



Stratham Planning Board Meeting Minutes
April 20, 2022
Stratham Municipal Center
Time: 7:00 pm

Member Present: Tom House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zarembo, Member
Pamela Hollasch, Member

Members Absent: None

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order and took roll call. Mr. House noted that John Kunowski, an applicant for the vacant Planning Board alternate position, was present.

2. Approval of Minutes

a. April 6, 2022

Mr. Houghton made a motion to approve the draft meeting minutes of April 6, 2022. Mr. Zarembo seconded the motion. All voted in favor. Motion passed.

3. Public Hearing:

a. Lester & Catherine Carbonneau and Christopher Carbonneau (Owners) - Request for approval of an amendment to a Planning Board condition of approval placed on a subdivision approved on October 6, 2021 at 83 and 85 Bunker Hill Avenue (Tax Map 10, Lots 6 and 7), Zoned Residential Agricultural.

Mr. House asked Mr. Connors to introduce this item. Mr. Connors said that the Planning Board approved the subdivision of 83 and 85 Bunker to create one new buildable lot. The Zoning Board had previously approved a variance to allow the creation of the lot with no frontage along a road where a minimum of 200-feet is required. The subdivision plan was approved and recorded with the Registry of Deeds. The Planning Board included seven conditions on its approval. The condition that was are reviewing tonight is Condition #7 which reads:

42 *No building permit shall be issued for a dwelling unit located on the new parcel unless*
43 *the plans indicate the dwelling will be fully sprinklered, or if the property owner has*
44 *improved the driveway to the satisfaction of the Fire Chief to allow fire department*
45 *access. If the property owners elect to improve the driveway, the applicant shall provide*
46 *a storm water and erosion control plan to the Planning Department, meeting the*
47 *requirements of Addendum C of the Site Plan Regulations and further there will be notes*
48 *regarding the sprinkler system added to the plan.*
49

50 Mr. Connors said that the applicant, Mr. Carbonneau, is requesting that the condition be
51 amended to require only that wood burning equipment be protected by an automatic sprinkler
52 system. It would also require that the Fire Department or its designee inspect the driveway and
53 confirm that it provides for adequate emergency response access with a turnaround provided for
54 fire trucks. He said that he would let Mr. Carbonneau speak to the reasons why the change is
55 being requested. He said that the Fire Department has submitted a letter indicating that it does
56 not object to the request and that letter is included in the Planning Board packets.
57

58 Mr. Carbonneau said that Mr. Connors covered most of the major points. The subdivision plans
59 have been recorded and we have met all the Planning Board conditions except for Condition #7.
60 We have recorded agreements that require the driveway be shared, that passage be protected for
61 access and emergency response. The driveway will be approximately 20-feet wide and would be
62 more than adequate for fire equipment. He said that he is a firefighter by occupation so he is
63 sensitive to these concerns. We plan to have a modular home constructed. Because the house is
64 mostly constructed off-site according to a set of specifications it is prohibitively expensive to
65 rewire the home for a sprinkler system. Mr. Carbonneau said the house will be outfitted with an
66 automatic fire alarm system so the Fire Department will be directly notified if there is an issue.
67

68 Mr. Houghton asked what has really changed since the October Planning Board approval? The
69 Board's approval clearly required that the new home be "fully sprinklered" which was based on
70 a recommendation from the Fire Chief. He said he knew this would be costly but that was the
71 condition clearly placed on the approval. He said he did not see any justification to change the
72 condition. He said he thought the applicant should move forward under the original approval and
73 that there was no need to modify it. Nothing has changed since the October approval.
74

75 Mr. Carbonneau said that when the Fire Chief wrote the memo the condition was based on in
76 October, he did not write it to require that the house be fully sprinklered. That language was
77 added by the Planner and Planning Board. Mr. Connors said he did not disagree with that. The
78 Chief's memo in October required the dwelling be sprinklered to the satisfaction of the Fire
79 Department. It did not necessarily require the home be fully sprinklered. Mr. Canada noted that
80 the Fire Chief clearly does not object to making this change. Mr. House noted that the Fire Chief
81 has changed since October. Mr. Houghton said that does not justify changing the condition if that
82 is the only thing that has changed. The Board engaged in a discussion on the driveway and
83 discussed if the Board should require the plan be updated to show the driveway and ensure Fire
84 Department access. Mr. Houghton said that should be considered as the owners will change and
85 these considerations will be lost over time. Mr. Canada said that he was satisfied with the
86 wording of the condition that the Fire Department will be able to inspect the driveway to ensure
87 it provides adequate access.
88

89 **Mr. Canada made a motion to that the Planning Board approve the request by the**
90 **applicant, Chris Carbonneau, to modify the language of Condition #7 of the Planning**
91 **Board's October 6, 2021 subdivision approval of 83 and 85 Bunker Hill Road to read as**
92 **follows:**

93
94 7. No building permit shall be issued for a dwelling unit located on the new parcel unless
95 the plans indicate that all fire burning equipment in the dwelling will be protected by an
96 automatic sprinkler system. Prior to the issuance of a Certificate of Occupancy, the
97 Building Inspector or a member of the Fire Department shall confirm that the driveway
98 provides for access and turnaround of Fire Department vehicles. All other conditions of
99 the Planning Board's October 6, 2021 subdivision approval shall remain in full effect.

