



**Stratham Planning Board Meeting Minutes**  
**July 8, 2026, 7:00 pm**  
**Stratham Municipal Center**

**Members Present:** Thomas House, Chair  
John Kunowski, Vice Chair  
Tedd Tramaloni, Ex-Officio Select Board Member  
Jay Fraprie, Regular Member

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

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

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

Mr. House called the meeting to order at 7:01 pm and took roll call.

**2. Review and Approval of Minutes**

A. June 17, 2026, Planning Board meeting minutes

**Mr. Tramaloni made a motion to accept the Planning Board minutes from the Planning Board meeting of June 17, 2026, as presented. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

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

A. Viewpoint Sign & Awning (Applicant) and Haralampos Sidiropoulos Revocable Trust (Owner) request for a Site Plan Amendment for Dunkin Donuts signage located at 46 Portsmouth Avenue (Tax Map 9, Lot 114) in the Gateway Commercial Business Zoning District. The application was submitted by Viewpoint Sign & Awning.

Ms. Price explained that the Town's legal counsel and the Applicant's legal counsel discussed the project and determined that the sign modifications can proceed without Planning Board approval. The project was presented to the Board previously as a Preliminary Consultation. She stated that the purpose of the agenda item is to clarify for the record that the application was withdrawn.

The Board acknowledged the request for withdrawal.

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

A. Bond Release Request by Golf Club of New England for Arnold Palmer Drive.

Ms. Price explained that the bond was established in 2004. The Town has held the remainder of the bond until completion of the topcoat of Arnold Palmer Drive. The Golf Club of New England completed the installation on May 13, 2026. The owners submitted project specifications and documentation to the subcontractor that performed the work. The Public Works Department inspected the roadway improvements and found the topcoat to be satisfactory, with no deficiencies or issues noted. Based on the completed work and successful inspection, Staff recommends that the Planning Board make a recommendation to the Select Board that the Select Board release the remaining 2004

bond for Arnold Palmer Drive, as the Golf Club of New England has satisfied all the applicable requirements to the Town. Ms. Price requested a motion or questions.

**Mr. Kunowski made a motion that the Planning Board recommend to the Select Board that the release of the remaining 2004 bond for Arnold Palmer Drive as the Golf Club of New England has satisfied all applicable requirements of the Town. Mr. Fraprie seconded the motion. All voted in favor, and the motion passed.**

## **5. Public Hearing (Old Business)**

- A. Red Barn Property LLC (Applicant and Owner) request for approval of a major subdivision, Route 33 Heritage District application, and Conditional Use Permits (CUPs) required for Wetlands Conservation District and Wetlands Setback disturbances construction in wetland, wetland no-disturbance buffer, and wetland setback areas for a shared driveway, well installation, barn, and stormwater infrastructure. The location is 210 Portsmouth Avenue (Tax Map 21, Lot 81) in the Route 33 Legacy Highway Heritage Zoning District and the Wetlands Conservation Overlay District. The applications were submitted by Beals Associates.

Ms. Price provided an update. At the June 17<sup>th</sup> meeting, there was a discussion on the CUP for the road. It was decided that the Applicant would return to the Conservation Commission to present revised plans. The Commission met on July 1<sup>st</sup> and their recommendation to the Planning Board did not change from their May meeting. There were discussions about an interconnected wetland system between adjoining parcels; placing a portion of the subject property under a conservation easement; and clarification from the Applicant that the wetland subject to the crossing is relatively low quality and has limited functional value. Regardless of functional value, the Commission is generally not supportive of filling wetlands. Ms. Price noted that the Town's consulting engineer has not yet been engaged to review the plans. The Applicant provided a wetland buffer enhancement plan to show offsetting impacts. She stated that the Applicant is here tonight for a decision from the Planning Board on the road CUP.

Brendan Sheehan, the Applicant, presented the CUP for the road. He presented the revised plans to the Conservation Commission to get guidance from the Commission on possible site improvements to the site plan that would help protect the wetlands further or if they had recommendations on the site plan. He stated there was no feedback from the Commission other than that they are not in favor of anyone ever impacting any wetlands in the Town of Stratham. Mr. Sheehan added that he was seeking guidance on what he could do better, but there was no guidance given. He succeeded in having the Commission change the wording of their comments to reflect that the wetland proposed to be impacted is classified by Mr. Sheehan's wetland scientist as a low-quality, low-value, disturbed emergent wetland and not a high-quality wetland. Although he believes there was some further thought given to the decision by some of the Commission members due to that clarification, it did not change the outcome of their previous vote.

Mr. Sheehan briefly presented the changes to the site plan for the benefit of Mr. House, who was not at the last meeting. He explained that they reduced the wetland impact by contouring the incoming driveway to further outside the wetland buffer, reduced the full length of the road, and moved the fire truck turnaround and all duplexes outside of the wetland buffer. Brett Allard, attorney for the Applicant, added that they changed the location of the duplexes and septic systems to make it entirely zoning compliant.

Mr. Sheehan presented his CUP criteria justification.

*Zoning Ordinance sections 11.5.1.a and 11.6.1.a, proposed construction is essential to the productive use of land outside of the Wetlands Conservation District.*

Mr. Sheehan stated he meets the criteria for the calculation of square footage along with the productive use of the upland area as the housing is a high-value asset to the Town of Stratham. There is not a lot of this type of construction happening. Condos are very valuable to people looking for interim housing prior to finding a permanent home in Stratham.

*Zoning Ordinance sections 11.5.1.b and 11.6.1.b, design and construction methods used to minimize detrimental impact upon the wetland.*

Mr. Sheehan said he has gone as far as he can to design as little amount of impact to the wetlands as possible. If this is reviewed by a third-party engineer and needs to be validated, he is okay with that. He has as small of a roadway as possible, compliant with the Town's standard from the fire department. He moved the contour of the driveway out of the wetland buffer, but he can't put the driveway through the existing structure. Mr. Sheehan added that he has taken feedback from all committees as much as possible to design this final site plan.

