



**Stratham Planning Board Meeting Minutes
October 16, 2024
Stratham Municipal Center
Time: 6:30 pm**

Members Present: Thomas House, Chair
David Canada, Vice Chair
John Kunowski, Regular Member
Nate Allison, Alternate Member (arrived at 7:00 pm)

Members Absent: Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member

Staff Present: Mark Connors, Director of Planning and Community Development
Carol Ogilvie, Interim Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 6:34 pm and took roll call.

2. Approval of Minutes

a. October 2, 2024

Mr. Canada made a motion to approve the October 2, 2024 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. Public Meeting

a. Discussion of potential fire protection regulatory amendments

Mr. Connors introduced Jeff Denton, the Stratham Fire Chief, and proposed fire protection regulation amendments. He stated that the lack of public water and sewer in Stratham can be a challenge with regards to some development projects. Draft materials were presented to the Board that are currently under review at the State level, but Mr. Denton wishes to update the Board on the amendments.

Chief Denton provided background information for the requested amendments. He worked on the amendments with the former part-time fire inspector who has since left Stratham. The proposed language is under review by the State Fire Marshal's Office. There are three items in the request. The first is a Knox box ordinance. A Knox box is a small key box at commercial buildings where the fire department holds the only key, which is kept in a locked, secured, individually key coded unit in the fire trucks so they have access at all times. The reason for the boxes is for quick access to buildings in off hours. The fire department is trying to promote the boxes and there are currently several buildings that don't have them. The fire department would like to standardize a requirement for Knox boxes. There are some businesses that don't want to install them and the fire department does not believe they are expensive at about \$200 to \$300 per box. The boxes offer significant benefit to the fire department especially during calls in the middle of the night. At times the fire personnel have had to wait for 40

45 minutes for someone from the business to arrive with a key. This keeps the fire personnel out of service
46 for other calls. The Stratham Fire Department is a volunteer organization that is already staff-
47 challenged, so this would be one step closer towards making things smoother. Chief Denton requests
48 that the Board consider adding this requirement for buildings in Town. The Fire Department hopes
49 that the modifications would bring everybody up to that same code at the same time, with additions or
50 modifications to structures, change of use, etc.

51
52 Mr. Canada asked what level of business meets the threshold for requiring these. Chief Denton replied
53 that he would like to see them for every business in town. He added that there are some residents in
54 town with personal ones on their homes because they have physical challenges where they can't get
55 to the door. They are not requesting a mandate for homes, but they believe it is important for
56 commercial properties. Mr. Canada asked if they would require it for an apartment building. Chief
57 Denton replied no, it would be optional for those buildings, but the fire department would advocate
58 for apartment buildings as well. He explained that in the Marin Way area not all buildings are equipped
59 with Knox boxes, but most of the buildings in that area have an E key system with a PIN that is helpful
60 for Stratham's mutual aid partners like North Hampton who frequently are onsite before Stratham Fire
61 is. That happened recently where North Hampton did not have the correct key and there was some
62 prolonged flooding until Stratham Fire could arrive.

63
64 Mr. Kunowski asked if this would apply to multi-tenant properties in the Gateway District in terms of
65 the retail stores. Chief Denton replied yes and that typically in the strip malls there are currently Knox
66 boxes but not one on each individual unit, usually they are grouped for multiple tenants.

67
68 Mr. Canada asked if the Town has the authority to require this for existing businesses. Chief Denton
69 replied that it would be for new businesses and he does not think the authority to require it for existing
70 businesses exists under the State Fire Code; it would have to be required at the Town level. Mr. Canada
71 rephrased his question and asked if anyone would be grandfathered or can the Town retroactively
72 make a business install one. Chief Denton replied that is up to the Town. Mr. Connors replied that it
73 depends on how the Board approves it. If this becomes part of the Building Ordinance, then it would
74 be tied to building permits. Chief Denton added that most property owners understand that it can save
75 them from property damage for alarms that are not real fires or real hazards as the Fire Department
76 might need to break down a door to gain entry.

