



Stratham Planning Board Meeting Minutes

August 20, 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: 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. August 6, 2025

Mr. Zaremba made a motion to approve the meeting minutes from August 6, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

3. New Business (Public Meeting):

- a. Gary Church with Fish Brook Builders (Applicant) and Andrew Barry (Owner) request for approval of a 33 Heritage District Application for a new construction of a detached 22' x 24' barn with an attached 12' x 22' carport. The location is 291 Portsmouth Avenue (Tax Map 22, Lot 21), Route 33 Legacy Highway Heritage Zoning District.

Ms. Price introduced the project. The Route 33 Heritage District Advisory Committee met on August 13, 2025 and recommended approval of the application. The building architectural design appears to be consistent and complimentary to the existing character and land uses in the Heritage District. She stated there is no paved driveway proposed, but there will be crushed stone access. There is no signage proposed and if there is any exterior lighting, it must be fully downcast. No additional landscaping is proposed and the structure meets all dimensional requirements and will be located in the rear of the home.

Mr. House invited the applicant to speak. Gary Church of Fish Brook Builders spoke on behalf of the owner. He described the project as a 24' by 22' barn with a frost wall foundation and slab on grade. There will be a garage door on the front, Anderson windows, and Hardy shingle siding. It will be a full 2 by 6 frame with an asphalt shingle roof and PVC trim. The shed will be held up with pressure-treated columns.

Mr. Kunowski asked for confirmation that there is no living space and no plumbing. Mr. Church confirmed that and stated there will be an electrical connection from the main house.

Mr. House asked if the proposed use is for a landscaping business. Stephanie Barry and Andrew Barry responded no, it is for personal use.

Mr. Zaremba made a motion to open the meeting to the public. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

Mr. House invited members of the public to speak. Nobody spoke.

Mr. Canada made a motion to close the meeting to the public. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

There was no further Board discussion.

Mr. Canada made a motion to approve the application. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

4. Ongoing Business (Public Hearing):

- 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 here to seek conditional approval, if the Board is ready to make that decision. Outstanding items include the architectural resubmittal based on comments made by the Board. The variance was granted on July 1 from Table 3.6, the Table of Uses, to permit a motor vehicle dealership in the Residential/Agricultural Zoning District and the appeal period has passed. There are additional staff comments on outdoor lighting. The Code Enforcement Officer submitted comments on the signage. There are additional staff comments on road connectivity, sidewalks, vehicle parking/storage, NHDOT, and car delivery trucks. Ms. Price believes all comments have been addressed by the applicant. She noted the Notice of Decision condition regarding NHDOT sidewalk agreement and asked the Board to discuss that.

Mr. House asked if there are any waivers to be discussed. Ms. Price replied that all waivers have been granted for this project. Mr. House invited the applicant to speak.

Bruce Scamman of Emanuel Engineering and James Verra & Associates spoke on behalf of the applicant. He addressed the draft Notice of Decision. He asked for clarification on the required development agreement. Ms. Price replied that the Town typically enters into developer agreements with applicants in reference to the bonding requirements of what shall be done. Mr. Scamman replied that it sounds like the Town is requesting a bonding agreement on the infrastructure development, of which most of it is built. He also requested that the condition regarding financial security include language per State law when bonds can be required; that the bond will not include improvements already completed. Mr. House agreed.

Mr. Scamman addressed the condition of the sidewalks. They designed a five-foot sidewalk because that is what will fit. In order to do that, extra filling of the pond was needed, which is already affecting some of the drainage. He stated the Site Plan Regulations specify that ADA is

