



Stratham Planning Board Meeting Minutes
July 2, 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: Vanessa Price, Director of Planning and Building

1. Call to Order and Roll Call

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

2. Approval of Minutes

a. June 18, 2025

Mr. Zaremba made a motion to approve the meeting minutes from June 18, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. Ongoing Business:

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

Ms. Price updated the Board that the Stratham Zoning Board of Adjustment granted a variance from Section 3.6, the Table of Uses of the Zoning Ordinance, which prohibits vehicle storage in the Residential/Agricultural District. The ZBA included some conditions on the approval. One abutter requested adequate screening and an easement across the applicant's property. The ZBA had concerns with the number of parking spaces in the overflow area and with tractor-trailer turning for the site.

Mr. House asked for clarification on the easement request. Ms. Price replied that Bruce Scamman can provide more details, but that the abutter and the applicant came to an agreement to grant access for the abutter to the property. That is not shown on the plans before the Board this evening. Mr. Scamman clarified that there is a current easement to the neighboring farm. The abutter requested an easement across the 41 Portsmouth Ave property so they can access the agricultural fields. Mr. Scamman added that the abutter does not want tall trees in the 30-foot buffer because

that would stop the view from the home of the fields out back. They requested a low buffer if the Planning Board is going to require a buffer.

Ms. Price stated that regarding the issue of vesting, she provided the Board with a memo regarding the Town staff's position that vesting expired on December 15, 2019, and substantial completion of improvements as shown on the site plan has not occurred to allow for further vesting. She referenced Section 4.5 of the Site Plan Regulations, which speaks to substantial completion, and read aloud her staff memo dated June 25, 2025. Mr. House asked if there were any questions from the Board. There were no questions. Mr. House stated that the Board will give the Applicant time to review the memo.

Ms. Price stated that two waivers from the site plan regulations were submitted, as well as additional deviations from the Ordinance, which will be reviewed through the Conditional Use Permit process. The architect for the project provided a materials sample board for the Board to review. Ms. Price also noted the Board's previous concerns with road connectivity, sidewalks, vehicle parking, storage areas, lighting plan, and vehicle delivery trucks. She noted that some NHDES and NHDOT permits may need to be updated as they may have expired. The fire chief had some comments in addition to the third-party engineering review, and those comments were provided to the applicant. Ms. Price invited the applicant to make their presentation.

Brian Tanner of PRAXIS3 presented revised architectural drawings. They reduced the glazing by one band and lowered the signage on the front façade that faces Portsmouth Avenue. They integrated some gable forms, windows, downspouts, and other architectural forms to break up the mass of the rear part of the building. Mr. House asked Mr. Tanner to present the proposed building materials. Mr. Tanner asked the Board to review the materials board and described the proposed materials and the locations in the building. He also presented an artist's rendering of the building.

Mr. House requested that Mr. Tanner present details on the exterior plaster material that they are proposing. Mr. Tanner replied that it is a traditional three-coat plaster stucco that is not an EIFS material. It is not synthetic and is a traditional plaster. Mr. House replied that it looks like EIFS to him. Mr. Tanner replied that it is finished and that stucco, EIFS, and plaster all look similar. He said they can use different levels of smoothness if that is the concern. Mr. House replied that he does not like the material proposed, and he does not believe it meets the intent of the zoning. Mr. Tanner replied that he was told they couldn't use EIFS and that they had to use plaster, so they proposed stucco, which is cement plaster. Mr. House replied that, in his opinion, plaster is not acceptable. Mr. House asked Mr. Tanner to discuss the metal material proposed. He replied that it is not prefabricated in the sense that it is not corrugated metal; it is a sheet good that is manufactured with a polymer inside aluminum, sandwiched between two pieces of metal that are formed partly at the shop and partly on site to be placed on the building.

Mr. Zaremba commented that he does not believe the design meets the traditional New England style.

