



Stratham Planning Board Meeting Minutes
September 18, 2019
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: David Canada, Member
Mike Houghton, Selectmen's Representative
Colin Lavery, Member
Tom House, Member

Members Absent: Robert Baskerville, Alternate Member
Robert Roseen, Member
Pamela Hollasch, Alternate Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

Mr. Canada took roll.

2. Review/Approval of Meeting Minutes

a. September 04, 2019

Mr. House made a motion to approve the meeting minutes of September 4, 2019 as presented. Mr. Canada seconded the motion, which passed with a unanimous vote.

3. Public Hearing(s): NONE

4. Public Meeting:

- a. Screening Revision Consultation. *Kennebunk Savings.*** Proposal to revise generator screening from "fence" to "landscape screen" at Kennebunk Savings Bank, 9 Portsmouth Ave, Stratham, NH 03885; Tax Map 4, Lot 11. Application/letter submitted by Robert Graham, Authorized Agent of Realty Acquisitions, LLC, PO Box 432, Stratham, NH, 03885.

Mr. Austin provided background on the Kennebunk Savings Bank project. The plan was originally approved by the Board, and once ¾ of the way through construction of the bank, a back-up generator was installed in the front yard. A stop work order was

issued and they were asked to come back to the Planning Board because their approved plan did not present a generator. The Planning Board accepted, without full site plan amendment, the addition of a generator provided that it be screened. A fence was suggested at the meeting and they agreed to install a fence for screening. The Board action was a motion to approve a generator provided the applicant provided a fencing sample to staff satisfaction and then installed it. It had been stated to staff, that the Select Board had actually removed the fence requirement; but the Select Board doesn't have the authority to amend a Planning Board action, nor do the Select Board minutes indicate such a dialogue. In lieu of putting in a fence, Kennebunk Savings installed arborvitae plantings. Mr. Austin presented a recent photo of the generator to show the Board what it looked like with the arborvitae screening. Mr. Austin said that representatives from Kennebunk Savings had asked to allow the arborvitae in lieu of the fence. Mr. Austin believes that putting a small fence enclosure may draw more attention to the generator than the arborvitae. The intent of the fence was to provide visual screening and Mr. Austin believes the arborvitae do provided that they are maintained. Mr. Austin's recommendation to the Planning Board is that they accept the request, identified in the letter from Robert Graham to the Board, to allow the arborvitae to stay and accept the project as complete to allow the release full amount of the Performance Bond that the Town is currently holding. All other elements of the project were built or installed per plan.

Mr. Canada made a motion to allow the use of the arborvitae, provided that it be maintained, and for full release of the Performance Bond related to the project. Mr. Lavery seconded the motion and it passed with unanimous support for replacing fence with maintained landscaping as installed.

b. Capital Improvement Plan (CIP) Update.

David Moore, the town administrator, talked about the Capital Improvement Plan (CIP) and what the next steps are. He plans to provide the Board with a product later this fall with the intention that the Board sees it multiple times before they vote on it. Mr. Moore planned to share with the Board what they have at the current stage. The Select Board is meeting at the end of the month to provide guidance to department heads for structuring their budgets and capital requests. That will be turned into instructions from Mr. Moore to the department heads which will result in submittals of budgets and capital projects so that it will go through the process.

From the last discussion of the CIP in February last year, Mr. Moore addressed that the Planning Board wanted to concentrate on a definition for Capital Improvements with the intent of planning and organizing as well as communicating to the public what the plan is and why. Mr. Moore explained that they are planning to feature a definition in the capital plan document of what the document is. The goal is to create a definition that matches the Stratham context. Mr. Moore had begun reading the draft of the definition which is attached in the meeting materials.

Mr. Moore read the following:

1. Acquisition of land;
 2. Construction or expansion of public facility, street or utility;
 3. Non-recurring rehabilitation of a facility;
 4. Design or planning related to an individual project;
 5. Any item of piece of equipment that generally costs more than \$5,000;
- Mr. Moore added that in some communities it is more than \$5,000 and is something that feedback can be provided on.
6. Replacement and purchase of rolling stock (vehicles);
 7. Purchase a series of items that may be less than 5000 individually (but total more than 5000) and advance a particular strategy discussed in the Master Plan.

Mr. Moore provided examples for number 7 such as historic markers which is discussed by the Heritage Commission in the Master Plan draft. The historic markers individually cost less than \$5000, but it is a capital item because there will be a series of them and a significant effort. Another example Mr. Moore provided from the Master Plan is pedestrian improvements such as bicycle safety and transportation enhancement of those sorts. That could include a strategically placed crosswalk that is a new improvement, but costs less than \$5,000 dollars. Signage and striping that could be done for other transportation projects or additions to state projects that the state would not fund, but local participation believes it to be a capital project, will advance a strategy. Those are some current thoughts of a draft for the definition of the Capital Improvement project.

