



44 Mr. Eastwood asked what part of the application is non-conforming and Jason Durrance, Town of  
45 Stratham Code Enforcement, stated that section 7.11.c of the Zoning Ordinance states that  
46 alteration, relocations and replacement of a non-conforming sign structure is permitted when  
47 damage deterioration does not exceed 50% of the extent the area of the sign and structure. A non-  
48 conforming sign that is damaged by any casualty force may be replaced by an identical sign,  
49 location that is identical to the damaged sign. The replacement sign retains its status as permitted  
50 non-conforming. Mr. Durrance also states that if the sign was damaged or anything, he could  
51 replace it, but it's not damaged and that this application is for a replacement. Mr. Durrance also  
52 added that all the other signs in the Plaza are all non-conforming signs that were in place before  
53 the ordinance was created.

54  
55 Mr. Pierce asked if what was stated in the ordinance, about 50% was area of the sign and Mr.  
56 Durrance said that was correct. Mr. Pierce also asked Mr. Durrance, is he received this application  
57 that was only to change 50% or less of that sign, this application wouldn't go in front of the Zoning  
58 Board, Mr. Durrance confirmed.

59  
60 Ms. Jensen asked Mr. O'Rourke if he was representing the owner of the business or the building  
61 owner and Mr. O'Rourke stated that he represents the business and he has permission from the  
62 building owner.

63  
64 **Mr. Pierce made a motion to move the meeting to public comment. All in favor.**

65  
66 No one from the public spoke

67  
68 **Mr. Pierce made a motion to close the public part of the hearing. All in favor.**

69  
70 Ms. Jensen asked why the Town moved away from internal light signs and Mr. Durrance stated  
71 that it was a decision made by the Town to reduce light pollution.

72  
73 Mr. Eastwood states that the sign is not getting brighter and in fact the color of the sign is darker.  
74 Ms. Jensen adds that this is an opportunity for the Zoning Board to correct the issue of internal lite  
75 signs and light pollution by denying this application like the Planning Board, making it a  
76 requirement to add sidewalks. She mentions that eventually Route 33 corridor will have sidewalks  
77 all the way down it when new buildings get built and they should start doing the same thing with  
78 signs.

79  
80 **Ms. Cushman makes a motion to approve the application for Case #684: FastSigns of**  
81 **Portsmouth, Jesse O'Rourke (Applicant) and OSJ of Stratham, LLC (Owner), Tax Map 5,**  
82 **Lot 1, Zoned Gateway Commercial Business. Request for approval of a variance from**  
83 **Section 7.11.c, Alteration, Relocation, and Replacement of a Non-Conforming sign.**  
84 **Continued from 12/16/2025 meeting, Mr. Eastwood Seconds, all in favor except Ms. Jensen.**  
85 **Motion passes 3-1.**

86  
87 **Conditions of approval for the Variance are:**

- 88 **1. The variance becomes invalid if not executed within two years of the notice of decision.**  
89  
90 **b. Case #686: Request for extension. Originally approved January 9th, 2024, set to expire**  
91 **January 9th, 2026: Green & Company (Applicant), Boulders Realty Corp. (Owner), 13 & 15**  
92 **Stoneybrook Lane, Tax Map 4, Lots 1 & 7, Zoned Special Commercial. Request for a**

93 **variance from Table 3.6, Table of Uses, to permit the development of single-family dwelling**  
94 **units in a district where the use is not permitted. The applicant proposes 59 single-family**  
95 **dwellings on a single property under a condominium form of ownership.**  
96

97 Kevin Baum, attorney at Hoefle, Phoenix, Gormley and Roberts law firm representing Boulder's  
98 Realty Group, stated to the board that they are looking for an extension of a variance that was  
99 previously granted in January of 2024 that was appealed from the Select Board which took several  
100 months to settle which was on November 25, 2024. He stated that the applicant was unable to  
101 move forward with the project because of that and the settlement included getting water and Sewer  
102 from the Town of Exeter which also resulted in several meetings. He mentions that all those  
103 attempts were unsuccessful and delayed the process of developing a site plan. He states that the  
104 project has been presented to the Planning Board and is under design review and that they are still  
105 in discussion with the board and this is just a matter of fairness and appeals generally stay to the  
106 clock but there is no clear case law on that. He states to the board that all they are asking for is a  
107 two-year extension.  
108

109 Mr. Eastwood asked if it was under review with the planning board and Mr. Baum stated that the  
110 plans have been submitted and that it is subject to design review and the application is still under  
111 consideration. Mr. Durrance confirms that they are under design review and this process does take  
112 some time. Mr. Baum also stated that the plans had changed due to the settlement agreement which  
113 took some time to change and could not go to Planning before that.  
114

