



**Stratham Zoning Board of Adjustment
Meeting Minutes
March 26, 2019
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:05 PM**

Members Present: Garrett Dolan, Chairman
Phil Caparso, Full Time Member
Bruno Federico, Full Time Member
Deidre Lawrence, Full Time Member
Amber Dagata, Alternate
Tana Ream, Alternate

Members Absent:

Staff Present: Shanti Wolph, Code Enforcement Officer/Building Inspector

1) Call to Order/Roll Call

Chairman took roll call. Mr. Dolan asked Ms. Dagata to be a voting member for this evening. Ms. Dagata agreed.

2) Approval of Minutes

a. March 19, 2019

Mr. Federico made a motion to approve the March 19, 2019 meeting minutes as presented. Mr. Caparso seconded the motion. Motion carried unanimously.

3) Public Hearing

- a. Case #646, Philip and Donna Maher, 52 Lovell Road, Map 23 Lot 22, Manufactured Housing Zoning District,** represented by Gary Densen. The applicant requests a Variance per Section IV, Article 4.2, Table of Dimensional Requirements, to construct a single family dwelling at 20' from the front property line. The current setback requirement is 30'.

Gary Densen passed out a sketch that enlarged part of the septic system plan for the board to review, photos of the current mobile home, and a house plan showing the proposed new single family residence. Dennis Puntella, Civil Engineering, working with Gary Densen on the

proposed project. Mr. Densen would like to remove the current mobile home and replace it with a single family residence. The property has an existing two bedroom mobile home with onsite well and septic system in place. The rear of the lot is wetlands and in conservation district, and a portion of the wetland is in the aquifer protection district. The current zoning calls for a 30 ft. setback from the front and the existing mobile home is 19.5 ft. The applicant is proposing the single family dwelling 20 ft. from the front setback. The applicant cannot go back further due to the wetlands in the back of the property. The existing setback to the existing structure is 37.3 ft. to the existing mobile home and the applicant is proposing 39.2 ft. from the wetlands. Mr. Densen explained the applicant is making the situation that exists for this property better than what it currently is. Mr. Densen explained this property is not the only lot with a structure close to the street, the abutting lot to the west is in the same location and there are three to four abutting lots that have the same setback from the street. The applicant applied to the state for a new septic design which has been approved.

Mr. Wolph stated staff recommends granting the variance due to being an existing lot, the wetlands, size and shape of the lot, is not a new situation and this will help bring a dilapidated trailer and failing septic system into the current codes. Mr. Caparso agreed. Mr. Federico asked for clarification that the mobile home will be replaced by a stick-built home. Mr. Densen stated yes. Mr. Federico questioned how many square feet. Mr. Densen stated 1,768 SF.

Mr. Dolan opened the hearing up for public comment in support of this application. William McElreavy, 50 Lovell Road, stated support for this application and explained this mobile home has been vacant for 2-3 years and this would be a positive change. Charlene Burwell, 56 Lovell Road, stated support for this application. Bettina Kersten, 4 Lucien Way, stated several manufactured houses have been replaced in the past few years and questioned where manufactured homes would go in the future to be a more affordable option for families in the future. Mr. Dolan stated the planning board could answer that question.

Mr. Dolan asked for public comment in opposition to this application. Hearing none a motion is in order.

Mr. Caparso made a motion to close the public hearing for ZBA Case #646. Mr. Federico seconded the motion. Motion carried unanimously.

Mr. Dolan stated a variance is requested from Article IV, Section 4.2 of the Zoning Ordinance, and asks that said terms be waived to permit the dimensional table requires 30 ft. front setback, the existing mobile home is 19.5 ft. The proposed single family dwelling will be 20 ft. The proposed new approved sanitary waste disposal system is 11 ft. off the front (state minimum is 10 ft.) and 66 ft. off the wetland.

1B. Denial of the variance would result in unnecessary hardship to the owner.

