



Stratham Planning Board Meeting Minutes
December 5, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Bob Baskerville, Chairman
Mike Houghton, Selectmen's Representative
David Canada, Member
Robert Roseen, Alternate

Members Absent: Jameson Paine, Vice Chairman
Tom House, Secretary
Diedre Lawrence, Alternate

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll. Mr. Baskerville asked Mr. Roseen if he would be a voting member for this evening's meeting in place of Mr. House. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

a. November 7, 2018

Mr. Canada made a motion to approve the meeting minutes of November 7, 2018 as submitted. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Baskerville recommended the board hear the public meeting items first and then the public hearing zoning amendments. Mr. Roseen agreed.

4. Public Meeting:

- a. Preliminary Consultation** for Tulip Tree LLC for parking and widening of driveway for the Robinwood Center at 61 Stratham Heights Road, Stratham, NH 03885, Map 5 Lot 81 submitted by Bruce Scamman, Emanuel Engineering Inc., 118 Portsmouth Avenue, Stratham, NH 03885.

Mr. Austin stated Mr. Scamman and the property owner will speak to the particular use intended for the property, and staff understand at this point could be approved as a special exception by the Zoning Board. Mr. Austin explained the intensity of the use and the change from the residential primary use of the property this application will require site plan review. Mr. Austin stated the formal site plan review and special exception could be a joint meeting between the Planning Board and Zoning Board of Adjustment.

Sophie Robinson, property owner at 61 Stratham Heights Road, stated her grandparents bought the property and raised their family there. Ms. Robinson's parents started an organic berry farm on the property, Berry Hill Farm, when she was a child. Ms. Robinson explained she and her brother inherited the property at a young age and is ready to move back to the area and continue her parent's legacy at the farm. Ms. Robinson explained her goal is to keep one the few farms left in Stratham going. Ms. Robinson stated the proposed use of the property would be a community center where people could enjoy the barn and learn how to grow their own food, participate in agriculture, as well as other activities. Ms. Robinson brought along a few potential business plans for the board to look over.

Bruce Scamman, Emanuel Engineering, stated the site is at the top of Stratham Heights Road and explained the site to the board. The work proposed is in the area of the farmhouse and the barn. Mr. Scamman explained the barn is proposed to be converted to house the majority of the Robinwood Center's events, education classes, and agricultural education programs. The Robinwood Center is proposing a kitchen to help facilitate the activities. The home would remain residential as Ms. Robinson residence. Mr. Scamman stated a parking area is being proposed with green infrastructure with some porous pavement or pavers. The existing driveway will be rebuilt to a 24 ft. wide for access purposes and put in a parking lot for 40 cars. There will be some events on the site that will have larger numbers of people coming to the site and Mr. Scamman is proposing the grass parking across the street. Mr. Scamman stated the applicant is proposing to put in a crosswalk. Mr. Scamman and the applicant have had discussions with the town regarding the town infrastructure improvements on Guinea Road and Stratham Heights Road may have some crosswalks that the applicant could pair up and work together with the town. Mr. Scamman stated there has been initial discussions with PCAC to potentially connect to the Cooperative Middle School. Mr. Scamman explained this proposal's use has not been identified as a non-profit fraternal meeting site or an educational facility. There was discussion with Mr. Austin today as to looking into special exceptions for either use in the residential/agricultural zone. Another discussion was how in depth would need to be done site plan if the only work being completed is putting in porous pavement with a full drainage system underneath. Mr. Scamman explained the site drainage to the board. Mr. Scamman stated the area is 3-5 ft. higher than the road with the culvert being 2 ft. lower than the road. The applicant is proposing a drain pipe for the overflow of the drainage under the parking lot out to the existing culvert and install plantings on either side of the parking lot (ex. Raspberry or blueberry bushes). Mr. Scamman stated the proposal is to have 5-10 people on site per day doing agriculture work in the fields.

91 Mr. Austin explained his discussions with Mr. Scamman and Ms. Robinson was to
92 define the use and how it will be used which will determine the building and fire code
93 that the use will be held to. Once the use is chosen the town can act on it and if the
94 parking proposed on the same side of Stratham Heights as the barn and will be adequate
95 for 75% of the time with some overflow then the application for site plan review would
96 need to include both sides of the road to include the overflow parking which is a separate
97 parcel. Once this occurs there is another trigger where the board will be required to
98 make a determination of regional impact by the addition of the events up to the number
99 of people as outlined. Mr. Austin explained PCAC is interested in furthering trails
100 where possible. Mr. Austin asked the board's input on whether the applicant could
101 submit groups of waivers. Mr. Austin questioned if the board is willing to accept the
102 existing boundary survey or if the applicant will be required to survey the property; will
103 2 ft. contours be required to be shown; will every tree over 6 inches be required, etc.
104 which a site plan review addresses that does not apply when a parking lot is being put in
105 on a 50 acre parcel. Mr. Austin stated the nature of the site plan is to have something on
106 record to prohibit using the barn which is generally not accepted by the current zoning.
107

