



**Stratham Zoning Board of Adjustment
Meeting Minutes
September 10, 2019
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:08 PM**

Members Present: Garrett Dolan, Chairman
Phil Caparso, Full Time Member
Drew Pierce, Full Time Member
Richard Goulet, Alternate
Tana Ream, Alternate

Members Absent: Bruno Federico, Full Time Member
Amber Dagata, Alternate

Staff Present: Shanti Wolph, Code Enforcement Officer/Building Inspector

1. Call to Order/Roll Call

Chairman took roll call. Mr. Dolan asked Ms. Ream and Mr. Goulet to be a voting member for this evening. Ms. Ream and Mr. Goulet agreed. Petitioner Kimberley J. Engle accepted the 4 member verdict.

2. Approval of Minutes

a. August 27, 2019

Mr. Goulet made a motion to approve the August 27, 2019 meeting minutes as presented. Mr. Pierce seconded the motion. Motion carried unanimously.

3. Public Hearing(s)

- a. Case #650, Kimberly J. Engle, 255 Portsmouth Ave, Map 22 Lot 07, Residential Agricultural Zoning District, represented by Kimberly J. Engle.** The applicant requests a Special Exception per Section V, Article 5.13.1-Home Occupation. To use a designated portion of the residence for the following business; Providing Reiki and similar holistic energy healing treatments as well as the sale of items related to the healing modalities.

Kimberly J. Engle introduced her Home Occupation. She had a holistic healing business in New York and was drawn to New Hampshire to open a Home Occupation Reiki Energy business. Ms. Engle described what Reiki energy is and how it can be practiced on people and animals. Her plan is to offer healing circles to other holistic practitioners to come in and do Reiki shares or holistic energy shares. She is reaching out to the SPCA to work with their animals. Her daughter is actively involved in the Seacoast school of technology and they've asked her to come and speak to the pet and animal science area.

Mr. Wolph described the parking on site and that there is space for 6 vehicles to park and turn around to exit. The area of the house Ms. Engle is using was a hair salon and the interior has emergency lighting, exit signs, bathroom on the same level, and smoke and carbon monoxide detectors. Overall, Mr. Wolph felt the property is completely suitable for the home occupation they are proposing. He sees no issue.

Ms. Engle passed around pictures of the parking. Mr. Wolph confirmed they meet parking regulations.

Mr. Dolan confirmed Ms. Engle will be the occupant of the home.

Mr. Pierce asked if the parking spots are proposed or preexisting.

Ms. Engle answered they are preexisting. She showed on the images she provided to the board where the 6 spots are.

Mr. Goulet asked Mr. Wolph if it matters that there is no pavement.

Mr. Wolph answered that the spots do not have to be paved and the lot is all gravel with grass coming up in between the gravel which meets requirements.

Ms. Ream made a motion to close the public hearing and Mr. Goulet seconded the motion. The motion passed unanimously.

Mr. Dolan read the special exceptions criteria that the home occupation must satisfy. Number 1 states the proposed use meets standards approved by this ordinance for the particular use permitted by special exception.

Mr. Wolph stated that Ms. Engle has provided an answer to that specific question in Section 'A' of the application. The application lists out the special exception standards as 'A-F' instead of '1-6'.

Mr. Dolan read the answer provided on Ms. Engle's application. It's a home business that occupies less than 25% of the homes square footage and is run by the owners. Also will have no additional changes to the appearance of the home and area other than the approved signage.

Mr. Goulet asked about the mention of approved signs and how they haven't seen anything on signage.

Mr. Wolph stated all occupations are limited to a sign size of 4 square feet. Mr. Wolph inspects the signs checking to make sure they are secured and won't blow in the road, they're the right size and appropriate.

Ms. Engle asked if she can put an additional sign with the address above the 4 square foot sign. Mr. Wolph answered that it would not be considered advertising and would be acceptable to do that.

Mr. Dolan moved onto Number 2 or Section 'B'. No hazard to the public or adjacent property on account of potential fire, explosion, and release of toxic materials will result because there will be no hazardous materials on the premises.

Mr. Dolan read Number 3 or section 'C'. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of building and other structures, parking area, access ways, odor smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials will occur because there will be none present.

Ms. Ream stated this property has been used for business in the past and they are not changing anything with the business as it is and the location of the site is on a main road as well and not in a neighborhood.

Mr. Dolan continued onto Number 4 or Section 'D'. No creation of a traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity as a result of the proposal because of the small size of the business and limited traffic volume. Usually only 1 client at a time.

Mr. Dolan asked about the group healing circles with other practitioners, how many will be involved and how that will effect parking and the potential use of the space.

Ms. Engle explained that there will be a sign-up sheet limited to 6 people since there are only 6 parking spots.