Mr. Dolan stated the applicant is improving the setbacks in both circumstances therefore making it more compliant with the Zoning Ordinance yet it still does not meet the minimum requirements and the applicant is trying to better the existing situation. Mr. Caparso agreed and stated by updating the septic system the applicant is preventing a detriment to the environment with an aging septic system removal. Ms. Lawrence stated the property

appears to be unbuildable without the requested variance and the applicant has shown in this is the only way to use the lot to construct a residence.

Vote: 5 Yes

2. The granting of a variance will not be contrary to the spirit and intent of the Ordinance.

Ms. Lawrence stated the evidence presented this evening shows that it is consistent with the spirit and intent of the Ordinance. Mr. Dolan agreed

Vote: 5 Yes

3. The authorization of a variance will not be contrary to the public interest.

Ms. Lawrence stated the abutters that spoke this evening believe the proposed structure will improve the appearance of the property for the neighborhood and the applicant demonstrated the improvements would be in the public interest from aesthetics and public health.

Vote: 5 Yes

4. Authorization of a variance will result in substantial justice.

Ms. Lawrence stated while it will allow the owner to fully use the building site. Mr. Caparso stated substantial justice is done on the environmental impact with respect to the upgrade of the sanitation issue so close to the wetlands.

Vote: 5 Yes

5. Authorization of a variance will not diminish the value of surrounding properties.

Vote: 5 Yes

Mr. Lawrence made motion to GRANT the application in Case #646 regarding a variance request per Section IV, Article 4.2, of the Table of Dimensional Requirements to construct a single family dwelling 20 ft. from the property line. Mr. Caparso seconded the motion. Motion carried with a vote of 5 in the affirmative.

Ms. Ream voted on the five (5) criteria and the motion to grant the variance for Case #646. Due to Ms. Ream not being seated as a voting member Ms. Ream's vote is not valid.

Mr. Dolan explained there is a 30-day window for appeals and any action taken by the applicant before this 30-day window expires would be done at their own risk.

- b. **Case #644, Caroline S. Robinson Trust, 61 and 62 Stratham Heights Rd, Map 02 & 05 Lot 14 & 81 respectively, Residential Agricultural Zoning District.** Represented by Kevin Baum of Hoefle, Phoenix, Gormley & Roberts, P.A. Attorneys at Law. The applicant requests a Special Exception per Article 3.6(E)(1 & 4), Section III, to operate as an event venue

and rent its land and facilities to a non-profit organization that will operate as “Non-Profit Lodge” and “Private School”.

Ms. Ream requested to be recused from this hearing.

Kevin Baum, Attorney representing the applicant, introduced Sophie Robinson, Owner/Founder of Robinwood Center, Bruce Scamman, Emanuel Engineering, and Vern Gardner, Horizon Associates. Mr. Baum explained Mr. Gardner provided the “before” and “after” appraisals submitted via email and distributed this evening. The appraisal’s conclusion is there is no change to the property values.

Ms. Robinson introduced herself and gave background and history of the property. Ms. Robinson’s parents bought the property from her grandparents, Dr. & Mrs. Saltenstall, and started an organic, pick-your-own, berry farm called “Berry Hill Farm”. Ms. Robinson would like to keep the legacy of her parents and grandparents to give back to the community. The concept of the Robinwood Center is about giving back to the community. Ms. Robinson stated the community needs a place to come together, across their differences, to be aware of the commonality among us. Ms. Robinson stated Robinwood Center will offer the following: teach the public to grow their own food and allow them space in the community garden; hold difficult conversations regarding race, politics, and class; space will be provided for groups such as veterans to hold meetings and events; allow local kids to walk the property to get to CMS safely. The Robinwood Center’s aim, by using agriculture and sustainable practices the goal is to bring people together as a deeper, richer community. Ms. Robinson has a goal to preserve one of the few beautifully maintained old farms in Stratham and to allow others to enjoy the rare, historic nature of the property. Ms. Robinson stated Stratham’s motto is “Inspired by the Past, Committed to the Future”, which is what she is proposing to do. Ms. Robinson read a portion of the new master plan. Ms. Robinson stated she is not intending to destroy her family’s history on this land, but to share it and grow with it to meet the evolving needs in an evolving world. Ms. Robinson voiced her appreciation to the board, the public, and the neighbors who are willing to work with her to bring this vision to Stratham.

