



TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM NH 03885

VOICE (603) 772-7391 • FAX (603) 775-0517

MEMORANDUM

TO: Michael Houghton, Select Board Chair
Allison Knab, Select Board Vice Chair
Joe Anderson, Select Board

FROM: David Moore, Town Administrator

DATE: January 12, 2024

RE: Select Board Agenda and Materials for the January 16th Regular Meeting

Please allow this memorandum to serve as a guide to the Select Board Meeting agenda for Tuesday, January 16, 2024.

- III. Consideration of Minutes 1/2/24
- IV. Treasurer Report (second meeting of the month)
- V. Department Reports & Presentations
 - A. Legislative Delegation
 - B. Mark Connors – Planning and Community Development
- VI. Correspondence
- VII. Public Comment
- VIII. Public Hearings, Ordinances and/or Resolutions
- IX. Discussion of Monthly Reports – (second meeting of the Month)
- X. New Business and Action Items
 - A. Resignation of Bill Kenny from the Conservation Commission
 - B. Town Meeting preparations
 - C. Budget check in
 - D. Performance Bond Release – 9 Portsmouth Avenue (Kennebunk Savings Bank)

XI. Town Administrator Report

I will present developments associated with open items and other business of the Town. If any Board member has a specific request of an item I cover at the meeting, I welcome hearing from you at any time.

XII. Informational Items

- A. Proposed Zoning Board Amendments
- B. Right to Know Survey & Bill
- C. Fire Department Year in Review
- D. Rt 33 Vision – Multi-town Advocacy Letter

XIII. Reservations, Event Requests & Permits

A. Pastor Tommy Oliver for New Life Baptist Church request to continue to use Room A on Sundays for half the cost in exchange for shoveling/mopping.

XIV. Review of Recent or Upcoming Board & Commissions Agendas

XV. Boards and Commissions Nominations & Appointments

A. Appointments *for consideration*:

- a. Lucy Cushman to the ZBA alternate position that expires in 2025

B. Appointments *to be voted on*:

XVI. Miscellaneous & Old Business

XVII. Adjournment



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SELECT BOARD AGENDA

JANUARY 16, 2024

7:00 P.M. Public

**Hutton Room, Stratham Municipal Center
10 Bunker Hill Avenue, Stratham, NH 03885**

This meeting of the Select Board will be held in the Hutton Room of the Stratham Municipal Center

The public may access this meeting at the date and time above using this conference call information. Please dial the conference number **(877) 205-7349** and input **2254** when prompted for a user pin/code.

If at any time during the meeting you have difficulty hearing the proceedings, please e-mail dmoore@strathamnh.gov.

To access materials related to this meeting, please see this link:

<https://www.strathamnh.gov/select-board>

- I. Call to order
- II. Roll Call
- III. Consideration of Minutes – January 2, 2024
- IV. Treasurer Report (second meeting of the month)
- V. Department Reports & Presentations
 - A. Legislative Delegation
 - B. Mark Connors, Director of Planning & Community Development
- VI. Correspondence
- VII. Public Comment
- VIII. Public Hearings, Ordinances and/or Resolutions

The Select Board reserves the right to take up business in any order deemed appropriate by the Chair. A motion to enter Non-Public Session in accordance with RSA 91-A:3 may occur at any time during the meeting. Submission of items to be placed on the Agenda must be to the Town Administrator by 4 pm the Wednesday before the scheduled meeting.



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- IX. Discussion of Monthly Reports – (second meeting of the Month)
- X. New Business and Action Items
 - A. Resignation of Bill Kenny from the Conservation Commission
 - B. Town Meeting preparations
 - C. Budget check-in
 - D. Performance Bond Release – 9 Portsmouth Avenue (Kennebunk Savings Bank)
- XI. Town Administrator Report
- XII. Informational Items
 - A. Proposed Zoning Board Amendments
 - B. Right to Know Survey & Bill
 - C. Fire Department Year in Review
 - D. Rt 33 Vision – Multi-town Advocacy Letter
- XIII. Reservations, Event Requests & Permits
 - A. Pastor Tommy Oliver for New Life Baptist Church request to continue to use Room A on Sundays for half the cost in exchange for shoveling/mopping.
- XIV. Review of Recent or Upcoming Board & Commissions Agendas
- XV. Boards and Commissions Nominations & Appointments
 - A. Appointments *for consideration*: None for this meeting
 - a. Lucy Cushman to the ZBA alternate position that expires in 2025
 - B. Appointments *to be voted on*:
- XVI. Miscellaneous & Old Business
- XVII. Adjournment

MINUTES OF THE JANUARY 2, 2024 SELECT BOARD MEETING

MEMBERS PRESENT: Board Members Chair Mike Houghton, Vice Chair Allison Knab; Joe Anderson

ALSO PRESENT: Town Administrator David Moore, Finance Administrator Christiane McAllister

At 7:00 pm Mr. Houghton opened the meeting. Mr. Anderson recognized Mr. Moore for his five year anniversary with the town. Mr. Houghton then asked for a motion on the minutes. Ms. Knab motioned approval of the minutes of Dec. 18 as written. Mr. Anderson seconded the motion. All voted in favor.

Mr. Houghton moved to the assessing and 2024 revaluation item on the agenda. Mr. Moore introduced Steve Hamilton, Principal and Owner of the Whitney Consulting Group. The Town has engaged them to provide general assessing services and to perform the revaluation. Mr. Hamilton said that although some taxpayers anticipate market value crashing, he has not seen any signals that that is on the horizon. There will be a substantial increase in market value which will be upsetting to some taxpayers. During this revaluation, it will be important to keep the public informed of the process and what they can do to get the most accurate value. He explained that WCG will report to the Select Board quarterly, then with increasing frequency. Information on the revaluation will be posted on the website and shared through the newsletter. Full informal hearings with senior members of their team will happen in the summer, after valuations have been determined. This gives taxpayers a chance to give feedback on their property. Emily Goldstein, Assessing Supervisor, will take the lead for the Stratham team. Ben Heller, Certified Assessor, will also play a role interacting with the public. He talked about exemptions and that process. In response to a question from Mr. Houghton regarding market value, Mr. Hamilton explained that the DRA Equalization ratio was in the 70 range last year; 80 the year before; the trajectory is holding. He explained how they obtain the most accurate data possible.

Mr. Moore asked about the informal hearing process. Mr. Hamilton felt that repeated messaging and explanations of the process to the taxpayers may help to alleviate any surprise. Values have significantly increased since the last revaluation five years ago. Many people are unfamiliar with the process. Mr. Hamilton said they will keep work closely with the Town and its communication tools to promote useful information.

Mr. Hamilton continued, explaining that the Department of Revenue Administration expects them to submit the MS1 by September 1st. The second tax bill will reflect the new assessment. The second tax bill will integrate two things: new values of properties but also a tax rate calculated based on the new set of values. Annually DRA sets taxes on the locally assessed values. They report the values to DRA. The amount of money determined by the voters at Town Meeting, is the amount of money that will be raised, net of any revenue. The Town won't collect a penny more in this process of revaluation; it simply recalculates and redistributes based on the new set of values.

Mr. Moore noted that the best communication tool we have with the residents is the Select Board Newsletter. Having gone through this process many times, Mr. Hamilton explained that more frequent revaluations are less upsetting to residents; the change in value is less drastic if revaluations are done more frequently. Mr. Hamilton gave a history of revaluations in New Hampshire.

Mr. Moore asked about establishing overlays (money set aside to pay abatements). He noted that they process abatement recommendations as quickly as possible. Appealing an abatement is a lengthy process.

Mr. Houghton expressed concern about where the tax payers attention should be focused. Mr. Hamilton suggested: 1. Taxpayers should make sure your property record is accurate. 2. Make sure they remember that the tax rate will not be the tax rate from this year on the June bill. The June bill will be sent out based on the prior years assessed value times one half of the prior year's tax rate, adjusted for any construction. That's a statutory formula.

The group discussed how home improvements may or may not effect a homeowner's assessment. Mr. Houghton wanted to know what residents should be concerned with and what they can do. Mr. Hamilton explained the nature of the changing values is that approximately 1/3 of property owners will stay the same, 1/3 will go down, and 1/3 will go up. The best course of action is to inform people before the revaluations are done.

Mr. Houghton wanted to know how Stratham compares with surrounding communities. Mr. Hamilton will do an analysis and they will discuss at a later date. The Board thanked them for the information and welcomed them aboard.

Next Mr. Houghton referred to the abatement recommendation in the packet. Mr. Moore requested they sign the document. Next, Mr. Houghton moved to the 2024 holiday schedule. They discussed the language which requires employees to take a vacation day for the day after Thanksgiving. An update to the Employee Manual may change this.

Mr. Houghton asked about Town Meeting preparations. Mr. Moore said Stratham Memorial School will be closed on January 23, the Presidential Primary. Town Report submissions are ongoing. Library is preparing for Voter Information Night on March 7th. Budget Advisory Committee presentations are coming together.

Mr. Houghton motioned to authorize the Town Administrator to execute the Amendment 3 for \$50,000 to Underwood Engineering dated Dec. 27th. Ms. Knab seconded the motion. All voted in favor.

Mr. Moore stated that due to work commitments, Bill Kenny will be submitting his resignation from the Conservation Commission.

The new hire event will be January 10th. We are moving closer to CPCNH rates and public outreach. SELT is prepared to assist the Town with an application for a \$1.5 million grant for the preservation of the Stuart Farm. Ms. Knab motioned to authorize the Town Administrator to

move forward with the application for federal funding for the Stuart Farm project in coordination with Southeast Land Trust. Mr. Anderson seconded the motion. Mr. Houghton asked about implications for the Town. Ms. Knab noted that these funds require a State or Municipal easement holder. SELT will do the monitoring and possibly be an easement holder. All voted in favor. Ms. Knab thanked Ms. McAllister and Mr. Moore for their work on this.

Mr. Moore consulted with Dan Crow regarding the Fire and Highway department roofs. He provided good guidance and fixes. While performing the work, he noticed an architectural detail failing at the Fire Dept that will need to be addressed.

Mr. Moore thanked Ms. Knab for preparing the minutes of the Dec. 28th. Mr. Anderson motioned to approve the minutes of December 28, 2023. Mr. Houghton seconded the motion. All voted in favor.