77
78 The second amendment is to update the fire cistern standards. Chief Denton stated that the existing
79 cistern ordinance requires that any development over five houses has to have a 30,000 gallon cistern
80 or be residentially sprinkled. The Fire Department has worked on a commercial version of that. He
81 explained that he has been inspecting plazas and doing a lot of work trying to make sure that the plazas,
82 their fire pumps and fire suppression systems, which have been patched together over the years,
83 actually work and are providing what Stratham Fire needs for the water supply. He provided an
84 example that it took about three years for the Ocean State Job Lot plaza to get the fire pump operating
85 properly and the pond dredged. They are now working on the Staples plaza. Mr. Canada asked if they
86 are having leaks as he noticed water being brought in. Chief Denton replied that the plaza has a unique
87 system that NFPA Code does not address directly and that is why Stratham Fire is advocating for a
88 standard. He described issues with the existing fire pond liner and its failure twice over the last 10
89 years. He stated that it took an inordinate amount of time by Stratham Fire and the State to determine
90 what the system was, if it was NFPA approved, and if it would work in terms of fire code to supply
91 water to the plaza for the new bank. Updates are almost complete with that system. The pond has a
92 new liner and they added a new well, a heater, and a circulator. They are also working on upgrades to
93 the pump house. Chief Denton described that when the pond failed, they were out of water for a month

94 and a half which required a fire watch because they had no fire suppression. Stratham Fire would like
95 an ordinance that requires if a fire system fails, it needs to come up to the current standard, which
96 would include a cistern, pond or tank, something that's listed in NFPA code.
97

98 The third amendment is a requirement for fire alarms. Chief Denton explained this came out of the
99 Optima project, where that building has no fire alarm and no sprinkler system. He explained a recent
100 incident where there was water overflow into one of their outlets, and when Stratham Fire arrived
101 onsite, they still had people doing surgery in the building and there was no alarm. He stated that the
102 building was constructed with the minimum standards and Stratham Fire tried to encourage them to
103 install an alarm, but it couldn't be required. Chief Denton commented that it is a big building and the
104 average person that walks in is going to expect there is a fire alarm or something. He noted that the
105 emergency plan they originally submitted referenced pulling fire alarms, but they didn't exist, so Chief
106 Denton needed to rewrite the plan.
107

108 Chief Denton summarized that Stratham Fire would like to have a standard that will alleviate a lot of
109 problems for any future developments or buildings in the town. He stated that the commercial cistern
110 details are about 60% complete and he wants to provide the Board a 100%, fully vetted product. The
111 consultant working on it had a change in staffing. He intended to present the Board tonight with a
112 final draft and he will return when it's ready, but he wanted to present the history and provide the
113 Board with some perspective as to why these amendments are in process.
114

115 Mr. Connors asked Chief Denton to describe a fire watch. Chief Denton explained a fire watch is
116 something that's in place where someone drives around 24 hours a day looking for fires. He stated it's
117 very expensive at about \$5,000 a week. Both the Job Lot and Staples plazas have had to do fire watches
118 recently and it is required by code. He added that being a volunteer department, after 5:00 pm and on
119 nights and weekends, volunteers come from their homes and there is nobody in the station. So,
120 there is a more advanced warning with someone pulling an alarm, versus going through 911, which
121 goes to Concord, then to Brentwood, then gets toned out. There's a time lag with 911. If Stratham Fire
122 gets a fire alarm, it's a much quicker response.
123

124 Mr. Kunowski asked what a dry hydrant is. Chief Denton described that the red pipes at ponds are dry
125 and are basically a straight pipe into the middle of a pond. When the truck is hooked up to it, a vacuum
126 is created in the pump in the truck and it lifts the water into the truck. A pressurized hydrant in a
127 municipal system already has pressure behind it so when it is opened, there is residual pressure. Mr.
128 Kunowski asked if there are many in town. Chief Denton replied that Stratham relies completely on
129 dry hydrants and cisterns. Mr. Kunowski asked if the volume in the underground cisterns is monitored.
130 Chief Denton replied that they try to test all dry hydrants annually in the spring and test the cisterns
131 and check the water levels. He added though that it is generally incumbent on the developer of the
132 property, or an HOA or other organization to make sure that it is filled. If Stratham Fire uses it, they
133 will ensure it is refilled, but the annual maintenance inspection should fall back on the homeowners.
134 He added that for new residential sprinkler systems, they are making sure it is in the deed that the
135 homeowners are required to maintain and inspect the system annually.
136

137 Mr. Canada asked if Siamese systems are allowed. Chief Denton replied yes, and described how those
138 are used. Mr. Canada asked if there are fire department connections into buildings. Chief Denton
139 replied yes, if there is a water supply they can feed the sprinkler systems for life safety, but most
140 hydrants are hooked to the same system as the sprinklers and there would be interference.
141

142 Mr. House noted that Mr. Allison joined the meeting at 7:00 pm and appointed Mr. Allison as a

143 voting member.