Bruce Scamman, Emanuel Engineering, explained the property. The majority of the work to be done will be with the barn structure located and attached to the existing residence. Mr. Scamman explained a parking area was required for those attending events at the barn. The existing driveway will be widened slightly and a 40 space parking lot is being proposed. The parking lot will be a green infrastructure which was approved by the Planning Board on March 6, 2019. Mr. Scamman stated the applicant worked with the neighbors to install a berm and trees to soften the impact of the adjacent parking lot. Mr. Scamman stated the front area in front of the parking area is wooded and to less the view of the parking area from Stratham Heights Road. Mr. Scamman explained that for the larger events there will be parking along the stone wall across the street, which has been approved by the Planning Board. The area is a grass, mowed area which will not look any different than it does today. There will be a little gravel added at the driveways for safety reasons only. An infiltration basin will be installed to treat water and put it back into the aquifer. Mr. Scamman stated Dr. Saltenstall ran a camp in the 1970’s at this site that was aimed at teaching people to be environmentally friendly which is similar to what Ms. Robinson is aiming to do today.

Attorney Baum stated the grass area has been used in the past for parking related to the farm. Attorney Baum asked for confirmation that the proposed parking will be pervious. Mr. Scamman stated the parking on the south side of the road will be grass as it is today. The parking area by

the barn is proposed to be a porous lot which allows the water to go down through, be treated, and enter back into the aquifer. Attorney Baum explained Ms. Robinson is proposing to continue the long-standing agricultural use of the farm and to share it with others. In order to accomplish it will require continued viability. This property is difficult to be kept just as a farm or just as a farm stand, it is not viable. In opening this up to the community it will continue the viability, increase taxes, and give back to the community. The goal in opening this up to the community is to continue the viability, increase taxes, and give back to the community. This will continue agriculture use and a portion, primarily the farmhouse and associated out buildings, will be leased to the Robinwood Center. The Robinwood Center is a NH non-profit currently seeking 501-C3 status with that portion as an agricultural, education community center, agricultural education and meeting center to provide community spaces, agricultural training, and internal workshops. The exterior will provide community gardens, seed bank, and sustainable agricultural and other similar agricultural trainings. Attorney Baum explained there is no proposal to enlarge or add onto the existing structures. The internal changes will be life safety improvements. Last December Ms. Robinson reached out to the neighborhood and abutters regarding this proposal. There have been several meetings and pot luck events to explain the proposal as well as going through the site plan review process. The feedback has been very positive. Some of the nearby neighbors have expressed concern and in an effort to address those concerns the applicant has proposed operational conditions for the site plan approval, which included several conditions on use. The Planning Board sited they were not applicable to the site plan review process and recommended they be considered by the Zoning Board of Adjustment. Mr. Wolph stated the Staff Review includes the six (6) items proposed by the applicant, in addition to the three (3) the Planning Board kept. Attorney Baum read the proposed conditions and included the following additional condition of operation based on a recommendation from the applicant's traffic engineer: Include site triangles for the exits. In consultation with town staff the applicant is before the board with the specific request for a Special Exception under Section 3.6(E)(1) & (E)(4).

Mr. Caparso questioned if the applicant received the C3 approval. Attorney Baum stated not at this time, it typically takes almost up to a year. The Robinwood Center has a NH State Non-Profit status but it has not received the federal 501-C3 status as of today. Attorney Baum explained the benefit of the C3 status is for folks to make tax deductible donations. Mr. Caparso asked if the applicant is comfortable opening with just the state of NH non-profit status. Attorney Baum stated yes. Ms. Lawrence asked for clarification regarding the Tulip Tree LLC and the Robinwood Center. Attorney Baum explained the property is currently owned by Ms. Robinson's mother's trust for the benefit of Ms. Robinson. This is in the process of being transferred to Tulip Tree LLC which is a normal LLC for which Ms. Robinson will be the sole member. Attorney Baum explained this will be owned by an LLC and not a non-profit so it will remain taxable. Tulip Tree LLC will then lease to the Robinwood Center, under a separate lease for the portions of the property. Ms. Robinson and her fiancé will continue to reside on the property.

