



**Stratham Zoning Board of Adjustment
Meeting Minutes
May 14, 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
Amber Dagata, Alternate

Members Absent: Tana Ream, Alternate

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 26, 2019

Mr. Caparso made a motion to approve the March 26, 2019 meeting minutes as presented. Mr. Federico seconded the motion. Motion carried unanimously.

3) Public Hearing

- a. Case #648, Ronald Deane, 245 Portsmouth Ave, Map 22 Lot 01, Residential Agricultural Zoning District,** represented by Ronald Deane. The applicant requests a Variance per Section V, Article 5.13.2(a)-Home Occupation Conditions, to exceed the square foot allowance for a Home Occupation by 272 Square feet.

Mr. Wolph stated the applications for the Variance and Home Occupation were reviewed and found to be complete. The proposed business use appears to be consistent with the intent of the Home Occupation under the zoning ordinance definition. The parking lot on site was reviewed and is consistent with the requirements.

46 Ron Dean, 245 Portsmouth Avenue, explained 8 years ago he undertook a large project at 245
47 Portsmouth Avenue to downsize the antique business he currently has at 3 Chase Lane. The
48 second floor of the garage was finished with the intention of becoming the antique shop. Mr.
49 Deane stated he did not look into the square footage and when he applied he was notified that
50 the square footage on the second floor of the garage is larger than allowed. Mr. Deane explained
51 it will be hard to tell there is a business there unless the sign is out as "open". Mr. Deane stated
52 this antique business will not create a nuisance or disturb the neighbors. Mr. Caparso questioned
53 the proposed signage. Mr. Deane stated one sign on Portsmouth Avenue and a temporary sign
54 on Depot Road for the entrance to "D'Art Antiques". Mr. Wolph stated a 4 (four) square foot
55 sign advertising the business is allowed and directional signage would be exempt providing it is
56 simply an arrow with no other advertisement included. Mr. Wolph explained any signs Mr.
57 Deane applies for will have to follow the Town of Stratham Ordinance. Mr. Federico
58 questioned if Mr. Deane was allowed two (2) signs due to fronting two (2) streets. Mr. Wolph
59 stated no, Home Occupation signage is limited.
60

61 Dave Canada, 47 Bunker Hill Avenue, stated support for Mr. Deane's application and is
62 speaking on behalf of himself and the Heritage Commission as the Commission's Chair. Mr.
63 Canada stated it is important to have flexibility and adaptability for the old storage structures,
64 especially along Route 33. It is important residents have some type of economic viability in
65 order to restore/renovate and keep them from collapsing. The Heritage Commission is working
66 on possible zoning changes to suggest to the town along Route 33 which would clarify this
67 concept in return for restoring and improving storage structures. Mr. Deane has an existing
68 antique shop on Chase Lane. Mr. Canada reiterated that Mr. Deane is reducing the scope of his
69 existing antique business by approximately 25%. Mr. Canada explained a hardship exists by
70 trying to adapt and maintain a building that was created in a different day and age for large
71 animals, which is hard to put into use today. Mr. Canada pointed to Cornet-Wiggin barn which
72 is imploding and what happens when residents don't have economic relief.
73

74 Rebecca Mitchell, 200 Portsmouth Avenue, explained she is a member of the Heritage
75 Commission and stated support of Mr. Canada's testimony. Ms. Mitchell stated she is neighbor
76 of Mr. Deane's business on 3 Chase Lane. Ms. Mitchell stated Mr. Deane's business has always
77 been low key and never observed anything that would upset the neighborhood or be construed as
78 bothersome. Ms. Mitchell stated her belief this will be a desirable operation.
79

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

83 Mr. Caparso spoke in support of this application and Mr. Deane is 3% off of the occupancy
84 percentage and this blends itself to preserving a barn.
85

86 Mr. Caparso made a motion to bring Case #648 to a vote. Ms. Dagata seconded the motion.
87 Motion carried unanimously.
88

Finding of Facts Supporting This Request:

1. Denial of this variance would result in unnecessary hardship to the owner because:

B. Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance and a variance is therefore necessary to enable a reasonable use of the property because:

Because the house was built at a time (1760) when homes were smaller and contained only essential living spaces, the square footage was much less. The Home Occupation limit of 25% of living space allows too little space to operate a single owner antique shop.