Mr. Canada asked Mr. Moore about the library's replacement computers and if that would fit under number 7 or if he would envision taking that out of the CIP.

Mr. Moore answered that he doesn't envision taking replacement computers out of the CIP. From a management perspective, he may recommend to the Planning Board and Select Board that it becomes one item for computer replacements annually. Individually, department by department, there would be totals of less than \$5,000. Instead it would be a \$15,000 item for hardware replacements throughout the town and the description would include a projection for where the needs are in the upcoming years. By combining them, it would be above the \$5,000. Mr. Moore explained that some communities have a number 8 that is whatever the Select Board and Master Plan need it to be.

114 Mr. Austin stated that it is relevant to have a definition this way. He explained as
115 individual departments are putting together CIP requests, someone has to then
116 evaluate if there requests meet the threshold and the different criteria as presented
117 will be helpful for that.

118 Mr. Moore stated that they are going to continue working on the draft definition as a
119 staff and are open to recommendations.

120 Mr. Moore said staff is creating a plan for a document that will be presented to the
121 policy makers and the community about Capital Improvements. He and Mr. Austin
122 have created a CIP project sheet that is intended to be a glance accessible for
123 members of the public that is also useful from a staff perspective and for policy
124 makers to make clear what staff is agreeing to and not agreeing to from a policy
125 perspective.

126 Mr. Moore explained that what the Board has copies of is an attempt of the
127 organization he described. The picture is of a pond in Stratham Hill Park with the
128 intention of making the document visual to represent what the plan is. Mr. Moore
129 stated that he and Mr. Austin looked at the implementation plan in the back chapter
130 of the Master Plan. Mr. Moore said there are items involving CIP projects. A few that
131 are obvious are open space plan and trail connectivity throughout the town. The
132 Stratham Hill Park Area Plan is another obvious one.

133 Mr. Moore said that it is time to think about a future plan for the park in order to help
134 guide near term and long term improvements. The investments that the town is
135 willing to make to Stratham Hill Park should proceed along a plan as opposed to
136 solving one problem at a time without having a bigger picture. Mr. Moore exclaimed
137 that initially the park needs to assess conditions of the utilities and the underground
138 reality because the improvements need to be supported by the infrastructure.

139 Mr. Moore explained that staff will continue going through the Master Plan and will
140 identify other projects in order to create project sheets for each project that will
141 describe what is intended with more detail than a title. Staff will then organize these
142 by function or categories and make them available in a book. This will allow the CIP
143 sheet to be used as a tool. Staff is in the process of developing the project sheets and
144 it will change a few times before it is ready for the Board to look at it. Mr. Moore is
145 interested in the Board's feedback either at the current meeting or later. Mr. Moore
146 wanted to cover the above in his update. He wanted the Board to know that him and
147 the Select Board is working and preparing. Mr. Moore stated that he will be back
148 again to talk more about it.

149 Mr. Canada asked Mr. Moore if in the area plan, they will develop specific site
150 issues.

151 Mr. Moore explained at the first outset there would be an investment in an existing
152 conditions plan, a concept plan, to get the basic overview down. From there, that plan
153 would form individual projects in the future and involve a phasing plan.

154 Mr. Canada stated that they know there are infrastructure type issues and there is not
155 a current plan for that.

156 Mr. Austin explained one of the reasons behind the title “Area Plan” was re-using the
157 term Master Plan may confuse people. The intent of the plan is to be taken at the
158 same level of detail of the Master Plan.

159 Mr. House asked if the evaluation criteria on the Stratham Hill Park Area Plan will
160 be the same on all the reports or if it is specific to this particular area plan.

161 Mr. Moore answered that the goal is to develop something that is repeated. The intent
162 is to provide ready resources for people to learn more.

163 Mr. Canada asked if Mr. Moore could explain the key.

164 Mr. Moore answered that they are funding sources to facilitate improvement.

165 Mr. Lavery thanked Mr. Moore for sharing and stated that the document will change
166 and grow as staff discusses it. He thought the idea is generally clean and concise and
167 having a description for keeping the public informed is a good idea. Mr. Lavery
168 liked the column on the bottom where the funding could potentially be coming from.
169 From his perspective it would be helpful to have a total dollar figure like they have
170 had in the past.

