



Stratham Planning Board Meeting Minutes

August 7, 2024

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
Nate Allison, Alternate Member

Members Absent: John Kunowski, Regular Member

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

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:03 pm and took roll call.

2. Approval of Minutes

a. July 10, 2024

Mr. Canada made a motion to approve the July 10, 2024 meeting minutes. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

3. Public Hearing (Old Business):

- a. Copley Properties LLC (Applicant), C.A.N Realty Trust and GGF Limited Liability Co (Owners)
– Request for approval of a Site Plan and Conditional Use Permit at 89 and 91 Portsmouth Avenue (Tax Map 13, Lots 22 & 23), zoned Professional Residential, to construct a mixed-use development to include six residential units in three buildings and two office buildings totaling 12,624 square-feet of general office and medical office uses and to allow encroachment into wetland buffer. Application submitted by Emanuel Engineering Inc., 118 Portsmouth Avenue, Stratham NH 03885. This application was tabled from the July 10, 2024 meeting.

Bruce Scamman of Emanuel Engineering requested to continue the application to the August 21, 2024 meeting. They are waiting for a review from the Conservation Commission. He added that they are having some technical difficulties working with the new NHDOT portal and they recently submitted a response to the Town on the third-party engineering review. **Mr. Zaremba made a motion to continue the application to the meeting on August 21, 2024. Mr. Canada seconded the motion. All voted in favor and the motion passed.**

45 **4. Public Hearing (New Business):**

- 46
- 47 a. Hector Mendoza and Southers Construction (Applicants), JP Commons, LLC (Owner) - Request
- 48 for Site Plan and Conditional Use Permit approval to allow after-the-fact architectural
- 49 modifications to a commercial building at 139 Portsmouth Avenue (Tax Map 17, Lot 37) zoned
- 50 Town Center District, including to allow vinyl siding as an exterior building material.
- 51

52 Mr. Connors provided a summary of the application. He presented pictures of the project to the

53 Board and described the historic John Wingate House off Stratham Circle. It is currently operated

54 as the Wingate Spa. The owners initiated architectural modifications to the building, replacing the

55 siding and some of the window details and unfortunately did not obtain permits for the work.

56 Because the building is not very visible from the road, the work in progress was not identified until

57 a member of the Heritage Commission brought it to the Town's attention. The Town followed up

58 with the owners, sent them notices, and they submitted the proper paperwork, so this application

59 is for an after the fact approval.

60

61 Claire McDermott, the owner of the property spoke. She stated that she will let Mr. Mendoza speak

62 for them but explained that it is an old building and for years they have been trying to maintain it

63 with painting and fixing it up. The house is so old that there is no insulation, and it needs updating

64 to the siding and insulation. They hired Hector to do the siding on the house.

65

66 Mr. Mendoza stated he is the owner of Unique Image Construction, and he was working alongside

67 Southers Construction as the project manager and sales rep, when he was assigned this project.

68 They provided a few options to the owners for vinyl siding and fixing the rot. Neither Mr. Mendoza

69 nor the owners knew this was a historical building. If they had known, then they would have taken

70 the appropriate actions. He stated that when the contract was signed, he relayed the information to

71 the office that were supposed to pull the permits. It was his understanding that the building permit

72 was issued, so he began the project. When he received the phone call that the project was shut

73 down because there were no permits, he immediately went to the property. He found out that

74 someone in the office provided incorrect information to him and the permit that was pulled was

75 for another building. Mr. Mendoza stated that they did not change anything in the structure. Once

76 they stripped the siding, they found a lot of rot, and fixed the rot in the sill plates of the building.

77 He inspected the insulation, and it was disintegrated. They replaced the insulation with quarter-

78 inch foam board insulation on the exterior. He stated that they wrapped all the windows and all the

79 fascia in metal to protect the wood from rot. Mr. Mendoza showed examples of the rot on the

80 corners and around the windows. He stated that vinyl siding was the cheapest route to protect the

81 building after all the cost of rot repair.

82

83 Mr. House asked if the windows are new. Mr. Mendoza replied no, they only wrapped the

84 windowsills, fascia, and soffits and caulked the trim. Mr. House read from the application and

85 asked what is meant by "saving all the wood". Mr. Mendoza replied that the original barn board

86 (sheathing) on the house was not removed. They cut out rot and replaced it. Mr. House asked if

87 the building meets energy code. Mr. Mendoza stated not through the wall itself. Mr. Canada asked

88 what the R value of the foam board is. Mr. Mendoza replied he doesn't know that off the top of

89 his head. Mr. House stated that the building inspector will require R21 for exterior walls. Mr.

