



**Stratham Planning Board  
AGENDA  
February 2, 2022  
Stratham Municipal Center  
Hutton Room  
Time: 7:00 PM**

The public may also access this meeting at the date and time above using this conference call information. Please dial **1-800-764-1559** and input **4438** when prompted for a user pin/code. Please follow the Chair's instructions delivered at the meeting in order to register comments during the public meeting.

*If at any time during the meeting you have difficulty hearing the proceedings, please e-mail [mconnors@strathamnh.gov](mailto:mconnors@strathamnh.gov).*

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

**2. Approval of Minutes:**

- a. January 19, 2022 Meeting Minutes
- b. January 26, 2022 Site Walk Minutes

**3. Public Meeting:**

- a. Bisbano + Associates, Inc. (Applicant) - Request for approval of an Expedited Planning Board Review application to allow a change in architectural design of a previously approved 132-square-foot drive-through ATM facility at 20 Portsmouth Avenue, (Map 4, Lot 14).
- b. Short-term Rentals Bill and other proposed legislation
- c. Proposed revisions to Site Plan and Subdivision Regulations this year
- d. Miscellaneous Planning Issues

**4. Adjournment**

Full text of the agenda and related information can be found on file with the Stratham Planning Department and posted on the Town website at <https://www.strathamnh.gov/planning-board>. All interested persons may be heard. Persons needing special accommodations and /or those interested in viewing the application materials should contact the Stratham Planning Department at (603) 772-7391 ext. 180.



**Stratham Planning Board Meeting Minutes**  
**January 19, 2022**  
**Stratham Municipal Center**  
**Time: 7:00 pm**

Member Present: Tom House, Chair  
David Canada, Vice Chair  
Mike Houghton, Selectmen's Representative  
Pamela Hollasch, Member  
Joe Anderson, Alternate Member

Members Absent: Chris Zaremba, Alternate Member  
Robert Roseen, Member

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. January 5, 2022

Mr. Anderson made a motion to approve the minutes of January 5, 2022. Ms. Hollasch seconded the motion. Motion passed unanimously.

**3. Public Hearing**

a. Stratham Retail Management, LLC (Owner), Request for site plan approval to construct a 10,260 square-foot medical office building and associated improvements at 23 Portsmouth Avenue (Tax Map 4, Lot 13), Zoned Gateway Commercial. Applicant's representative is Stonefield Engineering and Design, 92 Park Avenue, Rutherford, NJ 07070.

Mr. Connors stated this is the first public hearing on this site plan application. The siting, size, and architectural design of the structure are very similar to what was reviewed during the preliminary consultations at previous meetings. The applicant is proposing a 10,260 square foot dermatology center. Mr. Connors noted that he has shared emails with the board from Jim Hewitt, from NH DOT who stated the driveway access is conceptually approved; Police Chief King stating that he has no concerns; and from Fire Chief Larrabee who indicated a preference that traffic not be allowed to exist onto Portsmouth Avenue and only exit onto McInnis Avenue behind the facility. Mr. Anderson asked Mr. Connors if he understood the reason for Chief Larrabee's concern. Mr. Connors said not fully. He received the e-mail only today and had

45 reached back out to the Chief for more information but had not heard back. He said that he could  
46 speculate that in some right-only turn configurations, there is concern that traffic will make  
47 illegal left-turns which would present a safety concern, but he said he couldn't speak for Chief  
48 Larrabee in this case.  
49

50 Max Puyanic of Optima Dermatology thanked the Board and stated the applicant's engineer is  
51 running late. He briefly introduced some of the team behind Optima Dermatology. Jake  
52 Modestow, of Stonefield Engineering and Design, introduced himself as the representative for  
53 the applicant, property owner, and current tenant for the property, Optima Dermatology and  
54 apologized for his late arrival. Mr. Modestow gave an overview of the site and application. The  
55 property is a 1.4 acre parcel with frontage on Portsmouth Avenue (Route 108) and McInnis  
56 Avenue that is a private road in the back of the property. There is a reciprocal easement  
57 agreement which gives rights to McInnis Avenue. Mr. Modestow stated there is a 15 foot grade  
58 change from the north of the property to the south of the property. Mr. Modestow stated this  
59 property is part of the Gateway District, which is the entrance to the town and the corridor with  
60 the goal to have a vibrant, mixed use district. The applicant is proposing the structure to be  
61 pushed to the front of the property along Portsmouth Avenue and to provide architectural  
62 characters that fit the district. The structure will be a single-story medical office 15 feet from  
63 Portsmouth Avenue to comply with the intent of the use and location. The applicant is proposing  
64 additional square footage for the front sidewalk area and it has been doubled in size from the  
65 main entrance that faces Portsmouth Avenue. The traffic flow will be left and right turns into the  
66 property and right turn only for exiting the property. A traffic generation memo was submitted  
67 to NH DOT and in the application to explain this proposed use is considered "low traffic  
68 generator". During peak hours there is no more than one car every two minutes. Sixty-six (66)  
69 parking spaces are being proposed, eleven (11) above the fifty-five (55) spaces required by code.  
70 There are two areas dedicated for snow storage. There will be two (2) proposed retaining walls  
71 for the grade change on the east and west side of the property. The applicant is proposing an  
72 underground chamber system for storm water. Mr. Modestow gave an overview of the building  
73 elevations and proposed materials. There will be two (2) tower unit components that will have  
74 wood and concrete looking materials to bring it together with the 110 Grille neighboring  
75 property. The roofs will be sloped with arches away from the central entrance. Metal awnings  
76 will be installed to break up and define the building on all elevations. The landscaping will  
77 incorporate different elements against the building to provide texture between the building and  
78 the green space/open space of the property. There will be six (6) area lights that are LED  
79 modern fixtures that will be down lit and dark sky compliant. The applicant is requesting a  
80 waiver for lighting beyond the property line that will only be located at the driveway locations.  
81 Mr. Puyanic gave an overview of the interior design for the proposed structure.  
82