Mr. Anderson said there is another meeting for the FAC, but they had their public hearing so their process is complete.

At 8:16 pm Mr. Houghton motioned to go into a non-public session to discuss in accordance with RSA 91-A:3 II(b)(a) hiring and compensation. Mr. Anderson seconded the motion. All voted in favor.

At 9:11 pm Mr. Houghton motioned to seal the minutes noting failure to do so may render an action ineffective. Mr. Anderson seconded the motion. All voted in favor.

At 9:12 pm Ms. Knab motioned to adjourn. Mr. Anderson seconded the motion. All voted in favor.

Respectfully submitted,

Karen Richard
Recording Secretary



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

TO: Select Board Members
FROM: Mark Connors, Planning and Community Development Director
FOR: January 16, 2024
RE: Release of final Kennebunk Savings Bank Performance Bond

The Town took two performance guarantees in the amounts of \$1,000 and \$2,500 related to the construction of the Kennebunk Savings Bank at 9 Portsmouth Avenue. The site plan was approved by the Planning Board in 2016 and the bond agreement was signed with the Town in late 2017. The bank has been constructed and is a welcome addition to the Portsmouth Avenue corridor and the Gateway District. The Select Board approved the release of the \$2,500 guarantee in November 2023, but not the final \$1,000 (held for landscape plantings) pending some additional information provided by the landscape contractor. That information has been provided and staff would recommend the release of the final \$1,000 plus any accumulated interest which will formally close-out this project.

COPY

PERFORMANCE AND ESCROW AGREEMENT

THIS AGREEMENT entered into by and between Route 11 BRISNOUTH AVE, LLC
(company/individual name)
of JAME
(place of business) hereinafter referred to as the "Contractor" and the
Town of Stratham in the County of Rockingham and the State of New Hampshire, hereinafter
referred to as the "Town."

WHEREAS, the Contractor is obligated to complete various infrastructure improvements
and perform other work to be done and performed in accordance with the subdivision/site plans,
road profile plans, and specifications related to a certain final approved subdivision/site plan entitled
Amended Site PLAN SHEET C2 Attached
(description of approved plan)

as approved by the Planning Board of the Town of Stratham on 4.20.18 NOD 3/16/18 App
(date of approval)
and on file with the Town, and/or recorded at the Rockingham County Registry of Deeds as Plan
Number D-39504, and;
(Registry Recording Number)

WHEREAS, the Contractor desires to provide the Town security in the form of an Escrow
Account to ensure the completion of any and all infrastructure improvements in connection with
Bike Rack, Bench, Evergreen Plants
(description of improvements being bonded)

that remain undone, incomplete, unfinished, or in need of restoration, all pursuant to the previously
cited Planning Board approval and in accordance with the Subdivision and/or Site Plan Review
Regulations of the Town of Stratham presently in effect, as those plans and specifications may be
adjusted or amended by the reasonable judgment or decision of the Town's construction inspector,
all hereafter referred to as "Improvements", and;

WHEREAS, the Contractor agrees, inter alia, to perform the obligations and conditions as
set forth herein on or before 12-4-18, and
(date of completion)
further agrees to indemnify, save, and hold harmless the Town against any damages and equitable
claims caused by the Contractor's failure to perform under this Agreement, and;

WHEREAS, the Town and the Contractor have agreed to an Escrow Account for the sole benefit of the Town in the event the Contractor, for any reason, fails to fully perform its commitments and obligations as set forth herein with the Town, and;

WHEREAS, the Contractor has deposited simultaneously with the execution of this Performance and Escrow Agreement in an Escrow Account with and for the benefit of the Town the sum of \$ 2,500 Landscape/Bench/Park \$1000 Escrow Dollars (\$ 3,500⁰⁰).
(total bond amount)

The Escrow Account shall stand in the name of the Town as security for the Contractor's performance of the work and of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises, undertakings, and other lawful consideration hereinafter set forth, the parties agree as follows:

1. That the Town will hold said Escrow Account for the sole benefit of the Town and shall use such funds for the purposes and upon the conditions hereinafter set forth.
2. In the event that the Contractor shall default or fail to complete the Improvements or meet and perform its commitments or obligations set forth herein on or before the date cited above and should the Town desire to use said Escrow Account or other security funds to repair and/or correct deficiencies in said Improvements, the Town will file with the Contractor a written statement stating that the Contractor is in default of its performance obligations hereunder and said funds will be used to correct the stated deficiencies caused by the Contractor.
3. The Town agrees that any payments received by it from such funds shall be expended solely for the purpose of curing any default or defaults of the Contractor of its obligations and commitments as set forth in the this Agreement. Such expenditures, as the Town may deem necessary to incur, shall include, but not necessarily be limited to, the reasonable costs of hiring any engineers, contractors, or other consultants, administrative costs of the Town, and/or any legal fees related to this Agreement.

4. The Town agrees to inspect the construction and/or infrastructure Improvements installed by the Contractor, from time to time, upon completion thereof and within a reasonable time after receipt of written request to do so from the Contractor and to advise the Contractor of any deficiencies in the said work. The Town reserves the right and ability to hire any engineers, or other consultants as the Town deems necessary to inspect the work, and the Contractor agrees to pay all reasonable cost thereof. The Contractor agrees to cure any such cited deficiencies. In the event the Contractor fails to cure any deficiencies cited within thirty (30) days of citation, the Town shall have the right, but not the obligation, to draw against the Escrow Account for the purpose of curing the said deficiency.
5. In the event the Town, in its judgment, finds a deficiency which constitutes an emergency due to the immediate hazard it presents to public health, safety, and/or welfare, the Town may take prompt action as the Town shall deem necessary to cure said deficiency, but shall not have the obligation to do so. The Town shall have the right to draw against the Escrow Account for any and all costs and/or expenses incurred in correcting said deficiency caused by the Contractor.
6. The Contractor shall be entitled to examine all documents, which the Town may have in its possession, relating to the Agreement during regular office hours, and the Town will, at the Contractor's request and expense, furnish copies of any said documents that the Contractor may request.
7. Amounts placed in said Escrow Account shall not be released to the Contractor until the Town's construction inspector certifies to the Board of Selectmen that all commitments and obligations of this agreement have been met by the Contractor pursuant to the provisions of the Town's Subdivision and/or Site Plan Review Regulations or terms of the stated Planning Board approval.

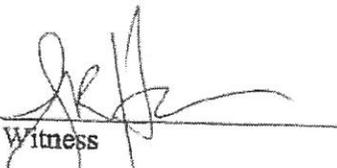
8. If the Contractor shall complete the Improvements and meet its obligations herein prior to the date cited above in a manner satisfactory to the Town or its agents, the amount of NA Dollars (\$ NA) or portions thereof shall be released to the Contractor. The remaining minimum amount of Thirty Five Hundred ^{x 1/10} Dollars (\$ 3500) shall remain in the Escrow Account for a period of one (1) year from the date of completion of the work as a maintenance bond. At the end of the one (1) year period, the Town shall notify the Contractor in writing as to any work required to be performed to correct or fix any deficiencies or undue wear on the Improvements. The Contractor shall have thirty (30) days from that notice in which to correct or fix such deficiencies and upon completion thereof, the maintenance bond shall be released to the Contractor.
9. It is expressly understood by the parties hereto that this Agreement is not intended for the benefit of any third party, including but not limited to contractors, subcontractors, or materialmen of the Contractor, and is designed solely to protect the Town from any legal or equitable claim and all costs and expenses, to include but not limited to legal fees and/or experts and consultants, arising from the failure of the Contractor to perform its commitments and obligations hereunder. This Agreement shall not be assignable by the Contractor to any third party or successor without the written consent of the Selectmen.
10. In the event of the death or incapacity of the Contractor and the failure of the Contractor's successor or legal representative to act in compliance with the Contractor's commitments and obligations hereunder, the Town shall have the right, but not the obligation, to draw against such funds for the purpose of performing the Contractor's commitments and obligations as set forth herein.
11. At such time as the Town by its Selectmen shall deem appropriate, the Selectmen may consider acceptance of the Improvements as a public road, if previously dedicated for that purpose. Upon an affirmative vote of the Selectmen, the Contractor shall render a deed in a form acceptable to the Selectmen conveying the roadway to the Town. Upon recording of the deed at the

Rockingham County Registry of Deeds, this Agreement shall terminate and any funds left in the Escrow Account shall be returned to the Contractor.

12. It is expressly understood by the parties hereto that a waiver by the Town of any breach or default by the Contractor of the obligations, terms, and/or conditions of this Agreement shall not be deemed a waiver of any other or future breaches and/or defaults thereof.
13. If any clause of this Agreement be declared invalid or unconstitutional in whole or in part and is for any reason rendered null and void, the remaining clauses shall remain in full force and effect.

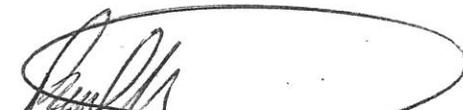
Dated this 11th day of November, 2017.

CONTRACTOR:


Witness

By:  (AGENT)
(Duly Authorized)

**TOWN OF STRATHAM
By Its Selectmen**


Witness to all three

By: 
Selectman

By: 
Selectman

By: 
Selectman

APR 27 2016



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue · Stratham, NH 03885

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Selectmen's Office/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

Planning Board
NOTICE OF DECISION

Petition of: Realty Acquisitions, LLC, 142 Portsmouth Avenue/PO Box 432, Stratham NH 03885.

Project Name: Site Plan Review, Conditional Use Permit Application, for construction of banking facility with drive-through services.

Premises Affected: 9 Portsmouth Avenue, Stratham, NH Tax Map 4, Lot 11.

So as to: Approve the application for the above request by approving the Site Plan Review, Conditional Use Permit for 9 Portsmouth Avenue for construction of banking facility with drive-through services.

The Stratham Planning Board, at its meeting of March 16, 2016 and after a public hearing, completed its consideration of the application for the Site Plan Review and Conditional Use Permit application for the property located at 9 Portsmouth Avenue.

The Board based its decision on plans, supporting oral and written information, and records provided by the Applicant, professional staff, consultants for both the Applicant and the Board, and abutters, as reflected in the minutes on file at the Stratham Town Hall. This information shall be incorporated into the decision by reference.

