



**Stratham Planning Board Meeting Minutes**  
**February 19, 2025**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

**Members Present:** Thomas House, Chair  
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:** Susan Connors, Planning Project Assistant  
Carol Ogilvie, Interim Town Planner (virtually)

**1. Call to Order**

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

**2. Approval of Minutes**

**a. February 5, 2025**

**Mr. Zaremba made a motion to approve the February 5, 2025 meeting minutes. Mr. Kunowski seconded the motion. Mr. Houghton abstained, all others voted in favor, and the motion passed.**

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

- a.** 41 Portsmouth Avenue LLC (Applicant) and 41 Portsmouth Avenue Realty LLC (Owner) request for a 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 stated that Bruce Scamman of Emanuel Engineering submitted a request to continue the application that was scheduled for tonight to April 16, 2025, in order to complete the architectural drawings. Mr. Scamman added that at the Preliminary Consultation it was discussed if the site plan is vested based on a vote by the Planning Board in 2017 and he will discuss that at the hearing.

There were no comments from the Board on the request. **Mr. Canada made a motion to move the public hearing to April 16, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.**

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

- a.** Land Bank Properties, LLC (Applicant) and Dorothy P. Thompson (Owner) request for a Preliminary Consultation for a Condominium Subdivision at 217 Portsmouth Avenue, Tax Map

21, Lot 88 in the Route 33 Legacy Highway Heritage District. The project includes the construction of five 4-bedroom homes while retaining the existing 3-bedroom home, retail store, and garage.

Ms. Connors presented the staff memo for the project. The project requires a Route 33 Heritage District Application along with the final subdivision application. If they are submitted at the same time, staff should be able to get the Route 33 application reviewed by the advisory committee prior to the first Planning Board meeting on the applications since the subdivision application needs to be submitted at least 28 days prior to the first meeting. Ms. Connors requested a determination from NHDES if the project would be classified as a public water system. NHDES replied that the definition of a Community PWS is a minimum of 10 service connections times an estimate of 2.5 persons per household. For a non-transient non-community PWS, NHDES uses the 2.5 per household calculation plus the number of employees in the commercial use. If the commercial use serves drinking water (e.g. coffee, soda machine, etc.) then it would be classified as a transient non-community PWS. Ms. Connors did not seek Department Head comments on the preliminary application, but the Fire Chief saw the proposal and mentioned that it will require a 30,000 gallon cistern and for the final plan he wants an engineering review of the driveway details related to size, stress, and turning radius.

Mr. House reminded everyone that this is Preliminary Consultation and all discussion by the Board, Applicant, and Staff is non-binding.

Mr. Scamman presented the project on behalf of the Applicant. He showed an aerial view of the property and described the location and existing uses. Mr. Scamman showed a proposed site plan and described the location of the proposed homes, existing home, and leach fields. The entire property will be owned by a Homeowner's Association who will pay for the private driveway maintenance.

Mr. House asked if any waivers will be requested. Mr. Scamman replied they are not that far along in the design to know that. The wetlands have been delineated and the project meets the proposed 25-foot buffer and 75-foot setback.

Mr. House asked how the commercial use fits into the maximum residential density calculation. Ms. Connors replied that the maximum residential density is determined by computing the maximum septic capacity of the parcel as determined by NHDES along with a maximum of two residential units per acre. Ms. Connors asked Mr. Scamman if he calculated the septic demands for all of the uses and if it works for 3 acres. Mr. Scamman replied that for the six homes, the design flow is 3,600 gallons per day which needs 1.9 acres for that flow. The acreage of the parcel over 1.9 acres would be left for the commercial use.

Mr. Kunowski asked if the current use of the property is taken into account with regards to Section 4.1.4 Maximum Residential Density. Ms. Connors replied that a proposed amendment to that Section has completed the public hearing process and the amendment will clarify that the section applies to mixed-use properties which is what this proposal is. She also noted Section 4.1.5 which allows more than one primary dwelling if permitted as a condominium and the maximum number of units will be dictated by NHDES septic and other local zoning setbacks.

Mr. Kunowski commented that he is struggling with how this project meets the purpose and intent of the district with respect to incentivizing the creation of a greater diversity of housing types, styles, and sizes that are more accessible to community members of all ages and income levels. He

94 doesn't believe that five four-bedroom homes does that and believes this project might be a way  
95 around the two-acre zoning requirement for a single-family home. Mr. Kunowski believes  
96 townhouses would be more in the character of a condominium use. Mr. Scamman described that  
97 each unit would have its own limited common area but he understands Mr. Kunowski's comment.  
98

99 Mr. House commented that the applicant review the parking requirements for the retail use. Mr.  
100 Scamman replied he believes the parking requirements will limit the kind of retail use. Mr.  
101 Houghton commented that the existing use is a traffic problem. He agrees with the previous  
102 comment that four-bedroom single family homes are not in the spirit and intent of what was to be  
103 created in the Route 33 Heritage District.  
104

105 Mr. Canada asked if any workforce housing is proposed. Shamus Quirk, the Applicant replied that  
106 it is only required for multi-family units. He also responded to the comments on the spirit of the  
107 ordinance that he interpreted the ordinance that mixed-use was preferred by the Board and if it is  
108 not, they can make an adjustment on that to help with the traffic concerns. He added that he doesn't  
109 think a project needs to adhere to all of the requirements if it is keeping with the surroundings with  
110 regards to architectural features, materials, etc.  
111