83 Mr. Canada and Mr. Anderson voiced concern with the location of the structure so close to  
84 Portsmouth Avenue. Mr. Modestow stated the structure is 15 feet from the right of way and  
85 moved back an extra five (5) feet per the board's request. Mr. House questioned the  
86 inconsistencies between the architecture and the site plan. Mr. Modestow explained the  
87 elevations were updated and provided in the presentation to the board this evening. Mr.  
88 Anderson asked for clarification of the snow storage areas. Mr. Modestow confirmed the snow  
89 storage areas on the plan submitted before the board this evening. Ms. Hollasch questioned the  
90 setback of 110 Grille. Mr. Connors stated 110 Grille setback is approximately 25 feet back from  
91 Portsmouth Avenue. The board recommended the structure be set back five (5) extra feet. The  
92 applicant explained the structure was designed with many architectural features to be attractive  
93 from either direction of travel. Mr. Modestow stated there may be room to move the structure

94 another five (5) feet away from Portsmouth Avenue and they do not want to be too close to the  
95 septic and the well at the rear of the property. Ms. Hollasch stated her approval with the current  
96 location of the structure as it follows current requirements. Mr. Anderson asked for clarification  
97 of the septic and well location. Mr. Modestow confirmed location on the plan before the board  
98 this evening. Ms. Hollasch approved all aspects of this project and would like to recommend the  
99 applicant provide pedestrian connectivity with a sidewalk in the front of the property. Mr.  
100 Modestow stated a connection from the front to the back of the property is harder than it seems  
101 from the grading standpoint and may be intrusive. The sidewalk is will be required to be ADA  
102 compliant that the applicant will need to adhere to. Ramps with a handrail would be required. A  
103 sidewalk may be added with proper approvals and signoffs. Mr. House asked if the application  
104 had been through peer review. Mr. Connors stated no. Mr. House asked Mr. Connors to move  
105 forward with third party peer review. Mr. Connors stated the existing structure is over 50 years  
106 old so a demolition permit and process will be required. Mr. Houghton stated this is a great  
107 project that has come a long way and likes that there is no parking in the front of the property  
108 which enhances its visual appeal. Mr. Houghton understands the applicant's challenges with  
109 timelines and recommends the board list items of concerns as "conditions of approval" and final  
110 approval as per the town planner. Mr. Houghton stated he will not approve a waiver for the  
111 lighting and lighting needs to follow the current standards. Mr. Connors asked for clarification  
112 whether the plans submitted, dated January 10, 2022, have been changed. Mr. Modestow stated  
113 any changes were listed in the response letter to the town dated January 6, 2021.

114  
115 Mr. Canada made a motion to open the hearing up for public comment. Mr. Anderson seconded  
116 the motion. Motion carried unanimously.

117  
118 Dr. Brian Connolly, of Chisholm Farm Drive, stated his excitement to be a part of the Optima  
119 team. He noted that he is a Board-certified dermatologist who would be seeing patients at the  
120 new Stratham facility. Mr. Connolly stated that Stratham is a great community to live in, noted he  
121 was looking forward serving the community as a physician, and asked the board to approve the  
122 site plan application.

123  
124 Mr. Anderson made a motion to close the public hearing. Mr. Canada seconded the motion.  
125 Motion carried unanimously.

126  
127 Mr. Connors recommended the following conditions and the board discussed.

- 128  
129 1) The applicant shall move the structure back five (5) feet further from Portsmouth Avenue.

130  
131 Mr. Modestow stated the applicant would like to keep the location of the structure as they are  
132 following current zoning district regulations. Mr. Canada and Mr. Houghton stated the  
133 applicant is following current regulations and agreed with the structure's location. The  
134 majority of the board agreed with the current location so the building will remain in the  
135 location presented to the board this evening.

- 136  
137 2) The applicant shall revise the plan to eliminate the need for a lighting waiver.  
138  
139 3) The applicant shall add a sidewalk to cross the front setback of the building.

140  
141 Mr. Canada asked for clarification of the material to be used for the sidewalk. The applicant

142 stated concrete.

- 143  
144 4) The applicant shall revise the driveway onto Portsmouth Avenue from 20 feet back to 14  
145 feet.

146  
147 Mr. Modestow explained this request is from NH DOT as part of their requirement. The board  
148 requested the applicant to request the change with NH DOT and if they are not in agreement then it  
149 will remain at 20 feet wide exit aisle. Mr. Modestow stated there will be signage to direct traffic to  
150 and from the property.

