



Stratham Planning Board Meeting Minutes

November 20, 2024

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member (arrived 7:34 pm)
Nate Allison, Alternate Member

Members Absent: David Canada, Vice Chair
John Kunowski, Regular Member

Staff Present: Susan Connors, Planning Project Assistant

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:02 pm and took roll call.

2. Approval of Minutes

a. November 6, 2024

The Board tabled the approval of the November 6, 2024 minutes to the December 4, 2024 meeting.

3. Public Meeting (New Business):

a. 219 Portsmouth Avenue. Debra Ficara (Applicant), Ficara Family Revocable Trust (Owner), request for approval of a Route 33 Heritage District application to construct a detached accessory dwelling unit at 219 Portsmouth Avenue, Tax Map 21, Lot 89, Zoned Route 33 Heritage District. *This application was continued from November 6, 2024.*

Ms. Connors stated that this application is reviewed through a public meeting and not a hearing. The Route 33 Heritage District Advisory Committee voted to recommend the application for Planning Board review and recommended that special consideration be given to the siding material and structure visibility from Route 33. The Applicant submitted additional renderings and photographs as requested by the Advisory Committee.

Mr. House appointed Mr. Allison as a voting member for the meeting.

Andrew Schrag designed the ADU and represented the Applicant. They are proposing a detached ADU near the back part of the lot about 257 feet from the road. He stated the location is lower in grade than the road. The owner (Debra Ficara) has lived in the home for 28 or 29 years. The house was built in 1745 and the owner has put a lot of work into the existing home. Ms. Ficara wishes to construct the ADU for her use and sell the property to her youngest son. Mr. Schrag described the floor plans and the architecture. He stated that they are requesting to use vinyl siding on the ADU from a maintenance and a cost perspective as the existing, old home requires quite a bit of upkeep. They would like the ADU to be relatively easy maintenance. Mr. Schrag described that there would

45 not be a lot of j channels and instead they would wrap the corner boards and use nice trim around
46 the windows and sills which would be a step up from typical vinyl siding. He stated they believe
47 vinyl can be used due to the set back of the ADU from the road and presented plans showing the
48 location and existing screening.
49

50 Mr. House stated that the drawings should be updated for the Planning Board files to reflect the
51 kind of siding proposed. He also noted that the elevations are a little confusing as compared to the
52 site plans and requested Mr. Schrag review them and correct as needed.
53

54 Mr. House asked what the siding material for the existing home is. Mr. Schrag replied that it is
55 clapboard. Mr. House asked if there are two gables on the roof. Mr. Schrag replied yes and
56 explained there are intersecting gables.
57

58 Mr. Allison asked if it will be the same color scheme as the primary home. Mr. Schrag replied they
59 have not decided on the color yet as if they are approved for vinyl siding, then they will look at
60 what the manufacturer offers. He prefers a lighter colored vinyl than a darker one because
61 sometimes the darker colors warp over time and also they do not want to draw attention to the
62 ADU. He stated the main house is a dark blue and an additional outbuilding is white or yellow. He
63 added that it was not designed to look like a barn so they will not use a dark or bright red and that
64 it is detailed to look like a small cottage.
65

66 Mr. Houghton stated that it is a nice, well-done project, but he is not in favor of vinyl siding because
67 it is not consistent with the character of the existing home. Mr. House noted that the outbuilding
68 has vinyl siding and asked Mr. Allison his thoughts. Mr. Allison replied that it will not be
69 particularly visible and although vinyl is not allowed in the zone, he would be in favor of giving
70 relief if the siding is good quality and really looks like siding. He added that he understands why
71 clapboard and paint are not desirable and noted that it is a small building that won't be terribly
72 visible. Mr. Houghton stated that the character of the property is hugely defined by the 1750s
73 house, which is a beautiful home, along with the stone wall that runs along the front of the house.
74