115 Mr. Baum explained the settlement agreement for the Town of Exeter where the Town of Exeter  
116 is to provide water, sewer, provide access to open space and an easement for utilities. He also  
117 added that there would be a certain percentage of the units to be affordable housing and those units  
118 will look like either Joint Array or multifamily townhomes. He added that there were several  
119 complicated water tests that took place on the property to see if a well could be done out there.  
120

121 Mr. Pierce asked how much time lapsed from negotiations on the settlement agreement being  
122 signed on November 21, and Mr. Baum stated it was a matter of weeks. Mr. Pierce asked if there  
123 was approximately a year that was eaten up by the lawsuit and Mr. Baum said yes approximately.  
124

125 Ms. Cushman asked, for a variance not to lapse, doesn't some sort of substantial improvement  
126 have to be made, and Mr. Durrance replied that they can't make any improvements until they  
127 receive approval from the Planning Board, which currently is under design review with the  
128 Planning Board.  
129

130 Ms. Cushman talked about how the initial district for this property was developed and the intent  
131 along with her opinion of that district. Mr. Baum disagreed and stated that her opinion is not  
132 relevant because you can't go back and change the decision for that district.  
133

134 Ms. Cushman stated that she believes that the developer could have moved faster with the plan  
135 design and getting that design to the planning board. Mr. Baum restated his previous comment that  
136 this process takes time and every event that held up the redesign.  
137

138 Mr. Pierce talked about how long these developments take for design and plan. He mentioned that  
139 80/80r Winnicutt took about a year and a half to go through design to review.  
140

141 Mr. Piece asked if the board could change the length of the request and Mr. Durrance replied yes,

142 that is something the board can decide.

143

144 Mr. Pierce asked to have the project started, could they take a bulldozer to the ground or cut trees  
145 and Mr. Durrance replied no, they would need Planning Board approval of the new site plans and  
146 an approved variance first.

147

148 **Mr. Pierce opens the hearing to the public.**

149

150 No one was present to speak.

151

152 **Mr. Pierce opens the hearing to deliberations of the board.**

153

154 Mr. Eastwood states that he believes there was time lost in the project. Mr. Pierce agrees and states  
155 that a year extension would be acceptable. Ms. Cushman and Ms. Jensen disagree and restates the  
156 reasons that district was created for. Ms. Jensen stated that she is not ok with a two year extension  
157 and she is ok with one year.

158

159 Mr. Pierce asked Mr. Durrance about how long certain aspects of the design such as septic, and  
160 utilities take and Mr. Durrance replied, several months. Ms. Cushman mentions that they had time  
161 to develop these plans created. Mr. Pierce mentions to Ms. Cushman that these processes do take  
162 time such as testing soils for septic design.

163

164 **Mr. Eastwood makes a motion to approve case #686- Request for a one-year extension.**  
165 **Originally approved January 9th, 2024, set to expire January 9th 2026: Green & Company**  
166 **(Applicant), Boulders Realty Corp. (Owner), 13 & 15 Stoneybrook Lane, Tax Map 4, Lots 1**  
167 **& 7, Zoned Special Commercial. Request for a variance from Table 3.6, Table of Uses, to**  
168 **permit the development of single-family dwelling units in a district where the use is not**  
169 **permitted. The applicant proposes 59 single-family dwellings on a single property under a**  
170 **condominium form of ownership. Ms. Jensen Seconds the motion. All in Favor except Ms.**  
171 **Cushman. Motion Passes 3-1.**

172

173 **Conditions of Approval for the Extension:**

174 **1. The extension will become invalid if not executed within one year of the notice of decision.**

175

176 **Mr. Pierce makes a motion to move to open Non-Public Session under RSA 91-A:3 I(I) at**  
177 **8:02 pm. All in favor. Motion is approved 4-0.**

178

179 **Discussed legal advice**

180

181 **Mr. Pierce makes a motion to move to close Non-Public Session under RSA 91-A:3 I(I) at**  
182 **8:22 pm. All in favor. Motion is approved 4-0.**

183

184

185 **4. Adjournment**

186 Mr. Pierce stated that the meeting was adjourned at 8:31 p.m.

187

188 **Mr. Pierce made a motion to reopen the meeting at 08:32 pm, all in favor 4-0.**

189

190 **Mr. Pierce made a motion to seal the minutes from the nonpublic session, Mr. Eastwood**

191 **seconded the motion, all in favor, motion passes 4-0.**

192  
193 Mr. Pierce stated that the meeting was adjourned at 8.36 p.m.

194  
195 *Respectfully submitted by Michael Lamb*