Mr. Dolan stated that maximum of 6 parking spaces will likely be a condition on the Special Exception.

Mr. Dolan asked if the 6 parking locations includes Ms. Engle's spot as well.

Ms. Engle answered that there is an access road that goes behind their house that isn't public where they will be parking their personal cars.

Mr. Dolan confirmed that the 6 spots will be used strictly for clients.

Mr. Wolph stated no more than 6 vehicles in the area proposed and they would have to remove snow in a different location to park their personal cars.

Mr. Dolan read Number 5 of Section 'E'. The use will not result in the excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools because it has no additional demands on services because they have a well and septic.

Mr. Goulet commented about abutters and asked if there was any feedback from them.

Mr. Wolph stated staff received no concerns, no phone calls and no emails and every abutter was notified.

Mr. Dolan read Number 6 or Section 'F'. There will be no significant increase of storm water runoff onto adjacent property of streets as a result of the proposed use because there are no proposed changes to grading.

Mr. Dolan asked Mr. Wolph if there are any other additional criteria that fall under the application for special exception.

Mr. Wolph confirmed that there are none.

Mr. Dolan began the approvals. Special Exception approvals may be subject to appropriate conditions including the following, front, side or rear yards in excess of the minimum requirements of this ordinance. Mr. Dolan asked the board if there any requests or suggestions or comments regarding changes to front, side, or rear setbacks or sizes of yards. Mr. Dolan continued. Screening of the premises from the street or adjacent property by walls, fences, or other devises. Mr. Dolan stated that this property has had parking in the front of the dwelling for many years. It's been out of use for five years, but prior to that there were cars parked there without screening. Mr. Dolan sees no issues with screening.

Mr. Dolan continued reading approvals. Modification of the exterior features, buildings or other structures are not demanding any other features or parts of the building or property surfaces.

Ms. Ream stated that they have sufficient screening around the property and that they have plenty of shrubs.

Mr. Dolan continued. Reasonable limitations on the number of occupants on the methods and times of operation. Mr. Dolan asks what the times of operations will be.

Ms. Engle answered that they plan to be open from Tuesday through Friday from 3 PM – 6 PM and Saturdays from 10 AM – 5 PM. They will also have appointments for treatments that may be at different times, or they will travel to a patient's house for treatments.

Mr. Goulet asked if there is something in the ordinance about hours of operation.

Mr. Wolph explained there is nothing for home occupation hours in the ordinance.

Ms. Engle stated there hours of operation will be between 6 AM and 10 PM

Mr. Dolan confirmed that the property has proper drainage.

Mr. Dolan asked Mr. Wolph if regulations of design of access drive, sidewalks and other features are acceptable.

Mr. Wolph confirmed that they are acceptable.

Ms. Ream asked Mr. Wolph if there are any requirement for snow removal for businesses with driveways.

Mr. Wolph answered that there are not any, but there have been approvals with conditions with regard to snow removal. A condition could be that the 6 parking spaces during the winter months will always be free of snow.

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197 Mr. Dolan asked Mr. Wolph if he saw a need for lighting in the parking area.
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199 Mr. Wolph did not, there are lights on their home. In Mr. Wolph's opinion for a parking area of that
200 size, the lighting is sufficient.
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202 Ms. Engle stated on the front part of the home there are two large lights that light the 6 parking spaces.
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204 Ms. Ream asked Mr. Wolph what the regulations of lighting signs is.
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206 Mr. Wolph answered signs can be backlit, have gooseneck light, and they can be internally lit.
207 Basically 3 types of lighting, one is a light that shines directly on the sign, a sign that has lighting
208 within the sign, and a sign that has light through the back of it which projects light through the sign.
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210 Mr. Dolan stated after going through the special exception approval criteria, the 7 factors and
211 conditions a motion on the application is in order.
212

213 Mr. Goulet made a motion to approve the special exception for 255 Portsmouth Avenue, Stratham NH
214 subject to the following conditions:
215

- 216 1. The parking in the front parking area is limited to 6 vehicles.
217 2. Hours of operation will be from 6 AM – 10 PM.
218 3. During the winter months the 6 parking spaces will be maintained and clear of snow.
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220 Ms. Ream seconded the motion. The motion passed with a unanimous vote.
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222 Mr. Dolan stated the special exception is granted with the conditions stated in the motion. There is a
223 30 day period where abutters can challenge the approval.
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226 **4. New Business:** None.
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228 **5. Other Business:** None.
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230 **6. Adjourn**
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232 Mr. Dolan moved to adjourn at 8:57 PM, Ms. Ream seconded. Motion passed unanimously.
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241 Note(s):

- 242 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For
243 more information, contact the Stratham Building/Code Enforcement Office at 603-772-7391 ext.180.
244 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
245 not listed on the agenda.