75 Mr. House summarized that Mr. Allison is okay with vinyl and Mr. Houghton prefers wood siding.
76 Mr. Allison clarified that he doesn't have a problem with vinyl, but he recognizes this is a new
77 building and not a situation where someone is asking for relief due to a mistake that was made or
78 approval was tacitly given, so there is an opportunity to follow the zoning.
79

80 Mr. Schrag asked if the intent of the zoning is from the perspective of the road or the character of
81 the entire property. Mr. House replied it is the character of the property and the surrounding
82 neighborhood. He explained that he understands the request for vinyl because of maintenance but
83 there is a character in town that the ordinance is trying to protect.
84

85 **Mr. House made a motion to open the meeting to the public. Mr. Allison seconded the motion.**
86 **All voted in favor and the motion passed.** No members of the public spoke. **Mr. Houghton**
87 **made a motion to close the meeting to the public. Mr. Allison seconded the motion. All voted**
88 **in favor and the motion passed.**

89 **Mr. Houghton made a motion to approve the application for Debra Ficara, Ficara Family**
90 **Revocable Trust (Owner), for approval of a Route 33 Heritage District application to**
91 **construct a detached accessory dwelling unit at 219 Portsmouth Avenue, Tax Map 21, Lot**
92 **89, Zoned Route 33 Heritage District subject to the following conditions:**

94 1. That the siding material be natural wood or cement based, artificial wood siding.
95 2. That plans be revised for the file to include a notation of materials.

96 4. **Public Hearing (Old Business):**

98 a. Anthony Fusco, Fox Construction, LLC (Applicant), Charles B. Rocha III and Lori J. Rocha
99 Revocable Trust (Owners) – Request for approval of Conditional Use Permits to allow
100 encroachments into the Wetlands Conservation and Shoreland Protection Districts for the
101 construction of a driveway serving a proposed residence at 23 Winding Brook Drive, Tax Map 16,
102 Lot 1, Zoned R/A. *This application was continued from November 6, 2024.*

104 Ms. Connors stated that the staff memo was updated to reflect the site walk on October 31 and
105 removed the question about the property being in the Aquifer Protection District as staff confirmed
106 that it is not in that district. Since the last meeting it was also determined that the project needs a
107 variance from the Zoning Board to construct within 100 feet of very poorly drained soils in addition
108 to the Special Exception required for construction in the Shoreland Protection Zone. The
109 Conservation Commission reviewed the Planning Board application for the driveway crossing the
110 wetlands and they had no objection to the application moving forward. The application package
111 includes updated materials including a cover letter, the NHDES permit for the wetlands crossing,
112 the CUP application, the driveway analysis, and public comments submitted through email. Ms.
113 Connors noted that neither commenter is an abutter and that they provided comments just from
114 seeing the project posted.

116 Scott Frankiewicz of NH Land Consultants and Antony Fusco with Fox Construction presented
117 the application. Mr. Frankiewicz stated that after the last meeting, they put together a full package
118 with the drainage analysis prepared by a professional engineer, updated the plans and tried to make
119 the plans as clear as possible with regards to setbacks. The revised plans show the entire site
120 wrapped with silt fencing. They addressed comments about grading getting too close to the abutter
121 on the right. The septic design is under review with the Rockingham County Conservation District
122 and is expected to be approved tomorrow. The crossing itself has stayed exactly the same as it was
123 originally submitted to the Planning Board and approved by NHDES.

125 Mr. House asked how many test pits were done. Mr. Frankiewicz replied one test pit and Mike
126 Cuomo from RCCD stated that only one was needed for an existing lot of record. Mr. House replied
127 that he believes Stratham's Zoning Ordinance requires two.

129 Mr. House asked about the culvert details and Mr. Frankiewicz presented the plan and described
130 the construction which includes a guard rail.

132 Mr. House summarized that the Planning Board review is for the driveway crossing only and
133 described at the site walk that the area was very wet. He stated that although this board is not
134 reviewing the house location, it is a high, dry area. Mr. House believes the culvert is the most
135 important aspect of the Planning Board application. Mr. Frankiewicz described that the culvert is
136 48 inches and mimics the ones upstream and downstream. It is proposed to be HDPE plastic with
137 head walls.

