



Stratham Planning Board Meeting Minutes
September 4, 2024
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair (arrived 7:15 pm)
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

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

1. Call to Order/Roll Call

Mr. Canada called the meeting to order and took roll call. Mr. Canada appointed Mr. Allison as a voting member until Mr. House arrived.

2. Approval of Minutes

a. August 21, 2024

Mr. Zaremba made a motion to approve the August 21, 2024 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. Public Hearing (Old Business):

a. Hector Mendoza, A Unique Image Construction, LLC (Applicant), JP Commons, LLC (Owner) - Request for Site Plan and Conditional Use Permit approval to allow after-the-fact architectural modifications to a commercial building at 139 Portsmouth Avenue (Tax Map 17, Lot 37) zoned Town Center District, including to allow vinyl siding as an exterior building material. *This application was continued from the August 7, 2024 meeting.*

Mr. Mendoza described the project. He removed old clapboard siding which included areas of rot. They installed vinyl siding and aluminum wrap on the fascia to protect the wood from further rot. He stated that they are requesting to amend the Conditional Use Permit to request that the Planning Board allow the previously installed aluminum trim details on the windows, the doors and the roof line, including on the roof fascia and rakes. These materials have already been installed and Mr. Mendoza will bring in samples of the materials, which he inadvertently left at home. He requested that the Board allow the metal frieze board along the perimeter, bottom of the building. The

45 aluminum frieze board was installed around the entire foundation to address the rotting of the sills
46 which were fixed. He will also bring the samples of that material. He stated if the Planning Board
47 is not amendable to vinyl siding, they propose to replace the vinyl siding with cedar clapboard
48 siding, and the preferred color would be similar to the color of the vinyl siding now in place. He
49 stated that they believe the amendments are consistent with the Conditional Use Permit criteria, in
50 that it will allow for improvements to the structures and respect the historical importance of the
51 building and the surrounding areas. Mr. Mendoza read from the zoning ordinance and questioned
52 the Board's earlier decision to not allow vinyl siding. He stated that the ordinance states the
53 Planning Board should have the authority to grant, which means the Board is able to allow vinyl
54 siding. He read from section 3.9.6 which discusses improving public safety within the district and
55 Mr. Mendoza asserts that the rot on the sill plates affects the structure of the building and there
56 was damage to the deck which is a concern for safety. He added that they are about 90% done with
57 the project. Tom McDermott, owner of the property, stated he does not know if the Board
58 completed the site visit that was discussed at the last meeting and that the original contractor on
59 the project was arrested a couple of weeks ago for running a Ponzi scheme. At the last meeting
60 they discussed going back to the original contractor to fix the issue because the contractor did not
61 apply for a building permit. Mr. McDermott stated that is not a possibility now and requests that
62 if the Planning Board has the ability to allow vinyl siding after viewing the improvements in
63 person. He stated that the building is their business and they feel pretty good about how it looks
64 and the way it presents to their clients and the way it presents off the road. He added that the project
65 became pretty big as they dug into it and opened up the building and he believes Mr. Mendoza did
66 a great job getting the building safe and they think it looks nice with the vinyl.

67
68 Mr. Canada noted that Mr. House arrived at 7:15 pm and he turned the chair over to Mr. House.

69
70 Mr. Connors replied to Mr. McDermott that the Board can allow something that is not permitted
71 into the Ordinance by issuing a Conditional Use Permit but they have to find that the request meets
72 the criteria. At the last meeting they went through the criteria and found that the vinyl siding did
73 not meet the CUP criteria. The Board did not make a decision but they paused the process to allow
74 the applicant to revise the application.

75
76 Mr. Mendoza stated that on August 7, 2024 the Board allowed vinyl siding at other properties just
77 down the street and he would like to continue with the vinyl siding on the building. Mr. McDermott
78 added that the project is about 90% complete and it is a hassle to remove siding, throw it away,
79 and install clapboard. He stated that it will also negatively affect their business due to the length
80 of the construction process. Mr. Connors replied that every application is different and that if the
81 Board permits vinyl siding on one property, it does not create a precedent and there is no legal
82 obligation on the Board to follow that process. He added that it is a very different circumstance in
83 a different zoning district and was not a historic building. Mr. Connors explained that the Route
84 33 Heritage District requirements are slightly more lenient than the Town Center District. Mr.
85 House stated that they cannot compare two different districts. Mr. Canada stated that the Board
86 has the authority to allow it only if the project meets the criteria for a conditional use permit and
87 if the project does not meet the criteria then it cannot be granted.

