



## Stratham Planning Board Meeting Minutes

July 16, 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

**Members Absent:** Nate Allison, Alternate Member

**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. July 2, 2025

**Mr. Zaremba made a motion to approve the meeting minutes from July 2, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.**

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

- a. Parks and Recreation Director (Applicant) for the Town of Stratham for a Preliminary Consultation for improvements to Stevens Park located at 68 Bunker Hill Avenue (Tax Map 9, Lot 84), in the Residential/Agricultural Zoning District.

Ms. Price announced that the Applicant submitted a request to postpone the project review to the next regularly scheduled Planning Board meeting due to the large scope of the agenda this evening. There were no questions from the Board.

**Mr. Canada made a motion to continue to August 6, 2025. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.**

### 4. Public Meeting (Ongoing Business):

- a. 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 the proposed amendment to the NOD to include a Preservation Easement. Tim Phoenix of Hoefle, Phoenix, Gormley & Roberts represented the Applicant and stated he concurs with the amended decision.

Mr. Canada made a motion to approve adding the permanent preservation easement language to the condition of approval. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

## 5. Public Hearing 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 stated that the Applicant is close to conditional approval for this project. The Applicant is working on revisions to the architectural plans. Regarding road connectivity there is an agreement from 2015 that addresses the sidewalk. There is some discussion about the car delivery trucks. The Code Enforcement Officer provided some comments on the signage that can be addressed during the building permit process.

Mr. House asked if the traffic study is complete. Ms. Price replied that it has not been submitted yet to the town and it will be a condition of approval. Mr. House invited the applicant to present.

Bruce Scamman of Emanuel Engineering and James Verra & Associates spoke on behalf of the applicant. He introduced Chris Lane (the owner) and John Arnold from Orr and Reno. Mr. Arnold stated he has been working on the question of vesting with Cordell Johnston, the Town's counsel. He described the location of a private road that has been built. He stated that the owner of the property in 2015 entered into an agreement in principle with the Town that governed and touched on the Town's desire to convert the private section of the road to public in the future. Pursuant to that agreement in principle, the prior owner of the property agreed, essentially to cooperate with the Town on making that road public in the future, understanding that there were still a number of variables that needed to be worked out. One of those is making this intersection a full access intersection, meaning turns either way, in and out, a signal there, if needed, based on the traffic volume, and getting the agreement of the relevant parties. The road was essentially to be designed, permitted, and constructed by the Town at such time that the Town wanted to make it public. It was contingent upon getting the approvals from the necessary parties were involved with the easements and benefited by those easements, as well as their mortgage holders, and getting approvals from the State for the access and the full service access on Route 108. The discussion he had with Mr. Johnston is that they both believe that agreement can still be applicable and could be referenced in a conditional approval for this project. The road itself has obviously been designed and constructed already, so that's an obligation that the Town would no longer have as it has been done by the prior owner of the property. The major concern is that the road is used by the existing and proposed dealerships for loading and unloading car carriers and they don't want to lose the ability for that, which is integral to how they operate. They are concerned with safety if it was a public road with cars trying to squeeze by and causing accidents. Mr. Arnold requested that the Town perform some design work on how to install designated pull-offs for loading and unloading. Provided that can be done, the other conditions of the agreement can be met, and they can obtain approval from all parties including mortgage lenders, then they would agree to incorporate the agreement in principle into the conditional approval. He added that once that road becomes public, there is much less need for a portion of River Road. He described discontinuing a portion of River Road and explained an alternative route. He has not researched how River Road was created, whether there was a deed to the Town for the fee underlying the road or whether it's an easement. He proposed that in either event, if the Town discontinued that section of River Road, then the

property line would be reestablished down the center line of River Road so that half would belong to the Applicant and the other half would become part of the Subaru dealership. Regarding a sidewalk along Portsmouth Avenue, because of the drainage infrastructure that has been built in front of the property, the sidewalk would likely need to be partially or fully within the State right-of-way and would require State approval. If the State approves it, the Applicant is willing to construct the sidewalk. However, he clarified that if the section of the driveway between 41 and 45 Portsmouth Ave becomes public, the Applicant will not build sidewalks along the new road. The final vesting issue that he discussed with Town Counsel was regarding the roof design which he believes they have incorporated on the plans.

Mr. House asked Mr. Arnold to clarify his statement on sidewalks. Mr. Arnold replied that if that shared driveway became public, they would not build sidewalks perpendicular to Route 108.

Mr. Canada asked Mr. Scamman to show on the plans how far the sidewalk might encroach into the right-of-way for Route 108. Mr. Scamman demonstrated that on the plans.

