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TO: Planning Board Members
FROM: Vanessa Price, Director of Planning & Building
FOR: January 7, 2026, Public hearing #5
RE: 2026 Proposed Zoning Amendments – Draft

ARTICLE: Route 33 Legacy Highway Heritage District Requirements

Amend Section III, *Establishment of Districts and Uses*, Substantially amend *Section 3.10 Route 33 Legacy Highway Heritage District, updating 4.1.5; 4.2 the Table of Uses; and 4.3 Explanatory Notes?* This amendment would require new subdivisions to adhere to dimensional requirements and limit the number and sizes of new primary dwellings on the site.

This amendment intends to address and clarify the district's purpose and the dimensional requirements of the Route 33 Legacy Highway Heritage District.

3.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Town of Stratham is hereby divided into the following districts:

District Name:	Abbreviation
Route 33 Legacy Highway Heritage District (Adopted 3/22)	LHHD

3.4 DISTRICT PURPOSES

The following purposes are hereby established for each of the districts:

3.4.15 Route 33 Legacy Highway Heritage District: The intent of this district is to recognize and preserve the uniquely historic character of the Portsmouth Avenue/Route 33 corridor, and to encourage the adaptive re-use of structures in a manner compatible with that character. The development of this area is subject to both the Planning Board and the Heritage District Advisory Committee.

3.10.6 Site Design Standards:

- c. Dimensional Requirements:
 - i. Refer to Section 4.2 Table of Dimensional Requirements.
 - i. ~~Structures shall be sited such that their front setbacks are generally consistent with structures on abutting properties located on the same side of the road. Therefore, the front setback shall be determined by calculating the existing setbacks of the primary structures of the abutting properties located on the same side of the street. The permitted front setback shall be within 10 feet of the average of the existing setbacks of the~~

~~abutting properties. However, in no case shall the front setback be required to be more than 35 feet.~~

- ~~ii. Side and rear setbacks shall be a minimum of 20 feet.~~
- ~~iii. No structure shall exceed a height of 35 feet.~~
- ~~iv. No structure shall exceed a gross building footprint size of 10,000 square feet.~~
- ~~v. ii. New structures shall not be sited in front of, or in a manner that distorts the view of historic buildings, as viewed from the public right-of-way.~~

3.10.9 Land Uses:

- a. Permitted Uses: The Heritage District shall permit residential and agricultural uses and limited commercial uses that do not detract from the residential and rural character of the corridor. Permitted and non-permitted uses, and those permitted only by Conditional Use Permit or Special Exception, are outlined in **Table 3.6 Table of Uses**. Mixed-use properties, particularly those where a business proprietor maintains his/her or their residence on the same property, are permitted and encouraged.

In order to ensure that commercial uses do not detract from the residential and rural character, the following criteria are required for all properties where commercial uses are proposed within the Heritage District:

- i. All commercial uses, except for those explicitly exempt under this section, shall not exceed a gross interior floor area 2,500 square-feet of any **property structure** in the Heritage District, unless the Planning Board determines that such a use is consistent with the residential and rural character of the Heritage District and if either of the following three criteria are met:
 - 1. If the total square-footage of the **property structure** exceeds 4,200 square-feet, the Planning Board may permit commercial uses on a property to exceed 2,500 square-feet provided the use is part of a mixed-use development and residential or agricultural uses make up at least 40 percent of the total floor area of the **property structure**.
 - 2. If the commercial use is located primarily within a structure that is at least 50 years old and the Planning Board determines that the application includes a substantial investment to adaptively reuse the structure, the Board may waive this requirement.
 - 3. The following uses are exempt from this requirement: Bed & Breakfasts, Community Centers, and Performing Arts Venues. Outdoor accessory uses, including outdoor dining, shall not be counted toward the 2,500 square-foot maximum.
 - 4. **Retail Uses shall be limited to a maximum of 2,000 square feet of interior space.**
- ii. For commercial uses located in the Heritage District, the hours of operation where members of the public are invited to visit the premises shall be limited to no more than 40 hours per week and shall not occur between the hours of 9 pm and 7 am. Bed and Breakfasts shall be exempt from this requirement. The Planning Board shall be empowered to waive this requirement only if the Board determines that the use will not disturb abutting property owners or alter the residential and agricultural character of the corridor.