Attorney Baum read through the special exception criteria. Mr. Federico questioned if any portion of the property is on conservation land. Attorney Baum stated a large part of the property is under conservation, the majority is across Stratham Heights Road and a letter support was received from South East Land Trust, the conservation holder. Mr. Dolan asked if the conservation holder made any comments regarding the activities on the north side of the property. Attorney Baum stated they are supportive of the proposal and the application presented this evening. Mr. Caparso questioned what the proposed enrollment in the school would be. Attorney Baum explained this is not an enrollment school but fits the private school criteria due

244 to providing education and classes. Ms. Robinson estimates approximately 15 people per class.
245 Mr. Caparso questioned how many classes per day. Ms. Robinson stated there may be three (3)
246 proposed classes per day. Mr. Caparso asked for clarification regarding the proposed events. Ms.
247 Robinson stated the proposal is approximately 10 events per year with 100-200 people per year
248 from April to October and one (1) event with 200-400 people and would be agricultural in nature.
249 Mr. Federico asked for clarification that all the parking would be in the parking lot. Attorney
250 Baum stated there will be 40 parking spaces for daily use and overflow use, mainly for events,
251 will be in the field on the south side. Mr. Federico questioned if a police detail for large events is
252 being proposed. Ms. Robinson stated any event over 100 people the applicant will request a
253 police detail and the police department agreed. Ms. Robinson stated the applicant is proposing a
254 sidewalk in the future. Ms. Robinson explained the 10 events per year would be all inclusive for
255 both Tulip Tree LLC and Robinwood Center. Attorney Baum stated that the applicant meets the
256 criteria for a special exception and with the proposed conditions has addressed, in a reasonable
257 manner, the concerns of the surrounding neighbors and area. Mr. Caparso asked what the total
258 gross living area and barn square footage is. Attorney Baum stated the residence is 11,928 SF
259 and the barn is approximately 3,440 SF with four stories. Mr. Federico questioned if life safety
260 issues were satisfied at the planning board. Attorney Baum stated yes and the applicant will be
261 required to get an approved certificate of occupancy from the code enforcement officer as well.
262 Mr. Federico questioned if the barn will be sprinklered. Ms. Robinson stated she has been in
263 discussion with a fire protection engineer and they stated the threshold for sprinklers would be
264 approximately 300 people and their proposed use would not meet that requirement. Ms.
265 Robinson stated the barn has an existing 20,000-30,000 water cistern which could also be used.
266 Ms. Dagata questioned if the farm business still exists on the property. Attorney Baum stated the
267 lease for that business expired but there is still farm use planned. Ms. Dagata questioned if there
268 will be parking for the farm use as well. Ms. Robinson stated any agricultural activities will have
269 the parking on the south side and has been that way for over 30 years.

270
271 Mr. Wolph stated non-profit lodges and private schools are allowed by right in the residential/
272 agricultural zone providing they meet the special exception criteria. The applicant went before
273 the planning board and staff's opinion of finding of fact has shown the planning board has
274 satisfied four (4) of the six (6) special exception criteria. Ms. Lawrence questioned why the
275 applicant added the non-profit, lodge use to the application. Attorney Baum stated the ordinance
276 does not have a definition for a lodge and this proposal is not an exact fit and the applicant feels
277 this proposal meets private school and the non-profit, mission driven meetings fall into the
278 definition of non-profit lodge. Ms. Robinson explained the Robinwood Center will have a
279 membership and community members will pay for a yearly membership to give them access and
280 discounts on workshop, farm stand, and use of the space. Mr. Dolan stated concern that the
281 zoning board has the duty to hear and make a decision on an application that does not have a
282 definition for the use in the zoning ordinance. Mr. Wolph asked if the board needs a definition to
283 determine whether the criteria of the special exception have been met. Ms. Lawrence stated the
284 question is whether or not the use is permitted as a special exception or is it permitted with a
285 variance. Mr. Wolph stated the application, as submitted, falls under the section of the zoning
286 ordinance that requires a special exception. Mr. Dolan stated the board has been put in a position,
287 on several occasions, where the board had to make decisions based on ambiguous definitions in
288 the zoning ordinance and establishing precedent by taking cases and making decisions on them is
289 bad policy for this board and the town. Ms. Lawrence agreed and stated the Planning Board's job
290 is to consider if there are uses listed in the Table of Uses there are too many terms left undefined
291 and have to revert to dictionary definitions. Ms. Lawrence asked if large events include
292 conferences. Ms. Robinson stated primary use is not for conferences but for the Robinwood
293 Center use. For example, the past ten (10) years there's been a collaboration of local chefs and

