



Stratham Planning Board Meeting Minutes
December 6, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
Mike Houghton, Select Board's Representative
David Canada, Vice Chair
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 7:01 pm and took roll call.

2. Approval of Minutes

a. November 1, 2023

Mr. Zaremba made a motion to approve the November 1, 2023 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

b. November 15, 2023

Mr. House requested a correction to strike the sentence in Call to Order/Roll Call appointing Mr. Allison as a voting member as it is a carry-over from the previous meeting minutes. **Mr. Zaremba made a motion to approve the meeting minutes from November 15, 2023 with the aforementioned change. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

3. Public Meeting:

- a. Chinburg Properties, Inc. (Applicant), Lanzillo Irrevocable Trust (Owner) - Request for a Preliminary Consultation of a proposed subdivision of 189 Bunker Hill Avenue, Tax Map 6, Lot 167, into six buildable lots served by a new road. The parcel is Zoned Residential/Agricultural. Application submitted by Beals Associates PLLC, 70 Portsmouth Avenue, Stratham, NH 03885.**

Mr. Connors introduced the project. This is a preliminary application so the Board will not take any action tonight. The discussion is non-binding. Subject to recent changes in the land use

45 regulations, the abutters were notified of the application. Mr. Connors recommended to the Board
46 that even though this is not a public hearing, they open the discussion for public comment. This is
47 a conventional subdivision with minimum two acres and will need to meet frontage requirements.
48 The plan is straight forward but it is not a fully engineered plan so it is unknown if any waivers are
49 required. The road will be built to town specifications in order to be accepted as a public road.

50
51 Mr. House invited the Applicant to speak. Justin Pasay, an attorney with DTC Lawyers, spoke on
52 behalf of the Applicant. Mr. Pasay introduced Christian Smith with Beals Associates; Ken and
53 Betty Lanzillo, Trustees of the Trust that owns the property; and members of the Gove Real Estate
54 Group particularly Alexx Monastiero. They are presenting a design review for an internally vetted
55 six lot subdivision. The Applicant is working with abutters to the property at 193 Bunker Hill
56 Avenue which is owned by the sister of Betty Lanzillo. That process has been collaborative and
57 productive and has yielded some alterations to the plan to include a relocation of the proposed right
58 of way into the subdivision to accommodate more of a buffer. It has also spurred the hiring of Jeff
59 Hyland of Ironwood Landscape Architecture to look at not only the landscaping for the proposed
60 subdivision but to also look at the existing landscaping and the greater preservation of landscaping.
61 The team has considered other uses of the properties including duplexes, but ultimately decided
62 on the six-lot single family subdivision.

63
64 Mr. Smith presented the plan. He stated that they have not yet completed a full boundary or
65 topographic survey. However, they have completed witnessed test pits for septic systems and
66 potential drainage areas with Mike Cuomo from Rockingham County Conservation District. Gove
67 Environmental has done a sweep of property for wetlands and determined there are no wetlands,
68 but they have not completed the site specific or high intensity soils mapping. The property is
69 approximately 14 acres and is in the Residential-Agricultural Zone. There will be approximately
70 820 linear feet of roadway with a 60-foot right of way and the required 88-foot right of way radius
71 on the cul-de-sac. No wetlands impacts are proposed. They expect to need State subdivision
72 approval and an NHDOT driveway permit but no other State approvals are anticipated to be
73 required. Mr. Smith welcomes input from the Board on the design.

74
75 Mr. Houghton asked if any waivers are contemplated. Mr. Smith replied not at this time.

76
77 Mr. House suggested that the Applicant touch base with the police and fire departments specifically
78 regarding the cul-de-sac. Mr. Smith agreed and expects that a fire cistern will be required. Mr.
79 House added that septic systems will need to be located for the next plan. Mr. Smith replied that
80 wells, septic systems, driveway cuts, etc. will be added when they receive the field located test pits
81 from the surveyor. Mr. House asked if there will be shared septic systems. Mr. Smith replied no,
82 there will be one for each lot and they will have a full existing conditions plan. Mr. Houghton
83 asked for Mr. Smith to describe the location of the existing home. Mr. Smith described it is as
84 towards the northwesterly corner.

85
86 Mr. Allison commented that the proposed lots are displayed to the hundredth of an acre and without
87 a survey they don't really know what they have. Mr. Smith agreed and replied they did the best
88 they could with publicly available boundary information. Mr. Allison commented that the lots are
89 odd shaped but he understands why (to utilize the property to its maximum extent), but in the
90 process of doing that, looking at the first lot, it has considerably less usable space than the other
91 lots. He asked what are the squares depicted within the lot lines on the plan as some appear to be
92 within the setbacks. Mr. Smith replied that the Ordinance requires a 150-foot by 150-foot square
93 for planning purposes be fitted on each lot and does not state that it has to meet building setbacks.