Ms. Price described the two waiver requests. The first is from the Site Plan Regulations section 5.15.d. regarding exterior building materials. Mr. Canada does not like the metal as it is too industrial looking. He prefers the fiber cement panel. Mr. Houghton is inclined to go with the cement panel that is consistent with the regulations. Mr. Zaremba and Mr. Kunowski agree. Mr. Kunowski added that the flatness of the MCM has a reflective quality.

Mr. House asked what kind of fading can be expected with the MCM or FCP materials. He

provided an example of another dealership in town where the roof has faded and looks terrible. Mr. Tanner replied that both products are very weather resistant and are not like Hardy panel. The fiber cement panel uses compressed heat in manufacturing which makes it color safe. He agrees with Mr. Kunowski's comment that although the metal composite panel is a matte finish, it does have a certain sheen to it that is different from fiber cement panel. He does not expect any fading on either the MCM or FCP materials, but he would have to review the product specifications for the material warranty. Mr. House expressed concern with the sides facing the sun and heating up if it is metal and fading. Mr. Tanner replied MCM is used in South Florida, Arizona, and California. The fiber cement panel is a through-body material so its color is through the body. Mr. House replied that the sample of FCP is not the same color all the way through, and he believes the metal is going to fade. Mr. House called for a motion.

Mr. Canada made a motion to deny the waiver from Site Plan Regulations Section 5.15.d to use the aluminum composite material. Mr. Zaremba seconded the motion. All voted in favor of denial, and the motion passed.

Ms. Price described the second waiver is from Ordinance Section 3.9.8.c.i and can be reviewed through the CUP process and related to the use of the angle jamb at the front glazing. She stated that the architect is here tonight to get direction from the Board and that the Board does not need to vote on this tonight as the CUP will be discussed at a later meeting. Mr. Canada would like to see a better side view of the rendition but does not see where the use is that significant. Mr. Zaremba prefers the vertical option. Mr. Kunowski does not have a preference and is comfortable letting the angle stay given the other changes made to the massing and variability of the façade. Mr. Allison does not have a preference. Mr. Houghton and Mr. House prefer the vertical jamb.

Mr. Houghton made a motion to defer the waiver request for vertical or angular jambs to the Conditional Use Permit process. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

Mr. House clarified that the MCM material is denied, and fiber cement panel is allowed. Mr. Tanner asked if that includes the front entrance, which has the other MCM product. Mr. House replied no metal. Mr. House asked Mr. Tanner to go through the exterior plaster materials and where they are proposed. Mr. Tanner presented the plans and the sample materials. Mr. House stated that he believes both colors should be the smooth texture. Mr. Allison agreed. Mr. Kunowski and Mr. Zaremba did not have an opinion on that. Mr. Canada asked if the smoother texture will reflect the sun more. Mr. Tanner replied that the rougher material will be more consistent for a longer period of time and that the smoother material will show age in a different way. Mr. Canada stated that there will be harsh sun on that side in the morning, and he is concerned about potential glare. Mr. House thinks it will be like a Hardy panel or planks and won't have a glare problem, and thinks the smooth will look more traditional New England architecture. Mr. Canada agrees yet maintains concern with glare. Mr. Houghton agrees with Mr. House. Mr. Zaremba and Mr. Kunowski do not have opinions on the glare. The Board agreed with option 2 presented by the architect.

Mr. Scamman presented some site plan changes, including changes to a retaining wall and showing a water line connection to the abutter so a fire sprinkler system can be installed. Mr. Kunowski asked if the two properties would share a well. Mr. Scamman replied that they are sharing the same fire protection system and may share the same well in the future, but it has been designed with its own well. In the rear of the existing Nissan dealership, there is a fire cistern below the service bays with a fire protection pump. It is proposed that the fire protection system would be piped into the

new building so that a second system would not be required. Mr. House asked if the two properties are the same owner. Mr. Scamman replied Yes. Mr. Scamman stated they have done some work on the underground drainage system that has been changed to meet regulations, along with some changes to accommodate a tow truck into the service bays.