108 Mr. Baskerville asked the applicant if they are proposing to subdivide the land. Ms.
109 Robinson and Mr. Scamman stated no. Mr. Baskerville explained that since there is a
110 recorded boundary plan and the parcel is not being subdivided a new boundary survey
111 would not be required, and the changes to the topography could be stamped. Mr.
112 Baskerville asked if any of the wooded area in the back of the parcel would be cleared
113 for additional fields. Mr. Scamman and Ms. Robinson stated no. Mr. Scamman
114 explained the woods allows are large buffer to the road. Mr. Baskerville recommended
115 the applicant flag or get a letter from a wetland scientist to confirm whether the parcel
116 has wetlands or not. Mr. Scamman agreed. Mr. Baskerville voiced concern with the
117 parking lot ending at the boundary line, right next to the house next door. Mr.
118 Baskerville is concerned with car headlights headed to the abutting home. Mr. Scamman
119 showed and discussed the colored site plan to the board. Mr. Scamman will email the
120 pictures to Mr. Austin for the file. Mr. Canada questioned why special exceptions would
121 be required if it is considered an agricultural use. Mr. Roseen stated the intensity of use
122 is changing very little and but the use is not changing that much. Mr. Scamman
123 explained that some of the activities may not all be agri-business so the applicant
124 thought it would be helpful to come before the board due to the non-profit organization
125 and some of the classes may not be 100% agriculturally related. Mr. Baskerville stated a
126 concern which will need to be addressed when the applicant comes back before the
127 board is the number of people expected now and in the future which will become a
128 different use as the numbers increase and the traffic flow will be different than the 5-10
129 people per day. Mr. Roseen stated that with this limited review he does not believe
130 drainage calculations will be required. Mr. Baskerville questioned septic and water
131 plans. Mr. Scamman stated the proposal is to have composting toilets which he will
132 have to look into. Mr. Baskerville asked what the applicant is proposing for a septic
133 system. Mr. Scamman stated with the kitchen that is proposed design work will be
134 required to handle preparing food for larger groups. Ms. Robinson stated the septic is
135 across the street. Mr. Roseen stated the septic system and well are the priority areas
136 required for review. Mr. Roseen questioned if the business plan envisions any future
137 phases with additional expansions. Ms. Robinson stated no, the barn is very large and

the renovations will be done in phases, but large enough to handle the proposed business plan.

Mr. Baskerville reminded the public that this is a public meeting, not a hearing, but the board would like to hear from any abutters to speak for or against the proposal. No one came forward to speak.

b. PCAC Update: Public survey results and next steps.

Bettina Kersten, PCAC Co-Chair, stated she is there to share the survey results with the board and share some of the projects happening. Ms. Kersten explained who and what the PCAC's is and the reason they came together as a committee. Ms. Kersten stated the committee put together a survey which was conducted for 2 months (March-May 2018). The survey was put out to the community via an online newsletter the recreation department, the preservation committee via an email, handouts during Election Day and "pizza in the park" nights, at church and school events, and asked residents to answer a few questions to give PCAC a better overview. The survey resulted in 275 responses back and was separated into three parts; demographic, whether people walk and bike in Stratham (including where, how often, and why), and to give the PCAC an idea of support in the community. Ms. Kersten read through the highlights for the board (see PCAC file for hand-out). 80% of respondents stated they are in favor of infrastructure improvements in town to support walking and biking. Walking and biking are very important for Stratham residents and the one area which needs to be focused on is more connectivity. The PCAC has a grant for a Safe Routes to School program which will eventually feed into the master plan. Ms. Kersten attended the Complete Street forum in Concord and learned about the DOT resurfacing program, which means the town can reach out to DOT and ask for relocation of space to narrow the lines to provide larger shoulder space for pedestrians. Ms. Kersten stated there is an opportunity for establishing a bicycling/tourism branch in Stratham which could include the Rockingham Recreation Trails which extend from Manchester to Newfields and on the other side there is the Seacoast Greenway which extends along the coast. The PCAC would like to see a bike trail which encompasses the available farmland from Greenland to North Hampton. Mr. Baskerville asked Mr. Austin if the town is informed of the DOT paving schedule. Mr. Austin stated no but they could put the town's wants/needs out to DOT. The Board congratulated Ms. Kersten and the PCAC group for the tremendous amount of work which was brought forward to increase awareness, gain recognition, receiving grants, putting up signs and the work which has been done is to be commended and is much appreciated. Mr. Roseen would like to see a section of this put into the zoning. Mr. Austin stated this is in the Subdivision Regulations. Mr. Houghton stated this also needs to be in the Master Plan as the vision for Stratham going forward. Ms. Kersten questioned if the town has a transportation plan in the works. Mr. Austin stated it is in the Master Plan. Ms. Kersten would like to see the town be proactive regarding connectivity and budgeting as this process takes a long time to come together.

3. Public Hearing

a. Zoning Amendment

Mr. Austin explained the Zoning Amendments have been notified for 12/5/2018 and the Planning Board's next meeting date 12/19/2018. Mr. Austin recommended the board take amendment separately and decide if it is complete and ready to move forward to the warrant or if changes and revisions are made it will be continued to the 12/19/2018 date.