94 Mr. Allison repeated his comment that the first lot still appears to have substantially less usable
95 property. Mr. Smith appreciates the comment and there was a previous iteration where the road
96 was tucked up against that property line and would have eliminated a feature described by Mr.
97 Allison however in meetings with the abutter and what might be best for site distance, etc., they
98 gave a 50-foot buffer to that lot. Mr. Smith believes there is still a very good building envelope for
99 that parcel. Mr. Allison commented that the road design includes two reverse curves very close
100 together and for safety and sight he thinks it would be better to straighten them out. Mr. Smith
101 replied that might come to fruition once they have a boundary survey. Mr. Allison asked what the
102 seasonal high water table at the property is. Mr. Smith replied 18 inches to 3 feet and they will all
103 be mounded systems. Mr. Allison asked if that will require a good amount of material to be trucked
104 in. Mr. Smith replied doubtful. He thinks the soil is fairly good and he believes there will be plenty
105 of excavated material from the road construction. There may be some import but they will use as
106 much as they can from onsite. Mr. Allison asked if the septic systems will be gravity. Mr. Smith
107 replied that's the plan. Mr. Allison commented that with regards to cover, if a bed is 2 feet above
108 the surface and it has to go uphill to the house, then that will require quite a bit of fill. Mr. Smith
109 agreed that it could.

110
111 Mr. House asked if sidewalks are proposed. Mr. Smith replied that they have not considered that
112 as there are no sidewalks on Bunker Hill Avenue and that area would be for drainage swales and
113 4 foot gravel shoulders. Mr. House commented that there is about a 16-foot drop from the existing
114 house to the back and stormwater will need to be addressed. Mr. Smith replied that the grade
115 benefits the project as they can collect it all in one place. He added they expect to have two or three
116 BMPs for stormwater. Mr. House added snow removal needs to be addressed in the next plan.

117
118 Mr. House asked Mr. Connors if the Board needs to formally open the meeting to the public to
119 hear the neighbors. Mr. Connors replied a vote is not needed.

120
121 Mr. House asked if any members of the public would like to speak.

122
123 George Philbrick of 188 Bunker Hill Ave spoke. He has a major concern with any water coming
124 towards his property as he is downhill from the parcel. When Rollins Farm was constructed he did
125 not expect to see any impact to his property but it has affected the water table. The pond that
126 receives runoff from Rollins Hill also receives runoff from his property along with another abutter.
127 The pond is a problem due to beaver dams and that problem is complicated because the pond is in
128 Stratham and the beaver dam is either on the town line or in North Hampton. This is a major
129 concern to himself and one other abutter. Mr. House replied that a lot of the slope is to the rear of
130 the property and they are aware that they have to meet the regulations for stormwater. Mr. Philbrick
131 commented that there were recent tax increases this year due to the schools and this development
132 will bring more of it. He also said there used to be a dangerous passing lane on the Bunker Hill
133 Ave that was addressed years ago but people still pass there. Mr. House asked Mr. Smith to insure
134 they have proper sight line when they complete the plan. Mr. Smith replied of course and that NH
135 DOT will also review it and require 400 feet and may require deceleration lanes for vehicles
136 heading north. Mr. Philbrick's last statement is that wetlands should not be considered, but if there
137 is no water coming his way, he understands that.

138
139 John Stevens of 195 Bunker Hill Avenue spoke. He owns about 15 acres next to the property and
140 is concerned with the potential decreased value of his property because of the loss of privacy.
141 Currently there are about 200 feet of trees that block his home from the existing home. There is
142 also an animal trail for deer, turkey, foxes, and coyotes that he is concerned will be affected by Lot

143 3. He also has concerns with his property value due to loss of privacy. He thinks the subdivision
144 looks crowded. Mr. House replied that the proposal meets the two-acre minimum lot size. Mr.
145 Stevens replied that there is no space other than the lots and driving down Bunker Hill Avenue,
146 other recent places are wide open with lots of trees. It changes what he has been used to for 20
147 years in Stratham. He is concerned that he only heard about this project three days ago and believes
148 he needs to hire a lawyer, an engineer, and a real estate agent to find out what the impact will be
149 on his property and he needs time to assess that and he doesn't know when the next meeting will
150 be. Mr. House replied the next meeting will depend on the Applicant's schedule and that abutters
151 will be notified two weeks ahead of the meeting. Mr. Connors added that abutters will be sent
152 notices by certified and regular mail. Mr. Stevens complained about mail delivery in Stratham. Mr.
153 Canada replied it will also be posted on the website. Mr. Stevens replied that he will stay in touch
154 but he asked when the Applicant thinks they will be ready. Mr. Smith replied they don't know
155 when the survey will be completed and once that is done they need to complete soils mapping so
156 he cannot predict when the subdivision application will be submitted. Mr. Stevens asked if they
157 know what the target price per home will be, basically will it lower or raise the value of the
158 neighborhood. Mr. House said that question is not in the purview of the Board but requested that
159 the Applicant review the wildlife comment. Mr. House asked if the property is currently wooded.
160 Mr. Smith replied most of the property is open field. Mr. Stevens corrected that the majority of lot
161 3 is wooded. Mr. Smith replied that he will include the existing tree line on the existing conditions
162 plan.

163
164 David Ward of 6 Wedgewood Drive voiced concerns with drainage from the development towards
165 his property. He pointed out on a map significant wet areas in the spring after snowmelt and
166 rainfall. He commented that mounding septic systems could block the drainage. He requested
167 assurance that there will be no interference with the drainage from Wedgewood Drive and Hersey
168 Lane.

169
170 Donna Grant of 194 Bunker Hill Avenue voiced concerns with current drainage from 189 Bunker
171 Hill Avenue onto her property. Currently there is a culvert under the road onto her property. When
172 it rains her front yard is flooded and that water floods her back yard as well.

173
174 Jeff Sonneborn of 4 Wedgewood Drive shares similar concerns with drainage and added that the
175 area of his property that abuts 189 Bunker Hill Avenue is very wet. He added that he has about 15
176 feet of trees on his property, then a stone wall, and many more trees in the subject property. He
177 has seen in some developments a guarantee that a tree buffer be maintained on the property to be
178 developed.