138 Mr. Zaremba asked for clarification on the lot size as materials within the application differ. Mr.
139 Frankiewicz replied that he believes it is 1.4 acres. Mr. Zaremba asked if the lot size affects the
140 driveway analysis. Mr. Frankiewicz replied no, that the acreage was just a description of the lot
141 and the entire subcatchment was analyzed.

143 **Mr. Houghton made a motion to open the hearing to the public. Mr. Zaremba seconded the**
144 **motion. All voted in favor and the motion passed.** No members of the public spoke. Ms. Connors
145 stated that two emails were submitted by members of the public for the record. **Mr. Houghton**
146 **made a motion to close the hearing to the public. Mr. Zaremba seconded the motion. All**
147 **voted in favor and the motion passed.**

148
149 Mr. Frankiewicz presented to the Board how the application meets each of the Conditional Use
150 Permit criteria in Section 3.6 of the Ordinance. The board had no comments.
151

152 Mr. Frankiewicz presented to the Board how the application meets each of the Conditional Use
153 Permit criteria in Sections 11.4 and 12.7 of the Ordinance. Mr. House asked if the utility lines from
154 the street to the home will be above ground. Mr. Frankiewicz replied they will be below ground
155 but within the driveway. Mr. Allison commented that there will be a lot of fill brought in for the
156 driveway and he would like to see a tire scrubber at the entrance to limit the amount of material
157 tracked on the road.
158

159 **Mr. Allison made a motion that the Planning Board approve the Conditional Use Permit to**
160 **allow encroachment into the Wetlands Conservation and Shoreland Protection Districts for**
161 **the construction of a driveway serving a proposed residence at 23 Winding Brook Drive, Tax**
162 **Map 16, Lot 1, Zoned R/A, subject to the following conditions:**

- 163 1. **That soil erosion and protection controls be provided at the entrance of the driveway**
164 **into the site during construction, such as a tire scrubber.**
- 165 2. **The details of the protection controls shall be included on the plans.**
- 166 3. **The Applicant shall obtain a subsurface sewage disposal permit from NH DES.**

167 **Mr. Houghton seconded the motion. All voted in favor and the motion passed.**
168

169 **b. Potential Zoning Amendments**

- 170 1. Article II. Table of Dimensional Requirements and Explanatory Notes
- 171 2. Article III. Residential Open Space Cluster Development
- 172 3. Article IV. Accessory Dwelling Unit requirements
- 173 4. Article V. Sign Ordinance amendments
- 174 5. Article VI. Re-zoning of split-zoned PRE and R/A parcels and Re-zoning of parcels 13-071,
175 13-072, 13-073, 13-075 and 13-076 to PRE from R/A.
176

177 Ms. Connors explained that these five amendments are ready for the Board to vote to send to the
178 ballot if they are comfortable with the language. The only changes made from the last meeting are
179 to add five parcels to the article for rezoning at the request of the property owner.
180

181 **Mr. Zaremba made a motion that the Planning Board approve Article II, Table of**
182 **Dimensional Requirements and Explanatory Notes to move to the town ballot. Mr. House**
183 **seconded the motion. All voted in favor and the motion passed.**
184

185 **Mr. Zaremba made a motion that the Planning Board approve Article III, Residential Open**
186 **Space Cluster Developments to move to the town ballot. Mr. House seconded the motion. All**
187 **voted in favor and the motion passed.**
188

189 **Mr. Zaremba made a motion that the Planning Board approve Article IV, Accessory Dwelling**
190 **Unit to move to the town ballot. Mr. House seconded the motion. All voted in favor and the**
191 **motion passed.**

192 **Mr. Zaremba made a motion that the Planning Board approve Article V, Sign Ordinance, to**
193 **move to the town ballot. Mr. House seconded the motion. All voted in favor and the motion**
194 **passed.**

195
196 **Mr. Zaremba made a motion that the Planning Board approve Article IV, Rezoning to move**
197 **to the town ballot. Mr. House seconded the motion. All voted in favor and the motion passed.**

198
199 **5. Public Hearing (New Business):**

200 a. Subdivision Regulation Amendments

201 1. Section 4.3 Soils Based Lot Size Determination to clarify that land within dimensional
202 setbacks areas or within wetland buffer areas shall not count toward the minimum buildable
203 area requirements.

