



Stratham Planning Board Meeting Minutes
February 2, 2022
Stratham Municipal Center
Time: 7:00 pm

Member Present: Tom House, Chair
David Canada, Vice Chair
Mike Houghton, Selectmen's Representative
Joe Anderson, Alternate Member

Members Absent: Pamela Hollasch, Member
Chris Zaremba, Alternate Member
Robert Roseen, Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order and took roll call. Mr. House appointed Mr. Anderson as a voting member.

2. Approval of Minutes

a. January 5, 2022

Mr. Anderson made a motion to approve the minutes of January 19, 2022. Mr. Canada seconded the motion. Motion passed unanimously.

b. January 26, 2022 Site Walk Minutes

Mr. Anderson made a motion to approve the minutes of January 26, 2022 Site Walk Minutes. Mr. Canada seconded the motion. The motion passed 3 to 0. Mr. House abstained.

3. Public Meeting

- a. Bisbano + Associates, Inc. (Applicant) - Request for approval of an Expedited Planning Board Review application to allow a change in architectural design of a previously approved 132-square-foot drive-through ATM facility at 20 Portsmouth Avenue, (Map 4, Lot 14).

Mr. House noted that the applicant's representative, Matt Silva, was participating in the meeting by telephone. Mr. House asked if there were any staff comments. Mr. Connors noted that this was the Board's first Expedited Review Planning Board application. The Planning Board set this process up late last year in order to create an expedited process for more minor applications

45 including minor changes in architecture. This process allows for the public hearing and abutter
46 notification to be waived. In this case, the applicant modified the architecture from the plans the
47 Planning Board approved last year. He pointed out the originally approved architecture and the
48 modifications that have made since. This was discussed with the Planning Board Chair and it
49 was determined the changes were substantial enough to require re-approval by the Board.
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51 Mr. House asked the applicant to present the application. Mr. Silva discussed the modifications
52 that had been made. He noted that the signage and exterior colors had changed somewhat,
53 particularly from the southerly direction. The area above the ATM was enclosed just to give it
54 more of a finished look. He noted that the roofline has been modified. Mr. Silva said this was
55 necessary to account for some structural issues when the final building plans were completed. He
56 said for the most part they did try to make the architecture match the aesthetic of the area and the
57 previously approved plans.
58

59 Mr. House asked Mr. Silva to describe the modifications made to the roofline. Mr. Silva said a
60 change had been made to the eave and the pitch of the roofline had dropped slightly. Mr. House
61 noted that the originally approved architecture did not include dimensions like those in front of
62 the Board for the current plans. Mr. House said in regard to the dormers, I like that you've added
63 a more substantial base which you did not have before. However, he said before you had a
64 double-tiered eave, it would be nice to re-incorporate that feature. Mr. Silva said yes we could do
65 that. Mr. House asked if other Board members had comments.
66

67 Mr. Anderson asked if the dimensions of the signage had changed or if it was the same. Mr.
68 Connors said the arrangement of the signage is definitely different. The originally approved
69 architecture did not have dimensions on the signage. Mr. Connors asked if Mr. Silva had any
70 objections to the staff recommendation that none of the signs exceed 12 square-feet. Mr. Silva
71 said he did not, but he had not heard from Citizens Bank if they had any objection. Mr. House
72 said the signage looked slightly larger in the updated plans. But if we include a condition related
73 to the number of signs and sign area, that should address it. Mr. Canada and Mr. Houghton said
74 they did not have any comments.
75

76 Mr. Canada made a motion to open the public hearing. Mr. Anderson seconded the motion. All
77 voted in favor. There were no public comments. Mr. Anderson made a motion to close the public
78 hearing. Mr. Canada seconded the motion. All voted in favor.
79

80 **Mr. Canada made a motion to approve the application for an Expedited Planning Board**
81 **Review to allow modifications to the previously approved architecture for a drive-through**
82 **ATM facility at 20 Portsmouth Avenue with the following condition:**
83

84 **1.) There shall be no more than three wall signs located on the structure and none of the**
85 **individual signs shall exceed a size of 12 square-feet.**
86

87 **Mr. Anderson seconded the motion. All voted in favor.**
88

89 Mr. Silva noted that the applicant would comply with the condition related to signage and
90 thanked the Board. Mr. Silva exited the meeting.
91

92 Mr. House noted that he forgot to include his comment related to the changes in the eave as a

condition of the motion. Mr. Canada said that the Planner should follow up with the applicant on it, but it would have to be a suggestion rather than a requirement. Mr. Connors said that you could withdraw your motion and make a new motion. The Board discussed the issue and felt it would not be fair since the applicant had left the meeting. The Town Planner will follow up and see if Mr. House's comments could be incorporated as a suggestion but not a requirement.

