



Stratham Planning Board
Meeting Minutes
October 5, 2016
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Chairman
Bob Baskerville, Vice Chairman
David Canada, Selectmen's Representative
Tom House, Member
Nancy Ober, Alternate
Lee Paladino, Alternate

Members Absent: Jameson Paine, Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call and asked Ms. Ober to be a voting member in Mr. Paine's absence.

2. Review/Approval of Meeting Minutes

a. September 21, 2016

Mr. House made a motion to delay the approval of the meeting minutes of September 21, 2016 due to a couple of amendments as follows.

Mr. Houghton offered the applicant the opportunity of a continuance several times to which the applicant never responded. Mr. Houghton would like the minutes to reflect that the applicant was given complete consideration. Mr. Austin said he and/or Ms. Cutler will go back and listen to the audio and update the minutes.

The applicant presented a 2013 photograph which showed the land barren and the Planning Board presented a photograph dated 2014/2015 which shows the land fully stocked with inventory. Mr. Houghton said his point to the applicant was would they agree there was a difference in opinion in the photos as the applicant kept saying his photo was a de facto representation of the property; Mr. Austin added copies weren't provided to the Planning Board of that. Mr. Baskerville agreed especially as the applicant was unhappy with the outcome.

Motion seconded by Mr. Baskerville. Motion carried unanimously.

3. Zoning Ordinance changes

a. ADU

1 Mr. Austin ran through the modifications for ADUs to reflect the Senate Bill that was passed
2 and will take effect June 1st, 2017. Mr. Houghton said he would like to nail this one tonight as
3 it's been discussed somewhat at previous meetings already.

4 Mr. Baskerville confirmed his understanding that if someone was putting in an ADU into an
5 existing house without an addition, they don't need to follow any of the existing rules, but if
6 they build an addition they do have to follow a set of rules. He suggested some wordsmithing;
7 instead of "such construction shall insure", which gives the impression it only refers to physical
8 additions perhaps it would be better if it said "All ADU development should insure" as a separate
9 paragraph.

10 Mr. Austin asked if the Board wanted to change the current permissible size for an ADU which
11 is currently between 400 and 1000 S.F. The State requires the maximum size can't be required
12 to be less than 750S.F.

13 Mr. Deschaine raised the point that Portsmouth were concerned about ADUs transferring over
14 to transient uses. Mr. Baskerville asked if somebody puts a mobile house on a lot will the State
15 law force the Town to allow that. Mr. Austin said he reads the regulations to say you can't put
16 a mobile home on your property and call it an ADU. Mr. Austin asked if the ADU should not
17 be comprised of a mobile home, condominium or within a cluster development or the ADU
18 should not consist of a mobile home. Mr. Deschaine said the right to have an ADU requires to
19 have a single family dwelling on it. If single family dwellings that include mobile homes,
20 condominiums and cluster development are excluded, then you can't have an ADU as there is
21 not a qualifying single family dwelling. Mr. Austin said he doesn't think you could add an ADU
22 to a condominium or a cluster. Mr. Houghton asked why you couldn't do that. Mr. Deschaine
23 gave a garage as an example. Mr. Austin said cluster is currently defined as based on the density
24 parameter based on the land and other things. Mr. Austin suggested removing the words "mobile
25 home" from Section 5.4.3.c or "single family dwelling should not be within a mobile home park,
26 condominium or cluster." Mr. Houghton said why they could just leave it as is although he
27 wondered about the transient concern. Mr. Austin suggested adding to 5.4.4.d "No ADU shall
28 be used for transient uses" and then add a definition for transient. Mr. Houghton was satisfied
29 with that as was Mr. Baskerville.

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31 b. TRC/GCBD

32 Mr. Austin addressed some draft changes concerning clarification about how and when the TRC
33 is involved and what was required to go to the TRC. Projects that do not require a conditional
34 use permit (CUP) shall be evaluated for compliance by the TRC and then processed by the
35 Planning Board as required under the subdivision and/or site plan review regulations. Mr.
36 Austin said he took the check list for the site plan review and changed it to the TRC application
37 check list so that the TRC can go through and see if all the pieces are there to help determine if
38 a project does or does not comply with the Gateway. If a CUP is needed an applicant would
39 still go before the TRC for a Gateway review.

