



Stratham Planning Board Meeting Minutes
June 7, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: Mike Houghton, Select Board's Representative

Staff Present: Mark Connors, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. Approval of Minutes

a. April 19, 2023

Mr. Canada stated that the revised minutes are in align with what was discussed. Mr. Kunowski requested an edit on line 115 that Mr. Kunowski be changed to Mr. Canada making the motion. Mr. Zaremba asked if lines 76 to 80 are from the email from Ms. Oliver specifically with regards to using quotation marks. Mr. Connors stated the quotation marks can be removed but were added as a quote from the regulations.

Mr. House has a comment that the motion on lines 203 to 212 do not contain a second to the motion and a vote. The Board clarified that Mr. Zaremba seconded the motion.

Mr. Kunowski made a motion to approve the April 19th, 2023 Planning Board minutes as amended. Mr. Zaremba seconded. All voted in favor and the motion was approved.

b. May 17, 2023

Mr. House made a comment that the minutes reference line 193, but with edits to the minutes, the line number will change. Mr. Connors replied that is fine for the draft minutes. The final minutes will be edited to reference the correct line number.

Mr. Canada made a motion to approve the meeting minutes from May 17, 2023. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

44 **3. Public Hearing:**

- 45
- 46 a. Richard A. Beaulieu, Jr. (Applicant and Owner), Request for approval of a condominium
- 47 subdivision to convert an existing duplex at 81-83 Willowbrook Avenue (Tax Map 23, Lot 20)
- 48 into two residential condominium units. Survey prepared by TF Moran, 170 Commerce Way, Suite
- 49 102, Portsmouth, NH 03801.
- 50

51 Mr. House asked Mr. Connors to introduce the project. A single family home at 81-83

52 Willowbrook Avenue was converted to a duplex within the last couple of years. The property is in

53 the Manufactured Housing District where the minimum lot size for a single family home is 1 acre

54 and for a duplex is 2 acres. This lot is a little more than 3 acres so it satisfies that requirement. Last

55 year the Building Department issued a Certificate of Occupancy for the duplex. The Applicant is

56 here today to subdivide the property into two condominiums.

57

58 Mr. House asked if Mr. Beaulieu would like to add anything. Mr. Beaulieu added that both units

59 are similar in square footage with one over 1,900 square feet and the other over 1,600 square feet.

60 The newer structure has a garage on the first floor. Both structures have been built with the best

61 materials he could find and they are complete.

62

63 Mr. House asked for a motion to consider this a complete application.

64

65 **Mr. Canada made a motion to accept this as a complete application. Mr. Zaremba seconded**

66 **the motion. All voted in favor and the motion was approved.**

67

68 Mr. House asked for a motion to open the meeting to the public.

69

70 **Mr. Kunowski made a motion to open the public hearing. Mr. Canada seconded the motion.**

71 **All voted in favor and the motion was approved.**

72

73 Mr. House asked if the garage is a shared garage. Mr. Beaulieu replied no. Mr. House asked if it

74 is just for Unit 2. Mr. Beaulieu replied yes. Mr. House asked for confirmation that the Unit 2 living

75 space is above the garage. Mr. Beaulieu replied that is correct. Mr. House asked if Unit 1 was

76 originally a four-bedroom and is now a two-bedroom. Mr. Beaulieu replied that it was actually a

77 five-bedroom with a small bathroom and is now a two-bedroom with two and half bathrooms. Mr.

78 House asked what is the common area connecting the units. Mr. Beaulieu replied it is a 14 by 14-

79 foot breezeway with the mechanicals for the basement. Mr. House asked if both units use that. Mr.

80 Beaulieu replied yes.

81

82 Mr. Canada asked if it was an old house. Mr. Beaulieu replied yes and that 81 Willowbrook was

83 the original house with 2 by 4 construction and it is 2 by 6 now. He mirrored the appearance of

84 both units to be similar. There are different window and door systems. Mr. Canada asked if the

85 property was originally a house and a barn. Mr. Beaulieu replied there was a small structure that

86 had rotted and decayed. It was difficult to determine the prior use of the structure, but it was

87 referred to as a barn. Mr. Connors asked for confirmation that the rear part of the structure is the

88 new part. Mr. Beaulieu confirmed.

89

90 Mr. Kunowski asked if the 3-car garage is for the second unit only and that there is no garage

91 parking for the first unit. Mr. Beaulieu confirmed. Mr. Kunowski asked if the driveway and parking

92 areas are segregated. Mr. Beaulieu replied there are two different driveways and at the end of the

93 driveway for Unit 1, there is room for a two-car garage outside the buffer zone setbacks.