179
180 Dori Wiggin, of 179 Bunker Hill Avenue, asked for a representative to point out on the plan where
181 the new road will go in relation to the existing driveway. Mr. Smith pointed to an approximate
182 location. Ms. Wiggin asked for confirmation that they are not using the existing driveway. Mr.
183 Smith replied correct and that he does not think there is adequate sight distance for the existing
184 driveway. Ms. Wiggin asked the scale of the plan. Mr. Smith replied one inch is equal to 60 feet.
185 Ms. Wiggin asked what the size of the houses is. Mr. Smith replied he does not know but he
186 suspects they will be three and four bedroom homes. He added he has not seen any architectural
187 drawings and this is very preliminary. Ms. Wiggin asked if there have been any pre-application
188 meetings with the State for Alteration of Terrain, etc. Mr. Smith replied it will not need an
189 Alteration of Terrain permit.

190
191 Jim Melfie of 6 Hersey Lane voiced concerns with drainage and if septic systems are above the

192 ground then a lot of dirt will be brought in to raise the elevation of the property resulting in a lot
193 of drainage towards his property from the development. He pointed to the plan certain areas that
194 are very wet in the spring and where it currently drains. He asked if people will construct fences
195 and if there will be actual lot lines. Mr. Connors replied that fences require building permits and
196 that they are usually allowed on individual properties. Mr. Melfie asked if the septic systems will
197 be in the front or back yards. Mr. Smith replied that it is too early to determine that. Mr. Melfie
198 replied that the further they are put from the boundary lines, the better the abutters will like it. He
199 added that water always flows downhill. He asked for clarification on some of the boundary lines
200 and asked if the project could add more like in Rollins Farm where they added 30 or 40 housing
201 units where there was supposed to be six. Mr. House replied there will not be 30 houses on this
202 property.

203
204 Michael Cole of 10 Wedgewood Drive asked if the 150-foot boxes on the plan are showing where
205 the houses will go. Mr. House replied no that is to show that the lot is buildable; it does not show
206 that a house or septic system will go there, it just means that the lot is large enough to fit that size
207 box. Mr. Cole replied that he has concerns with water on the boundary for Lot 3. He added that's
208 a long skinny lot and he asked where the house will be roughly on that lot. He asked if those are
209 the final lot lines. Mr. Smith replied they could change based on what the final survey shows. Mr.
210 Cole requested that through routes for wildlife be preserved.

211
212 George Philbrick of 188 Bunker Hill Avenue commented that the road is proposed to come out
213 directly across from his house. In addition to the road concerns with speed, traffic, and two curves,
214 he has concerns with headlights coming into his property. Mr. House replied that the Planning
215 Board will review that as part of the formal application.

216
217 Rick Chellman of TND Engineering spoke on behalf of Leah Gray of 181 Bunker Hill Avenue.
218 He stated they will reserve comments until there is more information but they have already met
219 with the Applicant who has been very cooperative and they look forward to having additional
220 meetings with them. There are some mature trees around the property that Ms. Gray would like to
221 have preserved and they will work with the Applicant on that request.

222
223 Mr. Stevens provided one additional comment that all of the neighbors have problems with left
224 turns from Bunker Hill Avenue onto Portsmouth Avenue and wondered if the Applicant could be
225 induced to help with that. Mr. Connors replied that a traffic signal at that intersection is in the
226 NHDOT 10-Year Plan and is slated for construction in 2027.

227
228 Mr. Houghton reminded the Applicant that the road name will need approval from the Select
229 Board. Mr. Smith understands and added that after that he assumes it will go to the 911 Committee
230 for addressing.

231
232 Mr. Stevens added it would be helpful for the site plan to be superimposed over Google Earth so
233 the tree line is visible.

234
235 Mr. House stated this is not the last time the Planning Board will review this project and that the
236 public is welcome to come back when the Applicant submits a formal application. Mr. Connors
237 described the public notice process.

238
239 There were no additional comments from the Board members.

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241 **4. Public Hearing:**

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- a. Sousa Signs, LLC (Applicant), NP Stratham, LLC (Owner), 20 Portsmouth Avenue, Stratham, NH, Tax Map 4 Lot 14, Zoned Gateway Commercial Business District - Request for approval of a Conditional Use Permit (CUP) under Section 7, Signs, to permit a backlit halo-style illuminated building-mounted sign at the site.

Mr. Houghton recused himself from the Board due to a relationship with the Applicant. Mr. House appointed Mr. Allison as a voting member for this application.

Jason Gagnon of Sousa Signs introduced himself and Melissa Fawcett from Pet Supplies Plus (PSP) and presented the application. They are requesting approval of a CUP with a lighting system that typically falls into a grey area when it comes to this illumination method. The new sign ordinance passed this year relies heavily on external illumination with down lighting systems and calls out that backlit signage is prohibited. Mr. Gagnon continued that this is where an interpretation of halo lighting as internally or externally illuminated is debated. He has been working with municipalities all over New England for 18 years and the label for this type of lighting has never been determined one way or the other. Traditional downtown zoned properties rely heavily on a down lighting system for aesthetics, but halo illumination has been accepted as an alternative lighting condition for those districts. As Pet Supplies Plus lies in a commercialized zoning district, having a sign that is both legible and viewable from a distance is extremely important for them. On the main challenges with down lighting is that a store front has a limited area for the sign and as a result, the business may need to reduce the size of their sign in order to have room for exterior lighting. Additionally down lighting can cast some shadows that makes the sign more difficult to read from a distance. The store front for PSP is about 275 feet from the road with additional buildings between the road and PSP. Having a sign that is visible that can be read from a far distance is needed. Halo illumination will allow the size to remain as one that is allowed by code and will also give the sign's night view a cleaner and more uniform lighting source. Halo lighting helps control light pollution which can be an issue with internal illumination. One benefit of halo lighting is that the amount of light that comes out from behind the letters is dictated by how far the letters are installed out from the wall; typically that is between three-quarters of an inch to two inches. In conclusion, they are only seeking approval of the lighting style. The size of the sign will remain within code as well as the time of illumination. Mr. Gagnon brought a sample sign and provided a demonstration.

