



**Stratham Planning Board Meeting Minutes**  
**November 16, 2022**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

**Members Present:** Thomas House, Chair (arrived 7:15 pm)  
David Canada, Vice Chair  
Mike Houghton, Select Board's Representative  
Chris Zaremba, Regular Member  
John Kunowski, Alternate Member

**Members Absent:** Pamela Hollasch, Regular Member

**Staff Present:** Mark Connors, Town Planner

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

Mr. Canada called the meeting to order at 7:03 pm and took roll call.

**2. Approval of Minutes**

**a. November 2, 2022**

Mr. Zaremba made a motion to approve the meeting minutes from November 2, 2022. Mr. Houghton seconded the motion. All voted in favor. Mr. Canada appointed Mr. Kunowski as a voting member for the meeting.

**3. Old Business:**

- a. Andrew and Eileen Maderios (Owners) - Request for approval of a conditional use permit to allow the installation of a small ground mounted solar array at 190 Winnicutt Road (Tax Map 11, Lot 22), Zoned Residential Agricultural. Owner/Applicant's representative is ReVision Energy, 7 Commercial Drive, Brentwood, NH 03833.**

Ms. Maderios described a proposed landscaping plan. The plan was revised today based on comments from the abutter at 188 Winnicutt Road (Viano). The revised plan includes two additional trees, specifies Green Giant Arborvitae as the selected species at the request of the Vianos, increased the junipers along Winnicutt Road, and added holly or rhododendron on the side for screening to 1 Charles Drive.

Ms. Maderios provided photographs and addressed the comments submitted by the abutter at 1 Charles Drive (McManus). Additionally the revised plan incorporates all of Mr. Viano's requests.

Mr. Houghton asked for clarification on the term “or similar” on the plan. Ms. Maderios explained that the landscaper questioned the spread of the Green Giant Arborvitae. They can grow to 10 feet in diameter and with how close they are requested they may not fit right next to each other so another variety might provide the equivalent coverage but not grow as wide.

Mr. Zaremba also has concerns with the term “or similar” and asked for more clarification. For example, can they not plant three Green Giant Arborvitae? Ms. Maderios explained that the landscaper has them plotted but she needs to double check the spacing when they go into the ground. On the plan, the location of the first and third ones is fine, but the landscaper needs to confirm at the time of planting that the one in the middle has room to spread and the root systems will not cross. Mr. Zaremba asked if they could be staggered. Ms. Maderios confirmed and added that the “or similar” language came from the draft motion. Mr. Connors stated the language in the draft motion is “a closely comparable fast-growing species”. The board discussed and determined that any deviations from the plan need to be approved by the Town Planner.

Mr. Canada asked if the approval needs to state that the plantings must be maintained properly. Mr. Connors stated that he does not believe so and that the regulations cover that. Mr. Connors noted the proposed second condition that existing mature landscaping along Winnicutt Road and along the property boundary with 188 Winnicutt Road will not be removed or cleared so long as the solar array is located on the property and asked if Ms. Maderios is okay with that condition. Ms. Maderios confirmed.

Heather Iworsky from ReVision Energy commented that the proposed landscaping will not impede with the solar energy system or with any safety, so ReVision approves the plan.

Peter Viano, the abutter at 188 Winnicutt Road asked what size arborvitae are proposed and if there will be a stipulation as to the size at the time of planting. Ms. Maderios believes they will be 6 feet tall at the time of planting. Mr. Connors read the draft condition of approval that includes a 6-foot minimum height. Mr. Viano commented on Ms. Maderios’ concern about the plantings growing together and stated that is the point of creating a landscape screen.

Mr. Viano asked if the board reviewed his offer to pay for additional plantings. Mr. Canada stated the board cannot require that and instructed Mr. Viano to discuss that directly with the Applicant.

**Mr. Zaremba made a motion to close the public hearing. Mr. Houghton seconded the motion. All voted in favor and the motion was approved.**

There was no further discussion by the board. Mr. Connors suggested some clerical changes to the proposed conditions in the draft motion to address the most recent plan.

