



Stratham Planning Board Meeting Minutes
January 4, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Chris Zaremba, Regular Member
John Kunowski, Alternate Member
Nate Allison, Alternate Member

Members Absent: Mike Houghton, Select Board's Representative

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call. **Mr. House made a motion to recommend to the Select Board that John Kunowski be appointed as a Regular Member of the Planning Board. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved**

2. Approval of Minutes

a. December 21, 2022

Mr. House noted that Ms. Hollasch's motion to approve the December 7, 2021 minutes should include "as amended". **Mr. Canada made a motion to approve December 21, 2022 meeting minutes, as amended. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

3. Preliminary Consultation Meeting:

- a. Copley Properties, LLC (Owner) - Request for a Preliminary Consultation of a site plan to construct a new accessory structure housing two residential units and to change the use of portions of the existing building at 94 Portsmouth Avenue (Tax Map 13, Lot 89) from office to residential uses, Zoned Professional Residential. Applicant's Representative is Emanuel Engineering, 118 Portsmouth Avenue, Stratham, NH 03885.**

Bruce Scamman of Emanuel Engineering presented the project. The property includes an existing large structure which formerly contained a residence in the front but has been a business for some time. Most recently a real estate office occupied the building with a residence on the second floor and prior to that a furniture/antique store occupied the building. The building is L-shaped and

46 includes a garage.

47
48 Drew Goddard of Copley Properties further described the existing use of the building. The main
49 house has a front and side entrance. The two-bedroom apartment on the second floor is accessed
50 through the front entrance. The first floor is currently office space.

51
52 Mr. Scamman stated the proposal is to convert a portion of the existing office space to a one-
53 bedroom apartment and the rest will remain as office space. Mr. Goddard clarified that the existing
54 main house would be all residential and the remaining area of the existing building would be office
55 space. Mr. Scamman added the proposal includes a new barn style structure in the back which
56 would include two 2-bedroom apartments.

57
58 Mr. Scamman believes the proposed uses are allowed with a Conditional Use Permit (CUP) and
59 they are seeking comments from the Board before proceeding with the CUP process. Joe Nichols
60 has designed the septic system for the project. Mr. Scamman would like to discuss if a full site
61 plan is required for this project. There is a large parking lot out front and more parking has been
62 designed for the proposed uses. Mr. Goddard added that the parking in front, shown on the plans,
63 is existing and he is not proposing to expand that. Additional parking would be created in the back
64 for the new building, shielded from Portsmouth Avenue. The idea for the property is to renovate
65 and revitalize the existing building and to add an accessory building in the back that is designed to
66 be period-correct. The designs presented to the Board are draft, conceptual designs, but the idea is
67 to have something that looks like it was always there and doesn't look like an apartment building.

68
69 Mr. House stated that this is a Preliminary Consultation and that any comments or suggestions are
70 not binding and that this is not a public hearing or public meeting. Mr. House asked the location
71 of the existing septic system and well. Mr. Goddard pointed out the septic tank and dry well on the
72 plans and Mr. House asked that the locations be included on the existing conditions plan. Mr.
73 Goddard stated that a new well would be constructed for the proposed new building along with a
74 separate septic tank, but all uses would share the leach field.

75
76 Mr. House asked if the proposed uses meet lot coverage requirements. Mr. Scamman replied that
77 they have not completed any calculations yet. They have completed the application, a boundary
78 survey of existing conditions, and a plan of proposed conditions.

79
80 Mr. Allison asked if they were planning to use bituminous paving or gravel. Mr. Scamman replied
81 that gravel is existing and it would make sense to include at least an apron of pavement, but they
82 haven't discussed it yet. He further described the runoff percentages of compacted gravel,
83 pavement, and grass. Mr. Allison clarified that his question was related to handicap parking which
84 he assumed would be bituminous pavement and ADA requirements are very particular with regards
85 to elevations not only in the parking space but in the areas up to the various facilities. Mr. Scamman
86 responded that he has designed gravel and grass handicap parking in the past. Mr. Allison asked
87 about the spaces in the back of the property and stated that the spaces numbered 13 and 14 look
88 difficult to back out of and acknowledged that this is only a conceptual plan but suggested they
89 review that. Mr. Allison provided some additional comments on the front parking area as well with
90 regards to the handicap space and general vehicle maneuvering.

91
92 Mr. Zaremba asked if there are four total apartments. Mr. Goddard confirmed and added that there
93 will be three 2-bedroom and one 1-bedroom apartments. Mr. House asked the size of the
94 commercial space. Mr. Goddard responded approximately 2,500 square feet after all of the

95 changes.