- 151  
152 5) The applicant shall have third party peer review of the storm water plans, address any  
153 comments from the third party engineer, and pay all related fees.  
154  
155 6) The applicant shall provide ready-block or a suitable alternative to be administratively  
156 approved by the Town Planner.  
157

158 Mr. Canada made a motion to approve this application based on the submitted plans dated  
159 January 6, 2022 with the conditions listed below. Mr. Anderson seconded the motion. Motion  
160 carried unanimously.  
161

162 Conditions of Approval:  
163

- 164 1) The exterior lighting plan shall be revised to eliminate the need for any waiver from the  
165 town's Site Plan requirements.  
166 2) The applicant shall obtain NH DOT driveway permit and the permit number shall be noted  
167 on the plan. If NH DOT agrees to reduce the exit aisle to 14 feet in width, the exit aisle  
168 shall be reduced to that width.  
169 3) The storm water report and plan shall be subject to a third party engineering review. The  
170 applicant shall be responsible for the cost of the third party review. The applicant shall also  
171 be responsible to respond to any technical comments that the third party engineer provides.  
172 4) The plan shall be revised to include a detail for the retaining wall in ready-block. The Town  
173 Planner may administratively approve a change in material for the retaining wall if  
174 necessary.  
175 5) The applicant shall obtain NH DES septic approval and the approval number shall be noted  
176 on the plan.  
177 6) The applicant shall provide an operations and maintenance manual for the storm water  
178 facilities and an affidavit stating that the owner shall be responsible to obtain the storm  
179 water system in good working order. This document shall be recorded and the recording fee  
180 shall be the responsibility of the owner.  
181 7) The site plan shall be recorded and recording fees shall be borne by the applicant.  
182 8) The town's third party engineer shall conduct at least one (1) inspection of the site during  
183 construction to ensure that the storm water facilities are installed according to plan. The  
184 cost of the inspections shall be borne by the applicant.  
185 9) The applicant and the Town of Stratham shall enter into a development agreement and  
186 provide a performance guarantee to ensure the site is developed according to plan.  
187 10) Prior to the issuance of a Certificate of Occupancy, all improvements depicted on the plan  
188 shall be installed.  
189 11) Within 90-days of the issuance of the Certificate of Occupancy, the applicant shall provide  
190 a certified as-built plan to the town.

191 12) The plan shall be revised to provide a sidewalk in the front setback, across the property  
192 line, as per the red-lined plan revisions dated January 19, 2022.  
193

194 b. The Planning Board held a public hearing on the proposed zoning amendments outlined below.  
195 The full text of the amendments is available at the Planning Department and on the Town  
196 website at [www.strathamnh.gov](http://www.strathamnh.gov).  
197

- 198 i. Amendment #3: Accessory Dwelling Units. To delete Sub-Section 5.4  
199 Accessory Dwelling Units in its entirety and to replace with a revised Sub-Section 5.4  
200 Accessory Dwelling Units to clarify the requirements associated with accessory dwelling  
201 units and to enact additional requirements for detached accessory dwelling units to ensure  
202 that such uses do not create the appearance of two primary residences on a single lot.  
203
- 204 ii. Amendment #4: Solar Energy Systems. To delete Sub-Section 5.14.4.2 Setbacks for Solar  
205 Energy Systems in its entirety and replace with a revised Sub-Section 5.14.4.2 in order to  
206 require small-scale ground-mounted solar energy systems to meet the minimum property  
207 setbacks of the applicable zoning district and to increase the front setback requirement for  
208 medium- and large-scale systems.  
209
- 210 iii. Amendment #5: Route 33 Legacy Highway Heritage District. To create a new zoning  
211 district, the Route 33 Legacy Highway Heritage District, for parcels with frontages along  
212 the Route 33 corridor from the Town Center District to the Greenland town line. The intent  
213 of the District is to encourage historic preservation and adaptive re-use of structure through  
214 both greater regulation of demolitions and major building alterations as well as through  
215 greater flexibility in land uses.  
216
- 217 iv. Amendment #6: Table of Uses. To delete Section 3.6 Table of Uses and Footnotes to Table  
218 3.6 in its entirety and replace with a revised Section 3.6 Table of Uses and Footnotes to  
219 Table 3.6 in order to better clarify permitted and prohibited uses by zoning district.  
220
- 221 v. Amendment #7: Definitions. To amend Section II Definitions to provide definitions for  
222 land uses included in the Table of Uses to better define and clarify the permitted nature and  
223 scope of land uses.  
224
- 225 vi. Amendment #8: Table of Dimensional Requirements. To amend Section 4.2 Table of  
226 Dimensional Requirements and Section 4.3 Explanatory Notes to clarify the minimum  
227 frontage requirement for residential parcels and properties in the Professional/Residential  
228 District.  
229
- 230 vii. Amendment #9: Affordable Senior Housing. To eliminate Section 5.7 Affordable Senior  
231 Housing and re-number subsequent sections of the Ordinance, because the Ordinance  
232 already provides for Elderly Affordable Housing and this section is duplicative. This is a  
233 housekeeping amendment to eliminate inconsistencies related to the land use in the  
234 Ordinance.  
235
- 236 viii. Amendment #10: Building Ordinance. To amend Section 16.2.1 of the Building Ordinance  
237 to add a Sub-Section A to prohibit the issuance of building permits for a property if  
238 existing non-inspected permits are outstanding on the property.  
239

240 Mr. House asked Mr. Connors to provide a brief update to the Board regarding the amendment  
241 language if there had been any changes since the previous public hearing. Mr. Connors said that  
242 there had been relatively few languages. Staff had made the changes to the Route 33 draft zoning  
243 language consistent with the Board's directives from the previous hearings. All of those changes  
244 are highlighted in the document. As requested, the Town's legal counsel also reviewed the zoning  
245 language and there were some generally minor changes incorporated based on her suggestions. Mr.  
246 Connors briefly went through all of the changes recommended by the Town's legal counsel. The  
247 Board agreed with the changes that were incorporated.