three-foot minimum and that the 6-foot size is in the subdivision regulations for new roads. Mr. Scamman stated that the agreements and discussions have been that sidewalks will be located in the state right-of-way and for the applicant to install them through the pond is much larger and expensive task. Mr. House asked if sidewalks are in the Zoning Ordinance. Ms. Price replied yes. She spoke with DOT who told her that with an agreement in place there should be no reason why it couldn't be installed in the right-of-way. Mr. House stated that he believes the sidewalk requirements have been in the Ordinance since this project started in 2014. Ms. Price replied yes. He asked if the six-foot regulation was in effect then. Ms. Price replied it does not specify. Mr. House stated that ADA is 30 inches and six-feet will allow some cushion between two wheelchairs going in opposite directions. He does not have a problem with a five-foot sidewalk, however if the Zoning Ordinance specifies six-feet then they would need ZBA approval. Mr. Scamman replied that the Ordinance does not specify the width and in the Site Plan Regulations, sidewalks must be provided for pedestrian traffic to permit passive way between the entrance of commercial housing and industrial establishments and parking areas. All such sidewalks must be at least six inches above grade and protected by curbing. The design must include means for access by handicapped persons. All paving except for walks and drive entries shall be set back 25 feet from all property lines, except for those fronting on Portsmouth Avenue. In the case of Portsmouth Avenue, all paving except for walks and approved entry drive shall be set back a minimum of 35 feet from all property lines with an average setback no less than 50 feet from the front property. He summarized that the site plan regulations are discussing sidewalks from parking to the building. In the subdivision regulations, it states the applicant may be required by the Planning Board to install concrete sidewalks of a minimum of six feet in width along proposed roads. He stated they do not have proposed roads and that is why they propose five-foot width. Ms. Price read from the Zoning Ordinance: On properties with frontage along Portsmouth Avenue where new development, redevelopment, or significant site improvements are proposed, sidewalk facilities shall be provided along the Portsmouth Avenue frontage. Sidewalks shall be subject to the following standards: Sidewalks should be constructed of concrete, not be constructed of gravel or asphalt. Sidewalks on the west side of Portsmouth Avenue should be a minimum of five feet in width. Sidewalks on the east side of Portsmouth Avenue shall be a minimum of eight feet in width. Wherever practical, sidewalks shall be fully separated from Portsmouth Avenue and situated a minimum of eight feet from the edge of the pavement of Portsmouth Avenue. A grass or landscaped esplanade shall be provided sidewalk and travel lanes. When sidewalks are present on an abutting parcel on the same side of Portsmouth Avenue, the sidewalk shall be constructed to provide a seamless connection between the parcels. Whenever practicable, pedestrian crossings across driveways shall be provided at the narrowest width of the driveway and within clearly designated crosswalks. If a pedestrian crossing at a driveway exceeds 35 feet in width, a curbed pedestrian refuge island shall be provided. It also discusses lighting if needed. Mr. Scamman replied that is where he believes his staff saw five feet and the only place he could find reference to six feet is in the subdivision regulations for new roads. Mr. House is in agreement with the five-foot width.

Mr. Scamman turned the discussion over to John Arnold from Orr & Reno regarding the location of the sidewalks. Mr. Arnold stated he emailed with Cordell Johnston, Town Council regarding the sidewalk issue and vesting. He stated that the sidewalk was not required when the project was approved last, yet is required now. His discussion with Town Council was that the applicant would provide a sidewalk as part of an agreement that the project would be considered vested. The applicant is willing to provide a sidewalk, but due to the drainage improvements that have been built already, it is not feasible to construct them on the property outside of the state right-of-way. They agreed to construct the sidewalk in the state right-of-way with NHDOT approval, which is out of their control. The Notice of Decision condition does not reflect those discussions. He provided red-lined changes to that condition. Mr. House asked if a variance was granted in 2014