b. Short-term Rentals Bill and other proposed legislation

Mr. Connors noted that this is a bill pending in the State Legislature that would require towns and cities to allow short-term rentals wherever the community allows single-family housing. This would have a significant impact on Stratham because we do not allow short-term rentals at all currently. There have been conflicting judicial decisions related to short-term rentals. There was a case in Portsmouth where the court upheld the city's prohibition on short-term rentals. But more recently, there was a case out of Conway where the judge ruled that the Town's ordinance did not prohibit short-term rentals so the town has to allow them. The judge in that case strongly recommended the legislature address this on a statewide level and so there's been momentum recently to pass state legislation and have a more uniform policy statewide. This is an attempt to do that however it is a bit extreme, in my view, because it does not give the Town many tools to regulate short-term rentals. He noted the way the bill is written, the Town could not even inspect a short-term rental. We could only require an inspection if we suspected they were breaking the law. One of our legislators reached out to see what the Town's opinion on the bill is. Mr. Connors said he had drafted a letter for the Board to consider bringing to the Select Board noting the Town's opposition to the bill.

Mr. House said the bill basically requires us to allow vacation rentals, is that correct? Mr. Connors said yes. Mr. Connors read the proposed legislation. Mr. House and Mr. Anderson said they were opposed to the bill. Mr. Canada said the bill came up at a discussion of landlords. Mr. Canada said he doesn't agree with many of the zoning rules found in many communities, including this one. However, he said this bill goes too far. It would be more reasonable if it allowed the town to restrict vacation rentals to certain zones. Mr. Houghton noted he was opposed to the bill and he could not think of a specific area of Stratham where vacation rentals might fit in. Mr. Canada said that the Town Center District might be appropriate. Mr. Canada said he was sure the NH Municipal Association would be fighting this and a compromise may come out of it. Mr. Houghton said he was open to compromise where vacation rentals were restricted to certain zones, but not in residential neighborhoods. Mr. Connors said he could add a sentence that the Town would not object to such a compromise.

The Board agreed to endorse the letter for the Select Board's consideration with a sentence added that if necessary in the spirit of compromise the Town would not object to requiring that vacation rentals be permitted in certain zoning districts. Mr. Connors said he would advance the letter, with that change, to the Select Board.

c. Proposed revisions to Site Plan and Subdivision Regulations this year

Mr. Connors noted that with the work completed on the zoning amendments up for consideration this year, if Board members have an idea for a larger project related to zoning and/or land use regulations, this would be a good time to discuss so that we can plan for it. I've noted a few issues that we've discussed previously. One is taking another look at the setback requirements in the Gateway District that came up during the review of the medical office

building. Mr. Connors said he would also like to revisit the landscaping standards to add some quantitative standards. Mr. Connors said one of the nice things about that application is that they've agreed to have charging stations for electric vehicles. This is not something we currently require, but the marketplace is clearly moving toward electric vehicles so we may want to consider requiring these facilities for larger developments. Mr. Canada said he would be agreeable to that so long as the user of the facilities have to pay for the electricity they consume.

Mr. Canada asked if the Town required sidewalks in the Gateway District. Mr. Connors said the Town does not explicitly require sidewalks, but requires that pedestrian facilities be incorporated into the development. Generally, the Board has construed that to require sidewalks. Mr. Canada said he would like to make sidewalks along Portsmouth Avenue required. He said it's a long-term goal of the Town to have a connected sidewalk system, but we have to start somewhere. The Board discussed existing sidewalks in Stratham.

Mr. Connors said another topic we would like to explore more are Cluster Open Space Developments where there is an expectation open space will be conserved but perhaps that was never formalized, particularly in developments approved many years ago. This arose from the Aberdeen West solar application. Lastly, Mr. Connors said that Stratham's Sign Ordinance is outdated in regard to the Reed. v. Town of Gilbert Supreme Court case. He said the Ordinance is due for a complete overhaul. This would make the Ordinance simpler but also give us a chance to revisit the size, height, and illumination requirements.

d. Miscellaneous Planning Issues

Mr. House noted that Mr. Roseen has resigned from the Planning Board and that we have a vacancy for a regular member seat. Mr. Houghton noted that he planned to speak with Mr. Roseen soon. Mr. Connors noted that Mr. Zaremba is an alternate member and he could be promoted to a regular member position by the Select Board. Mr. Canada noted that Mr. Zaremba is a very valuable member and asked if the Board should recommend he moved up to a regular member position by the Select Board. The Board agreed. Mr. Canada made a motion that the Board recommend Mr. Zaremba be moved up to a regular member position. Mr. Anderson seconded the motion. All voted in favor.

Mr. House also noted that Mr. Anderson had filed to run for the open Select Board seat and was the only declared candidate. If Mr. Anderson is elected, the Board will need to fill the vacancy for an alternate member seat.

5. Adjournment

Mr. Anderson made a motion to adjourn at 7:59 pm. Mr. Canada seconded the motion. Motion carried unanimously.

Note(s):

- 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
- 2. The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed on the agenda.*