



Stratham Planning Board Meeting Minutes
September 21, 2022
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
Mike Houghton, Select Board's Representative
Pamela Hollasch, Regular Member
Chris Zaremba, Regular Member
John Kunowski, Alternate Member

Members Absent: David Canada, Vice Chair

Staff Present: Mark Connors, Town Planner

1. Call to Order/Roll Call

Mr. House called the meeting to order and took roll call.

2. Approval of Minutes

a. August 17, 2022

Ms. Hollasch made a motion to approve the meeting minutes from August 17, 2022. Mr. Zaremba seconded the motion. All voted in favor. Mr. House appointed Mr. Kunowski as a voting member for the meeting.

3. Public Hearing:

- a. OSJ of Stratham, LLC (Owner), KidStrong Stratham (Applicant) - Request for approval of a site plan amendment to change the use of approximately 5,320 square-feet of space from a retail use to a place of assembly for a proposed children's activity center located at 28 Portsmouth Avenue, Unit 5 (Tax Map 5, Lot 1), Zoned Gateway Commercial.**

Mr. Connors presented the project. Last year the Planning Board amended the site plan regulations to require Planning Board approval for a change of use over a certain square footage even when no changes to the exterior are proposed. Previously this would have been approved by the Building Inspector. In this case the Building Inspector issued the certificate of occupancy and caught the error after the fact. The Applicant has graciously been working with the building and planning departments to complete the requirements under a temporary occupancy permit.

Joseph Attia spoke on behalf of the Applicant and stated they were not aware of the Planning Board approval requirement. The building and fire departments signed off on occupancy and they are

45 now seeking Planning Board approval in order to obtain the full certificate of occupancy. Mr. Attia
46 further described the KidStrong business.

47
48 The Planning Board Members asked a number of questions. A waiver application is required to be
49 submitted. The Applicant would like to open as soon as they receive final occupancy approval.
50 They are currently using the space for staff training. Mr. House commented that the site plan
51 submitted as part of the package is not current with regards to depicting an existing ramp and
52 loading dock. There are no material exterior changes other than to the sign. In the interior the
53 Applicant added a restroom and an office. Mr. Connors suggested adding two signs to the ADA
54 accessible spaces. Mr. Attia stated he can work with the landlord to add signs as he does not have
55 the authority to complete that. Mr. Connors suggested relocating the dumpster out of the public
56 view to behind the shopping center or to screen it with a fence. Mr. Attia stated that KidStrong
57 does not have their own dumpster and uses the neighbor's dumpster. A discussion ensued regarding
58 the Applicant's authority to erect signs and move the dumpster. It was suggested that the building
59 inspector work with the owner on the suggestions. Mr. Connors stated the purpose of this Planning
60 Board review is to review sites that have not been before the Planning Board in years and some
61 minor aspects of the site could be updated to current regulations.

62
63 **Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion.**
64 **All voted in favor and the motion was approved.**

65
66 John Goodrich, an abutter, asked if any activities would be outside. Mr. Attia explained that the
67 business is indoors and not a day care or a gym. Mr. Goodrich was satisfied with the response and
68 had no further comments.

69
70 **Mr. Zaremba made a motion to close the public hearing. Ms. Hollasch seconded the motion.**
71 **All voted in favor and the motion was approved.**

72
73 **Mr. Houghton made a motion to approve the request for a waiver from Section 4.2.2 of the**
74 **site plan regulations to not provide a site plan for this particular application. No exterior**
75 **changes are being proposed as part of the application and therefore there are no concerns**
76 **with the parking and further attach a condition to the waiver that the Applicant submit a**
77 **formal waiver document to the Town Planner. Ms. Hollasch seconded the motion. All voted**
78 **in favor and the motion was approved.**

79
80 **Mr. Houghton made a motion that the Planning Board approve the site plan amendment**
81 **application for a change of use for the 5,320 square foot space from a retail use to a children's**
82 **activity center at 28 Portsmouth Avenue, Unit 5, Tax Map 5, Lot 1, Zoned Gateway**
83 **Commercial Business District subject to the following condition: the occupancy of Unit 5**
84 **shall be limited to no more than 68 persons. Ms. Hollasch seconded the motion. All voted in**
85 **favor and the motion was approved.**

- 86
87 **b.** To amend the Site Plan and Subdivision Regulations to address newly passed amendments to state
88 law, including RSA 674:76, which prohibits certain zoning regulation of land or structures
89 primarily used for religious purposes, and to RSA 673:16 III, which requires municipalities to
90 publicly post all land use application fees.