144

145 **4. Public Hearing:**

146

147 a. Anthony Fusco, Fox Construction, LLC (Applicant), Charles B. Rocha III and Lori J. Rocha
148 Revocable Trust (Owners) - Request for approval of Conditional Use Permits to allow
149 encroachments into the Wetlands Conservation and Shoreland Protection Districts for the
150 construction of a driveway serving a proposed residence at 23 Winding Brook Drive, Tax Map 16,
151 Lot 1, Zoned RA.

152

153 Mr. Connors introduced the project as a lot in the Winding Brook Subdivision that was mostly
154 built out in the 1980s. This lot was left undeveloped and there is a wetland and stream that runs
155 along the road. In order to build on the lot, a stream crossing is required. A Conditional Use Permit
156 is required for the driveway. The applicant will need additional relief from the Zoning Board to
157 build the structure. Two emails were received, one from Drew Goddard of 1 Sanctuary Drive and
158 the other from Matthew Kushner of 70R Winnicutt Road.

159

160 Mr. Kunowski asked if the subdivision was developed as a conventional subdivision. Mr. Connors
161 needs to confirm that, but he believes so and that it preceded two-acre zoning.

162

163 Scott Frankiewicz with New Hampshire Land Consultants represented Anthony Fusco with Fox
164 Construction and the property owners, the Rochas. He summarized that a preliminary consultation
165 was completed in May 2024. They attended a Conservation Commission meeting last month and
166 received no objections to the project. A wetlands permit was approved by NHDES. This is a 1.181-
167 acre lot with 331 feet of frontage on Winding Brook Road that is part of a subdivision approved in
168 1984. It is one of three undeveloped lots in the subdivision. The subdivision has a brook winding
169 through it. This lot has a 20-foot easement across it and there are six lots that this brook crosses
170 along with a road. Five out of the six lots are developed with homes. This project is a single-family
171 home with the driveway crossing the stream. They received approval from NHDES for a 450
172 square-foot impact of the stream. They are proposing to install a 48-inch culvert which matches
173 the upstream and downstream driveways which both have large culverts with headwalls. A test pit
174 was installed and witnessed by the Rockingham County Conservation District and the septic design
175 is in process. Two Conditional Use Permits are requested for the Wetlands Conservation District
176 and the Shoreland Protection District. The project also requires approval of a Special Exception
177 application from the Zoning Board.

178

179 Mr. Allison asked if the lot has been taxed by the town as a building lot. Mr. Frankiewicz replied
180 yes, it is an existing, non-conforming lot of record.

181

182 Mr. Allison stated that during the preliminary consultation, there was a neighbor concerned with
183 potential stormwater runoff onto the neighbor's property. Mr. Frankiewicz described the
184 topography as not impacting that neighbor.

185

186 Mr. Allison asked if there will be any signage installed identifying the wetlands and the buffers for
187 the benefit of the homeowner. Mr. Frankiewicz replied they could come up with something for
188 that.

189

190 Mr. Connors asked for a description of mitigation. Mr. Frankiewicz explained the driveway is 12
191 feet wide with two-foot slopes with headwalls. The stream impact is 38 feet so they were able to

192 obtain a permit by notification from NHDES for the wetland crossing. The crossing is in the
193 narrowest place of the lot. There was no water in the seasonal stream when the test pit was done,
194 but because there are 48-inch culverts at other lots, he assumes there is a lot of water in a heavy
195 storm.