Mr. Scamman requested feedback from the Board on the vegetated buffer. It was discussed that the ZBA's approval includes conditions on the buffer. The Board decided to wait to discuss the buffer until after the ZBA meeting minutes are complete. Mr. Scamman requested a continuance to the next meeting.

Mr. Zaremba asked where the vehicles are washed. Mr. Scamman replied in the bays. Mr. Zaremba asked if the water goes into the septic system. Mr. Scamman replied No, that is not permissible from NHDES, so the water is directed to a holding tank.

Mr. Houghton made a motion to continue the application to July 16, 2025. Mr. Zaremba seconded the motion. Mr. House appointed Mr. Allison as a voting member for this motion in place of Mr. Canada who stepped out. All voted in favor and the motion passed.

Ms. Price and Mr. House clarified for the record that the reason for the continuance is to allow further discussion between the Town and the applicant on the question of vesting.

- b. Land Bank Properties, LLC (Applicant and Owner) request for approval of a Condominium Subdivision, Conditional Use Permit, and Route 33 Heritage District Application at 217 Portsmouth Avenue, Tax Map 21, Lot 88 in the Route 33 Legacy Highway Heritage District. – *Amendment to the Notice of Decision.*

Ms. Price explained that at the April 2nd and May 7th Planning Board meetings it was discussed that conditions of approval for this project were to include an assessment of the architectural integrity of the home by Heritage Commission members; a preservation easement to be held by the Town on the existing historic home; an inventory of the property to determine its eligibility for listing on the New Hampshire Register or National Register of Historic Properties; and installation of a Stratham Historic House sign.

Tim Phoenix of Hoefle, Phoenix, Gormely & Roberts spoke on behalf of Shamus Quirk with Land Bank Properties. Mr. Phoenix acknowledged that his client agreed to a historic preservation easement on the exterior of the building, but there was no discussion about the other conditions. He stated that they have significant problems with the other conditions, including the interior assessment. Mr. Phoenix stated that Mr. Quirk may not object to an assessment of the interior as long as it is understood that any easement will be only for the exterior of the home, and future owners can remodel the interior without limitation. Regarding the proposed condition that the owner will work with the Heritage Commission to come to a mutual agreement on the terms of a Preservation Easement, Mr. Phoenix agrees that they can be involved, but is concerned about what happens if there is no mutual agreement. He was led to believe that it would be Mr. Phoenix and Town Counsel who would make the final agreement. Mr. Phoenix questioned the condition for annual inspection reports – by whom and what authority will they have. Finally, they did not agree to hiring a preservation consultant. Mr. House asked Ms. Price who drafted the conditions. Ms. Price replied that the conditions are from the Heritage Commission.

Mr. Canada addressed Mr. Phoenix and stated that there is no intention of asking for an interior easement. The assessment is solely for the Heritage Commission to view the interior and take

195 pictures. Mr. Phoenix said that would be agreeable. Mr. Canada addressed the concern with annual
196 inspections and explained that the Heritage Commission does the inspections, and they do not have
197 the authority to police it, but they report to the Town, who will hold the easement if there are
198 violations. Mr. Canada addressed the cost of the consultant and explained that although it is to the
199 benefit of the Town, the entire project is to the benefit of Mr. Quirk. Mr. Canada stated the Town
200 made a lot of concessions in approving the project, and he does not believe the cost is too much,
201 and if negotiations need to be reopened, then perhaps the entire Notice of Decision should be
202 rescinded. Mr. Phoenix thinks that wouldn't be prudent for the Town and requested that the Board
203 consider only what was discussed during the hearing. He added that he did not have much time to
204 talk to his client prior to this meeting, as they just received the information yesterday.

205
206 Mr. House asked if the primary concern is over the \$2,500 to \$5,000 cost for a consultant. Mr.
207 Phoenix replied yes and asked for confirmation that an interior inspection and potential listing on
208 the National Historic Register would not result in restrictions on the interior. Mr. Canada replied
209 it puts no restrictions on the house. Mr. Houghton stated that it was an oversight, but in the past, it
210 has been typical for an applicant to pay similar costs. He asked if there is an opportunity for the
211 Board to speak directly with Mr. Quirk in the coming weeks to resolve the issue. Mr. Phoenix
212 replied that if the Board feels strongly about including the requirement, then vote on it tonight, and
213 if Mr. Quirk objects, then Mr. Phoenix would like the opportunity to object to it at the next meeting.