*Zoning Ordinance sections 11.5.1.c and 11.6.1.c, restoration provisions.*

Mr. Sheehan stated Section 11.5.1.c does not apply because there are no transmission lines. Regarding 11.6.1.c, Mr. Sheehan's consultant prepared a buffer restoration plan that shows that non-permanent impacts will be regraded and brought back to the original state, which is grass. If the Board has comments on that, he is open to making further enhancements to the buffer. Currently, there is not much buffer enhancement happening other than cut grass around the pond. The proposed buffer enhancement plan will expand a 25-foot buffer of high cut grass, add rock piles for attracting rodents, and add bird boxes. He is spending time, money, energy, and effort to show that he cares about the wetland to improve it and not just leave it as it currently is after construction is complete.

*Zoning Ordinance section 11.5.1.d, no alternative route or feasible alternative exists.*

Mr. Sheehan believes that is obvious, and he welcomes another site walk to show the Board the different route that is shifted north or south but doesn't change the impact. The impact is as small as it can be, and there is no alternative route to the upland area.

*Zoning Ordinance sections 11.5.1.e and 11.6.1.e, economic advantage.*

Mr. Sheehan stated there is no lesser impact that we could have and there is no alternative route, and our economic advantage is not to cut through this wetland because there is a drier area that could be cut through. He believes the economic advantage argument for this lot is that there is no alternative route. A bridge over the pond would be the alternative route. He invited Mr. Allard to speak. Mr. Allard stated that the project team is disappointed with what they didn't receive from the Conservation Commission. The Conservation Commission is supposed to, under Statute 36A, be concerned with promoting the proper utilization and protection of natural resources and weighing that with the utilization, development, and better use of land around natural resources. It's not really supposed to have a blanket policy against impacts to wetlands. It's not supposed to be an all-or-nothing, preservation at all costs type of thing. It's supposed to be a committee that provides the balance and a thoughtful comment between what are you impacting, what's your mitigation, what's the reason for this, and then to give that to the Planning Board, who ultimately is the final decision maker. Obviously, the Commission is only advisory. Mr. Allard thinks it is unfortunate that the project team did not receive a lot of guidance from the Commission and, more importantly, the Board didn't receive a lot of guidance from the Commission; just a blanket policy of inflexibility. Regarding this criteria, there has been comment from the abutters that there is economic advantage to the owner if the project is approved, but Mr. Allard believes that is too narrow a way to look at the criteria. He stated that the Planning Board recognized in past cases, particularly 80 Winnicutt Road, that it needed the same CUP for its road that was for a 33-lot subdivision with 48 homes and direct wetland impacts of 4,725 square feet; and that the criteria was satisfied. He does not know what the economic advantage was to the owner or to the developer in that case, but he believes it was much more significant than it is here. Mr.

Allard stated he is not saying the Board got it wrong in that case, but that it got it right, and the Board would be getting it right in this case too. The criteria doesn't mean the absence of economic benefit to the owner. It just means that there must be legitimate reasons for the construction of the road beyond profit alone. Mr. Allard provided the following example. If there was a lot of upland and this lot was three times as wide with a bunch of upland to the south, and there was access without impacting any buffers or wetlands, but there was a ledge which required expensive blasting, and instead the Applicant preferred to access through the buffer because it was cheaper, that is economic advantage alone. He stated that is not the case here; there is no feasible alternative. He commended the project team for the amount of work they've done with their wetlands consultant to provide mitigation, avoidance, and minimization. As far as Mr. Allard knows, this is only a handful, if not the only project that has ever submitted a buffer enhancement plan. Mr. Allard thinks there has been a lot of work that has gone into this, and clearly, the reasons for putting the road there are far beyond simple economic advantage alone. It is not just for economics; it's for environmental mitigation. Mr. Allard added that he thinks Ms. Price summarized well in her staff memo that the Board should avoid interpreting the criteria as prohibiting any project with economic benefit. It should determine whether the request is supported by reasons beyond economic gain, such as providing access to developable uplands while minimizing impacts, and we think that is exactly what we've done, and we think that's exactly why that criteria is satisfied, along with all the others.

John Lorden with Beals Associates presented an image from the U.S. Fish and Wildlife Service's map. He pointed out the irrigation pond that was dug on the property, the Barker Farm property, and Jewel Hill Brook and the associated wetland with that. The image did not pick up the wetlands. He is not arguing that they are not wetlands, but little pockets that are not connected to the big wetlands; it is its own pocket. He showed the topography and stated that they will not impact the portion of the property near the neighbor or the neighbor's property. They are proposing to fill a small pocket away from the area of concern for the neighbor. They are staying far away from what is a more high-quality value wetland. Mr. Sheehan added that the U.S. Fish and Wildlife Service doesn't have any interconnection between the two ponds. He is not saying that there isn't a connection, but because these were two independent ponds at different points in time, there wasn't a natural wetland that was occurring connecting the two areas before, and we're doing everything we can, as everyone has seen in our site plans, to not only keep all the water on our lot away from the Barker's farm, but then treating the water with the infiltration ponds and making sure that we have very high quality soils so that it's drained properly. This isn't clay that's just going to surface runoff into the neighbors. This is going to drain into the soils and be treated on site.

Mr. Lorden continued that one Conservation Commission member's biggest concern was not with impact to the abutter nor impact to other wetlands, but with just filling of the pocket wetland. Mr. Lorden stated that is the State's jurisdiction and the project team walked the site with the State and they had no problem with the fill. At the time of that site walk, it was a larger impact. Another Commission member stated that it isn't their job to go through the CUP criteria and that they are not looking at and giving a recommendation based on CUP criteria, they are giving a recommendation based on what they see as filling of wetlands.

Mr. Sheehan stated that Eben Lewis from NHDES came to the site, and he was also the staffer who approved digging out the pond and putting in the pipe. The project team removed three previous wetland impacts and consolidated to this one 287-square-foot pocket. Reductions were made by providing fire suppression in the buildings and consolidating the site plan to avoid certain areas. Mr. House asked if there is a letter from DES with their opinion. Mr. Sheehan replied that they have not yet submitted an application to DES because the site plan is not yet approved by the Planning Board.

