



**Stratham Zoning Board of Adjustment  
Meeting Minutes  
October 23, 2018  
Municipal Center, Selectmen's Meeting Room  
10 Bunker Hill Avenue  
Time: 7:00 PM**

**Members Present:** Garrett Dolan, Chairman  
Phil Caparso, Full Time Member  
Bruno Federico, Full Time Member  
Amber Dagata, Alternate

**Members Absent:** Deidre Lawrence, Full Time Member  
Tana Ream, Alternate

**Staff Present:** Shanti Wolph, Code Enforcement Officer/Building Inspector  
Tavis Austin, Planner

**1) Call to Order/Roll Call**

Chairman took roll call. Mr. Caparso made a motion for Ms. Dagata to be a voting member for this evening's meeting. Mr. Federico seconded the motion. Motion carried unanimously.

**2) Approval of Minutes**

**a. September 25, 2018**

Mr. Caparso made a motion to approve the September 25, 2018 meeting minutes as submitted. Ms. Dagata seconded the motion. Motion carried unanimously.

Mr. Dolan arrived at 7:05 pm

**3) Public Hearing**

- a. **Case #640, Dorothy Thompson, 217 Portsmouth Ave, Map # 05 Lot # 11, Residential/Agricultural Zoning District.** This is a public hearing whereby the applicant requests a Special Exception from Article V: Supplementary Regulations, Section 5.13: Home Occupations of the Stratham Zoning Ordinance to allow the applicant to run a home decoration shop from her home.

45 Mr. Dolan opened the public hearing. Dorothy Thompson, 217 Portsmouth Avenue, stated she would  
46 like to run a home décor shop out of the garage area on her property, which is separate from the house.  
47 Ms. Thompson stated the shop would be located in the garage area closest to the street and has a  
48 separate door and there is ample parking in the front and along the side of the garage. Ms. Thompson  
49 stated she is not expecting much traffic for this home décor shop (i.e. small flower arrangements,  
50 wreaths, primitive décor, candles, etc.). Mr. Caparso asked what type of signage Ms. Thompson is  
51 proposing. Ms. Thompson stated she is proposing to hang a sign where the existing sign from the  
52 previous homeowner's business is located. Mr. Wolph explained the sign would not be able to exceed  
53 4 (four) square feet per the Home Occupation Ordinance. Ms. Thompson explained there would be no  
54 employees. Ms. Thompson stated her mother and sister will be making the crafts and running the  
55 store. Ms. Thompson stated the store would be open Friday, Saturday, and Sunday, possibly more  
56 during the holidays if there is interest. Mr. Federico asked if Ms. Thompson would be making all the  
57 items on site. Ms. Thompson stated yes. Ms. Thompson explained the improvements and changes to  
58 the garage for the store area. Mr. Dolan explained to Ms. Thompson the Zoning Board has the  
59 authority to set conditions on the approval to where no possible expansion will exist. Ms. Thompson  
60 agreed. Mr. Caparso asked if this is just making crafts and whether there will be any toxic chemicals  
61 involved in the process (i.e. stripping). Ms. Thompson stated no. Mr. Caparso asked if there would be  
62 deliveries. Ms. Thompson stated the only deliveries would possibly Fed-X or UPS from an online  
63 order. Mr. Federico asked if there another building below the proposed location. Ms. Thompson  
64 explained it is one building and all attached. Mr. Federico asked if Ms. Thompson was planning to do  
65 on-line sales. Ms. Thompson stated they are proposing just in-store sales. Mr. Thompson stated she is  
66 requesting business hours to be Monday through Friday in case needed, but she will only be open  
67 Thursday, Friday, and Saturday to start. Mr. Dolan asked if there was anyone in attendance who  
68 would like to speak for or against the proposal. No one came forward. Mr. Wolph stated he has  
69 visited the site and there is work to be done prior to opening of the proposed store. Mr. Wolph stated  
70 the parking is ideal with a circular driveway and a condition may be put on the proposal to prohibit  
71 backing out onto Portsmouth Avenue. Mr. Wolph stated the application is consistent with the  
72 Ordinance for Home Occupation. Ms. Dagata questioned what the maximum capacity of cars for  
73 parking. Ms. Thompson explained the parking and reiterated she is not expecting a large number of  
74 customers at once. Ms. Thompson explained to the board that personal vehicles will be parked behind  
75 the garage during business hours so all parking will be dedicated to customers. Mr. Austin explained  
76 the home occupation language in the ordinance does not speak to a limited number of hours or days so  
77 he recommended the board to be very specific as to the justification of narrowing the hours of  
78 operation.

79  
80 Mr. Caparso made a motion to close the public hearing. Mr. Federico seconded the motion. Motion  
81 carried unanimously.  
82

83 Mr. Caparso stated concern with the traffic and adequate snow removal as a retailer. Mr. Austin stated  
84 the commercial parking requirements for a commercial business at 1,100 SF would mean 3 parking  
85 stalls would be required for that retail square footage. Mr. Austin recommended directional signage to  
86 discourage backing onto Portsmouth Avenue. Mr. Caparso recommended a snow removal plan be  
87 submitted to Mr. Wolph for approval along with directional signage at the location. Mr. Federico  
88 asked the applicant if they plan to keep the circular driveway open during the winter. Ms. Thompson  
89 stated yes.  
90  
91

Mr. Dolan read 5.13.2, Conditions:

5.13.2 Conditions:

A special exception for a home occupation shall be allowed subject to Section 17.8.2 and the following conditions and standards set forth below:

- a. The home occupation shall utilize an area less than twenty five percent (25%) of the total floor area of finished floor space of the dwelling including the basement and does not change the residential character of the premises thereof.

