



**Stratham Planning Board
AGENDA
August 3, 2022
Stratham Municipal Center
Hutton Room
Time: 7:00 PM**

The public may also access this meeting at the date and time above using this conference call information. Please dial **1-800-764-1559** and input **4438** when prompted for a user pin/code. Please follow the Chair's instructions delivered at the meeting in order to register comments during the public meeting.

If at any time during the meeting you have difficulty hearing the proceedings, please e-mail mconnors@strathamnh.gov.

1. Call to Order/Roll Call

2. Approval of Minutes:

- a. July 13, 2022 Planning Board Minutes

3. Public Meeting:

- a. Update on Transportation Planning Priorities including proposed NHDOT Route 33 Improvements
- b. Source and Storm Water Protections Discussion
- c. Sign Ordinance Revisions Workshop
- d. Miscellaneous Community Planning Issues

4. Adjournment

Full text of the agenda and related information can be found on file with the Stratham Planning Department and posted on the Town website at <https://www.strathamnh.gov/planning-board>. All interested persons may be heard. Persons needing special accommodations and/or those interested in viewing the application materials should contact the Stratham Planning Department at (603) 772-7391 ext. 180.



Stratham Planning Board Meeting Minutes
July 13, 2022
Stratham Municipal Center
Time: 7:00 pm

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

Members Absent: Pamela Hollasch, Regular Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order and took roll call. Mr. House appointed Mr. Kunowski as a voting member for the meeting.

2. Approval of Minutes

a. June 22, 2022

The approval of minutes from June 22, 2022. Edits were discussed. Line 29, Mr. Kunowski meant to say April 20th. Lines 64 and 65 regarding Mr. Houghton's question was clarified. Additional questions on who was speaking throughout the minutes were addressed. Mr. Zaremba made a motion to approve the draft minutes as amended. Mr. Kunowski seconded the motion. All voted in favor.

b. April 20, 2022

Mr. Canada made a motion to approve the draft minutes. Mr. Zaremba seconded the motion. All voted in favor.

3. Public Hearing:

- a. Tulip Tree, LLC (Owner), Kyle & Sophie Saltonstall (Applicants) - Request for approval of a site plan amendment to allow for modifications to the landscape plan associated with an event venue, non-profit lodge, and private school use at 61 Stratham Heights Road (Tax Map 5, Lot 81) approved by the Planning Board on March 6, 2019, Zoned Residential Agricultural.**

Mr. House explained that the Applicant has requested this hearing be postponed until August 17, 2022. Mr. House asked for a discussion. There was no discussion.

Mr. Canada made a motion to postpone the public hearing to August 17, 2022. Mr. Zaremba seconded the motion. Mr. Kunowski recused himself from the motion. The motion was approved with one recusal.

- b. To amend Section 4.2.7 of the Site Plan Regulations for the purposes of adding application fees for applications submitted under the Route 33 Neighborhood Heritage District.

Mr. House requested that Mr. Connors explain the topic. Since the last meeting, Mr. Connors researched what other towns charge for application fees and provided the planning board with a summary chart. There was discussion at the last meeting if Stratham should increase the fees. Stratham's model is the first type in the state so there is no exact corollary to what we are doing. The closest in New Hampshire is the Historic District Commission which about 50 towns have some sort of Historic District Commission and most of them collect a fee as part of their application structure. Fees for some towns are listed in the chart. Most have a flat fee for minor or major projects. Two towns have a sliding structure. Kingston starts at \$25 and if you are constructing a new commercial building the fee is \$500 as the base fee. Portsmouth has the highest fee that starts at \$100 and is capped at \$5,000. Mr. House asked if there is a descriptive criteria for each monetary value. Mr. Canada responded that the higher end is generally commercial. Mr. House asked how, for example, it is determined if a project fee is \$3,000 vs. \$4,000 vs. \$5,000. Mr. Connors responded that it is based on the square footage of the development.

Mr. Houghton stated that Stratham wouldn't need to be concerned with the density of applications as he doesn't believe we will get besieged with these and have to hire staff to manage it. Mr. Houghton doesn't have a sense of the administrative burden but Stratham should be setting the fee to reasonably manage the administrative burden associated with the applications and include the other fees related to sending notices to abutters. It is appropriate to have a fee associated with abutter notification and an appropriate fee to process the application. Mr. House believes the fee should be "per abutter". Mr. Canada agrees that the fee should be "per abutter". Mr. House and Mr. Houghton do not like the sliding fee. Mr. Houghton reiterates that there are two administrative areas to address with the fee: the staff time accepting and processing the application and the cost of mailing the abutter notification. The "per abutter" fee would address the notification piece and the staff time processing the application would also need to be covered.

Mr. Connors believes the staff time depends on the complexity of the project. A residential addition requires minimal staff time, but a new development would require more staff time. Mr. Connors likes the idea of some sort of sliding scale and notes that if, for example, if the project is five new housing units, the fees won't impact the development. But for a homeowner completing a minor project, Mr. Connors would advocate keeping the fees as low as possible. Discussion continued that Stratham should cover our costs and not more than that. Mr. Connors stated that the building permit fees are based on the cost of the development and the planning

87 board fees are based on the size of the development: \$150 flat fee and \$100 per 1,000 square feet.
88 Mr. House noted that's not really a sliding scale and without a cap, the fee could be high. Mr.
89 Connors presented the existing building permit and Planning Board fees as a comparison. Mr.
90 House asked if the fees cover third party engineering fees hired by the Town. No. Mr. Connors
91 replied that engineering would not be part of the Heritage phase, but instead part of the Planning
92 Board phase. Mr. Zaremba asked if an application can expire, for example, if the applicant
93 doesn't perform on other requirements. Mr. Connors replied yes, an applicant has 120 days to
94 satisfy conditions of a Planning Board approval. Then the applicant has 18 months to apply for a
95 building permit.