144 from sidewalks. Mr. Scamman replied there was no Gateway District in 2014. Mr. House and Ms.
145 Price corrected that the District did exist in 2014. Ms. Price added that the standards did not exist,
146 but sidewalks were required in the 2014 Zoning Ordinance. Mr. Arnold stated that the original
147 plan was approved without sidewalks. Town Council relayed to Mr. Arnold the importance of
148 sidewalks to the Town and the applicant agreed to construct them but they don't have complete
149 control over it because of the site improvements already built along the frontage. Mr. House stated
150 that the five-foot size is possible. Mr. Scamman and Mr. Arnold clarified that they can fit them in
151 the state right-of-way but not on the property without cutting through the middle of the drainage
152 pond. Mr. Zaremba asked if they can be installed west of the drainage. Mr. Scamman replied that
153 would be in the parking lot. Mr. Zaremba asked if they can shift the parking lot. Mr. Scamman
154 replied that they would lose a row of parking. He described the proposed location along the edge
155 of the right-of-way with a curb. Mr. Canada asked if it is very likely that DOT will approve it. Mr.
156 Scamman replied that the Town has already talked to DOT. Mr. Canada replied then there is a very
157 minimal change that you would need to take Mr. Zaremba's suggestion of putting the sidewalk in
158 the parking area. It is an unlikely event that they would have to put it in the parking area. He added
159 that the problem for the Town is if DOT does say no, then the Town doesn't have a sidewalk.
160 There will be a gap between sidewalks that cannot be bridged. He provided the example of
161 Optima's sidewalk that crosses the parking lot and goes back down to the road. He stressed that
162 the Town is trying to eventually have a seamless sidewalk. Mr. House added that is a goal of the
163 Gateway District to plan for the future. Mr. Scamman described issues with elevation in relation
164 to the parking area. Mr. Arnold added that he discussed with Town Counsel the legal issues of
165 vesting and their agreement to put the sidewalk in the state right-of-way. He believes they
166 tentatively agreed on that in June. Mr. House replied that if they can't build a sidewalk then they
167 need a variance from the ZBA. Mr. Arnold replied that their position is that the project is vested
168 and that the sidewalk requirement did not exist when the project was approved in 2014. Mr. House
169 replied it did exist in 2014. Mr. Zaremba stated that the Board is not voting on vesting unless Mr.
170 Arnold wants to open that can of worms. He added that the 2014 requirement applies. Mr. Arnold
171 does not believe sidewalks were required in 2014. Their position is that there are a number of
172 things, from a zoning perspective, that the project does not need to comply with and that he believes
173 this plan does not comply with. Mr. House replied that if it is a Zoning Ordinance requirement,
174 then the Planning Board doesn't have the authority. Mr. Arnold described the discussions between
175 him and Town Counsel that they agreed to construct a sidewalk in the state right-of-way. Mr.
176 Scamman added that even though the Gateway was in place in 2014, the application was submitted
177 before the Gateway District was approved. Ms. Price stated that the Gateway District was adopted
178 in 2011. Mr. Scamman's recollection is the project went through a preliminary review prior to the
179 Gateway adoption which allowed grandfathering. Mr. Arnold read aloud the email discussion
180 between him and Town Counsel regarding vesting. He thinks it is a small risk for the Town to
181 grant approval with his suggested revisions to the condition and assume the risk that DOT will say
182 no. Mr. Zaremba asked how long will the DOT review take. Ms. Price replied she was told by
183 DOT that they will address the driveway permit first and typically those types of agreements are
184 not a long process; it is a standard template. Mr. House asked Mr. Scamman to display and describe
185 the issue with the pond location. Mr. House addressed edits to the proposed condition including a
186 requirement that ZBA approval be sought if DOT does not allow the sidewalk in the right-of-way.
187 Mr. Canada asked if the zoning was confirmed. Ms. Price replied that the construction
188 specifications were not in the 2014 Ordinance but the requirement for sidewalks was in the
189 Ordinance. Additionally, there were discussions in 2017 when the applicant returned to the
190 Planning Board that sidewalks were required. Mr. Allison asked if the building and parking could
191 be pushed back five feet to accommodate the sidewalk in the parking area. Mr. Scamman replied
192 he would need to talk to his client and expressed concern with the driveway alignment and the
193 public using a skateboard or bicycle through the parking lot and causing damage. Mr. Allison asked