94
95 Mr. Kunowski commented that a representative of the abutting condo association is present and
96 he has seen the proposed Declaration and bylaws of the condominium. Mr. Kunowski asked if the
97 subject property is part of the condominium. Mr. Beaulieu replied yes. Mr. Kunowski asked if the
98 bylaws require approval by the homeowners' association for the subdivision. Mr. House corrected
99 that the abutter and the subject property are separate associations. Mr. Kunowski restated his
100 question to ask if the Beau Monde Condominium Association needs to approve the subdivision.
101 Mr. Beaulieu replied that the Association becomes part of the bylaws once everything is approved.
102 Mr. Kunowski asked if Mr. Beaulieu occupies one of the units. Mr. Beaulieu replied that he does.
103 Mr. Kunowski asked if the second unit is a rental unit. Mr. Beaulieu stated the unit is vacant. Mr.
104 Kunowski asked for confirmation that there is no rental history for the property. Mr. Beaulieu
105 confirmed that is correct.

106
107 Mr. Canada asked Mr. Connors to clarify his suggested conditions regarding wetlands certification
108 and common area boundaries. Mr. Canada does not understand the recommendations as there is
109 an established use and the application is only to change the legal ownership. Mr. Connors replied
110 that he called the NH Department of Environmental Services. Mr. Canada replied that NHDES is
111 a separate process and he asked if they asked for a topographical boundary. Mr. House replied that
112 would be a waiver request. Mr. Beaulieu replied that he spoke with TF Moran who said that
113 NHDES typically needs some sort of topographical boundary for the additional or future septic
114 system so TF Moran will complete that for that area but not necessarily for the entire site. He added
115 that the current septic system plan from 1989 has test pit locations and shows the boundaries and
116 how the system was put together and NHDES wants the information in case something happens to
117 the system. Mr. Connors added that Mr. Beaulieu does not need to install it, but needs to have a
118 location reserved. Mr. Beaulieu stated that the wetlands were delineated by an environmental
119 scientist and that is show on the drawings.

120
121 Mr. Zaremba asked if NHDES requires perc tests for approval. Mr. Connors replied that perc tests
122 are required and some topographic boundaries, but probably not of the entire lot. Mr. Zaremba
123 asked for confirmation that if the Board waives the requirement, it is still required at the state level.
124 Mr. Connors confirmed that is correct.

125
126 Mr. Allison stated he believes the process begins with a soil scientist classifying the soils and then
127 a septic design will be made based on the soils. He is not sure that percolation tests are done. Mr.
128 Connors asked if test pits are done. Mr. Allison replied, yes, to classify the soils.

129
130 Mr. House asked Mr. Connors to clarify if his suggestion was for topographic contours or wetlands
131 buffer boundaries. Mr. Connors presented the subdivision plan and pointed to a pond and the edge
132 of jurisdictional wetlands. Typically there should be a 25-foot no disturbance area and the plan
133 shows a 50-foot wetlands buffer area. Mr. Connors believes the buffer area is a setback area which
134 is different from a no disturbance area in that land can be disturbed in a setback, but there can be
135 no structures in a setback area. In the 25-foot area, nothing can be done, it is a no disturbance
136 zone. Mr. Connors would like to see that posted on the property and noted on the subdivision plan.
137 Mr. House explained the clarification to Mr. Beaulieu and asked if he understood. Mr. Beaulieu
138 replied that he understands and that's why the garage got smaller than his original plans. Mr.
139 Beaulieu asked how the buffer can be posted on the property. Mr. Connors replied with some small
140 markers and signs on trees. Mr. Zaremba asked if this would be for all of the areas or just the 25-
141 foot no disturbance area. Mr. House replied for the 50-foot wetlands setback. Mr. Connors added

142 that the plans show a 50-foot area around the wetlands where Mr. Connors believes that in the
143 farthest 25 feet from the wetlands, some minor use of the setback can occur but he would need to
144 confirm. Mr. Connors would like to see the 25-foot wetlands no disturbance line added to the plan,
145 the 50-foot wetlands buffer be relabeled to wetlands setback, and the setback posted on the
146 property. Mr. Beaulieu stated that he had the 25-foot no disturbance area for the pond added to the
147 plan and added that he is aware that area cannot be encroached upon including no mowing.

