



Stratham Planning Board Meeting Minutes
November 1, 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, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. House asked Mr. Zaremba to act as Chair for this meeting. Mr. Zaremba called the meeting to order at 7:00 pm and took roll call. Mr. Zaremba appointed Mr. Allison as a voting member for this meeting in place of Mr. Canada.

2. Approval of Minutes

a. October 18, 2023

Mr. House made a motion to approve the October 18, 2023 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

3. Public Hearing:

- a.** Racheal King-Reynolds (Applicant), Brothers Plaza Partners, LLC (Owner), 72 Portsmouth Avenue, Unit 111, Stratham, NH, Tax Map 9 Lot 8-111, Zoned Gateway Commercial Business District - Request for approval of a Conditional Use Permit (CUP) under Section 3.6, Table of Uses, to relocate a dog training facility and day camp, classified as a kennel under the Zoning Ordinance, from Unit 112 to Unit 111. The use will expand from a 1,188 square-foot facility serving 15 dogs to a 1,944 square-foot facility serving a total of 50 to 60 dogs.

Mr. Connors presented a summary of the project. The applicant received approval in 2021 for a CUP for the same business in Unit 112. The Board approved the CUP with conditions. The Applicant is proposing to relocate to a new unit and to serve more dogs.

Mr. House asked if the CUP is required because the number of dogs is increasing. Mr. Connors replied that the use is classified as a kennel and the expansion requires a CUP.

Frank Catapano, the property owner, stated that the lease is only for 30 dogs. He believes that when Ms. King-Reynolds originally submitted the CUP she was planning to keep both units, but she decided to only move into Unit 112 with a maximum of 30 dogs per day. Mr. Catapano brought a copy of the signed lease. Ms. King-Reynolds confirmed and added that she is taking her expansion in slower steps. Mr. Allison asked for confirmation that this application is for 30 dogs. Mr. Catapano confirmed that is correct.

Mr. Zaremba asked Mr. Connors if the Board needs to accept the application as complete. Mr. Connors replied yes.

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

Mr. Zaremba asked if there are any questions from the Board.

Mr. Kunowski asked if during the length of time she has been in business at the location, has there been any issues or concerns raised by other tenants. Ms. King-Reynolds replied no. Mr. Kunowski asked if the expansion is for the training aspect of her business or for the day care component. Ms. King-Reynolds clarified that the business is not a dog day care and she wants to increase training and some “day care” that she describes as kenneled dogs and not running free in a room. Any dog in her facility has gone through training. Mr. Connors added that the Town notified each condo owner in the plaza and in some cases the tenant is not the owner, but the notice requirements are to the owners. Mr. Kunowski asked if any comments were submitted. Mr. Connors replied no.

Mr. Allison asked if this is only a day facility and that no dogs are left overnight. Ms. King-Reynolds replied yes. Mr. Allison asked if there are individual cages. Ms. King-Reynolds replied that all dogs are kenneled when they are not on a walk or in training. If there are two dogs out together playing, then there is an employee monitoring them for safety. Mr. Allison stated that the original space is about 79 square feet per dog and the new space will be closer to 60 square feet per dog and he asked if that is sufficient. Ms. King-Reynolds replied yes and she likes Unit 112 better because it is broken up more and she can have individual spaces like a puppy space. Mr. Catapano added that Unit 112 was previously occupied by a veterinarian that was already set up for animals.

Mr. Kunowski asked if there is a peak arrival time or is there traffic throughout the day. Ms. King-Reynolds replied that drop off is out back and her employees go out to the car to pick up the leashed dog and walk them inside. Drop off is between 6:15 am and 10:00 am and there is usually no more than 3 vehicles lined up for drop off. Mr. Kunowski was pleased to hear that the front of the plaza is not used for drop off. Mr. Catapano added that he is president of the Stratham Plaza board of directors and stated that Ms. King-Reynolds requested approval from the association to use the rear entrance as she felt it is safer. She also got approval from the association to use the grass area in the rear for the dogs and she picks up waste immediately. Mr. Allison asked where the dog waste is disposed. Ms. King-Reynolds replied they have a covered can where it is stored for a day or two and then dumped into their own dumpster.

Mr. Connors asked about the sound proofing installed in her previous unit. Ms. King-Reynolds replied that the sound proofing will be transferred to the new unit. She added that they are a training facility and not a kennel so there is not a lot of barking.