194 if DOT does not agree to the location in the right-of-way would the applicant agree to give money
195 to the Town for a capital improvement project elsewhere. Mr. Scamman replied he thinks they
196 would like to work on getting it installed for this project. Chris Lane, the applicant, replied that he
197 wants to install the sidewalk; residents on River Road and Greta's Road expect the sidewalk. Mr.
198 House explained that this discussion is trying to help Mr. Lane in case DOT does not approve the
199 location. Mr. Scamman added that the Town has some weight to push DOT and they could also
200 engage State representatives and senators if that became an issue. Mr. Canada asked if there are
201 any technical reasons that DOT might object. Mr. Scamman replied the only issue he can see is
202 that there is a curb, but that goes back to the maintenance agreement. Mr. Kunowski commented
203 that he believes it is human nature that people will walk along Portsmouth Avenue whether there's
204 a sidewalk along Portsmouth Avenue or in the parking lot. He does not have a strong opinion either
205 way. Mr. House noted that the Planning Board cannot waive the sidewalk, it would have to be a
206 ZBA decision. Mr. Kunowski stated that he agrees a sidewalk is consistent with the other
207 objectives. Mr. Zaremba is concerned with the small risk that DOT says no and then there is a big
208 gap. Thinking outside the box, he asked if there could be an easement to the Town over the drainage
209 areas for the town to figure out how to install a sidewalk over them. Mr. House suggested a
210 condition on the Notice of Decision. Mr. Scamman and Mr. Lane agreed to that. Mr. Canada asked
211 if piers would work. Mr. Scamman replied there is new technology like grates that could work but
212 is a larger expense. Mr. Canada asked for an estimate of how much it will cost to build the sidewalk
213 in the right-of-way. Mr. Scamman replied between \$100 and \$200 per linear foot or could be \$50.
214 Mr. Canada replied if DOT says no, and the town has the easement, then he would like to see the
215 money that would be spent to construct the sidewalk in the right-of-way be given to the Town and
216 reserved to go towards the more expensive sidewalk. Mr. Lane asked when would the funds be put
217 into the reserve account. Mr. Canada replied it could be either cash up front or a pledge. Mr. House
218 asked Mr. Arnold to work with Town Counsel to fine tune the language discussed tonight and what
219 Mr. Lane agreed to. Mr. Arnold offered to work on the language while the discussion continues so
220 that they can get conditional approval tonight.

221
222 Mr. Scamman continued with their comments on the draft notice of decision. He expressed concern
223 with the condition about River Road and the alternative access. He explained his interpretation and
224 asked for confirmation on it. Mr. House confirmed and asked if there were any questions from the
225 Board on that. The Board replied no. Mr. House read the condition "as part of the implementation
226 of the 2015 agreement, the Town of Stratham will discontinue the portion of River Road, beginning
227 at its intersection with the Subaru connector alternative access and ending at its intersection with
228 Portsmouth Ave". He stated it makes sense to him. Mr. Kunowski asked if the 2015 agreement
229 references "the Subaru connector". Mr. Scamman does not know.

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231 Mr. Scamman requested that in the condition about vehicle parking in the display spots that the
232 Town add the term storage spots. The Board agreed.

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234 Mr. Scamman requested 365 days instead of 120 days for precedent conditions as he knows that
235 the DOT and DES processes will take a long time. Mr. House replied they can request extensions.
236 The Board determined the 120 days will remain.

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238 Mr. Scamman requested that the Board issue conditional approval.

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240 Mr. House asked if there are any comments from the public. There were no comments.

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242 Ms. Price advised that there are revisions to the architectural plans. Mr. House asked the Board if
243 they have any comments on the revised plans. There were no comments. Mr. House stated they

are still showing plaster material. Mr. Scamman replied that his understanding is that the material was changed at the Board's request. Mr. House asked what does plaster material mean; that it usually means exterior insulation finish system (EIFS) which is not allowed. He said a fiber cement panel would be allowed or stucco. Mr. Scamman replied they are large, square panels. Mr. House noted that it does not look like the drawings were updated.