196
197 Mr. House commented that details are missing from the culvert and headwall.
198

199 Mr. Allison asked if they are proposing a guard rail. Mr. Frankiewicz replied there is a small section
200 of them about 75 feet. Mr. Allison commented that they should include a detail or cross section on
201 the guard rail.
202

203 Mr. House commented that the biggest impact is to the Shoreland District and asked Mr. Connors
204 if there is an RSA for Shoreland. Mr. Connors replied that the State has its own requirements, and
205 Stratham has additional requirements.
206

207 Mr. Kunowski asked about the bridge that is in disrepair. Mr. Frankiewicz and Mr. Fusco replied
208 that it will be removed.
209

210 Mr. House asked if there is an erosion control plan. Mr. Frankiewicz replied the plan shows a silt
211 fence. Mr. House asked for the applicant to describe how the project will not adversely affect the
212 wetlands. Mr. Frankiewicz replied that the stream is about 3 feet wide, and the proposed culvert is
213 wider than that. NHDES requires riprap on the inlet and outlet and that NHDES prefers river rock
214 which is more rounded. He added that once everything is in place and seed has germinated, there
215 will be no adverse impact to the wetland.
216

217 Mr. Connors asked the Board if they want to schedule a site walk. There was a short discussion on
218 tree removal and erosion controls.
219

220 **Mr. Canada made a motion to accept the application as complete. Mr. Allison seconded the**
221 **motion. All voted in favor and the motion passed.**
222

223 The site walk was scheduled for October 31, 2024 at 12:00 pm. It is open to the public, but the
224 public cannot provide comments at the site walk. The Board members can ask questions but cannot
225 provide comments at the site walk.
226

227 **Mr. Kunowski made a motion to open the public hearing. Mr. Canada seconded the motion.**
228 **All voted in favor and the motion passed.**
229

230 No members of the public spoke.
231

232 Mr. Kunowski asked for confirmation that there are no wetlands of concern on adjoining lots. Mr.
233 Frankiewicz confirmed.
234

235 **Mr. Canada made a motion to continue the application to November 6, 2024. Mr. Kunowski**
236 **seconded the motion. All voted in favor and the motion passed.**
237

238 a. Discussion of proposed zoning amendments for 2025. Topics of discussion included:
239 1. Table of Dimensional Requirements and Explanatory Notes
240 2. Residential Open Space Cluster Development

241 3. Accessory Dwelling Unit requirements
242 4. Sign Ordinance amendments
243 5. Wetland Conservation District
244 6. Potential Portsmouth Avenue Heritage Overlay District
245 7. Professional Residential District
246 8. Potential re-zoning of split-zoned PRE and RA parcels
247 9. Route 33 Heritage District

248
249 Mr. Connors explained this is the fourth meeting for proposed amendments. He described that
250 some of the amendments (numbers 1 through 4 in the preceding list) are ready for public hearing
251 and he recommended scheduling the hearings for November with the remaining to be discussed at
252 public hearings in December.

253
254 The Board discussed and approved adding a requirement that a yield plan be stamped by a
255 Professional Engineer in the Ordinance in addition to requiring it in the proposed Subdivision
256 Regulation changes. The Board agreed to proceed with two public hearings in November for the
257 amendments that are ready.

258
259 The Board discussed proposed subdivision signs on private residential lots where no open space
260 lots exist. It was determined the signs could be on a private lot with an easement and a
261 homeowner's association would need to be created to maintain the sign. Mr. Allison suggested
262 that the Town be given the authority to remove the sign if it fell into disrepair at the expense of the
263 owners. Mr. Connors replied that would need to be reviewed by the Town's attorney.

264
265 Mr. Connors briefly presented the remaining proposed amendments (numbers 5 through 9 in the
266 list above). The Board will review drafts at subsequent meetings.

267
268 b. Discussion of proposed amendments to Subdivision Regulations including to Sections 4.3 *Soils*
269 *Based Lot Size Determination*, 4.4.2 *Pork Chop Lot Subdivision*, and 4.6 *Open Space Cluster*
270 *Subdivision*, 4.3 *Soils Based Lot Size Determination*

271
272 Proposed amendments to the Subdivision Regulations will be presented at the next Planning Board
273 meeting.

274 **5. Adjournment**

275
276 **Mr. Kunowski made a motion to adjourn the meeting at 8:06 pm. Mr. Canada seconded the**
277 **motion. All voted in favor and the motion passed.**