



Stratham Planning Board Meeting Minutes
January 8, 2025
Stratham Municipal Center
Time: 7:00 pm

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

Members Absent: Thomas House, Chair

Staff Present: Carol Ogilvie, Interim Town Planner
Susan Connors, Planning Project Assistant

1. Call to Order

Mr. Canada called the meeting to order.

2. Approval of Minutes

a. December 18, 2024

Mr. Zaremba made a motion to approve the December 18, 2024 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. Public Meeting (New Business):

a. McFarland Ford (Applicant) and Wilma K. Guilfoyle Revocable Trust of 1991 (Owner), Request for a Preliminary Consultation for a redevelopment project that includes demolition of an existing structure and construction of two new car dealerships at 50 Portsmouth Avenue, Tax Map 9, Lot 17, Zoned Gateway Commercial Business District.

Chris Lane of McFarland Ford gave a brief overview of the project. Bruce Scamman of Emmanuel Engineering and James Verra & Associates spoke on behalf of the Applicant. The existing dealership parcel is proposed to be redeveloped with two new car dealership buildings. The site will have a single entrance off Portsmouth Avenue where there are currently two entrances. They propose to construct a road in the rear of the property for possible future connection to Market Street as described in the Stratham Master Plan. The rear road will include an unloading zone for tractor trailers along with a six-foot walkway. Mr. Scamman asked for comments from the Board.

Mr. Kunowski asked if there are any other wetland areas on the property other than the one identified on the left side of the property. Mr. Scamman replied that is the only one delineated.

Mr. Scamman noted that they have reached out to a transportation engineer to perform some preliminary work on this parcel and for the next proposal at 57 Portsmouth Avenue.

Mr. Kunowski commented that sidewalks are encouraged in this District in the front of the property along Portsmouth Avenue. Mr. Houghton agreed.

Mr. Scamman discussed the proposed rear right of way and how it would align with the neighboring property at 58 Portsmouth Avenue.

Mr. Kunowski commented that the new road in the rear with the straight lane through the parcel could entice drivers to cut through the property.

Mr. Canada asked how much traffic is predicted to be generated on Frying Pan Lane. Mr. Scamman replied negligible and perhaps one or two tractor trailers per day. Mr. Canada noted that Frying Pan Lane is posted for tonnage. Mr. Scamman replied that the parcel across from Frying Pan Lane was approved by the Planning Board for tractor trailer traffic to it. Mr. Canada suggested that Mr. Scamman look into the weight limitation on Frying Pan Lane.

Mr. Houghton asked if the buildings could be moved closer to Portsmouth Avenue to meet the 40-foot maximum setback. Mr. Scamman replied that for other properties they received approval to exceed that through a conditional use permit or variance. He believes access on all sides of the buildings is necessary for fire protection and would like to retain a driving lane with limited customer or employee parking in the front.

Jeremy Riecks of 18 Doe Run Lane spoke. He stated that there are a number of problems with the existing dealerships related to lighting, hazardous waste generation, and safety with tractor trailer queuing in Portsmouth Avenue. He agrees with Mr. Houghton's comment regarding decreasing the building setback to have less vehicles parked in the front. He voiced concerns with wastewater treatment issues (odors, noise, etc.) at the existing BMW dealership and parking on the grass in the front at some of the existing dealerships.

- b. 57 Portsmouth Ave LLC (Applicant and Owner), Request for a Preliminary Consultation for a redevelopment project that includes demolition of existing structures and construction of a new car dealership at 57 Portsmouth Avenue, Tax Map 9, Lot 6, Zoned Gateway Commercial Business District.**

Mr. Scamman described the project as demolition of the existing store and construction of a new car dealership. A single entrance off of Portsmouth Avenue is proposed to align with the driveway across the street at Porsche/Audi. A wetlands permit from NHDES will be obtained to construct a retaining wall and fill in about 30,000 square feet of wetlands.

Mr. Houghton asked if the building could be moved to the other side of the lot to avoid some of the wetlands fill. Mr. Scamman replied that the building is aligned with the driveway into the site.

Mr. Canada asked if the 30,000 square feet of impact is just to wetlands or does it include the buffer. Mr. Scamman replied it is direct wetlands impact.

Mr. Zaremba asked if a delivery truck will be able to access the site. Mr. Scamman replied that they have not completed the full design on that yet and tonight they just wanted to discuss any big picture items.