96
97 Mr. Canada indicated he had a problem with major commercial being charged on a per square
98 foot basis as he does not see the administrative burden being larger. It's not like a building
99 permit that needs continual follow-up. He believes that \$150 plus a \$100 per 1,000 square foot
100 sounds steep. Mr. Houghton suggested making the fee \$300 per project, but again asked about
101 the value of the staff time. Mr. Connors suggested having a cap on the fee with the cost per
102 square foot. Mr. Canada noted that Portsmouth wants to be a partner with their development.
103 Mr. Canada noted that Portsmouth has a lower tax rate than Stratham and their administrative
104 layers are incredible. Portsmouth's larger commercial base contributes to the lower tax rate, but
105 also by charging high fees, so he does not think it is a good example for Stratham.

106
107 Mr. Canada would like to see a reasonable cap or a flat fee, but did not have a suggestion on a
108 reasonable cap and noted that a couple hundred dollars should not make or break a project. Mr.
109 House asked Mr. Connors' opinion. Mr. Connors suggested a cap of \$400 and a minimum fee of
110 \$150 or \$200. Discussion ensued and Mr. House asked the board if they would like to set the
111 base fee at \$50 and new residential application fee at \$150 plus \$100 per new housing unit. Mr.
112 House mentioned the work of meeting with the HAC group, reviewing the application, preparing
113 comments and asked Mr. Connors to estimate staff time for a small residential project. Mr.
114 Connors would advocate for a lower fee of \$100 and \$75. Mr. Houghton reiterates the fee should
115 cover the time value associated with the work and the applicant should cover that cost. If the fees
116 are set too low, then the taxpayers of Stratham are paying for the applicant's project. Mr.
117 Houghton compared the staff time to review a small residential lot project vs. the tech college at
118 90 acres. It is not unreasonable to charge for the work performed or undercharge for the work
119 and have the taxpayers subsidize the project. Mr. Houghton suggested that Mr. Connors take
120 some time to consider the administrative costs and suggested that some categories may not have
121 wide variability but other categories where there may be wide variabilities in complexity. Mr.
122 Canada recommends adopting interim fees tonight in case an application is submitted.
123 Discussion continued and Mr. Connors noted that the quality of the application can affect the
124 amount of time spent. Mr. House suggested considering the worst case scenario. Mr. House
125 suggested tabling the discussion and the public meeting, have Mr. Connors come back with some
126 more details on staff time review of applications, open the hearing up to the public if anyone
127 attends, and then close the hearing, and then vote. Mr. Canada noted that carrying the public
128 hearing over might eliminate the need to re-advertise. Mr. Connors responded exactly. Mr.
129 Canada asked if they could still establish interim fees and Mr. Connors responded yes.

131 **Mr. Canada made a motion to open the public hearing. Mr. Zaremba seconded the motion.**
132 **All voted in favor. Mr. Canada made a motion to close the public hearing. Mr. Zaremba**
133 **seconded the motion. All voted in favor and the motion was approved.**
134

135 **Mr. Canada made a motion to adopt the following interim fee schedule for Route 33**
136 **Heritage District application fees: base fee/existing residential/agricultural applications is**
137 **\$50; the new residential application fee is \$150 plus \$100 per new housing unit; minor**
138 **commercial/mixed use applications is \$150 where no more than 1,500 square feet of**
139 **additional interior space is proposed; and major commercial/mixed use applications is \$150**
140 **plus \$100 per 1,000 square feet where more than 1,500 square feet of additional interior**
141 **space is proposed and to be capped at \$450. The fees will remain in place until revised at**
142 **the continued public hearing on September 7, 2022. Mr. Houghton seconded the motion.**
143 **All voted in favor and the motion was approved.**
144

145 **4. Public Meeting:**

146 **a. Potential land donation of 18 Jana Lane to Town of Stratham**

147 Mr. Connors presented the topic. The property is 0.84 acres on Jana Lane in Stratham. Mr. and
148 Mrs. Young, the owners, previously lived adjacent to this property that abuts the Salt River
149 Association Conservation Land which is open to the public for passive recreation uses like
150 hiking, cross country skiing, picnicking, and even for boating access to Squamscott River. The
151 land abuts other land owned by the State of New Hampshire and the Town of Stratham which are
152 also open for public access. There is an opportunity for Stratham to build a trailhead on the
153 property to access the adjacent conservation land potentially with a small parking area. Mr.
154 Canada asked for confirmation that it is not a buildable lot. Mr. Connors believes that it is not
155 buildable based on some information that the Youngs presented to Stratham, but buildable for a
156 trailhead and limited parking is very different than buildable for a single-family structure. Mr.
157 Connors referred to the letter and maps submitted to the Select Board from the Youngs.
158
159
160

161 Mr. Canada asked if there is any liability to Stratham and suggested the tax value must be low if
162 it is not buildable. The Youngs had the land for sale for \$125,000 and the tax assessor increased
163 the assessed value, but they could not find a buyer and submitted to the assessor an opinion from
164 a wetlands scientist who believes the lot is quite wet and would be very difficult to build a home
165 on. Based on the information submitted, the tax assessor reduced the assessed value to
166 approximately \$20,000. Mr. Houghton asked if we have access to New Hampshire Fish and
167 Game's parcels for trails and walking. Mr. Connors replied yes. Mr. Houghton stated it would be
168 nice to get this parcel to connect to Salt River, come down Linda Lane to New Hampshire Fish
169 and Game's parcel to Turnberry. Mr. Connors stated that unfortunately Turnberry does not allow
170 public access.
171

