



Stratham Planning Board Meeting Minutes
November 15, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

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

1. Call to Order/Roll Call

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. New Business:

a. Discussion of Proposed 2024 Zoning Amendments:

Mr. Connors presented proposed zoning amendments for discussion. The December 6, 2023 meeting is the last where new amendments can be added. After that meeting the proposed amendments will be posted for public hearings to be held in January. Amendments can be revised up through the last January public hearing, but no new amendments can be added after December 6, 2023. Mr. Connors stepped through the amendments.

1. Housekeeping amendments to Definitions to include new definitions and property uses that are not defined under the Ordinance (Half Story and Mixed-Use Development) and to amend the definition of structure.

The proposal is to allow mixed-use development by CUP in the Gateway, Town Center, Professional-Residential, Special Commercial, and Route 33 districts and prohibit it in the Residential-Agricultural, Industrial, Manufactured Housing, Retirement Planned Community, and Commercial/Light Industrial districts. Mr. House asked if that would affect a home office in the residential district. Mr. Connors replied that would be approved as a Home Occupation. Mr. Zaremba asked for clarification that what is currently allowed in the districts is not changing. Mr. Connors replied yes and confirmed this just creates a new definition. With regards to the proposed definition of mixed-use, Mr. Kunowski asked if residential and commercial uses are the two significant use categories and asked if light manufacturing is considered a commercial use. Mr. Connors replied that commercial is broad and includes retail, personal services, commercial services, offices, banks, restaurants, brew pubs,

breweries, wineries, motor vehicle dealerships, and veterinary hospitals. Mr. Connors stressed the term “complimentary”. There would also be amendments to the definition of structure to remove frameworks and signs and to clarify that fences over six feet in height are structures.

Mr. Zaremba asked if Footnote 18 to Table 3.6 is a new requirement. Mr. Connors replied yes that it was discussed at the last meeting to preserve some commercial use for mixed use developments in the Gateway Commercial, Professional/Residential, and Town Center Districts.

Mr. House asked for clarification on the edits for retaining walls in the structure definition. Mr. Connors replied that a permit is required for retaining walls over 4 feet in height. Mr. Canada suggested excluding burial vaults and septic tanks. Mr. Connors will revise the definition to exclude those as structures.

2. Potential exemption from some setback requirements for small sheds on residential lots.

A new subsection would be created for small accessory structures in order to reduce the side and rear setbacks to five feet for structures under 120 square feet in size. Mr. Canada suggested that a building permit not be required for these structures. Mr. Zaremba asked if permits are required now. Mr. Connors replied it is a grey area and that is part of the reason for the amendment. Mr. Canada suggested that the criteria remain as a requirement but that a building permit is not needed to confirm that. Mr. Zaremba agreed that it seems extensive for the building inspector to review these. Mr. House believes safety is important and provided a hypothetical situation of an owner improperly constructing a shed that collapses under the weight of snow with someone inside. Mr. Zaremba asked if a building permit would cover that. Mr. House replied yes, it would be reviewed by the Code Enforcement Officer. Mr. Zaremba commented that it seems contrary to the point that they are trying to make it easier to build but we will also inspect them. Mr. Canada suggested that tin sheds might not pass modern building codes. Mr. Zaremba added the plastic ones might not either. Mr. House suggested allowing an exemption for shed kits. Mr. Kunowski asked if a building permit is required, is there a final inspection. Mr. Connors replied yes. Mr. Kunowski asked if the Town has the capacity in the building department to support the number of permit applications for small sheds. Mr. Connors replied yes and that there are a fair amount of shed applications submitted currently. Mr. House added that we need to confirm it is not 12 feet tall. Mr. Allison agreed that the dimension verification is important and that he understands the safety concern but thinks the majority of people purchase a shed kit for small sheds. Mr. Kunowski asked if a shed adds to the property tax. Mr. House believes it does. Mr. Zaremba asked if this revision covers all structures listed in the amended definition. Mr. Connors stated the key sentence in the structure definition is where it states “Where the Stratham Zoning Ordinance is silent, then the most current edition of the State Building Code shall be assumed to apply”. He provided an example that a play set does not require a permit. Mr. Kunowski suggested a waiver for a kit as opposed to someone building a structure themselves. Mr. Connors agreed that could be added. Mr. Zaremba stated he doesn’t think a permit should be required and that the owner should have some responsibility for safety and provided the example that someone could construct a playground without permit but can’t construct a shed for a tractor without a permit. Mr. Allison asked if the purpose of a building permit is for safety or for assessing. Mr. Connors replied that he was thinking primarily to confirm that setbacks are met. Mr. House suggested there could be wetland boundary setbacks as well. Mr. House asked what happens if all of the criteria are met except a building permit was not obtained, do they not need to meet the setbacks? Mr. Connors replied that it could be written such that if the criteria are met, then a building permit is not needed. Mr. House replied that he is now leaning towards not requiring a building permit. Mr. Allison suggested after construction the owner should submit something to the Town confirming setbacks and size criteria are met. Mr. Connors will present options