- b. Multi-Family Housing: Multi-Family and Workforce Housing is permitted in the Heritage District by Conditional Use Permit. Multi-Family and Workforce Housing shall be designed such that these uses, as viewed from the Route 33 right-of-way, are indiscernible from the single-family housing and agricultural uses that characterize the Corridor.
 - i. Multi-family housing development shall not exceed a density of three units per **two acres**. **The density applies only in full two-acre increments; partial acreage shall not count towards the allowance of additional dwelling units, and rounding up is prohibited.** In a multi-family development of five or more units, a minimum of 20 percent of the units must be set aside as workforce housing units.

3.10.5 Activities Subject to and Exempt from Review

- viii. The siting of ground-mounted solar energy facilities shall be subject to review and approval unless such facilities meet the criteria outlined below, in which case such facilities shall be exempt from review and approval.

- 1. Views of the solar facilities must be screened from the public right-of-way.
- 2. The solar facilities must be a small size array as defined under the Solar Energy Ordinance. Medium- ~~and Large~~-scale arrays shall require review by the Advisory Committee, approval by the Planning Board, and meet all requirements of Solar Energy Ordinance.

3.10.2 Applicability:

- a. This Ordinance shall establish the **Route 33 Legacy Highway Heritage District** (the “Heritage District”). The boundaries of the Heritage District, which includes properties with frontages along the NH Route 33 corridor from the Town Center District to the Greenland town line, are shown on the Official Town Zoning Map (as amended) entitled “Zoning Map, Town of Stratham, NH”, and hereby incorporated as part of this ordinance.
- b. The provisions of the Heritage District shall be mandatory for development projects within the Heritage District as stipulated under Section 3.10.5 Activities Subject to Review. Development projects submitted for approval under this zoning district shall be subject to applicable requirements of the Subdivision and Site Plan Review Regulations of Stratham.
- c. When in conflict, the provisions of the Heritage District shall take precedence over those of other ordinances, regulations, and standards except the Local Health and Safety Ordinances and Building Codes.
- d. ~~Section 3.8.10 Definitions of Terms contains regulatory language that is integral to the Heritage District. Those terms not defined in Section 3.8.10 or in Section II of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Heritage District, those of the Heritage District shall take precedence.~~
- e. The requirements of Section ~~3.10.8 Development Standards and Tables~~ **3.10.6 Site Design Standards and 3.10.7 Standards for signage** are an integral part of the Heritage District and are legally binding. Unless otherwise noted, other diagrams and illustrations that accompany this ordinance are provided for guidance purposes and as recommended examples.

e. Any land use application that requires site plan approval or subdivision approval, and includes one or more historic structures on the property, shall be required to cooperate with the Heritage Commission to complete a State of New Hampshire Inventory Form for the historic resource(s) present. For purposes of this requirement, a structure is presumed to be historic if it is over 100 square feet in area and is at least 50 years old.

4.1.5 Primary dwellings in residential districts

~~Unless permitted as part of a condominium or mobile home park form of development, only one~~ Only one primary dwelling or duplex shall be permitted on individual parcels within the Residential/Agricultural, ~~Manufactured Housing~~, and Route 33 Legacy Highway Heritage Districts. Parcels where agriculture is the primary use shall be exempt from this requirement. (Rev. 3/25)

4.2 Table of Dimensional Requirements

The Table of Dimensional Requirements [on the ensuing page] shall apply for all lots, uses of land, and developments within the various districts, unless modified by other sections of this ordinance. This section shall not regulate any Gateway (Central or Outer) or Town Center Zoning which are regulated under Section 3.8 and Section 3.9 respectively of this Ordinance (Rev. 3/18). Dimensional Requirements for the Flexible Mixed-Use District ~~and Route 33 Heritage District~~ can be found in Sections 3.7.10 ~~and 3.10.6.e~~ of the Ordinance, respectively. (Added 3/25)

DIMENSIONAL REQUIREMENT:	Route 33 Legacy Highway Heritage District (LHHD)
AREA:	2 acres (c)
CONTINUOUS FRONTAGE:	150' (c)
DEPTH:	150'
FRONT:	(i)
SIDE:	20'
REAR:	20'
MAXIMUM HEIGHT OF STRUCTURE:	35'
MAXIMUM % BUILDING COVER/LOT:	10%
MAXIMUM BUILDING FOOTPRINT: (Adopted 3/00)	See: 4.3(j) explanatory notes
MINIMUM % OPEN SPACE/LOT:	N/A
FRONT OPEN SPACE SETBACK:	N/A
SIDE/REAR OPEN SPACE SETBACK:	N/A

4.3 EXPLANATORY NOTES

(i) Structures shall be sited such that their front setbacks are generally consistent with

structures on abutting properties located on the same side of the road. Therefore, the front setback shall be determined by calculating the existing setbacks of the primary structures of the abutting properties located on the same side of the street. The permitted front setback shall be within 10 feet of the average of the existing setbacks of the abutting properties. However, in no case shall the front setback be required to be more than 35 feet.