248  
249 Mr. Canada made a motion to open the public hearing for comment. Mr. Anderson seconded the  
250 motion. Motion carried unanimously.

251  
252 Hearing none, Mr. Canada made a motion to close the public hearing. Mr. Anderson seconded the  
253 motion. Motion carried unanimously.

254  
255 Mr. Anderson made a motion to advance Amendments #3 through #10 to the Town Warrant. Mr.  
256 Canada seconded the motion. Motion carried unanimously.

#### 257 258 **4. Public Meeting**

##### 259 260 a. Discussion of Pedestrian Cyclist Advisory Committee

261  
262 Mr. Connors stated the PCAC is appointed by the Select Board every year. There have been  
263 discussions to move PCAC from a town standing committee to an advisory committee of the  
264 Planning Board. The Planning Board would be responsible to appoint members and give tasks to  
265 complete. After board discussion and approval, Mr. Connors stated he will put together a list of  
266 committee members to be approved at the next meeting. Ms. Hollasch volunteered to be the  
267 Planning Board representative for the committee.

#### 268 269 **5. Adjournment**

270  
271 Mr. Anderson made a motion to adjourn at 9:00 pm. Mr. Canada seconded the motion. Motion  
272 carried unanimously.

##### 273 274 275 *Note(s):*

- 276 1. *Materials related to the above meeting are available for review at the Municipal Center during normal business hours.*
- 277 *For more information, contact the Stratham Planning Office at 603-772-7391 ext. 147.*
- 278 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*
- 279 *on the agenda.*



**Stratham Planning Board Site Walk Minutes**  
**January 26, 2022**  
**13 & 15 Stoneybrook Lane, Stratham, NH**  
**Time: 3:00 pm**

Member Present: Tom House, Chair  
David Canada, Vice Chair  
Mike Houghton, Selectmen's Representative  
Chris Zaremba, Alternate Member  
Joe Anderson, Alternate Member

Members Absent: Pamela Hollasch, Regular Member  
Robert Roseen, Regular Member

Staff Present: Mark Connors, Town Planner

Mr. House called the Site Walk to order and took roll call. Mr. House noted that the Site Walk is not a public hearing and is for informational purposes only; participants should save discussion and debate for the public hearings. He noted that Mr. Connors would be keeping minutes. Mr. House noted that he would be recusing himself from this matter and introduced Mr. Canada to lead the Site Walk. Mr. Canada asked the project proponents to introduce themselves. Michael Garrepy, from Garrepy Planning Consultants, LLC and Joseph Coronati, of Jones & Beech Engineers, introduced themselves. Mr. Garrepy noted that the town line between Exeter and Stratham ran through approximately the center line of the Stoneybrook Lane so the buildings to the north are in Stratham and those to the south are in Exeter. Mr. Garrepy said that the driveway would be extended to serve the proposed development. Mr. Coronati pointed out the Stoneybrook Lane and said that the road was wide enough to support the proposed development. Mr. Coronati noted that a full traffic study would be conducted with the application.

Mr. Garrepy and Mr. Coronati led the group down the existing dirt driveway off of Stoneybrook Lane. The driveway leads to an abandoned wood-frame home situated on a small pond. Mr. Coronati pointed out that the home is in disrepair and would be demolished as part of the development. Mr. Coronati and Mr. Garrepy led the group down the approximate path of the proposed driveway in the conceptual plans. The driveway would initially head downhill, cross one wetland, and then increase in elevation before dropping again and crossing another wetland. Mr. Coronati pointed out where the first few homes as you enter the subdivision would be situated. Mr. Garrepy noted that the project proponents would like to extend public water and sewer from Exeter to serve the development, but just in case they cannot reach an agreement with Exeter they are designing it to be served by private on-site systems.

Mr. Canada asked what became of the former proposal to construct a church on the property. Mr. Garrepy said the expense of needing to construct a crossing over Parkman Brook doomed the

45 project. Parkman Brook is a major water body and requires a substantial crossing. Mr. Garrepy said  
46 that one of the reasons they wanted to take the Board on a site walk was to show the nature of the  
47 land, and in that their opinion, its location did not lend itself to commercial development. Mr.  
48 Connors asked if anything could be done to mitigate the highway noise. Mr. Garrepy said there was  
49 not much that could be done. It would be more noticeable depending on what area of the  
50 development you are in. It is worse now (in the winter because there is no leaf cover). There will be  
51 additional plantings that will help buffer some of it. Mr. Coronati said that most of the buildable  
52 land is located after the crossing with Parkman Brook. The group crossed Parkman Brook. Mr.  
53 Coronati showed the group areas of buildable land where the development would be situated and  
54 pointed toward views of the Squamscott River. Mr. Garrepy said they would like to have  
55 recreational programming along the river like a canoe launch. It's a scenic spot. Mr. Houghton asked  
56 if they could point out what areas would need to be cleared of vegetation. Mr. Coronati noted that  
57 most of the area the group was standing in would need to be cleared but that as much vegetation  
58 would be preserved on the peripheries of the property as possible. He noted that there is a 100-foot  
59 non-disturbance buffer from the shores of the river.