to the Board at the next meeting.

3. To clarify when a property survey/wetland delineation is required for smaller building projects.

The proposed language would authorize the Building Inspector to require, at his or her discretion and where there is a reasonable basis, whether a plan be stamped by a licensed surveyor and/or a licensed wetlands scientist. Mr. House asked that the term “professionals” in the draft amendment language be expanded to include the type of professional: surveyor or wetlands scientist. Mr. Connors agreed. Mr. Canada suggested an additional grammatical edit to separate the first sentence into two sentences.

4. Housekeeping amendments to Home Occupation Ordinance.

Mr. Connors provided a summary of proposed changes. The current ordinance limits the total square footage to 25% of the total floor area of the finished space of the building including outbuildings. The revision would add a maximum of 1,000 square feet in order to maintain the residential character of the property. Additional revisions clarify the timing of initial and final inspections and addressing conditions of the special exception, renewals, and exemptions. Mr. House asked if there is a definition of hazardous materials and is concerned with the term combustible as it can apply to many items in a home. Mr. Connors will ask Town counsel to review the language.

5. Revisions to Residential Cluster Open Space Development requirements.

Mr. Connors provided a summary of proposed changes including reducing the minimum lot size for Cluster Developments from 20 acres to 12 acres, establishing minimum lot sizes for parcels based on the availability of water and septic utilities, requiring that the 50-foot vegetated buffer area be established as open space or conservation land, and require that no more than 40% of the open space or conservation land be wetlands.

Mr. Canada stated that he mentioned this at the Heritage Commission meeting last night and the concern he heard from members is that cluster zoning was setup so that the frontage stayed opaque and not highly visible from the road and that the proposed amendments could change that. He asked if that requirement exists. Mr. Connors replied that there is not a requirement for that but bonus density is offered if that is met. He also read aloud existing language in the ordinance regarding frontage. Mr. Canada asked if any of the amendments change the frontage buffer requirements. Mr. Connors replied no. Mr. Canada said that was the only concern with the Heritage Commission.

Mr. Allison asked what is the house to house setback in residential. Mr. House replied that if a home is less than 20 feet from another structure then you have to rate the outside of the building for fire rating. Mr. Allison stated if 20 feet is a minimum then with a 50-foot lot width and 10 feet on each side to avoid neighboring structures, then the house can only be 30 feet wide and a 15,000 square foot lot would need to be 300 feet deep. He believes 100 feet would be more appropriate for frontage. Mr. Connors and Mr. Allison discussed lot width, frontage, and setbacks. Mr. Canada asked to include an amendment that requires preserving historic homes (upon review by the demolition committee) on lots proposed to be developed as cluster subdivisions.

6. Revisions to Conditional Use Permit Criteria

The changes would reduce the criteria from 11 to 8.

143 7. Revisions to Route 33 Heritage District

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145 Mr. Connors provided two examples of proposed amendments to the Board for review relative to
146 multi-family unit density in the Route 33 Heritage District. The amendments could include excluding
147 wetlands, steep slopes, and conservation easements from the lot area used to calculate maximum
148 density; requiring that multi-family housing structures be located within 800 feet of the Route 33
149 frontage; and/or limiting density to two units per acre.