Mr. Baskerville

- **Town Warrant Article – Explanatory Notes.** To see if the Town will amend the Zoning Ordinance, Section IV, Subsection 4.3 Explanatory notes, to add Subsection 4.3 (i) to further clarify the permitting requirements and procedures related to lot frontage in subdivision applications.

Mr. Austin stated Table 4.2 is the table which speaks to maximum building coverage on a lot, setbacks, height restrictions, etc. Subsection 4.3 is the footnotes to that particular table. 4.3.i. is proposed to be added as the planning board was looking for a definitive way to determine whether a lot was called "irregular" or not when evaluating subdivision applications. 4.3.i states "an improved lot must be created where a square with each side measuring 75% of the required frontage required by the zoning district is placed at, and having one (1) side placed along and parallel with the front setback line as required by the base zone. The placement must not cause any portion of the square to cross a proposed lot line." This will keep a square shape that leads to the front setback. Mr. Austin stated the Code Enforcement Officer questioned how the square would be applied on a pork chop lot and recommended the square be made to fit after the stem, in the front of the pork chop, in the buildable portion of the lot. Mr. Baskerville agreed. Mr. Austin stated pork chop lots raise another potential amendment which the board did not elect to act on at this point. There was question about putting a censured date on the pork chop lot subdivision provision. Mr. Austin does not see how furthering the availability of pork chop lots furthers the earlier discussion from the PCAC by further confining and restricting areas that might be open. Mr. Baskerville stated the intent is clear and recommended the board move forward and if the wording needs modification for a pork chop lot the board can add it for the following year's review of amendments.

Mr. Austin and Mr. Deschaine explained to the board that this article could be continued to the next hearing and the language would have to be updated within the notice window of the next hearing. Mr. Austin stated a statement such as "in the case of pork chop lots said square shall be placed at the terminus of the 50 ft. access stem" or "this does not apply to pork chop lots". Mr. Austin stated the irregular lot is based on frontage or area. The paragraph existed so someone didn't manipulate 3/4 of a hammerhead or adding a winding road for the sake of making it longer, thereby increasing the frontage potential and the lot yield for a subdivision. Mr. Austin recommended the board move forward with the language proposed above and barring public comment allow it to proceed to the warrant and staff will understand the

recommendation the Code Enforcement Officer make a determination on future proposed lots for planning board consideration.

Mr. Baskerville asked for public comment for or against this article. Bruce Scamman, 3 Blossom Lane, stated he has designed many of these types of lots, especially in Hampton, and it becomes very difficult with lots of different spaces. Mr. Scamman has concerns and questioned where the 75% number came from. Mr. Scamman agreed with the “box on the lot which works”. Mr. Baskerville questioned how big the square is in Hampton. Mr. Scamman stated it is 75%. Mr. Scamman recommended this be in the subdivision regulations so the planning board has control over the layout at the subdivision level. Mr. Austin stated approximately 90-95% of the subdivisions in the past few years have accounted for this square. The areas where the square did not fit, begged the question of irregular shaped lots. Mr. Austin stated this square forces the visual consistency with 200 ft. of frontage and within that first frontage of the property the regular pattern that is the backbone of the zoning ordinance. Mr. Houghton stated he has heard many voice their frustration with the number of irregular shaped lots that is perceived that the planning board agreed to, which is from a lack of definition in the ordinances. Mr. Houghton agreed this is appropriate to the extent that it provides clear guidance and there are processes to change course if there is disagreement with this. Mr. Scamman recommended if the board passed it as it is, it should be very clear in the minutes that pork chop lots will apply it was discussed.

Peter Grey, 20 Squamscott Road, agreed with everything stated, particularly because a person of average intelligence reading it as it is stated would not be able to figure out or visualize what the board is discussing. Mr. Grey stated this is still written in “legalese” writing and suggested this be written in more plain English in order to understand. Mr. Baskerville stated the language of this had been discussed on many occasions and any subdivision is required to be done and stamped by a land surveyor. This requirement is common in many towns and most land surveyors will be able to read and understand what it means. Mr. Austin recommended

Mr. Baskerville asked if there was any additional public comment, no one came forward. Mr. Baskerville asked the board for further questions or changes. Mr. Roseen stated given the questions regarding the intent and the need for clarity in the minutes he recommended adding additional language now or spend some time working it out such that it is available for discussion at the next hearing instead of having to recall from a distance that something was captured in the meeting minutes. Mr. Baskerville is concerned, based on past experience in the last few years that discussions get started on simple wording changes and hours later the board hasn’t gotten through one item. Mr. Grey asked what the intent is and asked the board to define the intent. Mr. Austin recommended phrasing a pork chop lot to achieve the same effect would be “in the instance of a pork chop lot, said square must be placed at, and having one side placed along and in parallel with the setback line parallel to the street providing frontage.” Mr. Austin drew an example on the board and explained for the board and the public in attendance. Mr. Austin explained the access way to the pork chop lot does not have a term so attempting to write an explanation

which states the square doesn't have to fit in the "stem" would be tough. Mr. Canada agreed with Mr. Roseen to get this cleaned up now. Mr. Austin 4.3.i shall read:

4.3.(i) An approved lot must be created where a square, with each side measuring 75% of the required frontage required by the Zoning District is placed at, and having one side, placed along and in parallel or closest to street providing frontage required by the base zone. The placement must not cause any portion of the square to cross a proposed lot line. For pork chop lots, said square must be located on and in parallel with that setback closest to street proving frontage by the base zone.

