



## 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.

44 Mr. Kunowski asked for confirmation that there is no living space and no plumbing. Mr. Church  
45 confirmed that and stated there will be an electrical connection from the main house.  
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47 Mr. House asked if the proposed use is for a landscaping business. Stephanie Barry and Andrew  
48 Barry responded no, it is for personal use.  
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50 **Mr. Zaremba made a motion to open the meeting to the public. Mr. Kunowski seconded the**  
51 **motion. All voted in favor and the motion passed.**  
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53 Mr. House invited members of the public to speak. Nobody spoke.  
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55 **Mr. Canada made a motion to close the meeting to the public. Mr. Zaremba seconded the**  
56 **motion. All voted in favor and the motion passed.**  
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58 There was no further Board discussion.  
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60 **Mr. Canada made a motion to approve the application. Mr. Kunowski seconded the motion.**  
61 **All voted in favor and the motion passed.**  
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63 **4. Ongoing Business (Public Hearing):**

64 a. 41 Portsmouth Avenue LLC (Applicant) and 41 Portsmouth Avenue Realty LLC (Owner) request  
65 a Site Plan Review and Conditional Use Permit for a new 30,000 square foot auto dealership at 41  
66 Portsmouth Avenue, Tax Map 9, Lot 4 in the Gateway Commercial Business and  
67 Residential/Agricultural Districts.  
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69 Ms. Price stated that the applicant is here to seek conditional approval, if the Board is ready to  
70 make that decision. Outstanding items include the architectural resubmittal based on comments  
71 made by the Board. The variance was granted on July 1 from Table 3.6, the Table of Uses, to  
72 permit a motor vehicle dealership in the Residential/Agricultural Zoning District and the appeal  
73 period has passed. There are additional staff comments on outdoor lighting. The Code Enforcement  
74 Officer submitted comments on the signage. There are additional staff comments on road  
75 connectivity, sidewalks, vehicle parking/storage, NHDOT, and car delivery trucks. Ms. Price  
76 believes all comments have been addressed by the applicant. She noted the Notice of Decision  
77 condition regarding NHDOT sidewalk agreement and asked the Board to discuss that.  
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79 Mr. House asked if there are any waivers to be discussed. Ms. Price replied that all waivers have  
80 been granted for this project. Mr. House invited the applicant to speak.  
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82 Bruce Scamman of Emanuel Engineering and James Verra & Associates spoke on behalf of the  
83 applicant. He addressed the draft Notice of Decision. He asked for clarification on the required  
84 development agreement. Ms. Price replied that the Town typically enters into developer  
85 agreements with applicants in reference to the bonding requirements of what shall be done. Mr.  
86 Scamman replied that it sounds like the Town is requesting a bonding agreement on the  
87 infrastructure development, of which most of it is built. He also requested that the condition  
88 regarding financial security include language per State law when bonds can be required; that the  
89 bond will not include improvements already completed. Mr. House agreed.  
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91 Mr. Scamman addressed the condition of the sidewalks. They designed a five-foot sidewalk  
92 because that is what will fit. In order to do that, extra filling of the pond was needed, which is  
93 already affecting some of the drainage. He stated the Site Plan Regulations specify that ADA is