Mr. Kunowski reiterated Mr. Houghton's comments on mitigating wetlands impacts and also noted

that the current plan creates visual blight with the sea of cars. Mr. Scamman replied that the narrow depth of the lot makes it difficult with regards to traffic around the building if the building is sited in the center of the parcel.

Mr. Allison asked what the use of the pond was that is proposed to be filled. Mr. Scamman replied it was a man-made pond that was dug for cattle. Mr. Canada asked if NHDES approval is needed to fill the pond. Mr. Scamman replied that is debatable on how the law is interpreted with regards to man-made structures.

Mr. Zaremba commented that the design standards prefer to not have the service bays facing the front of the property. Mr. Scamman replied that other dealerships worked with the board on that and dressed up the doors to look like windows and described how that part of the building is set back from the main building and not as visible from the road. Mr. Lane added that trees can be planted to shield it from the road.

Mr. Canada asked if there are comments from the public.

Mr. Riecks of 18 Doe Run Lane stated that all of his previous comments apply to this project as well. He asked what the plan is for fire protection at both properties and commented that the cistern for BMW is in the rear of the property with vehicles parked in front of it. He believes that a fire in the rear of the BMW building along with the vehicle parking could be an issue for access to the cistern if the back of the property was in flames. Mr. Scamman replied that there is a cistern within 1,000 feet of this project, so he does not know if another is needed, and he will work with the fire department on that and suggested a sprinkler system with a cistern. He also stated they are considering a single fire suppression system for all three buildings if NHDOT will allow drilling under Portsmouth Avenue. Mr. Riecks commented that the project should include requirements for suppression of fires from the electrical vehicle batteries.

Damon Jespersen of Newbury Massachusetts spoke. He stated that he looked at purchasing the property in the past and there was an idea of installing a traffic light at the intersection of Frying Pan Lane. He asked if that is incorporated into these plans and who would bear the expense for that. Mr. Scamman replied that a traffic engineer has been hired to review that and it will be ultimately up to NHDOT. Mr. Canada added that the Town has requested that NHDOT review the need for traffic lights in that area and the Town has also discussed lining up Frying Pan Lane with River Road.

Peter Goodrich of 321 Portsmouth Avenue asked regarding the 50 Portsmouth Avenue project if it is the intent to have a sidewalk that connects that property to 58 Portsmouth Avenue. Mr. Scamman replied there is a property in between those properties. Mr. Canada added that the Town generally requires sidewalks on the subject property with the intention that someday they will all connect. Mr. Scamman noted there are some elevation and ledge issues with the property in between 50 and 58 Portsmouth that will be expensive to address. Mr. Goodrich asked if the pond at 57 Portsmouth Avenue is spring fed. Mr. Scamman replied he does not know for certain, but he has seen it dry at times. Mr. Goodrich asked if there is consideration to rebuild the pond below the wetland barrier. Mr. Scamman replied that area is off the property and in conservation and he does not believe the conservation easement would allow that.

Mr. Riecks asked what the slope will be in the rear of the property. Mr. Scamman replied that the back corner is elevation 50 and the front is 98 and there will be a 30 to 35-foot retaining wall in

143 the rear. Mr. Riecks asked how the stormwater will be managed. Mr. Scamman replied they are
144 considering below grade drainage with catch basins, dry wells, and a sand filter for treatment. He
145 added that the State of New Hampshire sometimes requires secondary treatment and a
146 denitrification process and this project will require an Alteration of Terrain Permit from the State.

147
148 Mr. Goodrich asked what the plans for drinking water and septic are. Mr. Scamman replied that
149 they plan to use the existing water supply well and will construct a new septic system.

150
151 Mr. Scamman asked if these preliminary consultations are protected from zoning and regulation
152 changes for one year per state law since they completed newspaper and abutter notifications. Ms.
153 Ogilvie responded that is a grey area due to the language in the current regulations and how the
154 applications are processed and therefore neither her nor the Planning Board are in a position to
155 confirm that tonight. Mr. Canada clarified that tonight was a public meeting and not a public
156 hearing.

157
158 **4. Public Hearing (New Business):**

- 159 **a.** Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner),
160 request for approval of a Subdivision application and Conditional Use Permit for a proposed
161 subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, into a Residential Open
162 Space Cluster Development with 28 single-family residential lots, and five (5) joined-array lots
163 each with four (4) separate single-family units, for a total of 48 units. The parcels are Zoned
164 Residential/Agricultural.