Mr. Kunowski asked if the small wetland will be completely filled in, as he thought it was going to have a culvert. Mr. Lorden replied it is 287 square feet of disturbance, and yes, there will be a culvert because a wetland is a low spot. Mr. Kunowski asked if the underground utilities along that road will be underneath the culvert. Mr. Lorden replied yes, the utilities will be below the culvert.

Mr. House noted there is written advice from the Town's legal counsel that he needs to review and asked the Board if they should enter non-public session to review it.

**Mr. Tramaloni made a motion to enter non-public session per RSA 91-A:3, II, for consideration of legal advice provided by legal counsel either in writing or orally to one or more members of the public body even when legal counsel is not present. Mr. Fraprie seconded the motion. A roll call vote was taken. Mr. Fraprie aye, Mr. Kunowski aye, Mr. House aye, and Mr. Tramaloni aye. The motion passed.**

Entered non-public session at 7:42 p.m.

**Mr. Tramaloni made a motion to leave non-public session. Mr. Fraprie seconded the motion. A roll call vote was taken. Mr. Fraprie aye, Mr. Kunowski aye, Mr. House aye, and Mr. Tramaloni aye. The motion passed.**

Public session reconvened at 7:57 p.m.

**Mr. Tramaloni made a motion to seal the minutes of the non-public session due to attorney-client privilege. Mr. Fraprie seconded the motion. A roll call vote was taken. Mr. Fraprie aye, Mr. Kunowski aye, Mr. House aye, and Mr. Tramaloni aye. The motion passed.**

**Mr. Kunowski made a motion to open the application for public discussion. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

Mr. House asked the project team if they had anything else to add. The team declined. The Board also had no comments at this time. Mr. House called for the public to speak.

Jason Reimers from BCM Environmental and Land Law spoke on behalf of an abutter, Barker's Farm. He stated that the Conservation Commission reviewed the revised plans and again voted against recommending that the CUP for the new road be approved. He believes the vote was six to one. The Applicant is still proposing a road where the Zoning Ordinance says a protective wetland buffer must be, but this is not just about one small wetland that the Applicant refers to as low-quality or low-functioning. There are multiple wetlands, and the one that he is most concerned about is the major wetland in close proximity to the proposed road, which is the Barker's Farm irrigation pond. That wetland is at risk when a road is being proposed through the buffer. It's not just about runoff; it's about paving the buffer. And if the wetland is at risk, so is the farm because that's their irrigation source. As affirmed by the Commission, moving the road a few feet to the south does not protect that wetland and its buffer. He stated that the Board must find all five criteria are satisfied. And last month there was a discussion about the criterion that the sole reason can't be financial advantage, and it is the sole reason for the proposed construction. He stated the Applicant cited several design reasons, but none of them were reasons for constructing the driveway. Rather, they were considerations intrinsic in the planning of a development, such as traffic circulation, etc. At last month's hearing, the Applicant said that providing housing was another reason for the driveway, but no workforce or affordable housing is proposed. Mr. Reimers believes that providing housing is an outcome of this project, but the purpose of the project is financial, as it increases the financial value and output from this property from one duplex to five duplexes, and almost any development has an arguable societal benefit. He reiterated an example from Mr. Zaremba, a previous Planning Board member, that an applicant for a car

dealership could say that people need cars just like people need housing, but Mr. Zaremba pointed out that in order for the Planning Board to lawfully grant this Conditional Use Permit, the Applicant needs another reason beyond providing new housing. Mr. Reimers believes that is a resulting benefit, but that doesn't qualify as a reason for doing the development, and that's the language of that specific criterion. He believes the criteria in the Ordinance is clear. If the sole reason for the construction, which is the driveway and the duplexes, is financial gain, then the ordinance does not allow you to grant the CUP. This property has long been economically viable, useful, and productive, with an existing duplex and a barn, and another duplex can be added without paving a new driveway through the buffer, and the barn is also available for use. He added that the paved development is not the only available use of this property. There are other available uses on the back part of the property, such as agriculture, that don't require paving the wetland and the buffer. Mr. Reimers asserts that the sole purpose of the driveway is to maximize the financial value and yield of the property, and that's why it fails that particular CUP criterion. Mr. Reimers stated that he thinks Mr. Fraprie had a different way of looking at it; that if there was an alternative way to cross the wetland, but that the applicant chose this particular way just because of financial advantage, then the CUP can't be issued. Mr. Reimers disagrees with that interpretation. He stated there is another criterion that deals with whether there's an alternative, and there's a criterion that deals with making productive use of upland, but this financial advantage alone criterion is a standalone, separate one. Mr. Reimers stated that even under Mr. Fraprie's interpretation, this application must be denied. It was stated at the last Planning Board hearing, and again tonight, that maybe a bridge could be built rather than this proposed crossing. That was discussed at the Conservation Commission hearing too, and the Conservation Commission was told by the Applicant that a bridge was not within reason. Mr. Reimers believes the Applicant means within financial reason. Mr. Reimers stated that a member of the Commission suggested that the wetland crossing was being chosen for economic reasons. A conditional use permit was not intended to be a blank check to build new dwellings on any property. If it was, this specific criterion would not exist, and the Board has to apply the ordinance as written. If the sole purpose of a new development is increased financial gain or value, a conditional use permit cannot be issued because that is not what a conditional use permit is for. Mr. Reimers added that the Applicant may have the smallest roadway possible being proposed, but this property can continue to be used and even further developed without adding any road through the wetland buffer. The Commission was characterized as preservation at all costs, but he doesn't think that's how they approached it. He stated the Applicant wants to put a road through the wetland for economic advantage alone. The Commission's job and Board's job is to apply the criteria, not to approve a new road just because it's the only way to develop on the other side of the wetland. He summarized that his client's position has been characterized as there can't be any economic advantage, but that's not it. They are looking at the language of that criteria, which talks about financial advantage alone and that's what they contend is happening with this project. Financial advantage cannot be the only reason for building this new construction through the wetland. He is not saying that it has to be denied because there is economic advantage, but because that is what the reason is for attempting to maximize the development of this property. He thanked the Board for their time again.

