



Stratham Planning Board Meeting Minutes
January 3, 2024
Stratham Municipal Center
Time: 7:00 pm

Members Present: Thomas House, Chair
Mike Houghton, Select Board's Representative
David Canada, Vice Chair
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

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

1. Call to Order/Roll Call

Mr. House called the meeting to order at 6:58 pm and took roll call.

2. Approval of Minutes

a. December 20, 2023

Mr. Zaremba made a motion to approve the December 20, 2023 meeting minutes. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

3. Public Meeting:

a. Paul Gallant, Trustee (Applicant), Helen E. Gallant Revocable Trust of 1995 (Owner) - Request for a Preliminary Consultation of a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, into a Residential Open Space Cluster Development with 54 residential lots and two open space parcels. The parcel is Zoned Residential/Agricultural. Application submitted by Jones & Beach Engineers, P.O. Box 219, Stratham, NH 03885.

Mr. House announced that this application was continued from the Planning Board's December 20, 2023 meeting at the request of the Applicant. Mr. House read aloud a letter from Jones and Beach Engineers received this morning requesting on behalf of the owner that the application be continued until the February 21, 2024 meeting. Mr. House stated that the public meeting is still open for this application and he requested a motion to continue the hearing.

Mr. Canada asked to speak. He stated that last minute postponements are difficult for abutters who have come to two meetings to speak. He suggests rejecting the request and requiring that the Applicant start over so that abutter notification is provided again. Mr. Allison asked if they can

require that abutters be noticed of the continuance. Mr. Kunowski does not have a strong opinion to deny the request but he respects the abutters' time and if they want a continuance, the Applicant should pay for notice again. Mr. Zaremba agrees with Mr. Canada. Mr. Houghton agrees and stated it lacks respect for abutters and at a minimum they should be required to provide abutter notice again. Mr. Canada asked if the Town can require that. Mr. House replied yes and Mr. Connors stated the Board can grant the postponement on the condition that they re-notify all of the abutters or the Board can reject the continuance and the Applicant would need to submit a new application. Mr. House called for a motion. Mr. Zaremba asked for clarification if rejecting the postponement also rejects the application. Mr. Connors replied that the Board would be closing the preliminary consultation, but the applicant could re-apply. Mr. Allison asked if there is an application fee for a preliminary consultation. Mr. Connors replied yes, but it is nominal. Mr. Allison commented that the fee would be waived if the Board only requires re-notification to abutters as opposed to refiling the entire application. Mr. Zaremba asked if the Board will still hear from the public tonight. Mr. House replied that the public meeting is still open and addressed the public stating that if there are new people in attendance they are welcome to speak about the project. He added that this is only a consultation and the Applicant still needs to submit a formal application and complete that process. Mr. House asked if any members of the public want to speak. No members of the public came forward.

Mr. Canada made a motion to continue the application to the February 21, 2024 meeting under the condition that the applicant is required to re-notice to the abutters. Mr. Zaremba seconded the motion. All voted in favor and the motion was approved.

b. Town Administrator's Presentation of the Draft 2024 Capital Improvement Program

David Moore, Stratham Town Administrator, directed the Board's attention to a handout on the Capital Improvement Program. He stated that the New Hampshire State Statutes required that when a municipality has adopted a Master Plan that a Capital Improvement Plan (CIP) be submitted to the Planning Board for the purpose of determining consistency with the Master Plan. The Master Plan is intended to look at the future of the Town and project growth, needs for public services, changes, etc. The CIP is a financial plan for meeting the financial needs to realize the future of the Town's services and expansion of facilities envisioned through the Master Plan. The action he requests from the Planning Board is a determination from the Board that the CIP presented tonight is consistent with the Master Plan.