88
89 Mr. McDermott asked if the Board members had a chance to see the property in person. All
90 responded yes. He asked for a short summary of the conditional use criteria that the Board
91 determined was not met. Mr. Connors provided Mr. McDermott with a copy of the application.

92
93 Mr. House asked for comments while Mr. McDermott reviewed the application. Mr. Houghton

94 stated he has not heard anything new this evening. Mr. Canada stated that he thinks the aluminum
95 wrapping along the roofline is worse than the vinyl siding. He presented photographs and stated
96 that he does not want to see the beautiful detail of the building around the roofline lost. He is less
97 concerned with the frieze board and the addition. Mr. Canada is concerned most with the façade
98 of the original house. He believes that if the roofline can be repaired, it should be as opposed to
99 covered with aluminum. Claire McDermott, owner of the building, replied that a few years ago
100 they had Rhino Shield installed to protect the building and the contractor told them that normally
101 the product is guaranteed for life but that the building had too much rot for a guarantee. She stated
102 that they love building but just can't afford to duplicate that as the business is just a salon.
103

104 Mr. House asked what happened to the shutters. Ms. McDermott said some were broken. Mr.
105 Mendoza explained when they are removed, they will crack. He planned to replace them with new,
106 but the construction was stopped. Mr. McDermott added that they plan to add details to the
107 windows and that they don't want a flat building. He stated that there's been so much done to this
108 building over the last years, including the addition in the 90s, that just got thrown together, that
109 they are trying to deal with a hodgepodge things going on in this building.
110

111 Mr. Allison asked if the shutters are decorative. Mr. Mendoza replied correct. Mr. Allison asked if
112 wood siding is installed if there are some clapboards with decorations that can be used at the top
113 level. Mr. Mendoza replied yes. Mr. Mendoza stated that the existing shutters were vinyl. Mr.
114 McDermott stated that they have owned the building for about 20 years but before then it was so
115 many different uses with many additions and now he is having to go back in time to try to preserve
116 something and asks for a compromise like leaving some of the vinyl. Mr. Allison stated that he
117 would like to see the cedar clapboard where it can be used. He agrees there was a lot of rot and a
118 material that is more durable is appropriate in some areas but because of what is required in the
119 ordinance, they need to use clapboard for the major appearance of the building.
120

121 Mr. Mendoza stated roof lines pick up most of ice during the winter and it just sits there. Those
122 fascia are the first ones to get destroyed in New England winters. He believes the fascia should be
123 kept wrapped. He added that leaks in the second floor, or even on the third floor, are from the rakes
124 and gable ends because of the snow that's sitting there and being frozen at that line. Mr. Canada
125 replied that is a problem with every building in New England. Mr. Mendoza replied that is why
126 with remodels people are converting to vinyl and protecting the wood infrastructure.
127

128 Mr. House asked if the roof was replaced. Mr. Mendoza replied yes. Mr. House asked if ice and
129 water shield was installed. Mr. Mendoza replied absolutely.
130

131 Mr. Allison asked if the proposal is to wrap the fascia and the soffit but use another material
132 immediately under that was designed to look similar to the historical appearance. Mr. Mendoza
133 replied correct.
134

135 Mr. Mendoza provided some more details to Mr. Canada regarding window details and the request
136 for a compromise. He added that shutters will be installed, vinyl will be removed, and the vinyl
137 corners will be replaced with wood corners. Mr. McDermott clarified where the existing crown
138 molding is installed.
139

140 Mr. House commented that he would like to see the original part of the building constructed with
141 materials and design that match the age and the newer additions can be different. He offered a
142 compromise of correcting the front and two sides of the original building and leaving the remainder

as vinyl and asked for the Board to comment. Mr. Canada and Mr. Kunowski agreed. Mr. Kunowski provided details of his site visit and what parts of the building are most important in his opinion.

Mr. Mendoza asked if the Board is amenable to Azek trim around the windows of the original building. The Board agreed. There was a discussion on what color to paint the original building. The Board prefers white.