60  
61 The group returned to Stoneybrook Lane and Mr. Anderson moved to adjourn at approximately 4:10  
62 pm. Mr. Zaremba seconded the motion. All voted in favor. Mr. Canada thanked Mr. Garrepy and  
63 Mr. Coronati for hosting the site walk and the Board members for participating.

64  
65 - *Respectfully submitted by Mark Connors*

66  
67 1.



# TOWN OF STRATHAM

*Incorporated 1716*

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

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**TO:** Planning Board Members  
**FROM:** Mark Connors, Town Planner  
**FOR:** February 2, 2022  
**RE:** **Expedited Planning Board Approval Application - 20 Portsmouth Avenue  
Citizens Bank ATM proposed architectural revisions**

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## **Application Description:**

In June of 2021, the Planning Board approved a Site Plan and Conditional Use Permit to allow a Citizens Bank drive-through ATM at the Kings Highway Plaza at 20 Portsmouth Avenue in Stratham. The applicant filed for a building permit but the architecture of the proposed ATM facility differed from the design approved by the Planning Board. Staff discussed the issue with the Planning Board Chair who felt the modifications were significant enough that they would require the review and approval of the full Planning Board. Thus, this application marks the first Expedited Planning Board Application under the process the Board approved last year.

The applicant is not proposing any changes to the siting of the building or other elements of the site plan apart from the building architecture. The updated architectural design differs from the approved design largely as it relates to the roofline as the approved architectural design included a more substantial gable wall and articulated roof line. Additionally, the interior of the structure (where the ATM machine is housed) was more recessed in the approved design and now includes prominent Citizens Bank logo signage. The applicant has worked with staff to revise the architecture somewhat so that it is more consistent with the approved design, but has cited structural issues associated with expanding the gable wall. The updated design does include more substantial trim elements at the base of the structure.

## **Staff Comments:**

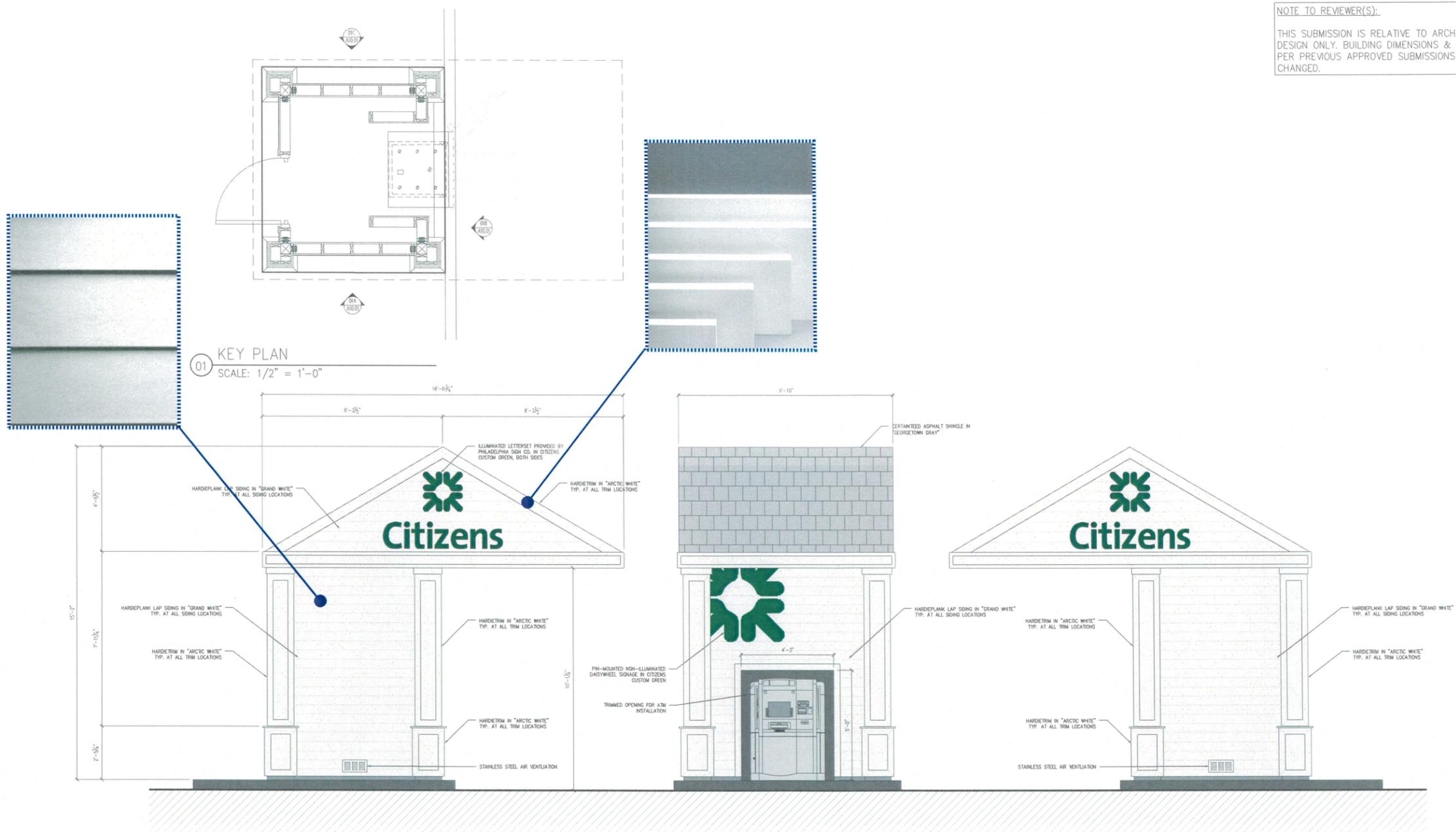
The proposed ATM facility is quite small but will be quite visible from Portsmouth Avenue. Staff prefers the approved architectural design to the updated one but recognizes that the applicant has faced issues associated with the structural design and appreciates that some modifications have been made to create a design that is more similar to the approved one. Staff does not object to the revised architectural design but would suggest that the proposed signage be scaled down somewhat so that it does not overwhelm the architecture. The sign area, or the smallest rectangle drawn that would include both the Citizens logo and text on the sides of the building, appears to measure more than 20 square-feet. Staff would recommend a condition that the structure include no more than three wall signs and that none of the signs exceed an area of 12 square-feet.