**Mr. Zaremba made the following motion to approve the application.**

**I move that the Planning Board approve the Conditional Use Permit application submitted by ReVision Energy (applicant) on behalf of Andrew and Eileen Maderios (owners), to construct a small 12.48 kilowatt ground-mounted solar energy system at 190 Winnicutt Road, (Tax Map 11, Lot 22), Zoned Residential Agricultural subject to the following conditions:**

**1. The landscape plan shall be amended to address all of the following:**

**a.) A note shall be added to the plan that no existing landscaping will be removed or cleared in order to construct the solar energy system.**

b.) A note shall be added to the plan that existing mature landscaping along Winnicutt Road and along the property boundary with 188 Winnicutt Road will not be removed or cleared so long as the solar array is located on the property. Existing landscaping may be pruned or otherwise maintained to assure its health.

c.) The landscape plan shall be revised to insure that the plantings are planted at a minimum height of six feet.

2. The landscape plan shall be transposed into a plan form that is acceptable for Planning Board signature.
3. A note shall be added to the plan that the solar arrays will not exceed a height of 11.5-feet.
4. A note shall be added to the plan that all electrical connections to the solar energy system will be provided underground.
5. A note shall be added to the plan that any change in location or expansion of the Solar Energy System will require re-approval by the Planning Board.
6. Any changes to the plantings from the plan will be submitted to the Town Planner for approval.

The Board reviewed the Conditional Use Permit Criteria prior to seconding the motion:

1. Spirit and Intent of the Ordinance: The Board agrees with the application statements with regards to conserving and protecting the value of property and land use and following current building, fire, electrical and safety codes.
2. Conformity to Zoning Ordinance: The Planning Staff and Board are not aware of any violations.
3. Site Suitability: The Board agreed that the site suitability criteria either do not apply to this project (e.g. vehicular/pedestrian access and adequate public services) or are met (e.g. absence of environmental constraints and availability of utilities).
4. External Impacts on Abutting Properties and the Surrounding Environment: The Board notes that any external impacts have been mitigated by the landscaping plan. The panels create no glare as they are manufactured to absorb sunlight.
5. Character of the Site Development: The Board agrees that the landscape plan is sufficient to buffer adjacent properties.
6. Character of the buildings and structures: There are other examples of solar arrays in residential neighborhoods in Stratham.
7. Preservation of natural, cultural, historic and scenic resources: The project is located outside of any of the stated resource buffers.
8. Impact on property values: The Board agrees with the Applicant's statement that there are no studies that conclude solar diminishes property values and that published studies indicate that solar may increase property value.
9. Availability of Public Services and Facilities: The Board agrees that public services are not required for this project.
10. Fiscal Impacts: There are no negative fiscal impacts identified for the Town.
11. Public Interest: The reduction of fossil fuel use is within the public interest.

Mr. Houghton noted that the abutter at 1 Charles Drive submitted comments that they do not believe the plantings are sufficient to mitigate the visual impact to their property and the abutter asked that the application be declined based on the zoning ordinance. Relative to the Conditional Use Permit Criteria, Mr. Houghton believes the Applicant has demonstrated a degree of hardship in placing the panels on their property consistent with the exacting intent of the ordinance and the Applicant has done an acceptable job of putting forth a plan to mitigate the impact of the not

complete conformance with the ordinance. Mr. Canada notes that the comments were submitted before the landscape plan was amended.

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

Mr. Canada turned the meeting over to Mr. House at 7:34 pm.

#### **4. New Business - Public Hearing:**

- a. *Jay and Celeste Ward (Owners) - Request for approval of a conditional use permit to allow the installation of a small-scale ground mounted solar array at 10 Boat Club Drive (Tax Map 12, Lot 2), Zoned Residential Agricultural. Owner/Applicant's representative is Harmony Energy Works, 10 Gale Road, Hampton, NH 03842.*

Mr. Connors presented the project. Planning staff questioned the location of the proposed solar array with respect to its proximity to the Shoreland Protection District (SPD). The location was subsequently moved to insure that it will be located outside the SPD. Mr. Connors noted that the staff memo in the Planning Board packet does not reflect the information submitted today by the Applicant and directs the Boards' attention to the new information.

