



**Stratham Planning Board Meeting Minutes**  
**June 17, 2026, 7:00 pm**  
**Stratham Municipal Center**

**Members Present:** John Kunowski, Vice Chair  
Tedd Tramaloni, Ex-Officio Select Board Member  
Chris Zaremba, Regular Member  
Jay Fraprie, Regular Member  
Nate Allison, Alternate Member

**Members Absent:** Thomas House, Chair

**Staff Present:** Vanessa Price, Director of Building and Planning

**1. Call to Order and Roll Call**

Mr. Kunowski called the meeting to order at 7:00 pm and took roll call. Mr. Kunowski appointed Mr. Allison as a voting member for the meeting.

**2. Review and Approval of Minutes**

A. May 28, 2026, Planning Board site walk minutes

**Mr. Tramaloni made a motion to accept the meeting minutes of the site walk on May 28, 2026.**

**Mr. Fraprie seconded the motion. All voted in favor, and the motion passed.**

B. June 3, 2026, Planning Board meeting minutes

Mr. Fraprie noted a typo on line 164 where straw should be Stratham.

**Mr. Fraprie made a motion to approve the minutes as amended. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

**3. Public Hearing (Old Business)**

A. 217 Portsmouth Ave LLC (Applicant and Owner) request for a Route 33 Heritage District Application for revised architecture at an approved Condominium Subdivision located at 217 Portsmouth Avenue, Tax Map 21, Lot 88 in Route 33 Legacy Highway Heritage Zoning District. The application was submitted by Emanuel Engineering, Inc. Application has been withdrawn.

Mr. Kunowski stated that the Planning Board has acknowledged that the application was withdrawn.

B. Brendan Sheehan (Applicant and Owner) request for Subdivision, Conditional Use Permit, and Route 33 Heritage District applications for a proposed residential development at 210 Portsmouth Avenue (Tax Map 21, Lot 81) in the Route 33 Legacy Highway Heritage District and the Wetlands Conservation Overlay District. The project includes the construction of four duplexes (two-bedroom units), while retaining the existing duplex and barn. Conditional Use Permits are required for construction in wetland, wetland buffer, and/or wetland setback areas for a shared driveway, a dry hydrant to an existing pond, three of the duplexes, water supply well installation, and stormwater infrastructure. The applications were submitted by Beals Associates.

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47 Ms. Price stated that the Applicant is present tonight to request approval of the Conditional Use  
48 Permit for the driveway. The Planning Board's packet includes revised plans due to previous  
49 discussions about the project and a staff report. The duplexes have been located out of the no-  
50 disturbance buffer. The barn is in one of those areas. A letter from BCM Environmental and Land  
51 Law on behalf of an abutter was submitted.

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53 Mr. Kunowski asked the Applicant to provide an update.

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55 Brendan Sheehan introduced himself, John Lorden with Beals Associates, and Attorney Brett  
56 Allard.

57  
58 Mr. Sheehan presented changes to the plan since the last meeting, including moving the road  
59 contour completely out of the 25-foot buffer of the Barker Farm wetland and moving all three  
60 duplexes outside of the wetland setback. The amount of impact on the wetland setback area for the  
61 fire truck turnaround was reduced as well. He summarized that the area of wetland disturbance is  
62 287 square feet (0.006 acres), the area of no-disturbance buffer disturbance is 3,304 square feet  
63 (0.758 acres), and the area of the upland area to be accessed is 38,355 square feet (0.8805 acres),  
64 which demonstrates that the area of upland to be accessed is greater than the disturbance area. Mr.  
65 Sheehan continued that the parking area for the duplexes was expanded and does not impact any  
66 wetlands. The barn is currently located in the 75-foot wetland setback and, therefore, is a non-  
67 conforming structure. It is proposed to be shifted and moved over to a different location to be  
68 accessed from the new driveway and remain in the wetland setback. The last change was to move  
69 septic system leach fields outside of the 100-foot waterbody setback. Mr. Sheehan summarized  
70 that he is requesting four Conditional Use Permits. The original CUP request for the duplexes is  
71 withdrawn as the duplexes have been moved outside of all wetland setbacks. The remaining  
72 requests are for the driveway, stormwater drainage, the water supply wells, and the barn relocation.  
73 He noted that the barn relocation CUP is newly submitted and will be presented at a future meeting.

74  
75 Mr. Sheehan addressed the CUP application for the driveway. He stated he is asking for a permitted  
76 use on the property to access the upland areas, and there is no other or lesser impactful way for us  
77 to get access to that upland area than where, as everyone saw on the site walk, that is the only path  
78 to get up there, and there is plenty of productive upland area to be used. He believes it will provide  
79 a great valued asset to the community by providing a new type of housing. He looks forward to  
80 hearing feedback from the Board and turned the presentation over to Mr. Lorden.