Mr. Moore stated that there are items in the plan related to the Town's operation and rolling stock vehicles that may be of some interest to the Planning Board. There are other projects related to technology and other infrastructure. Other projects of interest to the Planning Board relate to Stratham Hill Park, roadways, and environmental and planning projects for town buildings. Mr. Moore highlighted projects that he believes are most interesting to the Planning Board but is happy to hear any observations from the Board. He added that the Town is at the beginning of the annual budget appropriation process that culminates in Town Meeting. Staff, Department Heads, and the Select Board have been working on draft budget materials in preparation for a series of meetings known as the Budget Advisory Committee meetings that take place in January and result in a finalized proposed budget by the Select Board that goes to Town Meeting in March. Mr. Moore stated that although the numbers have been seen by the Select Board this is only the beginning stages of determining what the Town can afford and desires to move forward with. He added that the Planning Board's participation is a programmatic check.

94 Mr. Moore explained that for the last three years the Town has had the opportunity to spend
95 approximately three-quarters of million dollars in American Rescue Plan Act (ARPA) funds. The
96 Town has slowly been spending the funds on eligible projects with a lot of flexibility. The strategy
97 of the Select Board has been to concentrate the use of those funds on non-regular, non-recurring
98 projects as much as possible. In municipal budgeting the core functions should not be financed by
99 a non-recurring revenue source like ARPA.

100
101 Mr. Moore provided example projects that might be of interest to the Planning Board including the
102 Open Space and Connectivity Plan that is in progress. That project was identified as a need in the
103 Master Plan and it was funded through this CIP process in previous years. The project went under
104 contract last year and is included again to finish the project. One of the most significant changes
105 in Stratham Hill Park is that the infrastructure has aged and the program has evolved. The park is
106 not acting like a fairgrounds and instead more flexibly used for different types of programs and is
107 the premiere outdoor space for the townspeople. The park is in need of investment and a future,
108 and money has been put aside through this process so that that Town can follow the Open Space
109 Plan with a future and vision for the park. Mr. Moore continued that there is money for the Town
110 to maintain their responsibilities for stormwater compliance with the Town's MS4 Permit. There
111 are aspects of complete compliance that require additional professional assistance for example
112 with regards to monitoring contaminant levels at stormwater collection points. Mr. Moore stated
113 that there is a lot of time spent in town caring for the community's heritage which is led by the
114 Heritage Commission. The Town's role is to maintain its own assets and therefore funding is
115 included for the Gifford Barn stabilization and the fire tower. Mr. Moore continued that the
116 document also includes funding for the future and there are a number of financial tools used as
117 repositories for funds to pursue replacements of rolling stock, for example for the Fire Department
118 and the Highway Capital Reserve Fund and also the Conservation Fund, the Heritage Preservation
119 Fund, and the Town Buildings and Grounds Maintenance Trust. Mr. Moore asked if there are any
120 questions from the Board.

121
122 Mr. House asked what the asterisk symbolizes at the top of the 2024 ARPA column. Mr. Moore
123 replied that it will be for a note on deadlines to expend the ARPA funds and that funds must be
124 contractually committed by December 31, 2024. Mr. House asked for a description of the column
125 titled "Balance (2020-2023) estimate". Mr. Moore replied in previous years the Town appropriated
126 funds for projects so that is the balance of the remaining funds.

127
128 Mr. Canada asked when the fire tower was last painted. Mr. Moore believes it was about 10 years
129 ago. Mr. Canada asked if there is any estimate on the life time. Mr. Moore replied no but a
130 structural assessment was completed and it was determined to be in good shape with some repair
131 recommendations including concrete at the base. Mr. Canada asked if \$15,000 is sufficient. Mr.
132 Moore replied no and that a proposal was submitted since putting the money aside and previously
133 there was another \$14,000 set aside, so the total for the project is about \$29,000.