294 local farmers and Ms. Robinson hosted the Seacoast Eat Local Fundraiser dinner in the barn for
295 the past 10 years.

296
297 Mr. Dolan opened the hearing up for the public to speak in support of this proposal.

298
299 Jennifer Kinzy, 83R Stratham Heights Road, stated she's moved to Stratham 23 years ago, has
300 been friends of the family since moving here, and moved to Stratham for the rural nature and
301 farms of the community. Ms. Kinzy stated if we don't support people who own this land in order
302 to sustain and care for it, it will be lost.

303
304 Charity Chatfield, 116 Stratham Heights Road, stated she met Ms. Robinson this weekend after
305 she invited most of the neighborhood to the farm for an overview of the project. Ms. Chatfield
306 stated the more she learned the more supportive of this project she became. It is a beautiful barn
307 and property and to not allow it to be sustained would be a huge loss to the neighborhood. Ms.
308 Chatfield stated she and her husband are 100% in support of the project that will be a value to the
309 neighborhood. The traffic concerns from neighbors is not supported, the traffic on the road is
310 7:20 am and 2:00 pm.

311
312 Michael Johnston, 84 Glengary Drive, stated support for the project. Mr. Johnston is a member
313 of the advisory board, an artist and filmmaker and teaches. Mr. Johnston stated as an artist he's
314 trying to work out projects that draw on the practicality of the community farming and have
315 people learn in the small educational events about growing food. Mr. Johnston stated to find a
316 sense of community by gathering different from different walks of life at a common event. The
317 educational aspects are more adult education.

318
319 Forrest Barker, 216 Portsmouth Avenue, is on the advisory board and trusts Ms. Robinson's
320 vision and this will be a great resource for the Town of Stratham.

321
322 Courtney Simmons, 2A North Main Street, Newmarket, stated support of the Robinwood Center
323 and looks forward to this organization having a positive impact on a great seacoast community.
324 While the center is in its infancy and has not opened for public programming, the staff has
325 already made healthy connections with neighbors, businesses, non-profit agencies, and sister
326 organizations through the state and beyond. The Robinwood Center is needed and highly
327 anticipated as it will become a space for people to learn, grow, share, heal, and encourage.

328
329 Michael Welty, 6 Walters Way, has known the Robinson family for years and Ms Robinson is
330 third generation to bring sustainability, healing, and community to Stratham. Mr. Welty spoke
331 about the Robinson family.

332
333 Melissa Gahr, 5 Orchard Hill Road, is a neighbor of the property and stated support for this
334 project. Ms. Gahr helped start the PCAC and the neighborhood has many bikers and walkers and
335 Ms. Robinson offered their property as a potential trail for kids to walk to school to by-pass
336 Guinea Road and Stratham Heights.

337
338 Jim Magarett, stated he sat on the Conservation Commission in the past and had the opportunity
339 to walk the property and recently help the owner mow the fields. It is beautiful land and he is in
340 full support of this project.

Bettina Kersten, 4 Lucien Way, stated she is on the Safe Routes to School Committee and Ms. Robinson has volunteered the property for trails to allow kids to walk safely to school. Ms. Kersten stated the trails would be an asset to the community. Ms. Kersten stated recent developments added more cars to Stratham Heights Road and the town needs to look at solutions to make the neighborhood walkable and bikable.

