



Stratham Planning Board Meeting Minutes

April 3, 2024

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

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. March 20, 2024

Mr. Kunowski noted a correction is required on Line 227 that the motion was to close, not open the public hearing. **Mr. Kunowski made a motion to approve the March 20, 2024 meeting minutes as amended. Mr. Canada seconded the motion. All voted in favor and the motion passed.**

3. Public Hearing:

- a. Chinburg Properties, Inc. (Applicant), Lanzillo Irrevocable Trust (Owner) - Request for approval of a proposed conventional subdivision of 189 Bunker Hill Avenue, Tax Map 6, Lot 167, into six buildable lots served by a new road. The parcel is Zoned Residential/Agricultural. Application submitted by Beals Associates, 70 Portsmouth Avenue, Stratham, NH 03885. ***The applicant requested that consideration of this application be tabled to the April 17, 2024 meeting.***

Mr. Connors noted an e-mail received from the applicant's representative which requests postponement pending receipt of the third-party engineering comments.

Mr. Canada made a motion to table the application to April 17, 2024. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.

4. Public Meeting:

45 a. Other Business:

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47 1. Legislative Updates and Discussion
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49 Mr. Connors provided an update on some pending legislative bills. He stated that two bills were
50 passed by the House of Representatives last week. Mr. Connors suggested that if the Board has a
51 strong feeling regarding any of the bills, the process would be for the Board to write a letter to the
52 Select Board and ask that the Select Board formally comment on the bills on the Town's behalf.
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54 Mr. Connors stated that HB 1291 passed 220 to 143 and affects Accessory Dwelling Units (ADUs).
55 He provided the following points on the proposed law.

- 56 • Would require municipalities to permit a minimum of two ADUs per single-family lot with no
57 additional requirements on dimensional requirements (including minimum lot size, frontage,
58 setbacks, etc.) beyond what is required for single-family housing. At least one of the ADUs
59 would have to be detached. Current law only requires municipalities to allow one ADU per lot.
- 60 • Would require at least one of the ADUs to be permitted by right. The second ADU could be
61 subject to approval of a Special Exception by the ZBA or a Conditional Use Permit by the
62 Planning Board.
- 63 • Requires ADUs have a means of ingress or egress either independently or through a shared
64 common space, but limits the municipality's ability to regulate which option is acceptable.
- 65 • Allows applicant to meet municipal minimum parking requirement by providing parking at
66 "legally dedicated off-site location."
- 67 • Provides the municipality the ability to regulate the size of ADUs provided that one ADU is
68 not less than 1,000 square-feet and the second ADU is not less than 850 square-feet (current
69 law limits municipalities from requiring ADUs be smaller than 750 square-feet).
- 70 • Would allow municipalities to require that the second ADU on a property shall meet
71 requirements prescribed under state law to be classified as workforce housing.
- 72 • Limits the ability of a municipality to set a minimum lot-size for ADUs beyond one half acre.
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74 Mr. Connors stated this is one of about a dozen housing bills before the Legislature. He added
75 there are a lot of similar bills across the country that are in response to rising housing costs and
76 there is a focus on local regulations and the impact they have on housing production and costs. Mr.
77 Connors said that in his view, of course land use restrictions impact housing construction and costs,
78 but he stated that there are a lot of market dynamics that factor into how much housing is produced
79 and the cost of housing. Mr. Connors opened it up for Board discussion.
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81 Mr. Kunowski asked if there would be a natural restriction on ADUs because of septic and well
82 requirements. Mr. Connors replied that they would still need to meet State requirements for well
83 and septic. Mr. Kunowski asked if that would take priority over, for example, the half-acre lot
84 minimum. Mr. Connors replied yes, but a good quality half acre lot might be able to meet the
85 requirements. Mr. Canada asked if the Building Inspector reviews the permit for the septic system
86 when an application for an additional bedroom is submitted. Mr. Connors replied yes.
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88 Mr. Allison stated that he understands this is an attempt to solve a housing problem, but the cost
89 of building materials has increased, in addition to the cost of land, and he is not sure that this bill
90 will solve the problem. That housing will still be expensive.
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92 Mr. Zaremba asked what the current requirements for an ADU are, generally speaking. For
93 example, does an owner need to live there? Mr. Connors replied yes, that the owner of the property

must reside on the property. Mr. Canada stated that it is difficult to enforce because the owner could move out. Mr. Connors agreed.