134
135 Mr. Canada wondered about the library funding and stated that a grant was denied last year and
136 asked if \$20,000 rather than \$15,000 would better. Mr. Moore replied they can look at that and
137 clarified for others that Mr. Canada is referring to repairs at the Historic Society Building that the
138 library occupied and now the Historical Society is the steward of the building. Mr. Moore agrees
139 that the Town is due for a broader conversation regarding how the Town will get the next phase
140 completed. Mr. Canada suggested after Town Meeting there can be a discussion about that. Mr.
141 Moore agreed.

Mr. House asked about the numbers on page 2 for the Fire Department Capital Reserve Fund and Mr. Moore replied that is a formula issue that he will correct and the new total should be 182. Mr. Moore added that last year the fund was about \$680,000 and is less this year because money for the new fire truck was moved to the General Fund. The Town is rebuilding for future projected needs and they are reviewing the numbers and updating them as needed.

Mr. Zaremba asked what the plan is for the Stevens Park Pavilion and Facility Improvements. Mr. Moore replied there is a vision that has developed for needed improvements at Stevens Park that has come from a variety of observations. One issue is there is a deficit in parking at peak times. Another issue is that the park is underutilized and there has been a vision of constructing a pavilion like at Stratham Hill Park with bathroom facilities. As a recreational facility it is sorely lacking in restrooms and a sheltered space for programming. Mr. Moore added that there are camps and offerings of the Parks Department that would be more robust, and be able to serve more people, and be safer, at a facility with shelter at the site. Mr. Moore added that the courts are oversubscribed with pickleball players and the idea is to engage the community in conversation to ask if they agree with the observations and if the plan is missing additional uses or needs or problems that can be addressed through a project. Mr. Zaremba asked for confirmation that no decisions have been made yet. Mr. Moore confirmed there is no specific plan yet but the savings have begun. He said the first interaction with the public should be in about a month or so. Mr. Canada asked if the baseball field there is utilized. Mr. Moore replied yes and he believes it is mostly the Babe Ruth program. Mr. Canada asked if that is a town program. Mr. Moore replied no and it might also be used by the regional Longhorn's non-profit, non-government program. He added that initial discussions suggested that the field could be more usable with drainage improvements. Mr. Canada asked if the Town gets revenue from the non-Town groups that use it. Mr. Moore replied yes, rental fees and that the Town has received gifts like \$25,000 from the soccer program.

Mr. House asked if the fire station parking lot paving is for the front and the back and does it include the Historic Society area. Mr. Moore does not know the exact scope but the Town needs to take care of it all. He added that he's received a new estimate since speaking the Select Board that is larger than the number in the plan, so there may be some phasing of the work.

Mr. House asked for an update on the road reconstruction program and which roads will be included. Mr. Moore does not have a schedule yet. The Town has been without a DPW Director since August but the Town is committed to funding a consistent and very high level of service for its roadway network. The selections are based on a pavement analysis index and the Town will keep up to date with the next work to be done.

Mr. House asked if there are any comments from the public. One member said a merry-go-round at Stratham Hill Park would be nice. Mr. Moore thanked everyone for their time.

4. Public Hearing:

- a. The Planning Board held a public hearing on the proposed zoning amendments outlined below.

Mr. House explained that he will review the agenda but will not read aloud the entire text of the Ordinance. This is the first of two public hearings to review the articles for the March ballot.

Mr. Houghton made a motion to open the public hearing to discuss 2024 proposed zoning

192 **amendments. Mr. Zaremba seconded the motion. All voted in favor and the motion was**
193 **approved.**
194

195 Amendment #2: To amend Section II *Definitions*, and Section III, Table 3.6 *Table of Uses*, and
196 *Footnotes to Table 3.6* to include new definitions and property uses that are not currently defined.
197 This is a housekeeping amendment to better define terms, building uses and associated
198 requirements.
199

