the school which would
344 require tax increases. He asked if the Planning Board review process includes consideration of the
345 density of the project and potential impacts on the school. Mr. House replied that he is unaware of
346 the process for that. Mr. Goddard replied he read some articles stating that enrollment is down.
347 Mr. Zaremba stated that the question has come up before and his recollection is perhaps the Select
348 Board monitors that. Mr. Scamman stated that he was chair of the school board for three years.
349 During that time there were 630 students in Stratham and his understanding is that the elementary
350 school is down by around 100 students. He stated when he was on the board there were more kids
351 moving into Stratham for high school and most families can't afford to move to Stratham when
352 they have young kids. That's what the school board discussed in 2007 to 2010 and he has been
353 loosely following it since then. Mr. Canada stated that he does not think school enrollment with
354 regards to project density is within the purview of the Planning Board. Mr. Scamman stated that
355 he thinks it is a good question and he agrees that the Planning Board cannot address it because the
356 application was submitted and it would be punitive at this point. He added that some towns do that,
357 for example Newfields has a fee for both septic and for schools. Mr. Canada agreed that impact
358 fees would have needed to be established ahead of time. Mr. Allison added that some towns have
359 housing authorities that support workforce and affordable housing and that there is limited
360 inexpensive housing in Stratham. Mr. House stated the Applicant could try to extrapolate how
361 many children might come from the project. For example, if Treat Farm has 22 kids now and
362 growing in 11 homes, then that could be about 100 kids. Mr. Goddard corrected that Treat Farm
363 has 14 homes. Mr. Scamman added that one cannot predict how many of 100 possible students
364 would be elementary school age. Mr. Goddard commented that he is aware of many residents
365 sending their kids to private schools and there is a lot more affluence in Stratham now than 20 or
366 30 years ago.

367
368 Josh Crow from 74 Winnicutt Road spoke. He stated that with regards to the newest plan he
369 appreciates the no-cut, no-disturb easement on lots one through seven as a protective measure for
370 the wildlife he sees. He thinks it will help keep wildlife off Winnicutt Road and out of people's
371 yards.

372
373 Mr. House asked if an easement is necessary to connect to the trails at Treat Farm. Mr. Scamman
374 replied no that they can connect at the edge of the property. Mr. Goddard added that the Treat Farm
375 trail is open to the public and that there are parking spaces at the end of the cul-de-sac for the
376 public. Mr. Scamman added that there is an existing easement.

377
378 Mr. Goddard thanked the board for their feedback
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380 **4. Public Hearing (New Business):**

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382 a. Copley Properties LLC (Applicant), C.A.N Realty Trust and GGF Limited Liability Co (Owners)
383 – Request for approval of a Site Plan and Conditional Use Permit at 89 and 91 Portsmouth Avenue
384 (Tax Map 13, Lots 22 & 23) to construct a mixed-use development to include six residential units
385 in three buildings and two office buildings totaling 12,624 square-feet of general office and
386 medical office uses. The parcels are zoned Professional/Residential. Application submitted by
387 Emanuel Engineering Inc., 118 Portsmouth Avenue, Stratham NH 03885. *This application was*

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tabled from the June 19, 2024 meeting.

Mr. Connors stated that Emmanuel Engineering sent the revised plans to the Town yesterday. He recommends having a discussion tonight, but not making a decision until there has been an engineering review.

Bruce Scamman from Emmanuel Engineering spoke on behalf of the Applicant. Mr. Scamman described changes from the plans from the last meeting. They added walkways to the front doors of the residential condos and added a turnaround in the last driveway. Details regarding the proposed sign are included. They propose a granite post card sign and will apply for a sign permit. The driveway for the duplexes was increased to 24 feet from 22 feet. The revised plans include a 50 foot right-of-way, one curved and one straight, and they are seeking input from the Board on the preference. Drew Goddard of Copley Properties stated he has no problem with including both right-of-ways to allow flexible for future boards to make a decision. Mr. Scamman described the straight right-of-way would impact a man-made drainage pond. The curved option will have a small wetlands impact. He stated they have maintained 30 feet to the edge of the right-of-way along all of the duplexes in case it becomes a town road. Mr. Scamman stated that NHDES asked that the septic tank be moved out of the public water supply radius. The septic designer rotated the concrete chambers to address that request. He stated that they are waiting for comments on the stormwater design from the town's engineer.

Mr. Scamman stated they are aware there won't be an approval tonight, but they thought it was worthwhile to update the Board on the changes. Mr. Goddard asked if they can be granted an approval conditional upon the third-party engineer's review so that they don't have to come back and answer questions. He feels the changes they have made are housekeeping and nothing significant in nature. Mr. House replied that they typically wait for the engineer because there may be something that needs a discussion. Mr. Allison agrees with that as sometimes there is a different perspective that might be helpful. Mr. Allison re-emphasized his comments on the bioretention basin. He wants to understand how the basin is sloped. Mr. Allison described his understanding of the flow of stormwater and asked if he is correct. Mr. Scamman confirmed and added that they included a lined swale in the well radius so that stormwater does not infiltrate until it is treated. Mr. Allison commented that is fine when the systems are working properly and provided a real world example of another development in town where it the system failed and there was flooding in two cul-de-sacs. He reiterated his comment that they should consider designing an emergency situation to preclude water flooding a house. Mr. Scamman replied that he includes back-up systems for all bioretention work and porous pavement that he designs. He described the location of a dry well and a pipe that connects into the drainage system under the porous pavement. He stated that all buildings have stone edges with underdrains to infiltrate water from the roofs and can keep water from entering the houses. There are also dry wells around the porous pavement. Mr. Allison stated that is good and warned about frost issues in the property he previously mentioned and that the infiltration inlets didn't work due to the frost.