(j) The footprint of a single-family residential building, including accessory structures (excluding pools), must not exceed 3,000 square feet, while the footprint of a duplex and multi-family residential building must not exceed 5,000 square feet, including accessory structures (excluding pools). For non-residential building footprint sizes, refer to section 3.10.9.a.

ARTICLE. DEFINITIONS

Amend Section II to update definitions and renumber accordingly.

Historic Structure: referring to a structure that is over 100 square feet in area and is at least 50 years old.

ARTICLE. RESIDENTIAL OPEN SPACE CLUSTER DEVELOPMENT

Substantially amend Section VIII, Residential Open Space Cluster Development, including renumbering sections and to strengthen the design criteria and yield plans for Residential Open Space Cluster Development; preserve rural character, protect historical structures, protect ecological resources, create greenway networks, increasing requirements for open space to amend lot sizes and setbacks; and limiting density.

8.1 AUTHORITY

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for a Residential Open Space Cluster Development in accordance with the restrictions and requirements of this section. The Planning Board is further authorized to adopt amendments to the Subdivision Regulations in order to administer the requirements of this ordinance.

8.2 PURPOSE

The Residential Open Space Cluster ~~and~~Development provisions provides applicants with an alternative development approach intended to promote flexibility and innovation in land planning that are not specifically permitted in the current zoning ordinance. The provisions are intended to encourage environmentally sound planning, conserve open space, retain and protect important natural and cultural features, and provide for efficient use of land and community services to advance the goals stated in the master plan.

Within this context, these regulations established are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the Residential Open Space Cluster Development uses allowed on any particular tract will be a function of innovative land planning and subdivision design interacting with the special characteristics and limitations of the site.

8.3 OBJECTIVES

The Planning Board shall consider the following objectives and balance them accordingly during the review of individual applications.

- a. Maintain and preserve the rural character of the Town of Stratham by allowing an alternative residential development option which preserves large areas of open space, provides for visual buffers from existing roads and residential development, and permits farming opportunities on parcels of open space.
- b. **To permit active and passive recreational use of open space by residents of the proposed development and/or by the general public.**
- c. **To promote the preservation of large blocks or corridors of protected open space by “linking” together smaller individual open space areas on adjoining parcels.**
- d. ~~To create a contiguous network of open spaces or “greenways” throughout the Town by linking the common open spaces within the subdivision, to open space on adjoining lands wherever possible, and as particularly found in the Stratham Master Plan designated and referred to as the Stratham ‘S’ on Map FLU 2.~~
- e. d. To provide for connected corridors of open land throughout Town for preservation of habitat, environmental resources, and public enjoyment.
- f. e. To preserve those areas of the site that have the highest ecological value, including, for example, wildlife habitat, e.g., large unfragmented blocks of undeveloped land, areas of highest condition identified based on NH Fish and Game’s Wildlife Action Plan, and water resources, e.g., drinking water supply areas and watersheds, wetlands, streams and rivers.
- g. ~~Provide for a diversity of housing types, opportunities, and styles.~~
- g. To locate buildings and structures on those portions of the site that are the most appropriate for development and avoiding developing in areas ill-suited for development, including, for example, areas with poor soil conditions, a high water table, that are subject to frequent flooding or that have excessively steep slopes.
- h. ~~g. Encourage flexible road design that will contribute to and enhance a rural atmosphere and maintain minimal safety design.~~
- h. ~~As part of an alternative for residential development, to require the clustering of homes in a manner that includes proximity in physical location while minimizing confusion over issues of property ownership.~~
- i. **To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.**
- j. **To permit various means of owning open space and for protecting it from development in perpetuity.**
- k. **To implement the objectives of the Stratham Master Plan.**

8.4 DEFINITIONS

The following definitions specifically apply to this Section of the Zoning Ordinance:

- a. **Area Median Income (AMI). The median income of the greater region, the HUD Fair Market Rent Area to which Stratham belongs, as is established and updated annually by the US Department of Housing and Urban Development. Income considers both wage income and assets.**
- b. **Buffer: Land area within which adequate vegetation is maintained or provided to visibly**

separate or screen one use from another and/or to minimize potentially negative impacts on surrounding areas, e.g., shield or block noise, light or other nuisances, reduce water pollution. Also known as a “vegetated buffer.”