As a result of such consideration, the Planning Board found that the application as amended was in **Substantial Compliance** with the Stratham Zoning Ordinance and Site Plan Review Regulations. The Planning Board voted unanimously in favor to **Grant the Site Plan Review and Conditional Use Permit Approval** based on the information and stated conditions attached and incorporated hereto.

On March 16, 2016, upon a motion made by Tom House and seconded by Nancy Ober, the Planning Board herein **CONDITIONALLY APPROVED** the Site Plan Review, and Conditional Use Permit Application, pursuant to the Stratham Zoning Ordinance for the construction of a bank and related drive-through facilities at 9 Portsmouth Avenue in accordance with the Stratham Zoning Ordinance and Site Plan Review Regulations. The final vote was unanimous. The property lies within the Gateway Commercial Business District- Central Zone Zoning District and is located on real property shown on the Stratham Assessors Tax Map 4, Parcel 11 and consists of approximately 0.68 acres with existing accesses via Portsmouth Avenue and West Road. The Applicant submitted a complete application which was noticed and reviewed in accordance with RSA 676:4 & 675:7. The Applicant has filed with the Planning Board the minimum plans and information required under the Stratham Site Plan Review Regulations.

During the review process, the Applicant and its professional consultants submitted various revisions to the plans along with various supplemental memoranda and correspondence in response to requests by the Planning Board and the Planning Department that reviewed the project. All of these plans, reports and correspondence, and meeting minutes are contained in the Planning Department's files and are hereby incorporated by reference into the public record for this public hearing.

CONDITIONS PRECEDENT:

1. All final revisions to the approved plans and/or related documents required by the Town Departments and Town Consultants or comments/recommendations/requirements to be addressed by the Applicant;
2. Work with staff to clean up housekeeping items and submission of final documents such as state permits from NHDES for septic, and NHDOT

CONDITIONS SUBSEQUENT:

1. Provide 18' from edge of curb to edge of building for emergency access;
2. Provide an as-built that clearly delineates the water lines and where water is coming from;
3. The Applicant shall comply with all Site Plan Review regulations and Zoning Ordinance regulations in effect as of the filing of the Application.

GENERAL CONDITIONS:

1. Unless otherwise stated, all previous approvals and plans associated with this property and project area shall remain in full force. Further, the provisions of this conditional Site Plan Review approval shall apply to and be binding upon the Applicant and all successors and assigns in interest or control.
2. This Site Plan Review approval is based upon the following information, which is incorporated into this decision by reference:

Site Plan Review/Conditional Use Permit Application - 9 Portsmouth Avenue, Tax Map
4, Lot 11
Realty Acquisitions, LLC., 142 Portsmouth Ave/PO Box 432, Stratham, NH 03885.
March 16, 2016

Plan titled: "Kennebunk Savings Bank" Tax Map 4 Lot 11, 9 Portsmouth Ave,
Stratham, NH.

Prepared for: Realty Acquisitions, LLC., 142 Portsmouth Ave./PO Box 432, Stratham
NH 03885.

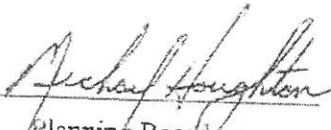
Prepared by: Jones & Beach Engineering, Inc., 85 Portsmouth Avenue, Stratham, NH
03885.

Scale: Varied

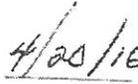
Date: February 25, 2016, Last Revised March 16, 2016

Reviewed and Conditionally Approved by Planning Board March 16,
2016.

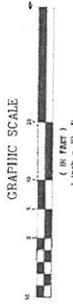
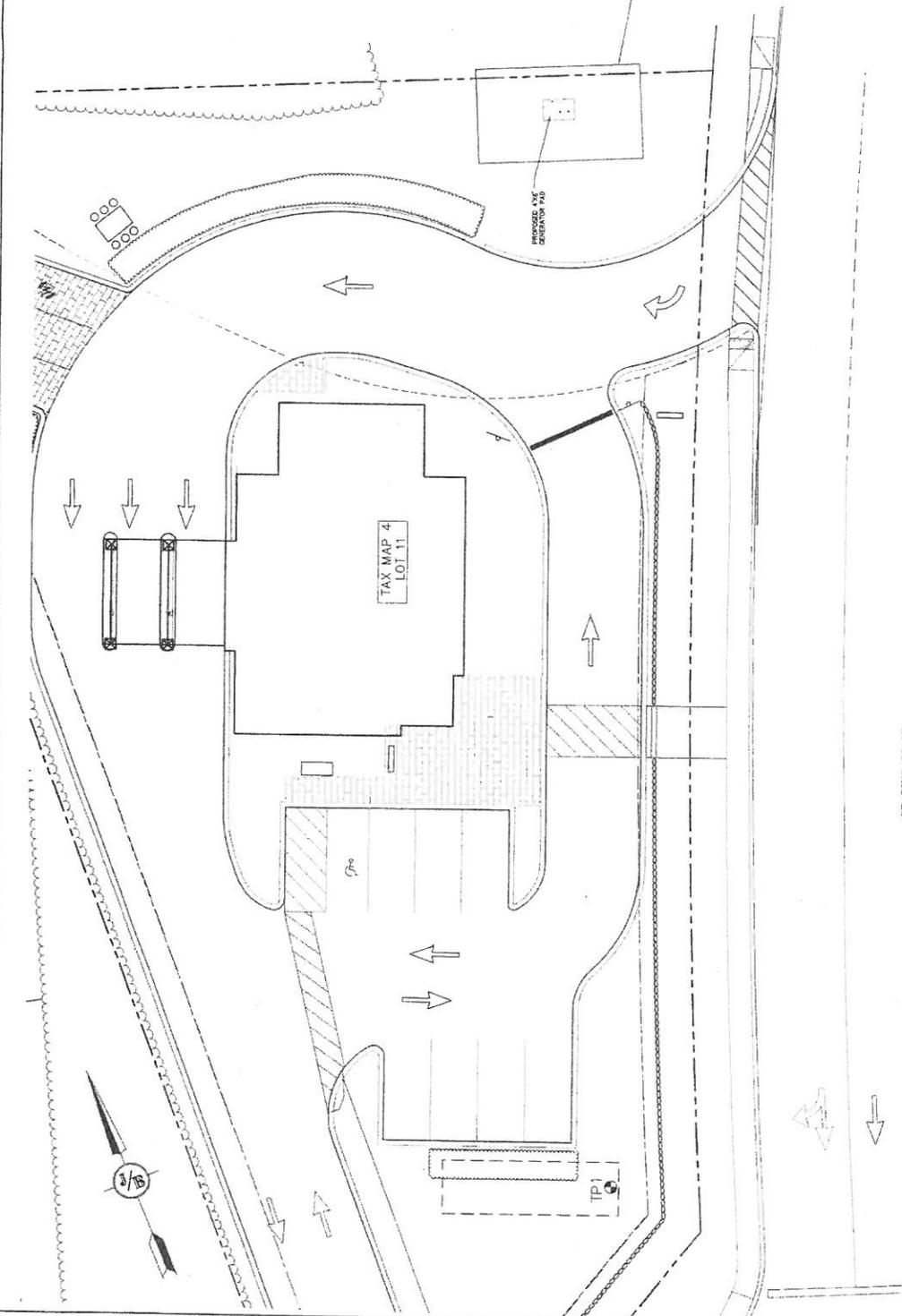
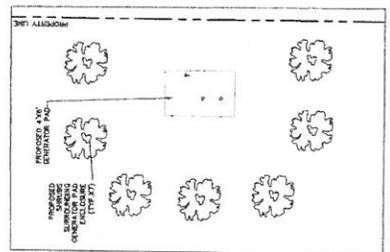
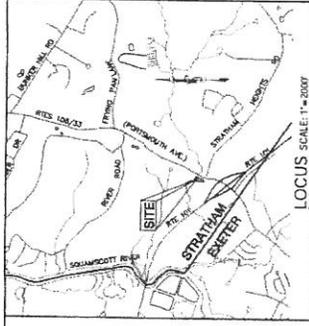
3. Should any disagreement arise or clarification be needed in the enforcement and/or implementation of any of these conditions, the Planning Board shall be the sole and final interpreter of the intent, performance and outcomes of these conditions subject only to the statutory right to judicial review of any Planning Board decision.



Planning Board



Date



PROJECT PARCEL: TAX MAP 4, LOT 11
 OWNER OF RECORD: KENNEDY SAVINGS BANK, LLC
 147 PORTSMOUTH AVENUE
 STRATHAM, NH 03586
 BK 5386 PC 0128
 TOTAL LOT AREA: 24,833 SQ. FT.
 0.56 ACRES

DRAWING No. **SK3**
 DATE: 11/11/17
 PROJECT: 11000 PLAN 2/19

Plan Name: **GENERATOR SKETCH PLAN**
 Project: **KENNEDY SAVINGS BANK**
 9 PORTSMOUTH AVE - STRATHAM, NH
 Center of Record: **ROUTE 11 PORTSMOUTH AVE, LLC**
 PO BOX 432, STRATHAM, NH 03585

Developed and Produced in NH
J.B. Jones & Beach Engineers, Inc.
 Civil Engineering Services
 60 Portsmouth Ave. | 603-775-4746
 PO Box 210 | FAX: 603-775-0277
 Stratham, NH 03586 | E-MAIL: JBE@JONESANDBEACH.COM

REV.	DATE	BY	DESCRIPTION
1	10/16/17	JBE	ISSUED FOR PERMIT
2	11/28/17	JBE	REVISION

Checked: JBE Scale: 1"=20'
 Drawing Name: 10000 PLAN 2/19
 Project No.: 11000
 THIS DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM JONES & BEACH ENGINEERS, INC. ANY ALTERATIONS, AUTHORIZED OR UNAUTHORIZED, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

CROW CONSTRUCTION CORP
Commercial, Industrial, Residential
Stratham, NH 03885

PROPOSAL

12/1/2017
Pipers Property
Re: 9 Portsmouth Ave.
Kennebunk Savings Bank project
Attn: Rob Graham

Landscaping and fixtures Bond

We are pleased to hereby submit specifications and estimates for:

1. Provide all plantings per plan L-1 by Jones & Beach dated 3/4/16 @ \$25,000.00
2. Provide plantings to screen generator, supply bike rake, picnic table, and granite bench @ \$1,000.00

We at CROW Construction Corp., Propose to furnish labor and material - complete in accordance with above specifications, for the sum of:

Twenty Six Thousand dollars \$26,000.00)

EXCLUSIONS

Authorized Signature  Date 12-1-17
Daniel Crow, President

Note: This proposal may be withdrawn by us if not accepted within 10 days.

