



**Stratham Zoning Board of Adjustment**  
**Meeting Minutes**  
**June 13, 2023**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

**Members Present:** Drew Pierce, Chair  
Brent Eastwood, Vice Chair  
Bruno Federico, Member  
Jameson Paine, Member  
Frank MacMillan, Member  
Nicholas Garcia, Alternate

**Members Absent:** None

**Staff Present:** Mark Connors, Director of Planning and Community Development

**1. Call to Order/Roll Call**

Mr. Pierce called the meeting to order at 7:00 pm and took roll call.

**2. Approval of Minutes**

**a. May 23, 2023**

**Mr. MacMillan made a motion to approve the May 23, 2023 meeting minutes. Mr. Pierce seconded the motion. All voted in favor and the motion was approved.**

**3. Public Hearing:**

**a. Case #671: Tammy Gampel of 3 Hersey Lane, Stratham, NH, Tax Map 6 Lot 145, Zoned Residential/Agricultural.** Request for approval of a special exception to operate a senior dog rescue operation as a home occupation with temporary housing for four or fewer dogs.

Ms. Gampel described that she is seeking to start a charitable foundation for dogs that will be primarily foster based meaning that the dogs will be housed temporarily in volunteers' homes rather than in a shelter. Her property will provide supply storage for the foster families and on occasion she will house a foster dog. The structure she is seeking to build will be winterized for food. Her home was constructed on a slab with no basement or attic. The new structure could also be used to temporarily house dogs until a foster home is located. Ms. Gampel owns two dogs, one of which prefers to not have other dogs in the home.

Mr. Paine asked for clarification if the proposed structure will be permanent and where on the lot will it be located. Ms. Gampel described the location.

Mr. MacMillan asked if the dogs will be housed in the accessory building. Ms. Gampel responded only if needed and that the idea is to get the dogs into foster homes. As a small rescue, foster homes will allow her time to advertise and find permanent homes. The structure would be an extra housing location for emergencies. Mr. MacMillan asked if the plan is to house up to two dogs in the structure in addition to the two dogs in her home. Ms. Gampel replied correct. Mr. MacMillan asked if she has received complaints from neighbors about barking dogs. Ms. Gampel replied no, and that her closest neighbor has the loudest dog and many neighbors have dogs. She doesn't necessarily hear her neighbors' dogs other than the one in particular.

Mr. Paine asked what age group is considered a senior dog. Ms. Gampel replied age 7 and older. There is a separate hospice care facility for dogs in Epsom, NH.

Mr. Pierce asked Mr. Connors if this would be considered a kennel. Mr. Connors replied that it would not. Kennels are defined in the Zoning Ordinance as five or more dogs on the property at one time. Mr. Pierce requested clarification that anyone in town can have up to four dogs on their property. Mr. Connors replied yes. Mr. Pierce requested clarification that the request to the ZBA is for a Home Occupation as opposed to the number of dogs. Mr. Connors confirmed and added that the Ordinance allows kennels but kennels require a 5-acre minimum lot size, therefore Ms. Gampel would need a variance if she wanted a kennel. Mr. Pierce asked Ms. Gampel to confirm that including her own dogs, she would only ever have a maximum of four dogs. Ms. Gampel confirmed and added that her intention is to only house her own dogs and have all dogs in foster homes. She understands the restriction that on her property she can only have four or less dogs.

Mr. Paine asked Ms. Gampel to describe the shed with respect to height, lighting, and any other unique features required for the structure. Ms. Gampel replied it will be heated, will have windows that open and close, and electricity. Mr. Paine asked if the heating components will be built into the structure. Ms. Gampel replied that she can either build a concrete slab or a typical shed foundation. She is waiting for estimates from the contractor and donations that will dictate the final shed design. Mr. Paine asked if there are any exterior features of the shed that will look different from a residential shed. Ms. Gampel replied no and that it will look like the existing shed on the property.

Mr. Pierce asked if there are any State requirements for a home-based rescue operation. Ms. Gampel replied from her research, no other than applying for the business name. Mr. Pierce asked how the dogs are delivered to her home. Ms. Gampel described that she will be forming relationships with existing rescue groups. Many groups bring dogs to New Hampshire from the South but exclude older dogs because they are harder to adopt out.