204 2. Section 4.4.2 to eliminate the provisions for pork chop lots, which was approved by Town
205 Meeting in 2023.

206 3. Section 4.6 Open Space Cluster Developments to clarify requirements for Yield Plans

207
208 Ms. Connors explained that that the Board has reviewed the proposed subdivision regulation
209 changes at previous meetings and approved it moving forward to public hearing. The public notice
210 has been completed and this is the formal public hearing.

211
212 **Mr. Houghton made a motion to open the public hearing. Mr. Zaremba seconded the motion.**
213 **All voted in favor and the motion passed.**

214
215 The Board had no comments on the changes.

216
217 Fred Emanuel of 6 Patriots Road asked if the changes are more restrictive or progressive. Mr.
218 Allison replied that the changes are clarification for conflicting or absent areas of the Ordinance.

219
220 **Mr. House made a motion to close the public hearing. Mr. Allison seconded the motion. All**
221 **voted in favor and the motion passed.**

222
223 **Mr. Houghton made a motion to approve the subdivision regulation amendments that**
224 **include the addition of text to minimum lot sizes, the elimination of provisions for pork chop**
225 **lots, and the addition of text to clarify requirements associated with Open Space Cluster**
226 **Developments. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.**

227
228 **6. Public Meeting (Old Business):**

229 a. Discussion of Potential Zoning Amendments

230 1. Potential Portsmouth Avenue Heritage Overlay District

231 2. Professional/Residential District architectural standards

232 3. Route 33 Heritage District

233 4. Wetlands Ordinance

234
235 Ms. Connors explained that the Town's attorney reviewed the proposed Portsmouth Avenue
236 Heritage District proposal, and, in his opinion, it is not supported by Statute and would not be
237 enforceable. It was noted however that that demolition delay exists town-wide under Section
238 16.5 Historic Demolition Review. Mr. Zaremba asked for clarification that the Ordinance was
239 limited to demolition. Ms. Connors believed that was the case and would research it and provide
240 an update to the Board at the next meeting.

241 Ms. Connors requested that the Board review the language for the Professional/Residential
242 District architectural standards and the Route 33 Heritage District density changes and be prepared
243 to comment on the amendments for the next meeting.

244
245 Ms. Connors described conceptual changes to the Wetlands Conservation District. Carol Ogilvie,
246 the Interim Town Planner, prepared a staff memo that describes that using poorly drained and very
247 poorly drained soils as a setback indicator is an outdated approach. Ms. Connors explained that
248 having two setbacks for wetlands: 50 feet for poorly drained and 100 feet for very poorly drained,
249 is challenging to manage. Mark Connors, the previous Town Planner, presented conceptual
250 changes to the Board in the past including creating one setback to wetlands and the Board was in
251 agreement with one setback at 75 feet. Ms. Connors noted that the Conservation Commission was
252 in agreement with removing agricultural uses as a permitted use. Staff reached out to NHDES with
253 an inquiry on permitted uses in wetlands and is waiting for a response. A final comment from staff
254 is that the Board could consider an amendment that allows uses outside the no-disturbance zone to
255 be approved through a Conditional Use Permit and reserve Variances for projects that are more
256 serious and are proposed to encroach in the no-disturbance zone or the wetlands.

257
258 **7. Adjournment**

259
260 **Mr. Zaremba made a motion to adjourn the meeting at 8:58 pm. Mr. Allison seconded the**
261 **motion. All voted in favor and the motion passed.**