Mr. Kunowski asked if ADUs are approved by the Planning Board or if they are allowed by right. Mr. Connors replied they are allowed by right if they meet the requirements.

Mr. Canada asked if there are any in Stratham. Mr. Connors replied, yes, there are quite a few and that Stratham is flexible with the current requirements allowing both detached and attached ADUs and up to 1,000 square feet.

Mr. Kunowski stated that the first and the last bullets in the description seem to conflict in that the first bullet mentions a single-family lot where Stratham's minimum size is two acres. The last bullet mentions an ADU allowable on one-half acre. He noted that a single-family home can't be constructed on a half-acre lot unless it is a cluster subdivision that met other requirements. Mr. Connors replied yes but that the bill states "a municipality may require a property have a minimum lot size of up to one-half acre in order to have more than one accessory dwelling unit". Mr. Allison stated he believes that is referring to another bill that was going to restrict the number of large lots to no more than 50% of the available land. Mr. Connors replied that is one bill that has not yet advanced but agrees it is the same theme.

Mr. House asked if the 1,000 square foot maximum is just the footprint. Mr. Connors replied it is the interior square footage and it includes deck and porches. Mr. House asked how that affects a two-story building. Mr. Connors replied Stratham's ordinance states a maximum of 1,000 square feet of habitable space. Mr. House asked if the bill states a total square footage allowed. Mr. Connors read "a municipality may establish minimum and maximum sizes for an accessory dwelling unit provided that size may not be restricted to less than 1,000 square feet". Mr. House stated that then it can be larger than 1,000 square feet. Mr. Connors replied that the Town can adopt a minimum and maximum size but the minimum cannot be less than 1,000 square feet. Mr. Allison replied that he thinks it refers to all interior space. Mr. House wonders if it refers to one floor area. Mr. Connors replied that it does not specify, but he interprets it to mean the total interior square footage. Mr. House suggests commenting that the maximum square footage be better defined as total interior space to account for multiple floors. The Board agreed.

Mr. House asked the Board if they agree with the comments proposed by Mr. Connors in his staff memo. Mr. Connors added that if the Board really dislikes the bill, they could request that the Senate defeat the bill and if the Board thinks it can be reworked, they can request amendments to the bill. Mr. Kunowski stated that he is not opposed to the bill, but he is concerned with the lot size and Mr. Connors addressed that in his proposed comments. Mr. Kunowski noted that he is not opposed to the location in the front yard if there are aesthetic standards to meet. Mr. Zaremba is not opposed to it, but it could be improved. Mr. Kunowski stated that he believes the bill would work for properties with town water and town sewer but in Stratham we need to be able to control lot size. Mr. Allison agrees that a half acre lot is small for two houses. Mr. House stated that the Legislature is trying to represent different sized municipalities and Stratham's comments should focus on the challenges of being a small town with private water and septic. Mr. Canada thinks the Town should ask the Senate to defeat the bill. He added that it is a slippery slope headed towards State zoning and it effectively throws Stratham's Zoning out the window. Mr. Houghton agrees with Mr. Canada. Mr. House asked if Mr. Connors knows why this bill was created. Mr. Connors understands it is in response to the housing shortage and concerns about housing costs. There are several bills that have been drafted in response to these concerns. Mr. House stated that he doesn't

143 want to change Stratham's ordinance.

144
145 Mr. Zaremba asked why the Town waits until after the House vote to comment. He understands
146 the Town has limited resources. Mr. Connors replied that is true and additionally that there are
147 many bills on this subject and he is concerned that if one town sends too many letters, that they
148 won't be taken as seriously.

149
150 Mr. Canada is concerned that there is no reference to mobile homes or manufactured housing. That
151 someone could use one of those as an ADU, which is not desirable in Stratham. Mr. Allison asked
152 if our current zoning for mobile homes would prevail. Mr. Connors replied that the current
153 ordinance states the ADU must be consistent with the character of the home and he does not see
154 anything in the bill that will prevent that. Mr. Canada is concerned that the state law will trump
155 that.