Acceptance of Proposal X _____ Date _____

COVENANT AND LIEN

For value received, the Stratham Green Condo Association (the “Grantor”), owner of a certain parcel of land known as the Stratham Green Condominiums, a 60-unit condominium development situated on a 66-acre tract identified in the Stratham Tax Maps as Map 17, Lot 13 (the “Property”), hereby covenants and agrees as follows:

In consideration of the Stratham Planning Board’s approval of a Conditional Use Permit and Site Plan on August 5, 2020 to permit the installation of a ground-mounted solar energy system (the “Facility”) on the Property owned by the Grantor, the Grantor covenants that within ninety (90) days after the abandonment of the Facility or any termination of the Facility’s operation, the Facility will be removed in its entirety from the site and the land under the Facility will be restored to the condition that existed prior to installation of the Facility.

This covenant will run with the land and be binding upon the Grantor’s heirs, successors, and assigns. It is for the benefit of the Town of Stratham (the “Grantee”) and shall be enforced by the Grantee. Any failure to perform the obligations of this covenant will constitute a violation of the Stratham Zoning Ordinance and of New Hampshire RSA Chapter 674. If the Grantor is deficient in meeting the obligations described herein, the Grantee reserves the right to pursue all available remedies to obtain compliance including the imposition of civil penalties in the maximum amount prescribed under state law and the recovery of attorneys’ fees.

The Grantor further grants a lien on the Property to the Grantee to secure the performance of the obligations described above. The lien will survive any transfer of the Property and will be discharged only upon the complete performance of these obligations.

Executed this ___ day of _____, ____.

[Grantor]

By: _____
Gail Sudduth
Stratham Green Condo Assoc. President

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on _____, _____, by
_____.

Notary Public/Justice of the Peace
My commission expires:



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board's Office/ Administration/ Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

LEGAL/PUBLIC NOTICE OF PUBLIC HEARING PLANNING BOARD TOWN OF STRATHAM

Pursuant to NH RSA 674:16, 675:3, and 675:7, notice is hereby given that public hearings will be held by the Stratham Planning Board on Wednesday, January 3, 2024 and Wednesday, January 17, 2024 at 7:00 PM at the Stratham Municipal Center, 10 Bunker Hill Avenue, Stratham, NH. The purpose of the hearings is to review and solicit public comment on the following proposed amendments to the Stratham Zoning and Building Ordinances:

Amendment #2: Definitions and Land Uses. To amend Section II Definitions, and Section III, Table 3.6 Table of Uses, and Footnotes to Table 3.6 to include new definitions and property uses that are not currently defined. This is a housekeeping amendment to better define terms, building uses and associated requirements.

Amendment #3: Building Ordinance. To amend the Building Ordinance, Article III Permits, to clarify the circumstances in which the Building Inspector may require that a plan prepared and stamped by a licensed land surveyor or certified wetland scientist is required. This amendment provides the Building Inspector discretion to require a plan prepared and stamped by a certified professional prior to the issuance of a building permit where there is a reasonable basis for questioning whether an application meets the requirements of the Zoning and Building Ordinances and/or the State Building and Fire Codes.

Amendment #4: Home Occupations. To amend Section V Supplementary Regulations, Sub-section 5.12 Home Occupation to clarify the requirements associated with home occupations. This amendment would limit the aggregate size of home occupations and clarify requirements associated with inspections and renewals of home occupations.

Amendment #5: Conditional Use Permit. To amend Section III, Footnotes to Table 3.6 to consolidate the number of criteria the Planning Board considers in Conditional Use Permit applications. The purpose of this amendment is to expedite reviews of Conditional Use Permit applications while maintaining the core permit review criteria.

Amendment #6: Cluster Open Space Residential Developments. To amend Section VIII Residential Open Space Cluster Development, to amend the requirements associated with residential cluster developments. This amendment would establish minimum lot sizes for individual lots, require that open space parcels meet additional minimum requirements, and to require that historical resources be preserved and incorporated into cluster developments whenever practicable.

Amendment #7: Small Accessory Structures. To amend Section V Supplementary Regulations, to create a new Sub-section 5.14 for Small Accessory Structures. The purpose of this amendment is to provide for reduced setbacks for small sheds or accessory structures under 120 square-feet in size provided that the structure meets a number of minimum criteria.

Amendment #8: Maximum Residential Density. To amend Section IV Dimensional Regulations, Sub-section 4.1.4 Maximum Residential Density to clarify that non-buildable areas cannot be incorporated into maximum residential density calculations. This amendment would also reduce the maximum residential density in the Route 33 Heritage District from three units per acre to two units per acre.

Amendment #9: Solar Energy Systems. To amend Section V Supplementary Regulations, Sub-section 5.13 Solar Energy Systems to allow small-scale ground-mount solar energy systems by right if the proposal meets a number of minimum criteria.

Amendment #10: Storage Containers & Semi Trailers. To amend Section V Supplementary Regulations to enact additional regulations, including screening requirements, on storage containers, semi trailers, and associated structures.

The proposed amendment language is on file with the Stratham Planning Department. For more information, including to view the application materials or to request special accommodations to participate in the public hearing, please contact the Planning Department at (603) 772-7391.



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

TO: Planning Board Members
FROM: Mark Connors, Planning & Community Development Director
FOR: January 3, 2024
RE: 2024 Proposed Zoning Amendments - Public Hearing

ARTICLE II. Definitions & Table of Uses

Article 2: Are you in favor of the following amendment to the Town of Stratham Building Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section II *Definitions*, and Section III, Table 3.6 *Table of Uses, and Footnotes to Table 3.6* to include new definitions and property uses that are not defined under the Ordinance? This is a housekeeping amendment to better define terms, building uses and associated requirements, in the Zoning Ordinance.

2.1.38 Half Story: A building story in which the area of habitable square-footage is less than the areas of habitable rooms on the first floor with at least two opposite exterior walls meeting the sloping roof not more than three feet above that floor level.

2.1.54 Mixed-Use Development: A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building.

Table 3.6 Table of Uses would be amended to include a new use category for Mixed-Use Development which would be permitted by Conditional Use Permit in the Gateway Commercial Business District, Town Center District, Professional/Residential District, Special Commercial District, and Route 33 Heritage District.

Mixed-Use Development would be prohibited in the Residential Agricultural District, Industrial District, Manufactured Housing/Mobile Home District, Retirement Planned Community District, and Commercial/Light Industrial/Offices District.

Footnote 18 to Table 3.6 Table of Uses In the Gateway Commercial Business, Professional/Residential, and Town Center Districts a minimum of 25 percent of the gross interior habitable space of the development must be allocated to non-residential uses.

2.1.81 Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Structures include but are not limited to buildings, mobile home, bridges, trestles, towers, **frameworks**, hoop houses, tanks or group of tanks exceeding a total of 500 gallons (**excluding septic tanks**), tunnels, stadiums, platforms, shelters, piers, wharfs, **signs**, fences **over six-feet in height**, and retaining walls over **six-feet (6')** in height, swimming pools, or the like. **This definition shall exclude burial vaults, septic tanks and associated infrastructure, and pre-fabricated children's playsets.** Where the Stratham Zoning Ordinance is silent, then the most current edition of the State Building Code shall be assumed to apply. (Rev. 3/90, 3/11, 3/20).

ARTICLE III: Building Ordinance

Article 3: Are you in favor of the following amendment to the Town of Stratham Building Ordinance as proposed by the Planning Board?

To amend the Building Ordinance, Article III *Permits*, to clarify the circumstances in which the Building Inspector may require that a plan prepared and stamped by a licensed land surveyor or certified wetland scientist be submitted with a building permit application? This amendment provides the Building Inspector discretion to require a plan prepared and stamped by a certified professional prior to the issuance of a building permit where there is a reasonable basis for questioning whether an application meets the requirements of the Zoning and Building Ordinances and/or the State Building and Fire Codes.

BUILDING ORDINANCE - ARTICLE III: PERMITS

3.5 No building permit shall be issued until the Building Inspector has certified that the proposed building or structure and its intended use comply with the provisions of **this the Stratham Zoning and Building Ordinances.**

~~**3.10 Before issuance of a Building Permit, the Building Inspector may require that property lines be properly established when not readily apparent, in accordance with the Town's Subdivision Regulations, by a registered surveyor. (Rev. 3/90)**~~

3.10 Prior to the issuance of a building permit, the Building Inspector may require, at his or her discretion and where there is a reasonable basis to question whether the plan meets the requirements of the Zoning and Building Ordinances, that a plan be prepared and stamped by a licensed surveyor to confirm that the application meets the requirements of the Stratham Zoning and Building Ordinances, including all relevant dimensional requirements (4.2 Table of Dimensional Requirements). The Building Inspector may also require that a plan be prepared and stamped by a licensed wetland scientist, where there is a reasonable basis to question whether an application conforms to the requirements of the Zoning and Building Ordinances, to confirm that the application meets the requirements of the Stratham Wetlands Conservation District and Shoreland Protection Districts.

ARTICLE IV: Home Occupations

Article 4: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V *Supplementary Regulations*, Sub-section 5.12 *Home Occupation* to clarify the requirements associated with home occupations? This amendment would limit the aggregate size of home occupations and clarify requirements associated with inspections and renewals of home occupations.