172 Mr. Kunowski asked if Stratham were to acquire this, would there be a problem with abutters
173 with regards to the public access? Would the abutters have a say if Stratham could make it a
174 trailhead? Mr. Connors does not believe it would be problematic; this would be a Town project
175 and we would probably notify abutting property owners as a courtesy. We would obviously want

176 to work with the abutting property owners, he said. Mr. Zaremba asked if there were reasons to
177 not accept the donation? Discussion ensued that it would be removed from the tax revenue base
178 but is a nominal value. Mr. Zaremba noted there would be a cost to maintaining the trailhead, but
179 is a separate discussion and not pertinent. Mr. Connors noted that the downside is that we find
180 out it is completely wet and we cannot build a trail. If that were the case, there may be another
181 town use for it, for example perhaps a fire department use, but there is very limited downside.
182 Mr. Canada asked for confirmation that the Planning Board is reviewing this because the Select
183 Board asked for a recommendation. Mr. Connors replied yes.

184
185 **Mr. Canada moved that the Planning Board recommend to the Select Board to accept the**
186 **donation because there is very little downside and the tax benefit is minimal. Mr. Zaremba**
187 **seconded the motion. All voted in favor and the motion was approved.**
188

189 **b. Formation of the Pedestrian-Bicycle Sub-Committee of the Planning Board.**
190

191 Mr. House asked if Ms. Hollasch is on the sub-committee. Mr. Connors replied yes and that he'd
192 like to present this topic with the Master Plan Implementation topic regarding walking, biking,
193 and automobiles which is listed later in the agenda. Stratham has had for many years the PCAC
194 (Pedestrian and Cyclist Advocacy Committee). The charge of the PCAC was approved annually
195 by the Select Board, but it was a very independent Committee. This year it was felt that some
196 changes might be beneficial and that discussion moved toward creating a subcommittee of the
197 Planning Board focused specifically on pedestrian and bicycle issues. It would change from an
198 advocacy committee however, to one that makes recommendations to the Planning Board and is
199 delegated certain tasks by the Board. The Planning Board could delegate specific activities to the
200 committee with deadlines for completion. The Sub-Committee would also be staffed by the
201 Planning Department so staff would help address these tasks.

202
203 The committee has been inactive since the start of the year and we've been recruiting people to
204 serve on it. We have a group of four members of the public and Ms. Hollasch has volunteered to
205 be the Planning Board representative. There could be a second Planning Board representative if
206 any other members are interested in serving on it. The committee would like specific tasks
207 designated to them. Mr. Connors presented ten recommendations from the 2019 Master Plan and
208 three suggested tasks to the Planning Board.

209
210 Mr. House asked if there was a consultant who worked on the first recommendation in the past.
211 Mr. Houghton believes there was someone from the State Transportation Department who gave a
212 presentation on the first recommendation of adopting a "Complete Streets" policy. Mr. House
213 suggested we find and review that presentation. Mr. Houghton stated that part of the outcome of
214 that presentation was bicycle lanes that were created in certain places around town. Mr. Connors
215 stated the second recommendation related to "Green Streets" might be able to merge with the
216 first recommendation to address both issues at once.

217
218 There are three suggested tasks for the sub-committee. The first is to produce a draft Complete
219 Streets Policy for the consideration of the Planning Board and the Select Board including
220 specific corridors or roadways where pedestrian and bicycle accommodations would be most
221 impactful. The second is to advise the Planning Board, Conservation Commission, and Open
222 Space Plan Committee (which has not been formed yet) on recommendations related to the Open
223 Space and Connectivity Plan and participate in public outreach activities associated with the

plan's development. Mr. Connors stated this task will be a big project and will take up a lot of the Town's time in the fall of 2022 and into the spring of 2023.

The final task is to advise the Planning Board and Select Board on pedestrian and bicycle accommodations associated with any NHDOT sponsored transportation improvements and participate in public outreach activities including public hearings, associated with the NHDOT-sponsored projects. Mr. Connors stated Stratham may have one project this year that will be presented to the Select Board in August. NHDOT suggested making some changes to Route 33 in Stratham and Greenland that involves changing the land widths and shoulder lengths and possibly adding some accommodations for cyclists and pedestrians. Mr. Canada asked if the Bunker Hill Avenue intersection plans include sidewalks. Mr. Connors replied that they do not. Mr. Canada stated that we should lobby for sidewalks and noted that sidewalks in the town center were funded by state and federal money. Mr. Connors agreed and added that at least a crosswalk would be good. Mr. House asked if the recommendations in the Master Plan are prioritized so that number 1 is the first item accomplished. A discussion followed concluding that the ordering of the recommendations was not a prioritization. Mr. Zaremba asked if Mr. Connors is looking for the Planning Board to authorize the group as a sub-committee. Mr. Connors responded that the Planning Board does not have to tonight, but they can and that one member of the group has asked to not start until September. Mr. Houghton agrees with the three tasks suggested by Mr. Connors to get started.

Mr. Houghton made a motion to form the Pedestrian-Bicycle Sub-Committee of the Planning Board. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

c. Discussion of Transportation Planning Priorities

Mr. Connors stated that the Rockingham Planning Commission (RPC) asked the town to prioritize projects in the Long Range Transportation Plan which the RPC maintains. The plan is like a master plan for transportation projects in the region. There are four projects in Stratham in the plan. Most of the projects have not yet been engineered and therefore there is not a lot of detail as to what each project encompasses.