David Wardrop of 69 Winnicutt Road spoke. He sent a letter to the Planning Board with his concerns. He believes the biggest concern is that the project is very close to the NHDES AOT threshold. They estimate 85,000 square feet of impact, but those are just estimates that they're putting forth. He believes that with equipment moving and being in there, they will be at the 100,000 threshold. Mr. Wardrop thinks that is a huge concern because the project team discussed the 247 square feet of impact as being very minimal. But what they are not pointing out is that their largest impact is in that 25 to 75 foot range, and that's where they're really going to do a big impact to the wetlands. Mr. Wardrop echoes the speaker before him that this needs to be denied.

Jonathan Moriarty of Dunbarton Oaks spoke. He stated that he runs a remodeling company and has worked with Mr. Sheehan and his father. Mr. Moriarty comes from a family of developers and is

303 familiar with the project. He believes if the project is denied, Stratham will find itself in a pickle  
304 because there are examples where other projects have been denied, and the town has lost at the State.  
305 He believes that the amount of tax dollars the project will bring into the Town would pay for a teacher's  
306 salary at the school for a year. It's in the Town's plan that we need housing, and it's in the nation's  
307 interest. He stated that the major wetland on the property is grass, sticks, and rocks. He doesn't see  
308 any water there at all where the road is proposed.  
309

310 Ms. Price announced that a letter of support and a letter of opposition were submitted for the project.  
311 Mr. Wardrop presented his letter of opposition. Ms. Price read into the record the letter of support  
312 from Patrick Breen of 120 Stratham Heights Road. Highlights from the letter are that the project  
313 represents a thoughtful, well-designed addition to the community; there is a well-documented housing  
314 shortage in New Hampshire; the plan concentrates the buildings on the uplands and limits wetland  
315 disturbance to a single minimal crossing; and the plan is consistent in both scale and intent with  
316 wetland crossings that the Board has approved for other developments. He notes that the current owner  
317 is an upstanding member of the community that has kept the Stratham Hill Park trail that crosses the  
318 property open to the public and that thoughtful growth is not a threat to what makes Stratham special.  
319

320 Forrest Barker of 216 Portsmouth Avenue spoke. Ms. Barker stated that her family is an adjacent  
321 property owner and they also allow public use of the Stratham Hill Park trails on their property. She  
322 stated that the Conservation Commission has voted twice not to recommend the proposal. She believes  
323 their concerns are with cumulative impacts to three wetlands and the amount of disturbance within the  
324 wetland buffers. She stated the Planning Board is entrusted with protecting and conserving the rural,  
325 recreational, and historic value of properties, encouraging the most appropriate use of land throughout  
326 the town, and using the Master Plan as a guide for long-range development of Stratham. Regarding  
327 the Master Plan, although it encourages a diversity of housing, it doesn't simply encourage more  
328 housing. She stated the Master Plan calls for a diversity of housing that is thoughtfully located and it  
329 states support for farms and preservation of historic buildings, sites, and landscapes. The Master Plan  
330 also states that the Wetland Conservation District is designed to place added protections where  
331 development occurs in close proximity to wetlands and poorly drained soils. She believes the question  
332 before the Board is not whether Stratham should have housing; it's whether this particular housing  
333 proposal is thoughtfully located, and whether the requested wetland impacts are considered consistent  
334 with the protections the Town has adopted. Ms. Barker stated that in this case, their farm depends on  
335 the wetland that borders this property and their irrigation pond is part of the wetland system and is  
336 essential to the farm's operation. As weather becomes more unpredictable, protecting that water  
337 resource becomes even more important. She notes that although the Applicant referred to his property  
338 dry, he purchased it during a drought, and the region has been mostly in a drought ever since. She  
339 stated that temporary dry conditions don't change the long-term function or importance of wetlands.  
340 Although the road is proposed on the applicant's property, the 25-foot no-disturbance buffer and the  
341 75-foot setback being disturbed exist to protect the Barker family's adjacent wetlands. Buffers are  
342 established because activities outside the wetlands can still affect the wetland itself. Water, sediment,  
343 road salt, petroleum products, and changes in drainage do not stop at the property line. She is concerned  
344 that this discussion has focused almost entirely on construction and believes the impact will not end  
345 when construction is complete. She provided an example that roads require maintenance for decades,  
346 repaving, drainage work, grading, snow removal, sanding, and salting; and stated that every one of  
347 those activities will occur within the protective buffers of her family's wetlands. She believes the long-  
348 term impacts deserve as much consideration as the initial construction. She asked the Board to consider  
349 the broader balance the Master Plan calls for. This proposal would impact three wetlands, reduce the  
350 protective buffer of her family's wetland and irrigation pond, and alter the historic landscape by  
351 moving a prominent historical barn to make room for a modern duplex. She stated the Applicant has  
352 described this as the first of many projects in Stratham and for the Barkers, this is their only farm and  
353 one of the last in Stratham. It is their livelihood and a piece of Stratham's living history that depends  
354 on the health of this wetland and irrigation pond. She asked that the Board carefully weigh whether

355 this proposal truly represents thoughtful balance and vision in Stratham's Master Plan, and whether  
356 the criteria for granting a conditional use permit have been met. She thanked the Board for their time.  
357

358 Bruce Cote, chair of the Stratham Conservation Commission spoke. He explained that the Commission  
359 met with the project team for over an hour and a half, looking at plans and what could be done.  
360 Regarding the CUP criteria, the Commission believes it was not their place to review the criteria.  
361 Members are sympathetic, and the decision was not easy, but he wanted to make it clear that the  
362 Commission listened, asked questions, is aware and appreciative of the changes made, but in the end,  
363 their decision was based on their senses, knowledge, and charter to preserve wetlands.  
364

365 There were no more speakers.  
366

367 **Mr. Fraprie made a motion to close public comments. Mr. Kunowski seconded the motion. All**  
368 **voted in favor, and the motion passed.**  
369