**Draft Motion:**

**I move that the Planning Board approve the Expedited Planning Board Application to modify the architecture of a proposed drive-through ATM facility consistent with the designs by Bisbaro + Associates, Inc., dated January 12, 2022, subject to the following condition:**

- 1.) The structure shall include a maximum of three wall signs and none of the signs shall include a sign area greater than 12 square-feet.**

NOTE TO REVIEWER(S):  
 THIS SUBMISSION IS RELATIVE TO ARCHITECTURAL DESIGN ONLY. BUILDING DIMENSIONS & SITE DESIGN AS PER PREVIOUS APPROVED SUBMISSIONS HAVE NOT CHANGED.

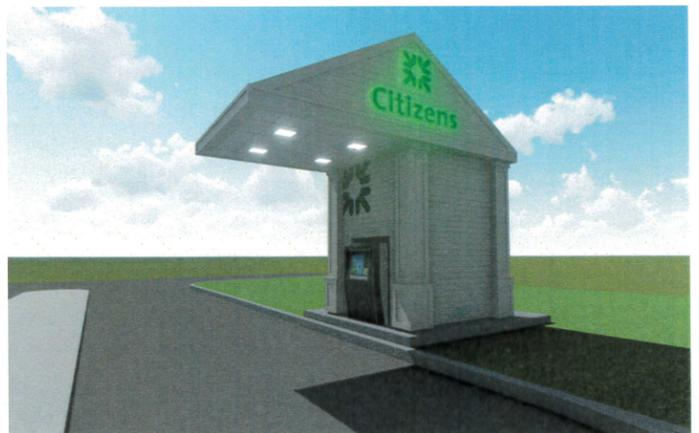


01 KEY PLAN  
 SCALE: 1/2" = 1'-0"

01A WEST ELEVATION  
 SCALE: 1/2" = 1'-0"

01B SOUTH ELEVATION  
 SCALE: 1/2" = 1'-0"

01C EAST ELEVATION  
 SCALE: 1/2" = 1'-0"



02 3-D VIEWS  
 SCALE: NTS

ARCHITECTURE  
 INTERIOR ARCHITECTURE  
 SPACE PLANNING  
 FACILITIES MANAGEMENT  
 PROJECT MANAGEMENT  
**BISBAND + ASSOCIATES, INC.**  
 188 VALLEY STREET, SUITE 100  
 PROVIDENCE, RI 02909  
 VOICE: 401.404.8210 FAX: 401.404.8311 WWW.BISBAND.COM

**Citizens**  
 STRATHAM REMOTE ATM  
 20 Portsmouth Avenue  
 Stratham NH  
 03885

EXTERIOR DESIGN ELEVATIONS

ISSUE TYPE PLANNING BOARD SUB.	REVISED:
ISSUE DATE 01/12/2022	
DRAWN BY MS	

SCALE AS NOTED	A10.01
B+A PROJECT NO: 2021.01	

**PREVIOUSLY APPROVED**  
**ATM Structure Architecture**

# CFG Stratham

Remote ATM Canopy

5/5/21



B I S B A N O + A S S O C I A T E S , I N C .

# View 01



## View 02



# View 03





# TOWN OF STRATHAM

*Incorporated 1716*

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

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**TO:** Planning Board Members  
**FROM:** Mark Connors, Town Planner  
**FOR:** February 2, 2022  
**RE:** **Short-term rentals bill and other proposed land use legislation**

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It is that time of year again when the State Legislature begins to dig into proposed bills for this legislative session. Attached is a spreadsheet of bills relating to Planning Board practices, zoning, or other land use issues that may be of interest to the Planning Board. Many bills do not advance very far. Generally, those with bipartisan support and/or a large number of co-sponsors have a higher chance of passage.

One of the more impactful bills proposed this session is a bipartisan bill that would prevent municipalities from regulating short-term or vacation rentals. Stratham prohibits short-term rentals. There is concern that constantly changing occupants with no ties to the property or community may be disruptive for abutting property owners. There is also concern, particularly in light of today's elevated housing costs, that removing properties from the residential rental market places further strains on the market and limits options for workers and others who are seeking long-term places to live.

