



Stratham Planning Board Meeting Minutes
January 5, 2022
Stratham Municipal Center
Time: 7:00 pm

Member Present: Tom House, Chair (arrived at 7:15 pm)
David Canada, Vice Chair
Mike Houghton, Selectmen's Representative
Pamela Hollasch, Member
Joe Anderson, Alternate Member
Chris Zaremba, Alternate Member

Members Absent: Robert Roseen, Member

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. Canada announced that he was calling the meeting to order in the absence of the Chair and took roll call. Mr. Connors announced he had just spoken to Mr. House and that while he is running late, he should arrive in approximately 15 minutes.

2. Approval of Minutes

a. December 8, 2022

Mr. Canada asked if there was a motion to approve the December 8, 2021 Planning Board minutes. Mr. Anderson made a motion to approve the minutes of December 8, 2021. Ms. Hollasch seconded the motion. All voted in favor.

3. Public Meeting

a. Discussion of Proposed 2022 Capital Improvement Program.

Mr. Canada introduced Town Administrator David Moore to present the Proposed 2022 Capital Improvements Plan (CIP). Mr. Moore thanked the Chairman and noted that he would be brief. The Planning Board's role in this process is to ensure that the CIP is consistent with the Master Plan, he said. Mr. Moore said that the Town uses the Master Plan recommendations as a guide in forming the CIP, so he is confident that the CIP helps advance the Master Plan recommendations. Mr. Moore briefly covered some of the highlights of the draft 2022-2027 Capital Improvements Plan. He said one item of interest to the Planning Board is the Town's Open Space Plan. That has been budgeted for and is slated to launch this year. That is a project that both the Planning Board and the Conservation Commission will have a great deal of involvement in.

Mr. House joined the meeting, apologized for his late start, and took over the chairmanship. Mr. House thanked Mr. Moore for his presentation. The number one complaint is traffic enforcement and speed related issues so there has been money set aside for tools that will allow the police department to help respond to those concerns. Mr. Canada stated the board will be discussing the Route 33 rezoning. Another consistent investments made over time is town-wide technology to maintain productivity and stay on top of investments that protect the systems from cyber security challenges. One example that is slated to move forward this year is permitting software and a firm was selected through an RFP process. Mr. Moore stated the capital improvement plan for the PFAS mitigation has had significant progress this year. The town received a ground water management permit where the town will have obligations to report on and move forward with in the coming years. A long term plan is being developed to ensure that the town is actively managing the site in the most effective way for the future. Mr. Moore stated the town is in the process of accessing a 100 percent grant for our mitigation costs for the installation of these systems. The master plan expressly calls out the condition and future of Stratham Hill Park and this will be informed by the global work of the open space plan. A project that is needed now is the salt shed roof replacement. There are many priorities in the master plan related to preserving our historic resources. Mr. Moore explained the cost of replacement vehicles. While significant monies will be spent on two pieces of equipment, the level investment needed to appropriate through the plan is the same.

Mr. Anderson made a motion that the board accepts the draft 2022 Capital Improvement Plan is consistent with the Master Plan. Ms. Hollasch seconded the motion. Motion carried unanimously.

- b. Tuck Realty Corp. (Applicant), Lionel R. LaBonte Revocable Trust (Owner) - Request for Preliminary Consultation for a proposed housing development consisting of 74 housing units in 37 two-unit buildings at 13 and 15 Stoneybrook Drive, Zoned Special Commercial. Application submitted by Jones & Beach Engineers, Inc., P.O. Box 219, Stratham, NH 03885.

Mr. House announced that we would be recusing himself from this application. Mr. Canada took over the chairmanship.

Mike Garrepy, representing Tuck Realty Corp., introduced Joe Coronati, Jones & Beach Engineers. Mr. Garrepy stated the last meeting with the board a 128 unit, multi-family, project was proposed for the project site located completely on the Stratham portion of the property. The applicant has had some preliminary discussions with the Town of Exeter regarding water and/or sewer which will require municipal agreements between Exeter and Stratham. There is potential to access water and sewer for the project. The project before the board this evening is 74 (seventy-four) duplex dwellings which would be 37 (thirty-seven) duplex buildings in a similar configuration previously brought before the board. There will be a community water system and community septic systems. The property is approximately 80 acres; 18 acres in Exeter and 62 acres in Stratham. The project will come off Stoneybrook Lane which currently a dead ends at the property with a dilapidated single-family home on the property to be removed. The units will set back on the larger portion of the property. Mr. Coronati explained the means of egress for the development. Mr. Garrepy stated the meeting regarding ingress and egress with the Fire Chief was very helpful. Mr. Garrepy explained the fire chief's concerns were accessing the units for life safety and not to block other residences.