Mr. Scamman stated that with regards to River Road being given back to the property owners, when the site plan for Subaru was created, there was a phase of that project prepared showing the property to the center line of River Road that was approved by the Town because it was anticipated that section of River Road would go away.

Mr. Canada asked if the sidewalk could be constructed over the buried drainage structures. Mr. Scamman replied no, they are bioretention ponds with water storage above grade and treatment below grade. Mr. Canada asked if it is impossible. Mr. Scamman replied he never says impossible with regards to civil engineering, but the ponds are constructed and it would be difficult and expensive to install.

Mr. Kunowski asked if the proposed town road would have any impact on the proposed easement at the bottom of the property to the fields in the back. Mr. Scamman replied that he can't imagine it does, because it'd be a driveway like pulling off any town road to get into a property. Mr. Arnold reiterated his earlier points about the parties needing to consent to this. There is a declaration of easements in place that is recorded for the use of this private road and it benefits the proposed and existing dealerships, the residential lot, and the open space land in the back. All those parties would need to consent to the public road and he believes the easement in the back of the property would be modified.

Mr. Scamman stated there will be some amendments to the landscape plan that will be forthcoming. They responded to the fire department's comments and submitted responses to comments on vesting, the road connectivity, and architecture. Plans are still in the process of being updated. He asked if the Board would like to see a phase of the plan that shows River Road being part of the property.

Mr. Zaremba asked if the 2015 agreement included the discontinuation of River Road. Mr. Arnold replied it did not expressly address that, but it was on a concept plan that was contemplated. Mr. Zaremba wondered if Subaru might have an issue with it down the road.

Mr. House asked if Mr. Scamman knows if the road is an easement. Mr. Scamman replied that he researched it in the past and he believes it is a right-of-way and not in fee ownership. So traditionally, those would go back to the owners at the center line. The only odd thing about it is when they did the two boundaries, the Town asked for additional width in this section of road to

145 50 feet where originally he thought it was 33 feet. Mr. House said that he does not think it is  
146 necessary at this point for the Applicant to show the possible new boundary of River Road if it is  
147 discontinued. Mr. Houghton stated that he thinks the next step is for the parties to compose a  
148 document that expresses the intent clearly. He added that the Town cannot control when DOT  
149 installs a traffic light, but there is a design intent with the Planning Board review that should be  
150 memorialized. Mr. Canada agrees that if the Applicant wants to show it on a plan now, then it  
151 makes sense to him. Mr. Scamman and the Board discussed some design options for the  
152 discontinuation of River Road. Mr. Scamman will check on the status of the driveway permit and  
153 provide copies to the Board.  
154

155 Mr. Scamman provided an update on the water system. The new building will connect to the fire  
156 cistern at the Nissan dealership so there will be a fire sprinkler system in this building. He noted  
157 the location of a gas line that will be under a future town road. They need to finalize the septic,  
158 holding tank, and Alteration of Terrain permits.  
159

160 Mr. Scamman noted that the lighting plan shows some bright areas near the property line that might  
161 be moved in the future. He is unsure if they need a waiver for that. In the previous General  
162 Commercial zoning, some bleeding over the line of .5 foot-candles was acceptable. They can try  
163 to adjust the light fixtures or submit a waiver. Mr. Canada asked if there is a lighting plan. Mr.  
164 Scamman replied that they can prepare one. The Board agreed they would like a lighting plan. Mr.  
165 Houghton asked that they try to reduce the bleed. Mr. Scamman replied that they have worked on  
166 that and it is hard because the lighting is at 18 or 20 and other dealerships have 30 to 50 foot-  
167 candles, so this is already much darker than other dealerships in town. Mr. Houghton replied that  
168 the Town has been working steadfast to reduce light pollution. Mr. Scamman replied that they will  
169 prepare a night plan for reducing at night the light fixtures and see if they can move fixtures so  
170 there is no bleed. Mr. House noted it will be challenging in the back for security. Mr. Zaremba  
171 asked if lights will be on 24/7 or will some of them be security lights with a motion sensor. Mr.  
172 Scamman replied that he thinks some would probably be motion sensor and some would be 24/7  
173 but they haven't discussed that yet.  
174

175 Mr. House asked if the project is all set with the fire department. Mr. Scamman replied that they  
176 submitted the fire truck turning radii plans. Ms. Price replied that she will follow up with the fire  
177 chief. Mr. House asked if the Applicant responded to the fire engineer's comments. Mr. Scamman  
178 replied that they addressed the engineer's comments on fire truck reach and prepared a plan  
179 showing that the ladder trucks are able to reach those areas. He added that the fire protection  
180 sprinkler system will be reviewed as part of the building permit review process.  
181