Mr. House summarized the compromise: the three sides of the 1700 building will be white painted cedar with white Azek around the windows and the wooden entry should be white. The maroon canopy can remain and the shutters can be maroon. The crown moldings will be reinstalled on the eve and on the rakes. The frieze board should be reinstalled corner board to corner board, white corner boards should be installed, and the new roof can remain. In the back the new work can remain. Mr. McDermott asked for some clarification while pointing out different parts of the building. Mr. House replied that any part of the original building that is exposed, should be corrected. The board members agreed.

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

Nobody in the public spoke.

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

Mr. Connors stepped through the CUP criteria. The board agreed that the application as amended meets all of the criteria.

Mr. Connors read the motion: **I move the Planning Board approve the site plan amendment and Conditional Use Permit to modify the historic exterior building materials at 139 Portsmouth Avenue, Tax Map 17, Lot 37 subject to the following binding conditions:**

- 1. Vinyl siding shall only be permitted on the additions of the building, and not the part of the building that dates to the 1700s consistent with the Board's deliberations. The four facades of the building dating to the 1700s shall be clad in cedar clapboard siding including the building eaves. The siding shall be white.**
- 2. AZEK materials shall be permitted for the window trim and frieze board.**
- 3. The Board's notice of decision shall provide additional details clarifying the nature of the Board's deliberations.**
- 4. The applicant shall replicate previous details associated with the window trim and roofline.**
- 5. Maroon vinyl shutters shall be applied to the historic part of the building.**
- 6. The applicant shall involve the Planning Director through the process including supplying samples of building materials before they are installed.**

Mr. Zaremba made a motion to adopt the motion read by Mr. Connors. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

4. Public Meeting (New Business):

- 192 a. Brendan Sheehan (Applicant), Sheehan Family Revocable Trust (Owner) - Request for after-the-
193 fact approval to allow the replacement of wood siding with vinyl siding for a residential property
194 at 210 Portsmouth Avenue, Tax Map 21, Lot 81, Zoned Route 33 Heritage District.
195

196 Mr. Connors introduced the application. This project is different from the previous application as
197 it is in a different zoning district that allows vinyl siding if the Board determines it is consistent
198 with the character of the property. A CUP is not required, instead the Board can make a finding
199 that vinyl siding is consistent with the character of the property. This is a residential property. Mr.
200 Sheehan applied for a building permit to convert the single-family home to a two-family home.
201 The application did not include information about the siding materials. The building inspector
202 noted the siding material when inspecting the property for the certificate of occupancy. The Route
203 33 Heritage Advisory Committee met last week to review the application. Mr. House is a member
204 of the committee and stated that the committee did not have a problem with the vinyl siding but
205 would like shutters installed on the front and side of the home that is visible from the street. He
206 stated that the property is heavily vegetated in the front and a connection to the barn was removed
207 and no work has been done to the barn.
208

209 Mr. Sheehan stated that the house is set back about 300 feet from the road with a solid set of
210 vegetation. He purchased the home with the intention of keeping the structure as is. He added a
211 small addition and obtained building permits for everything except siding as he was not aware that
212 a separate permit was required for siding, he thought it was covered under the residential building
213 permit. The building inspector had inspected the insulation and the siding previously and only
214 during the final inspection was the error noted. The siding was finished in March 2024. Mr.
215 Sheehan stated that if he had known beforehand, he might have made an alteration of work. He
216 has new tenants scheduled in a couple of weeks to move in and spent a lot of money on the
217 renovations. Mr. Sheehan stated that he color-matched the new siding to the existing siding very
218 well and he will install new black shutters. He added that the old front porch had no foundation
219 and was sitting on telephone poles. He rebuilt the entire front porch and will be adding a railing.
220

221 Mr. House asked for comments from the Board. Mr. Allison stated the renovations look quite a bit
222 different from the original. He noted specific differences such as fascia under the eaves and other
223 trim work that have been removed. Other board members agreed. Mr. Allison stated that it is not
224 that it doesn't look nice, but that it doesn't look historically the same. He noted that new shutters
225 might cover up some of the trim.
226

227 Mr. Kunowski asked if another shutter option is available without the loop at the top. Mr. Sheehan
228 said he is open to changing it.
229