The largest project is the reconfiguration of the traffic circle to make it more pedestrian friendly and town center like. The idea is to change the configuration from one large traffic circle to two smaller circles with sidewalks and other amenities. This project is the highest budget item in Stratham in the Long Range Transportation Plan. The RPC advised that this will be the hardest project to get into the 10 year plan because of the expense. The estimated cost is over \$5 million. Stratham residents rated this project as a 5.7 out of 10 points. The 2nd project is to add bicycle lanes or expanded shoulders to Squamscott Road which is a State road. Mr. Canada asked where the Bunker Hill Avenue projects fits into this. Mr. Connors replied that it is in the 10 year plan and already funded. The third project is the Portsmouth Avenue and Frying Pan Lane intersection improvements. It does not specifically state signalization improvements, but that could be included. The fourth project is Marin Way and NH Route 111 intersection improvements which could include a roundabout or traffic signal and dedicated turn lanes. That project was rated lowest by Stratham residents with a 3.9 out of 10. The last project is not currently in the Long Range Transportation Plan but was asked on the survey and it ranked the highest. The project is to implement pedestrian and cyclist improvements to Portsmouth Avenue focusing on the Gateway District. Mr. Kunowski asked if that project

273 would include the Frying Pan Lane project. Mr. Connors replied no because the Frying Plan
274 Lane project is more focused on vehicular traffic. Mr. Canada asked if the Frying Plan Lane
275 project would include aligning River Road. Mr. Connors replied that the Frying Plan Lane
276 project references River Road so it may include it but it does not specifically indicate the
277 intersection would be re-aligned. Mr. Canada asked if signalization is included. Mr. Connors
278 replied that the details are vague. The last project is the Portsmouth Avenue project and is not
279 in the long range plan.

280
281 Mr. House asked if sidewalks would be installed since it is a state road. Discussion continued
282 regarding sidewalks and their location relative to private property or in a state right of way.
283 Either way, NHDOT would require the community to maintain the sidewalks. Mr. House asked
284 if there is any action required for this. Mr. Connors replied yes and asked if the Planning Board
285 would like to add the Portsmouth Avenue project to the Long Range Transportation Plan. All
286 were in agreement to add it. Mr. Connors asked which of those five projects would be ranked
287 first and second in importance for Stratham. Discussion ensued and the Planning Board
288 determined that the Portsmouth Ave pedestrian/bicycle improvements and the Frying Pan Lane
289 intersection improvements are the top two priorities. Mr. Connors asked if the Planning Board
290 wants Stratham to write a letter to Exeter asking Exeter to nominate the Marion Way project.
291 Although the project affects traffic in Stratham, it is located in Exeter and the town where the
292 project is located should nominate the project. The Planning Board agrees with sending a letter
293 to Exeter.

294
295 **d. Master Plan Implementation**

296
297 This agenda item was discussed previously with the Formation of the Pedestrian-Bicycle Sub-
298 Committee of the Planning Board agenda item.

299
300 **e. Miscellaneous Community Planning Issues.**

301
302 Mr. Connors mentioned that the RPC is working on the regional housing needs assessment.
303 They have public outreach events scheduled on the 20th and 28th. They will be during the day
304 and if members cannot attend there is a survey that members can complete.

305
306 The next Planning Board meeting is August 3, 2022.

307
308 **Adjournment:**

309
310 Mr. Canada made a motion to adjourn at 8:23 pm. Mr. Zaremba seconded the motion. All voted in
311 favor and the motion was approved.



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

TO: Select Board Members
FROM: Mark Connors, Town Planner
FOR: August 3, 2022
RE: **NHDOT Ten Year Plan Update**

The Regional Planning Commission recently completed a scoring process for evaluating transportation projects for potential inclusion in the NHDOT Ten Year Plan. A total of 99 projects across the region were scored and the fifteen projects with the highest scores advanced to consideration for preliminary engineering and cost estimates, which is a requirement for inclusion of a project into the NHDOT Ten Year Plan.

Two projects from Stratham were included among the final 15 projects, including the reconfiguration and reconstruction of the Stratham Traffic Circle and the addition of pedestrian and bicycle improvements to Portsmouth Avenue/NH Route 108 centered in the Gateway District stretching from approximately Stratham Heights Road to Bunker Hill Avenue.

A total of only six projects will receive funding for preliminary engineering and cost estimates, while two other projects may receive funding if there is enough leftover funds to allow for it. Initially, the Stratham Traffic Circle was ranked as among the six projects guaranteed for funding, while the Portsmouth Avenue pedestrian/bicycle improvements was ranked at #8, which would only receive funding if additional funds remained leftover.

At the most recent Transportation Advisory Committee (TAC) meeting, staff advocated to reverse the ordering of the Stratham projects to prioritize the Portsmouth Avenue pedestrian/bicycle improvements over the Stratham Traffic Circle project. This was based on the Planning Board decision at its last meeting to prioritize this project and the results of the Town's most recent Transportation Survey where the Portsmouth Avenue received the second highest rating from residents after the Bunker Hill Avenue/Portsmouth Avenue intersection improvements, which is already included in the Ten Year Plan. The TAC agreed to the change and the Portsmouth Avenue project ranking was swapped with the Traffic Circle project so that it would be guaranteed funding for preliminary engineering and cost estimates.

The attached aerial maps show areas of Portsmouth Avenue where sidewalks exist and where there are gaps in the network. There are several options for pedestrian/cyclist improvements. The Town might decide to pursue a side path on one side of Portsmouth Avenue which would be separated from the travel lanes and include a wider width of approximately 10-feet while the other side of the road might include a more conventional sidewalk. Lower density areas of the corridor may not require any new infrastructure. The RPC has requested that the Town

detail the scope of the project prior to the preliminary engineering phase, so the purpose of the discussion this evening will be to further discuss the project in conceptual form and establish some consensus of the Board so that the project scope can be better defined in advance of the preliminary engineering phase. Staff will prepare a Powerpoint with different treatment improvement options to share with the Board.