Mr. Austin recommended the planning board continue the public hearing to December 19, 2018 as so noticed.

Mr. Canada made a motion to adopt the wording just discussed to be incorporated into the zoning change. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Canada made a motion to continue this public hearing to December 19, 2018 including the amendment that was adopted this evening. Mr. Roseen seconded the motion. Motion carried unanimously.

- **Town Warrant Article – Home Occupation.** To see if the Town will amend the Zoning Ordinance, Section V, by amending to Section V, Subsection 5.13.2 (a) *Conditions*, to clarify the total area permissible as a Home Occupation as provided by the Zoning Ordinance.
- **Town Warrant Article – Home Occupation.** To see if the Town will amend the Zoning Ordinance, Section V, by amending to Section V, Subsection 5.13.3(a) ii *Application for Special Exception & Home Occupation; Inspections*, to clarify the Home Occupation Permit application submission requirements as provided by the Zoning Ordinance.

Mr. Austin stated there are a couple instances where the parameters of the conditions of a home occupation under 5.13.2 to the board and staff understood it differently than the board. Staff's read of the ordinance was misaligned with the zoning board's understanding of what the ordinance said and the current town administrator's read of what the ordinance says. Mr. Austin explained the changes that are included in 5.13.2(a) is to clarify the boards and staff that existed prior to the current planner believe the ordinance to read. Mr. Austin explained one may read the ordinance to separate, or draw a line of distinction, in the storage associated with a home occupation and the permissible area of the home occupation within the home. Mr. Austin stated his understanding, per the proposed amendment shall read:

"5.13.2.a The total area occupied, including storage in accordance with "f" below, by a home occupation shall utilize an area of no more than twenty-five percent (25%) of the total floor area of finished floor space of the dwelling, including the basement if

finished as habitable space, and does not change the residential character of the premises thereof.”

Mr. Austin also stated changes recommended changes proposed for 5.13.3.ii shall read as follows in order clarify whether the home occupation, with or without storage, does or does not exceed 25%.

“5.13.3.ii A sketch and/or drawing of the floor plan of the residence, clearly showing the dimensions of the living area and the area to be used for the business, including any proposed storage areas, and a plot plan of the property showing provisions for off-street parking and proposed outside storage area.”

Mr. Austin explained the reviewing body has the ability to evaluate proposed conditions and put limits on outdoor storage areas. In short, these to proposed amendments are stating the home occupations will require applicant to state the finish square footage of the home multiplied by .25 and that would be what is available for the home occupation and the storage. The board had not comments on these proposed amendments.

Mr. Baskerville asked for public comment either for or against with regard to the two warrant articles.

Peter Grey, 20 Squamscott Road, asked if this is staff’s understanding of what the intent “f”. Mr. Baskerville stated yes. Mr. Grey stated from a realistic standpoint that this is unrealistic and the 25 percent should not include storage. Storage should be separate and distinct from the storage and the degree of storage can then be determined at the time of special exception under the realistic needs of the home occupation applicant. Mr. Grey stated different people’s needs and home occupations are going to be different. Mr. Baskerville stated the 25% is already in the regulations and the question for the board was what is included in the 25%. Mr. Grey stated he was the first application after the ordinance was revised in 2010 and the board was very frustrated with the wording because it was ambiguous. The question has always been whether the storage came within the 25% or separate and distinct from and there was never an answer. Mr. Grey would like to be on record to suggest requiring any and all storage of business related materials to 25% of the square footage of the existing house is unrealistic and smacks of an intent to put unrealistic limitations on home occupations, therefore, making it unrealistic for people to pursue home occupations. Mr. Houghton asked Mr. Grey to explain that it is unrealistic by what standard. Mr. Grey stated a landscaper needs more space than a dentist office. Mr. Houghton explained that a home occupation is not intended to be a commercial enterprise. Mr. Austin stated the purpose of the 25% is not intended to limit the size of the home occupation, it is to determine what percentage of a residential property can be something other than residential while maintaining the residential character of the neighborhood in which it is. Mr. Austin recommended several months ago that Mr. Grey submit proposed changes to clarify the confusion. Mr. Austin asked Mr. Grey what proposed changes he is recommended since Mr. Austin has not received a red-line to review. Mr. Austin stated 25% is a fairly common number and there are a

number of home occupations in Stratham that most likely don't need a home occupation permit. A home occupation is for business that has people coming to the home, offsite staff, etc. Mr. Austin explained that if a home occupation requires more storage there are places that provide storage needs, a residential property is not where the storage should be. Mr. Austin also explained that if a home occupation has increased in foot traffic from 5 people to 50 people per day then perhaps it is no longer a home occupation.