94 three-foot minimum and that the 6-foot size is in the subdivision regulations for new roads. Mr.  
95 Scamman stated that the agreements and discussions have been that sidewalks will be located in  
96 the state right-of-way and for the applicant to install them through the pond is much larger and  
97 expensive task. Mr. House asked if sidewalks are in the Zoning Ordinance. Ms. Price replied yes.  
98 She spoke with DOT who told her that with an agreement in place there should be no reason why  
99 it couldn't be installed in the right-of-way. Mr. House stated that he believes the sidewalk  
100 requirements have been in the Ordinance since this project started in 2014. Ms. Price replied yes.  
101 He asked if the six-foot regulation was in effect then. Ms. Price replied it does not specify. Mr.  
102 House stated that ADA is 30 inches and six-feet will allow some cushion between two wheelchairs  
103 going in opposite directions. He does not have a problem with a five-foot sidewalk, however if the  
104 Zoning Ordinance specifies six-feet then they would need ZBA approval. Mr. Scamman replied  
105 that the Ordinance does not specify the width and in the Site Plan Regulations, sidewalks must be  
106 provided for pedestrian traffic to permit passive way between the entrance of commercial housing  
107 and industrial establishments and parking areas. All such sidewalks must be at least six inches  
108 above grade and protected by curbing. The design must include means for access by handicapped  
109 persons. All paving except for walks and drive entries shall be set back 25 feet from all property  
110 lines, except for those fronting on Portsmouth Avenue. In the case of Portsmouth Avenue, all  
111 paving except for walks and approved entry drive shall be set back a minimum of 35 feet from all  
112 property lines with an average setback no less than 50 feet from the front property. He summarized  
113 that the site plan regulations are discussing sidewalks from parking to the building. In the  
114 subdivision regulations, it states the applicant may be required by the Planning Board to install  
115 concrete sidewalks of a minimum of six feet in width along proposed roads. He stated they do not  
116 have proposed roads and that is why they propose five-foot width. Ms. Price read from the Zoning  
117 Ordinance: On properties with frontage along Portsmouth Avenue where new development,  
118 redevelopment, or significant site improvements are proposed, sidewalk facilities shall be provided  
119 along the Portsmouth Avenue frontage. Sidewalks shall be subject to the following standards:  
120 Sidewalks should be constructed of concrete, not be constructed of gravel or asphalt. Sidewalks  
121 on the west side of Portsmouth Avenue should be a minimum of five feet in width. Sidewalks on  
122 the east side of Portsmouth Avenue shall be a minimum of eight feet in width. Wherever practical,  
123 sidewalks shall be fully separated from Portsmouth Avenue and situated a minimum of eight feet  
124 from the edge of the pavement of Portsmouth Avenue. A grass or landscaped esplanade shall be  
125 provided sidewalk and travel lanes. When sidewalks are present on an abutting parcel on the same  
126 side of Portsmouth Avenue, the sidewalk shall be constructed to provide a seamless connection  
127 between the parcels. Whenever practicable, pedestrian crossings across driveways shall be  
128 provided at the narrowest width of the driveway and within clearly designated crosswalks. If a  
129 pedestrian crossing at a driveway exceeds 35 feet in width, a curbed pedestrian refuge island shall  
130 be provided. It also discusses lighting if needed. Mr. Scamman replied that is where he believes  
131 his staff saw five feet and the only place he could find reference to six feet is in the subdivision  
132 regulations for new roads. Mr. House is in agreement with the five-foot width.  
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134 Mr. Scamman turned the discussion over to John Arnold from Orr & Reno regarding the location  
135 of the sidewalks. Mr. Arnold stated he emailed with Cordell Johnston, Town Council regarding  
136 the sidewalk issue and vesting. He stated that the sidewalk was not required when the project was  
137 approved last, yet is required now. His discussion with Town Council was that the applicant would  
138 provide a sidewalk as part of an agreement that the project would be considered vested. The  
139 applicant is willing to provide a sidewalk, but due to the drainage improvements that have been  
140 built already, it is not feasible to construct them on the property outside of the state right-of-way.  
141 They agreed to construct the sidewalk in the state right-of-way with NHDOT approval, which is  
142 out of their control. The Notice of Decision condition does not reflect those discussions. He  
143 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.  
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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

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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.

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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.

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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.

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**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.**

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

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**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**

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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.

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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.

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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.

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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 14<sup>th</sup>. 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.

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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.

344 Mr. Scamman presented the discussions with the fire department. They are working with the fire  
345 department on the types of materials for the cisterns and the fire department agreed to not have a  
346 cistern at the far end. They will add painted, no parking areas on pavement and will add some  
347 requested details to the cistern details along with an engineering stamp. Mr. Scamman's  
348 understanding is the fire department and DPW are satisfied. He described changes to the snow  
349 storage areas at the request of the DPW. He requested that the Board approve the waivers for the  
350 cul-de-sacs and the road length. Ms. Price noted that the fire department and DPW have not seen  
351 the revisions yet. Mr. House stated that the departments should review the plans and confirm their  
352 acceptance of them before moving forward with approving the waivers.  
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354 Mr. House asked if they leveled off the hammerhead driveways. Mr. Scamman replied they  
355 included painting for no parking. Mr. House read from the department head meeting minutes. Mr.  
356 Scamman explained his response at the meeting was related to paint. He added that they discussed  
357 naming the array roads. Mr. House replied the road name needs Select Board approval. Mr.  
358 Scamman described changes being made to the fire cistern details and recently sent changes to the  
359 fire department.  
360

361 Mr. Scamman addressed the timing of bonding. He stated that state law says that bonding is  
362 required before issuance of the first building permit. That a developer can start construction and  
363 once the road is built, then the entire road would not need to be bonded. Ms. Price stated that the  
364 town's regulations require bonding before the CUP can be approved. She is waiting for a response  
365 from legal counsel on that. Mr. Canada asked if there would still be a maintenance bond. Mr.  
366 Scamman replied a maintenance bond is different than a construction bond.  
367

368 Mr. House asked if they are working on the phasing plan. Mr. Scamman replied that as part of the  
369 NHDES AOT permit, they can only have five acres open at one time and that is part of the phase.  
370 His client is concerned with having to commit to which houses are built first. Because he doesn't  
371 know which house he can sell first. He is looking to not have a phase of construction of the houses,  
372 just that he meets the phases of AOT's maximum space allowed to be open at one time. Mr. House  
373 asked Ms. Price to confirm his understanding of the regulations is that the phasing plan says a  
374 builder has to build so many houses per year or within five years. Ms. Price agreed and said that if  
375 the applicant does not want to follow that, then they must submit a waiver with justification.  
376

