



Stratham Planning Board Meeting Minutes
January 18, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, 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 at 7:00 pm and took roll call. Mr. House appointed Mr. Allison as a voting member for the meeting.

2. Approval of Minutes

a. January 4, 2023

Mr. House noted that Mr. Houghton should be removed from Members Present section in the January 4, 2023 draft minutes. **Mr. Zaremba made a motion to approve the January 4, 2023 meeting minutes, as amended. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

3. Public Hearing:

a. Proposed zoning amendments:

Mr. House noted that no members of the public were in attendance and that the public hearing for the proposed zoning amendments was intentionally left open at the last meeting. **Mr. Zaremba made a motion to close the public hearing. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

Mr. House stated that the Board will vote on each amendment. No changes in content can be made, but spelling and grammar errors can be corrected. Content modifications require removal from the ballot.

Mr. House requested a motion on Amendment 2. Mr. Zaremba asked if edits to the height limitations were made in response to the discussion at the last meeting. Mr. Connors replied that the amendment was changed to remove the 35-foot maximum height limitation and instead to amend Table 2 of the Gateway Commercial Business District (GCBD) section to specify that the maximum building height be measured to the highest point of the roof instead of to midway on the roof. This amendment is consistent with the rest of the ordinance. Mr. House stated that this is also an amendment to change the front setbacks.

Mr. Zaremba made a motion to advance Amendment 2 to the March ballot as drafted in the staff memo. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

Mr. Connors presented Amendment 3 as a request by the current owners of 100 Portsmouth Avenue. The amendment will reduce the front setback from 100 feet to 20 feet for properties in the Professional/Residential District that abut residential uses. Approximately six or seven properties would be affected by the change. The Board previously reviewed each property individually and determined there would be no detriment to those properties.

Mr. Kunowski made a motion to move Amendment 3 as drafted in the Planning Board memo to the March ballot. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

Mr. Connors described Amendment 4 as supporting the Town's efforts to get pedestrian and bicycle improvements on Portsmouth Avenue into the NHDOT 10 Year Plan. Because this is a state corridor, the State has control over driveway permits but the Town has been in contact with NHDOT and they agreed if this amendment passes, then the Select Board can sign a Memorandum of Understanding and NHDOT will do the best they can to meet our standards.

Mr. Zaremba made a motion to advance Amendment 4 as drafted in the staff memo to the March ballot. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

Amendment 5 is a housekeeping amendment in the GCBD to correct clerical errors between the GCBD section and the Table of Uses.

Mr. Kunowski made a motion to advance Amendment 5 to the March ballot as drafted in the Planning Board memo. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

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. Mr. Connors explained that this is the result of a new law that the New Hampshire Legislature passed that limits the ability of municipalities to regulate properties used primarily for religious purposes. There have been different bills proposed recently to take a second look at this law, but moving forward this will be consistent with the law currently on the books. Mr. Connors suggested that at the next Planning Board meeting the Board review all of the proposed land use laws. If the Board finds something of interest, the next step would be for the Board to make a recommendation to the Select Board that the Town takes a stance on a particular piece of legislation.

94 **Mr. Zaremba made a motion to advance Amendment 6 as drafted in the staff memo to the**
95 **March ballot. Mr. Kunowski seconded the motion. All voted in favor and the motion was**
96 **approved.**
97

98 Amendment 7 establishes maximum residential densities in the following districts: Gateway
99 Commercial Business, Town Center, Flexible Mixed Use, Professional/Residential, Route 33
100 Heritage, and Special Commercial. The Amendment also clarifies that only one primary dwelling
101 shall be permitted on lots in the Residential/Agricultural and Manufactured Housing Districts.
102

103 **Mr. Kunowski made a motion to advance Amendment 7 to the March ballot as drafted in**
104 **the staff memo. Mr. Zaremba seconded the motion. All voted in favor and the motion was**
105 **approved.**
106