5.12.2 (excerpt)

- 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, **or no more than 1,000 square-feet (whichever is less)**, and does not change the residential character of the premises thereof. (Rev. 3/19)

5.12.3 (excerpt)

- b. Before a public hearing is held for a special exception under this section, the ~~special exception is granted considered, mandatory building inspections~~ a building inspection **may/shall** be conducted ~~made~~ by the Code Enforcement Officer of the portions of the property to be utilized for the home occupation.~~if the public is to be served at the proposed location or if hazardous materials are to be stored there.~~ **At or within five days of the inspection, the Code Enforcement Officer will make the applicant aware of any life safety/building code improvements necessary to operate the home occupation.** In addition, a formal site plan review by the Planning Board may be required if deemed necessary by the Zoning Board of Adjustment and/or Code Enforcement Officer.
- c. Upon the granting of the special exception, **the applicant shall be required to address any conditions of the special exception and other necessary improvements required by the Code Enforcement Officer. Prior to the start of operation, the applicant shall schedule a final inspection with the Town. If the proposed use meets all requirements of the special exception and those required under life safety/building codes, the Code Enforcement Officer shall issue a Certificate of Occupancy for the home occupation. Only home occupations with a valid Certificate of Occupancy may operate in Stratham.** ~~an application for a home occupation permit shall be made to the Building Department on a form provided by the Building Department.~~
- d. All home occupation permits shall be issued for a period of three (3) years and may be renewed provided there is no violation of the provisions of Section 5.12. Requests for renewals shall be submitted to the Building Department **within three years of the date of the original Certificate of Occupancy** accompanied by the renewal fee as approved by the Select Board. The Code Enforcement Officer shall conduct an inspection of the home occupation prior to the approval of

a renewal to ensure the use is operating in conformance with its Town approvals. **The Town will mail one notice alerting the applicant of the need to renew the permit. The applicant shall be provided a 90-day grace period to file a renewal application. If no renewal application is filed within this period, the Certificate of Occupancy shall expire, and the home occupation must cease operation.**

5.12.4 Exemptions from Special Exception Application Requirements:

~~a. Home occupations in which neither customers nor vehicles, apart from periodic business deliveries, come to the location where the business activity takes place and at which no sign is displayed and no outside person is to be employed and there is no outward appearance of business activity.~~

b. Home occupations which meet all of the following criteria shall be considered exempt from these requirements and may operate without a special exception:

1. The business activity does not generate any additional traffic, including no customer and/or supplier traffic, apart from periodic business deliveries. Periodic business deliveries shall be defined as not more than five deliveries a week by vehicles weighing less than 26,000 pounds.
2. The business activity does not employ anyone who does not have a primary residence at the property.
3. No sign associated with the business activity is displayed at the property.
4. There is no outward appearance of a business activity on the property nor any noxious odors or noises produced by the home occupation.
5. No hazardous materials directly associated with the home occupation are maintained at the property.

ARTICLE V. Conditional Use Permit Criteria

Article 5: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section III, *Footnotes to Table 3.6* to consolidate the number of criteria the Planning Board considers in Conditional Use Permit applications from 11 criteria to 7 criteria. The purpose of this amendment is to expedite reviews of Conditional Use Permit applications while maintaining core review criteria.

- a. Criteria Required for Consideration of a Conditional Use Permit. A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria:

- i. Spirit & Intent of the Zoning Ordinance and Master Plan: The proposed development is located on a site in which there are no existing violations of the Stratham Zoning Ordinance and will be constructed in a manner compatible with the spirit and intent of the Stratham Master Plan and Zoning Ordinance.
- ~~ii. Spirit and Intent of the Ordinance: The proposed development will be constructed in a manner compatible with the spirit and intent of the Stratham Master Plan and Zoning Ordinance.~~
- ~~iii. Conformity to Zoning Ordinance: That there are no existing violations of the Stratham Zoning Ordinance on the subject property.~~
- iv. Site suitability: The site is suitable for the proposed use which includes the following:
 - 1. Adequate vehicular and pedestrian access for the intended use.
 - 2. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
 - 3. The absence of environmental constraints (floodplain, steep slope, etc.).
 - 4. The availability of appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and similar utilities.
- v. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent surrounding existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. ~~In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.~~
- vi. The proposed layout and design of the site and new buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include the relationship of the development to the street, the scale, height, and massing of the building, architectural design, buffering from adjacent properties, and provisions for pedestrian and vehicular access. The proposed use and development of the site shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties
- ~~vii. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.~~
- ~~viii. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site~~

~~shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.~~

- ~~ix. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, shore land buffers, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites/landscapes, scenic views, view sheds, and the establishment, protection, and promotion of agricultural uses of the site.~~
- x. Impact on property values: There will be no greater diminution of neighboring property values than would be created under any other use or development permitted in the underlying zone;
- ~~xi. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.~~
- xii. Fiscal impacts: The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.
- xiii. Public Interest: The permit is in the public interest.

ARTICLE VI. Cluster Open Space Residential Developments

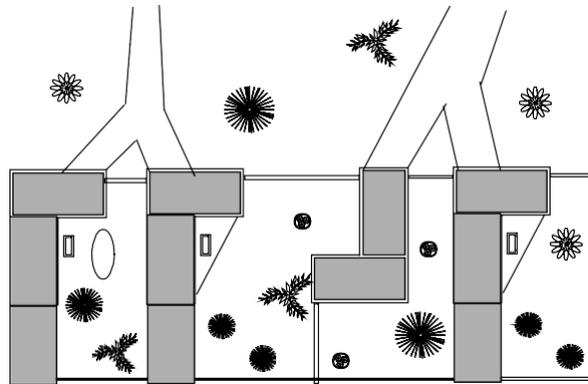
Article 6: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section VIII *Residential Open Space Cluster Development*, to incorporate four major changes to the requirements associated with residential cluster developments? This amendment would reduce the minimum lot size for cluster developments, establish minimum lot sizes for individual lots, require that open space parcels meet additional minimum requirements, and to require that historical and scenic resources be preserved and incorporated into such developments whenever practicable.

8.8 USES

- a. Only residential uses shall be permitted in the Residential Open Space Cluster Developments.

- b. Single-family detached homes are permitted.
- c. Multi-family Units: Shall be permitted up to a unit count of four (4) per building or structure. For the purpose of elderly affordable and workforce housing developments, multi-family means a building or structure containing five (5) or more dwelling units, each designed for occupancy by an individual household. These are units that are structural joined and share walls with no yard between units. (Rev. 3/10)
- d. Joined-Array Units: Single-family units that are attached by and share a common yard and/or fence as part of a tightly-constructed joined-array, not to exceed four joined units, shall be considered single family units for setbacks to other arrays or detached units but shall not require setbacks from each other provided that yard space at least twenty (20) feet wide is available for individual use between units. In no case shall structures be less than ten (10) feet apart (example below).



- e. Home occupations are not permitted in Residential Open Space Cluster Developments.
- f. **If a parcel proposed for a Cluster Open Space Cluster Development includes a historic structure(s) regulated under Section 16.5 *Historic Demolition Review* or a historic landscape or feature, or a scenic vista, the structure(s) and/or feature shall be preserved and incorporated into the development whenever practicable and provided that the preservation of the structure or feature does not place an undue hardship on the applicant. In cases where there is disagreement regarding the feasibility of the preservation of a historic resource, the Demolition Review Committee shall provide an advisory opinion, and the Planning Board shall make a final determination. The Planning Board may also seek an advisory opinion by a historic preservation expert, the costs of which shall be borne by the applicant, before making such a determination.**

8.9 DIMENSIONAL REQUIREMENTS & SETBACKS

8.9.1 Buffer Area: (Rev. 3/13, 3/17)

8.9.1.1.1 A vegetated buffer strip of at least fifty (50) feet shall be

maintained along the external perimeter or property line of the Residential Open Space Cluster Development to minimize potential impacts on abutting properties. The natural vegetation shall be retained or, if required, vegetation of a type and amount as deemed appropriate by the Planning Board shall be planted and maintained. No dwelling, accessory structure, street or parking area shall be permitted within the designated buffer area. **The vegetated buffer strip shall be located solely on open space parcels, including on common land, conservation land, and/or public open land, and shall not encumber individual residential parcels.** Streets that serve as access to the development, walls, underground utilities, and drainage structures may be located within this buffer. Said buffer strip shall not be included in the calculation of open space for the development.

8.9.2 Residential Open Space Cluster Lot or Unit:

8.9.2.1 Frontage and **Minimum Lot Size** Requirements:

8.9.2.1.1 Each single-family lot or unit shall have a minimum of fifty (50) feet of frontage on interior roadways. **Each single-family lot with both on-site well and septic facilities shall be sited on a minimum of one-acre. Single-family lots with on-site wells but no on-site septic facilities shall be a minimum of 35,000 square-feet. Single-family lots with on-site septic facilities but no on-site wells shall be a minimum of 25,000 square-feet. Single-family lots with no on-site well and septic facilities shall be a minimum of 15,000 square-feet.**

All single-family lots shall include a minimum of 12,500 square-feet of contiguous upland buildable area.

1. Joined-Array single family units, as described in Section 8.8 shall have one hundred twenty-five (125) feet of frontage. **For joined array single family units sited on individual lots, the minimum lot areas prescribed under Section 8.9.b.i.1 shall apply at a 0.75 ratio for each housing unit.**
2. Duplex and Multi-family units, sharing a common wall shall have seventy-five (75) feet of frontage. **For joined array single family units sited on individual lots, the minimum lot areas prescribed under Section 8.9.b.i.1 shall apply at a 0.75 ratio for each housing unit.**

8.10 MINIMUM OPEN SPACE REQUIREMENTS (Rev. 3/13)

In addition to the requirements of this section, the Planning Board shall adopt regulations that prescribe additional criteria for open space parcels.

- g. The parcel must contain a minimum of 35% of the total land in the parcel dedicated as open space. The fifty foot (50') vegetated buffer as described in Section 8.9.a.iii, shall not be used in the calculation of said minimum.

- h. For purpose of this Section, the minimum open space requirements shall be established in accordance with Section 4.6.6 of the Subdivision Regulations.
- i. **No less than 75% of the dedicated usable open space shall be contiguous. No more than 25% of the open space shall be made up of wetlands.**
- j. Such land shall be preserved in perpetuity through deed restriction or conservation easement, and designated on the approved and recorded plat. Such restriction shall be approved by the Planning Board and Town Counsel.
- k. The minimum required open space is land unbuilt upon, which must be permanently kept in that condition, and cannot be subjected to current use taxation or discretionary easements. However, actively operated farmland, classified as "prime" or "unique" by the Rockingham County Conservation District will be entitled to current use taxation or discretionary easements.
- l. The open space and/or common area within a cluster development shall be owned by and bound by one or more of the following:
 - i. Mandatory Homeowners Association: Which may use it for common recreational facilities or may designate it as Open Space, or may grant a public body an Open Space Easement.
 - ii. A Public Body: Which shall use it as Conservation Land or Public Open Land.
 - iii. Such Designation must be made prior to approval of the subdivision application by the Planning Board; such lands shall be held in such type of legal entity as the Planning Board deems appropriate.