40
41 Under Street and Streetscape Standards, Mr. Austin added an extra paragraph which says within
42 the central and outer zones, projects shall include a landscape buffer consistent with 3.1.2.
43 Sidewalks along the properties on Portsmouth Avenue must connect or present a future
44 connection point to any side streets, avenues etc accordingly. Street trees and lighting in this
45 area needs to develop a consistent pattern of development within the project and along
46 Portsmouth Avenue corridor to the satisfaction of the Planning Board.
47

1 Mr. Austin moved to paragraph Landscape Standards 3.8.7.e.i.2 which says a minimum 25'
2 vegetative buffer shall be provided from the edge of the NHDOT right of way to the proposed
3 development along Portsmouth Avenue; this area shall include as a minimum a 5' wide sidewalk
4 parallel to the State right of way for the length of the project property frontage and connect or
5 present a future connection point to any adjacent sidewalk/sidewalks/side streets/avenues
6 accordingly. Mr. Austin explained that there was a concern about fitting in the sidewalk, lights,
7 trees and having to put snow somewhere. The thought was open it up and go from the edge of
8 pavement 20', landscape it, put in the sidewalk and that can fluctuate depending on DOT
9 approvals. Mr. Deschaine questioned if it should be from the right of way rather than the edge
10 of pavement. Mr. Austin said the TRC said both, but thinks the ultimate decision was right of
11 way. Mr. House said part of the discussion with the TRC was the concern of not knowing what
12 plans the DOT might have for the right of way. If they were to widen the road right up to the
13 edge of the right of way then there will be no room for vegetation. If it is 20' in from edge of
14 right of way then the building can start.

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16 Mr. Austin said that TRC were looking for an endorsement from the Planning Board for the
17 concept of a Master Plan for the 108 corridor so if and when DOT come in and say they are
18 adding another lane both sides, the Town can present its vision so DOT might be obligated to
19 help further that plan. Mr. House said this is what happened in Bedford.

20
21 Mr. Houghton said the whole notion of the Gateway was to have buildings closer to the road so
22 that there was more room internally to have parking off street. Mr. House said including
23 sidewalks. Mr. Houghton said that could be part of whatever the buffer needs to be. Mr.
24 Baskerville thought the setback was a maximum of 15' and asked if this wouldn't conflict with
25 that. Mr. Austin said that 20' was partially chosen because maybe there is a stormwater area or
26 an increased landscape area. It may only need to be 10' to preserve the same sidewalk corridor.
27 Mr. Houghton said there wasn't supposed to be any parking on Portsmouth Avenue or in front
28 of structures on Portsmouth Avenue. Mr. Deschaine said the difficulty comes with the variation
29 of the distance of DOT's right of way at different points of Portsmouth Avenue.

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31 Mr. Austin wondered if the corridor study needed more investment than modifying the language
32 at this point.

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34 The next amendment was trees and street lighting in Table 5 of Streetscape Standards. Mr. Austin
35 suggested changing it from 25' to 30' for trees and from 25' to 60' for lighting with a foot note
36 that the Planning Board shall determine the final number and location of each element based upon
37 review by qualified professionals and in coordination with NHDOT. This would be for the
38 interior streets too and not just Portsmouth Avenue. Mr. Deschaine said there was a logic for
39 choosing 25' for the lighting; lighting cast is only so wide and allows for lower hung lights. To
40 make that light cast further away the lights have to be pushed up higher and the less light
41 pedestrians get. Mr. Houghton said the 60' on Portsmouth Avenue is probably acceptable, but
42 he recalls the design intent of Gateway is to have walkable internal streets in the central zone.
43 Mr. Austin said he could add that the 60' is for Portsmouth Avenue and return to 25' and 25' for
44 the internal streets.