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157 Mr. Connors suggested that the Board phrase the letter such that the Town opposes the bill but
158 request the amendments in case it passes. Mr. Allison suggested a comment that the bill be
159 dependent on the availability of public sewer and water. The Board discussed the suggestion and
160 generally agreed although they believe the lack of public utilities will limit ADUs in Stratham
161 anyway. Mr. Zaremba stated that he thinks the Town should choose one way to go with the letter.
162 He believes that saying we don't like the bill but here are comments is not effective. Mr. Canada
163 agreed.

164
165 Mr. Allison stated that when a municipality has water and sewer they want more customers for
166 revenue therefore it makes sense in those communities, but not in Stratham.

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168 Mr. Canada asked if the municipal group is fighting it. Mr. Connors replied yes but there is also
169 support for the bills. Mr. Houghton stated that the bill was not sponsored by a Seacoast town and
170 that if we polled the towns in the Seacoast he presumes there is very little support.

171
172 Mr. Allison agrees with taking the position that Stratham is against the bill. Mr. House polled the
173 rest of the Board and all agreed with commenting against the bill. Mr. House asked if we would
174 give reasons why the Town disagrees with the bill. Mr. Canada and Mr. Connors replied yes. Mr.
175 Connors added that part of the argument is that Stratham has very reasonable regulations on ADUs
176 and that the Town encourages them.

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178 **Mr. Canada made a motion that the Planning Board request that the Select Board write a**
179 **letter to the State Senate recommending not advancing House Bill 1279. Mr. Zaremba**
180 **seconded the motion. All voted in favor and the motion passed.**

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182 Mr. Connors introduced another bill that has passed the House of Representatives. HB 1400 states
183 "In its exercise of the powers granted under this subdivision, the local legislative body of a city,
184 town, or county in which there are located unincorporated towns or unorganized places may
185 regulate accessory parking for vehicles, but shall not set the maximum residential parking spaces,
186 per unit, to greater than one parking space per residential unit." Mr. Connors stated that, for
187 example, a four-bedroom unit, in reality, would need more than one parking space. He added that
188 it would make more sense if it was tied to the number of bedrooms. The Board agreed that one
189 space per unit does not seem adequate and that the alternative of off-street parking is not desirable.
190 Mr. Kunowski asked what Stratham requires today. Mr. Connors replied that it is certainly not one
191 space and he thinks it is tied to bedrooms. Mr. Allison stated there are organizations like American

Association for State Highway Officials with guidelines for parking and he is surprised at this bill.

Mr. House stated that he agrees with Mr. Connors suggestion of requesting an amendment to say one space per bedroom. Mr. Canada countered that suggestion does not take into account children who don't drive and suggested that the Town submit comments in opposition to the bill. Mr. Houghton doesn't agree with one per bedroom and provided the example of a one-bedroom unit with a couple where both have a car. Mr. Zaremba commented that there is no municipal parking in Stratham so that isn't an option.

Mr. House polled the Board and all agreed with commenting against the bill.

Mr. Zaremba made a motion that the Planning Board ask the Select Board to write a letter to not advance House Bill 1400. Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. House asked if there is a deadline for the Planning Board's request. Mr. Connors replied that the next Select Board meeting is April 15th.

b. Miscellaneous Community Planning Issues

Mr. Connors announced that the Zoning Board denied the request for the rehearing of the Stoneybrook Project and the Select Board has 30 days to appeal the decision if they decide to. Mr. Connors stated the Board can have a brief discussion about it but he cautioned that the Planning Board should not get very involved at this stage as the Select Board is very engaged in the matter. There were no comments from the Board.

Mr. Connors stated that the Chase Bank construction has begun. He added that this is the hardest time for parking since the new additional parking is not yet constructed and the construction area will take up parking. Mr. Zaremba asked if the Citizens Bank ATM will be removed because he saw it boarded up. Mr. Connors said he would look into it.

5. Adjournment

Mr. Canada made a motion to adjourn the meeting at 7:45 pm. Mr. Zaremba seconded the motion. All voted in favor and the motion passed.