Mr. House asked Mr. Connors if he wanted to add anything. Mr. Connors confirmed that the matter before the board is to allow back lighting and that the size is compliant with the Town regulations.

Mr. Gagnon proceeded with his demonstration and added that there is a sign permit approved for a non-illuminated letter set. However, with this sign set back so far in the strip mall and with the surrounding signs being internally illuminated, having a down lit lighting system will cause the sign to "stand out" (in a bad way) and will be hard for their sign to be distinguished amongst the other existing, internally illuminated signs. Internal illumination has the best visibility, but halo illumination has very good visibility and it does bring class to the district. Mr. Gagnon described the details of the sample product he brought for demonstration and the details of the proposed PSP sign.

Mr. House asked if there is any light coming through the letters. Mr. Gagnon replied no. Mr. House asked for confirmation that the sign is white during the day time. Mr. Gagnon confirmed it is a

290 solid aluminum fabricated letter and no light ever penetrates through. Mr. Gagnon turned on the
291 sample product and explained that the sample has more LED lights than typical.
292

293 Mr. Zaremba asked Mr. Gagnon to explain how they determine how far from the wall a sign will
294 be installed. Mr. Gagnon replied that at night only the light around the letters is visible and the
295 sign should not be too far from the wall in order to achieve a soft glow and defined light around
296 the letters.
297

298 Mr. House commented that the application states the sign will be 1.5 inches off the wall and if they
299 want to get closer to the wall they will need to revise the documents. Mr. Gagnon understands.
300

301 Mr. Connors asked if the letters will look black when illuminated. Mr. Gagnon replied yes, it is
302 supposed to, but with the parking lot lights they might get some overcast.
303

304 Mr. Zaremba asked if gooseneck lighting could be installed above the sign. Mr. Gagnon replied
305 that if goosenecks were used, they would have to install the sign lower and then the area available
306 for the sign would be smaller. Mr. Zaremba asked for confirmation that basically due to the existing
307 construction of the building, it doesn't bode well for down lighting. Mr. Gagnon replied correct.
308

309 Mr. Allison commented that the proposal is almost like a downward fixture and there is no leakage
310 through the letters and that all of the light seems to cast onto the front of the building similar to a
311 downward facing fixture. He is not endorsing it, just commenting on how it seems to operate, that
312 it is not lit from within with the letters shining towards the road. The problem he has with it is that
313 it is a new requirement in town and when the Board makes exceptions then that can escalate. He
314 acknowledges that it does have something in common with downward lighting.
315

316 Mr. Kunowski asked if the Loyal Companion sign under the banner was internally illuminated.
317 Mr. Gagnon replied yes and his understanding is the new code was adopted in April and the Planet
318 Fitness has up-lighting for that unit and is one of the only non-internally illuminated signs on that
319 building. Mr. Canada asked if up-lighting is allowed. Mr. House replied that is must be pre-existing
320 non-forming and that the light does not really shine up the Planet Fitness sign, maybe just the
321 bottom few inches. Ms. Fawcett added that at night it is very difficult to see the Planet Fitness sign.
322

323 Mr. House asked what the hexagons are representing in the sign package. Mr. Gagnon replied that
324 Blair is the designer for the sign package and Sousa signs is the local contractor working on
325 permitting and installation. The first page is the standard corporate branding and colors for Pet
326 Supplies Plus. Mr. Zaremba asked for confirmation that they are only using white and bronze and
327 not green. Mr. Sousa replied correct.
328

329 Mr. Allison asked if there is a sign for the shopping center that will also have PSP listed. Mr.
330 Gagnon replied yes. Ms. Fawcett added that it is poorly operating and very dimly lit. Mr. Allison
331 asked what the hours of operation are. Ms. Fawcett replied 9:00 am to 7:00 pm with hopes of
332 expanding as they grow the business. This time of year when it gets dark around 4:00 pm they had
333 customers coming in saying they had no idea the business was open so sign recognition makes a
334 difference. In comparison they just had their Portland Maine sign installed six weeks ago and they
335 saw a 5% increase in sales. They know that won't happen in every market but brand recognition
336 is important. Mr. Allison commented that there would be a sign with downward lighting, it just
337 wouldn't be where they would want it to be. Mr. Gagnon added that the size of the sign would also
338 be reduced.

339 Mr. Canada commented that he agrees with Mr. Allison that he is hesitant to start exempting what
340 they now require. One thing that speaks in their favor is that other business have illuminated signs
341 and the previous sign was illuminated. He asked Mr. Connors why this sign isn't considered pre-
342 existing, non-conforming. Mr. Connors replied that new signs even at the same location have to
343 meet the new requirements. Mr. Canada asked why this is a CUP application and not an application
344 for the Zoning Board of Adjustment (ZBA). Mr. Connors replied that as part of the sign ordinance
345 overhaul, a CUP application is required for relief from the ordinance; the former process required
346 a variance.