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215 **Mr. Zaremba made a motion to continue 217 Portsmouth Avenue to the meeting on July 16,**
216 **2025. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

217
218 Mr. House polled the audience to see what projects they were in attendance for. Two people had
219 public comments on 41 Portsmouth Avenue. It was determined that the Board had neglected to
220 accept public comments earlier. The applicant's representative was in attendance and agreed to
221 hear the comments. Mr. House opened the application for 41 Portsmouth Avenue.

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223 c. Reopening of 41 Portsmouth Avenue LLC (Applicant) and 41 Portsmouth Avenue Realty LLC
224 (Owner) request a Site Plan Review and Conditional Use Permit for a new 30,000 square foot auto
225 dealership at 41 Portsmouth Avenue, Tax Map 9, Lot 4 in the Gateway Commercial Business and
226 Residential/Agricultural Districts.

227
228 Kaitlin Frederick and John Dailey of 58 River Road commented. Mr. Dailey voiced concerns with
229 the initial plan to use River Road for exiting traffic to turn left onto Portsmouth Avenue. It is
230 already a tough turn, and this project will add more traffic. They submitted an email to Ms. Price
231 with some options. One suggestion is a redesign of the entrance and exit to the driveway between
232 Nissan and Kia, which would allow a left exit back onto Route 108 as well as a right exit. Currently,
233 other dealerships, including BMW, Audi, Porsche, and Subaru, all have left and right turn exits
234 onto Route 108. The general concept is to keep commercial business traffic on Route 108, and not
235 on our residential roads. Mr. Scamman replied that he believes his client would prefer a left exit
236 directly onto Route 108 as well, but NHDOT is requiring the no left-out. Mr. Houghton added that
237 NHDOT has been engaged on Route 108 studies for many years, and they have more recently been
238 engaged in generating options. NHDOT will be before the Select Board on Monday for a public
239 hearing, and he welcomed Ms. Frederick and Mr. Dailey to attend. Ms. Frederick stated that there
240 are existing safety issues with the Nissan and Subaru service techs driving very fast up and down
241 River Road. It is a dead-end road with no outlet and a family neighborhood. Mr. House suggested
242 they call the police department. Ms. Frederick agreed and stated that this is another dealership that
243 will add volume, especially when turning left onto Route 108. She described other safety concerns
244 with drivers coming out of the Nissan Dealership using the shoulder at a high rate of speed while

she is trying to turn right onto River Road. Ms. Frederick stated the area is not well maintained at all, for example, the guardrail is damaged and sticking out partially into the road, and there is a lot of overgrowth. She requested that a road safety study be conducted at the corner. Mr. House replied that putting aside the service techs, the new dealership shouldn't add much traffic. Mr. Canada asked if people are test-driving down River Road. Mr. Dailey replied that he doesn't notice as many test drives as he does drives from the service departments. Ms. Frederick provided some cost estimates she found from NHDOT for a traffic signal project in Jaffrey that was one-quarter the cost of a roundabout, and asked what the timeline is for some sort of change in traffic pattern. Mr. House replied that she should ask that question on Monday to NHDOT because the Planning Board can't answer that. Mr. Dailey asked how they could get a 'no outlet' sign on River Road. Mr. Houghton replied that they could request it from the Select Board. Ms. Frederick asked if a market study could be completed for home values in the immediate area of the dealership. Mr. Canada replied that it is an allowed use in the commercial zone. Ms. Frederick understands and asked if there is a study being done for that, regardless. Mr. House replied no. Mr. Dailey provided a final comment regarding architecture that it doesn't seem like the Gateway Business District zoning doesn't seem to make sense anymore. He asked how does it affect where we are today vs. 2008. Mr. Houghton replied that the Planning Board reviews ordinances annually and the public is welcome to come to the meetings to discuss changes.