81  
82 Mr. Lorden described that the plan reflects an individual impact from the driveway, which is 287  
83 square feet of wetland fill, along with disturbances in the buffer and setback areas.

84  
85 Mr. Kunowski asked the Board if they needed Mr. Sheehan to read the rationale of the CUP criteria  
86 again. The Board decided not to have the criteria read again, as there were no changes to the  
87 narrative and the criteria.

88  
89 Mr. Sheehan stated that the biggest change is that they are providing less of an impact since the  
90 last conversation. He took comments from the Barker's Farm team, understanding that they have  
91 a very important natural resource next to his property. Mr. Sheehan is doing everything he can to  
92 provide a site plan that doesn't impact, for example, the runoff from the road will be kept on Mr.  
93 Sheehan's property.

94  
95 Mr. Allard stated that the CUP criteria responses in the original packet remain applicable, even  
96 though we have significantly reduced the impact significantly. Mr. Allard would like to respond

97 to the BCM letter from the abutter that was submitted this week, but he will wait until after the  
98 abutter speaks.  
99

100 Mr. Kunowski noted that the Board deferred any discussion on the first CUP pending the site walk.  
101 He asked the Board if they had any questions or comments for the applicant regarding the CUP for  
102 the driveway.  
103

104 Mr. Fraprie asked if the septic system is going to be under the driveway at the entrance. Mr.  
105 Sheehan replied that the existing duplex septic system is going to be removed completely, and a  
106 new shared septic system will be built for the front two duplexes, so the existing duplex and the  
107 new duplex one will have a shared septic system.  
108

109 Mr. Fraprie asked if the barn is currently partially in the setback and, with the relocation, will be  
110 fully in the setback. Mr. Sheehan replied that it is currently non-conforming. Mr. Kunowski  
111 commented that it will be more non-conforming. Mr. Sheehan replied correct.  
112

113 There were no further comments from the Board. Mr. Kunowski noted that the meeting is still  
114 open to public and asked for comments from the public.  
115

116 Jason Reimers, BCM Environmental and Land Law, representing his client, Barker's Farm. He  
117 introduced Edie and Forrest Barker. He discussed the general points of the comment letter he  
118 submitted this week. He stated that, as seen on the site walk, Barker's Farm and their irrigation  
119 pond are very close to the proposed road, and even with the movement of the road slightly to the  
120 south, the road is about 26 feet or 25.5 feet from the irrigation pond. It is moved from one category  
121 of buffer to another, and it remains in another category of buffer, meaning the 25 to 75 feet. The  
122 difference is only a few feet and is not material. He stated there is still a road where the Zoning  
123 Ordinance says a protective wetland buffer must be. To pave over that buffer, the Board must find  
124 that all five conditional use criteria are satisfied and make defensible written findings to support  
125 that conclusion. Mr. Reimers sent a letter yesterday focusing on the one criterion that economic  
126 advantage alone cannot be the sole reason for the proposed construction. He stated there have been  
127 development cases in the past in which that criterion was satisfied and provided the example of the  
128 former Timberlands building, where the new owner needed to repurpose the building for a viable  
129 use and to stop sheet flow into the wetlands. The Board appropriately approved the Conditional  
130 Use Permit for that building to be repurposed and to fix the wetlands situation. There was obviously  
131 an economic advantage, and that was one reason for the proposed construction, but it was not the  
132 only reason. The other reasons were to make the building and the property viable after Timberland  
133 left, and there were adverse impacts to the wetlands that needed to be fixed. In order to protect the  
134 wetlands and make the property and building viable, redevelopment had to be done, but here you  
135 have an already valuable property that has been used productively for decades, if not a century or  
136 more. This proposed road is not to repurpose a tired property or to fix runoff problems or anything  
137 like that. The road is to serve additional new duplexes that will be for rent or for sale. This is an  
138 economic expansion project solely for the purpose of maximizing the economic yield of the  
139 property. There's nothing wrong with that on an appropriate property. The Conditional Use Permit  
140 as a tool was never intended to be a blank check to build new dwellings on any property. If it was,  
141 the economic advantage criterion would not be in the Ordinance. Mr. Reimers stated you have to  
142 apply that criterion as written. If the sole purpose of a new development is increased financial gain  
143 or value, a Conditional Use Permit cannot be issued, because that is not what a Conditional Use  
144 Permit is for. There are good things that come out of adding new dwellings, but those resulting  
145 benefits cannot be counted by the Board as the reasons for development, and that's what the  
146 criterion says, the reasons for doing the proposed construction. If you don't apply that criterion as  
147 written, the economic advantage criterion wouldn't mean anything, because a landowner can

always point to some greater good or benefit to the public of their proposed project; you could find that in almost any project, but you have to give that language its intended meaning. A CUP was not intended to allow a new road through a wetland buffer, so that an already developed and productive property could quadruple its building footprint, economic return, and value.