165
166 Ms. Ogilvie stated that the Board needs to vote tonight whether or not the application is complete.
167 Once the application is accepted as complete, the Board needs to act on the application within 65
168 days. She stated that more than likely this project will need extensions granted along the way. She
169 prepared a staff memo with a number of items to be addressed, but they do not need to be discussed
170 immediately. She feels that the application, in terms of meeting the submission requirements of
171 the regulations is complete to be accepted. If the Board agrees and votes to accept the application
172 as complete, then the Chair can open the public hearing and allow the application to make the
173 presentation.

174
175 Mr. Canada appointed Mr. Allison as a voting member for the meeting.

176
177 **Mr. Zaremba made a motion to accept the application as complete. Mr. Kunowski seconded**
178 **the motion. All voted in favor and the motion passed.**

179
180 Mr. Canada opened the public hearing.

181
182 Bruce Scamman of Emmanuel Engineering and James Verra & Associates spoke on behalf of the
183 Applicant. He stated that the project was before the Board in June and July as a preliminary
184 meeting. They presented the Board this evening with revised drawings and a response to the staff
185 memo. The yield plan has been reduced from 37 to 35 lots which will allow 46 cluster subdivision
186 lots but they are only proposing 34 lots. The project will have a variety of value of homes in a
187 combination of two, three, and four-bedroom homes. There will be a road with two cul-de-sacs.
188 There will be a mix of individual and shared wells and septic systems. There are 35 lots on the
189 yield plan and 33 total lots proposed for the open space subdivision. They are requesting density
190 bonuses as follows: one lot for a threshold bonus for having 35% open space, two lots for
191 preserving a buffer at the entrance, 10% for unique land environmental features and/or facilities,

192 and 5% for the development of trails. Mr. Scamman stated that they plan to save the existing barn
193 and home onsite and they believe the unique multiple sizes and values of homes qualifies as an
194 innovative layout and design that will allow different family generations living in the
195 neighborhood. He stated that they commit to building a trail system, but the location will be
196 determined after the lot and house locations are determined. Drew Goddard, the Applicant, added
197 that he has spoken in the past with Seth Hicky, the Parks and Rec Director, about trails at this
198 property with regards to connectivity and added that they included public parking spaces so people
199 outside the subdivision can access the trails.

200
201 Mr. Scamman presented the maximum bedroom calculations: 20 two-bedroom units in the array
202 lots, 10 three-bedroom lots, and 18 four-bedroom lots. He stated that equates to 39.5 lots and that
203 typically the lots are submitted to the state as four-bedroom lots. He stated that with bonuses they
204 can build up to 46 lots and they are only proposing 39.5 lots. Mr. Goddard stated that they are
205 working on one-floor living designs for the two-bedroom homes and while they are not
206 maximizing the density of the bonuses allowed by right, they want to develop the parcel in a way
207 to offer unique and different products for multiple people. Mr. Kunowski clarified for the record
208 that the density bonuses are not a right, that they are subject to review and approval by the Planning
209 Board. Mr. Goddard acknowledged the correction and added that they are not maximizing the
210 density bonuses but with achieving the bonuses of 39.5, it allows him to keep the array lots. His
211 objective is to be able to keep the unique marketability of different products and he hopes to keep
212 a partnership between the board and this project to make those array lots viable.

213
214 Mr. Kunowski asked the Applicant to describe how the project meets the innovative layout and
215 design bonus and recited the regulation. Mr. Goddard replied that the multi-generational, multiple
216 price points, and multiple housing sizes creates more of a village. He added that they are retaining
217 an existing pond onsite for recreation like fishing and ice skating, and they are retaining the
218 heritage of the existing barn and house. Mr. Kunowski stated that the house and barn will be a
219 private lot sold to someone so there will not be access to it other than visually.

220
221 Mr. Scamman asked if there were any questions on the yield plan. Mr. Allison provided detailed
222 comments as to why he does not believe the yield plan meets the requirements of the subdivision
223 regulations and ordinance. Additionally, he believes the proposed lots do not have sufficient usable
224 space outside of wetlands and buffer/setback areas. Mr. Goddard replied that he interprets the
225 ordinance differently partially because of precedence from past approved cluster subdivisions and
226 provided his interpretation of the ordinance. Mr. Allison directed Mr. Goddard's attention to
227 Section 8.11 Maximum Development Density of the Subdivision regulations and the definition of
228 non-buildable area in Section 8.4 of the Ordinance. Mr. Goddard believes he met the non-buildable
229 definition when they reduced the yield plan lots from 37 to 35 by removing the very poorly drained
230 soils areas from the lot sizes. Mr. Allison reiterated that he does not believe the yield plan submitted
231 meets the ordinance and regulations and is concerned with the owners having sufficient usable
232 space. Mr. Goddard replied that many existing lots are not totally usable. Mr. Scamman presented
233 the table of lots that includes the area calculations for contiguous non wetland area.