Mr. Scamman replied to the comments that the applicant hired a consultant to complete a traffic study of this entire area of Portsmouth Avenue. NHDOT held a scoping meeting which is the first step in their process.

Mr. Houghton made a motion to continue 41 Portsmouth Avenue LLC to July 16, 2025. Mr. Zarembo seconded the motion. All voted in favor and the motion passed.

- d. Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner), request for approval of a Residential Open Space Cluster Subdivision and Conditional Use Permit for a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, Zoned Residential/Agricultural.

Ms. Price stated that the Board needs to make a decision tonight on the application or continue the application. The application currently does not meet the regulations and waivers have not been granted. There are several issues with zoning compliance and there are two CUP applications before the Board that have not been voted on yet. Sections of the ordinance that the application does not comply with include Sections 12.5.c, 8.10.d, and 8.10.c. Those sections do not fall under the purview of the CUP. There are additional waiver requests that were submitted as a result of the CMA Engineering review. There continue to be outstanding comments from the fire chief and DPW. The Parks and Rec Director and the Conservation Commission have concerns about the design of the project. Ms. Price stated the applicant's representatives are here tonight to discuss the waiver requests.

Tim Phoenix of Hoefle, Phoenix, Gormely & Roberts spoke on behalf of Drew Goddard of Copley Properties. He stated the project team has a number of questions on staff comments, but he turned the waiver discussion over to Bruce Scamman. Mr. Scamman stated that it appears the Board does not want a single pitch road and if that is the case, then they need to know so they can finalize the design. Mr. House polled the Board and the majority prefer the crowned road. Mr. Scamman replied that they will withdraw that waiver and design a crowned road (Addendum A, Figure A, Road Cross Section).

Mr. Scamman discussed the road length waiver request from Section 4.4.3.a.ii. They are requesting a 2,138-foot road where a maximum of 1,000 feet is allowed. They added fire cisterns and two cul-de-sacs for turning around. He stated that the fire department requested that the cistern in the rear of the property be moved to the front of the property at Winnicutt Road. Mr. Scamman is concerned the new location is within the wetlands setback or in the open space buffer. Mr. Scamman requested input from the Board on the location of the client. He stated they selected the original locations so the cisterns are within 1,000 feet of every home and the change requested by the fire department results in a deviation from that requirement and will either affect the wetlands setback on one side of the road or the open space buffer on the other side of the road. He understands the logic of moving a cistern to the front of the property so the truck can load up water, drive to the fire, and not possibly pass a fire to get to the water system. However, when trying to redesign that, it puts the project in direct conflict with the Zoning Ordinance of a 50-foot no-disturb buffer. Mr. House asked Ms. Price if there is concern with the road length from DPW. Ms. Price replied that DPW has an issue with maintenance particularly with the cul-de-sacs not being designed to town regulations but did not voice an issue with road length. Mr. Houghton asked if there is an area available near the pond. Mr. Scamman replied there is a second cistern near there. He added that the paved apron for a cistern at the front of the property will necessitate a widening of the road and that will cause encroachment into either the 50-foot buffer or the wetlands setback depending on which side of the road it is on. Ms. Price reiterated the fire chief's concern with passing a fire to get to a cistern and also with fire truck access up a couple of long driveways. Mr. Scamman pointed at two lots in question in the rear and stated that his client said he would install fire sprinkler systems in those homes. Mr. Allison asked why there is hesitation to create a P loop between the two cul-de-sacs. It would only require a small wetlands crossing which is de minimis when compared to the crossings on the yield plan, but there has been pushback from the applicant on this suggestion. He suggested the driveway to the two homes could be widened to accommodate a fire truck and then add a connection to the other cul-de-sac with a breakaway lock and a gate. Mr. Scamman replied that would require another wetlands crossing and they are trying to minimize that. It would also go through the open space land which is of concern. Mr. Allison replied that the crossing is very small and it would not go through the back of the open space. He clarified for Mr. Scamman the suggested location. Mr. Allison described an issue he had in the past with a moving van not being able to fit down a driveway and he had to rent a second truck to shuttle the materials. He added that it would be valuable for emergency services to have the driveway be more like a small roadway like 18 feet wide for larger vehicles. Mr. House agrees with Mr. Allison. Mr. Zaremba asked if the 1,000-foot requirement is for safety. Mr. Houghton replied yes, and Mr. House replied he believes that is part of it. Mr. Scamman replied that 1,000 feet is the length of hose on a fire truck.