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151 Mr. Canada commented that the Heritage Commission discussed this and prefer a maximum of two
152 units per acre along with the restrictions on excluding wetlands, etc. He added that the Heritage
153 Commissions objective in its comments is to maintain the traditional, historic nature of the town. The
154 board members agreed.

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156 8. Sign illumination

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158 Mr. Connors noted that, as the Planning Board is aware, the overhaul of the Sign Ordinance approved
159 by voters last year included several significant changes to the manner in which the Town regulates
160 signage. One of the most significant changes was the changes to the sign illumination requirements to
161 require externally illuminated signage from a fully downcast lighting source only. There has been
162 some pushback from this requirement, particularly from business owners in the Gateway Commercial
163 District where there are several shopping centers with internally illuminated signage. When there is a
164 change of tenant in a shopping center, the new tenant often wants signage illumination similar in style
165 to its neighbors. Mr. Connors noted that for the next Planning Board meeting, there will be a
166 Conditional Use Permit application to allow a business to have halo-style illumination, or backlit
167 signage, at the shopping center at 20 Portsmouth Avenue. Mr. Connors said in his view that backlit or
168 halo-style illuminated signage is less obtrusive than internally-illuminated signage. It is the type of
169 signage illuminated that the Chipotle Restaurant has in place.

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171 Mr. Connors said he wanted to consult with the Planning Board to see if there was an interest in
172 revisiting this restriction to potentially allow halo-style sign illumination, just in the Gateway District,
173 where we've encountered the most pushback to the restriction. Mr. House commented internally
174 illuminated signage, and even possibly halo-style illuminated signage are contrary to the intent of the
175 Gateway District and the Master Plan, which calls for a more traditional built environment. Mr.
176 Zaremba said he did not want to make the change. He understands that there's an interest in 'having
177 what your neighbors have' but at some point change has to be put into place and enforced. Mr. Zaremba
178 noted that the Board was very thorough last year and spent a great deal of time reviewing the proposed
179 changes to the Sign Ordinance before they were offered as a zoning amendment.

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181 Mr. Kunowski asked for clarification on when the new requirements come into effect. If a sign has to
182 be replaced does it need to meet the new requirements or are there situations when signage is exempt
183 from the requirements. Mr. Connors replied there are situations where signage is protected from
184 meeting the new requirements. He described a couple scenarios where the new requirements would
185 come into play and others where existing signage is protected from the changes to the requirements.
186 Mr. Connors said he understood the consensus of the Board and that there would be no revisions to
187 the Sign Ordinance proposed for next year.

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189 9. Potential exemption from Planning Board review for small residential ground-mount solar energy
190 systems
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192 Mr. Connors stated that Mr. Canada requested revisions to the zoning requirements for Solar Energy
193 Systems for Board consideration to exempt certain ground-mount systems from requiring Planning
194 Board review and approval. Mr. Connors said that for clarification, the Town currently requires all
195 ground-mounted solar energy systems to be approved by the Planning Board. Mr. Connors drafted
196 some proposed criteria that would exempt some small solar energy systems from Planning Board
197 approval if they met all of the criteria. He said this is all optional but the criteria were drafted to start
198 the conversation.