370 Mr. Allard asked to respond to comments. Mr. House allowed.  
371

372 Mr. Allard believes that a CUP has been mischaracterized in this hearing. A CUP is not something  
373 that is not allowed; that's a variance. A CUP is something allowed and encouraged by right so long as  
374 a project meets the criteria. He believes that is a nuanced distinction that is important in this case  
375 because that frames the discussion. The project team thinks the criteria are met. They have heard no  
376 expert evidence suggesting that the wetlands will be at risk or there will be impacts long term. The  
377 expert evidence produced by the project team shows there will be no impacts long term or short term,  
378 and there has been significant effort to minimize, mitigate, and avoid impacts. He reiterated that the  
379 Board found the Winnicutt project last year to meet the criteria, and it is the same CUP. There was  
380 significant economic advantage to that owner for getting the CUP. Mr. Allard stated they have heard  
381 that if the sole reason for the driveway is financial, then the Board cannot grant the CUP. He believes  
382 that is a mischaracterization, and the test is if the sole reason for the location of the driveway in the  
383 buffer is solely for economic gain, then the Board cannot grant it. There is an overlap with the  
384 alternative location criterion. Criteria often overlap for variances of the Zoning Board. He stated there  
385 are five criteria for the Zoning Board and the first two overlap so much that the Supreme Court almost  
386 always addressed them together because they said they are practically the same thing. He repeated his  
387 earlier example about blasting. He explained that topography is important and that it slopes away from  
388 the Barker's Farm irrigation pond. Water will flow to the catch basin on the property. The project team  
389 respects the Barkers' concerns, but as a matter of expert evidence, everything is pointing in the  
390 opposite direction.  
391

392 Mr. House asked what mitigation is proposed. Mr. Lorden and Mr. Sheehan replied that they submitted  
393 a buffer enhancement plan which is bird boxes, stone, plantings, and natural grasses. Mr. Kunowski  
394 asked how that helps the wetland on the abutter's property. Mr. Sheehan replied the plan does not  
395 address the abutter's wetlands because they are not impacting the abutter's wetlands. Mr. Allard added  
396 that everything flows in the opposite direction from the abutter, and the stormwater infrastructure will  
397 capture everything. The buffer enhancement plan is a belt-and-suspenders approach to further  
398 elaborate on the minimization and the mitigation efforts as it relates to the small 287-square foot direct  
399 wetland impact on the Applicant's property.  
400

401 Mr. Kunowski clarified that the Ordinance stated that a CUP may be granted provided that all of the  
402 criteria are met; it does not say that it will be granted.  
403

404 Mr. House asked for Board discussion on each criterion.

405 *11.5.1.a The proposed construction is essential to the productive use of land not within the Wetlands*  
406 *Conservation District and where the upland area considered for development is not smaller (acreage)*  
407 *than the wetlands area and no-disturbance buffer (acreage) being impacted.*  
408

409 Mr. Lorden replied that 0.25 acres of wetland and buffer are proposed to be disturbed which is less  
410 than 0.88 acres available as upland.  
411

412 Mr. Fraprie stated that he thinks the proposed roadway provides the only access to get to the productive  
413 use, and it is 287 square feet, which is much lower than the requirement for the acreage that is proposed  
414 to be put into use.  
415

416 There were no additional Board comments, so Mr. House called for a motion on that criterion.  
417

418 **Mr. Fraprie made a motion that criteria 11.5.1.a are met based on the presentation that has been**  
419 **made. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**  
420

421 *11.5.1.b Design and construction methods will be utilized to minimize detrimental impact upon the*  
422 *wetland.*  
423

424 Mr. House commented that the Barker's Farm pond overflows onto the subject property, and that could  
425 be part of the reason that the property is wet there, and that's the need for the culvert. He added that  
426 they are pitching the road away from Barker's Farm, and if this is approved, he recommends a  
427 condition that no salt be used. He thinks that meets the criteria.  
428

429 Mr. Fraprie agrees with Mr. House and added that the project team has made efforts to make multiple  
430 revisions to try to make sure that stormwater doesn't flow to the Barkers. He thinks that not using salt  
431 is a good measure, and the project includes an infiltration system and erosion control during  
432 construction. He thinks they have made every effort to minimize detrimental impacts.  
433

434 Mr. Kunowski remains concerned about permanent paving in the buffer zone having long-term  
435 detrimental impact.  
436

437 Mr. Tramaloni shares Mr. Kunowski's concerns; however, any time there is development, there's  
438 going to be long-term permanent change. He is concerned as well, but thinks the Applicant has done  
439 a great deal to try and minimize as much as possible. He stated that no one can predict a 100-year flood  
440 event but thinks the Applicant has done as much as they can do. Mr. House replied that if there was a  
441 100-year flood, the water will still flow away from the Barker's property. He added that a landowner  
442 should not shed water onto another's property and, in his opinion, this project is not doing that at all.  
443

444 **Mr. Fraprie made a motion to approve that the 11.5.1.b design minimizes detrimental impacts**  
445 **in regard to the Wetlands Conservation District. Mr. Tramaloni seconded the motion. Mr.**  
446 **House, Mr. Tramaloni, and Mr. Fraprie voted aye. Mr. Kunowski voted nay. The motion passed**  
447 **3 to 1.**  
448

449 *11.5.1.c The proposed construction design of powerlines, pipelines, or other transmission lines*  
450 *includes provisions for restoration of the site as nearly as possible to its original grade and condition.*  
451

452 Mr. House stated the only pipeline he considers a pipeline is the culvert, and the purpose of the culvert  
453 is to make sure that water is stored on the property. Mr. Fraprie added that utilities are underground  
454 and he's not sure this criterion applies to this project.  
455

Mr. House asked how the project is affecting the grade in that area. Mr. Lorden replied it will be leveled off and that's the reason for the culvert; where it goes down, the culvert allows water to pass.

There were no further comments.

**Mr. Fraprie made a motion to approve 11.5.1.c for restoration provisions for the Wetlands Conservation District. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

*11.5.1.d No alternative route, which does not cross a wetland or no-disturbance buffer, or has less detrimental impact on the wetland or no-disturbance buffer, is feasible.*

Mr. House commented that if the road was moved south, there would be more wetland and buffer to cross, so he doesn't think there is an alternative route.

Mr. Fraprie agreed with Mr. House. He doesn't see any other route to the back land that doesn't affect more wetland.

Mr. Kunowski stated that, as the Zoning Ordinance is written, that is a true statement.

