



Stratham Planning Board Meeting Minutes
July 7, 2021
Municipal Center, Meeting Room A
Time: 7:00 pm

Member Present: Tom House, Chair
Mike Houghton, Selectmen's Representative
Robert Roseen, Member
Pamela Hollasch, Member (joined the meeting at 7:12 pm)
Joe Anderson, Alternate Member
Chris Zaremba, 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 at 7:00 pm and called roll call. Mr. House introduced and welcomed Chris Zaremba as a new Alternate Member. Mr. House appointed Mr. Anderson and Chris Zaremba as voting members.

2. Review/Approval of Meeting Minutes

June 6, 2021

Mr. House noted that we don't yet have the minutes for June 2, 2021, so we will defer action on this until the July 21, 2021 meeting.

3. Public Hearing:

a. Workshop - Proposed Revisions to the Flexible Mixed Use Zoning District

Mr. Connors noted that he has provided some draft changes to the Flexible Mixed Use Development (FMUD) District based on the Board's input at previous meetings. Just for the benefit of Mr. Zaremba, the FMUD was established by the Town approximately 15 years ago just for the former Technical College property at 275 Portsmouth Avenue. The Town wanted to promote redevelopment of the approximately 90-acre site, preferably as a mixed-use development. Unfortunately, a variety of factors have contributed to the site not being

42 redeveloped. The Board wanted to take a second look at the zoning to see if there were tweaks
43 it could make to encourage redevelopment and to make sure it aligned with the Town's current
44 goals related to housing, economic development, and other issues.

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46 He explained this the biggest change from the current zoning is that it would allow for
47 deviations from the Zoning Ordinance to be reviewed by the Planning Board through the
48 Conditional Use Permit process, instead of having to go for a variance from the Zoning Board.
49 It is similar to the process the Town has in place for the Town Center and Gateway Districts
50 but this would be somewhat more expansive. This would allow the applicant to request a
51 waiver from any requirement in the Zoning Ordinance, not just the requirements in this
52 particular section. It certainly allows for more flexibility, but the benefit for the Planning
53 Board is that it allows the Board to consider waivers holistically and potentially negotiate with
54 developers to allow for a waiver in place of other benefits. This is not something the ZBA is
55 allowed to do. The list of permitted uses is expanded by allowing restaurants, banks,
56 professional offices, which were previously allowed only by Conditional Use Permit but the
57 changes will make these permitted uses. This also makes multi-family and workforce housing
58 permitted uses, whereas before it was only allowed as a complementary use by CUP. The list
59 of prohibited uses is expanded to include funeral homes and parlors, truck terminals, drug or
60 substance abuse clinics and a few other uses. The Planning Board could not approve a waiver
61 to allow a prohibited use. That would have to go to the Zoning Board of Adjustment for a
62 variance. Senior housing would be allowed by Conditional Use Permit but it restricts the use
63 to 20 percent of total housing units. Mr. Roseen questioned if the Conditional Use Permit or
64 Waiver process is common in other towns. Mr. Connors stated other towns have similar
65 zoning, it is often referred to as Performance Zoning. Mr. Connors stated the benefit of a
66 Flexible Mixed Use District is it keeps the application under the control of the Planning Board
67 and not bouncing between the ZBA and the Planning Board.

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69 The changes would add some additional requirements; large developments would be required
70 to provide sheltered bicycle parking, electric charging stations, and a requirement to work
71 with the Town and NH DOT to construct a pedestrian crossing from the development across
72 Portsmouth Avenue to access Stratham Hill Park. A height limit of 50 feet, which is similar to
73 the current height of the old technical college, would be added. Currently the district has no
74 maximum height. Another requirement is that 50 feet of the setback would need to be a non-
75 disturbance vegetated buffer, excluding the road frontage. Mr. Connors asked if the board
76 would like to take another look and discuss whether commercial would be allowed or only by
77 Conditional Use Permit. Current zoning requires any development meet the town's
78 architectural requirements which favors more Colonial types of architecture. Mr. Connors
79 questioned if the board is more flexible with architect in this district or if it is preferred to
80 keep the requirements that meet the other town's architectural requirements. Mr. House stated
81 he prefers traditional architecture. Mr. Andersen agreed with Mr. House. Ms. Hollasch does
82 not have a strong opinion either way. Mr. Houghton stated he would like to de-emphasize it
83 being a single-family subdivision, cluster subdivision, and workforce and more affordable
84 housing and this is a prime location to provide it here. Mr. Houghton would like to see more

85 diverse or mixture of light commercial and/or multi-family housing. The board discussed a
86 list of permitted uses and mixed use components. Mr. Roseen suggested 20 percent to be used
87 for commercial as well as a minimum of 40 or 60 percent shall be multi-family and/or
88 workforce housing. Ms. Hollasch suggested the board determine what they would like to see
89 in that area and then work the zoning around those ideas. Mr. Houghton stated planning needs
90 to construct those opportunities that provide the developer to make the best return for them.
91 There is an importance for workforce housing and businesses have a hard time attracting
92 employees because they can't afford to live here on the seacoast. Mr. Roseen stated there are
93 a few projects for affordable housing currently being built in Portsmouth. Mr. House stated
94 the residents need to be educated to understand that "workforce housing" is not Section 8
95 housing and the definition needs to be clear.