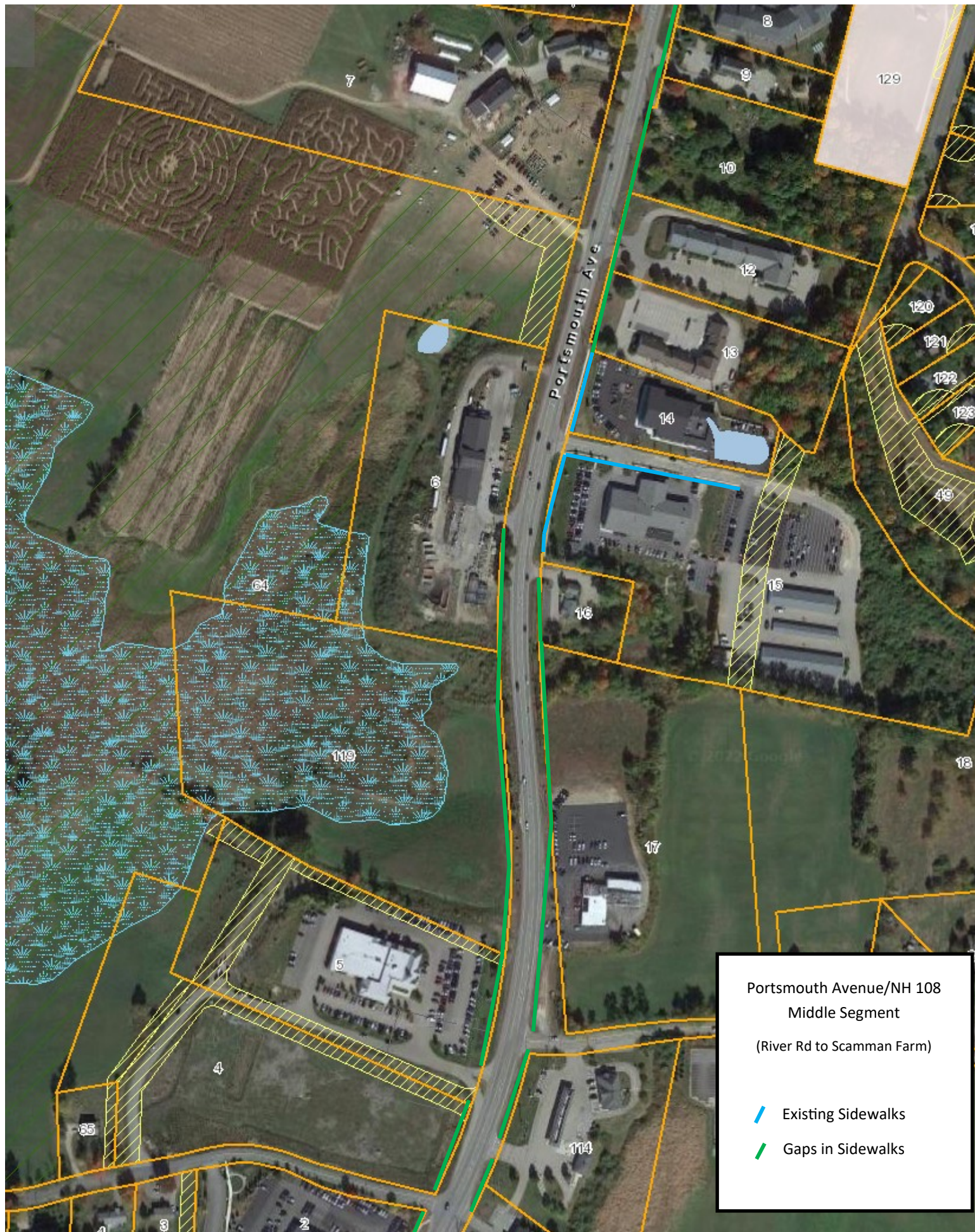
<u>Funding for Preliminary Engineering & Cost Estimates</u>		
MUNICIPALITY	PROEJECT	SCALE
Portsmouth	Replace Maplewood Avenue culvert over North Mill Pond	Local
Raymond	Safety Improvements to NH 102 and Blueberry Hill Road Intersection	Local
Stratham	Pedestrian/Bicycle Improvements to Portsmouth Avenue/NH 108 centered in the Gateway District	Local
Hampton	Address impacts of sea level rise and storm surge flooding of High Street	Regional
Portsmouth	Functional & operational improvements to Portsmouth Traffic Circle to improve safety and traffic flow	Inter-Regional
Hampton-Hampton Falls	Address impacts of sea level rise and storm surge flooding of US Route 1 through the Hampton-Seabrook estuary	Inter-Regional

<u>If funds allow, Funding for Preliminary Engineering & Cost Estimates</u>		
MUNICIPALITY	PROEJECT	SCALE
Hampton	Complete Streets Improvements to Ashworth Avenue/NH Route 1A through Hampton Beach area	Regional
Stratham	Reconfiguration of the Stratham Traffic Circle in the Town Center for improved traffic and pedestrian safety	Regional



Portsmouth Avenue/NH 108
South Segment
(Stratham Heights Rd to River Rd)

- Existing Sidewalks
- Gaps in Sidewalks



Portsmouth Avenue/NH 108
Middle Segment
(River Rd to Scamman Farm)

- Existing Sidewalks
- Gaps in Sidewalks



Portsmouth Avenue/NH 108
North Segment
(Scamman Farm to Bunker Hill Ave)

- Existing Sidewalks
- Gaps in Sidewalks



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Fax (All Offices) 603-775-0517

TO: Planning Board Members

FROM: Mark Connors, Town Planner and Susan Connors, Planning Project Assistant

FOR: August 3, 2022

RE: **Stratham's Stormwater Regulations and Groundwater Source Protection Review & Recommendations to Enhance Protections**

Stormwater Regulations

On May 18, 2022 Jennifer Rowland, Land Use Program Manager at the Rockingham Planning Commission (RPC), presented the Planning Board with a review of the Town's aquifer protection district and recommendations for zoning updates to the district. As a complement to that presentation, the Stratham's Planning Department staff reviewed stormwater regulations for other MS4 communities in the NH seacoast area in order to prepare recommendations for updates to the Town's stormwater regulations. The stormwater regulations are important for compliance with the Town's MS4 permit, for groundwater source protection, for surface water resource protection, and to increase the town's resiliency to climate change impacts.