- e. **Buildable Area**. Land area of a parcel excluding non-buildable area.
- d. **Buildable Lot**. The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.
- e. **Cluster Subdivision Design**. **Grouping—or “clustering”— dwellings units on a portion of a development parcel to preserve the remainder of the parcel as open space.**
- f. **Common Area**. Any parcel or area of land and/or area of water set aside as a result of a residential open space cluster plan. The common area is designed for the benefit and enjoyment of the residents of a residential open space cluster development. These areas may contain accessory structures and improvements necessary and appropriate for the educational, recreational, cultural, social or other noncommercial/ nonresidential / non-industrial uses, plus any utility services utilized by the owners of the common area.
- g. **Conservation Land**. Land given to a public body dedicated to conservation of forests, park land, etc., or to a private conservation trust, with the intent of preserving in its original ecological condition, safeguarding water supplies, or diminishing flood danger.
- h. **Conventional Subdivision**. A conventional subdivision depicts a development scenario in which lots are subdivided in conformance with the minimum requirements of the zoning district, including the minimum dimensional requirements, as prescribed under the Stratham Zoning Ordinance and Subdivision Regulations. (Adopted 3/25)
- i. **Mandatory Home Association**. A private non-profit corporation, association, or other nonprofit legal entity established by the developer for the benefit and enjoyment of the residents of the Cluster Development. Membership in said association shall be mandatory for property owners and made a required covenant in any deed issued or passed. It shall provide voting and use rights in the common area when applicable and may charge dues to cover expenses, which may include tax liabilities of the common area, recreational or utility facilities. Articles of Association or Incorporation must be acceptable to the Planning Board and by the Town Counsel and any other municipal, county, state agency, body, commission or department required by law to approve of the same.
- j. **Non-buildable Area**. Land area that cannot be counted toward the minimum lot size under a conventional subdivision, including areas with the following characteristics: wetlands or wetland soils as defined by RSA 482-A: 2, X; wetland buffers; slopes greater than 25 percent; submerged areas; utility rights-of way; land area within the 100-year floodplain; or land that is restricted from development by covenant, easement or other restriction. (Rev. 3/25)
- k. **Open Space Cluster Subdivision**. An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, a similar number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as designated open space. Also referred to as “conservation subdivision.”
- l. **Open Space Easement**. Land whose development rights have been legally restricted, either by deed or by public purchase of those rights. The easement may be so worded as to permit or restrict public access, to allow or disallow recreational development, and similar

provisions. Easements are tied to the title of the land, regardless of its subsequent ownership.

- m. **Public Open Land.** Land purchased by or given to the Town of Stratham for parks, playgrounds, or an undeveloped open space, generally with the intention of making it accessible for public use.
- n. **Workforce Residential Open Space Cluster Development.** Provides rental or ownership housing opportunities to households based on the following standards: (1) workforce rental housing is defined as a housing unit that has a monthly rent not exceeding 30 percent of the gross income of a household earning no more than 60 percent of the Area Median Income for a 3-person household for the Portsmouth-Rochester Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development consistent with RSA 674:58 II; (2) workforce ownership housing is defined as housing that can be purchased at a price, including the combination of mortgage loan debt service, property taxes and insurance, that does not exceed 30 percent of the gross income of a household earning no more than 100 percent of the Area Median Income for a 4- person household for the Portsmouth-Rochester Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development consistent with RSA 674:58 II.
- o. **Yield Plan.** A Yield Plan is a required exhibit of a Residential Cluster Open Space Development application depicting the maximum development density of the parcel under a conventional subdivision in conformance with the requirements of conventional subdivisions under the Zoning Ordinance and Subdivision Regulations. A yield plan shall reasonably depict the number of buildable lots suitable for the site and shall conform to the requirements of Section 4.6.4 of the Subdivision Regulations, and shall be stamped by a licensed land surveyor and certified wetland scientist if applicable. (Adopted 3/25)

8.5 STRICT ADHERANCE

~~To~~ These provisions shall not be construed as establishing a legal right to a conditional use permit for a cluster development. Those who wish to pursue their “development rights” to a certain use or development of land should consider developing their land with the permitted, conventional subdivision approaches, or through the variance procedure as provided for by New Hampshire law.