While Mr. Scamman researched the architecture, Mr. Arnold read his suggested condition regarding sidewalks – “the plan shall be revised to show a five-foot wide sidewalk running along the length of the property, along Portsmouth Avenue, which is understood to be in the NHDOT right-of-way. The applicant shall provide an easement to the Town of Stratham, as necessary, for public use of the sidewalk. It is understood that NHDOT approval is required for a sidewalk within the State right-of-way. The Town of Stratham and NHDOT will execute a sidewalk agreement for maintenance of the sidewalk within the NHDOT right-of-way, if necessary. If NHDOT approval is not obtained, the applicant shall grant a five-foot wide easement along the frontage of Portsmouth Avenue for the Town's construction of a sidewalk. If and when the Town constructs such sidewalk, the applicant shall contribute funds equivalent to the cost of construction for the sidewalk if it had been constructed within the NHDOT right-of-way, and the Town shall be responsible for any cost in excess thereof for the construction of the sidewalk within said easement. The applicant shall provide a separate bond estimate for the construction of the sidewalk within the NHDOT right-of-way, which figure shall be used to establish the applicant's contribution if and when made.” Mr. Canada asked if the requirement would run with the land. Mr. Arnold replied that can be part of the recorded easement agreement. Mr. Zaremba asked if a five-foot easement is large enough for a five-foot sidewalk. Mr. Scamman replied it could say “the ability to build a five-foot”. Mr. Arnold stated he revised the last sentence of the motion to read that the applicant shall provide a line item cost for the construction of the sidewalk within the NHDOT right-of-way as part of the construction estimate provided pursuant to condition precedent 3.d. which figures shall establish the applicant's contribution if and when made. The Board agreed.

Mr. House asked for additional comments on the NOD. Ms. Price suggested adding a condition precedent regarding the architectural drawings since they were not corrected. Alternatively, the Board can hold approval until the drawings are revised. Mr. Scamman stated that he is corresponding with the architect during the meeting and the architect believes that the Site Plan Regulations in Section 5.15.d. allow for plaster. Mr. House replied that the Code Enforcement Officer will check the details to make sure it is a true plaster application, not just some kind of panel that looks like it. Ms. Price asked if that should be added as a condition of approval. Mr. House, Mr. Scamman, Mr. Lane, and Mr. Arnold agreed to the condition suggested by Ms. Price.

Mr. Zaremba made a motion to close the public portion of the meeting. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

Ms. Price requested that the Board address the Conditional Use Permit approval.

Mr. Zaremba made a motion that the Planning Board grant the Conditional Use Permit for a new 30,000 square foot auto dealership at 41 Portsmouth Ave Tax Map 9, Lot 4 in the Gateway Commercial Business and Residential/Agricultural districts subject to the site plans by Emanuel Engineering, last revised August 8, 2025. The approval is consistent with the Gateway Business District Master Plan and improves public safety within district and adjacent zoning districts. The findings of facts for this approval include: 1) private building landscaping shall contribute to the physical definition of streetscapes and public spaces; and 2) development shall adequately accommodate automobiles and emergency vehicles while

respecting the pedestrian and the spatial form of public spaces; 3) design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility and efficient, efficient traffic flow; and 4) architecture and landscape design shall complement climate, topography, community, character and building practices; and 5) new development and redevelopment shall be otherwise consistent with the intent and purpose of this ordinance; and 6) does not unduly impact adjacent properties and uses in the District. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

Mr. Zaremba made a motion that the Planning Board conditionally approve the amended notice of decision of August 20, 2025 for a request for a site plan for a new 30,000 square foot auto dealership at 41 Portsmouth Ave, Tax Map 9, Lot 4 in the Gateway Commercial Business and Residential/Agricultural districts subject to the site plans by Emanuel Engineering, last revised August 8, 2025. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.

- b. 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 explained that Town staff including Ms. Price, the Fire Chief, fire inspector, DPW Director, and the acting Town Administrator met with the applicant and project team to discuss design changes including snow storage, cistern materials, and sizing of the cul-de-sacs. She believes the comments were verbally satisfied by all parties and the Town is waiting for revised plans to be submitted. CMA's most recent review is dated August 14th. Outstanding questions include the waivers before the Board and a phasing plan. It was discussed that the application would follow the AOT process, but a waiver should be submitted. Ms. Price asked that the applicant separate the waivers for the cul-de-sacs to avoid the confusion in the last meeting as to what the waiver requests are for. At the request of the Board Ms. Price reviewed road lengths in other Open Space Cluster subdivisions and none seem to exceed 1,000 feet. She added that there appears to be adequate fire flow to the houses.