112 Mr. Zaremba asked if wetlands are supposed to be excluded from the lot calculation for maximum  
113 density. Ms. Connors confirmed that is the case. Mr. Scamman replied there are 15,000 square feet  
114 of wetlands which is about 1/3 of an acre. Mr. Allison asked if the actual lot size will be determined  
115 for the final application as it is shown as an approximate on the preliminary plan. Mr. Scamman  
116 replied that they are working on an existing conditions plan and this is a 3.68 acre parcel. Removing  
117 1/3 of the parcel for wetlands leaves approximately 3.3 acres which would allow 6 homes per the  
118 Ordinance.  
119

120 Mr. Allison noted that the plans show a force main for sanitary waste. Mr. Scamman presented the  
121 proposed septic design as multiple leach fields with both gravity and pumped waste.  
122

123 Mr. House noted that NHDOT and NHDES will need to review the driveway and septic systems.  
124 He asked if hammerhead roads have been eliminated. Ms. Connors will have to check because she  
125 has not seen that. Mr. House wants to make sure that fire trucks can turn around. Mr. Scamman  
126 replied that fire trucks can definitely maneuver in the hammerheads.  
127

128 Ms. Connors noted that the internal common area lines on the plans match the same pattern as the  
129 external property line and asked if for the final plans they use a different line type.  
130

131 Mr. House commented that he would like to see retail as part of the project, but he knows parking  
132 can be a challenge.  
133

134 Mr. House invited members of the public to speak.  
135

136 Edie Barker of 216 Portsmouth Avenue asked if the retail store will remain as part of the original  
137 home or will be separated with a different owner. Mr. Scamman replied it will be part of the  
138 common area owned by the Homeowner's Association. She asked if it will be tear down and a  
139 rebuild. Mr. Scamman replied they did not propose that. She asked if it could be rebuilt as a two-  
140 story building. Mr. Scamman replied the structure is over 50 years old and in the Heritage District  
141 and would need approval to be demolished. They are proposing to keep that structure together on

the same common area as the existing home. Ms. Barker asked if a different entity from the resident of the home could operate a business there. Mr. Scamman replied there is that possibility.

Mr. Quirk clarified that they are not tied to retail in the space; it could be a professional office or some other use that is approved by the Town. Mr. Scamman added that the condo association would also have to approve the commercial use.

Debbie Ficara of 219 Portsmouth Avenue asked about the existing apartment over the retail store. Mr. Scamman replied the apartment is not part of the design moving forward. Mr. Quirk added that he doesn't believe the apartment exists currently. Ms. Ficara also expressed concerns regarding traffic and stormwater and asked if a traffic study will be conducted. Mr. Scamman replied they have not completed a drainage design yet as it is early in the process but they will probably install a bioswale along the private road and the homes will most likely have infiltration trenches around them. He stated that the NHDOT sets the standards for if a traffic study will be conducted. Ms. Ficara asked if the increase in houses won't adversely affect the aquifer. Mr. House suggested that the Applicant look into that.

Ms. Connors commented that although the NHDES planning calculation for a public water system does not classify this now as a PWS, the actual number of persons could theoretically in the future meet the definition of a non-transient non-community or transient non-community PWS.

## **5. Miscellaneous Community Planning Items**

### **a. Update on proposed Legislation**

Ms. Connors presented a number of proposed House and Senate bills related to land use planning. The Board determined that the following bills should be further researched and provide a request to the Select Board that the Town submit an opposition letter to the House or Senate representative. The Board determined the following bills deserve such consideration:

- HB 342 which allows building without a variance for minimum lot size or coverage if the density conforms to that of the surrounding neighborhood. This is akin to creeping zoning.
- HB 382 which removes the local authority to mandate on-site parking.
- HB 459-FN which mandates that for lots not serviced by municipal or community sewer systems, a municipality cannot mandate a larger lot size than what is required by NHDES.
- HB 577 which mandates that municipalities permit one ADU as a matter of right in all zoning districts that allow single family homes. Although Stratham does this currently, they are not allowed in cluster or condo subdivisions.
- SB 84-FN which sets maximum lot sizes for single-family homes based on the type of water and sewer infrastructure servicing the lot.
- SB 284 which limits the Town's ability to regulate maximum residential parking spaces.

### **b. Update on MPO RPC draft Transportation Plans**

Ms. Connors stated that the Rockingham Metropolitan Planning Organization is seeking comments on its draft 2050 Long Range Transportation Plan and the draft 2025-2028 Transportation Improvement Program. Stratham projects included in the LRTP (2041-2045) are the NH 108/Frying Plan Lane signalization/realignment/lane improvements and the NH 111/Marin Way roundabout. Stratham projects included in the MPO TIP (2025-2028) are the Portsmouth Avenue signal coordination on four traffic lights and the NH 108/Bunker Hill Avenue signalization

191 projects. The only project in the State's Ten-Year Plan (2025-2034) is the Squamscott Road  
192 shoulder bike lanes.

- 193  
194 c. Discussion on proposed Site Plan and Subdivision regulation changes regarding preliminary  
195 reviews: preliminary consultation and design reviews.

196  
197 Ms. Ogilvie reported to the Board that she has drafted some revisions to the regulations regarding  
198 preliminary reviews in accordance with the Statute. There have been some legislative changes to  
199 procedures recently that she wants to make sure have been incorporated. Staff asked the Board if  
200 they want to include both Preliminary Consultations and Design Reviews. The Board determined  
201 that a preliminary consultation should remain as required, but a Design Review process should not  
202 be mandatory.

203  
204 **4. Adjournment**

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206 **Mr. Houghton made a motion to adjourn at 8:59 pm. Mr. Zaremba seconded the motion. All**  
207 **voted in favor and the motion passed.**