Mr. Kunowski asked if there are any other fundamental changes to the business other than the number of dogs. Ms. King-Reynolds replied no.

Mr. Houghton asked what the hours of operation are. Ms. King-Reynolds replied that drop off starts at 6:15 am and the last dog leaves at 5:00 or 5:15 pm and there might be a cleaner.

Mr. Kunowski asked about the boarding referenced on their website and noted that it appears to be offsite. Ms. King-Reynolds replied that a dog will be there during the day and go home with a trainer.

Mr. House asked for clarification that the request is for 30 dogs only in Unit 112. Mr. Catapano replied that there were initial discussions about expanding and renting both units but she decided to start by only moving and renting the larger unit and he will market the original unit for lease. Mr. House asked if that was decided after the initial application came in. Mr. Catapano replied that he believes Ms. King-Reynolds thought the question included future plans and not just for the new unit. Mr. House suggested that the application be corrected for the record.

Mr. Zaremba asked Ms. King-Reynolds if she wants to add anything. Ms. King-Reynolds replied that her goal is to reasonably grow the business and moving into a larger space is the first step.

Mr. Houghton suggested that a condition of approval be added that drop offs and pickups occur in the rear of the building. Ms. King-Reynolds agreed.

Mr. House asked for a description of the sound proofing. Mr. Catapano replied they are 3 by 3 foam panels. Ms. King-Reynolds added that they are for music studios and cut down the sound by 90% that the neighbor can hear. They extend from the floor to the drop ceiling.

Mr. Zaremba asked Mr. Connors about proposed condition 7 requiring dogs to be leashed and waste promptly collected when using public parks. He specifically asked why the condition states that training of dogs is prohibited at public parks. Mr. Connors replied that the intention is that the dogs be leashed and was not intended to prohibit training.

Mr. Kunowski made a motion to open the meeting to the public. Mr. House seconded the motion. All voted in favor and the motion was approved.

There were no members of the public present.

Mr. Kunowski made a motion to close the meeting to the public. Mr. House seconded the motion. All voted in favor and the motion was approved.

Mr. Kunowski asked Mr. Connors if the Board needs to discuss all 11 CUP criteria since they were reviewed with the first application. Mr. Connors replied that they should, but the Applicant can also read her responses to satisfy the process. Mr. Connors read aloud each of the 11 conditions and Ms. King-Reynolds read aloud her responses.

Mr. House asked if staff is increasing and how will that impact parking. Ms. King-Reynolds replied that she is increasing staff and even in the peak of the day there are many open parking spots. Additionally her staff does not park in the front of the building, they park farther away to leave prime spots open for customers. Mr. Catapano added that at any time there are probably 30 open

143 parking spots.

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145 Mr. Zaremba asked if there is any more discussion from the Board. There was no more discussion.

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147 **Mr. Kunowski moved that the Planning Board approve the Conditional Use Permit**
148 **application, submitted by Racheal King-Reynolds, to allow the operation of a dog training**
149 **and day camp, classified as a kennel under the Zoning Ordinance, at 72 Portsmouth Avenue,**
150 **Unit 111, Tax Map 9 Lot 8-11, Zoned Gateway Commercial Business District, as the Planning**
151 **Board has determined the application meets all of the Conditional Use Permit criteria per**
152 **the Board's deliberations, subject to the following conditions.**
153

- 154 **1. Prior to the start of operation, the applicant shall obtain all necessary building and safety**
155 **permits and occupancy permits as required by the Stratham Fire and Building**
156 **Departments.**
- 157 **2. The business shall be operated in general conformance with the application materials**
158 **provided by the applicant, except for restrictions included in this approval.**
- 159 **3. The applicant shall be responsible to ensure that dogs are leashed at all times when**
160 **outdoors on the site, including while entering or exiting the facility.**
- 161 **4. The applicant shall be responsible to ensure the prompt collection and disposal of animal**
162 **waste in trash receptacles.**
- 163 **5. Overnight boarding of animals at the facility shall be prohibited.**
- 164 **6. The business must be staffed appropriately at all times and not exceed a ratio of dogs to**
165 **employees of 8:1 in the facility at any one point. Under no circumstance shall more than**
166 **50 dogs be maintained at facility at any point.**
- 167 **7. When utilizing public parks, dogs must be leashed at all times and waste must be**
168 **promptly collected and disposed of. Training of dogs, or any unleashed activities, shall be**
169 **prohibited at public parks.**
- 170 **8. This approval is only valid if the previous kennel use in Unit 112 is completely**
171 **discontinued.**
- 172 **9. If the Planning Director is not able to mediate any complaints lodged against the business**
173 **or if there is reasonable information that the business is operating outside the conditions**
174 **of its Planning Board approval, the application shall return to the Planning Board for**
175 **additional consideration.**
- 176 **10. Drop off and pick up will be to and from the rear entrance of the building.**
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178 **Mr. House seconded the motion. All voted in favor and the motion was approved.**
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180 **4. Other Business:** 181