107 Amendment 8 amends the sign ordinance to comply with the United States Supreme Court decision
108 on sign content. Mr. Connors explained this amendment does not make major changes in the
109 ordinance besides clarifying how the town can regulate sign content based on a decision of the
110 Supreme Court.
111

112 **Mr. Zaremba made a motion to advance Amendment 8 as drafted in the staff memo to the**
113 **March ballot. Mr. Kunowski seconded the motion. All voted in favor and the motion was**
114 **approved.**
115

116 Amendment 9 increases the regulations on size, height, and illumination of commercial signage in
117 order to control visual clutter.
118

119 **Mr. Kunowski made a motion to advance Amendment 9 to the March ballot as drafted in**
120 **the staff memo. Mr. Zaremba seconded the motion. All voted in favor and the motion was**
121 **approved**
122

123 Amendment 10 amends the Solar Energy Systems section to remove the financial security
124 requirement and adds a requirement for submittal of a plan to restore the site to pre-development
125 conditions if a solar facility is abandoned. Mr. Connors presented a public comment received from
126 Joe Anderson on this proposed amendment that a number of other New Hampshire communities
127 require a financial assurance mechanism for future abandonment of solar arrays. Mr. Anderson
128 expressed concern that the amendment could place the Town at risk. Based on the comment Mr.
129 Connors completed a quick review of neighboring towns and found that many do not have a solar
130 ordinance and therefore cannot require financial security. Mr. House noted that the financial
131 security requirement currently applies only to medium and large scale solar arrays. Mr. Zaremba
132 asked if it is a zoning violation if the array is not properly decommissioned. A lien on common
133 land property won't translate to unit sales. Mr. Connors confirmed it would be a zoning violation.
134 Mr. Connors noted that the majority of zoning violations are corrected when the owner is notified
135 of the violation but on occasion violations have to go to court and that would be a lengthy process.
136 Mr. Allison commented that he believes a solar array brings value to a property and would be
137 looked at as an asset. He asked the Assessor if an array is ratable and the assessor responded it is
138 not. He wonders if in the future the Town would consider making them ratable which would
139 discourage arrays. Mr. Allison surmised that the owner who requested the change objected to the
140 process of renewing the bond and not to the cost. Mr. Connors stated that the Town is holding an
141 escrow for that owner and they would like the funds returned. When the owner works with their
142 financial people they have to continually account for this escrow and it is an inconvenience. Mr.

Allison accepts the clarification and added that if the Town made arrays ratable, then the Town makes the situation easier for the Town. Mr. House responded that the age of the array can affect if it is a saleable solution. Mr. Allison and Mr. House asked if an array can be replaced in kind with no additional planning approval process. Mr. Connors confirmed that no planning process is required for in kind replacement.

Mr. Zaremba made a motion to advance Amendment 10 as drafted in the staff memo to the March ballot. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

4. Public Meeting:

- a.** Mr. House announced that the Select Board accepted John Kunowski as a regular Planning Board Member at their meeting last night and added that the Planning Board is seeking a new alternate member.
- b.** Discussion of NHDES/Stratham Well Water Testing Workshop
Mr. Connors made the Board aware of this opportunity for private well owners to have their drinking water tested for free. They must attend a workshop on February 22, 2023 at 6:00 pm at the Cooperative Middle School Auditorium. The New Hampshire Department of Environmental Services is covering the cost of sampling and the Town is helping to market the workshop.
- c.** Discussion of Regional Housing Needs Assessment
Mr. Connors presented the Board with a copy of a presentation on the Regional Housing Needs Assessment prepared by the Rockingham Planning Commission (RPC). Under State law the RPC is required to allocate each community's fair share of affordable housing. In the past this was based on population and land area and not on infrastructure. Stratham doesn't have the water and sewer infrastructure that helps support affordable housing. RPC has taken another look at the scoring. Stratham still has a number of areas that scored well and Mr. Connors has reached out the RPC for more information how that was determined.

5. Adjournment

Mr. Zaremba made a motion to adjourn at 7:55 pm. Mr. Kunowski seconded the motion. All voted in favor and the meeting adjourned.