96
97 Mr. Kunowski asked if they will be rental units or if they plan to condoize the property. Mr.
98 Goddard replied that they will be rentals. Mr. Kunowski asked if the full set of plans will include
99 details on ADA accessibility. Mr. Goddard replied that he did not think a site plan review is
100 required in addition to the Conditional Use Permit and asked for clarification from the Board as to
101 level of detail required by the Board for this project. Mr. Scamman added that they would not be
102 seeking building permits for replacing the offices so he believes that much of the project does not
103 need to meet current building code because it is an existing structure already in use as office space.
104 There will be some minor, cosmetic changes to the office space and some renovations through the
105 residence. Mr. Goddard stated the office space is in good condition and he does not anticipate any
106 work there. He has been in contact with the fire chief and they will set up meetings to discuss the
107 project. He will also contact the building inspector.

108
109 Mr. House asked if there are existing kitchens and bathrooms in the office space that will be
110 converted to residential space. Mr. Goddard responded that it was formerly a house so there
111 probably was a kitchen in the past but there is not one there today. Mr. Scamman added that he
112 does not believe the changes meet the threshold of a 50% value change of the entire structure so
113 they would not have to bring it all up to code, but that is a decision for the building inspector.

114
115 Mr. Canada asked if this is allowed by zoning. Mr. Scamman confirmed that is his belief, but he
116 has not completed a full review of the zoning ordinance. Mr. Connors agreed that he believes the
117 use is permitted subject to a Conditional Use Permit. Mr. Canada clarified that he is not concerned
118 with the use but that it is dense for 1.3 acres. Mr. Scamman responded that he has not done the
119 calculations but Mr. Nichols completed calculations for the septic and wells. Mr. Canada asked if
120 four units is allowed. Mr. Scamman confirmed and added that over half of the lot is in the open
121 area and with regards to density and building footprints it is not nearly as dense as buildings across
122 the street in the same district. Mr. Connors stated that there are some zoning amendments that the
123 Board is presenting for public hearing tonight that will set limits on residential density in this
124 district at three per acre, so this property would not accommodate four units if there is a residential
125 use that abuts the property.

126
127 Mr. Zaremba asked if the proposed setback changes would affect this project. Mr. Connors replied
128 that he does not think so because the existing building is set so far back.

129
130 Mr. Canada asked if the drawings are typical or are what is planned. Mr. Goddard replied that they
131 are conceptual and he is trying to find an accessory building for the back that will mimic a barn
132 structure. The remaining land on the property is in an easement and he would like to put that land
133 back into farmland.

134
135 Mr. House cautioned against using the term 'accessory building' for the proposed building and
136 instead stated it should be referred to as a residential unit.

137
138 Mr. Connors stated that when the application is submitted, the plans should clearly depict existing
139 and proposed conditions. Mr. House added that photographs would be helpful. Mr. Goddard
140 responded that he would like to add some vegetative screening. He is limited due to the power line
141 clearing, but would like to consider something outside the power line easement for long term
142 screening.

Mr. House commented that they should review the zoning ordinance with regards to the office space for requirements such as signage.

Mr. Canada asked if this project requires site plan review. Mr. Connors replied that for the new building he believes it would, but the changes to the existing structure, it would not. Mr. Scamman asked if a septic plan showing the locations of the new structure, the utilities serving it, and the parking areas around it would be enough for the Board to make a decision about a conditional use. Mr. Canada added lighting to the list. Mr. Scamman and Mr. Goddard discussed that the new structure would be lit to common residential standards. With regards to the office space, Mr. Goddard commented that he does not have a desire to light the parking lot as his business operating there does not require it and the existing lighting is sufficient for the tenants with regards to safety and travel to and from their car.

Mr. Scamman asked if the property is just under 1.33 acres, then under the proposed amendment to the ordinance, in order to get a fourth unit would they would need a variance. Mr. Connors confirmed that is the case unless the Board does not advance the amendment or the amendment fails at Town Meeting.

Mr. Scamman and Mr. Goddard thanked the Board for their time.

4. Public Hearing:

- a. Peter and Heidi Stone (Owners) - Request for approval of a conditional use permit to allow the installation of a small-scale ground mounted solar energy system at 32 Depot Road (Tax Map 25, Lot 83), Zoned Residential Agricultural. Owner/Applicant's representative is Freedom Forever, LLC, 43445 Business Park Drive, #110, Temecula, CA 92590.

Mr. Connors presented a summary of the project. The lot is approximately one acre on the corner of Depot Road and Glengarry Road. The array is proposed for the back yard and will be screened from Glengarry Road by an existing stockade fence.

Caleb Cantrell of Freedom Forever spoke on behalf of the Owners. The array will provide a 100% offset for the home. It is a grid tied system with approval to interconnect with no upgrades required. An existing six-foot high fence surrounds the property and the top of the array is five-foot six-inches high so it will not be visible from the road. The array sits at a 15 degree angle so the front of the array will be 1-foot 10-inches off the ground.