Mr. Pierce stated that one requirement of a Home Occupation is that no more than 25% of the square footage of the home can be used for the business and asked what percentage will she use. Ms. Gampel replied that she has a 1,300 square foot house and if she needed to house one or two dogs which would depend on her own dogs' acceptance of that, and the percent of the home would be whatever space two dogs take up. Mr. Pierce asked about space with the transactional side of the business. Ms. Gampel replied just her at a computer. Mr. Pierce asked for confirmation that it would be less than 25%. Ms. Gampel replied yes.

Mr. Eastwood asked if the shed counts towards the square footage limitation, recognizing that the shed is less than 25%. Mr. Connors replied that is counted, but is also counted within the total square footage. Mr. Paine added that the 200 square foot shed would be less than the 25%

94 requirement.

95  
96 Mr. MacMillan asked Mr. Connors to clarify the correct chapter and section citation of the  
97 Ordinance for Home Occupation as the materials show 5.5 and 5.12. Mr. Connors replied that the  
98 language is the same but the numbering must have changed in error when excerpting the sections.  
99

100 Mr. Eastwood asked if the Board should review each of the condition in the Ordinance. He read  
101 aloud the condition regarding residential character and odor, fumes, dust, smoke, vibration, and  
102 noise. Mr. Paine asked how dog waste will be managed. Ms. Gampel replied that she will bag the  
103 waste and dispose of it in trash cans. Mr. Eastwood continued with the remaining conditions.  
104 Regarding the residential use of the property, this is Ms. Gampel's primary residence. Regarding  
105 employees, Ms. Gampel stated there are only volunteers. Regarding exterior storage, the new  
106 structure will be screened by the existing fence. Regarding parking, Mr. Eastwood anticipates that  
107 Ms. Gampel will meet that condition. Regarding signage, Ms. Gampel has no plans for a sign at  
108 this time.  
109

110 Mr. Pierce asked Ms. Gampel if she had anything to add before the hearing is opened to the public.  
111 Ms. Gampel declined.  
112

113 Fern Nault of 4 Chapman Road spoke. She and her husband have concerns about barking dogs and  
114 noted that there is a neighboring dog that they can hear very clearly. Ms. Nault is concerned that  
115 any dogs housed in the outdoor structure will become a noise issue. She appreciates the business  
116 but questions if this is the right location. Ms. Nault reviewed kennel laws and stated that if Ms.  
117 Gampel has two dogs of her own and adds four dogs that is a total of six which requires approval  
118 of a kennel which requires outdoor lighting that she would like to be placed so lighting does not  
119 face towards abutters. Ms. Nault added that she is not on the same street as Ms. Gampel and  
120 therefore traffic will not affect them and regardless she does not anticipate any traffic issues. Mr.  
121 Pierce clarified that Ms. Gampel owns two dogs and can only have two additional rescue dogs for  
122 a maximum total of four dogs.  
123

124 Mr. Pierce asked if Ms. Nault is a direct abutter. Ms. Nault replied that she believes the corners of  
125 their lots meet. *Notation for the record that Stratham's GIS records show that the Naults are not*  
126 *direct abutters by a strict interpretation of the law but are within 100 feet of the property and they*  
127 *were provided abutter notification because of their proximity to the proposed structure.*  
128

129 Mr. MacMillan asked if the Town has an ordinance regarding smells and sounds that disturb the  
130 peace. Mr. Connors replied that the Town has a noise ordinance that extends from 10:00 pm to  
131 6:00 am where no noise should be generated on one property that extends to another property. This  
132 use would have to comply with the noise ordinance the same as any other property. Mr. MacMillan  
133 asked what it the recourse for a noise violation, is it enforced by the Code Enforcement Officer or  
134 the police department. Mr. Connors replied that it depends on the time of the violation, that if it is  
135 late at night the police would respond, but a complaint could also be filed with the Code  
136 Enforcement Officer. Mr. Connors stated that he included a draft condition that if a Code  
137 Enforcement complaint related to the home occupation is lodged that the Code Enforcement  
138 Officer is not able to remediate, the application shall return to the Zoning Board for additional  
139 review.  
140

141 Mr. Garcia asked if there is any reasonable way that dogs could be vetted before Ms. Gampel  
142 housing them. He recognizes the request is subjective. Ms. Gampel replied that they receive all

143 available information about the dogs which is primarily how long the other group has had them,  
144 the situation they are in, and some basic information about the dogs. Mr. Garcia asked if the dogs  
145 may be initially at the NHSPCA before being transferred to her property. Ms. Gampel replied  
146 correct. Mr. Garcia stated that the group transferring the dog to Ms. Gampel might have some  
147 knowledge as to their behavior (e.g. barking). Ms. Gampel replied correct.