230 Mr. Zaremba stated he is struggling with how vinyl siding is consistent with the property given
231 that it is from the 1800s but he doesn't have any specific questions.
232

233 Mr. Canada agrees with Mr. Allison's comments on the trim. He understands why aluminum trim
234 has become so popular but he abhors it. However, in this instance he cannot see an alternative but
235 to grant the request.
236

237 Mr. House asked if the roof pitch changed in the back. Mr. Sheehan replied yes and explained he
238 needed to in order to accommodate a window on the third floor.
239

240 Mr. Houghton agreed with Mr. Allison and Mr. Canada regarding the lack of detailed trim detracts

from the character of the house.

Mr. Canada asked if the trim was removed or covered. Mr. Sheehan replied both. Mr. Canada noted that in the future a purist could uncover the trim and have an example for replication. Mr. Sheehan replied correct. Mr. Houghton asked for confirmation that the trim remains on the barn. Mr. Sheehan replied correct and that the only change to the barn was to remove the connection to the barn.

Mr. Canada asked for confirmation from Mr. Sheehan that he is aware of the process for future exterior work on the barn. Mr. Sheehan replied he is aware.

Mr. Allison asked if there were any inspections completed while the vinyl siding work was in process. Mr. Sheehan replied the siding was inspected after completion and that some other inspections were conducted during the installation. He added that the inspector even noted that one area of the house that was missing new siding, needed siding to be installed prior to completing the insulation, and that the inspector completed multiple insulation inspections and only when leaving the final inspection did the inspector mention an issue with the siding.

Mr. House called for a motion to open the meeting to the public.

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

No members of the public were present.

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

Mr. Connors stated that the Building Inspector will not issue the Certificate of Occupancy (CO) until the Planning Board approves the application. He asked Mr. Sheehan if the shutters can be installed before the CO is issued. Mr. Sheehan replied he does not know. Mr. House stated the CO is typically needed for interior work to ensure life safety and he does not think the shutter, railing, and posts should hold up a CO. Mr. Connors replied that it gives the Town some leverage with obtaining compliance. Mr. Sheehan asked if a deadline can be added to the CO. Mr. Connors replied they can issue a temporary CO. Mr. Canada agreed with a temporary CO.

Mr. Kunowski asked if the Board can include a condition of approval that states if the siding is replaced in the future that it conforms with the intent of the Route 33 District. The Board discussed this and determined it will be difficult to track in the future. Mr. Connors drafted a condition.

Mr. Houghton agrees with the temporary CO. Mr. Zaremba agreed. Mr. Kunowski complimented Mr. Sheehan for providing an alternative housing style in Stratham.

Mr. Connors read the motion: **I move the that Planning Board approve the Route 33 Heritage District application for 210 Portsmouth Avenue, Tax Map 21, Lot 81, to make exterior building modifications subject to the following conditions:**

- 1. Black shutters shall be installed to replicate the previous shutters on the front and side facades.**
- 2. Railings shall be installed on the front porch to resemble the previous porch materials.**

3. Future changes to siding materials shall conform to the Route 33 Heritage District requirements.

4. The Building Inspector shall issue a temporary 30-day Certificate of Occupancy to allow the applicant to make the improvements required under this approval.

Mr. Zaremba made a motion to adopt the motion read by Mr. Connors. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

5. Other Business:

a. Potential 2025 Zoning Amendments

Mr. Houghton suggested that the Route 33 Heritage District be amended to prohibit vinyl siding. Mr. Kunowski stated that the Board should review all references to vinyl siding and remove any language that is unclear. He stated that vinyl siding entered the marketplace in large numbers in the 1950s and suggested that vinyl be prohibited on any residential structure built prior to 1950. Mr. Canada stated that there was a question about Planning Board authority to dictate the trim and he believes the Board has the authority to do so, but it should be clarified. Mr. Connors stated there is language stating that certain aspects are encouraged that should be strengthened. Mr. Zaremba agreed that the Board should have clear guidelines as opposed to discretion.