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101 **Mr. Zaremba seconded the motion. Mr. House and Ms. Hollasch voted in favor. Mr.**
102 **Houghton voted in nay. The motion passed by a vote of 4-to-1.**

- 103
104 **b. Stratham Retail Management, LLC (Owner) - Request for approval of a Conditional Use**
105 **Permit to allow the construction of a septic system that does not meet the Town minimum**
106 **requirements under Section 20.1.4 (b) of the Zoning Ordinance for a parcel at 23**
107 **Portsmouth Avenue (Tax Map 4, Lot 13), Zoned Gateway Commercial. Applicant's**
108 **representatives are Beals Associates, PLLC, 70 Portsmouth Avenue, Suite 2, Stratham, NH**
109 **03885 and Stonefield Engineering & Design LLC, 92 Park Avenue, Rutherford, NJ 07070.**
110

111 Mr. House asked Mr. Connors if he had any introductory comments on this application. Mr.
112 Connors said that the Planning Board approved the site plan for a 10,260 square-foot medical
113 office building at 23 Portsmouth Avenue in January of this year. The intended user is Optima
114 Dermatology. One of the Planning Board conditions of approval is that the applicant secure a
115 state septic permit from NHDES. In conducting the soil tests for the system, it was determined
116 that the system could not meet all of the Town requirements outlined in the Zoning Ordinance.
117 Specifically, the applicant is requesting a Conditional Use Permit to allow 15 inches of
118 permeable soil above the high water table where 18 inches is required. This requires the Board
119 approve a Conditional Use Permit to construct the system. Since, a septic system previously was
120 sited on property, the applicant only needs to meet the three criteria outlined in Section 20.3 of
121 the Zoning Ordinance.

122
123 Jason Atkas, of Stonefield Engineering & Design, was present to represent the applicant. He said
124 Optima Dermatology is working to wrap up all of their conditions and begin construction. He
125 said that the Planning Board previously approved a Conditional Use Permit to support a larger
126 septic system for a larger development. That did not move forward, but we believe we far and
127 away meet all of the Conditional Use Permit requirements and we are asking the Board to
128 approve the Conditional Use Permit criteria.

129
130 Mr. House asked if Board members had any questions of the applicant. Mr. Houghton said that
131 the Board should go through the three criteria and confirm that the application meets them. Mr
132 House agreed.

133
134 Mr. House read the criteria aloud.

1.) *The use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which complies more fully with this section.*

The Board agreed the small size of the site does not allow for an alternative location for the septic system.

2.) *The design and construction of the proposed use will, to the extent practicable, be consistent with the purpose and intent of this Section.*

The Board agreed that the application is consistent with the purpose and intent of the Zoning Ordinance.

3.) *The applicant has exceeded other minimum design requirements in an effort to mitigate impacts resulting from the limitations of the site.*

The Board agreed that the applicant meets and exceeds all of the other Town's septic system requirements and therefore satisfied this condition.

Mr. House said in light of the Board's deliberations, if any member had a motion to make on the application.

Mr. Canada made a motion that move that the Planning Board approve the Conditional Use Permit application submitted by Stratham Retail Management, LLC (Owner) from Section 20.1.4(b) of the Zoning Ordinance to allow the siting of a septic system at 23 Portsmouth Avenue (Tax Map 4, Lot 13) with 15 inches of natural permeable soil cover where 18 inches is required as the Planning Board has determined the application meets all of the criteria required under Section 20.3 of the Zoning Ordinance. The Conditional Use Permit approval shall be subject to the following condition:

1.) The following note shall be added to the recorded site plan stating the following: "On April 20, 2022, the Stratham Planning Board approved a Conditional Use Permit from Section 20.1.4(b) of the Zoning Ordinance to allow the siting of a septic system with 15 inches of natural permeable soil cover where 18 inches are required. The septic design plans are on file with the Stratham Planning Department."

Mr. Houghton seconded the motion. All voted in favor and the motion passed.

4. Public Meeting:

- a. **Juliet Marine Realty, LLC (Owner) - Request for a Preliminary Consultation to review a conceptual master plan for a mixed-use development to include 138 townhouse style residential units and associated improvements and the conversion of the former NH Technical College Building into a mixed-use facility at 275 Portsmouth Avenue (Tax Map 22, Lot 16), Zoned Flexible/Mixed-Use Development. Applicant's representative is TFMoran, Inc., 48 Constitution Avenue, Bedford, NH 03110.**

Mr. House noted that he was recusing himself from this application. Mr. Canada took over the chairmanship. Mr. Canada asked the applicant to present the conceptual plan.