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149 Mr. Pierce requested a motion to close the public portion of the hearing.

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151 **Mr. MacMillan made a motion to close the public comment. Mr. Paine seconded the motion.**  
152 **All voted in favor and the motion was approved.**  
153

154 Mr. Pierce requested that the Board begin deliberation of the criteria. Mr. Connors found and read  
155 aloud the NH statute 437:1 pertaining to the sale of pets which states: "No person, firm, corporation  
156 or other entity shall engage in the business of transferring with or without a fee or donation  
157 required, to the public, live animals or birds customarily used as household pets unless the premises  
158 on which they are housed, harbored or displayed for such purposes are duly licensed and inspected  
159 by the department of agriculture, markets, and food of the state of New Hampshire." Mr. Connors  
160 reviewed the FAQ document online and noted that a license is required for 25 or more dogs within  
161 one year. Mr. Pierce stated that if the Board grants the Special Exception that it should be subject  
162 to State permits.

163  
164 Mr. Pierce is in favor of the motion to approve and the conditions drafted by Mr. Connors.

165  
166 Mr. Paine requested that Condition 3 be edited to limit deliveries and traffic to the hours of 7 am  
167 to 7 pm instead of to 9 pm.

168  
169 Mr. MacMillan asked if the condition needs to be included that the Applicant comply with state  
170 regulations and suggested that it is assumed. Mr. Connors said he thinks it is a good idea to include  
171 it for the record. Mr. Pierce added that some of the conditions are in the Ordinance, but it doesn't  
172 hurt to include them.

173  
174 **Mr. Eastwood made a motion that the Zoning Board approve the Special Exception**  
175 **application submitted by Tammy Gampel to allow a senior dog rescue operation for no more**  
176 **than four dogs as a home occupation at 3 Hersey Lane as the Board has determined that the**  
177 **application meets all of the Special Exception criteria, subject to the following conditions:**  
178

- 179 1. The cumulative total of dogs maintained on the property shall not exceed four dogs
- 180 at any one time.
- 181 2. Dog waste shall be regularly picked up and disposed of in the trash.
- 182 3. Deliveries or traffic associated with the home occupation shall not occur outside the
- 183 hours of 7 am to 7 pm.
- 184 4. So long as a home occupation operates at the property, the owner shall be required to
- 185 maintain the stockade fence surrounding the rear yard in good condition.
- 186 5. Materials associated with the home occupation shall be stored indoors.
- 187 6. The applicant shall file a building permit for the accessory structure with the Town.
- 188 7. If a Code Enforcement complaint related to the home occupation is lodged that the
- 189 Code Enforcement Officer is not able to remediate, the application shall return to the
- 190 Zoning Board for additional review.
- 191 8. Applicant must adhere to all necessary state and federal permits including but not

192                   **limited to RSA 437:1.**

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194                   **Mr. MacMillan seconded the motion. All voted in favor and the motion was approved.**

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196                   Mr. Pierce noted that the Special Exception was granted and is appealable for 30 days. Ms. Gampel  
197 asked for clarification on the appeal period. Mr. Connors explained the process whereby someone  
198 who disagreed with the decision could request a rehearing of the application. It is not common, but  
199 there is the potential that a decision of the Board could be appealed to Superior Court. Mr. Pierce  
200 added that the applicant has the option to appeal the decision if she disagrees with some aspect of  
201 it.

202  
203                   **4. Other Business**

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205                   Mr. Pierce stated that the Applicant from the May 23, 2023 meeting, case #669 Jonathan  
206 Newman of 12 Breslin Farm Road, Stratham NH, Tax Map 3, Lot 78 withdrew his application  
207 in writing. Mr. Connors added that Mr. Newman found an alternate location for the shed that  
208 conforms the Zoning Ordinance.

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210                   **5. Adjournment**

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212                   **Mr. Pierce made a motion to close the meeting at 7:39 pm. Mr. Eastwood seconded the**  
213 **motion. All voted in favor and the meeting was adjourned.**