91
92 Mr. Connors presented the first topic. The law states that no zoning ordinance or site plan review
93 regulations shall prohibit, regulate, or restrict the use of land or structures primarily used for

94 religious purposes; provided, however, that such land or structures may be subject to objective and
95 definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space,
96 and building coverage requirements as long as said requirements are applicable regardless of the
97 religious or non-religious nature of the use of the property and do not substantially burden religious
98 exercise. This removes a lot of the Planning Board’s ability to regulate site plans for religious use.
99

100 Mr. Connors proposes adding the following language to Section 3.3 of the Site Plan Regulations
101 (Site Plan Review Required;) by adding a new subsection e, which would read as follows:
102

- 103 e. Pursuant to RSA 674:76 (added 2022), site plan review shall not be required for land or
104 structures used primarily for religious purposes, except for as follows:
- 105 i. Applicants wishing to exercise the provisions of RSA 674:76 must first obtain a written
106 decision letter from the Stratham Zoning Administrator determining that the proposed
107 use involves land or structures used primarily for religious purposes consistent with the
108 law.
 - 109 ii. Prior to the issuance of a building permit and/or a certificate of occupancy for religious
110 uses under which RSA 674:76 is applicable, the applicant shall submit a site plan
111 application and proposed site plan to the Planning Board. The Planning Board will hold
112 a public hearing on the application with abutter notification for the purposes of
113 determining the application meets the zoning requirements for lot size, building setbacks,
114 maximum impervious surface cover, and height of structures. Additionally, the Planning
115 Board may provide the applicant non-binding comments related to other elements of the
116 site plan, including but not limited to, drainage and stormwater, parking, traffic impacts
117 and traffic and pedestrian safety, landscaping and screening, exterior lighting, and
118 building architecture.
 - 119 iii. Applications under this section shall be assessed a \$50 filing fee. Additionally, the
120 Town’s public notice and abutter notification fees for site plans shall be required.
121

122 Without these regulations, the law allows for an Applicant for a religious use to apply for a building
123 permit with no Planning Board review. This amendment will allow some public notification prior
124 to applying for a building permit and allow for Planning Board comments for the record.
125

126 Mr. Kunowski asked if we have a current inventory in Stratham of properties that are designated
127 for religious use. Mr. Connors replied that the Assessor may have that information. The properties
128 would fall under general non-profit so they are not taxed. Mr. Kunowski asked if this law applies
129 to changes of use in addition to new uses. Mr. Connors confirmed.
130

131 Ms. Hollasch asked if there is a definition of religious purposes and questioned whether the phrase
132 “consistent with the law” applies to the proposed use or to the term religious purposes. Mr. Connors
133 stated the Building Inspector would determine if the religious use is authentic, the law does not
134 define religious use. The Planning Board unanimously agreed to remove the phrase “consistent
135 with the law” from paragraph i.
136

137 Ms. Hollasch asked if the \$50 filing fee is a new fee being imposed specific to this new regulation
138 or if it is an existing fee. Mr. Connors replied that a site plan review fee is a minimum \$100, so
139 even though this is a new fee, it is less.
140

141 **Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion.**
142 **All voted in favor and the motion was approved.**

143 Mr. Goodrich was the only member of the public present and had no comments.
144

145 **Ms. Hollasch made a motion to open the public hearing. Mr. Zaremba seconded the motion.**
146 **All voted in favor and the motion was approved.**
147

148 **Ms. Hollasch made a motion to amend Section 3.3 of the Site Plan Regulations to add a new**
149 **subsection ‘e’ consistent with the staff memo dated September 21, 2022 in order to address**
150 **the passage of RSA 674:76 which prohibits certain zoning regulation of land or structures**
151 **used primarily for religious purposes as written except for ending the sentence in ‘e.i.’ after**
152 **“for religious purposes” and striking the rest of the sentence. Mr. Kunowski seconded the**
153 **motion. All voted in favor and the motion was approved.**
154

155 Mr. Connors presented the second topic. RSA 673:16 III requires municipalities to publicly post
156 all land use application fees or waive the fee if not posted. A four-page document was presented
157 to the Planning Board summarizing the existing building department and planning department fees.
158