171 Mr. Moore agreed with Mr. Lavery that they need a summary sheet that has the
172 FY19 impacts for the general fund.

173 **c. Skate Park.**
174

175 Mr. Austin addressed the Skate Park explaining that they have revised their location
176 and would like to have a public hearing prior to November. They did not have
177 anything ready for a notice date today. The skate park committee anticipates having
178 materials timely for the October 16th meeting, but the Board is already marked for
179 Master Plan hearing alone. Mr. Austin asked the Board for permission to modify
180 their restriction on that meeting to include the Skate Park if they are prepared.

181 Mr. Canada asked why it is timely.

182 Mr. Lavery said that night should be reserved for the Master Plan. The Skate Park
183 will take a lot out of the meeting.

Mr. Austin offered to notify the skate park committee that the Planning Board had determined that no projects other than the Master Plan should be heard or on the agenda for 10/16/2019 meeting as previously determined by the Board.

d. Zoning Amendment Discussion.

Mr. Austin stated at the last meeting there were some continued discussion of Zoning Amendments. The Planning Board was given a list of items Mr. Austin had discussed with the Select Board in June. The recent “Cottage Colony project” and the “Robinson Farm” project required Use Operation of the Zoning Board and a Site Plan Approval from the Planning Board. Each board felt that they were doing half a project without knowing what the other board was doing. It was discussed at the last meeting, if table 3.6 calls for a Special Exception for a particular use and said use requires development that also triggers Site Plan review, the Planning Board become the sole reviewer of both use and site. Mr. Austin discussed this change with Shanti Wolph, who was generally amenable to the idea. Mr. Austin made changes to Section 3.5.1. He changed what C, P and X meant in the 3.6 Use Table. Where there was an S, Mr. Austin changed it to an S/C. If it is a Special Exception and it doesn’t trigger Site Plan Review it will still go to the Zoning Board of Adjustment. If it is a Special Exception and it requires site work, such as putting in a parking lot, then the use will be treated as a Conditional Use Permit while the Planning Board is looking at the site plan. Mr. Austin explained that it will reduce the potential for joint hearings that cause confusion amongst Board members as well as the public.

Mr. Austin continued to discuss Table 4.2 in the Zoning Ordinance which speaks to setbacks and height limits. In Table 4.2 in the Industrial Park, for example, there is a height limit of 45 ft. Lindt recently came in and applied for six variances for the different towers that were proposed for their current review. Abutters came in discussed their concerns. Page 73, Section 4.3 Explanatory Notes. What it currently states is for the footnoted districts, an applicant may apply to the Board of Adjustment to exceed the height limit provided by the prescriptive number in the table. Mr. Austin discussed with Mr. Wolph to have the Planning Board issue a waiver to exceed the height. It does not affect the Gateway District. It affects the Commercial District, the Pre-professional or Professional Office Districts. Primarily the Industrial and Special Industrial District.

Mr. Austin introduced Section 5.4, Accessory Dwelling Unit (ADU). The changes are due to problems that the Town had encountered in working with applicants interested in moving forward with an ADU. Clarification under Section 5.4.2 b. became important to modify permitted only on an owner-occupied property as opposed to owner-occupied house.

Mr. Austin continued to Section 5.4.3 Regulations. The Planning Board had originally stated that an ADU would be allowed on any single-family lot that met the parameters of Table 4.2. That was proven not to be what the State had intended

225 according to some State Representatives and some attorneys in the State. Mr. Austin
226 explained the changes to Section 5.4.3 state that if you have a legally established lot
227 that the town would otherwise be authorized to allow you to build a home on it, you
228 also may have an ADU provided you can meet all the other parameters of an ADU.

229 Mr. Austin continued to explain the modifications of the language in Section 5.4.3.
230 Changes in Section a. read, the property to which an ADU is to be added must be
231 owner-occupied where the owner must reside in either unit following completion of
232 the ADU. The State Statute does not allow you to require the owner of the property
233 to live in the single-family or the ADU, they can live in either. Mr. Austin described
234 most often what is happening is somebody wants to build an ADU and then live in it.
235 The State allows someone to live in an ADU as long as it is completed. Section b. is
236 reasserting ADU's are legally established parcels.

237 Mr. Austin explained some problems with the occupancy limit in Section 5.4.3 e. The
238 Board originally stated in no case shall there be more than three people residing
239 within an ADU. The problem is that it is a single-family unit so the family definition
240 applies, but if you have a family more than 3, technically you are precluded from
241 living in it even though you are required to live in it. That has been revised to state
242 one family as defined in the Zoning Ordinance, or the occupant as dictated by the
243 Town of Stratham Building Ordinance.

244 Mr. Austin continued in Section 5.4.3 f. The regulations required adequate off-street
245 parking but it did not specify what that meant. Mr. Austin simplified it by stating two
246 spots are needed per unit.