182 Mr. Scamman described the proposed signage. The Board noted that the 15-foot height of the Kia  
183 brand sign is not compliant with the zoning ordinance.  
184

185 Mr. House asked what date that the Applicant would like to have the application continued to in  
186 order to complete their submittals. Mr. Scamman replied August 20<sup>th</sup>.  
187

188 **Mr. Canada made a motion to continue to August 20, 2025. Mr. Zaremba seconded the**  
189 **motion. All voted in favor and the motion passed.**  
190

191 Mr. Arnold asked the Board to clarify what is their opinion on vesting for this project. Mr.  
192 Houghton replied that he thinks the spirit and intent appears to exist and we need to finalize  
193 documents along those lines. To the extent that the Board has no issues, he doesn't have a problem  
194 moving forward. The Board members agreed.

- 195 b. Copley Properties, LLC (Applicant) and CAT Trust (Owner) request for approval of a Site Plan,  
196 Conditional Use Permit, and Route 33 Heritage District Application for an approximate 4,535 SF,  
197 three-unit, multi-family structure consisting of 3-bedroom units. The location is 301 Portsmouth  
198 Avenue (Tax Map 22, Lot 24), in the Route 33 Legacy Highway Heritage Zoning District.  
199

200 Ms. Price introduced the project. She stated there are three revisions so far on this project. Before  
201 the Board can accept the application as complete, the waiver from submission of digital plans as  
202 required in Addendum B of the Site Plan Regulations must be reviewed.  
203

204 Mr. Scamman stated that he has no problem with submitting a final copy but he has concerns with  
205 submitting draft GIS files that might be used incorrectly. Drew Goddard of Copley Properties  
206 added that he has not had to submit this in other municipalities. Mr. Zaremba commented that it  
207 has been a requirement since at least 2008 and he is not convinced of the risks that are inherent by  
208 providing them to the Town, but if staff is comfortable for this project with not getting the files,  
209 then he is fine with it. Mr. House added that this project appears to be pretty simple, and he doesn't  
210 have a problem either.  
211

212 **Mr. Zaremba made a motion to grant the waiver from Addendum B of the site plan**  
213 **regulations to provide digital files at this stage. Mr. Kunowski seconded the motion. All voted**  
214 **in favor and the motion passed.**  
215

216 **Mr. Houghton made a motion to accept the application as complete. Mr. Zaremba seconded**  
217 **the motion. All voted in favor and the motion passed.**  
218

219 Ms. Price stated that comments from Department Heads, the Heritage Commission, and the Route  
220 33 Heritage District Advisory Committee are in the Board's packets.  
221

222 Mr. Scamman presented the project. He addressed comments from the abutter, Abigail Morgan,  
223 who asked that the tractor trailer owned by the Applicant be removed from her property and said  
224 the owner is aware that it needs to be removed as part of the sale of the property. The proposed  
225 project is a home with an extension into a barn that will have two residential units for a total of  
226 three residential units. They made changes to the architecture based on comments from the  
227 Heritage Commission and the Route 33 Heritage District Advisory Committee. They propose wells  
228 in the front of the property and a leachfield in the back. There is a single driveway with access to  
229 a double garage for the home in the front and single car garages for the two rear units. They show  
230 fire truck access that was approved by the fire department. They have a sight distance profile that  
231 will be submitted to NH DOT. They prepared a landscaping plan for landscaping down the side  
232 and in the front.  
233

234 Mr. House asked if the existing building will be razed. Mr. Goddard replied yes. Mr. House stated  
235 that a demo permit will be needed, and he asked if the same foundation footprint will be used. Mr.  
236 Goddard replied the new foundation is larger. He noted that the garage doors will not be visible  
237 from Portsmouth Avenue.  
238

239 Mr. Scamman stated that they increased the driveway width from 18 feet to 20 feet at the request  
240 of the fire department. Mr. House asked how close is the driveway to the building. Mr. Scamman  
241 replied it is about 22 feet at the closest point, which is enough room to park a full-sized vehicle.  
242 The plan has six parking spaces outside of the garages for the three residents.  
243

244 Mr. Goddard stated there will be minimal lot clearing beyond what is already cleared. Mr.

Scamman added it will be removal of sumac and other brush.