200 Mr. Connors explained Amendment #2 is to add definitions to the Ordinance for uses currently not
201 defined including half-story and mixed-use development. Mixed-use will be permitted in most of
202 the commercial districts and not permitted in the residential and industrial districts. The amendment
203 adds a requirement that a minimum of 25% of the interior space must be reserved for commercial
204 uses. The purpose to prevent the commercial districts from becoming dominantly residential and to
205 maintain a commercial tax base. There are some minor changes to the definition of structure notably
206 excluding burial vaults, septic tanks, and pre-fabricated children's playsets. There were no questions
207 or comments from the Board or the public.
208

209 Amendment #3: To amend the Building Ordinance, Article III *Permits*, to clarify the circumstances in
210 which the Building Inspector may require that a plan prepared and stamped by a licensed land surveyor
211 or certified wetland scientist is required. This amendment provides the Building Inspector discretion to
212 require a plan prepared and stamped by a certified professional where there is a reasonable basis to
213 question if a building permit application meets the requirements of the Zoning and Building Ordinances
214 and/or the State Building and Fire Codes.
215

216 Mr. Connors explained Amendment #3 makes a minor change to the Building Ordinance. He
217 provided an example that there is a maximum impervious area requirements and in smaller lots that
218 could be an issue. The requirement will allow the Building Inspector to require a plan so he can
219 determine if a project meets the threshold. There were no questions or comments from the Board or
220 the public.
221

222 Amendment #4: To amend Section V *Supplementary Regulations*, Sub-section 5.12 *Home Occupation*
223 to clarify the requirements associated with home occupations. This amendment would limit the
224 aggregate size of home occupations and clarify requirements associated with inspections and renewals
225 of home occupations.
226

227 Mr. Connors explained the current requirement is that a Home Occupation cannot exceed 25% of
228 the floor area of the house and the amendment adds a maximum of 1,000 square feet. He added that
229 a business over 1,000 square feet should consider relocating to a commercial property. The process
230 for renewing a Home Occupation is also proposed to be updated. Dominique Grey of 20 Squamscott
231 Road asked how many Home Occupations are currently in Stratham. Mr. Connors replied about 40.
232 Ms. Grey thought that number sounded low and asked if they all have been renewing. Mr. Connors
233 replied that some have not properly renewed and this formalizes the process and if a resident hasn't
234 renewed, they need to go back to the Zoning Board. Ms. Grey asked if the ones that haven't renewed
235 owe some money. Mr. Connors replied there is a nominal fee and the intent of renewal is for the
236 Building Inspector to inspect the property to insure the business is operating under its original
237 approval. Ms. Grey asked if ones in business for a long time are grandfathered. Mr. Connors replied
238 that a few that existed prior to when Home Occupation was introduced into the ordinance are
239 grandfathered, but most fall under the requirements. Ms. Grey asked for confirmation that the
240 Town's goal is to help the businesses. Mr. Connors provided an example of when a business may

241 have outgrown the definition of a Home Occupation and should consider relocating to a commercial
242 property. Ms. Grey asked if the goal is to insure that home businesses stay invisible. Mr. Connors
243 replied the goal is more for the Town to get a better handle on what the Home Occupations are and
244 if they are expanding. Mr. House added that in the regulations there are five exemptions from Home
245 Occupations so there may be businesses operating properly without oversight.

246
247 Amendment #5: To amend Section III, *Footnotes to Table 3.6* to consolidate the number of criteria the
248 Planning Board considers in Conditional Use Permit applications. The purpose of this amendment is to
249 expedite reviews of Conditional Use Permit applications while maintaining the core permit review
250 criteria.

251
252 Mr. Connors explained Amendment #5 is a housekeeping amendment. CUPs are the most common
253 application submitted to the Planning Board. Eleven criteria are required to be voted on and some of the
254 criteria are long and often don't relate to the particular application. The goal of this amendment is to
255 condense the criteria from 11 to 7 while keeping the core review criteria so it is not a significant change
256 to what the Board is reviewing. There were no questions or comments from the Board or the public.