148
149 Mr. House noted he sees the approximate leach field on the plan and asked where the septic tank
150 is. Mr. Beaulieu replied on the right side of the house towards Alderwood Drive and before the
151 leach field.

152
153 Mr. Allison asked for confirmation that the leach field will remain as is and both units will continue
154 to use it and if the septic system will be inspected. Mr. Beaulieu replied it was inspected two years
155 ago and he is getting ready to do it again. Mr. House added that Mr. Beaulieu will also need to
156 create a new septic design per NHDES requirements.

157
158 Mr. Kunowski asked if utilities other than the shared well and septic are separated. Mr. Beaulieu
159 replied yes. Mr. Kunowski asked if water filtration is separate for each unit. Mr. Beaulieu replied
160 there is no water filtration.

161
162 Mr. House asked if anyone from the public would like to speak. Dave Reynolds was in the audience
163 representing the abutter, Alderwood Condominiums, and had no comments.

164
165 Mr. House requested a motion to close the public hearing.

166
167 **Mr. Zaremba made a motion to close the public hearing. Mr. Kunowski seconded the motion.**
168 **All voted in favor and the motion was approved.**
169

170 Mr. House requested a discussion on the waiver requests. Mr. Connors stated there are two waiver
171 requests which are from Section II.G.1.c of the Subdivision Checklist to provide topographic
172 contour data at two-foot intervals and Section II.E of the Subdivision Checklist to not provide
173 percolation test pit data. Because NHDES will require test pits for the septic design, Mr. Connors
174 suggests that Mr. Beaulieu forward a copy to the Town for our files. Regarding the topographic
175 contour data waiver, the Board could require the data for the area of the proposed septic plan and
176 not for the entire lot. Mr. Beaulieu would not have to provide anything additional to the Town than
177 he will have to provide to NHDES. Mr. Canada asked if the topographical data is required by
178 NHDES. Mr. Connors replied that it is for the area where the septic would be located. Mr. Beaulieu
179 agreed that both of the waiver requests appear to be taken care of by the NHDES requirements.
180 Mr. House clarified that with regards to the contour data, the Town's requirement is for the entire
181 lot and NHDES only requires it for the septic location. Mr. House does not think the contour data
182 for the entire lot is necessary because the structure is existing. He would grant the waiver to Section
183 II.G.1.c.

184
185 **Mr. House made a motion to grant the waiver for 81-83 Willowbrook Avenue from Section**
186 **II.G.1.c to provide two-foot contours per the Town regulations. Mr. Canada seconded the**
187 **motion.** Mr. Zaremba asked for clarification that the waiver will allow the Applicant to provide
188 only what the state requires. Mr. House does not think the NHDES requirements are part of this
189 waiver, but they can make it a condition. Mr. Zaremba asked for clarification that the Board is
190 granting a complete waiver to the requirement to provide two-foot contour data. Mr. House

confirmed and added that the Board can include a condition for contours with the other waiver. **All voted in favor and the motion was approved.**

The Board discussed the second waiver and determined that the waiver should not be granted because the data will be required by NHDES and the Applicant can submit a copy of it to the Town. Mr. Allison added that NHDES will determine if the existing septic system is sufficient and if they need the test pit information, they will require it. Mr. Canada thinks the Board should grant the waiver to the Town regulation.

Mr. Zaremba made a motion to grant the waiver for 81-83 Willowbrook Avenue from Section II.E. of the Subdivision checklist as it applies to the Town's requirement for test pits and percolation data. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

Mr. House asked if there is any more discussion from the Board. Mr. Connors read aloud the proposed conditions and explained them to the Board and the Applicant. Mr. Zaremba asked if both unit owners need access to the garage as noted in the proposed Condition 3 and if any mechanical infrastructure is in the garage. Mr. Beaulieu replied that the mechanical is in the breezeway, only one unit has access to the garage, and there is no shared mechanical in the garage. Mr. Beaulieu further described the independent access for the units. Mr. Connors agreed that the condition can be revised to remove the access information. Mr. Connors asked if Mr. Beaulieu will record the floor plans. Mr. Beaulieu replied that he believes it is required. Mr. Canada recommended that the condition be revised to state which unit has access to the garage and that the other unit does not have access to it.