182 **a. Discussion of proposed zoning amendments for 2024** 183

184 Mr. Connors presented a few proposed zoning amendments. One is to establish a new use called
185 "mixed-use development". This came out of a recent development at 94 Portsmouth Avenue which
186 is a commercial use property where a new residential use was proposed to be constructed in the
187 rear of the property. There is no classification in the Ordinance that met the use. Mr. Connors
188 suggests creating a "mixed-use development" for future projects. The use could be allowed by
189 Conditional Use Permit in the Gateway, Town Center, Professional-Residential, and Special
190 Commercial districts and prohibited in the Residential-Agricultural, Industrial, and
191 Commercial/Light Industrial districts. Mr. Connors proposed the definition: A complimentary

192 combination of residential uses and commercial land uses occupying the same site or building.

193
194 An additional suggestion is based on the current heavy demand for residential properties. The
195 Board might want to require more non-residential uses as they contribute to the tax base but don't
196 use as many services. There could be a threshold where a minimum amount of space is dedicated
197 to non-residential uses. For example, In the Gateway Commercial Business District,
198 Professional/Residential, and Town Center Districts a minimum of 30 percent of the total
199 occupiable space must be allocated to non-residential uses. Mr. Zaremba provided an example that
200 in the Heritage District there are properties with commercial and residential uses and asked if they
201 are grandfathered. Mr. Connors replied that the uses are allowed, this is just a better way of
202 classifying them. Mr. Houghton stated that creating a definition for mixed-use and indicating
203 where it can and cannot be located is important given the evolution of that use. He supports the
204 proposal to have a percentage committed to commercial use. Mr. House agrees and added there
205 are more locations where existing buildings are being remodeled into commercial and residential
206 uses.

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208 The second amendment is related to the definition of half story. This is an issue because uses are
209 limited to half story. In the Town Center District a building can have two and a half stories. In the
210 Gateway there is a minimum of one and a half stories. That is why the Starbucks, for example, has
211 fake dormer windows so the building appears to have a second half story. Mr. House added that in
212 another municipality he asked the definition of a half story. In that municipality there was no
213 definition and there is no definition in Stratham. Mr. Connors read aloud a proposed definition: A
214 building story in which the area of habitable square-footage is measurably less than the areas of
215 habitable rooms on the first floor with at least two opposite exterior walls meeting the sloping roof
216 not more than three feet above that floor level. Mr. House commented that the definition states the
217 half story area is less than the first floor but the image provided appears to be the same square
218 footage. Mr. Connors will look for another image. Mr. Connors noted that some towns do not allow
219 mansard roofs because that is a steep slope and Stratham could considered prohibiting those. Mr.
220 House stated that he is concerned with the use of the term "measurably" and suggested deleting
221 the term. Mr. Connors agreed. Mr. Kunowski commented that the definition mentions rooms on
222 the first floor and if it is a two and a half story building, that won't make sense. He suggests using
223 "lower floors" but asked if he is referring to the one and half story minimum in the Gateway
224 District. Mr. Connors replied that he used first floor in case there is a huge sloping roof where the
225 second floor is considerably smaller and the third floor is a half story. Mr. House suggested saying
226 "the floor below it".