247 Mr. Canada confirmed that there is two required for the single-family and two for the
248 ADU.

249 Mr. Austin stated that it is consistent with the parking parameters for Home
250 Occupations and other such things.

251 Mr. Canada asked about why it states off-street paved or gravel parking.

252 Mr. Austin stated that it means they cannot park on the grass.

253 Mr. Canada explained that a garage is technically paved so it would count.

254 Mr. Austin was reminded to discuss Section 5.4.3 c. The State allowed the Town the
255 option to allow ADU and detached structures, not part of the original home. There
256 were instances where an ADU could be in the home such as an attached garage. In
257 the instance of a detached garage, the garage doors had to remain. This section has
258 been modified to state that an ADU can be in the single-family home or an accessory
259 structure. Mr. Austin had issues with this originally because Stratham prides itself on
260 only one single-family home per 2 acre lot. If you have a duplex you need a 3 acre
261 lot. The way the state placed the requirement, people are allowed two single-family

262 units on a single property. There is a restriction that one must be owner occupied and
263 one is limited to 1000 square feet.

264 Mr. Houghton asked if this would enable somebody to put a structure like a carriage
265 house with an apartment above.

266 Mr. Austin answered that they could. He also said they could build a tiny home if the
267 situation didn't have other building restrictions in place and could be built in
268 compliance with applicable building regulations.

269 Mr. Austin had an individual ask to build an ADU single sized family home and just
270 latch garage doors on the side of it for compliance.

271 Mr. Canada asked what the definition of a tiny house is.

272 Mr. Austin answered that a tiny house is an ADU that is typically built in an alternate
273 way to something IRC would allow.

274 Mr. Canada asked if it is like a mobile home because a mobile home is under 1000
275 square feet as well.

276 Mr. Austin said it is similar to a mobile home, but a mobile home is not an ADU.

277 Mr. Canada asked for clarification on why it is not.

278 Mr. Austin explained a mobile home as in it came in on two axles and now there are
279 cinder blocks under or a premanufactured multi-sectional module unit. A
280 manufactured home that comes in which could be a single-family home built to IRC
281 standards, but not a "trailer" or mobile home.

282 Mr. Canada did not understand why they would not be allowed under the ADU
283 definition.

284 Mr. Austin stated that they do not allow them in a manufactured district and ADU's
285 are not allowed in condos and cluster subdivisions. Mr. Austin stated the single-
286 family dwelling shall not be a mobile home found anywhere located within a cluster
287 development. Mr. Austin said you could say the single-family or the ADU shall not
288 be a mobile home.

289 Mr. Canada said that mobile home and manufactured home have the same meaning.

290 Mr. Austin corrected him in saying that the Zoning Ordinance has two different
291 definitions for each.

292 Mr. Canada and Mr. Austin continued discussing the differences between a mobile
293 home, manufactured home, tiny home and an ADU.

294 Mr. Austin suggested that he add a Section j. that states an accessory structure shall
295 not be a mobile home. Mr. Austin agreed to change the language to make it more
296 understandable.

297 Mr. Austin moved onto Section 16.5 the Demolition Review. The Section explains
298 the Demolition Review Committee, the three triggers for a Demolition Committee
299 review and the process that the Demolition Committee goes through. The change was
300 made from a 30 day comment period to a 60 day comment period. Recently there are
301 at least two instances where a demolition permits have been issued by the town and
302 no action has preceded. Mr. Austin questioned if the 60 days was complied with and
303 the demolition permit was issued and then it expires and somebody comes in to pull a
304 demolition permit, does the demolition review committee get another 60 days. The
305 answer in the office has been yes because they are applying for a new permit so all
306 the standards that come with a new permit would apply. In the event of a change of
307 property ownership or expiration of a demolition permit, full compliance with
308 Section 16.5 shall be required.

309 Mr. Austin would like input from the Board on the corridor north of town center, also
310 known as the Route 33 Legacy Highway as identified in the Master Plan. Mr.
311 Austin's recommendation is to establish a zone. Mr. Austin does not know if that
312 zone will be different than the Professional Office Zone. Many of the uses Mr.
313 Austin has heard in discussion have been similar to the Professional Office Zone. Mr.
314 Austin would like to make the East and the West side of 108 be the same zone. They
315 have different retail allowances on one side than the other in the PRE. Mr. Austin
316 does not know the intent. Something similar has come to the town before without
317 success.

318 Mr. Canada stated that it never made it to town meeting.

319 Mr. Houghton doesn't understand why they have not extended Professional
320 Residential all the way up 33 from town center.