Mr. Connors asked Mr. Beaulieu to describe the intent of the Limited Common Areas. Mr. Beaulieu described that it allows each owner to have some privacy and not see the other unit and also allows a unit owner to construct a fence. He would like to keep the pond area as common land so both owners can enjoy it. He added that the septic area would be common land. Both houses have spray foam insulation that acts as a sound barrier. The breezeway is a 14' by 14' area that also acts as a sound barrier. Mr. Connors explained the purpose of the wetlands signs is so an owner understands the limitations within their Limited Common Area as it applies to wetlands. Mr. Beaulieu would like to strike a balance with not infringing on the wetlands but to still allow an owner to have a fenced area for privacy or for a pet. Mr. House summarized the locations and use of the Limited Common Areas and the Common Area. He asked if the hash marks noting Common Area should be removed from Alderwood Drive. Mr. Beaulieu agreed.

Mr. Zaremba made a motion that the Planning Board approve the Subdivision Application submitted by Richard Beaulieu for 81-83 Willowbrook Avenue (Tax Map 20, Lot 23) to create two condominium units consistent with the condominium site plan prepared by TF Moran Engineers, last revised May 26, 2023 subject to the following conditions to be implemented prior to plan signature or as otherwise noted:

- 1. The Applicant shall work with the Town Planner to incorporate minor or technical comments into the plans and associated documents.**
- 2. The plan shall be stamped by a Certified Wetland Scientist and all wetland setback and buffer boundaries shall be clearly delineated on the plan.**
- 3. The Condominium Declaration and/or Bylaws shall be revised to clearly state that the owners are responsible for the shared maintenance of the on-site well and septic**

systems, to include the interior square-footage of each unit, and to include the rights of access for each unit owner to the garage facilities. The Town's counsel may conduct a final review of the documents prior to recording and the applicant shall be responsible to address any such comments.

4. The applicant shall obtain an updated NHDES Septic Approval and the Septic Permit number shall be noted on the plan. The 75-foot protective well radius shall be shown on the plan. Any test pit data required as part of the septic approval shall be provided to the Town.
5. The applicant shall obtain NHDES Subdivision Approval and the approval number shall be noted on the plan.
6. The Town's wetland non-disturbance buffer area shall be physically marked on the property. The Town Planner shall inspect the property prior to recording of the plan to ensure the markers are in place.
7. The applicant shall provide the final plans for final signature and recording by the Town. The applicant shall be responsible for all recording fees.
8. The boundaries of the Limited Common Areas shall be revised to exclude areas of the property that are protected under the Town's wetland non-disturbance buffer areas.

All voted in favor and the motion was approved.

4. Other Business:

a. Discussion of proposed revisions to Stratham Site Plan and Subdivision Regulations

Mr. Connors presented proposed revisions to the Site Plan Regulations. The first is regarding the width of driveways serving parking areas. An example is 20 Portsmouth Ave where the driveway along the front of the shopping plaza is only 20 feet wide. There is also an undersized fire lane. A new bank is proposed at the property and Mr. Connors requested that the bank widen the driveway but the regulations do not require it. Mr. Connors recommends an adjustment to the regulations to establish the following minimum widths for driveways that do not directly access parking areas: 22 feet for two-way driveways and 12 feet for one-way driveways. Mr. House noted that there is currently no striping on the 20-foot driveway so one car could take up the entire driveway. He wonders if it was made narrow on purpose to control speed. Mr. Zaremba noted that the width of the driveway seems to change throughout its length. Mr. Canada asked if this proposed change will affect the plaza. Mr. Connors replied no, that it is for the future. Mr. Zaremba asked if 22 feet is a standard width. Mr. Connors replied that he found other towns with 22 feet. Mr. Connors and Mr. House believe 22 feet is reasonable. Mr. Allison agrees as long as there is no parking along the road because then it impedes two-way traffic. The Board agreed to add a condition that there can be no parking along the access ways. Mr. Canada asked for clarification that this is for roads within a parking lot. Mr. Connors replied that a requirement currently exists for perpendicular parking that the minimum width requirement is 24 feet. This proposal is for the main driveway where there would be no parking. Mr. Canada stated that this is not a road, but part of a parking lot. Mr. House replied it is not a designated road, but is an access road. Mr. Canada asked if 22 feet is considered a legal road. Mr. Connors replied that 24 feet is the standard for two-way traffic on a road. Mr. Allison commented that in the example of a driveway into a shopping center, there are curbs that are restrictive. Mr. House asked if it would help if the roads were striped. Mr. Connors replied that it might. Mr. House suggested that the Town ask existing property owners if they would add striping. Mr. Connors agreed and added the new requirement would be for future applications. Mr. Canada noted that the revisions to the requirements would not apply to pending

289 applications, including the Chase Bank.