Mr. Grey asked for correction from Mr. Austin regarding the comments regarding "no limits on exterior storage". Mr. Austin explained under "f", "exterior storage must be screened from neighboring view by either a solid fence, evergreens of adequate height and bulk at time of planting or by existing combination of natural foliage and longer distances, to be determined sufficient by the Code Enforcement Officer." Mr. Grey stated 5.13.2.a states "total area occupied, including storage...", Mr. Grey stated he misunderstood. Mr. Baskerville and Mr. Houghton stated it can still be done, it is just limited to the 25%. Mr. Austin clarified that the proposed amendment changes do not have bearing on any approved home occupation and would only be for new home occupations. Mr. Grey explained that the last amendment in 2010 there was no input from any home occupants, they weren't notified, and they didn't have input. Mr. Grey also stated there was no discussion regarding storage as he has listened to all the audio from those meetings. Mr. Grey explained there is no way to know what the original board actually intended with the proposal. Mr. Grey agreed that 25% is pretty standard but what is not consistent is the idea of including any amount of storage within that 25%. Mr. Grey recommended excluding storage from the 25% and at the time of application of the home occupation, depending on the parameters of that business. Mr. Houghton asked Mr. Grey for confirmation that in 2010 the public hearing was not noticed. Mr. Grey stated the notice was on the wall. Mr. Grey stated it would be fair to get input from the segment of the community in which zoning or changes are to occur. Mr. Houghton explained to Mr. Grey that he is suggesting that the board acted nefariously in 2010 and subverted the community to enact zoning amendments that the public was not provided the opportunity to provide input and that is factually incorrect. Mr. Grey stated what was passed, according to the paperwork, was supposed to be retroactive to all existing home occupations and a time element of 150 days was published in which all existing home occupations were to notify the town of what they were doing. Mr. Grey stated a letter was drafted by the planning office but not one person received the letter. Mr. Canada stated that is an untrue statement as Mr. Crow received a letter and raised "hell" about it. Mr. Crow did not like the idea but he received a letter which was strictly administrative and intended to verify there was still a home occupation on the property and in conformance with the approval. Mr. Roseen stated the hind look is not being productive and the public hearing part that would be most productive now is the opportunity for input for what recommendations you would have for this particular language proposed tonight. Mr. Grey stated the 25% should be separate and distinct from the storage and the amount of storage allowed for a proposed home occupation be determined at the time application for a special exception. Mr. Roseen stated "does not change the residential character of the premises thereof" is the most important part. Mr. Canada stated the proposed language nails down the intent and if

anyone find it egregious they can apply to the ZBA, it's not convenient, but it is allowed.

Mr. Baskerville asked if there was any more public comment. No one came forward. Mr. Baskerville asked the board for comment

Mr. Baskerville agreed with the proposed language for 5.13.2.a. Mr. Roseen, Mr. Houghton also agreed.

Mr. Canada made a motion to approve the recommended language changes proposed for 5.13.2.a as presented this evening and recommend the town adopt this language at the 2019 Town Meeting. Mr. Roseen seconded the motion. Motion carried unanimously.

Mr. Canada made a motion to approve the recommended language changes proposed for 5.13.3.a.ii as presented this evening and recommend the town adopt this language at the 2019 Town Meeting. Mr. Roseen seconded the motion. Motion carried unanimously.

- **Town Warrant Article –Supplementary Regulations.** To see if the Town will amend Section V, by adding Subsection *5.14 Solar Energy Systems* to establish and clarify the permitting process for solar energy systems.

Mr. Austin recommended the chairman not read the entire regulation and staff will point out changes to the board, based on the discussion at the November 7, 2018 meeting. Mr. Austin stated the “small scale” ground mounted energy system does reflect the CUP as suggested by the board. 5.14.4.1.b ground mount installation shall be limited to a height, tallest point of structure, of no more than 20 ft. above natural grade. The recommendation was to include the language regarding bonding for future site reclamation as suggested in the telecommunication ordinance adopted in 2017 which is noted in 5.14.7.7 regarding performance bond or irrevocable letter of credit in the same amount and spoken to again in 5.14.9.2, Abandonment. Staff recommends the board approve 5.14 Solar Energy Systems as written.

Mr. Baskerville opened hearing for board comments. Mr. Roseen stated he does not have any questions or comments. The board and staff spoke to removing 5.14.2. Mr. Roseen stated they are the same. Mr. Austin explained one is an active solar system and the other is a photovoltaic system connected to an electric circuit served by an electric utility.

Mr. Baskerville opened the hearing for public comments for or against the Solar Energy System. No public comments came forward.

Mr. Canada made a motion to amend Section V, by adding Subsection 5.14, Solar Energy Systems, as presented this evening and recommend the town adopt this language at the 2019 Town Meeting. Mr. Roseen seconded the motion. Motion carried unanimously.