347
348 Mr. House commented that the application package should have included a letter from the owner
349 of the property stating the Applicant has approval to represent the property owner in the application
350 and he doesn't see a letter. Ms. Fawcett replied she is the representative of the franchise. Mr. House
351 replied that she is not the property owner. Mr. Gagnon stated there was a letter in the package. Mr.
352 Connors stated that the property owner signed the application.

353
354 Mr. House asked Mr. Connors if he thought the application was complete. Mr. Connors replied
355 yes. Mr. House asked for a motion to accept the application as complete. **Mr. Zaremba made a**
356 **motion to accept the application as complete. Mr. Kunowski seconded the motion. All voted**
357 **in favor and the motion was approved.**

358
359 Mr. House asked for any more comments from the Board. Mr. Zaremba asked Mr. Connors if the
360 CUP process for signs can include internal illumination. Mr. Connors replied yes and there has to
361 be a relief mechanism so for signs it is to the Planning Board instead of the ZBA.

362
363 **Mr. Zaremba made a motion to open the hearing to the public. Mr. Kunowski seconded the**
364 **motion. All voted in favor and the motion was approved.**

365
366 Mr. House noted there are no members of the public present other than Mr. Houghton who recused
367 himself and had no comments.

368
369 **Mr. Zaremba made a motion to close the public hearing. Mr. Kunowski seconded the motion.**
370 **All voted in favor and the motion was approved.**

371
372 Mr. House read aloud each of the CUP criteria from the application and Mr. Gagnon read aloud
373 each of the application responses. Mr. House requested comments from the Board regarding the
374 application meeting the criteria.

375
376 Mr. Kunowski commented that he doesn't want to create an undue hardship for the Applicant given
377 the existing conditions of the shopping center. That essentially this Applicant is being held to a
378 higher standard than the existing tenants. He added if this was new construction from the ground
379 up, he would not feel the same way and he thinks in those cases, the sign ordinance would need to
380 be complied with.

381
382 Mr. Allison commented that this option is almost like a downward facing fixture in that it is
383 lighting up the face of the building. He still has concerns that if approved, it opens the flood gates
384 for additional applications, but he understands how this can be a hardship for this application,
385 especially considering the other existing signs on the building. He doesn't have a problem
386 approving it but believes it could be problematic for the Board long term. He added that in his
387 opinion, if they comply with the new ordinance and had to move the sign down or shrink the letters,

388 they would still have reasonable exposure at night. Mr. Zaremba agreed it is a slippery slope to
389 grant an exemption, but they have to start somewhere any time the Town changes a requirement.
390 He added that the Board spent a lot of time on the new ordinance and halo lighting was discussed
391 and it was determined that the Board would not allow it, but since the strip mall currently has
392 existing internally lit signs, it is hard to say no and he believes the application meets the criteria.
393

394 Mr. Canada stated that a decision to allow this should include reference to the sign being pre-
395 existing, non-conforming and how this sign will fit into the entire building. He added that he
396 believes the application addressed the criteria.
397

398 Mr. House called for a motion to approve or deny the application.
399

400 **Mr. Zaremba made a motion that the Planning Board approve the Conditional Use Permit**
401 **application to allow a backlit halo-style illuminated sign at 20 Portsmouth Avenue, Tax Map**
402 **4, Lot 14, Zoned Gateway Commercial Business District, consistent with the application**
403 **materials submitted by Sousa Signs, LLC, as the Board has determined that the application**
404 **meets all of the Conditional Use Permit outlined in Section 7.3.d of the Zoning Ordinance**
405 **per the Board’s deliberations. Mr. Kunowski seconded the motion. All voted in favor and the**
406 **motion was approved.**
407

408 **5. Other Business:**
409

- 410 a. Proposed 2024 zoning amendments and dates of the two public hearings.
411

412 Mr. Connors presented to the Board a copy of ballot language for proposed zoning amendments
413 and also redlined edits to the Ordinance. He stated that the Board has reviewed the redlined edits
414 at previous meetings, but he will highlight a couple of new items. At the first public hearing the
415 Board can make edits. Mr. Connors briefly stepped through each amendment:
416

417 Article II is a housekeeping amendment to the definitions and the Table of Uses to include new
418 definitions and property uses that are not defined under the Ordinance (adding half story and
419 mixed-use development and amending the definition of structure).
420

421 Article III clarifies the circumstances in which the Building Inspector may require that a plan
422 prepared and stamped by a licensed land surveyor or certified wetland scientist be submitted with
423 a building permit application. Mr. Canada asked for confirmation that an Applicant could appeal
424 that decision to the ZBA. Mr. Connors replied correct.
425

426 Article IV clarifies the requirements associated with home occupations.
427

428 Article V consolidates the number of criteria the Planning Board considers for Conditional Use
429 Permit applications from 11 to 7.
430

431 Article VI incorporates four major changes to the requirements associated with residential cluster
432 developments including: reducing the minimum lot size for cluster developments, establishing
433 minimum lot sizes for individual lots, requiring that open space parcels meet additional minimum
434 requirements, and requiring that historical and scenic resources be preserved and incorporated into
435 such developments whenever practicable. The historic resource preservation requirement is a new
436 change for the Board to review. Mr. Connors stated that he believes the Town can include that