227
228 The final proposed amendment for tonight is regarding three changes to Cluster Open Space
229 Developments. The first establishes minimum lot sizes for parcels with the requirement increasing
230 depending upon whether or not well and septic facilities are sited on the lot. Suggested language
231 is: each single family lot with both well and septic shall be a minimum of one acre, single family
232 lots with onsite wells but no onsite septic facilities shall be a minimum of 35,000 square feet, single
233 family lots with onsite septic but no onsite wells shall be a minimum of 25,000 square feet, and
234 single family lots with no onsite wells or septic shall be a minimum of 15,000 square feet. Mr.
235 Zaremba commented that the final category seems too small. Mr. Connors asked Mr. Allison how
236 big is his lot in Rollins Farm. Mr. Allison replied 100 feet by 100 feet or about 10,000 square feet,
237 but his development is served by a Community well. He would like to see larger lots and provided
238 an example of issues with very small backyards due to front setback requirements. He added that
239 there is common land behind the homes that can be used, but it is not technically part of his lot.
240 He prefers a larger minimum lot size. Mr. Connors asked if residents encroach on the common

land. Mr. Allison replied yes. He provided an example of how with his bonus room, he has very little usable yard and his lot is similar to the rest in the development. Mr. Allison agrees that with a community water supply, 15,000 square feet might be sufficient. Mr. Connors replied there are issues with owners wanting pools, etc. Mr. Zaremba commented that he prefers to not create subdivisions with mansions on small lots and preserve the character of Stratham, but he understands the benefit if one could get smaller houses. Mr. Houghton commented that there is a lack of housing available in the state and Planning Boards are going to be encouraged to look at zoning to enable development. As a business owner he has difficulty recruiting employees because they can't afford to live here. He recognizes that we all want the rural atmosphere but there is a reality that will be among us. The question from the planning point of view is do we try to control the evolution of that and get in front of it or wait until it is imposed. Mr. House thinks they should look ahead and support work force housing. Mr. Zaremba asks if they can limit the size. Mr. Houghton agrees that in other parts of the country, density is incredible, and he lived on a third of an acre and wouldn't go less than that. Mr. Kunowski and Mr. Allison provided similar examples of small lots. Mr. Allison agrees with the 15,000 square foot minimum and explained the issue with his 10,000 square foot lot is there is no backyard. Mr. House agrees with 15,000 square feet. Mr. Zaremba asked what are the setbacks for residential. Mr. Allison replied that his condominium differs from traditional subdivisions and explained that a smaller front setback would benefit an owner. Mr. House commented that lot configuration will make a difference as well. Mr. Connors added that the setbacks in a cluster development are 30 feet in the front and 10 feet on the sides and rear opposed to 20 feet on the sides and rear for a conventional subdivision. Mr. Zaremba asked if there is a lot coverage minimum. Mr. Connors believes the Residential-Agricultural District has 20% requirement for structures and 40% for all impervious including the driveway.

The second change for cluster developments is to require the 50-foot vegetated buffer area to be sited wholly on open space and/or conservation land. Some owners have encroached into the buffer not understanding the requirement.

The third change for cluster developments is to require that no more than a certain percent of the open space and/or conservation land be wetlands. Mr. Connors suggested 40%. Mr. Houghton agrees with that. Mr. Allison commented that he owns land in another town where the requirement is that subdivisions of land must comply with the minimum lot size requirements for the area outside of the wetlands areas. Mr. Zaremba asked if the Town will proceed with requiring medallions on trees marking conservation areas. Mr. Connors replied yes, but that can be done through regulations and not zoning amendments.

For the next meeting Mr. Connors will have a complete list of amendments for review to be on schedule for a January 2024 public hearing.

b. Draft 2024 Planning Board Schedule

Mr. Connors presented a draft schedule that basically continues the first and third Wednesday of each month. One change is in July to hold only one meeting on the second Wednesday.

Mr. Kunowski made a motion to approve the proposed 2024 schedule as presented. Mr. Allison seconded the motion. All voted in favor and the motion was approved.

c. Regional Planning Commission

290 Mr. Connors stated that Stratham had two commissioners on the Regional Planning Commission
291 – Lucy Cushman and Joe Johnson. Both of their terms are up and the Select Board will vote on
292 them. Typically the Planning Board provides a recommendation to the Select Board.
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294 **Mr. House made a motion to recommend to the Select Board that they reappoint Lucy Cushman**
295 **and Joe Johnson as Stratham Commissioners for the RPC. Mr. Zaremba seconded the motion.**
296 **All voted in favor and the motion was approved.**
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298 **5. Adjournment**

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300 **Mr. Kunowski made a motion to adjourn the meeting at 8:12 pm. Mr. Houghton seconded the**
301 **motion. All voted in favor and the motion was approved.**