- **Town Warrant Article –Signs.** To see if the Town will amend Section VII *Signs*, Subsection 7.6 *Exempt Signs*, by amending Subsection 7.6.q to clarify rules pertaining to signage displayed on motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities.

Mr. Austin explained to the board the notice states 7.6, Exempt Signs, but the section being amended is actually 7.6, Prohibited Signs so the board will need to continue this and renoticed as 7.6, Prohibited Signs. Mr. Austin recommended the board not open the public hearing due to having to be renoticed for the correct language. Mr. Austin explained staff will include 7.6, Prohibited Signs and Subsection 4.3.i., Explanatory Notes in a new notice. Mr. Deschaine reminded the board that public comment could be heard as meeting comments and not in the context of public hearing since it will be renoticed due to correction. Mr. Austin read 7.5.q, Prohibited Signs for the board. Mr. Austin stated the changes are not retroactive, it's just a manner of regulating parking of vehicles brandishing signage. Mr. Baskerville asked the board for comment.

Mr. Baskerville opened for any public comments.

Bud Hughes, 309 Portsmouth Avenue, stated he's been an antique dealer for about 30 years, a member of the NH Antique Dealers Association and VT Antique Dealers Association. Mr. Hughes primarily does business as a show dealer out of Stratham and also has private sales at his home with other dealers from other states. Mr. Hughes explained that he has a magnetic sign on an old van which he uses to travel with and if that sign is not allowed on the van he considers that a hardship because the sign is a means of advertisement for those considering to call and sell their collections. Mr. Hughes asked what the intent of this regulation is and if the board is trying to cut down on business in Stratham. Mr. Canada stated that every business in town is subject to the sign ordinance. Mr. Austin asked Mr. Hughes for clarification of his concern and questioned if he parks the vehicle in the front yard to broadcast his business as an antique dealer. Mr. Austin stated having a magnetic sign on a vehicle and parking in ones driveway which is not inconsistent with this. Mr. Roseen explained the difference as a sign being used as a frontage sign would be subject to the town sign ordinance, but if it is incidental and the vehicle is not parked as a means to get around the sign ordinance requirements that is not an issue. Mr. Canada explained the intent is so the vehicle is not parked on the front lawn, parallel to the road, so it becomes a real sign. Mr. Canada explained that last year Planet fitness rented a truck, had their signage on the truck, and parked the truck at the front of the parking lot, away from the building, as signage which is what the board is trying to avoid. Mr. Roseen asked Mr. Hughes if he had a recommendation for language. Mr. Hughes stated "if somebody has a magnetic sign on their vehicle and they are parked in their yard, as long as they're not within a certain distance from the street, then it doesn't matter whether there's a sign on the vehicle or not." Mr. Roseen stated he believed the words "visible as a free-standing sign" are the critical words and there needs to be something about intent or incidental. Mr. Austin stated the Code Enforcement Officer has many a thing to do besides drive around and determine whether someone's van is or is not parked in violation of this ordinance.

Mr. Baskerville stated the wording needs to be able to give the Code Enforcement Officer some power to the offenders who have over the years taken the ordinance beyond others.

Mr. Baskerville asked the public comment to be short and limited for this evening due to this article being renoticed and will be heard at the December 19, 2018 hearing.

Bruce Scamman stated if the vehicle needs to be kept out of the setbacks and a garage has a setback and a driveway to the road there will be no area to park the vehicle. A resident could complain if a neighbor doesn't that someone brings their work vehicle home every day. Mr. Scamman asked the board to be very careful with the wording and how it could affect a resident bringing a work vehicle home. Mr. Roseen asked Mr. Scamman if he had any recommendations. Mr. Scamman would like it to reflect that a resident would be allowed to bring a work vehicle home and park in the driveway with no repercussions. Mr. Baskerville stated that all agree on that. Mr. Houghton stated most residents understand home occupations and this is to regulate the examples such as Planet Fitness taking advantage of parking a vehicle in plain sight. This amendment is not to hinder the owner/operator who has their work truck in their driveway. Mr. Austin stated when an applicant comes in for site plan review it should be discussed how many vehicles are intended to be on site and how is the applicant plan to comply with this section of the ordinance.

Peter Grey, 20 Squamscott Road, stated the existing wording covers what is needed and he sees this as extending that prohibition now into the home occupation area. Mr. Grey asked for the clarification for this. Mr. Grey stated it is the interpretation of the Code Enforcement Officer and he may not see it as the board intends it to be used. Mr. Roseen stated the purpose is to reduce the subjectivity of this article and this has greater specificity. Mr. Roseen explained the less detail that is provided in an ordinance, the more subjectivity is involved. Mr. Grey stated this will add an additional hardship onto people trying to earn a living and if the vehicle(s) are not screened it is illegal. Mr. Austin asked Mr. Grey for specific examples of an approved commercial enterprise, absent an approved site plan. Mr. Austin explained any commercial property, with an approved site plan, adopted prior to this is not affected by this article. This section applies to new site plans in commercial districts. The home office language included in the change is to say "the home of U-Haul, the home of Verizon, etc." and is not to say if a work vehicle is taken home it cannot be parked where it can be seen.