Vote: 4 Yes

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

All operations and items for sale will be contained inside the existing building and will not change the outward appearance.

Vote: 4 Yes

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

There will be no harmful effects...noise, smoke, fumes, outside storage, etc. as a result of the operation of an antique shop.

Vote: 4 Yes

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

The area the garage planned for use for the antique shop is already finished, painted, carpeted and heated and if it was part of the main house structure the combined footage would nearly satisfy the home occupation requirement.

Vote: 4 Yes

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

The upgrading of the property over the past 8 years has improved the property value substantially. The operation of a small, contained business will allow an antique shop that has been part of Stratham's "antique alley" the past 20 years (formerly at 3 Chase Lane) to continue operation in town.

Vote: 4 Yes

Mr. Caparso made a motion to GRANT the variance for ZBA Case #648. Ms. Dagata seconded the motion. Motion carried unanimously

- b. Case #647, Ronald Deane, 245 Portsmouth Ave, Map 22 Lot 01, Residential Agricultural Zoning District**, represented by Ronald Deane. The applicant requests a Special Exception per Section V, Article 5.13-Home Occupation. To use the second floor of a detached garage for an Antique Shop.

Ron Deane, 245 Portsmouth Avenue, explained he believes he gave the board all the information regarding this special exception above. Mr. Deane stated there was a previous business at this site for a number of years. Mr. Deane stated there are a few properties in the area who are restoring old homes and barns.

David Canada, 47 Bunker Hill Avenue, reiterated he and the Heritage Commission support this application which will be very easy, low duty, low impact residential use for a Home Occupation.

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

As a home occupation antique store all items for sale will be within the building and not visible from the street. The appearance of the garage will be no different from others in the neighborhood. There will be no noise, fumes or waste material created and no additional demand will be made on municipal services. Visitors will have access from Depot Road to parking on the property next to the building. Based on nearly 20 years experience at D'art Antiques at 3 Chase Lane, it is anticipated there will seldom be more than 2 or 3 cars at a time, but there is space to accommodate 7 to 9.

Vote: 4 Yes

- B. No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials will result because:

No such toxic materials will be on the site.

Vote: 4 Yes

- C. 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 will occur because:

All materials will be inside the building.

Vote: 4 Yes

D. No creation of a traffic safety hazardous or substantial increase in the level of traffic congestion in the vicinity as a result of the proposal because:

Vote: 4 Yes

E. The use will not result in the excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools because:

No municipal services will be required for operation at the shop.

Vote: 4 Yes

F. There will be no significant increase of storm water runoff onto adjacent property or streets as a result of the proposed use because:

Existing building will be used and runoff is contained in yard and will not reach streets or adjacent property.

Vote: 4 Yes

Mr. Caparso made a motion to GRANT ZBA Case #647 Special Exception for a Home Occupation. Ms. Dagata seconded the motion. Motion carried unanimously.

Mr. Dolan explained to the applicant there is a 30-day appeal period and any activity taken during that period will be done at the applicant's own risk.

4. New Business

5. Other Business

Election of Officers

The board discussed the lack of members. The board currently has 3 full time members and 2 alternates. Board members are required to be appointed by the Board of Selectmen.

Mr. Caparso made a motion to recommend the Board of Selectmen appoint Amber Dagata as a full time member to replace Diedre Lawrence. Mr. Federico seconded the motion. Motion carried unanimously.

Mr. Wolph stated the following terms and expirations:

-Mr. Dolan expires 2019

-Mr. Caparso expires 2021

-Ms. Dagata will renew a 3-year term when she is appointed a full member

Mr. Federico nominated Mr. Dolan as Chairman. Mr. Caparso seconded the nomination.

Mr. Federico nominated Mr. Caparso as Vice Chair. Ms. Dagata seconded the nomination.

Mr. Caparso nominated Ms. Dagata as Secretary. Mr. Federico seconded the nomination.

The recommended nominations carried unanimously.

238 The board recommended establishing the meeting time not go past 10:00 pm and any business not
239 completed by 10:00 pm will be continued to a date specific. Mr. Caparso recommended this
240 discussion be tabled to the next hearing while Mr. Wolph researches the topic.
241

242 **6. Adjourn**
243

244 Mr. Caparso made a motion to adjourn at 8:10 pm. Mr. Federico seconded the motion. Motion
245 carried unanimously.