437 requirement because a cluster-subdivision is an option, not a requirement. This could not be
438 included as part of the conventional subdivision requirements as it could be considered a taking,
439 but he believes it can be done for clusters because they are an optional path. Regarding reducing
440 the available lot size for Cluster Subdivisions from 20 acres to 12 acres, Mr. Houghton and Mr.
441 Canada asked why the Town would want to do that. Mr. Canada noted that the Ordinance already
442 allows the Planning Board the authority to allow a reduction of the minimum open-space cluster
443 development acreage to ten acres for a plan with guarantees a designated percentage of workforce
444 housing. He commented that the proposed amendment takes away the encouragement for
445 workforce housing which the Board has previously deemed as important. He questions if it is the
446 right thing to do. Mr. Allison commented that the project looked at earlier tonight is only 14 acres
447 and he questions whether that would be a suitable for a cluster development. Mr. Houghton added
448 that if this amendment passes, that might very well be what ends up in that project. Mr. Zaremba
449 asked how many houses could be established in a 12-acre cluster development. Mr. Canada replied
450 they are approved for six but then it would depend on bonuses. Mr. Allison commented that he
451 assumes the 20 acres was established assuming there would be buffers left over, but as the size
452 gets below that, he thinks there will be less left over for common land. He understands the
453 enthusiasm for workforce housing, but he questions whether the 12 acres will work. Mr. Canada
454 commented that he heard from Lucy Cushman, who was on the Planning Board when Cluster
455 Subdivisions were passed, stress that a feature to emphasize and encourage was to keep the front
456 lots along the street with no houses on them, so when driving down the street it looked like old
457 Stratham with a development tucked away and in a case like they saw tonight, it wouldn't be
458 possible. He added that 10 or 12 acres does not give them enough land to do that. Mr. Houghton
459 commented that in that project, they could take the lot near the road, reserve it as open space and
460 then have 24 houses on half-acre lots. Mr. Canada stated that would meet the intent. Mr. Houghton
461 questioned is that was the Town wants. He added that the addition of more houses is the addition
462 of more costs to serve to the community from a tax point of view. All board members agreed to
463 keep the minimum size at 20 acres.

464
465 The Board discussed the proposed requirement that no more than 40% of the open space shall be
466 made up of wetlands. Mr. Houghton stated 40% is a big number. Mr. Allison commented that the
467 problem is that if there are large areas of wetlands that are represented as common land to be used
468 by the community, that's not true when it comes to wetlands. The tactic often used in development
469 is to take the unusable and undesirable land and make it public land. That defeats the purpose of
470 having land that can be used by the community. He thinks it is reasonable to say no more than 40%
471 is reasonable. Mr. Houghton asked Mr. Allison if he thinks 40% is a good number. Mr. Allison
472 replied yes. Mr. Houghton said he'd be inclined to say 20%. He added that typically developers
473 target the wetlands to be Open Space, so they get all the buildable land. The spirit of the cluster
474 development is that it contain open space for the enjoyment of residents who do not have 2-acre
475 lots. The developer needs to maximize the use of the lands to put foundations in the ground. Mr.
476 House asked Mr. Houghton if he is suggesting a lower percentage. Mr. Houghton replied his
477 opinion is it should be less than 40%. Mr. Canada and Mr. Zaremba agree with a lower percentage.
478 Mr. Kunowski commented if the current ordinance allows 100% then he is comfortable with a 40-
479 60 split. Mr. Allison commented that there is a specific community in town that in addition to
480 having wetlands that can't be utilized, it was determined that the entire area within the wellhead
481 radius cannot be used by the community. That is another issue that hasn't been discussed and he
482 thinks that 20% might be reasonable. Mr. Houghton asked if it was the Homeowner's Association
483 that created that limitation. Mr. Allison replied yes but they deferred it to state requirements
484 because of people that might be abusing the privilege. Mr. House summarized that 20% is a more
485 reasonable revision. Mr. Houghton stated that as Mr. Canada noted, if the development commits

486 to workforce housing, they can have a whole lot more, so this is providing an incentive for
487 developers to consider. Mr. House asked if Mr. Houghton was suggesting an exception to the open
488 space/wetlands language for workforce housing. Mr. Houghton replied no that he was referring to
489 the minimum 10-acre development size for workforce housing.

490
491 Article VII creates a new sub-section for small accessory structures in order to provide for reduced
492 side, rear, and wetland setbacks for small sheds or accessory structures under 120 square-feet
493 provided that the structure meets a number of criteria. There were no questions on this amendment.
494

495 Article VII amends the Dimensional Regulations to clarify that non-buildable areas, including
496 wetlands, steep slopes, and areas protected by conservation easements or deed restrictions cannot
497 be incorporated into maximum residential density calculations. This amendment would also reduce
498 the maximum residential density in the Route 33 Heritage District from three units per acre to two
499 units per acre. Mr. Connors stated that he believes the non-buildable area requirement should apply
500 to all of the Commercial Districts and not just the Heritage District. He proposes a change for the
501 density in the Heritage District but also added language that the non-buildable area calculation
502 applies to all of the districts in the section. Mr. Kunowski commented that he lived in California
503 where houses are built on lots with very steep slopes. He realizes it is not optimal, but he wants to
504 be careful that we are potentially excluding steep slopes as unbuildable area as engineering will
505 allow building on a steep slope. Mr. Connors replied that the amendment doesn't prohibit building
506 on a steep slope just that when computing density that those areas are not included. Mr. Kunowski
507 replied okay. Mr. Connors described an example that if there was a steep slope and another flat
508 area, that just the slope would be excluded. Mr. Allison summarized that this is for the purpose of
509 calculating density so if there was one small piece in the middle of a large property, then it can't
510 be counted towards density, but it could be re-engineered during construction and wouldn't need
511 to be saved. Mr. Connors confirmed.
512