377 Mr. Allison commented on the high intensity soil survey requirement. He stated that the project  
378 used the Natural Resources Conservation Service soil groups and in 2024, the soil scientist for the  
379 project completed what Mr. Allison thinks is a high intensity soil survey of the site. As he noted  
380 previously, there were issues with following contours. He suggested to Mr. Scamman that they use  
381 the topographic plan with the soils information, add the information from the soils scientist and  
382 remove the information from the Natural Resources Conservation Service. Mr. Allison believes  
383 the information as provided does not conform to the site plan regulations and is not of any value.  
384 The revised plan should then be stamped.  
385

386 **Mr. Canada made a motion to continue and extend the application to September 3, 2025. Mr.**  
387 **Zaremba seconded the motion. All voted in favor and the motion passed.**  
388

389 **5. Miscellaneous**  
390

391 a. Subdivision Regulation Review  
392

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

394 recent site plan regulation amendments. She added a definition for driveway, clarified the  
395 Preliminary Conceptual Consultation process, added a Design Review process, updated fees,  
396 added a section for modification of plans, updated expiration of plans and vesting.  
397

398 Mr. House invited members of the public to speak.  
399

400 Mr. Scamman commented that the 120-day limitation for precedent conditions is too soon. He  
401 requested a change to one year. He believes the reason for the short timeline is to push construction,  
402 but the likelihood of obtaining state and federal permits within 120 days is next to zero. The Board  
403 agreed with one year.  
404

405 Ms. Price will notice the hearing for the September 17<sup>th</sup> meeting.  
406

407 b. 69 Portsmouth Avenue question  
408

409 Mr. Scamman asked a question of the Board. He explained that the owners of 69 Portsmouth Ave  
410 want to install an addition to one building on the property and they were advised that it needs site  
411 plan review. The building has an existing one-bedroom apartment, and the addition would be 16  
412 by 20 or 24. He discussed the project with the Code Enforcement Officer (CEO) who believes the  
413 project meets the multi-family definition and would need site plan approval. Mr. House asked if  
414 the tenants are all related. Ms. Price stepped in and asked if this is considered a preliminary  
415 consultation and asked Mr. Scamman if he is seeking direction or feedback from the Board. Mr.  
416 Scamman replied he can put it on an application if needed. Mr. House stated the reason he asked  
417 about family relation is because it wouldn't be considered multi-family. Ms. Price replied there are  
418 multiple houses on the lot. Mr. Scamman described the structures as his parents' house, the chicken  
419 coop, the old barn, the tool shed, and the metal barn. It is the chicken coop building where they  
420 want to construct the addition. He said the CEO told him that a site plan review is required because  
421 the property is located in the Gateway District. Mr. Scamman is asking the Board to confirm that  
422 requirement. Mr. House replied that this conversation is bordering on consultation, and he  
423 recommends that Mr. Scamman speak with the town planner. Ms. Price replied that she agrees  
424 with the CEO's opinion. Staff were provided with information that there are two existing homes  
425 on the site and one of the homes was going to have the addition. Staff asked if the addition was  
426 going to be an ADU and the response was no. Because there are multiple homes on the lot, it can  
427 be considered multi-family and therefore requires site plan review. Mr. House asked for  
428 clarification. Mr. Scamman replied his parents' home has an apartment in it. Then what they call  
429 the chicken coop is an apartment in the back, a standalone house. Mr. Canada asked if the Board  
430 has the authority to waive the requirement. Ms. Price replied if Mr. Scamman does not agree with  
431 the building inspector, then he can submit an administrative appeal to the ZBA. Mr. Scamman  
432 added or he can submit a site plan application. Mr. Zaremba asked Ms. Price if a site plan is  
433 required, then does the Board have the authority to say a site plan is not required. Ms. Price replied  
434 that anyone can request a waiver from the regulations. The Board can or cannot agree to them. To  
435 make an application complete for a site plan or subdivision application, there is a checklist. The  
436 applicant can provide a waiver from items on the checklist and justify why a waiver is necessary.  
437 The Board will then determine whether or not the application is complete. So yes, the Board could  
438 approve waivers from the checklist to make the application as complete as an actionable site plan,  
439 or you can deny without prejudice that tell them to come back, but I don't think you want to do  
440 that. Mr. Zaremba asked if the zoning differentiates if it is the same family on a property. Ms. Price  
441 replied that one and two-family homes are allowed in the District, but this property has more than  
442 two. Mr. Zaremba clarified his question is if an in-law unit is in zoning. Ms. Price replied ADUs  
443 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.

450

451 **6. Adjournment**

452

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.**