Kyle Bloom, 61 Stratham Heights Road, stated he helps co-manage the property and his goal is to learn how to become a good steward to this land and community. Mr. Bloom stated Ms. Robinson is looking to build this space for people to come and learn and share. Mr. Bloom stated he believes the board and the community will help guide them to move forward and help them become active members of the community and good stewards of the land.

Cathy Tallone, 5 Rollins Farm Drive, stated she found out about this project on social media and read about it. Ms. Tallone stated the applicants were very easy and inviting to learn about this proposal. Ms. Tallone stated the applicant is very connected to this property and community and what she is bringing back to town is inspiring. Ms. Tallone stated there is no comparison between the 50+ homes building built off Rollins Farm Drive and what Ms. Robinson is proposing, and the traffic issues are not comparable. Ms. Tallone stated full support for this project.

Courtney Simmons, 2A North Main Street, Newmarket, stated organizations are currently stepping up to partner and collaborate with the Robinwood Center and they've been completely transparent through this process.

Rich Walker, 116 Stratham Heights Road, stated support for this project and believes this is what the town needs. Mr. Walker has 22 houses going in behind his home which used to be a farm and it would be a disaster if this happened to this property. This property is an old part of the town and the community needs to keep it.

Bettina Kersten, 4 Lucien Way, stated NH is aging and Stratham is aging and the community needs to encourage young people to come back and find a home here. The further people commute to work, the less they are able to be involved in the community. The town should be encouraging local business and people that don't have commuting time to become involved in Stratham.

Mr. Dolan opened the hearing for public comment in opposition of this application.

Joshua Cooper, 9 Orchard Hill Road, stated he supports a lot of what the applicant wants and opposes some of what they don't. Mr. Cooper read his comments to the board and submitted the document as part of the record for this application. Mr. Cooper stated he is in support of what the Robinwood Center stands for but he does not support the events because he believes it to be more of a conference center than a community center.

Bridget Hayward Lord, 80 Stratham Heights Road, stated she's been in real estate for 16 years and supports what Mr. Cooper spoke to and has reviewed Rosemary Garneau's, Bean Group, report on the impact on property value and believes it is not relevant to this project. Ms. Hayward Lord explained much of what has been proposed is awesome and the community would enjoy what Robinwood Center is proposing, but the events are too much.

Dave Tosatti, 72 Stratham Heights Road, introduced his wife Shannon and stated they are an abutter of the southern part of the property. Mr. Tosatti asked Mr. Wolph for clarification that all the criteria must be met. Mr. Wolph stated yes and finding of fact has to be presented that would support each one of the criteria. Mr. Tosatti stated there was no finding of fact that states the neighborhood is not going to change. Mr. Tosatti also asked for clarification that the board cannot waive any of the criteria. Mr. Wolph stated the board cannot waive any of the criteria.

Attorney Baum stated some of the abutters in opposition stated the general proposed use with the event use. The primary use will not be event use and the applicant has added reasonable provisions to protect the neighbors from the concerns they spoke to this evening. Attorney Baum stated there is no view easement on properties and would like to remind the neighbors they moved next to a working farm and they relator's comment that she could never tell people that there would never be an event at this property and she shouldn't tell her clients such things. Attorney Baum stated tracking the decibel level is unenforceable and is not reasonable. The tractors and farm work will be far noisier by right without this special exception. Ms. Robinson and the Robinwood Center have gone out of their way to put in protective conditions which will be enforceable. Attorney Baum stated the board may have their opinions but they cannot ignore expert testimony and the owner has a right to use their property and have reasonable use.

Joshua Cooper, 9 Orchard Hill Road, stated his neighbor, Mr. Schiffman, asked him to make a comment in his absence. Mr. Schiffman is selling his home and will be moving to Greenland as he doesn't want to deal with this project.

Mr. Federico made a motion to close the public hearing. Ms. Lawrence seconded the motion. Motion carried unanimously.

Mr. Wolph stated an observation regarding noise and traffic, a use by right of agriculture an agri-tourism there could be many more events than are proposed and livestock could arguably be more disruptive and more active 24 hours a day with no limitations on time frames.