Mr. Kunowski asked if anyone else from the public wanted to speak.

Mark Mordecai, president of the Hills at Crockett Farm Condominium Association, spoke on behalf of the Association, which represents 74 homeowners on the abutting property. He asked if the Board received his comment letter from May 26<sup>th</sup>. Mr. Kunowski confirmed receipt. Mr. Mordecai stated that the letter defines the Association's position clearly, and he won't repeat what is in the letter, but he commented that the Conservation Commission opposed granting the permits, and all the abutters are opposed to it, specifically, filling in wetlands and building in setback areas. He thinks it is clear that there's something going on here that isn't working for the community. Mr. Mordecai wanted to make sure that it's clear to the Board that there isn't anybody in the neighborhood who thinks this is a good idea, and what the concerns are. Mr. Mordecai thinks the plans that have been changed again are laudable. He stated they are trying their hardest to make it work, but it is a piece of property that is challenging, and with the wetlands that are there, it really is unsuitable for the kind of development that they have. There may be other places in town where it can work, but this just doesn't happen to be one of them. So, the Association's concerns about the impact of that, beyond water, septic, drainage, and all those other things, have been stated, but he thinks it is a challenging piece of property for which this kind of development is unsuitable, one of many unsuitable properties in the town for development. He wants to make sure that the Association's position is clear, and the understanding is that all of the abutters share that point of view. Mr. Mordecai thanked the Board.

Mr. Kunowski stated for the record that there was a Conservation Commission meeting on April 22<sup>nd</sup> where the Commission discussed the Conditional Use Permits and voted to deny the CUP permit by a vote of 5 to 2. He acknowledged that the plan has changed since that time.

John Sheehan of 308 Portsmouth Ave spoke. He planned to talk about a lot of different things, but after listening, he wondered who is talking for the 30,000 people in the State of New Hampshire who don't have a place to live. He spoke to a person today who can't sell mobile homes anymore because nobody has money. Mr. Sheehan said the only way we're getting out of this is to build more. There's no other way to be able to help these people out who don't have a home and this meeting here is all about that.

Brendan Sheehan asked if the Board had read the comment letter from Ryan Hopkins for the record. The Board confirmed. Mr. Sheehan said regarding the abutter's comment that although other residents are against the project, Ryan is a strong professional in the real estate industry who reviewed the application and expressed his support for the project.

Brett Allard addressed the abutters' comments. He stated it is important for the Board, when in deliberations, to remember the legal framework for a Conditional Use Permit. A Conditional Use Permit is not a prohibited use, it is not a variance, it is not a request to do something that is not allowed, or that the ordinance prohibits. That's what the Zoning Board grants variances for. A Conditional Use Permit is a use that the Town has already determined in a particular district is appropriate and encouraged, as long as certain criteria are met. He stated the Planning Board's role on Conditional Use Permits is not to determine whether it's a good use or a bad use or a mediocre use; really, the Board's role is just to determine whether the particular criteria have been satisfied, and that doesn't always necessarily mean doing what's popular, whether it's in general or in the