Senator Sherman's office has reached out to the Town to better understand our opinion on the legislation. I have drafted a DRAFT letter that the Planning Board, if it is agreeable, could send to Senator Sherman and other members of the legislature (including members of the Town's legislative delegation and the chairs of the legislative committees that will review and report out on the legislation). The Board should also discuss other proposed bills and has the option of expressing its opinion on other legislation that may be of interest.



## Bill Text: NH SB249 | 2022 | Regular Session | Introduced New Hampshire Senate Bill 249

**Bill Title:** Prohibiting planning and zoning ordinances that prohibit short-term rentals.

**Spectrum:** Slight Partisan Bill (Republican 8-5)

**Status:** (*Introduced*) 2022-01-11 - Hearing: 01/25/2022, Room 100, State House, 09:30 am; Senate Calendar 3 [SB249 Detail]

**Download:** New\_Hampshire-2022-SB249-Introduced.html

### SB 249 - AS INTRODUCED

#### 2022 SESSION

22-2971  
08/11

#### SENATE BILL **249**

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

SPONSORS: Sen. French, Dist 7; Sen. Hennessey, Dist 1; Sen. Gannon, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Giuda, Dist 2; Sen. Soucy, Dist 18; Sen. Reagan, Dist 17; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Prentiss, Dist 5; Rep. Hunt, Ches. 11; Rep. Potucek, Rock. 6; Rep. DiSilvestro, Hills. 9

COMMITTEE: Commerce

#### ANALYSIS

This bill prohibits municipalities from adopting ordinances that ban short-term rentals. This bill also allows municipalities to adopt ordinances requiring the owner of a short-term rental to register the name of a person in state who can receive service of process.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

22-2971  
08/11

#### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any provision of law to the contrary, no legislative body of a city, town, or country in which there are located unincorporated towns or unorganized places, shall prohibit the use of a building or structure as a vacation rental or short-term rental nor regulate the use of such structure or building as a vacation or short-term rental based on the structure or building's classification, use, or occupancy. "Short-term rental" or "vacation rental" means any single-family or 2-family building or structure, regardless of how it is owned or occupied and regardless of whether the building or structure is conforming or non-conforming, or offered in whole or in part for rental or transient use. "Vacation rental" or "short-term rental" shall not mean recovery residences nor any nonresidential use, including but not limited to, retail, restaurant, banquet, event hosting, or other similar nonresidential uses.

2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting after section 103-a the following new section:

31:103-b Short-Term Rentals. A municipality may adopt an ordinance requiring an owner of residential property who wishes to utilize the property for a vacation rental or short-term rental as defined in RSA 674:16, VI to file, within 30 days of advertising such rental, a statement with the town or city clerk of the municipality in which the property is located providing the name, address and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the rental property. Such person may be the owner of the property. A municipality may establish a reasonable fee to cover the cost to the town or city clerk of maintaining a record of the filings. A municipality may conduct inspection of the property, however the registration of such a rental shall not be contingent upon on inspection of the property, unless there is reasonable suspicion that the property is in violation of any provisions of RSA 48-A:14 The municipality may obtain an administrative inspection warrant under RSA 595-B if the property owner denies the municipal official entry. A municipality may not charge a fee or registration for any other purpose.

3 Effective Date. This act shall take effect July 1, 2022.



# TOWN OF STRATHAM

INCORPORATED 1716  
10 BUNKER HILL AVENUE • STRATHAM NH 03885  
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February 2, 2022

The Honorable Senator Thomas Sherman  
Legislative Office Building, Room 5  
33 North State Street  
Concord, NH 03301

Dear Senator Sherman,

On behalf of the Stratham Planning Board, I am writing to express my concerns with NH Senate Bill 249 which as written would severely restrict a municipality's ability to regulate short-term or vacation rentals. This bill would preclude municipalities from prohibiting one- and two-family dwelling units be utilized for short-term rentals and would severely limit a municipality's ability to regulate and inspect such uses. This legislation, if enacted, would be widely disruptive not just to Stratham but to communities across the state.

Currently, the Town of Stratham prohibits residential dwellings from being utilized for short-term or vacation rentals. It has been our experience that short-term visitors, with no ties to the property or the community, can be disruptive to abutting neighbors in otherwise quiet and well-established residential neighborhoods. Short-term rentals, particularly of larger properties which are prevalent in Stratham, are often used for parties or large group gatherings that can generate significant noise and other nuisances. Alarming, the legislation even prevents routine life safety inspections of vacation rentals, unless a municipality has reasonable suspicion that a property owner is violating the law.

An even greater concern relates to the loss of long-term housing units for vacation rental uses. It has been widely reported that New Hampshire is in the midst of a housing crisis with the housing demand far outpacing supply. As a result, housing costs increase every year at a rate far in excess of inflation. In December 2021, the NH Association of Realtors reported that the median sales price of a single-family home in Rockingham County had increased by more than 12 percent year-over-year to \$505,000. Median rents have also increased exponentially to nearly \$1,700 in October 2021 for a two-bedroom unit in Rockingham County. Every year, housing costs in New Hampshire slip beyond the means of progressively larger shares of the population. Employers are forced to leave positions unfilled and many residents are forced into less-than-ideal housing arrangements and some go without long-term housing altogether. In short, New Hampshire does not have a shortage of vacation rentals; it has a shortage of affordable housing units.