90 Mendoza stated that the foam board is not meant for insulation it is meant to be the underlayment

91 water barrier instead of Tyvek. They chose to use the foam board because of the condition of the

92 insulation. Mr. House stated that he thought Mr. Mendoza said it was used for insulation. Mr.

93 Mendoza replied it will help, but it wasn't intended to be used for insulation. Mr. House asked if

94 he taped all the joints. Mr. Mendoza replied yes. Mr. House asked if the Building Inspector
95 reviewed the work before it was covered up. Mr. Mendoza replied no.

96
97 Mr. Connors presented pictures of the building before the work was done and stated that one reason
98 why vinyl siding is discouraged on historic buildings is because details like wood soffits over
99 windows gets lost. Mr. Mendoza stated those were rotted and they changed them to a composite
100 material. Mr. House asked if it has the same profile. Mr. Mendoza replied yes. Mr. House noted
101 the color changed as well. Mr. Connors noted some additional detail along the roofline that was
102 lost with the vinyl siding. Mr. Mendoza stated that the window work is not complete due to the
103 stop work order. Mr. Connors asked if shutters will be added. Mr. Mendoza replied yes.

104
105 Mr. House asked if there are any monuments on the site that say what year the building was
106 constructed. Ms. McDermott replied no. She stated that the previous owners built an addition
107 around 2000 and they were never told it is a historical building.

108
109 Mr. Canada asked how the Wingate was chosen. Ms. McDermott replied that was the name of the
110 business for the previous owners.

111
112 Mr. Connors stated that it is a historic building that dates back to the 1700s that was modified and
113 added on to over the years.

114
115 Mr. Allison stated that it appears the public cannot see the building very well from the street.
116 Members of the board replied that it is visible from the road and more so in the winter.

117
118 Mr. Canada stated that regardless of the historical component, vinyl siding is not allowed for new
119 structures in the District, so whether its historic or not, it's not allowed. Mr. Mendoza stated the
120 post office has vinyl siding. Mr. Canada replied that was built around 1990 or 2000 before the
121 regulations. Mr. Connors added that unfortunately the Town cannot regulate government
122 buildings. Mr. Houghton stated the adoption of the Town Center District (around 15 years ago) is
123 what stipulates the requirement for building materials. He stated the issue is that if they had pulled
124 a building permit, they would have been told that they cannot do what they proceeded to do.

125
126 Mr. Zaremba stated that Mr. Allison should be appointed as a voting member. Mr. House appointed
127 Mr. Allison as a voting member for this meeting.

128
129 Mr. Zaremba noted that the site plan application and the conditional use permit application are
130 from different companies and asked why. Mr. Mendoza replied he is the project manager and the
131 sales rep. Mr. Zaremba asked if he is representing Southers Construction. Mr. Mendoza replied
132 yes.

133
134 Mr. Allison asked if conventional materials were used for the addition. Mr. Connors replied yes.

135
136 Discussion continued between board members and Mr. Mendoza regarding rot repair and
137 specifically the windows.

138
139 There was a discussion regarding the responsibilities of Southers Construction and Unique Image
140 Construction on the project since one entity filed the Site Plan application and the other filed the
141 Conditional Use Permit application. Mr. Mendoza provided a distinction between the companies
142 and the responsibilities. Mr. Zaremba still contends that it is odd to have two applicants. Tom

McDermott, owner of the property, provided additional clarification. He stated that he contracted with Southers and Mr. Mendoza started the work. The Building Inspector came to the property and spoke with the business manager and told them that work needed to be stopped as they were working without a building permit. Mr. McDermott stated that they have only dealt with Mr. Mendoza and have been very happy dealing with him. Mr. Mendoza stated that Unique Image will be in charge of the project now.

Mr. Canada stated that the Heritage Commission was unanimous in condemning the project. He added that his own personal feeling is that the Board is dealing with a huge company, that Southers has 75 employees according to the website. They handle all sorts of siding including cement board, which is allowed. He is concerned that if the vinyl siding is approved by the Board, that the next person that wants to do something that's not according to the rules will not comply. Mr. Houghton recalled a similar discussion years ago with the Old Town Hall where vinyl siding was not allowed.