8.7 APPLICATION AND REVIEW PROCEDURE

- a. A Residential Open Space Cluster Development shall be initiated by filing with the Planning Board for an application for a Conditional Use Permit.
- b. The completed application and fee as set by the **Board of Selectmen** shall be submitted to the Planning Department. Said fee is nonrefundable.
- c. The Planning Board shall consider the application at its next regular meeting following the public notice process.
- d. Where development approval for the Conditional Use Permit includes subdivision or site plan approval by the Planning Board, the application and review procedure for the Conditional Use Permit shall be made concurrently and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations as applicable to the particular development.

8.8 USES

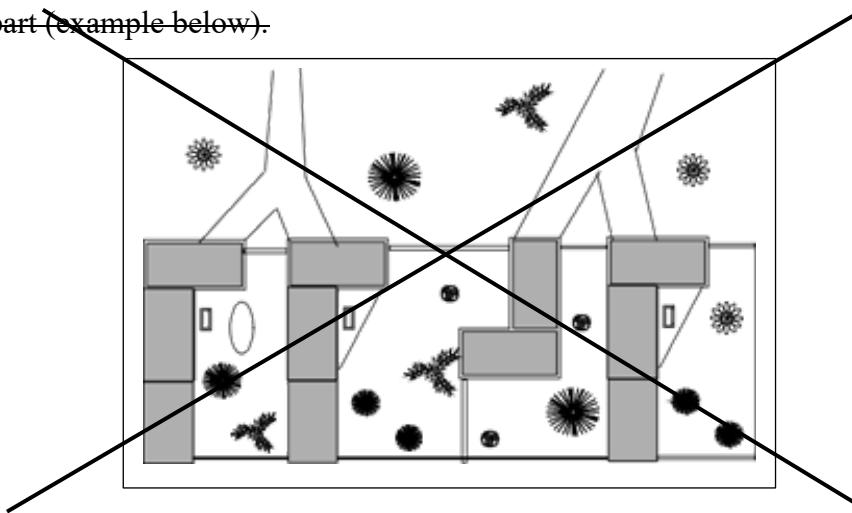
a. Primary Uses: Only residential uses shall be permitted in the Residential Open Space Cluster Developments. These include single-family detached dwelling units, single-family attached dwelling units, and multifamily units. Multi-family Units: Shall be permitted up to a unit count of four (4) per building or structure.

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. b. 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 feasible. 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. (Adopted 3/24)

8.9 SUBDIVISION PROCEDURES

a. Residential Open Space Cluster Development shall follow the subdivision procedures and be subject to the granting of a major subdivision approval pursuant to the

regulations contained herein. Preliminary Conceptual Consultation and Design Review applications are required to be submitted prior to an applicant's formal application and Conditional Use Permit for a Residential Open Space Cluster Development. The Design Review meeting with the Planning Board shall include a review of the yield plan and a review of a conceptual plan of the cluster subdivision. The purpose of the Design Review process is to approve or deny the yield plan and review the conceptual plan.

- b. The number of dwelling units permitted in a Residential Open Space Cluster Development shall be no greater than the number of units that would be possible if the parent parcel were wholly subdivided in a conventional manner (i.e., without an open-space set-aside) meeting all applicable requirements of the Zoning Ordinance and Subdivision Regulations. In order to arrive at this number, the applicant shall submit a conceptual yield plan showing how the parcel could be subdivided in a conventional manner. At a minimum, the conceptual yield plan shall:

 - i. Include all topography required by the Subdivision Regulations along with the location of all wetland and floodplain areas.
 - ii. Proposed conceptual lots shall clearly show the location of all wetlands, buffers, leach field areas, test pits (Include at least one test pit meeting local and state requirements), steep slopes, very steep slopes, setbacks, and any other information necessary to demonstrate that the conceptual lot adheres to all local land use requirements.
 - iii. Conceptual lots shall adhere to all frontage requirements and demonstrate compliance with the road standards.
 - iv. The conceptual plan shall outline the location of all conceptual roadways.
- c. If necessary, the Planning Board may request additional information from the applicant to support the viability, realistic, and feasibility of the yield plan.
- d. During the Design Review process, the Planning Board, at its discretion, may require a study and/or third-party engineering review to confirm the financial and technical feasibility, under current market conditions, of any presented yield plan or section of a yield plan. These costs shall be borne by the applicant.
- e. After the approval of a yield plan, the Planning Board will review a conceptual plan of the cluster subdivision as part of the design review process. The conceptual plan should include the following:

 - i. **Identifying Conservation Areas:**

 1. **Primary Conservation Areas:** Consist of wetlands, floodplains, and shorelines regulated by local, state, or federal law.
 2. **Secondary Conservation Areas:** Consist of other significant natural resources and unique site features, such as wildlife habitat, steep slopes (greater than 25%), mature woodlands, agricultural lands, scenic views, and historic or archaeological sites.
 - ii. **Locating Residential Uses:**
Identify the approximate locations of residential structures within the proposed development. This should include delineating private yards and shared amenities to reflect a cohesive residential community. Residential units should be grouped

in small clusters, with vegetated areas between them.

iii. **Designing and Locating Streets and Trails:**

Streets and trails should be designed and located to provide access to house lots or units while preserving the natural topography, significant landmarks, and trees. Additionally, the design should minimize site disruption through cutting and filling. New trails are encouraged to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

iv. **Conceptually Configure Lot Lines and Clarify Ownership:**

This step includes identifying the land designated for each unit, common land, and any convertible land.

8.10 REGULATION COMPLIANCE:

All Residential Open Space Cluster Developments shall, in addition to the requirements of this Ordinance, comply with applicable standards contained in the Stratham Subdivision and Site Review Regulations, as well as all other applicable town and state regulations and policies.

8.11 HISTORIC DEMOLITION REVIEW:

If a parcel proposed for a 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 feasible. 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.

8.912 DIMENSIONAL REQUIREMENTS & SETBACKS

a. Residential Open Space Cluster Development:

- i. Lot Size Requirement. Unless specifically stated herein, the minimum lot size for a Residential Open Space Cluster Development is 20 acres.
- ii. Frontage Requirements.
 1. The minimum frontage for the development shall be a contiguous 100 feet and of sufficient length to provide safe access for a right-of-way of at least 60 feet.
 2. At least one access shall be within the minimum frontage.
 3. The minimum frontage and access shall be within the Town of Stratham. If, however, the subject parcel has only 50 feet of frontage and was legally created prior to the date of adoption of this ordinance under ordinances and regulations that required at least a 50 feet minimum right-of-way, 50 feet shall be the minimum required frontage for such pre-existing lots.
 4. Frontage lands on roads existing at the time of application shall be preserved as buffers to the maximum extent possible in addition to all required setbacks.
 5. After the passage of this ordinance, any parcel that subdivides more than 50% of the frontage away from the parent parcel shall not be eligible for a Residential

Open Space Cluster Development for a period of 4 years from the date of the subdivision approval.

6. Merging the required parcels with the parent parcel to achieve the 50% original required frontage shall nullify this restriction.
- iii. Buffer Area: (Rev. 3/13, 3/17, 3/24)
 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.
 2. If the subdivision abuts a water body or wetland, the width and treatment of the buffer shall be consistent with the requirements of the Wetland Conservation Overlay District and/or Shoreland Protection Overlay District.
 3. Appropriate legal mechanisms shall be established by the subdivider, subject to the approval of the Planning Board, to assure that the buffer area will be permanently protected and maintained.
 4. The Planning Board may grant a waiver to the Wetland Conservation Overlay District and/or Shoreland Protection Overlay District through the issuance of a Conditional Use Permit at such time as the Town has adopted regulations establishing criteria for such a reduction in buffer dimensionality. (Rev. 3/17)

iv. Residential Open Space Cluster Developments can be established in **several ways**:

- a. Individual house lots for detached, single-family dwellings **and/or**
- b. Duplex **and/or** Multi-family Units.

iv. Residential Open Space Cluster Developments can be established **as**:

- a. Individual house lots for detached, single-family dwellings **OR**
- b. Duplex **and/or** Multi-family Units.

b. Residential Open Space Cluster Lot Unit:

i. **Creation of Lots and Minimum Lot Sizes**

- i. Residential Open Space Cluster Development lots can be established in **several ways**:
 - a. Individual house lots for detached, single-family dwellings **and/or**
 - b. Duplex **and/or** Multi-family Units.
- i. Residential Open Space Cluster Development lots can be established **as**:
 - a. Individual house lots for detached, single-family dwellings **OR**

b. Duplex or Multi-family Units.

ii. Single-family detached dwelling units can be situated on individual lots in a Residential Open Space Cluster Development. Dimensional Standards for Single-Family Lots on Table 1 outline the minimum standards for lot dimensions, building setbacks, and other requirements for subdivisions with detached single-family dwellings on individual lots.

i. ~~Frontage and Minimum Lot Size Requirements (rev. 3/24):~~

4. ~~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.