ARTICLE VII: Small Accessory Structures

Article VII: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V *Supplementary Regulations*, to create a new Sub-section 5.14 for *Small Accessory Structures*? The purpose of this amendment is to provide for reduced side, rear, and wetland setbacks for small sheds or accessory structures under 120 square-feet in size provided that the structure meets a number of criteria.

5.14 Small Accessory Structures

- i. Small accessory structures or sheds less than or equal to 120 square-feet in area may be constructed no less than five (5) feet of a side and/or rear property boundary and no less than 15 (fifteen) feet of a wetland boundary and shall not require the issuance of a building permit, if all criteria in 5.14.ii are met.
- ii. Criteria:
 - a. The structure shall not contain a poured concrete foundation or slab.
 - b. The height of the shed shall not exceed 12 feet as measured to the roof peak.

- c. A maximum of one shed per parcel shall be allowed under this section.
- d. The shed shall not be constructed within the 50-foot vegetated buffer strip that is required to be maintained along the external perimeter or property line of a Residential Open Space Cluster Development.
- f. This section shall not apply to parcels that are subject to site plan review by the Planning Board.

ARTICLE VIII: Permitted Residential Densities

Article VIII: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section IV *Dimensional Regulations, Sub-section 4.1.4 Maximum Residential Density* to clarify that non-buildable areas, including wetlands, steep slopes, and areas protected by conservation easements or deed restrictions cannot be incorporated into maximum residential density calculations. This amendment would also reduce the maximum residential density in the Route 33 Heritage District from three units per acre to two units per acre.

4.1.1 Maximum Residential Density

For commercially-zoned properties serviced by on-site septic facilities, the maximum residential density of a parcel shall be determined by computing the maximum septic capacity of the parcel as determined by the NH Department of Environmental Services. However in no case shall the maximum allowable residential density exceed the following:

Gateway Commercial Business District: 5 units per acre

Town Center District: 4 units per acre

Flexible Mixed Use District: 4 units per acre

Professional/Residential District: 3 units per acre

Route 33 Legacy Highway Heritage District: ~~3~~ 2 units per acre*

Special Commercial Districts: 3 units per acre

In all Districts, non-buildable areas, including wetlands, lands protected under conservation/agricultural easements, and steep slopes shall not be counted toward the maximum residential density and shall be subtracted from the total land area before computing the maximum residential density calculation.

4.1.2 Primary dwellings in residential districts

Unless permitted as part of a condominium or mobile home park form of development, only one primary dwelling shall be permitted on individual parcels within the Residential/Agricultural and Manufactured Housing Districts. Parcels where agriculture is the primary use shall be exempt from this requirement.

ARTICLE IX. Solar Energy Systems

Article IX: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V *Supplementary Regulations, Sub-section 5.13 Solar Energy Systems* to allow small-scale ground-mount solar energy systems by right if they meet a number of minimum criteria? The purpose of this amendment is to exempt small-scale solar energy systems from requiring a Conditional Use Permit by the Planning Board if they meet certain minimum criteria.

5.13.3 Use Regulations (Table 1):

	Residential Zones (R/A, MH, RPC, FMU)	Commercial Zones (GCBD, CLIO, PRE, TC)	Industrial Zone (IND)
PRINCIPAL USE			
Medium-Scale Ground-Mounted Solar Energy System	C	P	P
Large-Scale Ground-Mounted Solar Energy System	X	C	C
ACCESSORY USE			
Roof-Mounted Solar Energy System	P	P	P
Small-Scale Ground-Mounted Solar Energy System	P/C*	P/C*	P/C*
Medium-Scale Ground-Mounted Solar Energy System	C	C	C

P = Permitted C = Conditional Use Permit

*** - Small-Scale Ground Mounted Solar Energy Systems shall be permitted by right if the application conforms to all of the following requirements:**

- 1.) The solar energy system is sited in the rear yard only and the application shall not include the clear-cutting of vegetation or the removal of mature trees located within 20-feet of any lot boundary.**
- 2.) The solar energy system is sited a minimum of 50-feet from the front property boundary (or any lot boundary that directly borders a road frontage) and a minimum of 35-feet from all property boundaries.**
- 3.) The solar energy system complies with the minimum setback requirements of the Wetland Conservation and Shoreland Protection Districts.**
- 4.) The solar energy system does not exceed a maximum height (tallest point of structure) of 12-feet above natural grade.**
- 5.) Small-scale solar energy systems on commercial, industrial, mixed-use, or multi-family residential properties shall be subject to the Stratham Site Plan Regulations.**

Small-Scale Ground Mounted Solar Energy Systems that do not conform to all of the criteria above shall be permitted by Conditional Use Permit only.

ARTICLE X. Accessory Outside Storage

Article X: Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend Section V Supplementary Regulations to enact additional regulations, including screening requirements, on storage containers, semi trailers, and associated structures.

ACCESSORY OUTSIDE STORAGE, STORAGE CONTAINERS, TRAILERS, DUMPSTERS

Accessory storage materials used in conjunction with a permitted use within any district shall be permitted on the same property as the permitted use **except for uses regulated under Section 5.5.1.** ~~However~~ All goods and materials must be stored in accordance with minimum yard dimensions specified in Table 4.2, Table of Dimensional Requirements. The Planning Board may require screening of said storage areas through the Site Plan Review Process.

---- ALL NEW TEXT BELOW ----

- 5.5.1 Storage containers, semi trailers, dumpsters larger than 6 cubic yards, recreational vehicles or travel trailers/campers more than 20-feet in length, and other similar structures shall be prohibited on parcels in Stratham if they are maintained on a site for more than 30 consecutive days unless any of the following criteria are met:
- a.) An active building permit is open for a building renovation or remediation, or for the construction of new structures or building additions on the property. All such structures must be removed at the conclusion of construction activity.
 - b.) The structure is located in the rear-yard only of the property.
 - c.) The use is maintained fully within a garage or existing structure or is maintained in the rear yard of the property only a minimum of 30-feet from any property boundary.
 - d.) The primary land use of the property is commercial or industrial or the structure, and its location on the property, is associated with a land use application reviewed and approved by the Planning Board or Zoning Board of Adjustment.
 - e.) The structure is utilized for agricultural purposes or is directly associated with an active agricultural land use provided that the parcel is at least 4-acres in size.
 - f.) Recreational vehicles or travel trailers/campers shall be exempt from these requirements so long as the vehicle is road worthy in its current condition and maintains a current New Hampshire state registration and passed state inspection within the preceding 15 months.
- 5.5.2 Storage containers larger than 20-feet in length or 1,320 cubic feet in size or semi trailers more than 20-feet in length shall be prohibited on parcels in Stratham unless the use meets the criteria described in Section 5.5.1.c and 5.5.1.e.

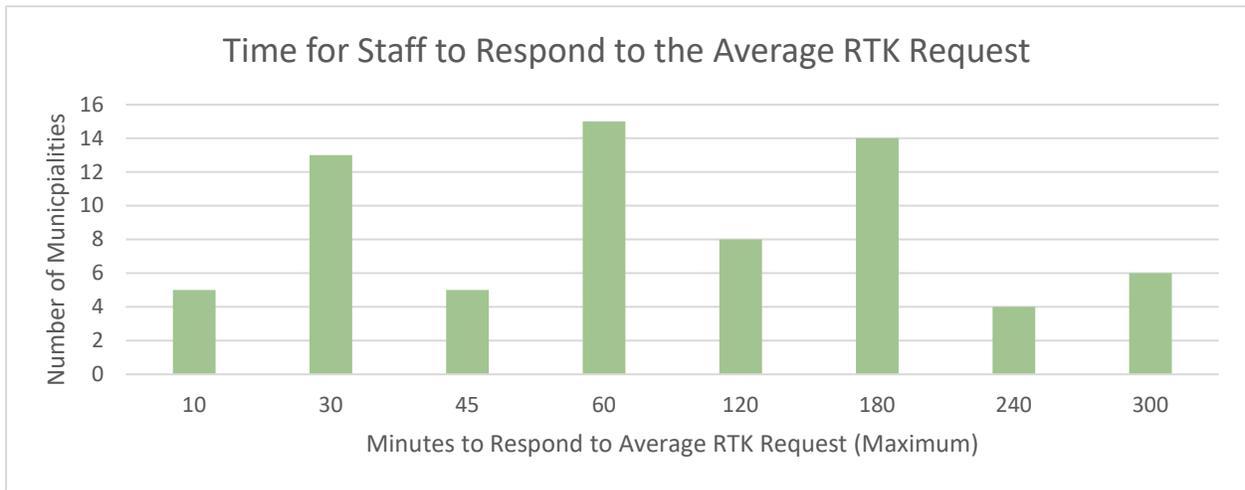
SEMI TRAILER: A vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. This definition shall not apply to horse trailers or

STORAGE CONTAINER: A prefabricated structure designed for the storage of materials.

