



**Stratham Planning Board Meeting Minutes**  
**September 21, 2022**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

**Members Present:** Thomas House, Chair  
Mike Houghton, Select Board's Representative  
Pamela Hollasch, Regular Member  
Chris Zaremba, Regular Member  
John Kunowski, Alternate Member

**Members Absent:** David Canada, Vice Chair

**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. August 17, 2022**

Ms. Hollasch made a motion to approve the meeting minutes from August 17, 2022. Mr. Zaremba seconded the motion. All voted in favor. Mr. House appointed Mr. Kunowski as a voting member for the meeting.

**3. Public Hearing:**

- a. OSJ of Stratham, LLC (Owner), KidStrong Stratham (Applicant) - Request for approval of a site plan amendment to change the use of approximately 5,320 square-feet of space from a retail use to a place of assembly for a proposed children's activity center located at 28 Portsmouth Avenue, Unit 5 (Tax Map 5, Lot 1), Zoned Gateway Commercial.**

Mr. Connors presented the project. Last year the Planning Board amended the site plan regulations to require Planning Board approval for a change of use over a certain square footage even when no changes to the exterior are proposed. Previously this would have been approved by the Building Inspector. In this case the Building Inspector issued the certificate of occupancy and caught the error after the fact. The Applicant has graciously been working with the building and planning departments to complete the requirements under a temporary occupancy permit.

Joseph Attia spoke on behalf of the Applicant and stated they were not aware of the Planning Board approval requirement. The building and fire departments signed off on occupancy and they are

now seeking Planning Board approval in order to obtain the full certificate of occupancy. Mr. Attia further described the KidStrong business.

The Planning Board Members asked a number of questions. A waiver application is required to be submitted. The Applicant would like to open as soon as they receive final occupancy approval. They are currently using the space for staff training. Mr. House commented that the site plan submitted as part of the package is not current with regards to depicting an existing ramp and loading dock. There are no material exterior changes other than to the sign. In the interior the Applicant added a restroom and an office. Mr. Connors suggested adding two signs to the ADA accessible spaces. Mr. Attia stated he can work with the landlord to add signs as he does not have the authority to complete that. Mr. Connors suggested relocating the dumpster out of the public view to behind the shopping center or to screen it with a fence. Mr. Attia stated that KidStrong does not have their own dumpster and uses the neighbor's dumpster. A discussion ensued regarding the Applicant's authority to erect signs and move the dumpster. It was suggested that the building inspector work with the owner on the suggestions. Mr. Connors stated the purpose of this Planning Board review is to review sites that have not been before the Planning Board in years and some minor aspects of the site could be updated to current regulations.

**Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

John Goodrich, an abutter, asked if any activities would be outside. Mr. Attia explained that the business is indoors and not a day care or a gym. Mr. Goodrich was satisfied with the response and had no further comments.

**Mr. Zaremba made a motion to close the public hearing. Ms. Hollasch seconded the motion. All voted in favor and the motion was approved.**

**Mr. Houghton made a motion to approve the request for a waiver from Section 4.2.2 of the site plan regulations to not provide a site plan for this particular application. No exterior changes are being proposed as part of the application and therefore there are no concerns with the parking and further attach a condition to the waiver that the Applicant submit a formal waiver document to the Town Planner. Ms. Hollasch seconded the motion. All voted in favor and the motion was approved.**

**Mr. Houghton made a motion that the Planning Board approve the site plan amendment application for a change of use for the 5,320 square foot space from a retail use to a children's activity center at 28 Portsmouth Avenue, Unit 5, Tax Map 5, Lot 1, Zoned Gateway Commercial Business District subject to the following condition: the occupancy of Unit 5 shall be limited to no more than 68 persons. Ms. Hollasch seconded the motion. All voted in favor and the motion was approved.**

- b. To amend the Site Plan and Subdivision Regulations to address newly passed amendments to state law, including RSA 674:76, which prohibits certain zoning regulation of land or structures primarily used for religious purposes, and to RSA 673:16 III, which requires municipalities to publicly post all land use application fees.

Mr. Connors presented the first topic. The law states that no zoning ordinance or site plan review regulations shall prohibit, regulate, or restrict the use of land or structures primarily used for

religious purposes; provided, however, that such land or structures may be subject to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise. This removes a lot of the Planning Board's ability to regulate site plans for religious use.

Mr. Connors proposes adding the following language to Section 3.3 of the Site Plan Regulations (Site Plan Review Required;) by adding a new subsection e, which would read as follows:

- e. Pursuant to RSA 674:76 (added 2022), site plan review shall not be required for land or structures used primarily for religious purposes, except for as follows:
  - i. Applicants wishing to exercise the provisions of RSA 674:76 must first obtain a written decision letter from the Stratham Zoning Administrator determining that the proposed use involves land or structures used primarily for religious purposes consistent with the law.
  - ii. Prior to the issuance of a building permit and/or a certificate of occupancy for religious uses under which RSA 674:76 is applicable, the applicant shall submit a site plan application and proposed site plan to the Planning Board. The Planning Board will hold a public hearing on the application with abutter notification for the purposes of determining the application meets the zoning requirements for lot size, building setbacks, maximum impervious surface cover, and height of structures. Additionally, the Planning Board may provide the applicant non-binding comments related to other elements of the site plan, including but not limited to, drainage and stormwater, parking, traffic impacts and traffic and pedestrian safety, landscaping and screening, exterior lighting, and building architecture.
  - iii. Applications under this section shall be assessed a \$50 filing fee. Additionally, the Town's public notice and abutter notification fees for site plans shall be required.