159 **Mr. Houghton made a motion that the Planning Board add Notice of Land Use Board Fees**
160 **under RSA 673:16, III consistent with staff memo dated September 21, 2022 as an appendix**
161 **item to the Subdivision and Site Plan Regulations. Mr. Zaremba seconded the motion. All**
162 **voted in favor and the motion was approved.**
163

164 4. Public Meeting:

165 a. Planning Board Workshop

166
167
168 Mr. Connors presented the first topic: potential 2023 zoning amendments. In the Gateway District
169 no front setback is required. The new Optima building at 23 Portsmouth Avenue is set back
170 approximately five feet from the front property line. Planning staff is supportive of a front setback
171 of at least 15 feet. Other existing setback examples include the 110 Grill at 60 feet. Mr. Houghton
172 stated that 60 feet was the previous setback requirement and the design of the Gateway District
173 was intended to allow more density but applicable more to the opposite side of the street where
174 more roads were intended. Mr. Kunowski asked for confirmation that a 15 to 30 feet setback would
175 be intended for landscaping or pedestrian use as opposed to roads or parking. Mr. Connors replied
176 that the regulations do not prohibit pavement in the setbacks, but we have rigid landscaping
177 requirements. Mr. Zaremba asked if an outdoor patio can be constructed in the setback. Mr.
178 Connors replied yes, only a structure like a deck would be prohibited.
179

180 Mr. Connors presented the second topic: the sign ordinance. There are a number of legal changes
181 being made due to a recent Supreme Court decision regarding sign content, however, other changes
182 could be considered as well. Stratham currently allows a second sign if the property has 300 feet
183 of frontage and the second sign can be the same size as the primary. Stratham also allows one sign
184 per street if at an intersection. Mr. Connors presented some existing examples and suggests
185 continuing to allow one sign per street, but the second sign should be smaller. Signs on buildings
186 are considered separate from the total square footage allowed. Any changes would be for future
187 requests and not retroactive. A variance is currently required for any deviations from the sign
188 ordinance.
189

190 Other suggestions apply to shopping plazas, certain districts, and directional signs. Shopping
191 plazas with more than 5 tenants are allowed a 130 square foot sign which could be amended to

192 allow for smaller signs that are still effective. Two types of signs are allowed in the Route 33
193 Heritage District, the height could be limited. In the Town Center there are two existing signs that
194 would not be allowed. Currently Stratham exempts directional signage. In some cases the business
195 logo is larger than the directional text, so a suggested amendment to the regulations is to not allow
196 the business logo on directional signs or require that the logo text be smaller than the directional
197 text. The final suggested amendment is to remove the exemption for Planning Board approval for
198 signs smaller than two square feet. The Planning Board was generally receptive to all suggested
199 changes.

200
201 Mr. Connors presented the third topic: proposed density restrictions in the Professional/Residential
202 District. Mixed use is currently allowed, but there is no restriction on density except that multi-
203 family is limited to a maximum of eight units per building. Mr. Connors suggests three units per
204 acre as a proposed density standard. The maximum allowable by septic design is another limitation.
205 Density restrictions could also be added to the Special Commercial District. The Flexible Mixed
206 Use District is not suggested for a density cap because the Town is enthusiastic to see that property
207 redeveloped.

208
209 Mr. Connors asked the Board to consider and bring to his attention any additional amendments
210 soon. The public hearing process for zoning changes can start in November in order to be eligible
211 for Town Meeting in 2023.

212
213 **b. Miscellaneous Community Planning Issues**

214
215 NH DOT held the public hearing for the Route 33 project last week. The Town requested a crossing
216 at Stratham Hill Park and NH DOT is willing to install a pedestrian crossing signal. The Select
217 Board requested a timed signal that would flash red and require vehicles to stop and are waiting
218 for a response from NH DOT. Greenland is also requesting a Route 33 corridor study. NH DOT
219 is preparing an engineering study for the project and will investigate reducing the speed in the 50
220 mph zone on Route 33 if the study indicates the need.

221
222 Lindt Chocolate has not made any progress in obtaining water and sewer from Exeter.

223
224 The former tech college at 275 Portsmouth Avenue has a “for lease” advertising sign but has not
225 resolved their building issues.

226
227 The Pedestrian and Cyclist Advocacy Committee has not scheduled its first meeting yet.

228
229 **5. Adjournment:**

230
231 Ms. Hollasch made a motion to adjourn at 8:57 pm. Mr. Zaremba seconded the motion. All voted
232 in favor and the motion was approved.
233