Nicholas Golon, of TFMoran, was present to represent the applicant. Mr. Golon thanked the Board for hosting him. He said this site, the former NH Technical College, is very well known in Stratham. The owner would like to redevelop the property and we know many in town are looking forward to that. We came before the Board in December with a concept for multi-family housing with many units clustered in large buildings. He said the Planning Board was not very supportive of that concept. Also, this year when the zoning language was updated, the Board did not support a significant increase in the allowable number of units per building although it was increased from 8 units to 12 units per building. Mr. Golon said that we went back and completely revisited the proposal. We wanted to see if we could do something that meets the zoning.

Mr. Golon referenced the revised conceptual plan and said that the project has been redesigned to townhouses that conform with the Town's zoning. There is a large park in the center of the townhouses and a trail network that surrounds the development. There would be a clubhouse with several amenities. Additionally, the former college building would be repurposed to mixed uses with commercial uses and potentially some residential units. We believe this is very consistent with the purpose and intent of the zoning. But I am here to hear your feedback and see if we can incorporate that into the development.

Mr. Canada asked for questions and comments from the Board. Mr. Zaremba said it is a big change from the previous proposal and he said he believed [the applicant] is moving in the right direction. He asked if there would be affordable housing included in the development. Mr. Golon said those details have not yet been addressed. Ms. Hollasch said that overall she liked the revised concept. There is definitely a strong need for housing in Stratham. Ms. Hollasch said that a pedestrian/bicycle connection to Stratham Hill Park would be important. Mr. Connors said that he believed the Town would be supportive of demolishing the former college if necessary. The structure is approaching 50 years old and is not up to current building and fire codes. Mr. Connors said it may be prohibitively expensive to renovate the structure to meet current codes. Mr. Connors said that there are state grant funds available for demolition projects that support new housing, so this may be eligible for that. Mr. Canada said that he was generally supportive of the changes that have been made and the new direction. He said that this would be a good site for affordable housing in Stratham.

Mr. Golon thanked the Board for its input. He said he was glad the comments were mostly positive. He said now we have our work cut out for us to engineer the project. He said that determining the septic capacity of the land would be the next challenge. Mr. Canada thanked the applicant.

b. Discussion with Rockingham Planning Commission regarding potential implementation of source water protection strategies.

Mr. House resumed the chairmanship and asked Mr. Connors for a brief introduction of the next item. Mr. Connors said that with the help of the Regional Planning Commission, Stratham recently adopted a Source Water Protection Plan. The RPC reached out to us again this year to ask if we would like to pursue NHDES funds to pursue or codify some of those recommendations and jumped at the opportunity. He introduced Jennifer Rowland, Land Use

Program Manager for the Rockingham Planning Commission, who has some initial proposals for the Board to discuss and consider.

Mr. Rowland thanked the Board for hosting her. She briefly described the grant opportunity and the RPC's role. She said the RPC was involved to support the Planning Board. She said the RPC would help the Town draft language for zoning amendments or changes to the Town's land use regulations, but nothing is required of the Town. The Town could choose not to support the recommendations. She said the grant funds are a way to ensure that the recommendations of the Source Water Protection Plan are not overlooked. We will have a discussion and present different options, but the decisions will be left up to the Planning Board.

Ms. Rowland said that she had read through the Town's Aquifer Protection District Ordinance and had several recommendations for the Board to consider that would expand the scope of the Ordinance to include wellhead protection areas. Ms. Rowland noted that Stratham relies almost entirely on private wells for its drinking water needs and there are several contamination issues that various property owners wrestle with. One simple preventative measure the Town could take is to better protect the land encompassing and immediately surrounding community wells.

Ms. Rowland walked the Board through the red-line changes she recommended to make to the Ordinance to reflect these changes. The revisions would not just amend the Ordinance to include wellhead protection areas but would also update the language to reflect current best management practices for property and driveway/road maintenance, salt storage, impervious surface coverage, and landscaping.

Mr. House pointed to the map provided by the RPC and noted that the incorporation of the wellhead protection areas would vastly expand the areas covered under the Ordinance. Mr. Connors said that was his chief concern. This would vastly expand the scope of the Aquifer Protection Ordinance so that it would cover 60 to 70 percent of the Town's land area and all of its major commercial and industrial areas. The Board discussed the extent of the land area covered by the revisions. Mr. Connors said there might be some alternatives the Town could take that would apply townwide but be less impactful to property owners. Mr. Canada said it is not just Stratham that deals with water quality issues. It is a problem statewide. Mr. House asked Mr. Connors and Ms. Rowland to consider alternative options. The Board thanked Ms. Rowland for her presentation and her assistance on pursuing recommendations on Source Water Quality.

b. Miscellaneous Community Planning Issues

Mr. House thanked Mr. Kunowski for attending the meeting. The Board inquired if Mr. Kunowski was still interested in the Planning Board. Mr. Kunowski indicated that he found the discussions very interesting and was definitely still interested. The Board thanked Mr. Kunowski for his interest and attendance.

5. Adjournment

Mr. Canada made a motion to adjourn at 9:35 pm. Mr. Zaremba seconded the motion. Motion carried unanimously.

Note(s):

- 274 1. *Materials related to the above meeting are available for review at the Municipal Center during normal business hours.*
275 *For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
276 2. *The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed*
277 *on the agenda.*
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