Mr. Dolan stated that criteria is satisfied.

- b. The home occupation and the conduct thereof shall not impair the residential character of the premises and/or reasonable use, enjoyment and value of other residential property in the neighborhood. Further, such business shall not be injurious, noxious, or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, and noise.

Mr. Dolan stated that criteria is satisfied. Mr. Caparaso, Mr. Federico, and Ms. Dagata agreed.

- c. Home occupation shall be allowed only for a single-family residence and shall be carried on strictly by the owner of the principal building, who shall reside in said building or tenant (with owner's written permission) residing in the principal building. The residential use is established prior to the business use.

Mr. Dolan stated that criteria is satisfied. Mr. Caparso agreed.

- d. The granting of a special exception use shall be deemed to authorize the identified or particular use. The special exception shall expire if the authorized use ceases for more than twelve (12) months for any reason. The approval of a new application shall be required for reinstatement of the special exception use.

Mr. Dolan stated that criteria is satisfied. Mr. Caparso agreed.

- e. There shall be no more than two (2) persons outside the immediate family employed or otherwise engaged in the conduct of the business therein;

Mr. Dolan stated the applicant assured the board that there will be no more than two persons outside the immediate family employed as a condition of the Special Exception.

- f. Storage in an accessory building or exterior storage may be permitted as a condition of the special exception granted by the Zoning Board of Adjustment. Exterior storage must be screened from neighboring views by either a solid fence, evergreens of an adequate height and bulk at the time of planting or by an existing combination of natural foliage and longer distances, to be determined sufficient by the Code Enforcement Officer.

Mr. Dolan stated there is no proposed outside storage and stated this condition is met.

- g. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only.

Mr. Dolan stated there is no proposed expansion to the secondary building and stated this condition is met.

- h. The home occupation shall not be such that it requires regular or frequent service by heavy commercial trucks greater than 26,000-pound gross vehicle weight since this would adversely impact the character of the neighborhood.

Mr. Dolan stated there are no commercial truck deliveries proposed.

- i. Sufficient off-street parking for the employee and clients is to be provided. Any required deliveries can only be made by vehicles consistent with normal residential activities between the hours of 7:00 a.m. and 7:00 p.m. The outside parking of not more than two business vehicles on the lot are permitted in all residential zoned districts provided the vehicles:

1. Do not exceed 26,000 pounds gross vehicle weight.
2. Are used as a means of transportation to and from the resident's place of business and location of business activity.
3. Are not loaded with flammable, noxious, or dangerous materials.
4. Vehicle must be registered with the Town.

Mr. Dolan stated these conditions are met. Mr. Caparso and Ms. Dagata agreed.

- j. The business shall not be contrary to any covenants of conditions contained on the deed to the property.

This condition has been met.

- k. Not more than one sign or other advertising device is to be displayed on the property and it shall not exceed a size of four (4) square feet. Signs will not be lighted from within or by exterior spot lighting.

Mr. Wolph stated the applicant proposed a sign which is larger than four (4) square feet and will be required to come before the board if a larger sign is requested.

Mr. Wolph recommended the board decide on how to vote and continue that process moving forward.

Mr. Caparso made a motion to GRANT ZBA Case #640, Special Exception, Home Occupation for 217 Portsmouth Avenue, Map 5 Lot 11 with the following conditions:

1. Applicant to provide a snow removal plan submitted for approval by the Code Enforcement Officer.
2. The manufacturing, distribution, and sales of these products be restricted to this location only.
3. Applicant to provide adequate directional signage, approved by the Code Enforcement Officer and provided on the site prior to opening the business. No permit will be required for this directional signage.

Mr. Federico seconded the motion. Motion carried unanimously. Mr. Dolan explained to the applicant this approval is subject to a 30-day appeal period and any work done prior to this 30-day clock will be done at the applicant's own risk.

- b. **Case #641, 72 Portsmouth Ave, Map # 09 Lot # 08-120, Gateway Commercial Business Zoning District.** Domino's Pizza represented by Stephanie Torres of Barlow's Signs, This is a public hearing whereby the applicant requests a Variance from Article VII: Signs, Section 7.9(b) Viii of the Stratham Zoning Ordinance to allow the applicant to install an additional wall sign.

Mr. Austin stated he received a telephone call and an email from the applicant stating confusion on their end and they will not be able to be present this evening and sent an email requesting a continuance to November 13, 2018.

Mr. Dolan made a motion to continue Case #641, 72 Portsmouth Avenue, Map 9 Lot 08-120, Gateway Commercial Business Zoning District submitted by Stephanie Torres of Barlow Signs representing Domino's Pizza to November 13, 2018. Mr. Federico seconded the motion. Motion carried unanimously.

### 3) Miscellaneous

- a. Mr. Caparso recommended the board formalize and vote on the requirements regarding ZBA voting process. Mr. Federico stated this was done at the last meeting which had an applicant which the board will agree consensually on each item and take a vote at the end of going through the criteria. Mr. Wolph stated a posted meeting will be required to vote in the procedure. Mr. Austin stated the NH Municipal Association put on a lecture series entitled "Planning Board Fundamentals", which was very clear from the attorney's that each board should have a written procedure that is adopted at a public hearing and filed with the clerk. Mr. Austin recommended the board set a public hearing for the November 13, 2018 meeting to adopt a written "Rules of Procedure".

Mr. Caparso made a motion to set a public hearing for November 13, 2018 to adopt a written "Rules of Procedure". Mr. Dolan seconded the motion. Motion carried unanimously.

### 4) Adjournment

Mr. Caparso made a motion to adjourn at 7:58 pm. Mr. Federico seconded the motion. Motion carried unanimously.