Stratham's Stormwater Regulations currently apply to all projects subject to Site Plan Review Regulations or Subdivision Regulations with a waiver for projects that: disturb less than 43,560 square feet; create less than 20,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland comprised of less than 5,000 square feet based on wetland delineation. The redevelopment applicability criteria in the regulations is complex and could be streamlined and the waiver criteria is generous compared to other towns. The regulations also currently place the burden of routine stormwater infrastructure inspections on "Municipal staff or their designee" with expenses covered by property owner.

As a result of the stormwater regulation comparison, the following areas in Stratham's regulations are suggested for enhancement.

- Increase the minimum thresholds for applicability of the stormwater regulations to all projects that are subject to Site Plan Review Regulations or Subdivision Regulations and that disturb greater than 20,000 square feet or a percentage (to be determined) of the lot to be developed.
- Update the redevelopment criteria to clarify the stormwater requirements while continuing to encourage the redevelopment of existing sites. For example, require stormwater mitigation for 100% of new impervious surfaces for all projects and a portion of the existing impervious surfaces.
- Update the waiver criteria to allow waivers in extenuating circumstances or remove the waiver criteria that is specific to stormwater and rely on the general waiver process.

- Update the post-construction stormwater infrastructure inspection and responsibility section to clearly outline the landowner's responsibilities while continuing to grant the Town legal access for inspections and emergency repairs. Require all new site plans that trigger the Stormwater Regulations and subdivisions of three lots or more to have their stormwater facilities inspected by a certified professional who must file an annual affidavit with the Town certifying that the stormwater facilities are functioning according to plan, or if deficiencies are identified, provide a plan for addressing such deficiencies within 90 days.

The major discussion items for the Planning Board to consider within the proposed changes are:

1. Is the Board amenable to updates to Stratham's Stormwater Regulations that broaden the applicability standards for both new projects and redevelopment projects?
2. Is the Board amenable to updating the waiver criteria for stormwater requirements?
3. Is the Board amenable to updating the post-construction stormwater infrastructure inspection and responsibilities? Updates would include the requirement to prepare and submit for approval an Operations and Maintenance Manual that includes the submission of annual inspections by a qualified professional in the stormwater field.

Ground/Drinking Water Source Protection

The RPC has recommended that the Town consider increasing the setback distances for its private wells. NHDES has established setbacks for potentially hazardous land uses to private drinking water wells including 75 feet to a septic system leach field (NHDES Fact Sheet DWGB-21-1). The grouting of well casings is required when setbacks are not met. Some New Hampshire towns and neighboring states require well setback distances of 100-feet or more.

Some lots are undersized or have unusual boundaries that could make meeting the minimum setback distance challenging. Staff would propose a compromise where a 100-foot setback requirement be enforced but allow applicants, who are not able to meet the setback requirement, to install well casings that are grouted. Grouting is a relatively simple treatment that is designed to prevent contaminants from the surface and upper water table seeping down into the lower water supply for the well, wherever wells are drilled.

One ground and surface water contamination issue that Stratham wrestles with is nitrogen contamination. Excess nitrogen is typically attributable to human and animal waste. Septic systems can be a significant contributor to nitrogen contamination in groundwater. Innovations in septic system design have resulted in more advanced systems that are more effective at reducing nitrogen contamination. The regulations could be updated to provide the Planning Board the ability to require the ability to require advanced septic systems with nitrogen treatment if the development is within 500 to 1000 feet of a waterbody with nitrate impairment or for any new community septic system.

1. Is the Board amenable to increasing the private well setback to septic system leach fields to 100 feet or requiring well grouting if the setback minimum cannot be met?
2. Is the Board amenable to updating the regulations to requiring advance nitrogen treatment in septic systems within 500-1000-feet of a waterbody with nitrogen impairment or for any new community septic system?