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200 The first criterion is that the system could only be sited in the side or rear yard of a property. A facility
201 could not be sited in the area between the front of a structure and the road frontage. The second
202 criterion would require extended setbacks from the property boundaries, including 35 feet from the
203 side and rear property lines and 50 feet from any road frontage. Mr. Connors noted that this is an
204 increase of the existing setbacks, which are typically 30 feet from the road frontage and 20 feet from
205 the side and rear property boundaries. The third requirement is that the array would not exceed a height
206 of 12 feet. He noted that an existing solar ordinance allows up to 21 feet so only the smaller size arrays
207 would be able to bypass the Planning Board process. Mr. Allison asked for clarification on how this
208 would work in practice. Someone could submit a building permit and if they meet the criteria they can
209 move forward? Mr. House replied that is correct. Mr. Zaremba said that if we allow sheds and other
210 structures without Planning Board review, it would make sense to apply that to solar facilities. Mr.
211 House noted that the Planning Board does not currently review roof-mounted solar energy systems.
212 Mr. Zaremba asked for clarification on how the Town regulated different sized solar energy systems.
213 Mr. Connors said small-scale systems were defined as 1,750 square-feet or smaller and/or a nameplate
214 capacity of 10 kilowatts or less. Mr. Canada asked how the solar facilities at Stratham Heights and at
215 Aberdeen were classified by the Town. Mr. Connors said he believed they were classified as medium-
216 scale systems. Mr. Canada said he would advocate for not only exempting small-scale solar energy
217 systems but also medium-scale as well, as they are generally not commercial-grade facilities. Mr.
218 Connors said he was certain the Aberdeen arrays were classified as medium-scale but was less certain
219 regarding the other example. Mr. Canada asked for clarification on what constituted a medium-scale
220 system. Mr. Connors said such systems were classified as between 1,750 square-feet to 40,000 square-
221 feet. Mr. House and Mr. Zaremba said that seemed quite large. Mr. Zaremba noted that the Board
222 could propose altering the size thresholds. For example, the Board could propose exempting small-
223 scale facilities and medium-scale facilities up to a certain number of square feet, he said. Mr. Connors
224 said you could also limit the exemption to small-scale facilities but increase the threshold of what
225 constitutes a small-scale array. There was a brief discussion regarding appropriate size thresholds in
226 which to classify solar energy systems.

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228 Mr. Connors asked if there was a consensus on the Board for exempting certain ground-mount solar
229 facilities from Planning Board review. Mr. Zaremba said he was generally in favor but questioned
230 whether any screening requirements should be part of the criteria in order to exempt a project or if an
231 increased setback was enough. Mr. Zaremba said he did not feel strongly but felt this was often a
232 sticking point between applicants and abutters. Mr. House said that in many situations, there can't be
233 too much screening to ensure the facilities work adequately. Mr. Zaremba noted a recent example
234 where a cedar fence was placed around it to provide screening. Mr. Canada said there are cases where
235 topography is an issue and you can't build a 20-foot fence to screen something. He said that he felt
236 that utilities are utilities and you see electric poles running down every street and they are not
237 unattractive at all. Mr. Zaremba said he felt part of the issue is that we are not accustomed to solar
238 facilities yet. Mr. Canada said if we want to foster solar power, we have to make it relatively easy for
239 people to put in place. Mr. House said that in his view it made sense to limit the size of the solar array
240 to the size of the house and the property. This was followed by a brief discussion of net metering and

how excess solar energy generated can go back into the system. Mr. Allison commented that he believes a building permit is sufficient for small arrays. Mr. Kunowski stated that he agrees with increasing the maximum size of a small solar array. The other board members agreed and they discussed what a new maximum size would be. Mr. Connors stated he would review the size of Stratham Heights and report back. Mr. House stated that the Board still needs to consider impact to the neighbors. He said often abutters do not want to see solar installations from their properties. Mr. Canada said that is called NIMBY (Not in my backyard). Mr. Zaremba asked for clarification for the setback requirements for a house. Mr. Connors replied 30 feet from the front and 20 feet from the side. Mr. Zaremba stated that these will be set back farther than that and added that the Stratham Heights example is very close to the front setback. Mr. Canada replied that array is in the front yard and would require a Conditional Use Permit. The Board will discuss at the next meeting a revised definition of small scale solar array. Mr. Connors added there are four building permit applications currently under review for solar. Three are roof mount and one is ground.

10. Discussion of Wetlands Conservation District

Mr. Connors will present housekeeping items for the Wetlands Conservation District at the next meeting.

b. 13-15 Stoneybrook Lane:

Mr. Connors updated the Board that a developer for the 13-15 Stoneybrook Lane property will seek approval from the Zoning Board for a variance to allow 59 single family homes on the property. Mr. Allison asked if the layout will be approved by the Zoning Board. Mr. Connors replied no, that the Zoning Board only reviews the use. The impact to the planning process is that the Planning Board cannot deny the single-family use if approved by the Zoning Board. The design of the development is under the purview of the Planning Board. Mr. House suggested any board members interested in the project are encouraged to attend the Zoning Board meeting. Mr. Canada likes the idea of a joint meeting and at a minimum suggested that the Planning Board review the project at the December 6th Planning Board meeting and then submit a recommendation to the Zoning Board prior to their meeting.

3. Adjournment

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