Mr. Kunowski reviewed the staff memo and asked about a trip generation memo. Mr. Connors replied that being a state road, he recommends the Applicant discuss the driveway location with NHDOT. Mr. Scamman replied that state regulations require that driveways be 50 feet apart and they have 60 feet.

Mr. Connors commented that when the State installs a traffic signal at Bunker Hill Avenue, the Town will insist on pedestrian signals and asked if there is potential for a sidewalk or driveway.

437 Mr. Goddard replied he would provide an easement so the State or the Town could to install a
438 sidewalk. Mr. Connors asked if one could be installed by the Applicant along the driveway to get
439 to Portsmouth Avenue. Mr. Goddard replied he would provide an easement for that as well but at
440 this early stage he doesn't think the density of the project warrants it. Mr. Scamman added that
441 construction along the front will be difficult due to grade changes.
442

443 **Mr. Zaremba made a motion to continue the hearing to August 7. Mr. Kunowski seconded**
444 **the motion. All voted in favor and motion passed.**

445 **5. Other Business:**

446 **a. Discussion of MS4 Permit necessary regulatory revisions**

447 Mr. Connors explained that the Town operates under a permit that requires the Town to update
448 regulations to improve stormwater quality. There is a lot of work that the DPW has to complete
449 for the permit and also a lot that Planning has to do in terms of regulation changes. The Town hired
450 a consultant who reviewed the existing stormwater regulations and provided comments. The
451 regulations were updated 2018 in response to the permit, but the consultant identified additional
452 revisions to meet the permit requirements. Mr. Connors hopes to provide redline edits by the next
453 meeting. He presented some larger changes including:
454

- 455 1. Consolidating multiple sections of Stormwater Requirements into a new section in both the
456 Subdivision and Site Plan Regulations
- 457 2. Provide clearer standards for applicability. The current requirements apply to all projects
458 requiring Planning Board review unless granted a waiver. However, any project can request
459 a waiver if it disturbs less than one-acre of land. The consultant recommended an
460 applicability threshold of projects that disturb more than 20,000 square-feet of land, or
461 more than 10,000 square-feet of land if the project is within 100-feet of a surface water
462 body or wetland.
- 463 3. The consultant recommended including benchmarks of 80% removal of Total Suspended
464 Solids and 60% removal of Total Nitrogen and Total Phosphorous.
- 465 4. The requirements currently require that peak runoff in major storm events not exceed pre-
466 development conditions for up to a 25-year, 24-hour storm event. It is recommended that
467 the requirements be revised to apply to up to a 50-year storm event.
- 468 5. Define redevelopment and clarify what types of redevelopment projects are subject to the
469 standards.
- 470 6. Add a requirement for submittal of a Stormwater Management Plan for all applicable
471 projects and detail the requirements of what content must be included in the plan.
- 472 7. Add post-development requirements to regulated projects regarding annual report
473 submittals certifying that stormwater management facilities are operating in accordance
474 with their design intent. This is currently required as a condition of approval.

475 Mr. Allison asked if this only applies to the area of town in the MS4 area. Mr. Connors replied that
476 the regulations currently apply town-wide to new development or redevelopment projects.
477

478 **b. Septic System Vulnerability Assessment grant**

479 Mr. Connors explained that the Town applied for a grant to look at older septic systems particularly
480 those adjacent to public water systems. It is informational and not regulatory. The purpose is to
481 provide outreach to property owners who have old systems that they should consider an inspection
482

486 or replacement, because when the system fails, they are in violation, and it will be a much bigger
487 problem. The idea is to be proactive before there is an emergency. As part of the grant there will
488 be a community outreach event on septic systems. Mr. Kunowski asked how the grant will be
489 spent. Mr. Connors replied there will be a town-wide assessment of septic systems using NHDES
490 permit records.

491

492 **c. Draft Road Naming Policy**

493

494 Mr. Connors described this policy came out in part due to a recent subdivision approval. Mr.
495 Connors researched other towns and created the draft that allows the Select Board to make the
496 decision but allows the developer to have some input. In summary the developer would be allowed
497 to come up with three names and the Select Board would come up three names for a total of six
498 names. The developer could veto two of the town's suggestions and the Select Board would choose
499 from the remaining four names.

500

501 Mr. Allison asked if there has been discussion about using the names of people from the past that
502 are important to the town. Mr. Connors replied yes and also parts of town.

503

504 Mr. Canada stated that when he was on the Select Board they accepted whatever the developer
505 wanted, unless it was somehow offensive. However he can understand that if the Town is going to
506 take over the road, the Town has certain rights.

507

508 Mr. Zaremba agrees with Mr. Canada but was surprised that the Select Board can and did deny the
509 name.

510

511 Mr. Kunowski asked if there is a list of current road names and his biggest concern is to make sure
512 a new name is not confusing or conflicts with an existing name for safety concerns.

513

514 **6. Adjournment**

515

516 **Mr. Canada made a motion to adjourn the meeting at 9:11 pm. Mr. Zaremba seconded the**
517 **motion. All voted in favor and the motion passed.**