Mr. Connors stated it appears part of the driveway is in Exeter so Exeter Planning Board approval will be required for access. Mr. Canada stated this may have regional impact. Mr. Canada questioned if a sound barrier would be installed. Mr. Garrepy stated the applicant was not planning to install a sound barrier. Mr. Coronati stated there is a 100 foot easement along Route 101 that cannot be encroached upon so the development will sit back from that. Mr. Garrepy stated there will be vegetation installed. Mr. Zaremba questioned if mixed use or commercial use is being proposed along with this project. Mr. Coronati stated site visibility and accessibility are being reviewed to decide whether those uses would be beneficial. Mr. Garrepy stated it was determined that this property is more of a residential project. Mr. Houghton questioned the decision of private, on site, services. Mr. Garrepy stated the discussions with the Town of Exeter have been preliminary and has not been detailed. There is currently a municipal agreement with the two communities regarding Stoneybrook regarding water and sewer for the commercial plaza and an ability to expand that to this project. If water and sewer cannot shared from Exeter, the private services are an option. Mr. Houghton questioned if there are road improvements being proposed. Mr. Garrepy stated the traffic engineer has not been engaged yet for this project and anticipates some off-site improvements recommended by Steve Pernaw & Associates. Mr. Canada stated concern that this may be the last of commercial space available in the Town of Stratham and he doesn't believe Section 4.3 of the zoning regulations allows this project. The zone encourages commercial and professional uses with upper-story residential uses. Mr. Canada cannot support this proposal without some commercial aspect to the project as this project is "forever". Mr. Garrepy stated the applicant has looked at commercial use for this property and the accessibility, traveling through a neighborhood, and visibility is different than a commercial project like the Brickyard Plaza in Epping. The availability of water and sewer for this property restricts what can be done on the property. It Garrepy stated it is difficult to provide those services without the cooperation of the community. Mr. Garrepy stated the uses of the district allow for multi-housing units.

Daniel Enxing, 140 Portsmouth Avenue, questioned the tax burden between commercial and residential properties. Mr. Canada stated cost of use studies have shown a huge difference between providing services for residential use versus commercial.

James Force, 14 Stoneybrook Lane, called in on the conference line and questioned the traffic flow and whether there will be another entry or exit point for the project. Mr. Garrepy stated the entry and exit points will be Stoneybrook Lane and the Stoneybrook connector. Mr. Force asked if the jersey barrier on Route 108 will have any updates. Mr. Garrepy stated that would not be a recommendation nor permitted by NH DOT. Mr. Force asked if he can get a digital copy of the plan. Mr. Connors told Mr. Force the plans can be viewed on the Town of Stratham Planning Board website.

Mr. Coronati explained the distances to the developable and wetland areas. The board spoke to their concerns of this use regarding water and sewer, traffic impact, and zoning uses in the area. Mr. Garrepy suggested the board visit the site to see what the challenges are regarding development. Mr. Connors will coordinate a time to schedule a site walk and post the notice 1 (one) week prior to the site walk.

Dot Cleary, 12 Stoneybrook Lane, Exeter, stated half of her house is in Stratham and half is in Exeter. In 1985 a document was drawn up to indicate the town line is through the center of the street and this should be kept in mind for any future incidents regarding which town would

respond. Ms. Cleary asked the board and applicant to be aware of all the intersections and the amount of traffic currently in the area.

c. Appointment of Planning Board representative to the Heritage Commission

Mr. Anderson nominated David Canada as the Planning Board representative to the Heritage Commission for a term ending 2023. Ms. Hollasch seconded the motion. Motion carried unanimously.

4. Public Hearing:

a. The Planning Board will hold a public hearing on the proposed zoning amendments outlined below. The full text of the amendments is available at the Planning Department and on the Town website at www.strathamnh.gov.

- i. Amendment #3: Accessory Dwelling Units. To delete Sub-Section 5.4 Accessory Dwelling Units in its entirety and to replace with a revised Sub-Section 5.4 Accessory Dwelling Units to clarify the requirements associated with accessory dwelling units and to enact additional requirements for detached accessory dwelling units to ensure that such uses do not create the appearance of two primary residences on a single lot.
- ii. Amendment #4: Solar Energy Systems. To delete Sub-Section 5.14.4.2 Setbacks for Solar Energy Systems in its entirety and replace with a revised Sub-Section 5.14.4.2 in order to require small-scale ground-mounted solar energy systems to meet the minimum property setbacks of the applicable zoning district and to increase the front setback requirement for medium- and large-scale systems.
- iii. Amendment #5: Route 33 Legacy Highway Heritage District. To create a new zoning district, the Route 33 Legacy Highway Heritage District, for parcels with frontages along the Route 33 corridor from the Town Center District to the Greenland town line. The intent of the District is to encourage historic preservation and adaptive re-use of structure through both greater regulation of demolitions and major building alterations as well as through greater flexibility in land uses.