Mr. Connors described the timelines for zoning amendments. The Board can post an amendment for public hearing as early as November 11, 2024. Once an amendment is posted, it temporarily goes into effect until the town votes on it. All amendments have to be proposed by the Board; however a resident can obtain 25 signatures for a proposed amendment that is not supported by the Board to get the amendment on the ballot. Petition amendments can be submitted between November 11 and December 11, 2024. December 18, 2024 is the final date for posting amendments. Proposed amendments can be changed during the public hearing process, but no new amendments can be added after December 18. Public hearings will be held on January 8 and 22, 2025. Edits can be made at the January 8 meeting, but no substantive changes can be made after the January 22 meeting. On January 22, 2025 the Board will vote to send amendments to the ballot. If there is an amendment that the Board is unsure about, it can be withheld. Amendments are subject to the single subject rule, meaning the change cannot apply to different sections of the ordinance. This process applies to changes in the zoning ordinance and building ordinance. Changes to the site plan or subdivision regulations is a much easier process that involves only a public hearing to adopt those changes.

Mr. Connors presented some proposed amendments.

1. Amend the Professional/Residential (PRE) District to include some standards for architecture and site design. Mr. Connors suggested applying some of the requirements of the Gateway and Town Center districts to the PRE. The Board previously discussed amending the PRE District boundaries to remove some residential properties.
2. Apply some of the Route 33 Heritage District protections for historic buildings to the entire Route 33 corridor as an overlay district. For example, a single-family property owner would be required to go before the Planning Board to demo a historic home. Mr. Canada stated that the change should continue along Portsmouth Avenue to River Road.
3. Limit the number of bedrooms in ADUs to two bedrooms. There is an existing maximum size of 1,000 square feet. Mr. Connors stated that Stratham has a reasonable ADU ordinance but there have been a couple of cases where the ADU looks like a house and the intent is for them to look like accessory buildings. Mr. Zaremba asked if that is consistent

339 with state law. Mr. Connors replied yes and that the Town cannot limit ADUs to less than
340 two bedrooms.

- 341 4. Correct the building ordinance to comply with the State Building Code. The Building
342 Inspector has been working with the State on a review of the current ordinance and some
343 issues were identified. The Building Inspector will present the changes to the Planning
344 Board.
- 345 5. The fire chief requested the addition of a fire alarm ordinance.
- 346 6. Minor changes to the sign ordinance that was overhauled last year. For example, the
347 Building Inspector has asked for clarification on some prohibited forms of signage.
348 Additionally, it may have been unintentional, but subdivision signs are not allowed. That
349 would need to be amended if the Town wants to allow them. There were some questions
350 on this and Mr. Connors clarified that a subdivision sign can be approved by the Planning
351 Board through a Conditional Use Permit.
- 352 7. Housekeeping items. Mr. Connors is working with the Town's attorney to determine if a
353 number of housekeeping items can be grouped into a single amendment. T
- 354 8. The Energy Commission is working on obtaining a SolSmart community designation that.
355 It is a designation that the Town is solar friendly. The organization will audit the Town's
356 current requirements and recommend changes. The recommendations will be submitted to
357 the Town in October and if the Board likes any of them, they can be proposed in an
358 amendment.
- 359 9. The final proposed amendment is to clarify some definitions and to consolidate them into
360 one section as there are currently multiple definition sections.

361
362 Mr. Canada stated he would like to see the wetlands percentage requirements tightened up for
363 cluster developments. The Board agreed. Mr. Zaremba added that he would like to clarify the intent
364 and use of the "Baskerville square" as well. Mr. Connors suggested a change could be that the
365 square has to be buildable. Mr. Allison added with no constraints to construction.

366
367 Mr. Kunowski stated that he has been following the agritourism issue in Newfields and that it
368 might be something for the Board to look at for 2026. Mr. House agreed and suggested it could be
369 drafted for this year.

370
371 **b. Aberdeen West solar project**

372
373 Mr. Connors updated the Board that the court date for the Aberdeen West solar project is set for
374 September 11, 2024.

375
376 **c. Stoneybrook project.**

377
378 Mr. Connors updated the Board that the attorneys for the ZBA, the developers, and the Select
379 Board all agreed to postpone the hearing to December.

380
381 **6. Adjournment**

382
383 **Mr. Houghton made a motion to adjourn the meeting at 9:24 pm. Mr. Zaremba seconded the**
384 **motion. All voted in favor and the motion passed.**