Mr. Scamman spoke on behalf of the applicant. They amended the plan to avoid needing a variance for the amount of wetlands in the Open Space land by encompassing more wetlands into the lots. Mr. Canada recalled a previous discussion about having a public easement for people to go in the woodland areas even though they are part of a lot now and asked if Mr. Scamman recalled that. Mr. Scamman replied that his recollection is that having the wetlands on the common space would be more protective than on an individual's property. Mr. Scamman does not recall an easement discussion. No other Board members recall. Mr. Canada stated that the spirit of the ordinance is to have that open land and in the past the Board thought they could grant a waiver, but it is now understood that a variance would be required. Mr. Canada asked if the area can be open to the public. Mr. Scamman could not answer that and added that owners would be giving up a right. He explained the added work with creating easement language and plans. Mr. Zaremba agreed with Mr. Canada's point. Colton Gove of Gove Group Real Estate asked to speak and stated that allowing anybody to walk on the backyard of a private owner's lot is not something that he believes anyone would allow for liability reasons. Mr. Zaremba replied he believes that when there are easements on a property, that exempts the landowner from liability and there are many examples in town of public access on private property with the largest example being Stratham Hill Park. Mr. Scamman expressed concern with wetlands impacts from public use and stated that the landowner would be liable for noncompliance with NHDES.

Mr. Scamman presented the discussions with the fire department. They are working with the fire department on the types of materials for the cisterns and the fire department agreed to not have a cistern at the far end. They will add painted, no parking areas on pavement and will add some requested details to the cistern details along with an engineering stamp. Mr. Scamman's understanding is the fire department and DPW are satisfied. He described changes to the snow storage areas at the request of the DPW. He requested that the Board approve the waivers for the cul-de-sacs and the road length. Ms. Price noted that the fire department and DPW have not seen the revisions yet. Mr. House stated that the departments should review the plans and confirm their acceptance of them before moving forward with approving the waivers.

Mr. House asked if they leveled off the hammerhead driveways. Mr. Scamman replied they included painting for no parking. Mr. House read from the department head meeting minutes. Mr. Scamman explained his response at the meeting was related to paint. He added that they discussed naming the array roads. Mr. House replied the road name needs Select Board approval. Mr. Scamman described changes being made to the fire cistern details and recently sent changes to the fire department.

Mr. Scamman addressed the timing of bonding. He stated that state law says that bonding is required before issuance of the first building permit. That a developer can start construction and once the road is built, then the entire road would not need to be bonded. Ms. Price stated that the town's regulations require bonding before the CUP can be approved. She is waiting for a response from legal counsel on that. Mr. Canada asked if there would still be a maintenance bond. Mr. Scamman replied a maintenance bond is different than a construction bond.

Mr. House asked if they are working on the phasing plan. Mr. Scamman replied that as part of the NHDES AOT permit, they can only have five acres open at one time and that is part of the phase. His client is concerned with having to commit to which houses are built first. Because he doesn't know which house he can sell first. He is looking to not have a phase of construction of the houses, just that he meets the phases of AOT's maximum space allowed to be open at one time. Mr. House asked Ms. Price to confirm his understanding of the regulations is that the phasing plan says a builder has to build so many houses per year or within five years. Ms. Price agreed and said that if the applicant does not want to follow that, then they must submit a waiver with justification.

Mr. Allison commented on the high intensity soil survey requirement. He stated that the project used the Natural Resources Conservation Service soil groups and in 2024, the soil scientist for the project completed what Mr. Allison thinks is a high intensity soil survey of the site. As he noted previously, there were issues with following contours. He suggested to Mr. Scamman that they use the topographic plan with the soils information, add the information from the soils scientist and remove the information from the Natural Resources Conservation Service. Mr. Allison believes the information as provided does not conform to the site plan regulations and is not of any value. The revised plan should then be stamped.

