



**Stratham Planning Board Meeting Minutes**  
**February 5, 2025**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

**Members Present:** Thomas House, Chair  
David Canada, Vice Chair  
Chris Zaremba, Regular Member  
John Kunowski, Regular Member  
Nate Allison, Alternate Member

**Members Absent:** Mike Houghton, Select Board's Representative

**Staff Present:** Susan Connors, Planning Project Assistant

**1. Call to Order**

Mr. House called the meeting to order at 7:00 pm and took roll call.

**2. Approval of Minutes**

**a. January 22, 2025**

**Mr. Canada made a motion to approve the January 22, 2025 meeting minutes. Mr. Allison seconded the motion. All voted in favor and the motion passed.**

**3. Public Meeting (New Business):**

- a.** 41 Portsmouth Avenue LLC (Applicant) and 41 Portsmouth Avenue Realty LLC (Owner) request for a Preliminary Consultation Site Plan Review for a new 30,000 square foot car dealership at 41 Portsmouth Avenue, Tax Map 9, Lot 4 in the Gateway Commercial Business and Residential/Agricultural Districts.

Ms. Connors introduced the project as an 8.28-acre site at the intersection of River Road and Portsmouth Avenue. The project is a proposed automobile dealership that is an approved use in the Ordinance with a Site Plan Review and Conditional Use Permit. The site was approved for a dealership in 2014 but never developed and the approval has expired. The Gateway District was amended in 2016, 2017, and 2021. The consultant is aware of a change in the ordinance that requires a maximum 40-foot setback from the pavement of Portsmouth Avenue. A formal application for this project was submitted on January 22 and staff discovered on January 23 that a preliminary consultation had not been completed. Planning staff extended the deadline for submission of the prelim application to allow it to be reviewed at tonight's meeting and the full application will be reviewed at the next meeting in two weeks. The applicant was asked to limit this discussion to Sheet C3 site plan and the existing conditions plan as we believe it is unfair to the public and abutters to discuss anything beyond that since the full application has been noticed for public hearing on February 19.

Mr. House announced this is a preliminary consultation, not a design review and asked the

45 applicant to present the project.

46  
47 Bruce Scamman of Emanuel Engineering and James Verra & Associates presented the project and  
48 introduced Chris Lane, the Applicant. Mr. Scamman stated that he presented the project to the  
49 Planning Board 10 years ago as a mirror image to the neighboring dealership. The lot has been  
50 leveled and drainage installed per the approved site plan and AOT approval. He stated that when  
51 the parcel was subdivided a shared driveway was created off of Portsmouth Avenue that connects  
52 to River Road. NHDOT approved two ways in and one way out of the parcel, in order to travel  
53 north on Portsmouth Avenue, vehicles would exit using River Road. He described the stormwater  
54 controls that have been installed and he requests that the Board work with the developer on using  
55 the existing bio swales and driveway entrances.

56  
57 Mr. Canada questioned if there were some agreements between the property owner and the Town  
58 in the past regarding grandfathering of certain aspects of the project. Mr. Scamman replied that he  
59 believes there might be and would like to address two changes. The first is regarding zoning  
60 changes that might allow additional parking in the rear.

61  
62 Mr. House reminded the Board and the Applicant that this discussion is a preliminary consultation  
63 that is non-binding. He asked if the application has changed since what was approved in 2014. Mr.  
64 Scamman replied that this proposal might need a few more parking spaces and the building  
65 footprint might change to accommodate a few more bays, but the impervious area and the general  
66 layout should be very similar.

67  
68 Mr. House commented that he believes the ordinance was amended to not allow the garage doors  
69 to face Route 108. Mr. Scamman replied that the neighboring dealership was approved for a waiver  
70 on that and he believes it can be approved as part of the Conditional Use Permit process.

71  
72 Mr. House commented that the Town has a problem now with car carriers queueing in the middle  
73 of Route 108 and asks for that to be addressed in this application. Mr. Scamman replied how that  
74 can be addressed with the entrance and how overnight parts deliveries will be handled. Mr. House  
75 asked that the Applicant confirm for the final application that the appropriate easements are or will  
76 be in place for the shared driveway.

77  
78 Mr. Kunowski asked if sidewalks are required along Route 108. Mr. House replied he believes  
79 they are.

80  
81 Mr. Zaremba asked that the final application include how lighting and setbacks will be addressed  
82 as what is proposed with regards to setbacks is inconsistent with the current zoning requirements.

83  
84 Mr. Canada stated that Autofair signed a letter of understanding with the Town years ago that they  
85 were conceptually okay with lining up Frying Pan Lane with River Road. He asked if the Applicant  
86 would be willing to renew that. Mr. Scamman replied he will discuss that with his client.