Abigail Morgan of 297 Portsmouth Avenue is an abutter and expressed concern with the existing tree line and the cutting of any of those trees. In the winter the garages will face her master bedroom window, and she is concerned with vehicle lights going into her bedroom. Mr. House paused the discussion to open the meeting to the public. **Mr. Houghton made a motion to open the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.**

Mr. Scamman replied that the tree line is over the property line. The existing owner cut over the property line and they are not proposing to cut over the property line. The only cutting will be in the back for the leachfield and at the end for the turnaround.

Mr. Zaremba asked if there is a driveway already in the location of the proposed driveway. Mr. Goddard replied yes and they submitted an application to NHDOT.

Mr. House asked for the plans to be updated to show Ms. Morgan's home. Ms. Morgan stated that she is excited about the project as it is a huge improvement, but she is concerned with the tree line as the proposed structure is about 100 feet from her home. She stated that in the past construction trucks have gone through the pass through and out her driveway and torn up her side yard. She wants to make sure that they use the ingress and egress that belongs to that property and not drive over that grass. Mr. Scamman asked if the concrete road was ripped up in front of her home. Ms. Morgan replied yes, that it is grass and trucks in the spring and winter can tear it up. Mr. Scamman stated there is an existing powerline easement, so utility trucks have the right to traverse that area.

Mr. Scamman stated they worked with the fire department on sprinklers and a Knox box. They added light poles, but the light bleeds over the property line and he thinks they could be removed as there is other lighting sufficient for walking and when driving into the property at night, vehicle headlights would be sufficient. He stated that it is not a commercial business, and he assumes that when Holbrook Associates prepared the plan, they were considering a commercial use. There is lighting of 11 and a half foot-candles on the driveway and he doesn't think that's necessary. Mr. Goddard added that the lighting is all downlit and dark sky compliant. The front of the structure will have period correct lanterns and any fixtures visible from Portsmouth Avenue will be reviewed and approved by the Heritage. Mr. House replied that they need to update the lighting plan because the building layout changed.

Mr. Scamman continued describing some changes to grading, a retaining wall, and the driveway. Mr. House asked if they are eliminating the concrete drive between the two driveways. Mr. Goddard replied it is asphalt and yes it will be removed. Mr. House replied that could be a great place for the fire truck to turn around and go back out.

Mr. Scamman demonstrated on the tv screen the location of the vegetative buffer between this property and Ms. Morgan's property.

Mr. House asked what kind of power line easement is there. Mr. Goddard replied that he met with Consolidated and it should be prescriptive, but there are no recorded easements on the lot. He presumes that is because of the age. Mr. Scamman and Mr. Goddard described the proposed building setback and the location of the garages with regards to Ms. Morgan's concerns. Mr. Scamman asked if they can use GIS type information to locate Ms. Morgan's building versus a survey. The Board agreed a survey is not needed.

Mr. Scamman asked the Board if they will require accessible parking. He does not typically show a handicapped space for residential units. He described where he could add some handicapped spots. Mr. Goddard does not believe any ADA spaces are required per the Site Plan Regulations because it is not over 10 units and it is not a parking lot. He doesn't believe a waiver is required. Mr. House replied that federal regulations prevail over local regulations and asked Mr. Goddard to confirm ADA regulations do not require parking. Mr. Scamman asked if they can instead depict where ADA spaces can fit but not paint them unless someone needs handicapped accessible. Mr. House asked them to look at the ADA requirements. He asked if the units will be rentals. Mr. Goddard replied yes. Ms. Price clarified that her question to the Applicant was if they were going to provide ADA spaces and not that it was required. She quickly looked up the Fair Housing Act and it defines multi-family as four or more units. Mr. Houghton made an observation about the parking that with a one-car garage many people might use that for storage so if each unit has two drivers, then they will need two external parking spaces and then there is no room for guests. Mr. Scamman replied that guests can park on one side of the driveway. Mr. Houghton noted in that case there would be only one aisle. Mr. Scamman replied, but how often are they going to have guests and that they are providing two spaces per unit plus the garage. Mr. Houghton commented that two more spots could be added to the left of the septic system. Mr. House added that parking could be added in the hammerhead. Mr. Scamman replied that he assumes people will park there. Mr. Goddard stated that he heard that Senate Bill 284 may have been signed into law that limits municipal authority to require only one space per unit. Mr. Houghton noted that his comments are just an observation.

Mr. Scamman stated that he believes they have shown loading facilities for deliveries within the 20-foot-wide aisle. He asked the Board for questions.

Mr. Zaremba asked how big the lot is. Mr. Goddard replied one acre.