257
258 Amendment #6: To amend Section VIII *Residential Open Space Cluster Development*, to amend the
259 requirements associated with residential cluster developments. This amendment would establish
260 minimum lot sizes for individual lots, require that open space parcels meet additional minimum
261 requirements, and to require that historical resources be preserved and incorporated into cluster
262 developments whenever practicable.

263
264 Mr. Connors explained each individual change in Amendment #6. The proposal to reduce the total
265 minimum lot size that can be developed as a cluster development was eliminated. There is a
266 proposed change in Section 8.8 that requires any historic buildings to be preserved if practicable.
267 The second change is to require that the 50-foot buffer strip between the cluster development and
268 adjacent properties be part of the Common Land and not part of the individual parcels. The next
269 change establishes minimum lot size requirements that are much smaller than the conventional lot
270 size requirements. The requirement is based on whether there are water and/or septic facilities on
271 the individual lot. Mr. Canada commented that the proposed language regarding that historic
272 building preservation not be a hardship on the Applicant takes the heart out of the section. He added
273 that any developer will think it is in the best interest of the development to tear down the structure.
274 Mr. Canada stated he believes that owners have overwhelming rights but if the Town is going to
275 protect historic structures then we need to put some teeth in it. He added that cluster developments
276 are optional and developers can choose a conventional development instead and in which case they
277 can tear any building down. Mr. Canada asked that the following language be changed: "whenever
278 practicable and provided that the preservation of the structure or feature does not place an undue
279 hardship on the applicant". He doesn't want to make it impossible that the Planning Board
280 accommodate a request but he believes the language is too weak. Mr. Zaremba stated that he has
281 concerns with who will determine "undue hardship" and asked if the language is removed is there
282 a way that the Demolition Review Committee and the Historic Preservation Committee could
283 review it or would it just require Planning Board review. Mr. Connors replied the proposed language
284 includes how a disagreement regarding the feasibility of preservation would be addressed. Mr.
285 Houghton suggested changing "practicable" to "feasible" and deleting the rest of that sentence, and
286 keeping the language regarding how to settle a disagreement on feasibility. Mr. House and Mr.
287 Canada agree.

288
289 Mr. Connors continued with the proposed final change in Section 8.10 that stated no more than 25%

of the open space shall be made up of wetlands. Mr. Connors provided the Board with examples from other towns and the subdivision plan from Treat Farm that shows the open space is dominated by wetlands. He added that it makes sense to have the wetlands areas away from the homes but the area of the property marketed as recreation space for the homeowners is not high quality open space to use. The ordinance currently does not have a cap on the amount of wetlands in the open space and this amendment would establish a 25% cap on wetlands in the open space. Mr. Zaremba asked about the handout regarding other towns. Mr. Connors replied that he researched other towns and some like Newmarket have no limitations, but most towns have a cap of some kind. He added that the minimum open space requirement in Stratham of 35% is reasonably low compared to other towns that have 50% or 65%. He did find, however, in those other towns that the amount of wetlands allowed is on the low side. He added that 25% might be on the low end, but it is not unheard of, for example Greenland's requirement is 15%. Mr. Canada thought in previous discussions the Board decided on 20%. Mr. Connors replied that he made the modification after his research and he can change it back to 20% if the Board prefers. He added that the challenge is that almost all of the parcels able to be subdivided have wetlands so there will be wetlands on open space parcels in all cases. Mr. Canada replied that it was discussed at length and the Board decided on 20% and he would like to change it. The remaining Board members agreed with 20%. Mr. Zaremba asked if there is a reason why Stratham is so low with the minimum open space compared to other towns. Mr. Connors replied that the 50-foot buffer area does not count towards open space, so the total open space will now be a little higher.

Amendment #7: To amend Section V *Supplementary Regulations*, to create a new Sub-section 5.14 for *Small Accessory Structures*. The purpose of this amendment is to provide for reduced setbacks for small sheds or accessory structures under 120 square-feet in size provided that the structure meets a number of minimum criteria.