Mr. Tramaloni commented that he is not certain that he agrees because if the road is moved south, there are other considerations like property line setbacks and the location of the proposed duplex. He said there might be a practical way to do it, but he doesn't see it at this moment. He doesn't see any other alternative.

**Mr. Fraprie made a motion to approve criteria 11.5.1.d, no alternative route with less wetland impact is feasible. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

*11.5.1.e Economic advantage alone is not reason for proposed construction.*

Mr. House believes that the term economic is a moving target for anybody. It can be perceived as economic for the developer or for the Town. He thinks the Applicant is providing a necessary access to develop land uplands while minimizing impact, at least to the wetlands. He stated they have no other way to get to it and they have every right to develop uplands on their own property.

Mr. Fraprie agrees with Mr. House. His interpretation is that it is not just a question of the only thing is economic advantage; he thinks a property owner has to be able to develop property. He thinks developing housing is a reason, and housing is a needed thing that the Town is looking for through the Master Plan. He understands that the Town wants to protect agriculture, and the Town wants to do a lot of things in the Heritage District, but housing is also a positive need. He does not think it is economic only.

Mr. Kunowski stated that economic advantage is an interesting phrase because if there was an economic advantage, there would be no development. He believes that economic advantage is not the only reason for this particular development.

Mr. Tramaloni respectfully disagrees because there is another alternative, which is no development. He agrees that every property owner has the right to develop their property so long as it doesn't conflict with the town ordinances. In his opinion, if the construction of the duplexes requires the roadway, the alternative is you don't do it because it would conflict, in his opinion, with other parts of the ordinance. He believes the project is for economic advantage alone.

Mr. Fraprie stated that he is not saying it is not for economic advantage; he is saying that it is not the only reason. Mr. Tramaloni responded that they have heard there are other reasons for the subdivision, but he has not heard anything that compels him to believe those outweigh the economic advantage or are separate from economic advantage.

Mr. House asked Mr. Tramaloni who he thinks economic advantage applies to. Mr. Tramaloni replied to the Applicant. Mr. House does not believe economic advantage is about profit; it is about what is economical to build. He doesn't think the criteria says that economic advantage is only taking the least expensive way out; that it could be argued that what this part of the ordinance is saying is that if the purpose of the development is to increase the economic viability of the property, regardless of whatever is cheaper or more expensive, then that's the cost side. He looks at it from the revenue side, and what he sees is the economic viability of this property would be increased with those additional duplexes, and the only way to do that is to put this driveway in. That does not mean that this property is not economically viable without them, and from his point of view, the Applicant has not shown that there is some other advantage, inherent to those three additional duplexes, and hence the driveway connecting them, other than it will make the property more valuable, more profitable, and he thinks that's part of it. He stated there is one side that says if we take the cheaper way out, if that conflicts with another part of the ordinance, it has to be denied. That's true, but it also could be argued if it maximizes the profit, but conflicts with other parts of the ordinance, to Mr. Tramaloni that is also a reason for denial.

**Mr. Fraprie made a motion to approve 11.5.1.e economic advantage alone is not the reason for this Conditional Use Permit. Mr. Kunowski seconded the motion. Mr. House, Mr. Kunowski, and Mr. Fraprie voted aye. Mr. Tramaloni voted nay. The motion passed 3 to 1.**

*11.6.1.a. The proposed construction is essential to the productive use of land not within the Wetlands 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 Board discussed that this is the same criteria as 11.5.1.a, which is a math exercise.

**Mr. Fraprie made a motion to approve 11.6.1.a, proposed construction is essential to productive use, and not within the wetlands district and where upland area considered for development is not smaller than the acreage of the wetlands area, and the no disturbance buffer being impacted. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

*11.6.1.b. Design and construction methods will be utilized to minimize detrimental impact upon the wetland.*

The Board discussed that this is the same criteria as 11.5.1.b. There were no additional comments.

**Mr. Fraprie made a motion to approve 11.6.1.b, design minimizes detrimental impacts. Mr. Tramaloni seconded the motion. Mr. House, Mr. Tramaloni, and Mr. Fraprie voted aye. Mr. Kunowski voted nay. The motion passed 3 to 1.**

*11.6.1.c. The proposed construction design includes provisions for restoration of the site as nearly as possible to its original grade and condition.*

Mr. Fraprie stated that the Applicant is planning on grading appropriately and adding erosion control during development. They discussed reseeding and restoring as much as possible of the disturbed area.

Mr. Kunowski stated that the permanent detrimental impact on the wetland is concerning to him, so he is not inclined to agree that this provision has been met.

560 **Mr. Fraprie made a motion to approve the CUP based on 11.6.1.c, restoration of disturbed area.**  
561 **Mr. Tramaloni seconded the motion. Mr. House, Mr. Tramaloni, and Mr. Fraprie voted aye.**  
562 **Mr. Kunowski voted nay. The motion passed 3 to 1.**  
563

564 *11.6.1d. No feasible alternative exists.*  
565

566 Mr. Fraprie and Mr. House don't see a feasible alternative.  
567

568 Mr. Kunowski stated that, as the language exists in the ordinance, it is a true statement that there is no  
569 feasible alternative.  
570

571 **Mr. Fraprie made a motion to approve the CUP based on 11.6.1.d, no feasible alternative exists.**  
572 **Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**  
573

574 *11.6.1e. Economic advantage alone is not the reason for the proposed construction.*  
575

576 Mr. House noted this is the same criteria as 11.5.1.e. There were no additional comments from the  
577 Board.  
578

579 **Mr. Fraprie made a motion to approve the CUP based on 11.6.1.e, economic advantage alone is**  
580 **not the reason. Mr. Kunowski seconded the motion. Mr. House, Mr. Kunowski, and Mr. Fraprie**  
581 **voted aye. Mr. Tramaloni voted nay. The motion passed 3 to 1.**  
582

583 Mr. House stated that the criteria have been approved and called for a motion on the conditional use  
584 permit.  
585