Town	Applicability	Redevelopment criteria	Waiver criteria	Inspections and Maintenance
Stratham	All projects subject to Site Plan Review Regulations or Subdivision Regulations. For smaller projects that disturb less than 43,560 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented.	Redevelopment is disturbance of 20,000 sq ft or more of existing impervious area in comm, ind, inst, gov, rec, or multi-fam res. Less than 40% existing impervious surface must meet same requirements as new development. More than 40% existing imp surface must disconnect or treat 30% of existing and 50% of additional OR treat 50% of entire site.	Waiver to any or all stormwater standards for projects that: disturb less than 43,560 square feet; create less than 20,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland comprised of less than 5,000 square feet based on wetland delineation.	Municipal staff or their designee with expenses covered by property owner.
Chester	A Storm-Water Management Plan (SMP) shall be prepared for any use that will render more than fifteen (15) percent or ten thousand (10,000) square feet (whichever is greater) of any lot impervious.	See Applicability	Bio-retention is required for use on private sites and private roads requiring site plan and/or subdivision approval, unless otherwise waived.	Where bio-retention is utilized, a. There shall be a maintenance easement giving the town access and the right, but not the obligation, to maintain the system, at the owner's expense. b. There shall be a drainage maintenance agreement specifying maintenance procedures and requiring annual report to the Town on maintenance performed.
Exeter	Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development or sale that would disturb one acre or more	Less than 60% existing impervious surface must meet same requirements as new development. More than 60% existing impervious surface disconnect or treat 30% of existing and 100% of additional OR treat 60% of entire site.	None.	The applicant shall establish a mechanism to provide for on-going inspections and maintenance of the practices for so long as the practices are reasonably expected to be used.
Greenland	Development or redevelopment projects which disturb more than 5,000 sq feet or more than 2,500 sq ft within 100' of a surface water body. Standards do not apply to minor subdivisions.	Redevelopment is any disturbance or expansion of impervious areas in comm, ind, gov, rec, or multi-fam res. Sites with less than 40% existing impervious surface must meet same requirements as new development. Sites with more than 40% existing imp surface must disconnect or treat 30% of existing and 50% of additional OR treat 50% of entire site.	For less than 5,000 sq ft disturbance or minor subdiv, PB may grant exemption (but with conditions) if new site impervious is less than 1,000 sq ft.	N/A??
Hampton	A storm-water management plan shall be prepared for any use that will render an area impervious for more than 15% or 10,000 square feet of any lot.	See applicability.	General waiver language.	O&M plan required. Annual report submitted to Town by Dec. 31st.

Town	Applicability	Redevelopment criteria	Waiver criteria	Inspections and Maintenance
Kingston	A cumulative disturbed area exceeding 15,000 square feet . Construction or reconstruction of a street or road. Or A subdivision of more than three building lots	See applicability.	None.	A description of maintenance requirements for water quality measures required by stormwater management and erosion and sediment control plans after final planning board approval shall be recorded on the deed to the property. The Planning Board shall require inspections to verify on-going maintenance of water quality protection measures. Such inspections shall be performed by the Town Engineer for a fee.
Newmarket	All development and redevelopment projects that will disturb more than 20,000 square feet of area or will add more than 5,000 square feet of impervious areas shall submit a Stormwater Management and Erosion Control Report with accompanying plans for review and approval by the Planning Board.	The applicant shall attempt to meet the minimum stormwater management requirements of this section for the entire developed area of the site to the maximum extent practical. Where it is not practical or feasible to meet the stormwater management requirements for the entire developed portion of the site, the applicant shall attempt to meet these requirements for at least 50 percent of the total developed area under proposed conditions.	General waiver language.	An O&M Plan that outlines the proposed inspection and maintenance schedule for all temporary erosion control and permanent stormwater treatment measures. The applicant shall provide covenant documents for filing with the registry of deeds which demonstrate that the obligation of stormwater BMP maintenance runs with the land and that the Town has legal access to inspect and/or maintain, if necessary, onsite stormwater infrastructure.
North Hampton	These stormwater management standards apply to all projects requiring Planning Board review and approval under Section V. For smaller projects that disturb less than 15,000 square feet an applicant may request a waiver of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity.	For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference: aa. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of filtration media; or bb. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least 50% of the entire site area.	At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 15,000 square feet; create less than 5,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland. [Plus there are conditions for waivers]	Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan.

Town	Applicability	Redevelopment criteria	Waiver criteria	Inspections and Maintenance
Plaistow	<p>An applicant for any land use related permit shall design and submit a custom construction storm water management and erosion control plan to the Planning Board, for any tract of land being developed, redeveloped, or subdivided, and for any tract of land being subdivided or developed in a manner that would be subject to site plan review, where one or more of the following conditions are proposed:</p> <p>1) A cumulative disturbed area exceeding 20,000 square feet</p> <p>2) Construction or reconstruction of a street or road</p> <p>3) A subdivision of two or more building lots or a Planned Residential Subdivision lot</p> <p>4) Proposed work adjacent to a wetlands buffer</p> <p>5) Disturbed critical areas (see definitions for disturbed areas and critical areas)</p>	See applicability	The applicant must provide evidence, in writing, to support the request for waiver due to the size or character of the project, or the natural conditions of the site.	All developments shall be required to submit annual inspection checklists as provided by the Planning Department to certify that proper maintenance of on-site drainage infrastructure and stormwater systems have been performed and are functioning properly.
Portsmouth	<p>Applicants shall incorporate Low Impact Development (LID) site planning and design practices to the maximum extent practical (MEP) to reduce stormwater runoff volumes, maintain predevelopment site hydrology, and protect water quality in receiving waters.</p> <p>Enhanced stormwater treatment standards for new and redevelopment projects disturbing more than 15,000 square feet of area.</p> <p>In a WHPA, no more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration.</p>	Redevelopment = 40% or more of developable land is impervious. Must disconnect or treat 30% of existing and 100% of additional imp surfaces OR disconnect or treat 60% of entire site.	Peak flow control requirements may be waived for tidal waters. No other waivers.	The applicant shall develop and execute an enforceable inspection and maintenance plan for both erosion control measures and permanent stormwater treatment measures to maintain their effectiveness for the duration of their useful life.

Town	Applicability	Redevelopment criteria	Waiver criteria	Inspections and Maintenance
Rye	The post-construction stormwater management standards apply to any development or redevelopment project which is subject to site plan review and disturbs more than 5,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body .	(1) Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value. (2) Any new impervious area over portions of a site that are currently pervious.	The Planning Board may grant a waiver from these regulations if the amount of the total site impervious cover created does not exceed 5,000 square feet upon a showing by the applicant as to why these regulations should not apply	O&M plan required, filings with Registry of Deeds, property owner responsible for emergency repairs made by the town.
Sandown	Any development or redevelopment project, which are subject to Site Plan Review and disturbs more than 10,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body (e.g. lake, pond, stream or river).	See applicability.	For sites that disturb less than 10,000 square feet, the Planning Board may grant an exemption if the amount of the total NEW site impervious cover created does not exceed 1,000 square feet.	O&M plan required, filings with Registry of Deeds, property owner responsible for emergency repairs made by the town.