George Horrocks from Harmony Energy Works spoke on behalf of the Applicant. Mr. Horrocks stated the proposed array location was moved east to meet the SPD requirements and added that the nearest house is over 300 feet from the closest point of the array. Jay Arslanian of Harmony Energy Works added that the existing vegetation on the Applicant's property and the neighbor's property will provide screening of the array from the neighbor's home.

Mr. House asked what kind of vegetation is between the proposed array and the neighbor. Mr. Horrocks responded that it is a dense forest. The array is 20 feet high at its peak in the winter when the panels are at a 45 degree angle and about 15 feet high in the summer when the panels are at a 25 to 35 degree angle. Mr. Horrocks does not foresee that the nearest neighbor will be able to see the array.

Mr. Kunowski asked if the parcel would be able to be subdivided in the future to create a buildable lot and thereby eliminating the forest. Mr. Connors stated there is not sufficient frontage to subdivide.

Mr. House asked for confirmation on which plan is most current with respect to the proposed location. The most current plan is the one plan submitted to the board as a hard copy and not in their packet.

Mr. Zaremba asked if updated plans are submitted to abutters. Mr. Connors responded that no plans are sent to abutters, just notification of the meeting and they can contact the Planning Office for application materials.

Mr. Canada noted that the proposed location looks shaded. Mr. Horrocks replied that the dotted white line on the plan around the array indicates the extent of tree trimming and removal to prevent shading. Gauges are used to measure shading and the extent of clearing is typically 50 feet on the sides and 150 feet to the south. Mr. House stated the plan does not specifically indicate the extent of clearing and asked if all clearing will stop at the dotted line. Mr. Horrocks confirmed. Mr. House

asked if there are any trees in the southwest corner near the array that cannot be touched as they may be within the SPD. Mr. Horrocks responded not to their knowledge. Mr. Arslanian added that the location insures that even when the panels swing, they will not extend into the SPD.

Mr. House asked if the board feels that the application is complete. The board determined that the application is complete but they need time to review the updated application and plan.

**Mr. Houghton made a motion to continue the meeting to the next meeting to provide the Board the opportunity to review the completed application. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

Mr. Horrocks asked for clarification if any cutting is allowed in the SPD. Mr. Canada responded that there are State standards with regards to cutting in the SPD that the Applicant should review. Mr. Connors added within 75 feet cutting cannot take place, but he would need to review the entire ordinance to give a complete answer. Mr. Connors added that the Applicant should include on the plan any proposed tree cutting in the SPD. Mr. Horrocks responded that no cutting is proposed by Harmony Energy Works but that he is asking on behalf of the property owner. Mr. Canada stated that a timber cutting permit might be required from the Select Board.

Mr. Connors suggested that the Board open the public hearing to hear any abutters' comments.

**Mr. Houghton made a motion to open the public hearing. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.**

Jay Ward, the Applicant, stated that he has emailed the three abutters regarding his application. The owners of 8 and 9 Boat Club Drive responded in favor of the project and stated that they have no issue with the panels or the cutting of trees to support the solar panels. The remaining abutter, Squamscott Scullers, is very far removed from visibility of the panels. Mr. House stated it would be nice if those responses could be submitted to the Town as part of the file.

**Mr. Houghton made a motion to close the public hearing. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.**

## **5. Other Business:**

### **a. Proposed 2023 Zoning Amendment Workshop:**

#### **1. Professional/Residential setbacks and discussion**

Mr. Connors presented the topic. At the last Planning Board meeting, Mr. Connors presented a letter from Mr. Delisle, owner of 100 Portsmouth Avenue, asking the Board to relax the front property line setback in the Professional/Residential District. The Board questioned the impacts across the District which Mr. Connors researched. The District is relatively small and there are very few properties, and not many residential properties, that would be affected. The District is mostly mixed-use. There are six properties that would benefit from the zoning change: 81 Portsmouth Avenue, 2 Raeder Drive, 2 Millbrook Drive, 7 Emery Lane, 118 Portsmouth Avenue, and 140 Portsmouth Avenue.