586 **Mr. Fraprie made a motion that the Planning Board grant a Conditional Use Permit for**  
587 **construction of a shared driveway within Wetlands Conservation District and no disturbance**  
588 **buffer pursuant to section 11.5 of the Stratham Zoning Ordinance and within the wetland**  
589 **setback pursuant to section 11.6 of the Ordinance upon finding that the applicant satisfies the**  
590 **Conditional Use Permit criteria based on the Board review of the criteria. Mr. Tramaloni**  
591 **seconded the motion. Mr. House and Mr. Fraprie voted aye. Mr. Tramaloni and Mr. Kunowski**  
592 **voted nay.**  
593

594 Mr. Allard interjected a point of order that the Board already voted on each of the criteria and each  
595 criteria passed. Mr. Tramaloni stated that does not mean they have to pass the CUP as it is a separate  
596 motion. Mr. Reimers made a point of order that the Board consults with the Town's legal counsel  
597 instead of listening to legal advice from the Applicant's legal counsel. Mr. Allard countered that he is  
598 not providing legal advice. If the Board finds that each criteria is met, the Board has to grant the CUP;  
599 there's no further discretion.  
600

601 Ms. Price addressed the board on process, stating that the motion could be reconsidered due to the fact  
602 that, going through the CUP criteria, the board had determined they were met.  
603

604 The Board discussed seeking legal counsel and determined it is not necessary and that there should be  
605 a motion to reconsider.  
606

607 Mr. House asked the board if there was a motion to reconsider; he stated Mr. Fraprie made the motion  
608 prior.  
609

610 **Mr. Fraprie made a motion to reconsider [his prior motion] to approve the CUP for the**  
611

612 **driveway. All voted in favor, and the motion passed.**

613  
614 Ms. Price explained the next steps. There are two additional CUPs for this project (well locations and  
615 stormwater infrastructure location) and a third that is yet to be filed. The Conservation Commission  
616 recommended having the Town's consulting engineer review the project before making additional  
617 decisions. Ms. Price agrees that the Town's engineer should review the project at some point. Mr.  
618 House would like the Town's engineer to review the project before making any additional decisions.  
619 Ms. Price requested motions to approve the engineering review and to continue the application and  
620 extend the decision date.

621  
622 **Mr. Kunowski made a motion that the Planning Board have the Town engineer, CMA engineers,**  
623 **review the plan set dated June 2026 for regulations and stormwater regulations before we**  
624 **consider these additional CUPs. Mr. Tramaloni seconded the motion. All voted in favor and the**  
625 **motion passed.**

626  
627 **Mr. Kunowski made a motion that the Planning Board continue the application to August 19,**  
628 **2026, for the Town to have the Town Engineer review the plan set and provide commentary. Mr.**  
629 **Tramaloni seconded the motion. All voted in favor, and the motion passed.**

630  
631 **Mr. Kunowski made a motion to extend the decision date for the application for 65 days. Mr.**  
632 **Tramaloni seconded the motion. All voted in favor, and the motion passed.**

633  
634 **6. Public Meeting (New Business):**

635 **A. Extension Request for 80 & 80R Winnicutt Road**

636  
637 Ms. Price explained that the current approval (with previous extension) is set to expire on August 4,  
638 2026, and the Applicant requested a one-year extension to August 4, 2027.

639  
640 Bruce Scamman of Emanuel Engineering spoke on behalf of the Applicant. He stated that they are  
641 working through the State processes with DOT and NHDES. They heard recommendations from  
642 abutters and the Conservation Commission and are working with a geologist to make sure they are  
643 designing the septic systems appropriately due to the soils that are on site.

644  
645 Tim Phoenix, attorney for the Applicant, added that they have prepared drafts of most, if not all,  
646 documents that need to be reviewed by the Town, including historic preservation easement, DPW  
647 easement, septic, stormwater access and joint use agreement, drainage easement, public access, and  
648 HOA/condo documents. They have not submitted them to the town for town counsel review yet  
649 because there is a review cost for the Applicant, and with the project still in process, there could be  
650 changes.

651  
652 Mr. House asked if the project is now condos. Mr. Phoenix replied that the array units are condos. Mr.  
653 Scamman corrected that they are HOA. Mr. House asked to make sure the documents say  
654 homeowners' association and not condo association.

655  
656 **Mr. Tramaloni made a motion that the Planning Board grant a second extension to August 4,**  
657 **2027 for the conditionally approved notice of decision of September 17, 2025 for subdivision**  
658 **application of a residential open space cluster subdivision containing 33 lots with 48 single-**  
659 **family homes located 80 and 80R Winnicutt Road, tax map 14, lots 56 and 57, in the**  
660 **Residential/Agricultural zoning district, due to obtaining state permitting and the need to file**  
661 **legal counsel documents. Mr. Kunowski seconded the motion. All voted in favor and the motion**  
662 **passed.**

664 B. Extension Request for 41 Portsmouth Avenue LLC

665 Ms. Price explained that the Applicant requested a six-month extension. The project is moving forward  
666 through the process, and consequently, after this, they will discuss with the Board some phasing and  
667 scaling down of the project.  
668

669 Bruce Scamman of Emanuel Engineering spoke on behalf of the Applicant. They are working with  
670 DOT, and that is the last permit they are waiting for.  
671

672 **Mr. Kunowski made a motion that the Planning Board grant a second six-month extension to**  
673 **January 8, 2027, for the conditionally approved Site Plan Application for a new 30,000 square-**  
674 **foot auto dealership at 41 Portsmouth Avenue, Tax Map 9, Lot 4 in the Gateway Commercial**  
675 **Business and Residential/Agricultural Districts. Mr. Tramaloni seconded the motion. All voted**  
676 **in favor, and the motion passed.**  
677

678 7. Public Hearing (New Business):

- 679 A. 41 Portsmouth Avenue LLC (Applicant & Owner) request a Site Plan Review Application for phasing  
680 the site plan for a new 30,000 square foot auto dealership located at 41 Portsmouth Avenue (Tax Map  
681 9, Lot 4) in the Gateway Commercial Business and Residential/Agricultural Districts. The application  
682 was submitted by Emanuel Engineering, Inc.  
683