Because Senate Bill 249 ties the hands of municipalities in reasonably regulating short-term/vacation rentals and because it risks further aggravating the state's existing housing crisis, the Stratham Planning Board respectfully requests that you vote not to advance this legislation. If you have any questions or would like to further discuss this issue, I can be reached through the Stratham Planning Department. The Town Planner, Mark Connors, can be reached at [mconnors@strathamnh.gov](mailto:mconnors@strathamnh.gov) or (603) 772-7391, x. 147.

Thank you for your attention to these concerns.

Respectfully,

Thomas House, Stratham Planning Board Chair  
*On behalf of the Stratham Planning Board*

DRAFT

House or Senate Bill	Lead Sponsors	Summary
<a href="#">SB 249</a>	Sen. French (R), Sen. Hennessey (R), Sen. Cavanaugh (D), and others	Prohibits municipalities from prohibiting or regulating the use of buildings or structures as short-term or vacation rentals. Allows municipalities to collect "a reasonable fee" from vacation rentals and limits municipal authority to inspect such facilities.
<a href="#">HB 1365</a>	Rep. Abramson, R	Would allow municipalities to tax residential and non-residential property at different property tax rates.
<a href="#">SB 437</a>	Sen. Kwoka (D), Sen. D'Allesandro (D), and Sen. Ward (R)	Would increase the cap on the optional municipal transportation fee charged to vehicle registrations from \$5 to \$15.
<a href="#">HB1065</a>	Rep. Testerman (R) and Rep. Maggiore (D)	Requires municipalities to allow "tiny houses" by right and to provide for "tiny house parks" of four or more homes in their zoning ordinances.
<a href="#">HB 1267</a>	Rep. Yokela (R)	Prohibits Select Boards from closing public roads or sidewalks for street fairs, festivals, or other non-maintenance related events without passage of a warrant article that explicitly provides the Select Board this authority. The warrant article would need to specify the street and length of time that the closure will take place.
<a href="#">HB 1021</a>	Rep. Wuelper (R), Rep. Gould (R), and Rep. Ankarberg (R)	Prohibits municipalities from regulating the use of land for religious purposes, except for narrow regulations concerning building height, lot area, setbacks, and building coverage requirements.
<a href="#">SB 344</a>	Sen. Daniels (R), Sen. Hennessey (R)	Eliminates the emergency exemption for quorums to be physically present for public meetings.
<a href="#">HB 1014</a>	Rep. Simpson (D), Rep. Cushing (D), and others	Allows public meetings to be held remotely and/or electronically without a physical location.
<a href="#">SB 400</a>	Sen. Bradley (R), Sen. Whitley (D), Sen. Hennessey (R), and others	Expedites appeals of land use decisions pertaining to workforce housing, prohibits age-restricted housing from counting as workforce housing, and establishes a voluntary "Housing Champion" program for municipalities to receive preferential access to state resources, training opportunities, and discretionary infrastructure funds.



# TOWN OF STRATHAM

*Incorporated 1716*

10 Bunker Hill Avenue · Stratham, NH 03885

Town Clerk/Tax Collector 603-772-4741

Select Board/Administration/Assessing 603-772-7391

Code Enforcement/Building Inspections/Planning 603-772-7391

Fax (All Offices) 603-775-0517

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**TO:** Planning Board Members  
**FROM:** Mark Connors, Town Planner  
**FOR:** February 2, 2022  
**RE:** **Revisions to the Zoning Ordinance & Site Plan and Subdivision Regulations for this year**

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With the public hearings now behind us for the proposed 2022 zoning amendments, in the short-term staff will pivot to sharing information related to the impacts of the amendments so that residents can make fully informed decisions regarding whether to support the articles. Once the Town Election is behind us, the Board and staff can focus on bigger picture projects to advance for next year. It would be helpful for the Board to share any zoning or land use updates you would like to see moving forward. Below are a few ideas based on previous discussions and staff recommendations:

- **Gateway Commercial Zoning**
  - The Town passed several simplifications to the Gateway Commercial Zoning in 2021. Some more minor modifications to consider include increasing the allowable setbacks from Portsmouth Avenue and revising the language related to sloped roofs to require them instead of strongly recommending them.
- **Revised Landscaping and other Site Design Standards**
  - The Town has comprehensive standards regarding landscaping and other site design characteristics, but some of them can be more qualitative than quantitative or include statements like a feature is “highly recommended” instead of required. Staff would recommend the Board consider tightening up some of those requirements, including the Landscape Standards. As new technologies like rooftop solar energy and electric vehicles become more common, the Board might consider adding new standards requiring accommodations for such technologies in commercial districts.
- **Revised Site Plan & Subdivision Application Checklist**
- **Modifications to the Solar Energy Ordinance**
  - The recent Aberdeen West and Stratham Green applications highlight the issue of the placement of ground-mounted solar facilities on lands that many construed to be reserved for Open Spaces, even if no formal easement or other agreement was in place. Moving forward, should the Town allow solar facilities on Open Space parcels? If so, under what requirements? This is a larger

conversation that would likely benefit from the input of the Energy Commission, the Conservation Commission, and others.

- **Overhaul of the Town's Sign Ordinance**

- Although this is not an especially exciting project, it is apparent that the Town's Sign Ordinance is out-dated, particularly as it relates to the Reed v. Town of Gilbert Supreme Court decision which precludes municipalities from regulating sign content, and is due for a complete overhaul. The result will be a much simplified ordinance. The Board may also elect to tighten the sign area size, height, and illumination requirements, which are quite generous.