Mr. Connors explained Amendment #7 adds a new section to the Supplementary Regulations section of the Ordinance for small accessory structures. It will allow small buildings, like sheds, less than 120 square feet to have reduced setbacks of 5 feet to side and rear boundary lines and 15 feet from a wetland boundary. Certain structural criteria are required including it cannot have a permanent foundation, it cannot be within a 50-foot Residential Open Space Cluster Development buffer, the property cannot be subject to site plan review, and the structure cannot be taller than 12 feet. There were no questions or comments from the Board or the public.

Amendment #8: To amend Section IV *Dimensional Regulations*, Sub-section 4.1.4 *Maximum Residential Density* to clarify that non-buildable areas cannot be incorporated into maximum residential density calculations. This amendment would also reduce the maximum residential density in the Route 33 Heritage District from three units per acre to two units per acre.

Mr. Connors explained that Stratham allows for higher residential densities in the commercial districts and Amendment #8 clarifies that non-buildable areas such as wetlands and conservation easements cannot count towards the maximum residential density and in the Route 33 Heritage District the density would be decreased from 3 units to 2 units. There were no questions or comments from the Board or the public.

Amendment #9: To amend Section V *Supplementary Regulations*, Sub-section 5.13 *Solar Energy Systems* to allow small-scale ground-mount solar energy systems by right if the proposal meets a number of minimum criteria.

Mr. Connors explained the proposed language has been updated to reflect changes requested by the Board at the last meeting. The amendment includes allowing small-scale ground mounted systems by right if they meet 5 criteria related to location, tree cutting, setbacks to property lines and Wetland Conservation and Shoreland Protection Districts, and the height of the structure. Mr. Connors stated that the tree clearing requirement is new and is an attempt to address a discussion at the last meeting regarding screening. He considered adding landscaping requirements but an approval by right will allow the project to go directly to the Building Inspector for review and that puts a lot of responsibility on the Inspector to review and approve a landscape plan. Mr. Connors asked for comments on the changes. Mr. Kunowski stated that the language listed as a requirement that certain systems are subject to the Site Plan Regulations is not really a permitted by right requirement and should be a standalone addition. Mr. Connors agreed and will move that language out of the list.

Amendment #10: To amend Section V *Supplementary Regulations* to enact additional regulations, including screening requirements, on storage containers, semi trailers, and associated structures.

Mr. Connors explained that Amendment #10 is the newest amendment based on feedback from a resident. He stated the point of this amendment is to add requirements for storage containers and large dumpsters on residential properties. Mr. Connors reviewed changes in the amendment based on the discussion at the last meeting including increasing the size of dumpsters to 6 cubic yards and reducing the size of campers to 20 feet. Mr. Zaremba asked if the exemption language related to recreational vehicles having a current NH state registration and inspection applies only to vehicles greater than 20 feet. Mr. Connors replied yes. Mr. Zaremba asked if they are less than 20 feet then the Ordinance does not apply. Mr. Connors replied yes. Mr. Zaremba stated that he thought the Board discussed applying the registered and inspected vehicle requirement to all vehicles regardless of size. Mr. Connors replied he may have misunderstood. Mr. Zaremba replied that he doesn't have a strong opinion either way and if the other Board members are comfortable with the language then he is as well. The Board members approved the changes.

Mr. House noted for the public that the zoning amendments begin with Amendment 2 and asked Mr. Connors to explain what Amendment 1 is. Mr. Connors stated that Amendment 1 is the election of officers like the Select Board.

Mr. Zaremba made a motion to continue the public hearing to the Planning Board meeting on January 17, 2024. Mr. Kunowski seconded the motion. All voted in favor and the motion was approved.

5. Adjournment

Mr. Zaremba made a motion to adjourn the meeting at 8:21 pm. Mr. Canada seconded the motion. All voted in favor and the motion was approved.