



**Stratham Zoning Board of Adjustment
Meeting Minutes
January 10, 2023
Municipal Center
Time: 7:00 PM**

Members Present: Richard Goulet, Vice-Chair
Bruno Federico, Member
Phil Caparso, Alternate

Members Absent: Drew Pirece, Chair
Brent Eastwood, Member

Staff Present: Jim Marchese, Code Enforcement Officer/Building Inspector

1. Call to Order/Roll Call/Seating of Alternates:

Mr. Goulet called the meeting to order and took roll call. Mr. Goulet stated they need to seat Mr. Caparso as a voting member. Mr. Federico made a motion for Mr. Caparaso to become a voting member and Mr. Goulet seconded the motion. All were in favor and the motion carried unanimously.

2. Approval of Minutes:

December 13, 2022

Mr. Goulet asked if there was a motion to accept the meeting minutes from December 13, 2022 as submitted. Mr. Marchese stated that for future meetings it would be helpful if people stated their name prior to speaking in order to ensure that voices are recognized accurately for the meeting minutes. This was agreed on.

Mr. Caparaso referred to the meeting minutes and asked a question about the submitted letters from non-abutters and questioned whether the letters had standing. Mr. Caparaso asked that if the letters do not have standing, should they be submitted with the minutes. Mr. Marchese said he would get an answer and clarify. Mr. Caparaso stated that he wanted to be sure that people who don't have standing not submit letters for or against a project. Mr. Goulet said he was in agreement- that abutters have standing and since it is an open public meeting, the public have a right to speak, but he was not sure if they would be on the record. Mr. Marchese stated he would refer back to the ZBA handbook to clarify.

There were no changes to the minutes. Mr. Caparaso made a motion to accept the minutes as submitted. Mr. Federico seconded the motion. All were in favor and the motion carried unanimously.

45 **3. Public Hearing:**

46

47 Mr. Goulet moved to the public portion of the meeting and stated there was a withdrawal from the
48 applicant for Case #667, Stratham retail Management, LLC 30200 Telegraph Road Suite 205
49 Bingham Farms MI regarding 23 Portsmouth Avenue, Map 4 Lot 13, Gateway Commercial
50 Business District.

51

52 Equitable Waiver of Dimensional requirements request from Article 3, Section 3.8.8 Table 2 of the
53 Stratham Zoning Ordinance to obtain 2.3 feet of relief from the required sideline setback of 10 feet.

54

55 Variance request from Article 3, Section 3.8.8 Table 2 of the Stratham Zoning Ordinance to obtain
56 2.3 feet of relief from the required sideline setback of 10 feet.

57

58 Mr. Marchese stated that he received an email from the owner's representative, Timothy Phoenix, on
59 Tuesday, January 10, 2023 at 3:14 pm. Mr. Marchese had given Mr. Phoenix notice that only three
60 members of the Zoning Board would be present at the meeting and Mr. Phoenix sent an email reply
61 stating that he would like all 5 members present. Mr. Phoenix wrote that he had been authorized to
62 request a continuance to the next meeting.

63 Mr. Caparaso made a motion to move the hearing of Case #667, Stratham retail Management, LLC
64 30200 Telegraph Road Suite 205 Bingham Farms MI regarding 23 Portsmouth Avenue, Map 4 Lot
65 13, Gateway Commercial Business District until the next meeting on Tuesday, January 24, 2023. Mr.
66 Goulet seconded the motion. All were in favor and the motion carried unanimously.

67

68

69 **4. New Business:**

70

71 Mr. Marchese handed out a 2023 modified Zoning Board of Adjustment (ZBA) schedule and
72 explained that the current RSA allows 45 days between the time an application is received and when
73 the application is heard. Mr. Marchese noted that he pushed back all of the submittal date deadlines to
74 reflect a 41 day period. Mr. Marchese said this gives the Town adequate time to review the application
75 and get the information out. Mr. Caparaso made a motion to adopt the adjusted ZBA calendar for
76 2023. Mr. Federico seconded the motion. All were in favor and the motion carried unanimously.

77 Mr. Goulet asked if there was any additional new business. Mr. Marchese stated that he was in receipt
78 of a letter received Tuesday, January 10, 2023. Mr. Marchese said that the Board of Selectmen have
79 asked the Zoning Board of Adjustment to consider a re-hearing of the granting of the variance for the
80 signage to 23 Portsmouth Avenue (Case# 666). Mr. Marchese explained that the process involves
81 scheduling a public hearing as soon as possible, hopefully on January 24, 2023. Mr. Marchese also
82 explained that the Zoning Board of Adjustment needs to digest this and make a determination as to
83 whether or not they feel as though there is evidence that a re-hearing is justified. If it is determined to
84 be justified, then the applicant is notified that the prior decision by the Zoning Board of Adjustment is
85 nullified and the applicant has to submit a new application and go through the process again. Mr.
86 Marchese stated that if the Zoning Board of Adjustment feels it is not justified, then the variance
87 stands.

88 Mr. Caparaso asked for clarification to confirm that the Select Board want another public hearing on
89 this case? Mr. Marchese explained that a letter from the Planning Board was sent to the Select Board
90 dated December 29, 2022. The Select Board reviewed that letter and created their own letter dated

January 9, 2023 that reflected what the Planning Board stated, and that they are requesting that consideration. Mr. Marchese explained that he will provide this information to the other Zoning Board of Adjustment members and will supply the applicant with a copy for review. Mr. Marchese went on to say that the Zoning Board of Adjustment's deliberation is not a public hearing, however, it will be a public meeting, so the public has the benefit of being at the meeting to listen to what the Board has to say. Mr. Marchese said the review of the letter will be put on the agenda for the next scheduled meeting on January 24, 2023.

5. Other Business:

None

6. Adjourn:

Mr. Federico made a motion to adjourn the meeting. Mr. Caparso seconded the motion. All were in favor and the motion carried unanimously. The meeting was adjourned at 7:22 pm.

Note(s):

1. *Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Building/Code Enforcement Office at 603-772-7391 ext.180.*
2. *The Zoning Board of Adjustment reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.*