199 room or anything like that. It's about making the right legal decision based on the facts and  
200 evidence before the Board in applying the objective criteria to the very specific request before the  
201 Board for a Conditional Use Permit. In this case, the Ordinance expressly authorizes access roads  
202 within the wetland setback through the Conditional Use process, which is what we've come in  
203 under for our request, and the Town has already determined, as a legislative matter, that access is  
204 appropriate where the criteria are satisfied. Mr. Allard stated that, regarding the issue before the  
205 Board in terms of the criteria about the economic advantage alone, it says that economic advantage  
206 alone is not the reason for the proposed construction. The ordinance doesn't prohibit projects that  
207 provide economic benefit. It doesn't require the absence of any economic motivation. It expressly  
208 contemplates that economic benefits can exist because it only prohibits economic benefit alone;  
209 it's that keyword alone. He stated the question before the Board is simply whether there are  
210 legitimate reasons for the proposed construction beyond economic gain, and the record reflects the  
211 evidence given to the Board, that there are many reasons that support the project and the road  
212 within the 50-foot wetland buffer, beyond economic gain. It's going to provide residents with  
213 access to these new units in a time when the Town and the State desperately need them. It's going  
214 to provide emergency vehicle access, fire protection access, utility access, snow removal access,  
215 delivery, and service access, all the access. Mr. Allard stated that the road, in terms of fire  
216 apparatus, turning movements, safety, and access, is a legitimate objective. Those exist regardless  
217 of any economic benefit to the landowner, and they can exist simultaneously, and the Ordinance  
218 contemplates that. This isn't just about economic gain; this is a much larger and more nuanced  
219 question than that. Mr. Allard thinks what the Board has heard from the abutter is an incorrectly  
220 narrow reading of that criterion. Environmental protection has also influenced the final design in  
221 terms of the revised layout, pulling it out of the no-build 25-foot buffer and avoiding and  
222 minimizing the wetland impacts. If maximizing economic return were the sole purpose of the road,  
223 there would be no reason to make those mitigation features and plan changes, so the redesign itself  
224 demonstrates that environmental considerations played an important role here. Mr. Allard believes  
225 that the Applicant has done a commendable job trying to consider everything from everyone –  
226 staff, the Board, the various commissions – Heritage and Conservation Commission, all the TRC  
227 meetings, and the neighbors. He thinks Mr. Sheehan has done a commendable job trying to come  
228 up with a plan that is most suitable under the circumstances. Mr. Allard stated that site functionality  
229 for internal traffic circulation, site design, safe egress, and ingress are examples of things that exist  
230 beyond economic gain and that the Board can use in its Findings of Fact to justify that the criteria  
231 are satisfied. He thinks the issue is with the term “alone,” and he does not think his client should  
232 be required to demonstrate that there is no economic benefit; that is not what the Ordinance says.  
233 Virtually every development project has an economic impact, and as long as it's not just an  
234 economic impact, the Board can find and should find that the criterion is satisfied. There are a lot  
235 of considerations that justify finding that the criterion is satisfied beyond just economic gain. Mr.  
236 Allard thinks Mr. Sheehan has done a great job of hearing concerns and considering them, and  
237 mitigating them. The concerns are not really directed at the magnitude of the wetland impacts or  
238 the effectiveness of the mitigation measures, but just opposition to the development itself. He  
239 stated that he reached out to opposing counsel and asked for specific concerns. The response was  
240 that there is nothing the Applicant could do that would make the project acceptable. Mr. Allard  
241 stated that throughout the process, the Applicant has repeatedly revised the plans, reduced impacts,  
242 relocated improvements, incorporated mitigation features, but the opposition remains, and that  
243 suggests to Mr. Allard that the opposition is less about environmental impacts to wetlands and  
244 more about whether the development should occur at all. He thinks that raises an important  
245 question, which is if housing can't be built on a property where the Ordinance permits it, Mr. Allard  
246 is not sure where it's supposed to go. He stated if every proposed development was met with the  
247 argument that it should be built elsewhere, no municipality would be able to meaningfully  
248 contribute to the to the housing crisis. Mr. Allard believes the Board's responsibility is not to  
249 determine whether the land remains undeveloped or not. It is to determine whether the standards

are satisfied, and we think the evidence shows that it has.

Forrest Barker, an abutter, spoke. She disagrees with Mr. Allard and is not opposed to development in general. She thinks there is a need for smart development and stated why their opposition has persisted is because the proposed development still impacts the wetland on her property. She pointed out changes to the road location where there was previously less impact and now there's more impact to their wetlands. She reiterated that they are not opposed to development in general, but they are opposed to the impact on a wetland and that there will be disturbance when road is built and repaved in the future. Forrest Barker added that the purpose of putting their farm into a conservation easement is that they are trying to think hundreds of years into the future, and to have to deal with continual maintenance of the road will be a risk to their pond every time.

Mr. Allard responded. He stated there is no doubt that the road is near the wetland; it is closer than it would be allowed to be without a CUP, but it is designed to slope away from the wetland to the point where water will drain down into a new detention basin. He stated that just because something is close to a wetland doesn't mean it's going to negatively impact the wetland, especially when it's properly engineered, when the grade works, and when there are stormwater management and mitigation features. He stated the mere existence of something in a wetland buffer doesn't automatically equal detrimental impact to the wetland buffer, and here it clearly is not.

Mr. Lorden reminded the Board that New Hampshire DOT requested this driveway access location and did not like an alternative with less impacts.

Mr. Reimers stated that the three additional reasons for the driveway are resident access to new units, emergency access to new units, and site functionality. He believes none of those are reasons for the new development are separate from the economic purpose of this. They are simply reasons for doing certain details of the development in a certain way; they don't exist absent the proposed new dwellings. He stated that the Applicant is not required to prove no economic benefit. The Ordinance makes clear that it cannot be the only reason for the development and he has not heard any reason that isn't part of the normal considerations of adjusting a site plan in response to Board and the abutter comments for this development. He reiterated what Forrest Barker said, that they are not opposed to any development, but what they are opposed to is the same thing since the beginning that is still part of the plan, which is having a road paving a portion of the wetland buffer, and the road is 26 or maybe 25 and a half feet away from the irrigation pond. He concluded by stating the question before the Board is not whether new housing is needed, it is whether the new development satisfies the criteria.