234
235 Mr. Goddard mentioned a preservation easement on the existing house and barn and that typically
236 those easements are purchased. He is not asking for any money and stated it's going to be a
237 condition of the subdivision. He added that he is not offering it, but it is on the table, and he would
238 like to have a preservation easement as the outcome.

239
240 A discussion took place regarding placing permanent markers for the wetland areas or information

in the deed regarding wetlands, but there was no clear resolution.

Mr. Allison stated that he is not enthusiastic about giving large bonuses. He understands giving some as a concession for the developer giving land as public land. He stated that with the ordinance allowing only 100 feet instead of 200 feet of frontage for open space cluster subdivisions allows a developer to build less road, which is a great cost reduction for the developer, and results in more homes to sell.

Mr. Kunowski asked if the area between Lots 26 and 27 is a shared driveway. Mr. Scamman confirmed. Mr. Kunowski asked if there will be wetland impacts for the septic line crossing to leachfield 5. Mr. Scamman replied they will directional drill underneath the wetlands. He added that they are under 3,000 square feet of wetlands impact for the entire project which is the minimum category for the State of New Hampshire.

Mr. Scamman described the build out plan that includes a straight road with a cul-de-sac and a second shorter road with a smaller cul-de-sac. There will be shared wells and shared septic systems. There will be a parking area for the mailbox and access to the pond. They are proposing a pump house for a fire system with three pressurized hydrants on the site to be connected to the existing pond on site with a well to fill the pond. The streets will have a single pitch across the road to capture and treat stormwater on one side in a bioretention swale and the other side will have a stone infiltration swale.

Ms. Ogilvie asked Mr. Scamman to pause the presentation for tonight so staff and the board can review the revised plans and response to the Town's staff memo which was just provided this evening. Ms. Ogilvie also noted that the Board needs to determine if it agrees with the yield plan as submitted. The Board determined that they need to review the revised application materials and the ordinance and regulations before making a decision on approving the yield plan. Ms. Ogilvie noted that the Fire Chief requested a third-party engineering review of the proposed fire system and subdivision layout. Ms. Connors stated that the DPW has questions and comments on the plan that were provided yesterday verbally to staff and that the project also needs a third-party civil engineering review and escrow funds from the applicant. Ms. Connors asked the applicant if they want to present the project at the Conservation Commission meeting on January 22nd which coincides with the next Planning Board meeting. Mr. Goddard replied he would prefer to wait until the plan is farther along in the Planning process before presenting to the Conservation Commission.

Mr. Canada invited members of the public to speak.

Nick Haritos of 7 Spring Creek Lane stated he is concerned about increased traffic on Winnicutt Road from this project. He stated there are no sidewalks on Winnicutt Road and it is a dangerous road with police speed traps all the time. He asked if a traffic study has been done to determine the impact to this very large development. He urged the Planning Board to also take into account the potential new car dealerships and maybe commission a bigger traffic study. Mr. Haritos noted that in the early afternoon there is sun glare when traveling from Route 1 and he believes there should be sidewalks on Winnicutt Road. Mr. Canada replied that Winnicutt Road is state road and he doesn't believe the Town will be able to get that from DOT as a result of this project.

Mr. Zaremba made a motion to continue the public hearing to January 22, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

290 **b. Discussion of Potential Zoning Amendments**

291
292 Mr. Canada opened the public hearing on zoning amendments.

293
294 *1. Professional/Residential District architectural and site design standards.*

295
296 Ms. Ogilvie stated that this a proposed new section of the Ordinance that the Board has reviewed
297 multiple times. She noted some minor changes since the last version.

298
299 Bruce Scamman provided some comments on the Gateway District standards but no comments
300 regarding the proposed Professional/Residential District standards.

301
302 **Mr. Zaremba made a motion to approve the proposed zoning amendment to Article 7,**
303 **Professional/Residential District to Town ballot. Mr. Kunowski seconded the motion. All**
304 **voted in favor and the motion passed.**

305
306 *2. Wetlands Ordinance.*

307
308 Ms. Connors presented an overview of the proposed amendments to the Wetlands Conservation
309 District which are in effect a rewrite. There are three clearly defined areas: the Wetlands District,
310 a 25-foot no disturbance area, and a 50-foot building setback area beyond the 25-foot no
311 disturbance area. A prohibited use section was added since the last meeting based on the
312 “Innovative Land Use Planning Techniques” handbook prepared by four different state agencies.
313 The existing Conditional Use Permit process for driveways, etc. within the District or buffer
314 remains unchanged and a new Conditional Use Permit process was created for structures within
315 the setback as opposed to the current Variance process.