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46 Mr. House said the TRC also wanted to ask the Board about doing a Master Plan of Portsmouth
47 Avenue and then they could hopefully show the Board visually what that would look like. Mr.
48 Houghton said he thought it was a good idea.

49
50 Mr. Austin asked the Board what their feeling was for buffer strips along Portsmouth Avenue.
51 He mentioned a multi-use trail was discussed at a TRC meeting. Mr. Houghton said it really

1 does depend on what happens on either side of Portsmouth Avenue, but he could see Portsmouth
2 Avenue being used by pedestrians in the future. Mr. House added that at some point there could
3 be housing and people will want to have a way to cross streets. Mr. Austin confirmed that general
4 consensus was to leave things as they are currently written. The Board preferred to leave things
5 as they were for now.

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7 The Board discussed the effect of snow storage and flying snow from plows relating to buildings
8 being up close to Portsmouth Avenue.

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10 Mr. Austin said he just heard the Planning Board endorse moving in the direction of an
11 amendment to the Gateway Master Plan for the purposes of defining a Portsmouth Avenue
12 transportation corridor in lieu of modifying the setbacks at this point while conceptually
13 approving changes to trees and lights along Portsmouth Avenue as presented.

14 Mr. Deschaine asked if he was hearing that the TRC were going to try to have a master plan in
15 time for an ordinance change in March. Mr. House said he would need to talk to Mr. Jeff Hyland
16 before giving an answer.

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18 c. Transient Occupancy

19 Mr. Austin asked if the Planning Board believes that the transient occupancy of residential units
20 or portions of residential units poses a threat to the residential character of Stratham. It may be
21 less noticeable in a commercial area. A definition of transient occupancy would be required
22 and a modification made to the use table to specify where it would be allowed or not allowed.
23 Mr. Austin said the definition he has come up with says it's the right to use, occupy, possess or
24 the use, occupancy or possession of a dwelling unit or habitable unit for a period of 30
25 consecutive calendar days or less; so month to month rental would not be considered transient.
26 Mr. Deschaine asked if a day was skipped, it would no longer be transient. Mr. Austin said from
27 what he has researched, a person has to have at least a one month lease on a property to not be
28 transient.

29 The Board then discussed when a B & B becomes a hotel or a motel. Mr. Baskerville asked if
30 there were any B&Bs in Town. Mr. Canada said there were 2 Air B&Bs. Mr. Austin said they
31 are the hardest to track.

32 Mr. Baskerville suggested starting with a definition only. Mr. Deschaine explained by definition
33 you had to put something in the Table of Uses too. Mr. Austin read where B&Bs are listed in
34 the Table of Uses and said there was no definition. He said maybe another way of defining it
35 would be to base it on a number of rooms. Mr. Deschaine said there is a traditional definition
36 of bed and breakfasts, but an air B&B is more about someone advertising that their house is
37 available for 3 weeks for rent. Mr. Austin read out the definition for hotels and motels: as a
38 building designed for use commercially as more or less temporary living quarters for persons
39 who lodge with or without meals containing 9 or more sleeping rooms and usually occupied by
40 transients, but transients isn't defined. Mr. Baskerville said if it isn't an issue yet and putting
41 it in the Ordinance might accidentally give more freedom why doesn't the Board leave it out of
42 the radar screen for a year to think about it. Mr. Canada asked what somebody had to go through
43 to have a B&B in Stratham. Mr. Austin said an applicant would only have to come to the
44 Planning Board if requesting one in the Gateway Central zone and a Special Exception is
45 required for residential. In the Town Center and Special Commercial it is a permitted use.

46 Mr. Austin shared some prior experiences surrounding B&B regulations and agreed it was
47 probably better to leave it alone until it does become an issue. The rest of the Board agreed.

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d. Other

Ms. Becky Mitchell and Mr. Nate Merrill from the Heritage Commission discussed how along the Portsmouth Avenue corridor there are historical properties in varying states of repair and use. The Commission is hearing of the possibility of more demo permits coming before it. Mr. Merrill said it is time to discuss the fact that keeping a residential/agricultural zone along the Portsmouth Avenue is not sustainable with the amount of traffic there is. The Commission feels that the zoning is a key reason for people not investing in those properties and keeping them in good repair.

