



TOWN OF STRATHAM

INCORPORATED 1716

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STRATHAM SELECT BOARD STATEMENT ON ZONING BOARD APPEAL

April 29, 2024

Fifteen years ago, the residents of Stratham voted to rezone a handful of properties under a newly designated Special Commercial zoning district. The Special Commercial District is a small district and 13-15 Stoneybrook Lane makes up a significant majority of the developable land area within the district. The purpose of the zoning district, as clearly stated in the Zoning Ordinance, is to encourage hotels, conference centers, commercial and professional uses, restaurants, entertainment complexes, and "larger-scale mixed-use development."

Last year, a developer purchased 13-15 Stoneybrook Lane with the intent to develop the land as a residential housing development. The proposed development is entirely residential in nature and includes 59 single-family homes. No affordable or workforce housing is proposed. Earlier this year, the Zoning Board of Adjustment voted to grant a variance to allow the property to be developed entirely as this non-permitted use.

The Select Board has decided to appeal the Zoning Board's approval of the variance in Superior Court. The Board objects to the developer's decision to bypass opportunities for public engagement and consideration by the voters of Stratham to develop the property in a manner that is wholly inconsistent with Stratham's zoning requirements.

"We believe that decisions made by the voters of Stratham are worth fighting for," said Select Board Chair Michael Houghton. "The voters of this community clearly understood the ramifications of rezoning this land as a 'Special Commercial' zone and it is disheartening that the will of voters was erased with a single variance decision."

The Select Board recognizes that there is a significant need for housing in our region and does not oppose new housing, either on this property, or in the community as a whole. In fact, the Special Commercial zone anticipated and encouraged "upper story residential uses" as accessory uses. However, no mixed-use development is proposed in the current proposal, only single-family housing. The Select Board is also sensitive to the fact that only a small percentage of Stratham's land area is zoned to allow for commercial uses and the Select Board recognizes the value of commercial and industrial uses to help balance the Town's tax base.

The Select Board believes the correct process for this proposal is for the developer to engage with the Planning Board and the broader community. If a strong case can be made for changes to the zoning ordinance - changes that would benefit the community and not just the developer - the Planning Board will sponsor a zoning amendment for consideration by the Town's voters. Even if the developer and Planning Board do not ultimately agree on a proposed zoning measure, the developer has the option to place a zoning amendment on the Town Ballot simply by gathering the signatures of 25 Stratham residents in support of a measure. It is this process that the Select Board is fighting for; one in which Stratham residents maintain a say in the zoning and land uses of their community.

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