Mr. Canada asked if there would be any detriment to abutters of those six properties. There were

no issues stated. Mr. Kunowski asked if Mr. Delisle's request is for a permanent amendment to the existing setback rules that would apply permanently going forward for every property in the district vs. a one-time variance just for their property. Mr. Connors confirmed and clarified that the requirement only applies to properties that are across the street from a residential use and being a small district, there are only six properties that would be affected. Mr. Connors added that there does not appear to be a significant impact to a permanent change. Being a small district, the town could mail a letter to all the property owners in the District that the Board is considering this change. Mr. Kunowski stated that the change could encourage positive development on the properties identified.

Mr. House asked if the NH DOT sidewalk project includes this area of Portsmouth Avenue. Mr. Connors replied that project is basically from Bunker Hill Avenue to the town line with Exeter, so it would not.

Mr. House summarized that there is a consensus among the Board members that there is no issue with a 20-foot front setback and stated the administrative process to move this forward.

## 2. Sign ordinance amendments

Mr. Connors presented changes to the existing regulations that include 1) increasing restrictions on signage for properties with frontage on two streets; 2) increasing to 600 feet from 300 feet the allowable frontage for two free-standing signs, increasing the distance between the signs and limiting the total size and height; 3) requiring a building permit for all directional signs and add size, location, and illumination restrictions on directional signs; 4) miscellaneous reductions on maximum sign area and height in certain districts; and 5) restrictions on internally illuminated signs in the Gateway and Industrial Districts.

The Board discussed all proposed changes and made suggestions. Mr. Connors suggested a compromise that the Town could make the ordinance stricter, but instead of requiring a variance from the ZBA, the Town could allow an Applicant to apply for a Conditional Use Permit from the Planning Board. Mr. Kunowski commented that if the Town is trying to adhere to a standard, then the ZBA is the better path. Mr. Canada would like the flexibility of a CUP from the Planning Board. Mr. Zaremba is open to limited flexibility and is concerned with a CUP becoming the norm. Mr. Connors suggested the Town could limit the sign exceedance request that can be submitted through a CUP application and anything greater would require ZBA approval. Mr. House asked if there have been any issues with the current language other than the area and height. Mr. Connors replied that the Town is quite generous in what is allowed so it is rare that ZBA approval is needed, however, the proposed ordinance changes would be stricter which could lead to more requests for a variance or conditional use approval. The board discussed and decided to keep the ZBA process in a 3:2 straw poll

## 3. Gateway District driveway and sidewalk standards

Mr. Connors presented the topic. The Regional Planning Commission (RPC) is seeking cost estimates for the Gateway District sidewalk and driveway improvements project that the Town is trying to get into the NH DOT 10-year plan. RPC asked for the Town to provide more details on the project. Mr. Connors presented maps showing existing and proposed sidewalks along the Gateway District. The Board agreed with Mr. Connors' proposals.

290 **b. Mr. Canada made a motion to enter non-public session for the purposes of considering**  
291 **legal advice at 9:21 pm, permitted under NH RSA 91-A:3, for the purposes of considering**  
292 **legal advice provided by legal counsel. Mr. Zaremba seconded the motion. All voted in**  
293 **favor.**

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295 Mr. Canada made a motion to re-enter the public meeting at 9:31 pm. Mr. Zaremba seconded the  
296 motion. All voted in favor.

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298 Mr. House asked if there were any other items the Board wished to discuss. Hearing none, he asked  
299 if there was a motion to adjourn.

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301 **6. Adjournment:**  
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303 Mr. Zaremba made a motion to adjourn at 9:32 pm. Mr. Houghton seconded the motion. All voted in  
304 favor and the meeting adjourned.