Mr. House called for a motion on the waiver. Mr. Houghton stated that it is frustrating to be at this point, but he is not inclined to agree to the waiver. He believes there are open issues that are going to require working together in a responsible manner before he would agree to the waiver. Mr. House asked Mr. Scamman if he would like to hold off on the waiver as it seems it would not get approved tonight. Mr. Scamman agreed to continue it to a future meeting because there are other road questions, but he would like Board input on which side of the road to design the fire cistern at the front of the property. The waiver was tabled.

Mr. House does not have a problem with the cisterns. Ms. Price mentioned that the fire engineer and the fire chief agreed that one cistern should be at the entrance. Mr. Scamman clarified that he is asking if it should be on the north side of the road in the wetlands buffer or on the south side of the road in the 50-foot open space buffer. Mr. House prefers the 50-foot buffer location. The board members agreed.

Mr. House invited members of the public to speak.

Elizabeth O'Toole of 7 Taylor Court spoke. Her land buffers the wetlands that run through the property, and her biggest concern is that they are constructing so many units. She asked how it would affect the water table, the wetlands, runoff into the wetlands, and her property. She has concerns with the development affecting the wetland's ability to accept runoff from very heavy rains. Mr. Scamman described how he believes her property won't be affected by demonstrating the extent of the watershed and the flow direction of the water down Mill Brook towards the traffic circle, which is the opposite direction from her home. They are proposing to infiltrate all stormwater into the ground. They will obtain an Alteration of Terrain permit from the NHDES.

Mr. House stated there are two more waiver requests and only four minutes left for this project tonight, and asked if Mr. Scamman would like to hold off on them. Mr. Scamman replied that one is only requesting a smaller diameter cul-de-sac. Mr. House stated there is an issue with that. Mr. Scamman replied that he would like to put that request on hold. The other waiver request is for soils-based lot sizing determination. He stated that he has the same waiver request on another project recently, and the Board agreed to allow the use of NHDES lot sizing with USDA soils. He asked if the Board would like a more detailed presentation on that. He described that they don't have individual lots with individual septic systems. The Board decided to table this waiver discussion.

Mr. House discussed with the project team a continuance date and Mr. Phoenix suggested August 6, 2025. **Mr. Zaremba made a motion to continue the 80/80R Winnicutt Road application to August 6, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.**

- e. Copley Properties, LLC (Applicant) and CAT Trust (Owner) request for approval of a Site Plan, Conditional Use Permit, and Route 33 Heritage District Application for an approximate 4,535 SF, three-unit, multi-family structure consisting of 3-bedroom units. The location is 301 Portsmouth Avenue (Tax Map 22, Lot 24), in the Route 33 Legacy Highway Heritage Zoning District.

Mr. Houghton made a motion to continue the Copley Properties, LLC and CAT Trust Site Plan, Conditional Use Permit, and Route 33 Heritage District Application to July 16, 2025. Mr. Zaremba seconded the motion. All voted in favor, and the motion passed.

4. MISCELLANEOUS

- a. Discussion of Planning Board Goals for 2025.

Ms. Price asked the Board to consider any ideas for additional planning goals or zoning amendments. Mr. Houghton suggested reviewing the Route 33 Heritage District zoning. Mr. House suggested reviewing the Master Plan and the Gateway District.

5. Adjournment

Mr. Canada made a motion to adjourn at 10:09 pm. Mr. Houghton seconded the motion. All voted in favor and the motion passed.