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97 b. Proposed Revisions to the Accessory Dwelling Unit Zoning
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99 Mr. Connors explained the town recently changed the ADU ordinance which made it more
100 flexible to allow detached ADUs, in separate structures from the primary residence. Mr.
101 Connors stated ADUs are permitted by right and the building permit applications are reviewed
102 and approved by the building inspector. Staff is proposing some changes to place some
103 additional restrictions on detached ADUs to ensure they remain accessory to the primary
104 dwelling and don't create the appearance of having two homes on the same lot. One of those
105 changes is a requirement that a detached ADU not be permitted a second curb cut for a second
106 driveway serving the ADU. Another would be to limit the gross building footprint of the
107 detached ADU, inclusive of attached porches and decks to no more than 1,000 square-feet.
108 Mr. Roseen asked for clarification on the note stating "prohibits garages, pools, or accessory
109 structures over 100 square feet serving an ADU if they already exist on the property". Mr.
110 Connors explained that a home with an existing 3-car garage requesting an ADU, could not
111 build a detached ADU with an additional garage because it will look like two houses on a
112 single parcel. The intent is to limit garages and pools and other large detached accessory
113 structures associated with ADUs to maintain the appearance of a single-family dwelling. Ms.
114 Hollasch indicated that she did not mind having a deck or porch on a detached ADU and felt
115 that area could be looked at again. Porches and decks should be treated differently than
116 garages. Mr. House felt that a limit on accessory structures under 100-feet might be too small.
117 There was discussion that some of the wording might be confusing for residents. Mr. Connors
118 noted that he would use the Board's input to revise the draft language and return at a future
119 meeting.

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121 c. Proposed Revisions to the Site Plan Regulations relating to Planning Board Site Plan Review
122 of applications.
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124 Mr. Connors explained this item is being added to clarify what projects require Planning
125 Board approval. He said this originated from the Burger King project where the sentiment was
126 that the Board should have reviewed and approved the changes currently taking place. He said
127 these changes would clarify that any architectural change to a commercial or multi-family

development would require Planning Board approval. Mr. Connors said that Stratham is also slightly unusual in that it does not require Changes of Use to be reviewed by the Planning Board unless it is accompanied by development of the site. The revisions would require any Change of Use over 3,000 square-feet to be reviewed and approved by the Board, or any Change of Use where the square-footage of the area undergoing the change makes up more than 50 percent of the site or structure. The proposed revisions would increase the jurisdiction of the Planning Board over site plans.

Mr. Roseen said he agreed with the changes. Mr. Houghton said he thought the changes would address the major issues that arose from the Burger King project. Mr. House said the Burger King was a lost opportunity for the Board to lend its input to a key site in the Gateway District. Ms. Hollasch noted that the revisions would certainly address issues like the Burger King project in the future. We might not have an opportunity like that for 25 years. Mr. House asked Mr. Connors to describe the Administrative Approval process. He said that some towns have an administrative approval process for minor architectural improvements and other site work that does not trigger a full site plan review with public notice and a public hearing. Amherst and Portsmouth are two communities I've included examples from, but many communities have a similar process. Mr. Zaremba said that it would be interesting to see proposed language for an Administrative Approval process. Mr. Houghton agreed and it was the sentiment of the Board that they were amenable to this. Mr. Connors will draft the language for the board to discuss at the next meeting.

- d. Proposed temporary waiver of Site Plan Regulations for Stratham restaurants operating under Temporary Outdoor Seating Permits

Mr. Connors stated in 2020 the town created a temporary outdoor seating permit process that was to continue as long as the state of emergency was in effect. The State of Emergency extended longer than many extended through mid-June of 2021. Mr. Connors explained the Town does not want to stop those restaurants operating under the permits as many people may be more comfortable sitting outside and this would extend the temporary outdoor seating program through the season when outdoor seating is viable (until October 31, 2021). Mr. Andersen made a motion to schedule a public hearing for July 21, 2021 to waive the applicable site plan regulations to allow restaurants to operate under temporary outdoor seating permit to continue to do so subject to the plans and approvals on file without additional approvals until October 2021. Ms. Hollasch seconded the motion. Motion carried unanimously.

- e. Time extension and waiver request for condominium subdivision at 169 Portsmouth Avenue

Mr. Connors stated this item is a late request relating to a condominium subdivision, approved by the Board in October 2020 that was not signed by the Planning Board and expired in February 2021. Mr. Connors explained the applicant is requesting the requirement for extension within 14 days of expiration be waived and extend the deadline to two weeks from

171 this evening's meeting. Mr. House recused himself from this decision as he was involved in
172 the application. Mr. Roseen made a motion to waive the extension deadline and extend the
173 deadline for submittal for two weeks from July 7, 2021. Mr. Andersen seconded the motion.
174 Motion carried unanimously.

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176 f. Mr. Roseen stated the Master Plan talks to connectivity, etc. and while he was just out of town
177 he saw the ease of pedestrian usage and encourages the board to spend some time discussing
178 those issues of the Master Plan to revise any needed zoning to improve the issues associated
179 with ease.

180 181 **4. Adjournment**

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183 Mr. Anderson made a motion to adjourn the meeting at 8:27 pm. Mr. Roseen seconded the
184 motion. Motion carried unanimously.

185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 *Note(s):*

- 213 1. *Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more*
214 *information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
- 215 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 on the*
216 *agenda.*