



Stratham Planning Board Meeting Minutes
March 16, 2022
Stratham Municipal Center
Time: 7:00 pm

Member Present: Tom House, Chair
David Canada, Vice Chair
Mike Houghton, Selectmen's Representative
Chris Zarembo, Regular 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.

2. Approval of Minutes

a. February 16, 2022

Mr. House requested that a reference to the architectural detail of the proposed Citizen's Bank ATM facility be corrected to "eave." Mr. House noted that Mr. Zarembo could still vote for the minutes even if he wasn't in attendance at the meeting.

b. March 2, 2022

Mr. House noted that Mr. Zarembo had been promoted to a Regular Member by the Select Board before the March 2, 2022 meeting and requested that the reference to Mr. Zarembo be corrected from Alternate Member to Regular Member.

3. Public Meeting:

a. Special Event Permit Discussion

Mr. Connors said the Board discussed this extensively at its last meeting. Based on that discussion, several changes were incorporated. The permit has been made specific to events in which commercial transactions are conducted in which more than 50 people are anticipated. That is evident in the language proposed for the Site Plan Regulations and in the text included at the top of the permit itself. Social events, including family events and block parties would be exempt and

41 not require a permit. Mr. Connors said the intent is not to create a complicated new process, but
42 when the Town was approached with the idea for the event, we realized we needed to have
43 something in place. This has been discussed for some time, just not ever implemented. Mr. Canada
44 said from reviewing the minutes, it was a good discussion. He said that he agreed with the Board
45 discussion that social events should be exempt and not require a permit. Mr. Zaremba asked what
46 the motivation for enacting this permit program was. Mr. Connors said that a business owner in
47 the Town Center inquired about hosting Art Shows on her property approximately eight times
48 during the warmer months, essentially on a monthly basis. When the Town was approached, we
49 liked the idea, we thought it would be good for the Town and the Town Center but we realized we
50 didn't have a tool in place to permit it. Many towns have Special Event Permit programs in place,
51 so this draws off those efforts. We also implemented an Outdoor Seating Program during the
52 COVID-19 pandemic, so it's a similar review and approval process to that.

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54 Mr. House said that it looked like the changes that were discussed by the Board were incorporated.
55 What would be the next step, he asked. Mr. Connors said if the Board is comfortable with the
56 Permit and the proposed language for the Site Plan Regulations, that the Board could schedule a
57 public hearing to adopt it. That would be for your first April meeting. The date is April 6, 2022.
58 Mr. House asked does that give you enough time to post this for public hearing. Mr. Connors said
59 yes it does. Mr. House asked if there was a motion to advance this to public hearing.

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61 **Mr. Houghton made a motion to schedule a public hearing for April 6, 2022 to consider the**
62 **adoption of the Special Event Permit Program into the Site Plan Regulations. Mr. Canada**
63 **seconded the motion. All voted in favor.**

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65 **b. Design Review Phase of the Site Plan Regulations and d. Sign Ordinance**
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67 Mr. Connors noted that he would like to take an agenda item out of order and discuss the Sign
68 Ordinance. Mr. Connors made a presentation to the Planning Board regarding the Sign Ordinance.
69 Mr. Connors said that there was a Supreme Court decision in 2016 called Reed v. Town of Gilbert
70 that significantly affected how municipalities regulate signage. In that case, a church in Arizona
71 wanted to post temporary signs around town advertising their church services. The church rented
72 public space for its services and did not have a permanent home where it could accommodate a
73 permanent sign. The Town treated the signs as Special Event signs and the Town required these
74 types of signs to be much smaller than they did for other types of temporary signs, including
75 political signs or real estate signs. The church sued the Town and the case made it was all the way
76 to the Supreme Court.

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78 Mr. Connors said that the Court unanimously found in favor of the church. The justices were
79 somewhat divided on why, but it was a unanimous decision that the Town had overstepped its
80 constitutional obligations. The main holding of the Court was that the Town could not regulate the
81 content of signage. Mr. Connors described that most towns have had to change their Ordinances
82 to comply with the decision but Stratham has not done this yet. Stratham will have to overhaul its
83 Ordinance because it does regulate some forms of signage by content.
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Mr. Connors described how some of the regulations would need to be changed to comply with the decision. He said this would be a good time to make updates to the Sign Ordinance. Mr. Connors said it would be helpful to get a sense from the Board how it feels about signage in Stratham. Is it appropriate? Is it too extensive? Do Board members think it needs to be further regulated or is the Town too strict in its current approach? Mr. Canada said that as a Select Board member, you heard more from people who felt the regulations were too stringent. You heard from people that were denied a sign for some reason. His perspective is a little bit different now. It seems reasonable. Do you think it needs to be further regulated or is the Town too strict in its current approach. Mr. Zaremba said that he had never really noticed signage as sticking out, but that must be a good sign. The commercial parts of Town are separate from the residential ones, so it doesn't have a significant affect on residents. Mr. Houghton said that he felt for the most part the existing ordinance was appropriate. Mr. Connors said that staff will work with the Board this year on the updates to the Sign Ordinance so that a zoning amendment can be put forward in 2023.

Mr. Connors said there is a state law in New Hampshire that allows for a Design Review process by the Planning Board. He described it as between a Preliminary Plan and the Final Site Plan application. The plans are not finalized but they are engineered so they are more complete than the Preliminary stage. The Planning Board can decide when this process closes and the applicant can move forward to application for final approval. Since there are some larger scale development applications being discussed, it might be helpful, he said. The Board discussed the Design Review process and determined that it would not be necessary in Stratham because the Town has a good track record of working with applicants during the Site Plan Review process to incorporate compromises and arrive at strong projects.

c. Planning Board Composition

Mr. House noted that Mr. Anderson had been elected a Select Board member in the Town Election and has therefore stepped down from the Planning Board. Mr. House said that leaves two vacancies for regular member positions on the Board. The Board discussed potential candidates and agreed to work to encourage and recruit new members. Mr. Connors said that the Town would continue to advertise the vacancies.

d. Updates regarding Updates regarding Route 33 Heritage District, Housing Discussion, NHDES Coastal Program Grant, and May 4 Planning Board Meeting

Mr. Connors noted that the Route 33 Heritage District passed in the Town Election with strong support. The Planning Board has 120 days to appoint a designee to the Heritage District Advisory Committee. He said this is less pressing than the Planning Board vacancies but asked members to keep it on their collective radars. The Board has the option to appoint a Planning Board member or someone else from the community so long as he or she lives in Stratham.

Mr. Connors shared some additional details surrounding Governor Sununu's new Housing Challenge grant program. He said the specifics have not been finalized and that the Town would be awaiting those details. The Board discussed housing issues in Stratham. Mr. Houghton said that although the lack of affordable housing is a big problem for employers, he is not sure that most residents consider it a major problem. There is a significant amount of public outreach that must

be done. That is most important before the Town determines potential options to consider related to zoning. Mr. Connors said he would have additional materials prepared for the April 6, 2022 meeting.

Mr. Connors noted that unfortunately he would be away for the May 4, 2022 Planning Board meeting. Mr. Canada noted that the Select Board usually held their meetings if the Town Administrator was away and felt the meeting should go forward. It was the consensus of the Board that the meeting could go forward but that they would reassess in the weeks before the meeting.

e. Miscellaneous Planning Issues

4. Adjournment

Mr. Canada made a motion to adjourn at 8:19 pm. Mr. Zaremba seconded the motion. Motion carried unanimously.

Note(s):

- 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
- 2. The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed on the agenda.*