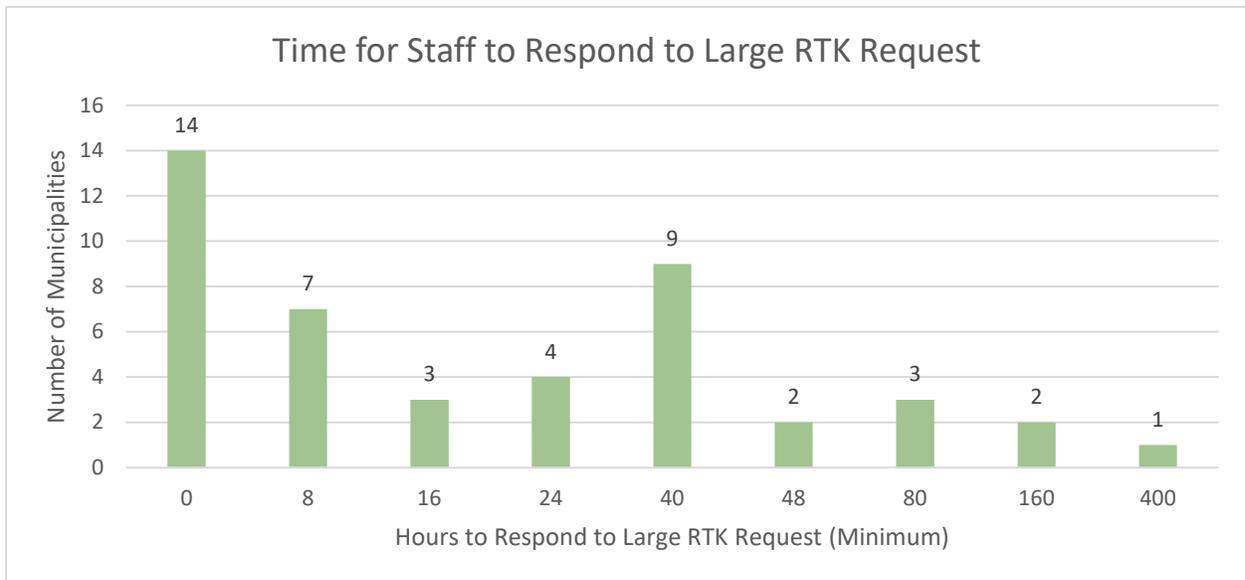
NHMA's RTK Survey Results Summary

8/29/23

On August 21, 2023, NHMA launched a member survey on responding to right-to-know requests. As of August 29, 2023, 70 municipalities had responded. The vast majority of respondents (88.5%) reported receiving fewer than 100 right-to-know requests per year, with the remainder reporting fewer than 500.

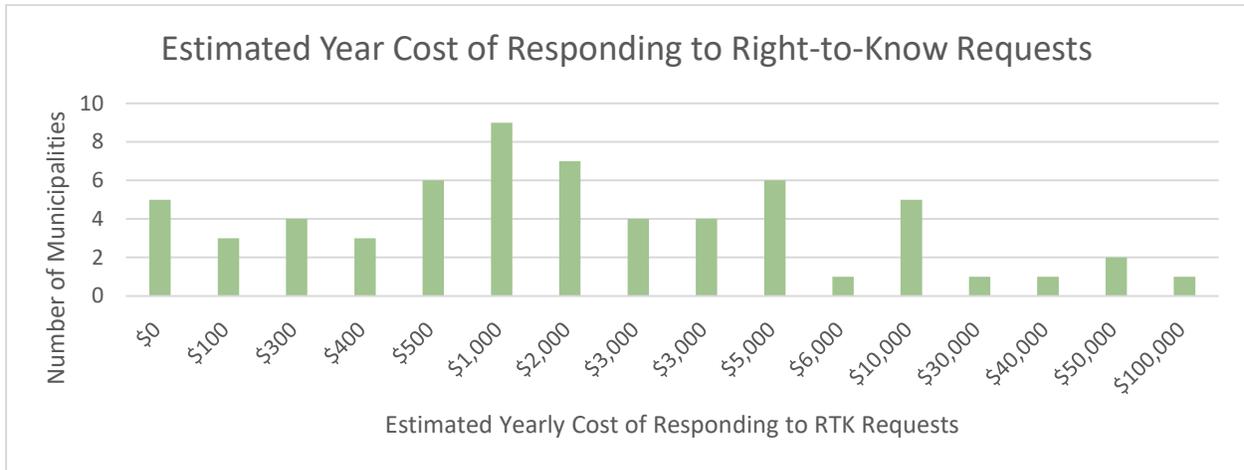


Municipal staff spends an average of less than 2 hours (112 minutes) responding to the average right-to-know request, with the median being an hour. In contrast, municipal staff spends an average of almost 40 hours (39.73) to “large” or “voluminous” requests. (Note, NHMA did not define “average” or “large” or “voluminous” as part of the survey design was to determine what qualified as “average” and what qualified as “large” or “voluminous.”)

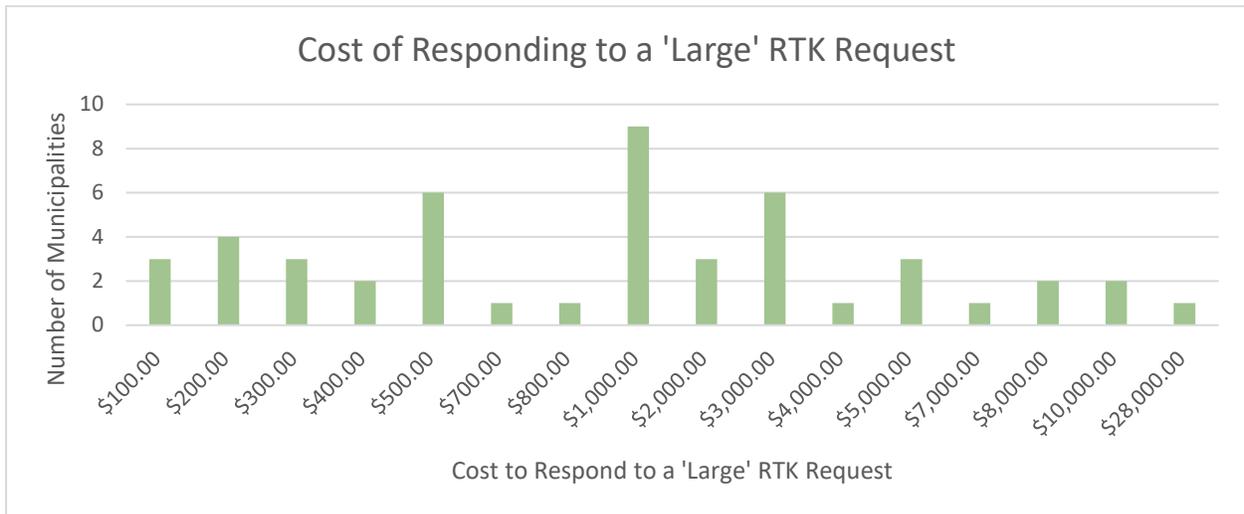


Interestingly, while all 70 responding municipalities gave estimates of how long it took to respond to the average right-to-know request, only 45 estimated how long it took to respond to “large” or

“voluminous” requests, with the majority of the non-respondents indicating that they had not received any such requests. A number of municipalities (14) gave responses indicating that it took staff less than one workday (8 hours) to respond to “large” right-to-know requests.



Of the 58 municipalities that estimated their yearly cost of responding to right-to-know requests, the average yearly cost was \$7,066.03 and median was \$1,500. Few towns estimated the cost of responding as more than 1% of their annual operating budget, with only one town reporting an estimated cost of more than 5% of their annual operating budget.



The average cost of responding to a “large” or “voluminous” right-to-know request varied considerably, but the average reported cost was \$2,663.70. Under the existing right-to-know law, only the “cost of copying” is recoverable from the requester. (In the free response section, respondents indicated that the costs varied extensively depending on the request type, meaning that the “average” may not be a good barometer of the costs of large requests.)

Unsurprisingly, responding municipalities stated that “large” or “voluminous” requests are made “infrequently” with the majority reporting 1 – 2 “large” or “voluminous” requests per year.

HB 1002 - AS INTRODUCED

2024 SESSION

24-2001
05/08

HOUSE BILL **1002**

AN ACT relative to fees for records under the right-to-know law.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. M. Cahill, Rock. 10; Rep. Ball, Rock. 25; Rep. Maggiore, Rock. 23; Rep. Ankarberg, Straf. 7; Rep. DeSimone, Rock. 18; Rep. Dunn, Rock. 16; Rep. J. Nelson, Rock. 13; Rep. B. Boyd, Hills. 12; Rep. Edwards, Rock. 31; Rep. Grassie, Straf. 8; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Sen. Watters, Dist 4; Sen. Lang, Dist 2; Sen. Avard, Dist 12

COMMITTEE: Judiciary

ANALYSIS

This bill establishes parameters for when a public body may charge a fee for records provided under RSA 91-A.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to fees for records under the right-to-know law.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Right-to-Know; Fees for Records. Amend RSA 91-A:4, IV to read as follows:

2 IV.(a) Each public body or agency shall, upon request for any governmental record
3 reasonably described, make available for inspection and copying any such governmental record
4 within its files when such records are immediately available for such release.

5 (b) If a public body or agency is unable to make a governmental record available for
6 immediate inspection and copying the public body or agency shall, within 5 business days of a
7 request:

8 (1) Make such record available;

9 (2) Deny the request; or

10 (3) Provide a written statement of the time reasonably necessary to determine
11 whether the request shall be granted or denied and the reason for the delay, **and an estimate of**
12 **the cost of making the record available if a charge would be incurred under paragraph**
13 **VIII.**

14 (c) A public body or agency denying, in whole or part, inspection or copying of any record
15 shall provide a written statement of the specific exemption authorizing the withholding of the record
16 and a brief explanation of how the exemption applies to the record withheld.

17 (d) If a computer, photocopying machine, or other device maintained for use by a public
18 body or agency is used by the public body or agency to copy the governmental record requested, the
19 person requesting the copy may be charged the actual cost of providing the copy, which cost may be
20 collected by the public body or agency. No cost or fee shall be charged for the inspection or delivery,
21 without copying, of governmental records, whether in paper, electronic, or other form, **unless the**
22 **time to make the record available exceeds 10 hours, as provided in paragraph VIII.** Nothing
23 in this section shall exempt any person from paying fees otherwise established by law for obtaining
24 copies of governmental records or documents, but if such fee is established for the copy, no additional
25 costs or fees shall be charged.

26 (e) **A public body or agency may suggest to the requestor a reasonable**
27 **modification of the scope of the request, if doing so would enable the body or agency to**
28 **produce records sought more efficiently and affordably.**

29 2 New Paragraph; Fees for Records. Amend RSA 91-A:4 by inserting after paragraph VII the
30 following new paragraph:

HB 1002 - AS INTRODUCED

- Page 2 -

1 VIII. A reasonable charge may be made for the employee time to make the record available
2 to the requestor, including time to search, retrieve, duplicate, redact, and otherwise make the record
3 available for the requestor. However, hourly costs shall not exceed \$25 per hour and no costs shall
4 be charged for requests under 10 hours. Multiple requests from any person or entity to the same
5 public body within a 30 day time period shall be considered one request.

6 3 Effective Date. This act shall take effect 60 days after its passage.