Mr. Federico stated this property is in the residential/agricultural zone and that the state is encouraging agri-tourism and with agri-tourism which enables farms to augment farming in terms of teaching, farm stays, etc. Mr. Federico stated this project has been approved by the Planning Board with conditions. Mr. Federico questioned if thought was given to rearrangement of the parking lot during the planning process. Mr. Scamman stated there were several discussions on the parking lot. The parking lot was moved further away from the property line and the applicant will install berms and trees to protect the abutters from headlights. Mr. Scamman stated there will be maximum hours when the lights will go off completely. The lighting will be motion detection, dark sky compliant, and downward facing. Mr. Scamman explained the drainage and crosswalk issues for the board.

Ms. Dagata stated concern with traffic issues. Ms. Lawrence stated the board cannot rely on their personal opinions and the board must look at the evidence in the record. This proposal has a traffic study provided (Exhibit 6) which indicates this does not constitute a major traffic generator. Mr. Caparso stated the board has to take into account the expert testimony but he's heard people for and against complain about the traffic on Stratham Heights Road as it exists today and adding an event that increases traffic 50-100 cars per day will impact traffic. Mr. Wolph explained the criteria states "no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity", which is what the experts offered.

17.8.2.c Special Exceptions: shall meet the following standards:

- i. Standards provided by this Ordinance for the particular use permitted by special exception;

Mr. Dolan stated the ordinance provides for large and schools in the residential/ agricultural district by special exception so the application meets this criteria.

Votes: 5 Yes

- ii. No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials;

Votes: 5 Yes

- iii. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;

Ms. Lawrence stated recommendation the proposed conditions in the application and the suggested conditions by the advisory opinion of the planning board be part of the approval of the special exception. Ms. Dagata stated concern that two realtors speak opposite of detriment to property values. Mr. Wolph stated a professional appraisal was submitted to the board for review and a letter submitted based on years of experience which did not include actual empirical data.

Votes: 3 Yes; 2 No

- iv. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;

Votes: 3 Yes; 2 No

- v. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools;

Votes: 5 Yes

- vi. No significant increase of storm water runoff onto adjacent property or streets.

Votes: 5 Yes

The special exception for Case #644 is GRANTED with the following conditions:

1. For any non-family event of 100 or more people, a police detail will be requested.
2. For any wedding reception of over 100 people, buses and/or shuttles shall be provided to avoid on-site parking and driving.
3. For all events over 100 people, the neighbors at Map-Lot #5-71, #5-80, #5-82, and #2-13 shall be notified as to the date and time at a minimum of seven (7) days prior to event.

- 492 4. All events shall be held within the Stratham Noise Ordinance and will conclude at
493 9:00 PM at the latest, any loudspeakers with music shall be kept inside the barn
494 during events.
495 5. Large events will be limited to one large agricultural event (200-400 people) and no more
496 than 10 other events of more than 100 people per year. These events will be limited to
497 occurring between April 1 and October 31.
498 6. Hours of Operation for classes shall be 8:00 AM to 9:00 PM Monday through Sunday.
499 7. Site distance triangles will be maintained on either side of the driveways.
500 8. Evergreen plantings on berm be allowed to grow through second story height to mitigate
501 any view by neighbors.
502

503 Mr. Federico made a motion to GRANT the Special Exception with the eight (8) conditions. Ms.
504 Dagata seconded the motion.
505

506 Votes: 4 Yes, 1 No
507

508 Mr. Dolan stated the applicant has a 30-day appeal period and any action taken prior to this time
509 will be taken at the applicant's own risk.
510

511 **4) Other Business** 512

513 Mr. Wolph stated staff will amend the application forms for special exception and variance in order to
514 make them consistent with the ordinance for the board to follow the criteria. Mr. Wolph stated there
515 are inconsistencies with the Zoning Board of Adjustment Handbook which is sometimes referred to so
516 the Handbook would only be referred to for clarification on a specific criteria.
517

518 **5) Adjournment** 519

520 Ms. Lawrence made a motion to adjourn at 10:33 pm.