An unidentified resident stated there is a difference between a magnetic sign and a box truck that is basically a billboard. Unidentified resident suggested adding language such as "no parking rolling billboards". Unidentified resident asked Mr. Austin for clarification that this segment of the ordinance does not include home occupations and is just for commercial sector in town. Mr. Austin stated this is prohibited signs across the board and parking a vehicle for the sake of being a sign is a violation of the sign ordinance. Kevin Roy stated he understood this to be just for home occupations, not commercial business. If Planet Fitness is not parked in a legal parking spot, and out by the road, it is not a legal parking spot. Paul Deschaine,

Town Administrator, recommended the board use the term place of business as opposed to home office to describe the intent. Mr. Austin asked the board if they would like to replace “home office” with “place of business”. Peter Grey asked for clarification that the CEO is not going to be driving around applying this to current items he may see. Mr. Austin explained that new laws do not apply to old things.

Mr. Roseen made a motion to renote 7.6.q, Prohibited Signs, to be heard at the December 19, 2018 meeting, to state “where such vehicles or rolling stock are stored at their place of business in a manner to be screened from public ways (fence, garage, etc.) or otherwise parked so as not to be visible as a freestanding sign.” Mr. Canada seconded the motion. Motion carried unanimously.

- **Town Warrant Article –Signs.** To see if the Town will amend Section VII *Signs*, Subsection 7.9.a.vi *Home Occupation Signs*, by adding Subsection 7.9.a.vi.5 to clarify rules pertaining to signage displayed on motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities.

Mr. Austin read 7.9.a.vi.5 proposed language discussed by the planning board to read “Vehicles displaying advertising for a Home Occupation shall be screened from public ways (fence, garage, etc.) or otherwise parked so as not to be visible as a freestanding sign.” Mr. Roseen stated this has the concern about the intent, and the intent is important. Mr. Roseen explained the “intended to attract attention of the public business advertising purposes...” should be added to clarify. Mr. Austin explained this is only for home occupations and home occupations and residential neighborhoods are limited to a very finite limit of signage and many push the limit. Mr. Canada asked for language such as “less physically impractical”. Mrs. Grey, Squamscott Road, stated the point of the board’s is to work with the people and help them. Mrs. Grey explained small businesses are a part of the community to help everybody and if the point is made in the rules it gives leeway to everybody like they’re not afraid of the board or skirt around and do stuff which is prohibited. Mr. Baskerville explained if a resident files a complaint with the town, and if the regulations are not clear, when staff comes to the board their hands are tied on enforcement. Mrs. Grey requested the board bring the complainant to the person they are complaining about in order to fix their fears. Mr. Houghton asked if Mrs. Grey had a sign on her vehicle, she replied no. Mr. Houghton asked Mr. Hughes if he had a sign on his vehicle, he replied yes maybe 20 inches by 30 inches. Mr. Baskerville Mrs. Grey if she had a suggestion for wording. Mrs. Grey stated the language “any new applications” needs to be added to the article. Mr. Houghton asked about adding language that states “vehicles advertising for a home occupation exceeding 2 ft. by 3 ft. are not permitted”. Mr. Canada stated a vehicle has the right to use their vehicle as a billboard while driving. Peter Grey stated he does not believe that line is needed. If someone is applying for a home occupation and they’re going to come to this article and question why they can’t park their car with a sign on it in their front yard. Mr. Roseen explained the board is trying to make this section less subjective. Mr. Grey stated what it is interpreted as is more control. Mr. Canada asked Mr. Grey what part of zoning is not about control. Mr. Grey stated ordinances are not to deal with one person who is unhappy, they are for town wide preservation of the health and safety

of the town. Mr. Houghton asked the board to get back on track regarding 7.9.a. and not the entire zoning regulations. Mr. Austin recommended the board close the public hearing and if there were any changes the board heard from the public they would like to add Mr. Austin will update the language. Mr. Baskerville recommended changing the word “visible” to “displayed”. Mr. Deschaine stated instead of making #5 and intent issue, just recognize it as a sign and include as part of the home occupation signage and if a 4 SF sign exists then no other signage, including magnetic signs, are allowed. Mr. Deschaine recommended making all vestiges of signs applicable to that home occupation sign requirement. Mr. Austin recommended adding language to the end of 7.9.a.vi.1 to read “Therefore, if any free-standing sign and add “x” amount of square footage on the door, the sum total shall not exceed the aggregate of 4 SF”. Mr. Grey stated there are people in attendance that are affected. Mr. Austin stated that no one in the room with an active and viable home occupation at this time is subject to the ordinance change as proposed this evening. However, they may have proven to exhibit characteristics which drove this change so that future home occupations would be subject to this rule. The intent of this ordinance is to address vehicle signage with home occupations. Mr. Roseen stated he is on the master plan subcommittee and the master plan is clearly, extremely supportive of home businesses and recognize the move in town towards that.