Mr. Connors explained the corridor has been a focus of the town for several years and the 2019 Master Plan update. There is concern for the historic properties along the corridor and some of those are falling into disrepair and the town would like to assist property owners to incentives preservation of historic properties. The corridor extends from the Town Center District to the Town of Greenland line which includes approximately 92 properties. The objectives of this zoning is to preserve historic structures and features, to promote adaptive reuse of structures to disincentives demolitions of older structures, to maintain flexibility and creativity for property owners. This zoning change would promote private investment, encourage good design, and reduce zoning variance requests. The commercial uses that are currently in this area were previously granted variances from the Town of Stratham Board of Adjustment which takes the decision making away from the planning board and the outcome is not always the best for the town in the long run. Mr. Connors stated the zoning will allow for small venues for meeting and cultural performances, performing arts, small restaurants and cafes, and larger areas for artists to make and sell their craft. Mr. Connors stated the town would like to see investment in properties along the corridor like surrounding towns with flexibility in uses. Mr. Connors

189 stated the Planning Board must be involved due to the state law being utilized that allows
190 for innovative land uses. Mr. Connors stated the Heritage Commission would be involved
191 and make recommendations to the Planning Board for the final decision. Mr. Connors
192 stated hotels would not be permitted in this zone, although bed & breakfast would be
193 allowed. The hours of operation would be limited to closing by 9:00 pm and 40 hours per
194 week. The size of the space and operating hours are included in the zoning.

196 Mr. Canada requested the “track changes” be kept to show all the changes made to this
197 zoning district. Mr. Connors stated he will get show the old document with the changes.
198 Mr. Connors stated Mr. Merrill’s request to “remove bicycle/pedestrian travel” was deleted.
199 Mr. Merrill’s asked to remove this item due to the nature of the small lot sizes and scattered
200 historic properties. Mr. Houghton stated this is not consistent with the master plan. The
201 board agreed. Mr. Connors and the board discussed the designation of the board members
202 for this zone. The board discussed the term of the board members. Mr. Connors will add a
203 “term” clause to Section A. This committee will establish their rules of procedure (i.e. how
204 and when they meet). Ms. Mitchell commented that architectural guidelines may be a lot to
205 ask of the committee and recommends the committee be allowed to publish guidelines or
206 outreach materials to help applicants. Mr. Merrill recommended reviews be submitted to
207 historic buildings so “this would apply only to buildings that are 50 years old” has been
208 added. Mr. Merrill had concerns with clear cutting and asked if this referred to regular
209 landscaping. The 1,500 square foot requirement is modified to 12,000 square feet so only
210 significant clear cutting would have to come under review. Replacing vinyl siding with
211 wood siding would not trigger a review. Mr. Connors stated solar will need to be screened
212 from the right of way and a large or medium sized array will have to come under review.
213 Mr. Houghton voiced concern with the language “screening”. Mr. Houghton asked what
214 the current solar setback is in the regulations. Mr. Connors stated an amendment is being
215 proposed that small solar arrays would be required to meet the structural setback and larger
216 arrays would require a 60 foot front setback. Mr. Houghton recommended the setbacks are
217 the same as stated in the regulations and screening be required to mask the visual line of
218 sight. Mr. Connors stated the following sentence was added to “in order to advance these
219 objectives the following standard shall apply to all applications for development in the
220 district. However, the planning board shall be empowered to waive any requirement of this
221 section if the board determines that such action will not diminish the historic and
222 architectural character of the corridor.” A reference was added that contrasting color
223 schemes would not be restricted if it is historically appropriate. Mr. Merrill recommended
224 the board prohibit vinyl fencing. Mr. Connors made the change to allow vinyl or chain link
225 fencing to a backyard of a property. The board discussed the use of vinyl fencing. Mr.
226 Connors stated “wood roofing would be allowed”. Mr. Connors stated windows that are
227 part of a commercial use, facing the public right of way, in a new building shall be
228 pedestrian oriented in nature and whenever practical shall provide clear views into the
229 building. Mr. Connors will remove #11 and #15 will be removed in their entirety. Mr.
230 Connors incorporated screening for ground mounted, as well as roof mounted mechanical
231 systems. Mr. Houghton stated screening for mechanical equipment in residential areas is
232 not required so he does not agree with this change. The board agreed screening of
233 mechanical equipment should only be required for roof mounted equipment. Mr. Connors
234 stated there are no changes to parking standards. “New England climate appropriate
235 landscaping” will be added. Ms. Hollasch recommended changing “commercial” to “non-
236 residential”, Mr. Connors will make that change. Mr. Connors stated he the “up lighting”
237 will remain to highlight a tree, flagpole, historic building, etc. Mr. Connors stated signage