TOWN OF STRATHAM

Incorporated 1716

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Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

TO: Planning Board Members
FROM: Mark Connors, Town Planner
FOR: August 3, 2022
RE: **Sign Ordinance**

As previously discussed, Stratham's Sign Ordinance is due for a comprehensive rewrite due to important case law in recent years that prohibits municipalities from regulating sign content, which the Supreme Court has ruled is a form of speech protected under the First Amendment. In its previous discussion, the Board indicated it is reasonably happy with the existing parameters of the Sign Ordinance, so tonight's discussion will provide the Board a look at how the Ordinance will need to be revised without significant changes to the number, type, and size of signage in Stratham.

Staff will provide examples of how other municipalities have addressed this challenge and a summary of how Stratham's ordinance would need to be revised.



Municipal Sign Ordinances after *Reed v. Town of Gilbert*



Because the Town of Gilbert sign code placed stricter limits on temporary events signs but more freely allowed ideological and political signs—despite the fact that all three sign types have the same effect on traffic safety and community aesthetics—the code failed the narrow tailoring requirement of strict scrutiny.

As a result of *Reed*, a sign code that makes *any* distinctions based on the message of the speech is content based. Only after determining whether a sign code is neutral on its face would a court inquire as to whether the law is neutral in its justification.

Municipalities should review their sign codes carefully, with an eye toward whether the code is truly content neutral. If the sign code contains some potential areas of content bias—for example, if the code contains different regulations for political signs, construction signs, real estate signs, or others—consider amending the code to remove these distinctions.

In cases where a sign code update might take time, local planners and lawyers should coach enforcement staff not to enforce distinctions which might cause problems.

Check to be sure your sign code has all of the “required” elements of a sign code.

- The code should contain a purpose statement that, at the very minimum, references traffic safety and aesthetics as purposes for sign regulation.
- The code should contain a message substitution clause that allows the copy on any sign to be substituted with noncommercial copy.
- The code should contain a severability clause to increase the likelihood that the code will be upheld in litigation, even if certain provisions of the code are not upheld.
- In preparing the purpose statement, it is always best to link regulatory purposes to data, both quantitative and qualitative. For example, linking a regulatory purpose statement to goals of the local master plan, such as community beautification, increases the likelihood that the code will survive a challenge.
- If traffic safety is one of the purposes of the sign code (it should be), consult studies on signage and traffic safety to draw the connection between sign clutter and vehicle accidents.

In conducting the review of the sign code recommended above, planners and lawyers should look to whether the code contains any of the sign categories that most frequently lead to litigation. For example, if the code creates categories for political signs, ideological or religious signs, real estate signs, construction signs, temporary event signs, or even holiday lights, it is likely that the code is at greater risk of legal challenge. As a general rule, the more complicated a sign code is—i.e., the more categories of signs the code has—the higher the risk of a legal challenge.

Sign Code Guidance from the Court (Alito’s Concurrence):

A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny.

The requirements of your ordinance may distinguish among signs based on any content-neutral criteria. Here are some specific standards the Court might uphold:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event.

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Possible Sign Code Changes:

Increase the overall allotment of temporary signs to accommodate the maximum demand for such signage at any one time, and allow that amount of temporary signs. A regulation that singles out off-premises signs that does not apply to a particular topic, idea, or viewpoint is probably valid because it regulates the locations of commercial signs generally, without imposing special burdens on any particular speaker or class of speakers.

Define government signs and Traffic Control Devices as signs, but specifically authorize them in all districts. Provide a base allotment of signs, and allow additional signs in relation to activities or events. Every property has a designated amount of square feet of signage that they can use for any temporary signs on their property, year round. For example: [x] square feet per parcel, in a residentially-zoned area, with a limit on the size of signs and perhaps with spacing of signs from one another. All properties get additional noncommercial signs at certain times, such as before an election or tied to issuance of special event permit. The key is to tie the additional sign allowance to the use of the property, rather than the content of the sign. Consider the following:

- Allow an extra sign on property that is currently for sale or rent, or within the two weeks following issuance of a new occupational license (real estate or grand opening signs).
- Allow an extra sign of the proper dimensions for a lot that includes a drive-through window, or a gas station, or a theater (drive thru, gas station price, and theater signs).
- Allowing additional sign when special event permit is active for property (special event signs). Key: not requiring that the additional signage be used for the purpose the sign opportunity is designed for, or to communicate only the content related to that opportunity.
- Grant an exemption allowing an extra sign on property that is currently for sale or rent.
- Grant exemptions allowing an extra sign (<10 sq. ft., < 48 inches in height, and < six feet from a curb cut), for a lot that includes a drive-through window.

Every parcel shall be entitled to one sign <36 sq. inches in surface area to be placed in any of the following locations: On the front of every building, residence, or structure; on each side of an authorized United States Postal Service mailbox; on one post which measures no more than 48 inches in height and 4 inches in width.

Provide a content-neutral application process: Citizens can apply, by postcard or perhaps online, for seven-day sign permits, and receive a receipt and a sticker to put on the sign that bears a date seven days after issuance, and the municipality's name. The sticker must be put on the sign so that enforcement officers can determine whether it's expired. Because the expiration date is tied to the date of issuance, there is no risk of content-discrimination. The sticker itself would be considered government speech.