Mr. Canada made a motion to continue and extend the application to September 3, 2025. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

5. Miscellaneous

a. Subdivision Regulation Review

Ms. Price presented proposed amendments to the subdivision regulations that largely mimic the

recent site plan regulation amendments. She added a definition for driveway, clarified the Preliminary Conceptual Consultation process, added a Design Review process, updated fees, added a section for modification of plans, updated expiration of plans and vesting.

Mr. House invited members of the public to speak.

Mr. Scamman commented that the 120-day limitation for precedent conditions is too soon. He requested a change to one year. He believes the reason for the short timeline is to push construction, but the likelihood of obtaining state and federal permits within 120 days is next to zero. The Board agreed with one year.

Ms. Price will notice the hearing for the September 17th meeting.

b. 69 Portsmouth Avenue question

Mr. Scamman asked a question of the Board. He explained that the owners of 69 Portsmouth Ave want to install an addition to one building on the property and they were advised that it needs site plan review. The building has an existing one-bedroom apartment, and the addition would be 16 by 20 or 24. He discussed the project with the Code Enforcement Officer (CEO) who believes the project meets the multi-family definition and would need site plan approval. Mr. House asked if the tenants are all related. Ms. Price stepped in and asked if this is considered a preliminary consultation and asked Mr. Scamman if he is seeking direction or feedback from the Board. Mr. Scamman replied he can put it on an application if needed. Mr. House stated the reason he asked about family relation is because it wouldn't be considered multi-family. Ms. Price replied there are multiple houses on the lot. Mr. Scamman described the structures as his parents' house, the chicken coop, the old barn, the tool shed, and the metal barn. It is the chicken coop building where they want to construct the addition. He said the CEO told him that a site plan review is required because the property is located in the Gateway District. Mr. Scamman is asking the Board to confirm that requirement. Mr. House replied that this conversation is bordering on consultation, and he recommends that Mr. Scamman speak with the town planner. Ms. Price replied that she agrees with the CEO's opinion. Staff were provided with information that there are two existing homes on the site and one of the homes was going to have the addition. Staff asked if the addition was going to be an ADU and the response was no. Because there are multiple homes on the lot, it can be considered multi-family and therefore requires site plan review. Mr. House asked for clarification. Mr. Scamman replied his parents' home has an apartment in it. Then what they call the chicken coop is an apartment in the back, a standalone house. Mr. Canada asked if the Board has the authority to waive the requirement. Ms. Price replied if Mr. Scamman does not agree with the building inspector, then he can submit an administrative appeal to the ZBA. Mr. Scamman added or he can submit a site plan application. Mr. Zaremba asked Ms. Price if a site plan is required, then does the Board have the authority to say a site plan is not required. Ms. Price replied that anyone can request a waiver from the regulations. The Board can or cannot agree to them. To make an application complete for a site plan or subdivision application, there is a checklist. The applicant can provide a waiver from items on the checklist and justify why a waiver is necessary. The Board will then determine whether or not the application is complete. So yes, the Board could approve waivers from the checklist to make the application as complete as an actionable site plan, or you can deny without prejudice that tell them to come back, but I don't think you want to do that. Mr. Zaremba asked if the zoning differentiates if it is the same family on a property. Ms. Price replied that one and two-family homes are allowed in the District, but this property has more than two. Mr. Zaremba clarified his question is if an in-law unit is in zoning. Ms. Price replied ADUs are allowed. Mr. House explained that the term multifamily means there is more than one family,

444 so a rental to someone who is not part of a family results in two families. Ms. Price replied that the
445 State changed that this year and a town cannot discriminate. Mr. House replied then it is housing.
446 Mr. Scamman stated that he thought multi-family is three or more in the same building. Mr. House
447 replied they can have 10 duplexes on a site and that is multi-family, but his definitions are different.
448 Mr. Scamman asked if it can be done under agricultural. Ms. Price cautioned that this discussion
449 is a consultation.
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451 **6. Adjournment**
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453 **Mr. Zaremba made a motion to adjourn at 9:54 pm. Mr. Canada seconded the motion. All voted**
454 **in favor and the motion passed.**