87  
88 Mr. Allison suggested that the Applicant discuss with NH DOT the possibility of having a traffic  
89 light installed at Frying Pan Lane. Mr. Allison asked if a traffic study was completed. Mr.  
90 Scamman replied that one will be commissioned.

91  
92 Ms. Connors stated that the snow storage area is located in the Residential/Agricultural District  
93 and while that is fine, the plan states also “proposed future parking” and staff will need to determine

if parking would be allowed and noted that the Applicant should be aware of that if the proposed use is important to their project.

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

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

Ms. Connors provided a review of the history of this application. The application was accepted as complete on January 8, 2025 and the Board has until Friday, March 14<sup>th</sup> to approve or deny the application. On January 14, Planning and DPW staff met with the applicant and consultant to discuss technical aspects of the project. The DPW Director requested that all private utilities be removed from the right-of-way and a snow storage area be identified for the smaller cul-de-sac. Ms. Connors stated that the Applicant dropped off two checks for the fire and general engineering review and asked that a determination be made tonight if the application is ready for third-party engineering review. There were no comments from the Police Chief; an email from the Fire Chief is included in the packet which basically states that the Fire Chief has no comments until the engineering review is completed. Ms. Connors requested that the project be presented to the Conservation Commission at its February meeting.

Mr. House noted that Mr. Scamman submitted materials at the meeting and reminded him that materials need to be submitted 10 days before the meeting.

Mr. Scamman introduced Drew Goddard (the Applicant) and Tim Phoenix, attorney for Mr. Goddard and began his presentation. Mr. Scamman presented an easement plan that was submitted tonight. The plan includes a no-cut buffer in the rear of seven lots that include the onsite brook, along with utility easements (for leach fields, water lines and power utilities), fire suppression, common driveways, walking and general access easements including a 10-foot walking path easement to Treat Farm Road. The number of shared wells has been reduced to allow most single-family homes to have an individual well. Mr. Goddard clarified that the shared wells will have two separate pumps in the wells. Mr. Allison asked if for the wells close to each other, will the well pumping tests be performed at a rate that is the equivalent of two homes instead of one home. Mr. Scamman replied that is up to the well installer and NH DES will review the permitting for the wells. Mr. Goddard noted that is a valid concern but they won't really know the capacity until the wells are drilled. It was noted by board members that irrigation could be a concern and perhaps limiting irrigation might be a necessary component of the HOA documents. Ms. Connors stated that she appreciates the revision to separate many of the wells and suggested that the locations could be adjusted so that, for example, the well locations are all on the right sides of lots so there is significant separation. She stated that the easements shown are only to prohibit septic systems, which are located elsewhere, so it isn't necessary to try to overlap the well easements. She expressed concerns with multiple well pumps in a single well and provided an example of a neighbor conflict that could occur.

Mr. Scamman presented the wetlands on the property and stated that there is only 3,000 square feet of wetlands impact on the property.

Mr. Scamman stated that the yield plan was approved for 35 lots and five bonuses were awarded. He presented the bedroom calculation on Sheet C3, the conceptual fire protection plan that includes using the existing pond with a pump house and three hydrants, the plan for shared septic systems, and the road design. A waiver was submitted for Section 4.4.3.a.ii of the Subdivision Regulations which limits the road length to 1,000 feet. Mr. Scamman concluded his presentation and asked for comments.

Mr. House asked for comments from the Board.

Mr. Allison asked that the wetlands buffer be added to the wetlands impact plan and would like to see a plan showing the existing vs. the proposed developed wood line. Mr. Goddard replied that he doesn't know the house sizes and locations, but he could provide the clearing limits, which are the buffer lines. He added that isn't necessarily what will be cut but is what can be cut.

Mr. House asked if the existing pond has enough capacity to supply pressurized hydrants. Mr. Scamman replied that they canoed the pond and it is at least eight feet deep. Mr. Goddard added there will be a pump house with a well to maintain volume in the pond.

Mr. House noted the need for third-party engineering reviews.

Mr. House noted that the septic line to leachfield 5 is depicted through wetlands, a well radius, and under a shared driveway and asked if the septic system between lots 12 and 13 can be on top of a property line as shown. Mr. Scamman replied yes, as long as there is an easement and that septic lines are not prohibited in well easements. If a sewer line crosses a water line, the sewer line needs to be encased in concrete or lined. The setback for a septic tank from a well is 50 feet and the leachfield must be 75 feet from a well.

Mr. House commented that he believes the joined-arrays must be attached and cannot be detached. Mr. Phoenix replied that his interpretation is that they can be detached because the section states that arrays are attached by and share a common yard. Mr. House, Mr. Phoenix, and the board members discussed the language and the diagram and did not come to a resolution.