Mr. Kunowski stated that he has concerns with the application for a number of reasons. He agrees with the Applicant that this type of housing is needed in Stratham. He looked at Stratham's Master Plan in a fresh light, and there are other criteria in the Master Plan that are important to the Town of Stratham. One is the protection of existing agriculture, and another is the protection of environmentally sensitive and wetland areas. He reviewed the reasons in the Ordinance for Conditional Use Permits, specifically Section 11.4 Prohibited Uses, one of which is impervious surfaces, except as provided in Section 11.5 or 11.6 so that is why the Applicant is asking for the Conditional Use Permit to overcome or to address a prohibited use. He added that the Conservation Commission is an advisory body for the Planning Board, so the Board does have to take that into consideration. He added as it relates to the Conditional Use Permit, while there has been focus on the economic advantage, he is not convinced that item C has been adequately addressed with regards to restoration of the site as nearly as possible to its original grade and condition. If the entire area is going to be paved, that is not restoring as nearly as possible to its original grade and condition. He added that the Applicant and his representatives have stated that the grade is shifted

away and that the grade would be changed from the original condition. Mr. Allard countered that applies only to power lines, pipelines, and transmission lines. Mr. Kunowski believes it applies to the road in general. Mr. Lorden read from the ordinance that it only applies to power lines, pipelines, or other transmission lines. He believes for the purpose of a road that criterion is not applicable. The Board noted that utility lines will be under the road. Mr. Sheehan replied that when the lines are installed, they will be covered with dirt and thereby restored to original condition. Mr. Lorden reiterated Mr. Sheehan's point.

Mr. Zaremba commented that they are changing the grade. Mr. Sheehan replied that they are changing the road's grade, and that doesn't apply. Mr. Zaremba stated that the road and the utility are one, and he asked where the power lines are. Mr. Allard replied that they are in the same location and that the criterion makes sense, as it applies only to utilities because one needs to replace the land to how it was before, otherwise there are exposed utilities. If a new driveway or road is built, one does not restore the land to how it was before because the point was to disturb the land to build the road.

Mr. Kunowski replied that impervious surface is a prohibited use and the Conditional Use Permit application does not address the fact that the impervious surface is not allowed. Mr. Allard asserts the road is not a prohibited use as the Ordinance allows it through Section 11.5 and that it is a use that is specifically allowed and encouraged, carved out of 11.4.1 by 11.5.1. He added that a CUP is different from a variance and different from something that is prohibited. Mr. Kunowski replied fair enough.

Mr. Sheehan stated that if a big conduit needed to be exposed for some reason, that is an example of not restoring it to its original condition. The utilities for this project will be hidden. Mr. Kunowski replied that there will be a culvert in the wetland and that is where this Board has granted Conditional Use Permits in the past, where there is a need for a culvert for a development that hasn't otherwise impacted the wetland.

Mr. Tramaloni is confused about the economic impact criterion and asked if the road were not built where shown, would duplexes two, three, and four not be built at all. Mr. Sheehan replied that is accurate unless they are allowed to access those duplexes over grass. Safety, environmental, and snow removal are some reasons for the road location. He added that he is not asking for relief to be granted on the houses, the septic systems, and the actual structures that are going to be built and seen. Mr. Tramaloni is trying to understand the economic benefit to building duplexes two, three, and four without that road. He asked for confirmation that there is no benefit back there because Mr. Sheehan can't get to them. Mr. Sheehan asked for clarification on the question. Mr. Tramaloni explained that the abutter's attorney said that economic impact is the primary reason for seeking this Conditional Use Permit. Mr. Tramaloni wonders if those duplexes are not built, thus increasing the economic value of this property, because the road can't be built; he doesn't see any other reason why that road would be there at all, unless it enhances the economic value of the property. He understands there are good developments, but that is not the Board's purpose. Mr. Tramaloni stated the Board's purpose is to evaluate if the Conditional Use Permit criteria are met. He stated that the abutter asserts that the sole purpose of this project is to increase the economic value of this property, and Mr. Tramaloni is trying to understand what other things the Board should be considering, because he hasn't heard enough thus far. Mr. Sheehan replied that the project team has never said that the only reason they are building houses is economic advantage. They are trying to build new housing stock for the Town of Stratham. Mr. Lorden provided an example that if they wanted to construct a driveway that is 250 feet longer but wanted to avoid going through the wetlands, that would be an economic advantage, to essentially build a shorter, cheaper road, but

351 that is not the case here. Mr. Sheehan provided another example that he could build a cheaper  
352 bridge over the wetland.