Mr. McDermott stated that they have no records about the building being historical. Mr. Houghton replied it is in a historical zoning district. Mr. McDermott replied they were not aware of that either. He stated that the job is 75% complete and he thinks it looks good. He understands the issue but he needs to get the job completed before his busy season. He stated that they have spent a ton of money on the building over the years and they are trying to keep the business going. Mr. Canada stated that the regulations have nothing to do with historical, that brand new structures have the same requirements. Mr. McDermott replied that he understands that.

Mr. Connors stated the materials allowed in the zone are natural wood and/or cement-based artificial wood siding, glass, natural brick, or natural stone. He asked Mr. Mendoza if he could discuss this with Southers and the owners of the property and come back to the next meeting with a solution. Mr. Mendoza replied that this is no longer a Southers job and he can make the decision. Mr. Mendoza replied that he has discussed cedar clapboard siding with the owners. Their preference is to retain the vinyl siding, but they understand that they need to respect the town's wishes. Mr. Canada replied they can then seek a building permit for that work and asked Mr. Connors if site plan review is still required. Mr. Connors replied that the application is purely architectural work. Mr. Canada suggested they deny the Conditional Use Permit and the owner can start over and seek a building permit. Mr. Mendoza asked if the material used around the windows can remain. Mr. Houghton stated that would be consistent with the decision made for other buildings. The Board and Mr. Mendoza discussed how to address the window trim repairs.

Ms. McDermott stated that they receive a lot of compliments every day from clients as to how good the new siding looks.

Mr. Zaremba made a motion to open the public hearing. Mr. Canada seconded the motion. All voted in favor and the motion passed.

Nobody from the public spoke.

Mr. Zaremba made a motion to close the public hearing. Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. House asked Mr. Mendoza to read the Conditional Use Permit criteria and the responses on the application for the record.

Criteria 1. Spirit & Intent of the Zoning Ordinance and Master Plan.

Mr. Mendoza stated it would improve the look of the building and attract a better audience for the town.

Criteria 2. Site Suitability.

Mr. Mendoza stated the neighborhood has vinyl siding also, and it fits in with the neighborhood.

Criteria 3. External Impacts.

Mr. Mendoza stated no one has had any comments. All neighbors have been at peace and supportive.

Criteria 4. Character of development and impact on natural, cultural, historic, and scenic resources.

Mr. Mendoza stated putting on vinyl siding with the underlayment water barrier system will protect all the historic wood that's been aging.

Criteria 5. Impact on Property Values.

Mr. Mendoza stated it won't impact the property value whatsoever, but it will increase property value tremendously.

Criteria 6. Fiscal Impacts.

Mr. Mendoza stated there will be no fiscal impacts from this project.

Criteria 7. Public Interest.

Mr. Mendoza stated it will definitely give the building a cleaner look to bring in more customers to the town for business, it's a spa, so people can be very judgmental looking at building of that type of business.

Town Center Criteria 1. Describe how the application is consistent with the town center ordinances and is not unduly impacted Properties and Uses in the District.

Mr. Mendoza stated we are protecting the building from further rot. We are saving all the wood, just covering it with metal to protect from rotting. We are insulating the structure better. We caught the rot in time before it gets worse. We are not changing any layout to the building, just protecting the structure with vinyl siding and metal to withstand the weather.

Town Center Criteria 2. Describe how the application accomplishes at least one of the following objectives: improves public safety, provides environmental or natural resource benefits, or provides a measurable public benefit.

Mr. Mendoza stated better installation for more energy efficient, better deck structure for the safety of the public.

Mr. House asked for a board discussion on the criteria.

Mr. Canada stated that for Criteria 1, the project is antithesis to the zoning ordinance and therefore fails that. Mr. House agreed it does not meet the Zoning Ordinance. Mr. Zaremba added that there is an existing violation for work without a permit.

Mr. Canada stated that for Criteria 2, he doesn't believe the neighbor's vinyl siding is applicable as federal buildings are not subject to the ordinance and that the construction pre-dates the

241 ordinance.

242
243 Mr. Canada stated that he does not believe Criteria 3 is applicable. Mr. Zaremba and Mr. Houghton
244 agreed.

245
246 Mr. Zaremba stated that with regards to Criteria 4, he does not believe the project is consistent
247 with the character of the District. Mr. Canda and Mr. Houghton agreed.

248
249 Mr. Canada stated with regards to Criteria 5, he does not think there is a conflict and that the project
250 will not negatively impact property values, but that is not the crux of the question. Mr. Zaremba
251 agreed.