Mr. Kunowski asked if the array units will have designated personal space per unit. Mr. Goddard replied that the array parcels will be commonly owned and each house will have a limited common area for their exclusive use. The HOA rules and regulations will assign what is allowed on the parcels. Mr. Kunowski asked if each array will have its own HOA. Mr. Goddard replied there will probably be two HOAs: one for the overall subdivision (entrance way, fire suppression system maintenance, etc.) and the joined arrays will have an additional fee for lawn mowing, mulching, community septic maintenance, etc.

Mr. House asked about the number of lots and units and Mr. Scamman presented his calculation for the Development Yield, Section 4.6.7 of the Subdivision Regulations. He summarized that the regulations allow for increased density for smaller homes and his calculation proves that they do not exceed the yield that was granted. Ms. Connors stated that is an interpretation that her and Ms. Ogilvie (Interim Town Planner) have struggled with. Although they understand the math, they have a hard time reconciling why they aren't proposing 48 units on 40 lots instead of on 33 lots. They realize it would be creating more lots, but they believe the project may be requesting too much density with the array lots. Mr. Goddard added that Section 8.11 of the Ordinance limits the maximum density bonus for an open space cluster as a guardrail.

192 Mr. House asked if the road will be private. Mr. Scamman replied it will be public. Mr. House  
193 reminded them that the road name requires Select Board approval. Mr. Scamman described the  
194 pitch of the road and the road bioswales. Mr. House stated there are no sidewalks. Mr. Scamman  
195 replied that it is a small road with few people. Mr. House believes there are a lot of people that will  
196 live in the development. Mr. Scamman clarified that he means few relative to other areas like  
197 Bunker Hill Avenue that might have 500 houses off of it. Mr. House replied that he is not sure how  
198 many people 48 structures (some with four bedrooms) equates to and suggested that the applicant  
199 look into safety concerns. He asked if a traffic study has been done. Mr. Scamman replied no and  
200 that NH DOT will determine if one is needed as the entrance is on a state road.

201  
202 Mr. Allison provided comments on the cul-de-sac design. He is not questioning if it meets the town  
203 requirements, but he noticed that in the fire truck turning template, the truck is hugging the curb  
204 line of the roadway. He believes it is clear that the truck occupies more than half of the total width  
205 of the cul-de-sac and he believes that the regulation design, although not clearly labeled, should  
206 be a one-way cul-de-sac. He described an issue with a moving van in a similar development along  
207 with near misses with head-on collisions. Mr. Allison requests that the cul-de-sac be signed  
208 appropriately as one-way. He also requests that the distance from the edge of the roadway to the  
209 right-of-way line all around the cul-de-sac is the same as for the central road.

210  
211 Mr. Allison provided comments on easements for public access into the common land. He believes  
212 there should be some way that the public should know where to go and that there should be some  
213 guidance to prevent public parking along the roadways. He asked if the only public access is to the  
214 pond. Mr. Scamman replied correct and that nearby neighbors could walk into the development.  
215 Mr. Allison commented that addresses local neighbors, but what about other residents of town. He  
216 requested clarification that the pond parking and easement area is the only area functionally for  
217 the public and the rest of the easements are for the residents in the development. Mr. Goddard  
218 replied that he wants to make sure the open space is accessible to the community, but Section 4.6.6  
219 of the subdivision regulations states that public use is not required. He wants to put a plan in place  
220 that is best for the overall community but there is no plan for trails because he was not awarded a  
221 density bonus. Instead, he will grant an easement to the Town for future trail connection. There  
222 would be an opportunity for parking along the street if not posted and possible multiple access  
223 points. Mr. Allison asked if a plan has been drafted showing the connectivity to neighboring  
224 properties. Mr. Zaremba asked if anything else is proposed for the open space in this development.  
225 Mr. Goddard replied at this time there is no definitive trail plan. He wants to leave it open and offer  
226 this piece of land for greater connectivity, for example, 20 years from now the Town will be able  
227 to implement their trail systems. He hopes that he will be able to work on some trails for the  
228 development, but if he shows them on the plan, then he is obligated to complete it and bond it. He  
229 did not get a density bonus for the trails and asserts that open space is not all about recreation; that  
230 it includes greenway preservation, natural resources, wetlands, and wildlife. He wants to show  
231 access points for the buyers and he thinks that what happens in the open space will develop over  
232 time. Mr. Zaremba read from the regulations "The useable Open Space shall be reasonably  
233 available for recreational use by the residents of the subdivision" and asked if what he has stated  
234 is all he is proposing. Mr. Goddard replied correct and the residents will have access and that they  
235 don't need a trail or actual functional things for people to recreate. He stated that the regulations  
236 in 4.6.6 state that uses may include and it does not state must include. Mr. Zaremba stated he does  
237 not think the proposal is enough. He understands he proposed trails for a bonus, but he believes  
238 the bonuses are entirely separate. Mr. Zaremba believes for an open space subdivision the  
239 developer needs to provide a plan for open space and he does not think what has been provided is  
240 sufficient. He commented that he believes the Board has approved a lot of density bonuses and he