Table 1. Dimensional Standards for Detached Units on Individual Lots

Minimum Standard	
Lot Size	43,560 square feet (1 acre)
Lot Width (at front building setback)	100 feet
Front Setback (from interior roads)	30 feet
Side Setback	10 feet
Rear Setback	10 feet

2. ~~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.~~

iii. Vehicular access to upland buildable areas, from the road serving the lot, shall not require any direct wetland disturbance. (Rev. 3/25).

3. iv. Duplex and Multi-family units, sharing a common wall, shall have seventy-five (75) feet of frontage **as measured along the front lot line; and a fifty (50) foot structural setback for multi-family units from all other structures.** 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.

4. v. On all residential lots within Residential Open Space Cluster subdivisions, wetland areas shall make up no more than 20% of the surface area of each individual lot. Wetland buffer areas shall be permanently marked in the field in a manner acceptable to the Planning Board. (Adopted 3/25)

ii. vi. All developments shall contain some form of lot delineation or lines that designate a reasonable amount of land attributable to each particular structure.

~~The following setbacks shall apply to all residential structures within the development:~~

vii. Any land designated as dedicated open space for public use must be subdivided into a separate parcel for all development options.

- ~~1. Setbacks from exterior property lines of the entire parcel shall be fifty (50) feet for single family detached units, with an additional fifteen (15) feet per unit for multi-unit structures (e.g. 4 unit attached = 130').~~
- ~~2. Thirty (30) foot setback from the edge of pavement for roadways within, and part of, the development.~~
- ~~3. Forty (40) foot structural separation for all single family unit structures within the development.~~
- ~~4. Fifty (50) foot structural setback for multi-family units from all other structures.~~
- ~~5. Ten (10) foot structural setback from all lot lines.~~

8.103 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.

- a. The parcel must contain a minimum of ~~35%~~ **40%** 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.
- b. For purpose of this Section, the minimum open space requirements shall be established in accordance with Section 4.6.6 of the Subdivision Regulations.
- c. No less than 75% of the dedicated usable open space shall be contiguous. No more than 30% of the open space shall be made up of wetlands. (Rev. 3/24, 3/25)
- d. 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.
- e. 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.
- f. 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.
- g. **Common open space may not be used for:**
 - i. **Private lot areas.**

- ii. Street rights-of-way.
- iii. Parking areas.
- iv. Individual or community water and sewerage systems required to service the proposed development.

h. Safe and convenient pedestrian access and access for maintenance shall be provided to common open space areas.

8.1+4 MAXIMUM DEVELOPMENT DENSITY (Rev. 3/13, 3/18)

a. Density.

The maximum density for a Residential Open Space Cluster Development shall be determined by use of a yield plan. The purpose of a yield plan is to show the density that is reasonably achievable under a conventional subdivision in accordance with the requirements of the zoning ordinance and subdivision regulations. The Planning Board shall adopt regulations that provide for the generation of a yield plan in accordance with this section.

The permitted density of lots for a Residential Open Space Cluster Development shall not exceed the density of lots permitted in a conventional subdivision within the proposed zoning district.

b. Density Bonus:

The Planning Board may award a development an additional number of lots or units as a density bonus, if the required criteria as performance standards are met. Additional density allowances are based on the number of lots or units achievable under the yield plan baseline. The allowances are cumulative and may be allowed based on the performance standards stated below. In no instance shall the density bonuses awarded exceed 50% of the maximum number of lots or units achievable under the yield plan.