316
317 Mr. Zaremba asked if the permitted uses are consistent with the State. Ms. Ogilvie replied yes
318 and that the permitted and prohibited uses mirror the language from the DES model ordinance.
319 Bruce Scamman asked what model ordinance as the State does not have setback requirements.
320 Ms. Ogilvie explained that around 2007 or 2008 DES organized a project to develop model
321 ordinances for everything that Regional Planning Commissions are involved in. She said there
322 is a sort of legal background for every topic along with a model ordinance.

323
324 Mr. Scamman asked why the ordinance is being made more restrictive than the existing 50-foot
325 setback. Ms. Connors replied that there are currently two different setbacks, 100 feet to very
326 poorly drained soils and 50 feet to poorly drained soils. The Conservation Commission and the
327 Board agreed to a single setback of 75 feet that is less restrictive than the existing setback to very
328 poorly drained soils and provides an easier CUP process for projects in the new setback. Mr.
329 Scamman replied that the majority of wetlands are not very poorly drained and questions the
330 science behind it. Mr. Allison stated that many ordinances do not distinguish between the
331 different soil types. Mr. Canada added that it was discussed at length in the past. Mr. Scamman
332 commented that a stricter proposal was created years ago by an outside party that was not met
333 favorably in town. He asked the Board to consider all of their zoning decisions that may be
334 construed as land takings. He believes it is more important to have good designs with appropriate
335 drainage and treatment than to globally protect areas.

336
337 Mr. Canada asked for a board discussion based on Mr. Scamman’s comments. There were no
338 comments.

Mr. Houghton made a motion to approve the proposed zoning amendment to the warrant. Mr. Allison seconded the motion. All voted in favor and the motion passed.

3. Clarification on Maximum Residential Density in Section IV, Dimensional Requirements

Ms. Ogilvie stated that there is difficulty in interpreting the ordinance with regards to Section 4.1.4 Maximum Residential Density. Staff discussed this at the last board meeting and an amendment was proposed. This amendment clarifies that Section 4.1.4 applies to Mixed Use Properties and that Section 4.1.5 Primary dwellings in Residential Districts also applies to the Route 33 Heritage District. Staff believe the omission of that district in Section 4.1.5 was an oversight when the Route 33 Heritage District was created. Ms. Connors added that this amendment clarifies that only 1 single-family home and 1 duplex is allowed on a parcel in the R/A, Manufactured Housing, and Route 33 Heritage Districts.

Mr. Canada invited members of the public to speak.

Bruce Scamman stated that he thought the Town was trying to create more housing and he thought a goal of the Route 33 Heritage District was to get more residential housing. Mr. Scamman provided an example of a client who was told by the previous Town Planner that two primary residential units are allowed in the Route 33 Heritage District and this amendment is contrary to that. Mr. Canada replied that he believes the rationale behind any limitations is to preserve Stratham as much as possible while allowing growth. Mr. Scamman believes the proposed ordinance will create apartment buildings where he thought that the goal of the district was to create farmsteads with multiple generations and houses. Mr. Canada replied that single family homes have always been limited to one per parcel. Mr. Scamman questioned the allowance of three residential units per acre in Section 3.10.9. Ms. Connors replied with a description of the issues staff was having recently interpreting the Section 3.10.9 vs. 4.1.4 of the Ordinance. She stated that three units per acre is clearly allowed in the Route 33 Heritage District as multi-family housing and that Section 4.1.4 appears to limit the multi-family housing in that District when a commercial use is mixed in. Ms. Connors mentioned that Mr. Scamman was in the office today asking how many residential condos can be located on a single parcel in the Route 33 Heritage District. Mr. Houghton provided an example of a recent mixed-use property on a parcel in the District that is very congested. Mr. Scamman provided a description of his client's proposed project in the District. Ms. Connors replied she believes the Ordinance does not specifically limit the number of condos and therefore the project would be limited by septic design and other site limitations and would be reviewed by the Planning Board through an application process to be determined.

Mr. Houghton made a motion to move Section 4 Dimensional Requirements as amended to the warrant. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

5. Adjournment

Mr. Zaremba made a motion to adjourn the meeting at 9:58 pm. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.