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Stratham Planning Board
Meeting Minutes
January 30th, 2013
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

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Members Present: Bob Baskerville, Vice Chairman
 Bruno Federico, Selectmen's Representative
 Jeff Hyland, Secretary
 Jameson Paine, Member
 Mary Jane Werner, Alternate
 Christopher Merrick, Alternate

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Members Absent: Mike Houghton, Chairman
 Tom House, Alternate

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Staff Present: Lincoln Daley, Town Planner

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1. Call to Order/Roll Call.

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As Mr. Houghton was absent, Mr. Baskerville took roll call and asked Ms. Werner if she would be a full voting member for tonight's meeting. