



TOWN OF STRATHAM

Incorporated 1716

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Collector 603-772-4741

Select Board's Office/ Administration/ Assessing 603-772-7391
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LEGAL NOTICE OF PUBLIC HEARING STRATHAM PLANNING BOARD

Pursuant to NH RSA 674:16, 675:3, and 675:7, notice is hereby given of public hearings to be held by the Stratham Planning Board on January 15, 2020 and January 29, 2020, should discussion not conclude on January 15, 2020, beginning at 7:00 p.m. at the Stratham Municipal Center located at 10 Bunker Hill Avenue, Stratham NH. The purpose of the hearings are to review and solicit public comment on the proposed amendments to the following sections of the Stratham Zoning Ordinance:

Proposed Town Warrant Article – Definitions. To see if the Town will amend the Zoning Ordinance, Section II, Subsection 2.1.67 *Structure* to further clarify the definition as it relates to the permitting requirements and procedures related to septic tank installation.

Proposed Town Warrant Article – Use Regulations. To see if the Town will amend the Zoning Ordinance, Section III, by amending to Section III, Subsection 3.5.1, and also to amend Section III, Subsection 3.6 *Table of Uses* to clarify the nomenclature and the permitting requirements and procedures for the various permitted land uses of the Zoning Ordinance, and also to amend the *Footnotes to Table 3.6* by adding footnote number 9, to clarify the permitting requirements and procedures for uses within the Industrial Zoning District.

Proposed Town Warrant Article – Explanatory Notes. To see if the Town will amend the Zoning Ordinance, Section IV, by amending to Section IV, Subsection 4.3 (e) *Explanatory Notes*, to clarify the process for waiving the prescriptive height limitations within the zoning districts so permitted by Section IV, Subsection 4.2 *Table of Dimensional Requirements*, as provided by the Zoning Ordinance.

Proposed Town Warrant Article – Accessory Dwelling Units. To see if the Town will amend the Zoning Ordinance, Section V, Section 5.4 Accessory Dwelling Units, Subsection 5.4.2 *Objectives*, 5.4.3 *Regulations*, and 5.4.4 *Additional Regulations* to clarify the permitting requirements and procedures for Accessory Dwelling Units.

Proposed Town Warrant Article – Solar Energy Systems. To see if the Town will amend the Zoning Ordinance, Section V, Subsection 5.14.4.1 *Exceptions* to modify the maximum height for ground mount installations.

Proposed Town Warrant Article – Wetlands Conservation District (Overlay).

To see if the Town will amend Section XI, Subsection 11.3.2 b and amend Section XI, Subsection 11.5.3.b to further clarify the permitting requirements and procedures for development within the Wetlands Conservation District (Overlay).

Proposed Town Warrant Article – Historic Demolition Review. To see if the Town will amend the Zoning Ordinance, Section XVI, Section 16.5.3 *Procedure*, by adding 16.5.3 d to clarify the permitting requirements and procedures for Historic Demolition Review.

Full text of the proposed Zoning Ordinance Amendments and related information can be found on file with the Planning Department. All interested persons may appear and 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.

ZONING ORDINANCE



Town of Stratham New Hampshire *Incorporated 1716*

Adopted March, 1987
Last Amended March, ~~2019~~2020



- 2.1.60 Self-Storage or Warehousing: A business or use that consists of individual, self-contained units, that may or may not vary in size, that are leased or owned for the storage of business equipment, supplies, household goods, or other items. (Adopted 3/99)
- 2.1.61 Setback, Front: The distance extending across the full width of a lot between the front lot line and the foremost point of the foremost part of the structure. In the case of a corner lot the front setback shall mean the distance measured from both intersecting streets. (Rev. 3/95)
- 2.1.62 Setback, Rear: The distance extending across the full width of a lot between the rear lot line and the rearmost point of the rearmost part of the structure nearest the rear lot line. (Rev. 3/90)
- 2.1.63 Setback, Side: The distance between a side lot line and the nearest point of the nearest part of a structure to it, extending from the required front setback to the required rear setback. (Rev. 3/90)
- 2.1.64 Special Exception: A use allowed by the Zoning Ordinance but under pre-determined conditions and after a public hearing before the Board of Adjustment to determine if the conditions have been met.
- 2.1.65 Story: That part of a building or structure comprised between a floor and the floor or roof next above it.
- 2.1.66 Street: A *street* shall mean a right-of-way which has been dedicated or intended for public travel, or a private way offering the principal means of access to abutting properties.
- 2.1.67 Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Structure includes, but are not limited to, buildings, mobile home, bridges, trestles, towers, framework, hoop houses, tanks or group of tanks exceeding a total of 500 gallons (*excluding septic tanks*), tunnels, stadiums, platforms, shelters, piers, wharfs, signs, fences and retaining walls over six feet (6') in height, swimming pools, or the like. Where Stratham Zoning Ordinance is silent, then the most current edition of the State Building Code shall be assumed to apply. (Revised 3/90, 3/11)
- 2.1.68 Structural Alteration: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders.
- 2.1.69 Subdivision: The division of a lot, tract, or parcel of land into 2 or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision, and, where appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under this title, per RSA 672:14.
- 2.1.70 Transient Occupancy: means the right to use, occupy or possess, or the use, occupancy, or possession of, a dwelling unit or a habitable unit for a period of 30 consecutive calendar days or less. (Rev. 3/17)
- 2.1.71 Travel Trailer: A mobile home designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its

Service, through field mapping surveys and shown on its field mapping photographic sheets for the Town of Stratham, New Hampshire.

3.5 USE REGULATIONS

- 3.5.1 The Table of Uses, Table 3.6, specifies the uses that are permitted by right, are permitted by special exception, are permitted by conditional use permit, or are prohibited. Permitted uses are designated in the Table with a P; *uses which require a conditional use permit from the Planning Board are designated with a C*; uses which require the granting of a ~~special~~ *Special Exception* by the Board of Adjustment are designated with an S/C, *except in those instances where required site development requires Site Plan Review, in which case the Planning Board shall review the use as a Conditional Use Permit*; ~~uses which require a conditional use permit from the Planning Board are designated with a C~~; and prohibited uses are designated with an X. The Wetlands Conservation District is an overlay district and information is in Section XI. Additional explanation on Shoreland Protection District, which is also an overlay, is in Section XII.

For any use not specifically listed in the Table, the Planning Board shall determine whether the proposed use is of the same general character as the uses allowed in the Table. If the Board determines it is of the same general character, then the use will be allowed. If the Board determines that it is not of the same general character, then it shall not be permitted. (Rev. 3/88)

- 3.5.2 All uses illustrated in Section 3.6 shall be subject to the limitations delineated in other Sections of this Ordinance. In cases of conflict, the more restrictive interpretation shall apply.
- 3.5.3 All buildings or structures hereafter erected, reconstructed, altered, enlarged, or moved, or all future uses of premises in the Town of Stratham shall be in conformity with the provisions of this Ordinance. Any building, structure, or land shall not be used for any manner other than is permitted in the district in which it is located.
- 3.5.4 A permit for the construction, alteration, enlargement, moving, or demolition or use of a building or structure shall not be issued by the Building Inspector unless it complies with this Ordinance and/or has been granted a variance or special exception by the Board of Adjustment.
- 3.5.5 The uses within the Retirement Planned Community shall be those as defined under the definition of "Retirement Planned Community." (Adopted 3/99)
- 3.5.6 Privately owned sewage treatment plants, for which the Town does not hold or co-hold the discharge permit, are prohibited. Such plants do not include facilities which discharge to conventional septic tanks and leach field systems as regulated under RSA 149-E. (Rev. 3/89, Rev. 3/99)

3.6 TABLE OF USES: (Rev. 3/13, 3/14, 3/16, 3/17, 3/20)

USES:	ZONING DISTRICT									
	R/A	MAH	PRE	TC	G CBD CZ	G CBD OZ	SC	CLIO	IND	
A. RESIDENTIAL USES:										
1. Single-Family Dwelling.	P	P	P	P	X	P	X	X	X	
2. Two-Family Dwelling	P	P	P	P	X	P	S/C	X	X	
3. Multi-Family Dwelling in accordance with Section 5.8 of this Ordinance.	X	X	C	P	C	P	C	C	X	
4. Cluster Developments by conditional use permit in accordance with Section VIII of this Ordinance. (Rev. 3/99) Also Senior Housing as set forth in Section 5.7 (3/05)	C	X	C	P	C	P	C	X	X	
5. Workforce and Elderly Affordable Housing in accordance with Section 5.8 of this Ordinance.	C	X	C	P	C	P	C	C	X	
6. Manufactured Housing;	P	P	X	P	C	P	X	X	X	
Mobile Homes; in accordance with Section IX of this Ordinance.	X	P	X	X	X	X	X	X	X	
7. Home Occupations in accordance with Sections 2.1, 2.7, 5.13 (3/10)	S/C	S/C	S/C	P	C	P	X	X	X	
8. Accessory Apartments in accordance with Section 5.4. (Rev. 3/90 & 3/05)	S/C	S/C	S/C	P	C	P	X	X	X	
B. TEMPORARY RESIDENTIAL USES										
1. Overnight and Day Camps, Cottage Colonies, Vacation Resorts, and similar Recreational Facilities.	S/C	S/C	X	X	C	P	X	X	X	
2. Bed and Breakfast Inns.	S/C	S/C	S/C	P	C	P	P	P	X	
3. Hotels, Motels, and Hostels. (Rev. 3/98)	X	X	X	P	C	P	P	C	X	
C. OUTDOOR/ RECREATIONAL USES:										
1. Forestry, Wildlife, Timber Preserves, Reservoirs, and Nature Study areas.	P	P	P	P	C	P	P	P	P	
2. Public Parks and Playgrounds.	P	P	P	P	C	P	S/C	S/C	S/C	
3. Commercial Riding Stables and Riding Trails.	S/C	S/C	X	X	X	P	X	X	X	
4. Historic Building or Site open to public.	P	P	P	P	C	P	P	P	P	
5. Recreational Camping Parks, Recreational Areas, Residential Tenting and Recreational Vehicles.	S/C	S/C	X	X	C	P	X	X	X	
	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	
D. AGRICULTURAL / FORESTRY USES:										
1. Farming including Dairying, Livestock, Animal and Poultry Raising, Tilling of Soil, Horticulture, Crop Production, including customary accessory uses.	P	P	P	P ¹	C	P	P	P	P	
2. Tree Farming, Commercial Timbering, Non-commercial Harvesting of Forest Products.	P	P	X	P ¹	C	P	P	P	S/C S/C	

3.6 TABLE OF USES: (CONTINUED)

E. INSTITUTIONAL USES:	ZONING DISTRICT									
	R/A	MAH	PRE	TC	G CBD CZ	G CBD OZ	SC	CLJO	IND	
1. Private Schools, Nursery through College.	S/C	S/C	X	P	C	P	S/C	S/C	S/C	
2. Day-Care Facilities. (Rev. 3/95)	S/C	S/C	S/C	P	C	P	S/C	C	S/C	
3. Senior Citizen Centers.	S/C	S/C	S/C	P	C	P	X	C	X	
4. Non-profit Lodges and Fraternal Organizations.	S/C	S/C	X	P	C	P	X	X	S/C	
5. Hospitals, Clinics, Nursing Homes and Rehabilitation Centers.	X	X	X	P	C	P	S/C	S/C	S/C	
6. Funeral Home or Parlor.	X	X	X	P	C	P	S/C	S/C	X	
7. Place of worship plus customary ancillary facilities. (Rev. 3/89)	S/C	S/C	P	P	C	P	X	X	C ⁹	
8. Cemetery.	P	P	P	P	C	P	X	X	X	
9. Public Utilities.	S/C	S/C	S/C	P	C	P	S/C	S/C	S/C	
10. Municipal Buildings.	P	P	P	P	C	P	P	P	P	

F. COMMERCIAL USES:

1. Retail Sales. (Rev. 3/13)	X	X	C ²	P	P	P	P	P	S/C
2. Personal Services. (Rev. 3/13)	X	X	X	P	P	P	P	P	P
3. Commercial Services. (Rev. 3/13)	X	X	X	P	P	P	P	P	P
4. Professional Office. (Rev. 3/13)	X	X	P	P	P	P	P	P	P
5. Banks & Lending Institutions.	X	X	S	P	P	P	P	P	P
6. Restaurants.	X	X	X	P	P	C	P	P	C ⁹
7. Filling Stations, Service Stations.	X	X	X	X	C	C	X	X	X
8. Motor Vehicle Dealerships, Repair Garages, Body Shops, Paint Shops. (Rev. 3/99)	X	X	X	X	C	C	X	X	X
9. Veterinary Hospitals.	X	X	X	P	C	C	P	P	X
10. Kennels, with a minimum lot size of five acres and a structure setback of a minimum of 100 feet from all lot lines.	S/C	X	X	X	C	C	S/C	S/C	X
11. Airports, Runways, Control Towers, Administration Buildings, Hangars.	X	X	X	X	X	X	X	X	X
12. Society for Prevention of Cruelty to Animals. (Rev. 3/97)	S/C	X	P	X	X	X	X	X	X

3.6 TABLE OF USES: (CONTINUED)

USES:	ZONING DISTRICT									
	R/A	MAH	PRE	TC	GCBD CZ	GCBD OZ	SC	CLJO	IND	
F. COMMERCIAL USES:										
13. Adult Uses. (Adopted 3/93)	X	X	X	X	S/C ⁵	S/C ⁵	S/C ⁵	X	X	
14. Special Promotional Sales & Displays ⁶ . (Adopted 3/96)	X	X	X	P	P	P	P	P	X	
15. Self Storage or Warehousing. (Adopted 3/99)	X	X	X	X	C ⁷	C ⁷	C ⁷	C ⁷	X	
16. Conference Center. (Adopted 3/09)	X	X	X	P	P	P	P	X	X	
17. Movie Theater, Indoor Entertainment Complex. (Adopted 3/09)	X	X	X	P	P	P	P	X	X	

G. INDUSTRIAL USES:									
1. Manufacturing, Assembly, Fabricating Operations.	X	X	X	X	C	C	X	C	P
2. Research and Development, Corporate, and Business Offices.	X	X	X	P	C	C	P	P	P
3. Warehousing and Wholesaling Operations.	X	X	X	X	C	C	S/C	C	P
4. Freight and Trucking Terminals.	X	X	X	X	C	C	S/C	C	S/C
5. Bulk Storage and Distribution of Goods, except Fuels.	X	X	X	X	X	X	X	C	P
6. Bulk Storage of Fossil Fuels.	X	X	X	X	X	X	X	X	X
7. Earth Products Removal subject to the provisions of Section X.	P	P	X	X	C	C	P	P	P
8. Commercial Sawmills.	X	X	X	X	X	X	S/C	X	S/C
9. Junk Yards, Recycling Centers.	X	X	X	X	X	X	X	X	S/C
10. Special Promotional Sales & Displays ⁶ . (Adopted 3/96)	X	X	X	P	P	P	P	P	X
11. Light Industrial. (Adopted 3/98)	X	X	X	X	X	X	P ⁸	P	P

FOOTNOTES TO TABLE 3.6:

1. In the Town Center District, agriculture and agritourism as defined in Section II, Definitions, 2.1.6. Forestry uses permitted include tree farming, commercial timbering, non-commercial harvesting of forest products. (Rev. 3/16)
2. In the Professional/Residential Zoning District, new retail sales on the west side of Route 108 will be limited to existing buildings prior to the adoption of this Section and shall not exceed 500 total square feet. New retail sales on the east side will be limited to 2,000 square feet of designated retail floor area either within an existing or new building. (Rev. 3/13)

The proposed layout and design of the retail use shall be compatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. The location, nature, design, and height of the new or existing structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood. Drive-through facilities are not permitted in the Professional / Residential Zoning District. (Rev. 3/13)
3. Retail Sales: May be permitted in the Industrial Zone as a special exception provided the proposed use is carried out on a limited or incidental basis only; the products sold must be manufactured or distributed by the parent company; the space devoted to retail sales shall not exceed 2,000 square feet; the activity will create only a small amount of additional traffic; the activity will be carried on in such a manner as not to create a nuisance to abutting landowners and/or tenants, and; the use must comply with the Town's parking specifications as delineated in Section VI. (Rev. 3/91)
4. In the professional residential district, new office structures on the west side of Route 108 will be limited to a 1600 S.F. footprint. Buildings on the east side do not have that limitation. (Rev. 3/96)
5. Special Exceptions for Adult Uses: Adult uses shall satisfy all of the following criteria for a special exception: (Rev. 3/93)
 - a. No adult use shall be located within 1,000 feet of the property line of a church, cemetery, school, day care center, or within 500 feet of a property line of a residence.
 - b. No sexually explicit material or advertising shall be visible from outside the building.
 - c. No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.
 - d. No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering.
6. Special Promotional Sales and Displays: Shall be allowed by permit only and shall be limited per business to eight (8) days annually, with each promotional period not to exceed four (4) consecutive days in length. Such a permit shall be issued by the Code Enforcement Officer. The setback requirements shall comply with Section IV: Dimensional_Requirements of this Ordinance. (Adopted 3/96)
7. Self -Storage or Warehousing: Shall only be permitted by Conditional Use Permit and in accordance with the following performance based standards: (Adopted 3/99)
 - a. Any and all structures shall be setback a distance of 150 feet from existing rights-of-ways and 250 feet from any portion of the right-of-way for Portsmouth Avenue or State Route 101.
 - b. Any and all access ways, parking and other infra-structure of any kind related to the use in any way shall be set back 100 feet from existing rights-of-ways and 125 feet from Portsmouth Avenue and State Route 101 except at the point where access is granted.
 - c. Self-Storage or Warehousing shall have opaque buffers in all directions that shall provide visual and otherwise protective vegetative buffer utilizing existing vegetation and landscaping to the

- maximum extent feasible, and where appropriate, fabricated materials and fences. Such buffers shall be at a minimum depth of 50', and provide, in all seasons, an opaque screening. However, the Planning Board may require additional buffering relative to distance or opacity.
- d. No outdoor storage of any kind shall be permitted in association with these uses.
 - e. Structures used for self-storage or warehousing shall not occupy more than 10% of the lot.
8. Not permitted within 800 feet of Portsmouth Avenue. (Adopted 3/98).
 9. *Such uses shall be accessory and subordinate to primary use of the property and shall not be permitted freestanding signage apart from directional signage in accordance with Section 7 of the Zoning Regulations. (Adopted 3/20)*

ADDITIONAL NOTES:

All permitted uses are subject to all of the other provisions of this Ordinance. All special exceptions are subject to the provisions of Section XVII, the Board of Adjustment. Conditional use permits shall be granted in accordance with the following: (Rev. 3/98, 3/13)

1. **Conditional Use Permits:** All developments designated as "C" in Table 3.6, Table of Uses shall obtain a conditional use permit from the Planning Board. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings, and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. (Rev. 3/99)
2. These provisions shall not be construed as establishing any legal right to a given use.
3. **Approval and Granting of Permit:**
 - a. Planning Board Decision Based on Findings. Every decision of the Planning Board pertaining to the granting, denial or amendment of a request for a Conditional Use Permit shall be based upon the findings of fact and conditions of approval. The findings of fact and conditions of approval shall be supported in the records of its proceedings. All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall be deemed not to be in compliance with these regulations.
 - b. Criteria Required for Consideration of a Conditional Use Permit. A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria:
 - i. Spirit and Intent of the Ordinance: The proposed development will be constructed in a manner compatible with the spirit and intent of the Stratham Master Plan and Zoning Ordinance.
 - ii. Conformity to Zoning Ordinance: That there are no existing violations of the Stratham Zoning Ordinance on the subject property.
 - iii. Site suitability: The site is suitable for the proposed use which includes the following:
 1. Adequate vehicular and pedestrian access for the intended use.
 2. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
 3. The absence of environmental constraints (floodplain, steep slope, etc.).
 4. The availability of appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and similar utilities.

- iv. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.
 - v. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.
 - vi. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.
 - vii. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, shore land buffers, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites/landscapes, scenic views, view sheds, and the establishment, protection, and promotion of agricultural uses of the site.
 - viii. Impact on property values: There will be no greater diminution of neighboring property values than would be created under any other use or development permitted in the underlying zone;
 - ix. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.
 - x. Fiscal impacts: The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.
 - xi. Public Interest: The permit is in the public interest.
- c. Conditions of Approval:

Conditional Use Permit approvals shall be subject to appropriate conditions where such conditions are shown to be necessary to further the objectives of this ordinance, Town land-use regulations, and the Master Plan, or which would otherwise allow the general conditions of this Section to be

year of the fire.

- 5.2.2 Nuisances: Any use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, or similar conditions, or that is dangerous to the comfort, peace, enjoyment or health or safety of the community, or tending to its disturbance or annoyance, is prohibited.
- 5.2.3 **(Repealed 3/99)** See Section XX.
- 5.2.4 Dumping or Disposal of Garbage and Other Refuse: No land in any district shall be used for a dumping place for garbage and refuse from either private or commercial or industrial sources except the public dump as provided by the Town and except with the approval in writing of the Public Health Officer.
- 5.2.5 Timber Cutting: No person shall cut timber, except as provided for in New Hampshire Statutes.
- 5.2.6 Junk Vehicles: Two or more junk, un-inspected, or inoperable automobiles or other vehicles originally designed for public or private transportation purposes or the parts to said vehicles shall not remain within any residential or open space/forestry districts unless such vehicle and/or its parts are enclosed within a conforming building. (Rev. 3/98)
- 5.2.7 Boats: A boat with a beam of greater than eight feet shall conform to the setbacks of the zone in which it is located.
- 5.2.8 Tractor-Trailers: No tractor-trailers used for storage purposes shall be permitted on-site for more than thirty (30) days during any calendar year. Tractor-trailers within the Industrial District shall be permitted on-site for no more than six (6) months. Sites under construction shall be exempt from this provision. All tractor-trailers shall comply with the setbacks as specified in Table 4.2. (Rev. 3/89)

5.3 JUNK YARDS

Any junk yard or place for storage of unregistered vehicles or other scrap material shall be maintained in accordance with standards set and enforced by the New Hampshire Revised Statutes.

- 5.3.1 Screening: Any junk permitted to be maintained on any lot shall be effectively screened from view from any highway and from abutting premises by a solid wall or fence at least six (6) feet in height.
- 5.3.2 Period for Compliance: A period of six (6) months from the date of adoption of this Section shall be provided for junk existing on said date either to be removed or to be brought into compliance with the provisions hereof.

5.4 ACCESSORY DWELLING UNITS (REV. 3/90, 3/05, 3/09, 3/17, & 3/18, 3/20)

- 5.4.1 Purpose: The purpose of the accessory dwelling unit provision is to provide an accessory housing alternative, while maintaining neighborhood aesthetics and quality.
- 5.4.2 Objectives: The objectives of this Section are to:
- Provide a housing unit in a single-family neighborhood for individuals seeking affordable housing alternatives;

- b. Protect the single-family residential character of a neighborhood by ensuring that the accessory ~~apartment-dwelling unit~~ is permitted only ~~in-on~~ an owner-occupied ~~house property~~ and under such conditions as to protect the health, property values, safety, and welfare of the public.

5.4.3 Regulations:

No more than one (1) accessory dwelling unit (ADU) will be permitted on a *legal* lot or property which is already *approved for or* developed with a detached single-family dwelling. ~~The-Further, an~~ ADU may be created within ~~the-a~~ single-family dwelling ~~or~~ within an ~~existing-attached-or-detached-garage~~*accessory structure*, in accordance with these regulations. All ADU development shall insure:

- a. The ~~property dwelling~~ to which an accessory dwelling unit is to be added must be owner-occupied *where the owner must reside in either unit following completion of the ADU*;
- b. ~~The property and proposed use must conform to the dimensional requirements of Table 4.2 (including the requirements for lot coverage, building footprint and open space requirements)~~*ADUs shall only be permitted on legally established parcels*;
- c. The accessory dwelling unit shall be designed so that the exterior appearance of the building(s) and property remains that of a one family dwelling. Any new entrance that may be required shall be located on the side or in the rear of the building. ~~Units within a garage should be constructed to maintain the look of a residential garage, such that garage doors should remain and any decks are constructed to the rear of the structure~~;
- d. The size of the accessory dwelling unit shall be between 400 square feet and 1000 square feet;
- e. In no case shall there be more than ~~three (3) people~~*one (1) family having a maximum occupancy as dictated by the Town of Stratham Building Ordinance*, residing within an ~~accessory dwelling unit~~*ADU*;
- f. ~~A minimum of two (2) Adequate~~ off-street paved or gravel parking *spaces per unit (single -family and ADU)*, shall be provided and shown on the sketch plan. The appearance of the parking design shall be that of a single-family dwelling;
- g. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling;
- h. Prior to issuance of a Certificate of Occupancy, by the Code Enforcement Officer, the owner shall provide, the following:
 - i. Evidence to the Building Inspector or their agent that septic facilities are adequate for both units according to the standards of Stratham and the N.H. Water Supply and Pollution Control Division. If deemed necessary by said Inspector, such evidence shall be in the form of certification by a State of NH licensed septic system designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire.
 - ii. A floor plan of one quarter inch (1/4") to the foot scale showing the proposed changes to the building, if applicable.
 - iii. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking, if applicable.

- e. Recreational Uses: Consistent with the purpose and intent of this Section;
- f. Conservation Areas: And nature trails;
- g. Water Impoundment: And the construction of well water supplies;
- h. Drainage ways: To include streams, creeks, or other paths of normal runoff water and common agricultural land drainage.

11.3.2 Permitted uses in areas containing very poorly drained soils, marshes, bogs, open water, and major streams are as follows:

- a. Uses specified: Under Section 11.3.1, (a-h) shall be permitted except that no alteration of the surface configuration of the land by filling or dredging and no use which results in the erection of a structure, except as provided for in Section 11.3.2 (b) below, shall be permitted.
- b. The Construction of Fences, Footbridges, Catwalks and Wharves Only: provided: 1) said structures are constructed on posts or pilings so as to permit the unobstructed flow of water; 2) structures do not obstruct navigation on tidal creeks; 3) the natural contour of the wetland is preserved; and 4) the Planning Board, *or its designee*, has reviewed and approved the proposed construction.

11.4 CONDITIONAL USES (AMENDED 3/19)

11.4.1 A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction of roads and other access ways, and for pipelines, powerlines, and other transmission lines provided that all of the following conditions are found to exist:

- a. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District and where the upland area considered for development is not smaller (acreage) than the wetland buffer area (acreage) being impacted;
- b. Design and construction methods will be such as to minimize detrimental impact upon the wetland;
- c. The proposed construction design of powerlines, pipelines, or other transmission lines includes provisions for restoration of the site as nearly as possible to its original grade and condition;
- d. No alternative route, which does not cross a wetland or wetland buffer, or has less detrimental impact on the wetland or wetland buffer, is feasible;
- e. Economic advantage alone is not reason for proposed construction.
- f. All projects requesting Conditional Use Permits in accordance with Section XI, whether or not a State Wetlands Permit is required, shall submit a narrative outlining best management practices designed to mitigate wetland/wetland buffer impacts such as, but not limited to, low impact development techniques, stormwater design practices, easements or other deed restrictions, or on/off site improvements designed to limit future development of associated project parcels and/or impacts to wetlands or wetland buffers thereon.

11.4.2 Prior to the granting of a Conditional Use Permit under this Section, the applicant shall agree to submit a performance security to the Board of Selectmen. The Security shall be

submitted in a form and amount, with surety and conditions satisfactory to the Selectmen and approved by Town Counsel to ensure that the construction has been carried out in accordance with the approved design. The Security shall be submitted and approved prior to issuance of any permit authorizing construction.

- 11.4.3 The Planning Board may require the applicant to submit an environmental impact assessment or Natural Resources Inventory for those applications where 11.4.1(a) cannot be satisfied to evaluate an application made under this Section. The cost of this assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the costs of other special investigative studies and for the review of documents required by particular applications.

11.5 SPECIAL PROVISIONS

- 11.5.1 Areas designated as poorly drained soils may be utilized to fulfill the minimum lot size required by Town ordinances, and subdivision regulations provided that a contiguous non-wetland area of 30,000 square feet is provided for each lot. This contiguous non-wetland area must be sufficient in size and configuration to adequately accommodate all housing and required utilities such as sewage disposal, water supply, and all applicable setbacks.
- 11.5.2 No very poorly drained soils or bodies of water may be used to satisfy minimum lot size.
- 11.5.3 The following buffer provisions shall apply: (Rev. 3/88)
- a. No subsurface wastewater disposal system shall be constructed within 75 feet of any very poorly drained soil or 50 feet of any poorly drained soils.
 - b. All construction, forestry, and agriculture activities within 100 feet of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. The Planning Board may require an erosion control plan approved by the Rockingham County Conservation District for any project undertaken up-grade of a wetland. No building activity (*Exception: "building-Building Activity" does not include septic systems, uncovered decks, or similar appurtenant structures, constructed consistent with 11.3.2 (b))*) shall be permitted within 100 feet of any very poorly drained soil and within 50 feet of any wetland except as provided in subsection c of this section. Where required, permits from the New Hampshire Department of Environmental Services shall be obtained.
 - c. Where an existing building within the buffer zone is destroyed or in need of extensive repair, it may be rebuilt provided that such rebuilding is completed within two years of the event causing destruction. The new or rebuilt structure shall not extend further into the wetland or buffer area than the original foundation.
 - d. There shall be a "no-disturbance" buffer zone within twenty-five (25) feet of any wetland and fifty (50) feet of very poorly drained soils. This area will remain in its natural state and will not be subject to grading, excavation, filling or any other activity associated with the development of land. No portion of this "no-disturbance" buffer zone shall be included in determining compliance with Section 11.4.1 (a), above.

the granting of such permit. The committee shall consider the following criteria in its deliberation (Rev. 3/18):

- i. The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.
 - ii. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
 - iii. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
 - iv. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the town.
- d. In the event of a change of property ownership or expiration of a demolition permit, full compliance with Section 16.5 shall be required.*

16.5.4 Demolition Review Committee Responsibilities:

It is the responsibility of the Demolition Review Committee to:

- a. Make a decision within five business days of receipt of the demolition application as to whether the building might be significant and preferably preserved within the standards and specifications provided above. If no decision is made within five business days, the application will be deemed to be approved and the permit may be issued.
- b. Hold a meeting between the demolition review committee and the applicant (or applicant's representative) to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

16.5.5 Demolition:

- a. If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding section, the applicant is free to proceed with demolition provided a permit is issued. (The Code Enforcement Officer/Building Inspector shall issue a permit if all other typical application requirements have been met.) Prior to demolition, and if the applicant is in agreement, the demolition review committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.
- b. Nothing in this article shall be construed to prevent immediate demolition where the public safety is at stake and the building has been determined by the Code Enforcement Officer to be a public hazard and demolition is the only viable recourse.