- i. ~~The minimum density bonus, regardless of other frontage or innovative protection bonuses achieved, shall be one lot.~~
- ii. ~~A density bonus of up to 1 lot may be awarded for the preservation of each potential frontage lot as open space.~~
- iii. ~~If required criteria as set forth in the Stratham Subdivision Regulations for preservation of unique land and environmental features and/or facilities are met, the Stratham Planning Board may award the development an additional density bonus of up to 10%.~~
- iv. i. For innovative layout and design of the project to encourage a village or community type environment with such amenities as village greens and parks, community view sheds and/or integration into existing protected farm activities or existing recreational opportunities, the Stratham Planning Board may award the development additional density bonus of up to 10%.
- v. ii. For the development of new recreational facilities such as parks, playgrounds, bicycle or pedestrian trails, and/or community centers, are made available to the general public the board may grant an additional density bonus of up to 5%. (Rev. 3/18)
- vi. iii. Elderly Affordable and Workforce Housing.

To encourage the development of diverse and affordable housing, the following bonuses for elderly housing, may be granted as follows:

1. If the project is developed as an Elderly Housing Development and no less than 20% of the units are provided as elderly affordable, a density bonus of 10% shall be awarded. If 50% or more of the units are offered as affordable, a 25% density bonus shall be granted.
 - a. Any elderly housing developed under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 U.S.C. Sec. 3601 et seq. and NH Human Rights Commission Regulations Hum 302.02 62 or Over Housing, 302.03 55 or Over Housing as may be amended.
 - b. Any applicant seeking approval of a development that is intended to qualify as elderly affordable housing under this section shall adhere to requirements stated in Section 5.7.
 - c. Housing for adults aged 55 and older shall at a minimum provide that at least 80% of the units shall be occupied by at least one person 55 years of age or older per unit.
 - d. Within a residential open space cluster development, elderly affordable multi-family units, as defined under section 8.8.c, may be permitted to be increased up to a unit count of 6 per building or structure.

iv. Workforce Housing

2. To encourage the development of diverse workforce housing opportunities, the Planning Board may allow a density bonus and/or reduction to the minimum required acreage if certain conditions are met.
 - a. For developments consisting of twenty (20) acres or greater, the Planning Board shall grant a density bonus of 15% if the project designates at least 20% of the units as workforce **housing, affordable as defined in 5.7.3.e.**
 - b. The Planning Board may allow a reduction of the minimum open-space cluster development acreage to ten (10) acres for a plan which guarantees a designated percentage of units reserved for workforce housing as set forth below:

Percentage of Workforce Units in the Development	Density Bonus Units
40%	30%
25%	25%
20%	15%

- c. Within a residential open space cluster development, workforce multi-family units, as defined under section 8.8.c, may be permitted to be increased up to a unit count of 6 per building or structure.
- d. Any applicant seeking approval of a development that is intended to qualify as workforce housing under this section shall adhere to the requirements, standards, and administration of workforce housing as stated in Section 5.7. Where conflict arises in other sections of the Ordinance, Section VIII. shall supersede.

- vii. v. Every development seeking such bonuses shall provide the Planning Board with easements, covenants, or deed restrictions, which shall provide for the perpetual continuation of the performance standards, which are used in the granting of any bonus. Said easements, covenants, or deed restrictions shall be reviewed by qualified legal counsel on behalf of the town (at the developer's expense) and approved by the Planning Board prior to the issuance of any final approval.
- viii. vi. Where a final number is greater than 0.5 **0.9**, the density number may be rounded up to the next whole number.
- ix. vii. Performance standards and/or subdivision design elements shall not be used to satisfy more than one density bonus.
- x. viii. In no event shall the total density bonus awarded exceed the soil-based carrying capacity for the entire parcel. The Planning Board may adopt additional regulations that provide for density bonuses in accordance with this section.

8.12 8.13 APPROVAL AND GRANTING OF PERMITS

8.13 8.14 UTILITIES

All utilities serving the development shall be underground. The Planning Board may waive the requirement for underground utilities along lengthy entrance roads that are visually separated from the clustered housing units. The Planning Board may not waive this requirement within the network of the development.

Subdivisions constructed under Section VIII may employ either individual wells or community water systems, and individual or community septic systems. All such systems shall be constructed in compliance with the standards prescribed by the New Hampshire Department of Environmental Services.

8.14 8.15 OTHER REGULATIONS APPLICABLE

8.15 8.16 EXPIRATION

8.17 REQUIREMENT FOR HOMEOWNERS ASSOCIATION (HOA):

As a condition of approval, the applicant for a Residential Open Space Cluster Development shall be required to provide for the establishment of a Homeowners Association, or similar entity, to manage in perpetuity all land and improvements within the subdivision that are to be owned in common. Specific requirements for the establishment of such an association are defined in the town's Subdivision Regulations.