513 Article IX will allow small-scale ground-mount solar energy systems by right if they meet a
514 number of minimum criteria. Mr. Connors stated that he did not propose a change to the maximum
515 size of a "small-scale" system because he reviewed other communities and the size seems standard.
516 Mr. Canada asked what size are the ones on Stratham Heights Road and Boat Club Drive. Mr.
517 Connors replied small. Mr. Zaremba asked for confirmation that someone could get a usable
518 system that is small. Mr. Connors replied yes and that most seen on single family lots are small.
519 He added that the array at Stratham Green is medium sized. Mr. Connors reviewed the proposed
520 criteria and presented photographs of examples. Mr. Kunowski asked if the side yard is defined as
521 everything behind the front corner of the house. Mr. House replied that if the house is setback 100
522 feet and the front setback is 50 feet, then the side yard is from the 50-foot line back, not from where
523 the house is located. Mr. Kunowski replied okay. Mr. Connors demonstrated that the side yard
524 would be behind the front corner of the house. Mr. Kunowski asked for confirmation that the side
525 yard would never be beyond the front corner of the house. Mr. Connors confirmed. Mr. Allison
526 stated the definition would be the front corner of the house as opposed to the setback line. Mr.
527 Connors presented photographs of a 10 kW solar array that is about 1,700 square feet. The Board
528 discussed how size is calculated for an array and determined it is the surface area of the panels and
529 not the footprint. Mr. Canada suggested increasing the size to 2,500 square feet which would be a
530 50 by 50 foot square and if someone wants to use their backyard for solar, it's their prerogative.
531 Mr. Houghton is not as concerned with the backyard but thinks that is a large array for the side
532 yard. Mr. House asked if this is just for residential. Mr. Connors replied that it could be for
533 commercial, but solar projects on commercial properties would require site plan review per the
534 regulations. Mr. Zaremba and Mr. Houghton have concerns with arrays on the side yard. Mr.

535 Allison commented that as an example, a 40' by 40' array would be a big collection of panels and
536 in many cases would be too large for the side yard. He added that if it was on the side yard, it
537 would have to meet setbacks and he believes in most cases it would be physically impossible on
538 the side yard. Mr. House asked if the arrays have to be located within the side yard or just take up part
539 of the side yard. Mr. Connors replied that he thinks the board members are looking to remove the
540 ability to place them in the side yard. Mr. House commented that could be hard as most rear yards
541 are wooded. Mr. Connors asked the Board if they want to limit panels permitted by right to just
542 the rear yard and are there any proposed changes to the definition of small-scale array. Mr.
543 Zaremba asked regarding the definition, what is the average size needed for a four bedroom house.
544 If the answer is greater than the definition of small scale then it seems too restrictive, but if it is
545 well below then it seems reasonable. Mr. Allison commented that he had a 10 kW generator in his
546 previous home and it was not enough to use the air conditioner and the dryer, but it was enough to
547 cover basic items. He suspects that 10 kW is a reasonable number. Mr. Zaremba asked if the
548 definition is by size or by wattage. Mr. Connors replied the requirement focuses on size and he
549 read aloud the current definition. Mr. Houghton stated that this is what they are allowing by right
550 and if someone wants something different, they would submit an application to the Planning Board.
551 He is comfortable with the rear yard, 10 kW, and a 1,750 square foot system by right. Mr. Houghton
552 commented the proposed language stating that small scale systems "may be" subject to the Site
553 Plan Regulations is weak." Mr. Connors suggested a change to "shall". Mr. House asked if the
554 proposed language related to a minimum of 50 feet from the front property boundary and 35 feet
555 from the side or rear property boundaries needs to be adjusted if they are removing the option for
556 side yard installation. Mr. Connors replied no because those setbacks would still apply to the side
557 boundaries in the backyard.

558
559 Article X amends the Building Ordinance in order to enact a Fire Alarm Ordinance. The purpose
560 of this amendment is to require new commercial and multi-family developments or major
561 renovations in such facilities to include fire alarm systems. Mr. Connors stated that the Fire Chief
562 requested this amendment. Mr. Connors discussed the proposal with the Town's attorney whose
563 advice was to pass it through the Town ballot. Mr. Allison asked what a fire alarm ordinance is.
564 Mr. Connors replied that is a requirement that alarms be installed that notify dispatch. Mr. Canada
565 commented that it is late in the year to consider this. Mr. Houghton agreed it is a considerable
566 request. Mr. Zaremba asked if there are any requirements today. Mr. House stated that this is
567 covered under building code. Mr. Connors and Mr. Canada replied that it is not a current
568 requirement. Mr. House replied this is an alarm (electrical) and not sprinklers. Mr. Canada replied
569 that different communities have different standards. Mr. Zaremba commented he believes it is
570 important, but above his expertise, and arguably a large burden and he doesn't want to rush
571 something through the process. Mr. Kunowski asked what doesn't require a fire alarm. Mr.
572 Houghton asked what the source of the information is and he asked for confirmation that the
573 building code has requirements for fire alarms. Mr. House replied that the building code references
574 NEC 70 which is the electrical code and includes fire alarms. He added that NFPA 101 is the
575 standard for life safety. The board decided that they need more information before proceeding with
576 the proposed amendments. Mr. Connors summarized that he will let the Fire Chief know that the
577 Board wants to have a dialogue with him but they don't think there is enough time this year to
578 capture amendments for 2024.