321 Mr. Canada explained how extending the zone would help change some of the
322 dilapidated properties into usable parcels.

323 Mr. House stated the Heritage Commission has discussed this over the past several
324 years and what they would like to do is to reuse the old structures. He would like to
325 bring this proposal to the Heritage Commission to see if there is anything they would
326 like to add to it. The big yellow barn's previous owner wanted to tear it down
327 because it was an unusable structure because you could only use it as a farm structure
328 and the farm land was gone. The Heritage Commission had hoped someone would
329 come in and use it for art studios, or other things.

330 Mr. Austin stated between now and the next Heritage meeting he will provide
331 Heritage with something more tangible than what PRE has. Mr. Austin suggested

332 adding to it and modifying the 79 e. corridor that also brings in all the incentives
333 which helps with the older structures. He will go through some of the uses to see if
334 the definitions are appropriate without loop holes.

335 Mr. Austin stated that one thing that has come up recently are horse riding arenas.
336 There is no definition of what a horse riding arena is.

337 Mr. House asked if the Flexible Mixed Use Zone is still on the table.

338 Mr. Austin explained the fix to that is going to be further up. It is not in there because
339 essentially anything is allowed in the Flexible Mixed Use Zone other than adult
340 oriented uses and three other things. Mr. Austin was going to put it in 3.5.1.

341 Mr. House suggested on the Flexible Mixed Use Zone that there could be a place
342 such as a footnote that states the 3.6 table uses to have a spot that refers to Section
343 3.5 so it is obvious to help the user.

344 Mr. Austin moved onto cluster zoning. Mr. Baskerville suggested that Stratham is
345 one of the few towns that still has density incentives in the cluster zone. Mr. Austin
346 asked the Board if they are in agreement with modifying the density bonuses to
347 include density bonuses where developments come with complete streets, low impact
348 development, alternative energy sources, and things of that sort. As opposed to keep
349 a parcel out front, that is a direct application of the Master Plan jumping into
350 subdivision regulations in the ordinance.

351 Mr. Houghton said that he is not sure if the density bonuses give as much back. He
352 thinks more connected trail ways and open spaces that really promote connectivity
353 which is in the Master Plan.

354 Mr. Canada asked if he is advocating to keep the density bonus in exchange for stuff
355 like trees.

356 Mr. Austin summarized what Mr. Houghton was stating as density bonuses that equal
357 Master Plan implementation.

358 Mr. Canada said he would like a density bonus incentive in exchange for some of the
359 things discussed.

360 Mr. Austin said for a Zoning change he is going to get as much of the cluster
361 regulations into Subdivision Regulations rather than relying on the duality of a
362 zoning regulation and subdivision regulation cross-reference, but in so doing he will
363 be trying to pull the Master Plan into the density bonuses so that the town is getting
364 better development without incurring more Town cost.

365 Mr. Austin moved onto the next bullet of the Complete Streets. Master Plan
366 discussions called the complete streets, green streets, better streets. Mr. Austin

367 discussed possibly making the street width requirement wider to add space for a bike
368 lane.

369 Mr. Canada addressed his concerns with adding bike lanes adds costs and slows
370 down traffic. Mr. Canada referenced Stratham Heights Road in Stratham where there
371 was talk of a bike lane until they realized how much it would cost.

372 Mr. Houghton said he thinks the Zoning and Regulations should enable bike lanes,
373 but the economics will define whether it gets done.

374 Mr. Austin gives an example of the town being approached by a resident with
375 concerns the through traffic by their home would cause problems with kids riding
376 bicycles. People wanted 3 stop signs there. The town said to come up with a study
377 that proves there is a need. Mr. Austin wanted to have enough guidance to have a
378 dialog with DPW. Mr. Austin knows that Stratham's land is limited so the bar should
379 be raised and the community should expecting more from the developments that
380 move forward.

381 Mr. Houghton asked about the Heritage preservation.

382 Mr. Austin said he worked with assessing who generated a report which listed out
383 every parcel that has a structure that is on the tax card for having been in existence
384 for at least 50 years. There is no consistent pattern on the location. Mr. Austin said
385 you can make the historic district the whole town, but you should have a set of
386 regulations. Mr. Austin provided examples of what they could do for regulations and
387 what other communities have done.

388 Mr. Canada motioned to adjourn the meeting at 8:18 PM and Mr. Houghton
389 seconded it with a unanimous vote.

390

391 **5. Adjournment**

392

393 Note(s):

394 1. Materials related to the above meeting are available for review at the Municipal Center during
395 normal business hours. For more information, contact the Stratham Planning Office at 603-772-
396 7391.

397 2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on items that
398 are not listed on the agenda.