Mr. Kunowski asked if it is a fixed array. Mr. Cantrell confirmed.

Mr. House asked which side of the array is the high side. Mr. Cantrell responded the north side, towards Glengarry Road. Mr. House noted that the plan on Sheet PV-2 labels the fence height as 4 feet 6 inches. Heidi Stone, the owner, commented that label is an error. The fence along Glengarry Road is 6 feet and is lower along the wood line.

Mr. Canada asked why this triggers the need for a Conditional Use Permit if it is located in the backyard. Mr. Connors responded that any ground mounted solar array requires a Conditional Use Permit. Mr. Canada asked what the issue is when an array is proposed in the front. Mr. Connors replied there is a requirement in the solar ordinance that the Applicant shall make all efforts to install arrays in the side or rear yards.

Mr. Allison commented that there should be something in writing that if the fence deteriorates, then it would be replaced so that the array is not visible from the street. Mr. Canada noted that requirement is in the draft motion. Mr. Cantrell stated that the fence is only three years old. Mr. Connors confirmed there is a condition that as long as the solar array exists, the property owner will maintain the fence.

Mr. Canada made a motion to open the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved. There were no comments from the public.

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

Mr. Zaremba commented that the motion to approve should soften the requirement for a stockade fence as other screening such as evergreen shrubs may be sufficient.

Mr. Canada made a motion to accept the application as complete. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

Mr. Kunowski asked if any comments were submitted from abutters. Mr. Connors replied “no”.

The Board reviewed the Conditional Use Permit Criteria.

1. Spirit and Intent of the Ordinance: The Stratham Master Plan promotes renewable energy systems, therefore the application is consistent with the Master Plan.
2. Conformity to Zoning Ordinance: The Planning Staff and Board are not aware of any violations.
3. Site Suitability: The site has adequate vehicular and pedestrian access for the intended use; there are adequate public services for the intended use; there are no environmental constraints; and there are appropriate utilities to serve the intended use.
4. External Impacts on Abutting Properties and the Surrounding Environment: Mr. Canada questioned whether solar arrays are truly a visual detriment to neighborhoods. There will be visual impact if one does not like them, but they are a beneficial use. Mr. Zaremba agreed. Mr. Canada asked if the ordinance could be amended. Mr. Connors provided a suggestion that specific CUP criteria could be created for solar arrays. Mr. House asked if there is vegetation between this lot and the neighbor at 30 Depot Road. Ms. Stone replied that in the summer the vegetation is dense and the neighboring house cannot be seen. In winter one can see through the tree line. Mr. House added that the use will not impact any traffic and there is no noise, vibrations, dust, or fumes.
5. Location, Nature, Design, and Height of Structure: The Board agreed that the fence mitigates the view.
6. Character of the Site Development: The Board agreed that the fence mitigates this.
7. Character of the Buildings and Structures: The Board agreed that the array is a residential use.
8. Preservation of natural, cultural, historic and scenic resources: The Board agreed that the project will not degrade any resources on abutting properties.
9. Impact on property values: The board is not aware of any property value diminishment due to solar arrays.
10. Availability of Public Services and Facilities: The project requires no municipal services. Mr. House asked where the septic system is located. Ms. Stone responded in the front yard.
11. Fiscal Impacts: There are no negative fiscal impacts identified for the Town.

12. Public Interest: Renewable energy is within the public interest because it reduces reliance on fossil fuels.

Mr. Canada made a motion to that the Applicant has satisfied the Conditional Use Permit criteria and that the Board grant the Conditional Use Permit. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Canada made a motion that the Planning Board approve the project with the condition that a stockade fence of at least six-feet in height be maintained to screen views of the solar panels so long as a solar energy system is sited on the property and that electric connections to the solar energy system shall be provided underground. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

b. Proposed zoning amendments:

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

Mr. Connors stated this is the first of two public hearings on the proposed amendments. The Board has the ability to make changes tonight but at the next meeting no changes can be made; the amendments can be only be advanced to the ballot or not. Early next week Mr. Connors will send to the Board the proposed final language.

Amendment 2 increases the minimum front setback for developments in the Gateway Commercial Business District (GCBD) from zero to 15 feet, increases the maximum front setback from 15 feet to 40 feet, and decreases the maximum allowable height of new structures from 40 feet to 35 feet. Mr. Connors explained that the right of way varies a lot in the GCBD and gave an example that the new dermatology building is 30 feet from the edge of pavement. Mr. House asked if there are any areas where the NHDOT setback would be close to 40 feet. The dermatology building is an example of that. Mr. House asked if 40 feet is sufficient setback to avoid encroaching on the NHDOT setback. Mr. Connors confirmed. Mr. Zaremba stated that traditionally setback measurements were made from edge of right of way and not from edge of pavement and asked if that is changing. Mr. Connors confirmed. Mr. Allison asked if NHDOT has an idea in that area of what they would like the right of way to be. Mr. Connors replied that there was a time when NHDOT was acquiring more right of way in this area because they had thoughts of widening the road (Route 101) but once the highway was completed to Hampton the need for that diminished. Bruce Scamman, member of the public, added that there was talk of creating a divided highway along Portsmouth Avenue (Route 101) and that is why some office parks have only a right turn out.