579
580 Mr. Connors presented an email from the Sprucewood Homeowner's Association complaining
581 about a large, steel storage container on a property at the entrance of their subdivision that is not
582 part of the HOA. Mr. House asked if it was part of the construction of the home. Mr. Connors
583 replied he does not know and there is nothing in the zoning prohibiting it. He added they could be

584 required to obtain a building permit for the container, but it meets the setbacks and there is nothing
585 in the ordinance that restricts them. Mr. Canada and Mr. Houghton were surprised that there is no
586 regulation on storage containers. Mr. Connors stated he can draft a question for the public hearing,
587 that the language does not need to be finalized tonight, and the Board can debate the language at
588 the hearing. He added that because it is late in the process they can also defer it to next year. Mr.
589 Zaremba asked if it is common for towns to prohibit these. Mr. Connors presented a photo of the
590 storage container in question. Mr. Canada replied that a lot of towns would not allow them. Mr.
591 Zaremba is in favor of looking into it this year. Mr. Canada agreed and added that it could be
592 refined next year. Mr. Allison commented that it is similar to a shed and should need a permit. Mr.
593 Connors agreed that the Town can require a permit but because it meets the setbacks, it would be
594 allowed. Mr. Canada asked in the absence of a building permit, would this example be
595 grandfathered. Mr. Connors replied no. Mr. Connors asked the Board if he should include this in
596 the 2024 amendments. Mr. Canada, Mr. Houghton, and Mr. Zaremba replied yes.

597
598 **Mr. Canada made a motion to post the proposed amendments to the Zoning and Building**
599 **Ordinances, Articles II through X as discussed, for public hearings on January 3rd and 17th,**
600 **2024. Mr. Houghton seconded the motion. All voted in favor and the motion was approved.**
601

602 **b. Pending Land Use Applications**
603

604 Mr. Connors updated the Board on some pending land use applications. The Stoneybrook project
605 will go before the ZBA next week for a variance. Mr. Connors spoke with the applicant's attorney
606 who clarified ZBA review is not for density or design and is solely to allow a single-family
607 residential use. Mr. Canada asked if the variance is granted by the ZBA will the project come
608 before the Planning Board for site review. Mr. Connors replied yes. Mr. Zaremba asked if they are
609 going before the ZBA for permit by right. Mr. House replied it is for a variance for single-family
610 residential as that use is not allowed at all. Mr. Canada commented that this is the Town's last
611 large undeveloped commercial area and he has not seen any research that the land is not practical
612 for commercial. Mr. Canada stated he has some concerns with setting aside all of that
613 commercially-zoned land for a single-family residential use. Mr. Allison agreed. Mr. Zaremba
614 questioned whether such a large change would be more appropriate as a zoning question so that
615 voters at Town Meeting could have a say in the process.

616
617 Mr. Canada said he would like to see the Planning Board communicate to the ZBA it has concerns
618 regarding the variance application. Mr. Zaremba asked if the Planning Board is permitted to do
619 that. Mr. Houghton noted that there has been joint meetings with the ZBA in the past. Mr. Connors
620 suggested to Mr. Canada that the Planning Board could request a joint meeting with the ZBA. Mr.
621 Zaremba asked if the ZBA needs to agree to that. Mr. Connors replied yes. He believes that
622 decision is up to the Chair. Mr. Allison stated the joint meeting would just be for the purpose of
623 providing some additional thoughts and information that the ZBA may consider. Mr. Connors
624 suggested that the Board make a motion to authorize Mr. House to write a letter to the ZBA
625 requesting a joint meeting with the Planning Board. Mr. House recused himself from that process.
626 Mr. Canada asked if the responsibility falls to him as vice-chair to make the request. Mr. Connors
627 replied yes.

628
629 **Mr. Zaremba made a motion to authorize David Canada, as acting Chair, to reach out to the**
630 **ZBA to request a joint meeting on the Stoneybrook application currently in front of the ZBA.**
631 **Mr. Houghton seconded the motion. Mr. House abstained and all others voted in favor and**
632 **the motion was approved.**

633 c. Miscellaneous Community Planning Issues
634

635 Mr. Houghton asked for an update on 275 Portsmouth Avenue. Mr. Connors replied that the Town
636 has been in Superior Court with the owner asking for a series of compliance items to be addressed.
637 The owner has addressed enough of these items that the Town is no longer pursuing the lawsuit
638 against him. Mr. Houghton asked if that is only for existing uses. Mr. Connors replied yes. Mr.
639 Houghton asked if there is a lock on introducing new tenants. Mr. Connors replied the owner has
640 signed a document that he will not rent out the other units without going before the Planning Board.

641
642 Mr. Connors stated that at the next Planning Board meeting there will be a large cluster subdivision
643 with 54 units on Winnicutt Road to review. Mr. Houghton asked if this is a preliminary consult.
644 Mr. Connors replied yes but abutters are notified so there could be a significant turnout.
645

646 **6. Adjournment**
647

648 **Mr. Canada made a motion to adjourn the meeting at 9:51 pm. Mr. Zaremba seconded the**
649 **motion. All voted in favor and the motion was approved.**