Mr. Merrill talked about how there isn't a core historical district, rather Stratham has a sprawling corridor with many historic properties, interspersed with newer structures. This doesn't make it conducive to establishing an historical district. He provided some suggestions: tweaking the current zoning, re-zoning or using an optional overlay district where the Town could give additional rights and uses to property owners of historical buildings. Mr. Merrill provided pictures of some historical barns in Town. Mr. Austin gave a live example of somebody wishing to purchase an historical property with a large barn who wanted to know which uses would be permitted in the barn. He and the Code Enforcement Officer looked into it and thought a Home Occupation would be helpful, but that isn't overly helpful for a barn. The barn would be considered more of a place to store things associated with the home occupation. Mr. Austin said with the changes coming in for Accessory Dwelling Units (ADUs) that could be helpful, but home based businesses could be a simple tweak to the current home occupation language furthered with non-agricultural use of historic barns, small retail and office professional.

The Board discussed the idea of rezoning and which areas it should encompass. Mr. Houghton said he feels that the concept is certainly something to be wrestled to the ground as there are certainly properties that are deteriorating. Ms. Mitchell stressed that they are not concerned about the whole R/A district, but only those that feed along the string of the Route 33. Mr. House thought it would be a great idea to look at this again in an overlay respect, but said looking at the timeline it would be difficult to get on March's ballot. Ms. Mitchell said she sees this as a long term project starting with a survey of the area.

Mr. Baskerville talked about the changes to the law for ADUs. He attended a legal information session about the changes and said you can have as many ADUs as the Town permits, so perhaps if there is an old barn and somebody wanted to make multiple dwelling units inside the structures that could be done. Mr. Austin challenged that by asking how many ADUs before you have a multi-unit complex. Mr. Baskerville said they would have to be a certain size with connecting doorways which can stay locked. He wondered if you could put in 4 or 6 units into a barn.

Mr. Austin suggested that himself, Ms. Mitchell and Mr. Merrill took a look at the Master Plan and some other concepts from other areas and see if that can be used to get a Planning Board vote of direction and then maybe a group can be put together to spearhead that. Mr. Houghton said he would advocate setting up a committee straightaway. Mr. Austin commented that he could look at adding some tweaks to the Home Occupation language.

Mr. Baskerville asked about the definition of "historic". Ms. Mitchell said it's anything over 50 years old, but it has to be considered historically significant too. Some barns the Commission has seen wouldn't be considered historically significant and there is no set definition. Ms. Mitchell said they would like to put money in their budget to hire a consultant to do a survey of the area.

1 Ms. Mitchell confirmed the Heritage Commission had the Planning Board's support to look into
2 this issue further. The Planning Board said it should be started as soon as possible and discussed
3 the forming of a committee to address these issues.

4 Mr. Paul Deschaine said he recalled the opposition to the last attempt at rezoning came from the
5 2nd tier landowners who were afraid they may end up abutting some commercial entity.

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7 **4. Miscellaneous**

8 a. Member Comments.

9 Mr. Baskerville said he attended a legal lecture series where they touched on the Gilbert case
10 concerning signs and it was said at the meeting that if you don't change your zoning ordinance,
11 the entire ordinance could be ruled unconstitutional. Mr. Deschaine said until the State laws
12 concerning political signs change, he isn't sure how the Town can get around it.

13 b. Other.

14 Mr. Austin updated the Board that BMW's storm water plan is being reviewed by third party.
15 They did pick up some missing civil details that were referenced, but not provided, namely
16 inlets and detention basin design elements. They anticipate a response in time for the meeting
17 on October 19th.

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19 **5. Adjournment.**

20 Mr. House made a motion to adjourn at 9:17 pm. Motion seconded by Ms. Ober. Motion carried
21 unanimously.