290
291 The second revision would be to update references to ADA Standards for Accessible Design to
292 include all amendments to the standards.

293
294 The third revision is related to bicycle parking. The regulations currently state that off-street
295 bicycle parking may be required by the Planning Board in the General Commercial, Gateway
296 Commercial Business, and Town Center Zoning Districts. The proposal is to require 10 spaces for
297 bicycle parking for a new building that is 2,500 square feet or more and is not a single-family home
298 or duplex; 20 bicycle spaces for non-residential buildings that are 10,000 to 20,000 square feet;
299 and over 20,000 square feet the Board would set a minimum number of parking stalls for the use.
300 Mr. House asked how the Board would know how many parking stalls are adequate for the use.
301 Mr. Connors would research different categories of uses and provide recommendations. The Board
302 discussed different options for determining the number of spaces. With regards to the 150 foot
303 distance, Mr. Allison asked if the intent is to insure that the bicycles are within or outside of 150
304 feet of the building. Mr. Connors replied within 150 feet. Mr. Connors continued explaining other
305 requirements such as the bike racks shall be constructed of durable material, on impervious
306 material, secured to the ground or to a structure, shall include bike locking ability, and adequate
307 exterior lighting. Applicants could request a waiver from the requirements. The existing language
308 does not require it so it is not a topic for discussion during site plan review. Mr. Zaremba is in
309 favor of the revision. Mr. Kunowski asked if the regulation updates are approved by the Board or
310 by town meeting. Mr. Connors replied that they are approved by the Board with a public hearing.

311
312 The fourth revision is to sidewalks. Most of the requirements are duplicated in the Zoning
313 Ordinance for many districts like the Gateway and Town Center, so Applicants in those districts
314 can be referred to the Ordinance for requirements. For other districts, the Planning Board can
315 require sidewalks or a trail facility. Mr. House asked for confirmation that the material required
316 for sidewalks is concrete. Mr. Connors confirmed. Mr. Connors added there is another section in
317 sidewalks that is out of date regarding sidewalk setbacks along Portsmouth Avenue. That section
318 should exclude the Gateway and Town Center Districts that have their own requirements.

319
320 The fifth revision is to fire protection. The Fire Chief has many ideas he would like to have
321 included into the regulations. One is to require Knox Boxes for all commercial and multi-family
322 uses that will allow fire personnel access to structures in an emergency.

323
324 The final revision is to amend the subdivision regulations to eliminate language related to porkchop
325 lots since the Town voted to eliminate the porkchop lot provisions in the Zoning Ordinance in
326 2022.

327
328 Mr. Canada suggested that the Gateway regulations be revised since the water and sewer
329 infrastructure that was anticipated did not materialize.

330 **b. Miscellaneous Community Planning Issues**

331
332
333 Mr. Connors notified the Board that they are invited to a program by the Workforce Housing
334 Coalition of the Greater Seacoast, “Navigating the Infrastructure Challenge”, at Flag Hill Winery
335 on June 15th for towns without water and sewer infrastructure. Mr. Connors will register anyone
336 that wants to attend. Mr. House will attend and is already registered.

338 Mr. Connors presented a revised Planning Board schedule in response to longer newspaper lead
339 times for processing public hearing notices. **Mr. Zaremba made a motion to approve the revised**
340 **Planning Board schedule notice deadlines. Mr. Canada seconded the motion. All voted in**
341 **favor and the motion was approved.**

342
343 Mr. Allison noted that he won't be at the next meeting.

344
345 Mr. Kunowski asked the status of the crumbling barn on Portsmouth Avenue that he recalls was
346 required removed by June. Mr. Connors replied that he spoke with the owner who said he is having
347 trouble lining up his contractor and believes he has until the end of June.

348
349 Mr. Kunowski asked the status on the landscape plan at the Saltonstall Farm. Mr. Connors replied
350 that he will work with the Building Inspector to determine if the landscaping is complete.

351
352 Mr. Zaremba asked if the Citizens Bank ATM should have directional signage. He commented
353 that he used it the other day and noticed that he could enter from either end so the passenger side
354 of the car could also access the ATM (in addition to the driver's side). Mr. Connors said he will
355 check the plan.

356 357 **5. Adjournment**

358
359 **Mr. Canada made a motion to adjourn the meeting at 8:22 pm. Mr. Zaremba seconded the**
360 **motion. All voted in favor and the motion was approved.**