Mr. Canada made a motion to modify 7.9.a.vi.5. to strike the word “visible” and replace with “displayed” and to continue the public hearing to the December 19, 2018 or January 2, 2019 hearing. Mr. Houghton seconded the motion. Motion carried unanimously.

- **Town Warrant Article – Wetlands Conservation District (Overlay).** To see if the Town will amend Section XI, Subsection 11.4.1.a and d., add 11.4.1.f, amend 11.4.3, and amend Section XI, Subsection 11.5.3.d to further clarify the permitting requirements and procedures for development within the Wetlands Conservation District (Overlay).

Mr. Austin explained there was a recent subdivision that led to discussion with the Conservation Commission regarding potential amendments and additions to the parameters under which the planning board considers Conditional Uses specific to wetland buffer permits and development activities within the Town of Stratham. It is staff’s understanding along with two of the Conservation Commission members present this evening that they have reviewed the initial draft and the draft before the board this evening which was moved forward by the planning board at the last meeting.

Bill McCarthy, 51 Stratham Heights Road, Chair of the Conservation Commission explained there was a lengthy letter written in support to the planning board. Mr. McCarthy stated the developable land in Stratham is dwindling and more applications are coming forward with more wetland and wetland buffer impacts so the Conservation Commission would like to give the board more empowerment through specificity to be able to evaluate more effectively. Mr. Austin stated 11.4.1.f as presented this evening does include the changes that the board discussed at the last meeting. Mr. McCarthy confirmed the Conservation Commission reviewed the changes are in agreement.

Mr. Baskerville opened the meeting for public comment. No public comment came forward.

Mr. Roseen made a motion to approve the amendments as presented and recommend the town adopt this language at the 2019 Town Meeting. Mr. Canada seconded the motion. Motion carried unanimously.

- b.** Mr. Austin explained the board has a copy of the elevation for 149 Portsmouth Avenue (the middle building of the Perlowski Condo Subdivision) in their packets. The second page of the elevation that were submitted for a building permit show different windows and signage. Mr. Austin asked the board for their opinion of the ADA ramp on the Portsmouth Avenue side of the building and would like to mention the discussion he recalled Mr. House presenting questioning the number of primary egress points from the proposed, at the time, four apartment units. Mr. Austin stated multiple floors of apartments or separate living units require two primary means of egress. Mr. Austin explained the four apartments have been replaced by a dentist office. Mr. Houghton stated that is not what was approved. Mr. Austin stated the use is permissible in the zone. Mr. Houghton stated this is not the building approved, Mr. Austin agreed. Mr. Austin explained Mr. Perlowski and current owner of the middle building is the condominium subdivision was done so the center building could be sold to a tenant who is a dentist office. The dentist office was moving forward with the interior renovations and the Code Enforcement Officer stated a second means of egress is required so the current exterior staircase was proposed on the back side of the building. Mr. Austin also stated it is not clear from the images to the construction done to date, the original building was shown at a height of 35'-4.5" and is now the height based on the existing grade around the building which is significantly over that which is in violation of the height. Mr. Austin stated it is conceivable that by raising the grade the need for the ADA ramp will not go away but what does not go away is the secondary egress. Mr. Austin explained the options, per the Code Officer, are to sprinkler the building or have a secondary means of egress. Mr. Austin asked the board if this is required to come back before the board for revision on the façade. Mr. Houghton stated yes they need to come back. Mr. Austin explained a building permit was issued with the façade in front of the board this evening. Mr. Baskerville stated there are too many changes to move ahead, it needs to come back before the board. Mr. Austin explained the ADA ramp exits towards 147 Portsmouth Avenue, turns the corner of the building and extends all but half the building length toward the rear of the property, which is a significant ramp and is not the intent or the understanding when Mr. Baskerville and staff contemplated achieving the 6 inches of life from the parking area into the front door. Mr. Austin explained the front entry which was originally approved by the board is a four poster design with a decorative light, which has been replaced with a fully enclosed foyer. Mr. Deschaine questioned if the change is or is not caused by the conversion from a four unit apartment to a commercial use. Mr. Austin stated no, at the time the ADA ramp was used to achieve the mirror lift from the parking area to the front door. Mr. Baskerville stated the conversion of the front area from two columns to entering only on one side and now means the handicap ramp has to come from the side and cannot come from the front because there is no front access. Mr. Austin stated the building

702 official at that time approved the façade current shown. Mr. Roseen asked for
703 clarification regarding the issues to be discussed; ADA ramp, rear staircase, and
704 grading. Mr. Austin asked the board for confirmation that the applicant is required to
705 come before the board regarding the site violations and any further disparity between
706 the approved façade and the existing façade from the point at which the building permit
707 was erroneously issued. The board agreed, yes, the applicant will need to come before
708 the board for those items not in substantial compliance.
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710 **5. Adjournment**

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712 Mr. Roseen made a motion to adjourn the meeting at 10:42 pm. Mr. Houghton seconded the
713 motion. Motion carried unanimously.
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