Without these regulations, the law allows for an Applicant for a religious use to apply for a building permit with no Planning Board review. This amendment will allow some public notification prior to applying for a building permit and allow for Planning Board comments for the record.

Mr. Kunowski asked if we have a current inventory in Stratham of properties that are designated for religious use. Mr. Connors replied that the Assessor may have that information. The properties would fall under general non-profit so they are not taxed. Mr. Kunowski asked if this law applies to changes of use in addition to new uses. Mr. Connors confirmed.

Ms. Hollasch asked if there is a definition of religious purposes and questioned whether the phrase "consistent with the law" applies to the proposed use or to the term religious purposes. Mr. Connors stated the Building Inspector would determine if the religious use is authentic, the law does not define religious use. The Planning Board unanimously agreed to remove the phrase "consistent with the law" from paragraph i.

Ms. Hollasch asked if the \$50 filing fee is a new fee being imposed specific to this new regulation or if it is an existing fee. Mr. Connors replied that a site plan review fee is a minimum \$100, so even though this is a new fee, it is less.

**Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

Mr. Goodrich was the only member of the public present and had no comments.

**Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

**Ms. Hollasch made a motion to amend Section 3.3 of the Site Plan Regulations to add a new subsection 'e' consistent with the staff memo dated September 21, 2022 in order to address the passage of RSA 674:76 which prohibits certain zoning regulation of land or structures used primarily for religious purposes as written except for ending the sentence in 'e.i.' after "for religious purposes" and striking the rest of the sentence. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

Mr. Connors presented the second topic. RSA 673:16 III requires municipalities to publicly post all land use application fees or waive the fee if not posted. A four-page document was presented to the Planning Board summarizing the existing building department and planning department fees.

**Mr. Houghton made a motion that the Planning Board add Notice of Land Use Board Fees under RSA 673:16, III consistent with staff memo dated September 21, 2022 as an appendix item to the Subdivision and Site Plan Regulations. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

#### **4. Public Meeting:**

##### **a. Planning Board Workshop**

Mr. Connors presented the first topic: potential 2023 zoning amendments. In the Gateway District no front setback is required. The new Optima building at 23 Portsmouth Avenue is set back approximately five feet from the front property line. Planning staff is supportive of a front setback of at least 15 feet. Other existing setback examples include the 110 Grill at 60 feet. Mr. Houghton stated that 60 feet was the previous setback requirement and the design of the Gateway District was intended to allow more density but applicable more to the opposite side of the street where more roads were intended. Mr. Kunowski asked for confirmation that a 15 to 30 feet setback would be intended for landscaping or pedestrian use as opposed to roads or parking. Mr. Connors replied that the regulations do not prohibit pavement in the setbacks, but we have rigid landscaping requirements. Mr. Zaremba asked if an outdoor patio can be constructed in the setback. Mr. Connors replied yes, only a structure like a deck would be prohibited.

Mr. Connors presented the second topic: the sign ordinance. There are a number of legal changes being made due to a recent Supreme Court decision regarding sign content, however, other changes could be considered as well. Stratham currently allows a second sign if the property has 300 feet of frontage and the second sign can be the same size as the primary. Stratham also allows one sign per street if at an intersection. Mr. Connors presented some existing examples and suggests continuing to allow one sign per street, but the second sign should be smaller. Signs on buildings are considered separate from the total square footage allowed. Any changes would be for future requests and not retroactive. A variance is currently required for any deviations from the sign ordinance.

Other suggestions apply to shopping plazas, certain districts, and directional signs. Shopping plazas with more than 5 tenants are allowed a 130 square foot sign which could be amended to

allow for smaller signs that are still effective. Two types of signs are allowed in the Route 33 Heritage District, the height could be limited. In the Town Center there are two existing signs that would not be allowed. Currently Stratham exempts directional signage. In some cases the business logo is larger than the directional text, so a suggested amendment to the regulations is to not allow the business logo on directional signs or require that the logo text be smaller than the directional text. The final suggested amendment is to remove the exemption for Planning Board approval for signs smaller than two square feet. The Planning Board was generally receptive to all suggested changes.

Mr. Connors presented the third topic: proposed density restrictions in the Professional/Residential District. Mixed use is currently allowed, but there is no restriction on density except that multi-family is limited to a maximum of eight units per building. Mr. Connors suggests three units per acre as a proposed density standard. The maximum allowable by septic design is another limitation. Density restrictions could also be added to the Special Commercial District. The Flexible Mixed Use District is not suggested for a density cap because the Town is enthusiastic to see that property redeveloped.

Mr. Connors asked the Board to consider and bring to his attention any additional amendments soon. The public hearing process for zoning changes can start in November in order to be eligible for Town Meeting in 2023.

#### **b. Miscellaneous Community Planning Issues**

NH DOT held the public hearing for the Route 33 project last week. The Town requested a crossing at Stratham Hill Park and NH DOT is willing to install a pedestrian crossing signal. The Select Board requested a timed signal that would flash red and require vehicles to stop and are waiting for a response from NH DOT. Greenland is also requesting a Route 33 corridor study. NH DOT is preparing an engineering study for the project and will investigate reducing the speed in the 50 mph zone on Route 33 if the study indicates the need.

Lindt Chocolate has not made any progress in obtaining water and sewer from Exeter.

The former tech college at 275 Portsmouth Avenue has a “for lease” advertising sign but has not resolved their building issues.

The Pedestrian and Cyclist Advocacy Committee has not scheduled its first meeting yet.

#### **5. Adjournment:**

Ms. Hollasch made a motion to adjourn at 8:57 pm. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.