



Stratham Planning Board Meeting Minutes
September 20, 2023
Stratham Municipal Center
Time: 7:00 pm

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

Members Absent: Mike Houghton, Select Board's Representative
John Kunowski, Regular Member

Staff Present: Mark Connors, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:02 pm and took roll call. Mr. House appointed Mr. Allison as a voting member for this meeting.

2. Approval of Minutes

a. August 16, 2023

Mr. Zaremba made a motion to approve the August 16, 2023 meeting minutes. Mr. Canada seconded the motion. All voted in favor and the motion was approved.

3. New Business:

a. Discussion of Proposed Zoning Amendments for 2024

Mr. Connors described that proposed amendments are generally written and posted for public notice annually in December. Mr. Connors asked the Board to advise him of any amendments they would like to incorporate. The Board has previously discussed major changes to the Gateway District. Mr. Connors proposed a few additional amendments for the Board's consideration which include clarifying projects that require a building permit and clarifying the definition of a structure that must meet the setback requirements. Mr. Connors read aloud the existing structure definition. Mr. Connors proposed that signs be removed from the definition. Mr. House questioned what is meant by the term framework in the definition and what a hoop house is. Mr. Connors replied that framework is not defined and a hoop house is a greenhouse. Mr. House's stated that a structure should be something with a foundation and he asked if a shed is considered a structure. Mr. Connors replied that sheds are an important discussion point with this topic. The current State Building Code does not require a permit for structures less than 200 square feet, however, the Town can be more restrictive if desired. The Town needs to determine if we want to require

45 building permits for sheds and do we want to give flexibility on setbacks for sheds. Mr. Zaremba
46 asked if we require permits for all sheds. Mr. Connors replied that the Ordinance is not clear, so
47 we would default to the building code. Mr. Canada stated that most towns do not require permits
48 for small sheds and that the Town should implement a threshold under which you do not need a
49 permit. Mr. Zaremba and Mr. House noted that 200 square feet is a big shed size. Mr. Allison asked
50 if the word permanent would be helpful and asked if a shed on cinder blocks is considered attached
51 or not to the ground. He asked if the Town is trying to define something that is anchored into the
52 ground by some mechanism. Mr. House read the current phrase “constructed or erected with a
53 fixed location”. Mr. Allison stated that on cinder blocks would be a fixed location. Mr. Connors
54 stated example language could be a shed under 120 square feet without a foundation. Mr. House,
55 Mr. Canada, Mr. Zaremba, and Mr. Allison agree with 120 square feet as the threshold. Mr.
56 Connors suggested using the term “accessory structure” instead of shed and clarifying concrete
57 foundation. Mr. Zaremba asked if chicken coops are structures. Mr. Connors replied it is a
58 judgement call but that he believes they are not structures and do not need to meet setback
59 requirements. He added that a few years ago a resident complained that a neighbor’s swing set
60 should meet the setback requirements. The Code Enforcement Officer at the time did not define a
61 swing set as a structure and determined it did not need to meet the setbacks. The resident appealed
62 to the Zoning Board who upheld the CEO’s decision. The decision was based on the statement in
63 the Ordinance that where the Ordinance is silent, it reverts to the current edition of Building Code
64 and the Building Code implies that a permit is not required for a swing set. Mr. Canada commented
65 that burial vaults should be exempt from structures as it has come up in the past. Mr. House noted
66 that tunnels are listed as a structure. Mr. Canada noted it could be important for the cemetery with
67 regards to meeting wetlands buffer setbacks. Mr. Connors explained that he researched green
68 burials in the past and there is a state law with setbacks to water supplies and roads. Mr. Connors
69 stated that there is a new state law that when the public hearing is complete, the amendments need
70 to be submitted to the State Code Review Board for a determination that the amendments are not
71 in conflict with or less stringent than the State Building Code.

72
73 The next amendment clarifies when a property survey or wetland delineation would be required.
74 Mr. Canada stated that there are some cases where the proposed construction is obviously outside
75 of any setbacks so he supports the Building Inspector making the requirement on his discretion
76 rather than automatically. Mr. Zaremba commented that if wetlands are on an abutting property,
77 the buffer could extend onto the subject property and that there are a lot of wetlands in town. Mr.
78 Allison agreed that there are some properties where it is obvious, and in those cases, then a soils
79 scientist can sign off that is the case or an applicant can request a waiver. He cautioned that existing
80 maps are guides only, not created to the level of detail of a single parcel, and a landowner needs
81 to be cautious to not cause a problem that would be addressed by the Army Corps of Engineers or
82 NHDES. Mr. Canada questioned who would grant the waiver, the Planning Board or the Building
83 Inspector. Mr. Zaremba asked if a landowner uses online wetlands maps for permitting and the
84 project is approved, is that approval final and the Building Inspector can’t make a determination
85 after the fact that the project should not have been approved. Mr. Connors replied that wetlands
86 can shift over time, but in the example of an approval of a shed in a wetlands buffer that was
87 unknown at the time of approval, the owner should request an Equitable Waiver from the Zoning
88 Board of Appeals. Mr. Canada stated that an 800 square foot garage is not a large structure. Mr.
89 Connors described a project with a small lot and a lot of buildings as an example of when survey
90 was required by the Building Inspector. Mr. Zaremba asked if the Planning Board has the authority
91 to require a survey. Mr. Connors replied yes and that the Planning Board usually does so. Mr.
92 Allison gave an example of a recent project before the Planning Board where they did not require
93 a survey. Mr. Connors added that the Board typically does not require ground-mounted solar