353  
354 Mr. Allard stated that the concept of economic advantage alone and primarily economic are two  
355 distinct concepts that are being conflated. Some projects that need CUPs for this have a greater  
356 economic benefit, some have none, and most probably fall somewhere in the middle. But as long  
357 as it is not purely for economic benefit, then the Board can find the criteria satisfied. If the Board  
358 finds that granting the CUP would fulfill an essential public need by providing additional  
359 affordable housing to the community, the Board does not have to go any further than that. Mr.  
360 Allard thinks the Board could take two or three more steps forward in terms of Mr. Sheehan's  
361 example he gave that the State is requiring access to be up there; the access is needed for site  
362 design.

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364 Mr. Reimers countered that he hasn't heard that the additional duplexes will be workforce housing,  
365 affordable housing, or reduced-rate housing, and this site can add one more duplex without the  
366 Conditional Use Permit.

367  
368 Mr. Fraprie commented on economic advantage. He stated the reason for a Conditional Use Permit  
369 is to provide access to some area of land that would be for productive use. In his opinion, they are  
370 trying to put it into productive use. He understands they are going through the wetland, but that's  
371 the reason why they are asking for it. He reviewed 11.5 and 11.6 of the Ordinance, and he doesn't  
372 see that as an economic thing; that's a productive use of the upland land, and they just are trying to  
373 get there. He believes that the project meets 11.5 and that the Board needs to review whether or  
374 not it is okay and how much they're addressing and how much they're impacting. That is going to  
375 give them an economic benefit, but he doesn't believe that means it is an economic advantage  
376 alone. He provided an example that economic advantage alone would be if one wanted to run  
377 through the wetland because it is cheaper.

378  
379 Mr. Reimers countered that productive use is the first criterion, and he is not arguing that they  
380 don't satisfy that one. He believes the last criterion about economic benefit is a separate  
381 consideration. Mr. Fraprie replied that it is not meant to be exclusive, and nobody would develop  
382 anything if there was no value to it. What the Applicant is trying to say is that there is a productive  
383 use of the upland area, and they are just trying to access it. They are not asking for a CUP  
384 specifically for economic advantage; they would be doing that if it were a shortcut and cheaper to  
385 do that way. Mr. Reimers disagrees.

386  
387 Mr. Kunowski asked for a motion to close the hearing to public comments. **Mr. Zaremba made**  
388 **the motion. Mr. Fraprie seconded the motion. All voted in favor, and the motion passed.**

389  
390 Mr. Kunowski asked for Board comments.

391  
392 Mr. Allison provided comments on the road design and questioned whether the culvert pipe size  
393 is adequate to convey water. Mr. Lorden replied that the farmland is very flat with great soil, and  
394 there is very little runoff that comes off that land. A 12-inch pipe is typical, at a minimum. He  
395 thinks a much smaller pipe could be used, as there is very little water that comes through there and  
396 a 12-inch pipe is plenty. Mr. Sheehan added that the farm has most of its property sloping towards  
397 their own pond, so his property is not capturing the whole farmland's water to that one location;  
398 there is a slight slope that pushes some water to that spot, which is poorly drained. Mr. Allison  
399 replied that he recognizes that, but once the road is installed and the wet areas are blocked off, he  
400 questions if the pipe size is adequate. Mr. Lorden replied yes, it will be.

Mr. Fraprie asked if the Conservation Commission had seen the revised plans since their previous comments. Ms. Price replied no because the Applicant asked not to move it forward until the Planning Board made its decision tonight, and the resubmittal time for new materials did not fit with the Conservation Commission's schedule. Mr. Fraprie noted that some of the Commission's objections have been addressed in the revised plans, and he would like to know what the Commission thinks of the new plans. Mr. Kunowski stated that it is a valid question and the CUP is about the road construction and not some of the other changes made relative to the other CUP applications. Mr. Zaremba agreed that the Conservation Commission should review the new plans and provide an updated advisory opinion.

Mr. Zaremba asked if workforce housing was considered for the duplexes. Mr. Allard replied that they haven't been able to get past this initial planning phase of the project, and so they cannot comment on that at this time. However, these are modest-sized duplexes, and he believes they will trend more towards the affordable end of the market than luxury.

Mr. Zaremba commented on the economic benefit. He said that for every project, one could say there is another benefit. A new car dealership has another benefit, because it gives people another place to buy a car, but Mr. Zaremba believes with a car dealership, the dominant point of it is economic. Mr. Zaremba believes there has to be something more than just increasing housing stock, which is important, but that alone he does not think can be the trigger just to move it away.