January 8, 2024

Mr. Adam Smith
40 Main Street
Concord, NH 03885

RE: NH Route 33 Corridor Study Need

Dear Mr. Smith,

Linking the two largest highways in the Seacoast Region, NH Route 33 is both a vital part of our regional transportation network and an important part of the Seacoast area economy. Its location and accessibility to major corridors and the Pease International Tradeport position the roadway well for growth and redevelopment, however a number of challenges stymie its potential, including a lack of water and sewer infrastructure, periodic traffic congestion at key intersections, and a lack of facilities for pedestrians and cyclists. The purpose of this letter is to underline the importance of a corridor plan to more holistically plan for the future of this vital roadway.

Through the Rockingham Planning Commission (RPC), the communities of Portsmouth, Greenland and Stratham have worked together to identify transportation, infrastructure and land use opportunities, but this collaboration requires a more comprehensive planning framework in order to be successful and to explore important issues and opportunities, including:

- **Housing:** Housing needs are ubiquitous across much of the state, but the nexus of need and opportunity is particularly acute in this part of the Seacoast Region.
- **Infrastructure:** To minimize sprawl and maintain open space and rural character, water and sewer infrastructure should be explored to address development opportunities and alleviate water quality challenges.
- **Economy:** Route 33 directly serves the Pease International Tradeport, the main commercial corridor for Greenland and as the Town Center of Stratham at its southern end. Examining the current and potential future role of the NH33 corridor in both supporting employment centers and providing access to employment will be an important factor in understanding a vision for the communities.
- **Recreation:** Route 33 is envisioned as part of the Great Bay Bicycle Loop, however the corridor, in its current form, lacks basic infrastructure for pedestrians and cyclists and would benefit from a more coordinated branding effort to attract, direct, and support visitors.
- **Travel Demand, Safety, & Multi-modal Opportunities:** Connecting the two busiest highways in the Seacoast, it is vital that planning for Route 33 extends beyond the physical limits of the roadway and incorporates travel along intersecting highways and roadways. This is particularly important to help address congestion at major intersections, located largely within the Town of Greenland, to ensure comprehensive, sustainable solutions. Since it serves major employment centers, Route 33 should also be evaluated for transit and other multi-modal opportunities, to help

more effectively shuttle residents to workplaces. Finally, the safety of Route 33, for all travel users, is of paramount importance to the communities.

The communities of Greenland, Portsmouth, and Stratham envision a corridor that is safe, efficient, and accessible for all travelers where comfortable accommodations exist for public transit users, pedestrians, and cyclists. We envision a Route 33 that attracts redevelopment opportunities, including for critically needed new housing, to help power the Seacoast area economy. We envision a roadway where access to parks and recreation areas, including those on the Great Bay waterfront, are well advertised and accessible to best serve the needs of both residents and visitors.

In order to accomplish this and to more comprehensively plan for the future of this important roadway, a corridor study is necessary. We hope you will lend your support toward NHDOT funds being utilized to fund a corridor study of NH Route 33 with the strong backing and support of all the communities that this roadway touches. Should you have any questions or would like to discuss this matter in more detail, please do not hesitate to contact us at via the contact information below.

Respectfully,

Name:

Name:

Name:

Title:

Title:

Title:

STRATHAM VOLUNTEER FIRE DEPARTMENT

2023 YEAR IN REVIEW:

2023 was a great year for the SVFD with a lot of things happening for our department and the town as a whole. I would like put the year in a nutshell for everyone with some statistics for your enjoyment:

Major accomplishments in 2023:

- 100% Safety record with no personal injuries related to responses or FD duties.
- R& R committee did some great work and was recognized by the State in their R&R newsletter as a model program.
 - Pancake Breakfast rebooted and highly successful (First since 2019)
 - Amazing Pig roast meal at the Christmas party (it was a great FD bonding event as well)
 - Transition to years of service Pins—R&R lead effort.
- 100% completion of Officer Leadership training
- Pump driver/operator one on one training completed to baseline our pump operations training and experience
- 3rd Annual Responder Classic Golf Tournament was very successful.
 - Raised over \$30k for Fire and PD alike.
 - Funded the new door forcible entry trainer
- Raised \$500000 to purchase 12 sets of fire gear as 2nd sets for our responders.
 - Combined effort of Private donations (Wish Family Foundation), Lights 4 Lives, FD Aux and FD Association.
- Started Stratham FD's first dedicated fire inspection program with the hiring of our first Part Time Fire Inspector, Jeff DiBartolomeo.
- Purchased an \$890,000 E-One fire engine as a replacement for our Engine 1.

2023 by the numbers:

- Total Calls in 2023: 787
 - Fire- **190**
 - EMS – **597**
 - Overlapping calls (Fire and EMS): **118** (16%)
 - Mutual aid given: **12** (1.5%)
 - Mutual aid received: **19** (2.4%)
 - Automatic Mutual aid received: **15** (1.9%)
 - Towns we provided mutual aid to: Brentwood (2), Greenland (3), Kittery (1), Newmarket (11), North Hampton (2), Raymond (1), Rye (2)

- Most common types of calls:
 - EMS Medical service, Other (458)
 - EMS excluding MVA (60)
 - MVA no injury (24)
 - MVA w/ injury (17)
 - FIRES (21)
 - Fire other (4)
 - Building Fire (8)
 - Fire in structure other than building (2)
 - Chimney Fire (5)
 - Fuel Burner/Boiler Malfunction Fire confined (1)
 - Road Freight or transport vehicle fire (1)
 - CO incident (8)
 - Power line down (8)
 - Smoke Detector activation due to malfunction (23)
 - Fire Alarm sounding due to malfunction (12)
 - Alarm system activation- unintentional (12)

Comparisons:

- **TOTAL FIRES:** 2023 (25), 2022 (18), 2021 (22)
- **STRUCTURE FIRES:** 2023(12), 2022(6) 2021 (13)
- **BLS EMS Calls:** 2023(275), 2022 (287) 2021 (265)
- **ALS EMS Calls:** 2023(67), 2022 (91), 2021(109)
- **Total EMS Calls requiring transport:** 2023(207), 2022 (201) 2021(222)

Average Response Times (2023):

- Dispatch to Enroute: 3:17
- Dispatch to arrival: 07:30

Calls-- Most common:

Day of the week: Thursday (138) and Monday (124)

Time of Day: 1400-1459hrs (63) followed by 1200-12:59hrs (56)

Month of the year: December (88) followed by January (79)

Number of Incidents per day in 2023:

- 2 per day (101)
- 1 per day 998)
- 0 per day (45)
- 4 per day (37)
- Highest per day is 10 in 2023 (one occurrence)

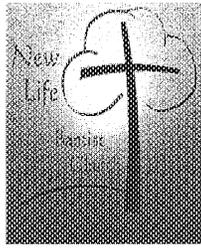
Apparatus call usage numbers in 2023:

- Ambulance 1: 354 incidents
- Ambulance 2: 262 incidents
- Engine 1: 131 incidents
- Utility 1: 106 Incidents
- Engine 3: 81 incidents
- Car-1: 58 Incidents
- Tanker 8: 43 Incidents
- Forestry 1: 5 Incidents

Top 10 Most calls in 2023:

1. Alan Choiniere (313)
2. Matt Bartel (270)
3. Andrew (Drew) Vanderslice (218)
4. John Dardani (197)
5. Ben Hochschwender (195)
6. Leah Richard (190)
7. Nick Denton (140)
8. Jeff Denton (139)
9. Chris Heal (112)
10. Peggy Crosby (109)

**See the attached reports to see where you fell in the list beyond the top 10.



January 7, 2024

Town of Stratham
Board of Selectmen
10 Bunker Hill Ave.
Stratham, NH 03885

Dear Honorable Selectmen,

We would like to request the use of the auditorium again, for 2024. We have been thankful for the facilities and that we have been able to shovel snow in front of the doors as needed. Please let us know of any other way we can serve. Thanks for asking us to help in any way we can.

Back in 2020, we wanted to start an outreach to families that were dealing with loved ones who were dealing with addiction, but Covid happened. Drug addiction is rampant in our world and especially here in New Hampshire.

Our church family has been touched by substance abuse and we would like to help others who have also been affected by this plague. There are programs and people that help those who are addicted to substances, but not many for their families.

Addictions have a spiritual component that is not dealt with very often in addicts and those who love them. We want to provide comfort for families and friends of addicts by offering a kind word, prayer, and hope that there is an answer to this problem.

We appreciate being able to use the auditorium on the first and third Sundays of the month after our regular services as we have just begun to put this together in a program called Hope For the Heart Family Support Group. We would like to continue on the 1st and 3rd Sundays this next year, with your permission.

We would certainly appreciate any input or ideas you may have that would allow us to be a comfort to as many hurting people as possible.

Thank you for your time and I look forward to hearing from you. My cell number is 603-767-4952 and my home number is 603-659-4939 if you have any thoughts or questions.

Best regards,


Thomas Oliver, Pastor

PO Box 795 Stratham, NH 03885
603-767-4952



TOWN OF STRATHAM

Incorporated 1716

10 Bunker Hill Avenue • Stratham, NH 03885

Voice (603) 772-7391 • Fax (603) 775-0517 • www.strathamnh.gov

COMMITTEE APPOINTMENT APPLICATION

- | | |
|---------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Heritage Commission | <input checked="" type="checkbox"/> Zoning Board of Adjustment |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Public Works Commission |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Stratham Summerfest Committee | <input type="checkbox"/> Energy Commission |
| <input type="checkbox"/> Exeter Squamscott River Advisory Committee | <input type="checkbox"/> Rockingham Planning Commission |
| <input type="checkbox"/> Pedestrian & Cyclist Advocacy Committee | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Trail Management Advisory Committee | |

Lucy H. Cushman 603-770-5254
 Applicant Name (print) Phone #

159 Winnicut Rd, Stratham, N.H. lc24bytes@comcast.net
 Address P.O. Box 427 Email

Registered Voter of Stratham? YES NO Number of Years as a Resident 75

I would like to be considered by the Select Board for appointment to a town/board/commission/committee indicated above because:

Mark Courros asked me.

I feel the following experience and background qualifies me for this position:

Planning Bd. / Gateway / Tech Review
Master Plan Committee
School Board

Signature of Applicant _____ Date _____