94 projects to have a survey completed. Mr. Allison described the requirement for a foundation
95 certification for homes and that a solar array should follow the same survey process. Mr. House
96 agrees with Mr. Connors' proposed language for when a survey would be required. Mr. Zaremba
97 asked if the requirement can be waived if it is adopted. Mr. Canada stated that he would like to see
98 the language modified to give the Building Inspector the authority to require surveys when deemed
99 necessary. Mr. House asked Mr. Connors if the changes are for wetlands delineations or property
100 line surveys. Mr. Connors responded for wetlands delineations and for impervious surface
101 requirements. Mr. Canada reiterated that he feels there should not be an automatic requirement and
102 instead be required when the Building Inspector deems it necessary. Mr. House commented that
103 wetlands are not always that obvious to see and the Building Inspector would need to know what
104 to look for. Mr. Connors proposed he can draft two options for the Board's review at the next
105 meeting.

106
107 Mr. Connors presented proposed amendments to the Home Occupation requirements including
108 limiting the total square footage in addition to the percentage of the structure, clarifying building
109 inspection requirements, adding a Certificate of Occupancy requirement, clarifying the renewal
110 process, and clarifying the exemptions.

111
112 Mr. Connors presented proposed amendments to the Residential Cluster Open Space Development
113 section including reduction the minimum lot area for the subdivision, require that the 50-foot non-
114 disturbance buffer be owned by the Homeowners Association and not individual property owners,
115 and creating minimum lot sizes. Mr. Allison commented that the non-disturbance area should be
116 marked permanently regardless of ownership. Mr. Zaremba asked if a hazardous tree could be
117 removed from the buffer. Mr. Connors replied yes. Mr. Zaremba agrees with setting a minimum
118 lot size for cluster developments.

119
120 Mr. Connors presented a proposed amendment to adopt more stringent building requirements
121 within the FEMA 100-year floodplain. As part of a recent Insurance Services Organization (ISO)
122 Building/Code Enforcement evaluation, Stratham was limited because it does not enforce
123 additional regulations on building in the floodplain. Mr. Allison commented that the 100-year flood
124 is occurring more frequently than 100 years and suggests the town should look at 500-year flood
125 zone.

126 127 b. Gateway Commercial Business District Zoning Workshop 128

129 Mr. Connors presented a PowerPoint presentation on the history and vision of the Gateway
130 District. The presentation included a description of existing properties and the challenges with the
131 lack of municipal water and sewer services. Some aspects of the District requirements have not
132 been met favorably by residents such as the reduced front building setback. However, additional
133 flexibility with permitting has improved the quality of development. Another positive result is
134 recent construction projects (Starbucks, Chipotle, Chase Bank, etc.) have redeveloped existing
135 pavement. The Board discussed that the biggest complaint with the Optima building seems to be
136 how close the building is to the road which was the goal of the District. Mr. Zaremba commented
137 that one property seems to be taking favorable advantage of the District more than others and asks
138 if there has been any engagement with other property owners. Mr. Connors replied that he thinks
139 the town can do more.

140
141 Ideas for amendments include possibly expanding the Gateway District past Stratham Plaza to
142 incorporate some properties within the Professional/Residential District which has fewer

143 guidelines and regulations; adding a historic preservation element to the District; encouraging
144 accessory agricultural uses; and encouraging housing along the Portsmouth Avenue corridor. Mr.
145 House commented that at the last meeting a resident spoke in favor of removing the Gateway
146 District. Mr. Connors replied that he believes the District needs an overhaul. Simplifying the
147 language to provide clarity on the requirements to applicants and the Town is key. Mr. Zaremba
148 asked if there is any movement on municipal water and sewer service availability. Mr. Connors
149 replied that the ordinance should be written assuming no availability and there will be sufficient
150 notice to the Town to update the ordinance again if services were to become available. Mr. Allison
151 asked if there is room for expansion of Exeter's treatment facility. Mr. Connors replied that a 2020
152 town vote for funds to research water and sewer service feasibility failed. Mr. Canada added that
153 the current capacity is 3 million gallons per day (MGD), Exeter uses less than 2 MGD, and
154 Stratham's need was estimated at 300,000 gallons per day.

155
156 c. Miscellaneous Community Planning Issues

157
158 The Conservation Commission and the Select Board voted to approve \$500,000 to purchase a
159 conservation easement on Stuart Farm. The Town will pursue grant funds for the remainder. This
160 is a large property with almost an acre of shoreline along the Squamscott River.

161
162 **3. Adjournment**

163
164 **Mr. Canada made a motion to adjourn the meeting at 8:33 pm. Mr. Zaremba seconded the**
165 **motion. All voted in favor and the motion was approved.**