Mr. Allard replied that he agrees with Mr. Fraprie's earlier comments. Mr. Allard described the lot as long and narrow with limited frontage. He provided an example that if the lot was eight times as wide as it is, and there was a bunch of dry upland, and they could access the rear portion of the land without going through the wetland buffer, but they wanted to construct the access through the buffer because it is cheaper; then under those circumstances a road in the wetland buffer would be for economic reason alone. Mr. Zaremba does not agree and stated that the property is currently being used and the property was purchased with wetlands; it is not like the Applicant didn't know or that the wetlands were put there by the Town. He stated that the Applicant was on notice that there were wetlands on this unique lot so he can't now say that he needs relief because it is a unique lot. Mr. Allard replied that it has to do with the proposed road itself and if they could propose it somewhere else, but it would be more expensive. Mr. Zaremba replied that Mr. Allard is assuming there is a guaranteed right to build the road. Mr. Allard replied no, but to some extent, because it's not like a variance. He thinks it is important to keep that in mind. The Conditional Use Permit is something that is allowed by right, as long as you meet certain constraints. He added that in terms of the economic advantage alone, he thinks that has more to do with the economic advantage of the actual road as proposed. And if you have an alternative to access your productive upland, you don't get to go through a wetland buffer just because it would be more economically advantageous to do that. For this project, there are no options, it has to go through a wetland buffer. Mr. Zaremba repeated that assumes one has the right to build the duplexes. He understands the difference, but the property is being used today; the owner has productive use of the property. Mr. Allard replied that is completely outside the scope of what the CUP is for; the CUP is designed for new construction and for access. Mr. Zaremba commented that he believes the Applicant needs to provide more justification for the economic benefit criterion.

Mr. Sheehan spoke regarding his meeting with the Conservation Commission. He said they applauded him for the concept of new housing and this type of housing stock. But they said their mission is to prohibit any impact on wetlands throughout the whole town. When Ms. Price asked Mr. Sheehan if he wanted to present to the Commission again, he replied that he doesn't have a viable project to go back to them with a substantial change that would make them want to change their mind. Mr. Fraprie stated that the Commission was okay with the two duplexes that are slightly

453 in the setback and he noted that at the site walk, the wetland was a small collection area of water  
454 in a low point. But he believes the Commission is more of an expert in wetlands than he is and  
455 that's why he'd like to hear from them.

456  
457 Mr. Sheehan addressed Mr. Zaremba's previous comment by saying that when he bought the land,  
458 he had this project idea and he didn't know that little piece of high grass was a wetland pocket  
459 because he saw an access road that was clearly dry, except for this one little spot that the wetland  
460 scientist came and deeded as wetland. He wouldn't have needed this CUP to the great extent that  
461 they have gone through if that little drainage pocket wasn't identified as wetland. He stated that the  
462 only direct wetland impact is that piece of grass that we all saw.

463  
464 Mr. Fraprie stated that the property is very long and he would have a really hard time if Mr.  
465 Sheehan wanted to develop beyond where this project ends. In that case there would be some big  
466 wetlands to cross, but this is a small one. Mr. Fraprie's understanding is the Commission voted  
467 against the road crossing. He believes Mr. Sheehan has the right to develop an upland area, but  
468 how much wetland can you disturb? That's what he needs to understand.

469  
470 Mr. Sheehan addressed Mr. Zaremba's comments on housing and said that he loves the idea of  
471 affordable housing; however, the cost of getting this project approved adds up with engineering  
472 and legal fees. He stated that this process isn't made for someone to walk in and build some  
473 affordable housing and that also has to have some profit.

474  
475 Mr. Allison asked if Mr. Sheehan has an idea of what the units will cost the consumer. Mr. Sheehan  
476 replied that he can't share that with the Board. Mr. Allison doesn't believe there is any housing in  
477 town that is terribly affordable. Mr. Sheehan replied that his most recent tenants are four recent  
478 college graduates living in three bedrooms. He described their occupations as working at a farm  
479 for people with disabilities, in the military deployed overseas, as an engineer, and as a teacher. He  
480 believes that is workforce housing. The rent is \$3,200 per month.

481  
482 Mr. Kunowski stated that the question before the Board is whether the Board is prepared to vote  
483 on this Conditional Use Permit this evening or defer to additional input from the Conservation  
484 Commission. Mr. Zaremba questioned which of the criteria would the Board take into account for  
485 Con Comm input. He noted that the first criterion is a mathematical formula. He wonders which  
486 of the other criteria would be affected if the Commission states that they appreciate the changes  
487 but are still not supportive of the project. Mr. Fraprie replied that he thinks the Applicant has  
488 addressed them adequately, but the Board still has to evaluate if it is a reasonable request based on  
489 whatever wetland impact it has and understanding the magnitude of the wetland impact goes along  
490 with that. He added that if the Commission thinks that the changes are not adequate, he's going to  
491 have concerns. Mr. Fraprie stated that the Applicant modified the plan to have as little impact as  
492 possible. It is the only access route to get to a productive use on the back land. They have the right  
493 to do that. They just have to get there, and to get there, they need a CUP, which affects the wetlands.  
494 Mr. Fraprie's question is how much impact does it have on the wetlands and is that too much to be  
495 justified for what they're asking. He leans to the Conservation Commission to provide an opinion  
496 if they feel it is too much. If it is, he will listen, but he thinks the Applicant has every right to try  
497 to develop the land and try to get to it.