Amendment 3 reduces the front setback for properties in the Professional/Residential District that abut residential uses from 100 feet to 20 feet. There was no discussion from the Board. Mr. Scamman asked if that requirement applies only when there are different uses. Mr. Connors explained it applies when there is a residential use abutting the property and gave a specific example of a former bakery with a residence across the street and added that the amendment would lessen the burden on properties subject to the requirement.

Amendment 4 establishes standards for driveways and sidewalks and adds provisions for electric vehicle charging facilities in the GCBD. Mr. Connors explained that the Town is trying to advance

sidewalks in the GCBD to the NHDOT Ten Year Plan so this sets minimum requirements. Route 101 is a state road, so NHDOT has ultimate authority for driveway permits, etc. The Town has been in contact with NHDOT and they try to honor the Town's wishes when they can. Mr. Kunowski asked for clarification on the reference to new commercial developments vs. redevelopment; will this apply to only new developments? Mr. Connors replied that it will apply to new development or significant redevelopment or site improvements which is defined as 2,500 square feet of new, additional interior space or any improvement or redevelopment valued at \$500,000 or more.

Amendment 5 is a housekeeping amendment in the GCBD to correct clerical errors between the GCBD section and the Table of Uses. There was no discussion from the Board.

Amendment 6 amends the definitions section and the Table of Uses to include "Places of Worship" and to clarify that such uses are subject to the Site Plan Regulations. The use will not require a site plan review, but requires the applicant to have a non-binding discussion with the Planning Board on elements of the site plan that the Board does not have control over e.g. traffic and parking. Mr. Zaremba asked for confirmation of the process – the applicant seeks a positive determination from the Building Inspector that the proposed use is a religious use and then the applicant comes before the Planning Board for a consultation. Mr. Connors confirmed.

Amendment 7 establishes maximum residential densities in Stratham's commercial districts and clarifies that only one primary dwelling shall be permitted on lots in the Residential/Agricultural and Manufactured Housing Districts. Mr. Zaremba requested discussion if the proposal is too restrictive on the number of units. Mr. Kunowski asked what is the rationale behind the different maximum number of units in the different districts. Mr. Connors responded that most of town is Residential/Agricultural zoning with a two-acre minimum lot size unless it is a cluster development where if certain criteria are met, the densest is one primary dwelling per acre so the proposed language is more generous, but it provides some limitations on density in the commercial district. Mr. House added that the units per acre proposed in the Gateway are denser with density decreasing as one moves farther away from the Gateway. This works to create a downtown atmosphere in the Gateway. Mr. Canada added that the Gateway vision is three story buildings with storefronts on the first floor and apartments above it. Mr. Scamman commented that will be difficult with the building height limitations proposed. Mr. House noted that the roofs could be flat. The discussion continued regarding different business uses, ceiling heights, and the number of stories. The Board determined that Amendment 2 should be changed to a building height maximum of 40 feet to the highest ridge.

Amendment 8 amends the sign ordinance to comply with the United States Supreme Court decision on sign content and Amendment 9 increases the regulations on size, height, and illumination of commercial signage. Mr. Connors presented the red line edits to the Sign Ordinance. The Board agreed with the edits.

Amendment 10 amends the Solar Energy Systems section to remove the financial security requirement and require a plan to restore the site to pre-development conditions if a solar facility is abandoned. There was no discussion from the Board.

5. Public Meeting:

- a. Appointment of Planning Board representative to the Heritage Commission
Mr. Canada is the existing representative and would like to continue in the role.

339 **Mr. House made a motion to have Mr. Canada remain on the Heritage Commission as the**
340 **Planning Board representative. Mr. Kunowski seconded the motion. All voted in favor and**
341 **the meeting adjourned.**
342

- 343 **b.** Mr. Connors notified the Board that at the Select Board meeting last evening, the Select Board
344 considered the Planning Board's request to ask for a Zoning Board re-hearing on the sign variance
345 request for 23 Portsmouth Avenue and the Select Board voted to request the re-hearing. The Select
346 Board Chair will write a letter requesting the rehearing to the Zoning Board and the Zoning Board
347 will hold a public meeting to decide if they want to hold a re-hearing or not.
348

349 **6. Adjournment**
350

351 **Mr. Zaremba made a motion to adjourn at 9:02 pm. Mr. Kunowski seconded the motion. All**
352 **voted in favor and the meeting adjourned.**