will be limited to 8 feet tall and building signage to be similar to the free-standing sign. Mr. Connors stated directional signage will be limited to two directional signs per property. Mr. Canada recommended this be changed to “planning board may limit number of directional signs”. Mr. Connors agreed. Mr. Connors stated post sign, supported from a bracket and hangs below and monument sign, supported by two (2) posts or base will be limited. The sign will be allowed to be one (1) foot over the post height. Temporary signs will be allowed for 60 days instead of the current 120 days. Agriculture use will be allowed 120 days instead of the current 180 days. Mr. Connors stated a “demolition by neglect” section was added and the advisory committee will be the reviewer and can seek advisement from the Demolition Review Committee. The “Land Uses” section the following changes were made. Hotels was removed as a use. Bed & Breakfasts are exempt from the 40 hours per week and community centers and performing arts centers was added. Mr. Connors stated the following was added “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/agricultural character of the corridor.”

John Sheehan, no address given, questioned whether his current residence would fall under these regulations. Mr. Canada stated a current residence with wood siding would not be able to change to vinyl siding without going through approvals. Replacing vinyl to vinyl would only be required to have an approved permit through the building department. Mr. Connors explained the properties along the corridor will be allowed more uses but it balances that with a little more oversight in terms of architecture, demolition, etc.

Fred Emanuel, Portsmouth Avenue property owner, recommended the board put a descriptive paragraph together with a zoning map to explain the limits of this district. Mr. Houghton stated Amendment #5, #3 will be on the ballot. Mr. Emanuel asked the board to make it clear for residents and property owners to understand the zone. The board will clarify the description. Mr. Emanuel asked the board to reconsider 180 day signage for agriculture use as the growing season is longer than 120 days. Mr. Emanuel asked if nearby communities have “legacy” zoning. Mr. Connors stated he believes the Town of Stratham is the first in the state.

Francis Frasier, 267 Portsmouth Avenue, asked if the board has considered town counsel review of this document. Mr. Frasier stated there are inconsistencies; the bottom of page 4 “any of exterior facilities will go before the board” and other areas are specific. This amendment states the replacement of siding and roofing materials is acceptable if the replacement is of the same general material is inconsistent throughout the document. Mr. Frasier voiced concern that residents along Portsmouth Avenue are held to a higher standard economically than others residential properties in Stratham. Mr. Frasier asked the board whether a property that has a current non-conforming use presently will lose that benefit after one (1) year of non-use. The board will discuss the discrepancy issue.

- iv. Amendment #6: Table of Uses. To delete Section 3.6 Table of Uses and Footnotes to Table 3.6 in its entirety and replace with a revised Section 3.6 Table of Uses and Footnotes to Table 3.6 in order to better clarify permitted and prohibited uses by zoning district.
- v. Amendment #7: Definitions. To amend Section II Definitions to provide definitions for land uses included in the Table of Uses to better define and clarify the permitted nature and scope of land uses.

- 287 vi. Amendment #8: Table of Dimensional Requirements. To amend Section 4.2 Table of
288 Dimensional Requirements and Section 4.3 Explanatory Notes to clarify the minimum
289 frontage requirement for residential parcels and properties in the Professional/Residential
290 District.
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- 292 vii. Amendment #9: Affordable Senior Housing. To eliminate Section 5.7 Affordable Senior
293 Housing and re-number subsequent sections of the Ordinance, because the Ordinance
294 already provides for Elderly Affordable Housing and this section is duplicative. This is a
295 housekeeping amendment to eliminate inconsistencies related to the land use in the
296 Ordinance.
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- 298 viii. Amendment #10: Building Ordinance. To amend Section 16.2.1 of the Building Ordinance
299 to add a Sub-Section A to prohibit the issuance of building permits for a property if
300 existing non-inspected permits are outstanding on the property.
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302 The board discussed adding a continued public hearing for January 26, 2022 to continue discussion and
303 approval of the zoning amendment changes.
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305 5. Adjournment

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307 Mr. Canada made a motion to adjourn at 10:05 pm. Mr. Zaremba seconded the motion. Motion
308 carried unanimously.
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331 Note(s):

- 332 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours.
333 For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.
334 2. The Planning Board reserves the right to take item, out of order and to discuss and/or vote on items that are not listed
335 on the agenda.