498  
499 Mr. Allison stated that he thinks the wetland crossing is 100% appropriate to access the site and  
500 whatever impacts there should be minimized. But that's a different story than how much of an  
501 impact there will be to wetlands and buffers from the rest of the development. He believes the road  
502 crossing is essential to the rest of the development, but that the impact should be minimized.

Mr. Kunowski clarified that the CUP before the Board is required for construction of shared driveway through the wetland buffer and setback and asked if the Board is prepared to vote on the CUP for the shared driveway. The Board replied yes with Mr. Fraprie preferring to hear the opinion of the Conservation Commission, but he is prepared to vote without it.

**Mr. Fraprie made a motion that the Planning Board grant a Conditional Use Permit for construction of a shared driveway within the Wetlands Conservation District, and no disturbance buffer per Section 11.5 the Stratum Zoning Ordinance and within the wetland setbacks per Section 11.6 per the Ordinance, as all of the criteria of the CUP are met by the following findings of fact.**

**1. Proposed construction is essential to the productive use of the land not within the Wetland Conservation District, and where the upland area considered for development is not smaller acreage than the wetlands area, and no disturbance buffer acreage being impacted. The area proposed for development within the wetland upland portion of the site totals approximately 38,354.58 square feet, which exceeds the project's direct wetland impact of 287 square feet. Additional impacts include 304 square feet within the no disturbance buffer, and 27,686 square feet within the wetland setback area beyond the road construction limits.**

**2. Design and construction methods will be utilized to minimize detrimental impact upon the wetland as a culvert is being installed under the road to allow for drainage, and there is a buffer mitigation plan.**

**3. The proposed construction design for the shared driveway will be restored as nearly as possible to its original grade and condition. The disturbed areas will be graded to tie into existing surrounding elevations and stabilized with loam and seed to establish vegetative cover and prevent erosion. To the extent practical, all original grades will be restored, so that post-construction conditions closely match the existing site conditions.**

**4. No alternative route which does not cross a wetland, no-disturbance buffer, wetland setback, or less detrimental impact on the wetland or non-disturbance buffer is feasible, as New Hampshire DOT has limited access points to the property to one entrance.**

**5. Economic advantage alone is not a reason for the proposed construction.**

**Mr. Allison seconded the motion. The Board vote was as follows: Mr. Fraprie aye; Mr. Zaremba, Mr. Tramaloni, and Mr. Kunowski nay; and Mr. Allison abstained.**

Mr. Allard asked the Board to table a motion to deny so that the Applicant could return to the Conservation Commission for potentially a favorable opinion of the changes. Mr. Kunowski polled the Board. Mr. Zaremba replied that his concern is with the economic advantage, and he doesn't see how the Conservation Commission could change that. Mr. Tramaloni, Mr. Fraprie, and Mr. Allison agree with continuing the hearing to receive input from the Conservation Commission. Ms. Price noted that the 65-day decision deadline for the application is June 24<sup>th</sup>, and therefore, a motion to extend that is needed as well.

**Mr. Fraprie made a motion to extend the application time frame by thirty days. Mr. Tramaloni seconded the motion. The Applicant consented to the extension. All voted in favor, and the motion passed.**

**Mr. Fraprie made a motion to continue the public hearing to July 8th. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

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

##### **A. Proposed Site Plan Regulation updates**

Ms. Price presented proposed changes to the Site Plan Regulations, including striking the land use fees as they were approved by the Select Board, adding a section for modification of plans, what to do for a major design change, fire protection updates, street naming and addressing, and adding wetland buffer signage detail.

B. MS4 Permit Presentation & Discussion on Site Plan Regulations for Stormwater Regulations

Susan Connors, Stratham Planning Project Assistant, presented the Board with an overview of the Town's MS4 Permit issued by the USEPA for stormwater discharges, focusing on requirements related to the Stormwater Regulations. She also provided draft changes to the regulations for the Board's consideration. The Board will review the proposed amendments, and staff will prepare and post a public hearing notice for the July 22, 2026, meeting.

C. 2026 Stratham Open Space & Connectivity Plan – Schedule Public Hearing

Mr. Kunowski suggested a hearing for the fall. Ms. Price noted that subcommittees will need to be formed. She has received questions from residents wanting to join the committee and will get back to them with a fall timeframe. She encouraged the Board to take the survey for Stratham Hill Park.

**5. Adjourn**

**Mr. Zaremba made a motion to adjourn at 10:03 pm. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

*Respectfully submitted by Susan Connors*