Mr. Kunowski commented that he sees a deck on the back of the back unit but it doesn't see that the front or middle units have dedicated outdoor space. He asked how do they expect people to use outdoor space. Mr. Goddard replied that originally the barn was not attached and it allowed for a patio area between two buildings but having two primary uses is not allowed. By joining the buildings, he lost some space and adding decks does not work well with setbacks and visualization.

Mr. House asked how close to the tree root balls will the proposed retaining wall be constructed. Mr. Scamman replied that the wall only needs to be dug down about nine or twelve inches. Mr. House asked if stormwater behind the wall will dump on the abutting property. Mr. Scamman replied there is a couple of feet but they can put stone behind it and all water flows to the back of the property. Mr. House asked that the plans be revised to correct the detail for the wall that appears to show the existing grade as higher than the existing abutter's property grade which is not the case.

Mr. House asked what kind of block is proposed for the wall. Mr. Scamman replied eight-inch keystone standard three straight units. Mr. House asked that they provide a picture for the benefit of the abutter.

Ms. Price asked if the Board wants to consider the second waiver request from Section 5.14 of the Site Plan Regulations to allow the proposed shared driveway width of 20 feet where a 60-foot right of way is required. Mr. Goddard stated this is not a roadway; it is a shared driveway. Ms. Price replied that the regulations don't identify the difference between a road and a driveway. Mr. Scamman stated that they proposed an 18-foot driveway originally and the fire department

requested a 20-foot wide fire lane per NFPA. They do not believe this is a road, that instead it is a driveway, they don't believe they should design a 24-foot wide road for three residences and it is not a subdivision. A road design also requires a 60-foot wide right-of-way which would be more intrusive to the neighbor. Additionally, behind this property is conservation land and nobody would construct a road to access conservation land. Mr. Goddard added that this driveway will not be named and that it is viewed as a driveway and not a roadway by 911. Mr. Zaremba commented that the regulations state that streets in multi-family developments shall be constructed to Town specifications as set forth in the subdivision regulations for street construction. Mr. Goddard replied he was not aware of that. Mr. Houghton asked if the project will be reviewed by a third-party engineer. Ms. Price replied that the Board needs to determine that. The Board decided to hold off on reviewing the waiver until the project is reviewed by CMA Engineers. Mr. Goddard asked that the review be expedited. Mr. House replied that is not in the Board's purview, but he asked Ms. Price to request that CMA's review be expedited. Ms. Price asked if the Board would also like a fire protection engineering review. The fire chief is fine with waiving a fire review for this project. Mr. Goddard replied that the building will be sprinklered.

**Mr. Zaremba made a motion to send the application for 301 Portsmouth Avenue to a third-party engineer. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.**

Mr. Zaremba asked how many bedrooms are in each unit. Mr. Goddard replied three.

**Mr. Houghton made a motion to continue the application to September 3<sup>rd</sup>. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.**

## **6. Public Hearing (New Business):**

### **a. Adoption of Amended Site Plan Regulations**

Ms. Price stated that Town Counsel reviewed the changes and provided some minor comments. She stated that previous comments from the Board have been incorporated into the posted amendments.

**Mr. Canada made a motion to open the hearing to the public. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.**

Ms. Price explained the comments from Town Counsel and stated if the Board does not feel they are substantial changes and there are no other objections, then the Board can move forward with adoption tonight.

Mr. Scamman spoke in opposition to the 28-day requirement for application submittals. It was only recently changed to 28 days from 21 days in Stratham. He is pleased that a Design Review process was added.

**Mr. Houghton made a motion to close the hearing to the public. Mr. Zaremba seconded the motion. All voted in favor, and the motion passed.**

**Mr. Zaremba made a motion to approve the site plan amendments with the legal comments incorporated. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

## **7. Miscellaneous**



395       **a. NHDOT Bunker Hill Ave, Frying Pan Lane, and Rt 108 Intersection Safety Improvements**  
396

397           Ms. Price stated that NHDOT spoke at a Select Board meeting about intersection improvements.  
398           The budget for a project at Bunker Hill Avenue is a little over \$1 million. There are several  
399           alternatives, including a traffic signal, a traffic circle, and designated turning lanes. NHDOT  
400           prefers designating Bunker Hill Avenue as a right turn only, due to cost limitations. NHDOT  
401           wants to look at performing a corridor study with the Rockingham Planning Commission.  
402           NHDOT is returning to the Select Board on July 21, 2025, to present their decision.  
403

404       **8. Adjournment**  
405

406           **Mr. Canada made a motion to adjourn at 9:54 pm. Mr. Zaremba seconded the motion. All voted**  
407           **in favor and the motion passed.**