252
253 Mr. Canada stated with regards to Criteria 6, he does not see a fiscal impact on the Town for this
254 project.

255
256 Mr. Canada stated with regards to Criteria 7, he thinks the interest to the public is holding to the
257 zoning code the public implemented. He believes that failing to do that would be detrimental to
258 public interest. Mr. Mendoza asked to speak to this and the Board allowed. Mr. Mendoza objected
259 to Mr. Canada's opinion and stated that the owners have received a lot of positive comments from
260 the public and he believes it is an assumption to think that people traveling by assume the siding
261 is not okay. Mr. Houghton replied that there is no evidence that they wouldn't be equally as happy
262 to see cedar plank or cement siding. Mr. Zaremba stated that the only thing they know for sure is
263 that the Town voted on and approved this District. Mr. House stated that Mr. Mendoza can defend
264 his position by stating that by repairing rotted materials, the building will not deteriorate worse,
265 and he is protecting the public interest by making a safer building.

266
267 Mr. Canada stated that with regards to Town Center Criteria 1, the project is not consistent with
268 the intended purpose of the Town Center Ordinances because of the vinyl siding.

269
270 Mr. House stated that with regards to Town Center Criteria 2, fixing the rot is a benefit to public
271 safety.

272
273 Mr. Canada stated there is a question as to what to do with the window trim and asked if it is
274 appropriate to continue the application to allow the Applicant to return to the Board with a new
275 proposal that might include keeping the wrap on the windows and what they will do for siding.
276 Mr. Connors replied the Board can do that. The Applicants and the Board agreed to continue the
277 hearing. There was a discussion of an informal site walk and Mr. Mendoza asked that in addition
278 to the window trim, that the Board allow the metal freeze board already installed around the
279 foundation.

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281 **Mr. Canada made a motion to continue the hearing to September 4, 2024. Mr. Zaremba**
282 **seconded the motion. All voted in favor and the motion passed.**

- 283
284 **b.** Public Hearing to amend Section 2.3.6 *Fees and Charges*, sub-sections a and b, of the Subdivision
285 Regulations to add a notification fee of \$2 per abutter for Preliminary Consultation applications
286 and to increase the existing Notice Costs from \$8 to \$10 per abutter.

287
288 Mr. Connors presented housekeeping amendments to the Subdivision Regulations. He stated that
289 the Town started notifying abutters by first class mail for preliminary consultation applications and

applicants have paid the fee without argument. He added that the cost of postage increases frequently and to cover the cost of postage and envelopes he recommends an increase in the abutter mailing fee to \$10 from \$8 for full applications. Mr. Connors stated that a new State Law allows the Town to notify the public through the Town website instead of a newspaper posting for ordinance and regulation amendments and that option was used for this amendment. Mr. House noted for the record that no members of the public are present.

Mr. Zaremba made a motion to open the public hearing. Mr. House seconded the motion. All voted in favor and the motion passed.

Mr. Canada made a motion to close the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

Mr. Zaremba made a motion that the Planning Board approve the proposed amendment to the Subdivision Regulations, Section 2.3.6 Fees and Charges, sub-sections a and b, to add a notification fee of \$2 per abutter for Preliminary Consultation applications and to increase the existing Notice Costs from \$8 to \$10 per abutter for subdivision applications. Mr. Allison seconded the motion. All voted in favor and the motion passed.

5. Other Business:

a. PRE District Zoning Discussion

Mr. Connors stated there have been a few recent applications for projects in the Professional Residential District and that is it a small zoning district. He recommended updates to the District to be more consistent with the Gateway or Town Center Districts by either eliminating the district and rezoning the properties into the Gateway or Town Center Districts or by adding architectural and siting requirements to the PRE District. He stated there are very few residential properties in the District.

Mr. Canada asked if a higher density is allowed in the Town Center District than the PRE. Mr. Connors replied yes. Mr. Canada stated he does not want to increase the density in the PRE. Mr. Connors agreed.

Mr. Zaremba commented that some of the District boundaries do not align with the parcel boundaries. Mr. Connors replied that is correct, that currently the District is defined as 750 feet and he agrees that should be updated.

The Board agreed to update the District to follow parcel lines and to retain the PRE District and update the zoning.

b. Miscellaneous Community Planning Issues

There was no discussion on this topic.

6. Adjournment

Mr. Houghton made a motion to adjourn the meeting at 8:47 pm. Mr. Canada seconded the motion. All voted in favor and the motion passed.