684 Ms. Price explained that the Applicant met with Planning and Building Department staff about phasing  
685 their approved project to reduce storage bay areas, a showcase area, the back parking lot, and  
686 associated stormwater controls. Because phasing wasn't approved by the Planning Board, it was  
687 determined the Applicant needed to submit a new application. There is a waiver the Board must act  
688 on before accepting the application as complete. The Technical Review Committee did not have any  
689 concerns. The fire department commented that during construction, the fire suppression and alarm  
690 systems should comply. There are changes to the architectural renderings due to the phasing.  
691

692 Ms. Price introduced the waiver request from Site Plan Regulations, Addendum B, Digital Submission  
693 Requirements.  
694

695 Mr. Scamman explained that they traditionally submit a GIS or a DWT file after submission when the  
696 project is done. All other documents have been submitted electronically as pdfs.  
697

698 **Mr. Fraprie made a motion that the Planning Board grant a waiver of the site plan requirements**  
699 **of Item II.G (Site Plan Regulation Addendum B) from the Site Plan Checklist. The waiver is**  
700 **granted based on the finding that strict compliance with this requirement would cause an**  
701 **unnecessary hardship to the applicant and that granting the waiver is not contrary to the spirit**  
702 **and intent of the Site Plan Regulations. The Board further finds that requiring the preparation**  
703 **and submission of a complete digital design file at this stage of the project would be inefficient,**  
704 **as the plans are expected to undergo revisions throughout the permitting process and the files**  
705 **may need to be recreated multiple times. A complete and final digital design file will be provided**  
706 **upon completion of the project and the conclusion of all permitting, ensuring that the Board**  
707 **receives an accurate and finalized record of the approved design. Mr. Kunowski seconded the**  
708 **motion. All voted in favor, and the motion passed.**  
709

710  
711 **Mr. Kunowski made a motion to accept the application as complete. Mr. Tramaloni seconded**  
712 **the motion. All voted in favor, and the motion passed.**  
713

714 Mr. Scamman presented the building phasing plan related to the delivery area, a service area for  
715 washing and recon of vehicles, the rear parking lot, and drainage associated with the rear parking lot.

They also moved the solid waste dumpster and added sidewalks to the plan. He described some internal architectural changes and changes with windows.

Mr. House asked if the phasing will affect any state approvals. Mr. Scamman replied no, the NHDES AoT and septic permits are approved.

**Mr. Kunowski made a motion to open the hearing for public comments. Mr. Tramaloni seconded the motion. All voted in favor, and the motion passed.**

David Wardrop asked what happens if zoning changes locally or rules at the state level change before phase 2 is started. A member of the project team replied that there is a seven-year vesting statute for all approved projects. It was explained that they need to abide by the design within seven years.

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

**Mr. Fraprie made a motion to deny the waiver submitted for 4.3.6.c, site plan review and site plan amendment, as it is inappropriate for the Planning Board to deal with. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.**

Mr. Tramaloni asked if engineering review is needed for the updated drainage study. Mr. Scamman replied that the impervious areas are not changing. The parking lot proposed to be delayed has its own drainage system. The area of the building that will be delayed in construction will be pavement. Stormwater will flow to the same areas from the pavement as it would from the building roof.

The Board discussed adding a condition of approval that the Applicant return for a compliance hearing. The project team replied that by statute, if there are conditions of approval that involve some discretion in terms of deciding whether they've been met, the Applicant has to come back to the Board and the Board has to decide if they have been met. When conditions are things like getting state approvals and making whatever revisions to the plan, those can be handled administratively by staff and not come back to the Board for a compliance hearing. There are no new conditions as part of this approval and all the conditions previously approved still apply, and the team does not think any of them required a compliance hearing. A compliance hearing would add two months to the start of the construction.

**Mr. Kunowski made a motion that the Planning Board conditionally approve the application with the following precedent conditions:**

**1. The August 20,205 Notice of Decision for the Major Site Plan Application conditions shall be met in addition to this Notice of Decision.**

**2. Plan Revisions required to include the waiver and the updated architectural designs.**

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

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

### **A. Preliminary Conceptual for Vogel Vet Parking Site Plan**

Ms. Price explained that the owners are looking to update their site to increase parking and to possibly enlarge the entrance to the property. Mr. House announced the discussion is non-binding and the Board will provide comments.

Dr. Jeff Vogel, owner, introduced himself and Kristin Maclauchlan. He explained they are an emergency veterinarian that recently opened with a lot of staff, and during the day their parking lot is full and sometimes delivery trucks have difficulty. They would like to convert some grass to 17 parking

spaces as phase one from a current total of 10. The only entrance to the property is through the Wingate Spa entrance off of Portsmouth Avenue, and the new owner of the spa is eager for the vet office to add parking to prevent the vet's clients from parking at the spa.

Mr. House noted that the septic system would be in the way. Dr. Vogel replied that he was told at a septic system that it can have a road over it. Mr. House commented that the Board will need more information on that, and they will need a new layout.

Mr. Fraprie commented that DOT approval for a new driveway may be difficult. Dr. Vogel replied he expects it would be one way and there is a strip of land owned by the spa between the spa and the post office where Vogel Vet might be able to obtain an easement or the land.

Mr. Tramaloni commented that there will be traffic disruption soon on Rt 108 due to a DOT culvert replacement project on Squamscott Road and just wanted the Applicant to be aware of that.

Mr. Fraprie asked if the current access is through the post office. Dr. Vogel replied the current legal access is through the Wingate Spa.

Mr. Kunowski commented that stormwater management will be needed. He stated it looks like they are covering over a grassy swale that might be part of the stormwater system and they are creating more impervious surface.

Dr. Vogel asked if crushed stone spaces need Planning Board approval. Mr. House cautioned that snow plowing on crushed stone would need repair every year and it would need striping, so people know where to park. The Board replied that yes, approval is still required.

Mr. House commented that the site looks tight for fire truck access.

Ms. Price commented that the spa would also like to convert some dirt spaces to paved parking and suggested the neighbors talk. Dr. Maclauchlan replied they just met last week. Ms. Price announced that the next step is to file a site plan application.

## 9. Adjourn

**Mr. Tramaloni made a motion to adjourn at 10:32 pm. Mr. Kunowski seconded the motion. All voted in favor and the motion passed.**

*Respectfully submitted by Susan Connors*