is not seeing the open space benefits. Mr. Goddard replied that comes in way of the easement. Mr. Zaremba asked for more details on the easement. Mr. Allison reiterated that he doesn't see how the public will know where the access easements are. Mr. Scamman replied it will be on record with the Town and it could be posted on the town website. Mr. House suggested onsite signage as well. Mr. Allison stated that bonuses were awarded and he asked that they work with the town to find a way that the public can conveniently access the open space. Ms. Connors stated that this subject is the first comment in the staff memo for this meeting and that putting aside the general public access, staff are concerned that there is not enough space for the residents of the subdivision for dog walking, etc. She commented that it is concerning that it is becoming the Town's responsibility financially to construct a large trail network and questioned why the developer wouldn't do that for the residents. Ms. Connors reiterated the section read previously by Mr. Zaremba and read from the staff memo that recreational areas must be developed that are separate and apart from any density bonuses and just because the application did not receive any density bonuses does not eliminate the need to provide usable and accessible open space. She added that just telling someone they can go walk out in the woods and create their own trail is not meeting the spirit of what an open space recreational plan is supposed to be. Mr. House added that one cannot walk the perimeter without wetlands crossings. Ms. Connors agreed and asked why should the Town have to pay to do that. Mr. Phoenix replied that the staff memo is an opinion and in his legal opinion, the open space criteria is for the residents and may include certain things but doesn't have to and this project provides a whole lot of open space. Mr. Zaremba asked what can the residents do there. Mr. Phoenix replied they can walk through the woods and he has seen subdivisions and open spaces with running circuits and Mr. Goddard wants to provide access so that the Town and other property owners who are developing over time can get from one place to another and not just have trails on one piece of property but on trails that connect. He stated they will take the comments to heart and create an open space plan. He believes it is an effort by the Board and the developer to come to a joint agreement as to what is fair and reasonable.

Mr. House asked Mr. Goddard what is the anticipated use of the pond by the residents. Mr. Goddard replied that he thinks it will be a great spot for people to meet and the newest plan shows a gazebo. The mail kiosk is also there so people can sit and read their mail. He added that his sons have fished in the pond and there could be ice skating in the winter. Mr. House expressed concerns with swimming in the pond. Mr. Goddard replied that is a good point as that is a liability for the HOA and he assumes there will be signage for no swimming.

Mr. House asked if there are any wildlife or endangered species concerns on the property. Mr. Scamman replied that will be part of the Natural Heritage Bureau's review and the wetlands permitting and the Alteration of Terrain permitting.

Mr. Scamman addressed the staff memo comment on waivers. He asked if a waiver is required to exceed the maximum percentage of wetlands in the open space or if the Conditional Use Permit can approve that. Ms. Connors replied that she believes Mr. Scamman is correct and that comment was included in the staff memo because the original application mentioned waivers. She requested that Mr. Scamman state his opinion in his response to the staff memo and at some point the Board will need to review the letter from the applicant on that. Ms. Connors asked for confirmation that the only waiver requested is for the road length. Mr. Scamman confirmed.

Mr. House asked if there are any members of the public that would like to speak. Kelly Petrarca of 20 Treat Farm Road asked what are the price points for the homes, particularly for the array homes. Mr. Scamman replied it is hard to judge where the economy will be when construction

290 starts and he expects it to be similar to the current market. Ms. Petrarca commented that the  
291 presentation tonight described the array homes for people in different stages of life (e.g. retirees  
292 and starter homes) and she commented that her first home was not as much as \$800,000. Mr.  
293 Goddard replied the intent of the two-bedroom units is that they will be smaller, between 1,100  
294 and 1,500 square feet, and that interior finishes can increase the cost, but he is trying to keep them  
295 affordable.

296  
297 Ms. Connors asked if the project is ready for an engineering review. She listed some big picture  
298 items that still need to be addressed including the open space previously discussed, the Master Plan  
299 and connectivity, and the staff request for a paper road easement to Treat Farm Road. Mr. House  
300 asked the project team for their thoughts. Mr. Phoenix replied he thinks one more meeting is  
301 needed before sending to third-party review. There was a discussion about the readiness for a fire  
302 protection engineering review. It was determined that Ms. Connors would reach out to both  
303 engineering firms to obtain an explanation of the limits to their review.

304  
305 **Mr. Zaremba made a motion to continue the public hearing to March 5, 2025. Mr. Allison**  
306 **seconded the motion. All voted in favor and the motion passed.**

#### 307 308 **4. Adjournment**

309  
310 **Mr. Kunowski made a motion to adjourn at 9:58 pm. Mr. Zaremba seconded the motion. All**  
311 **voted in favor and the motion passed.**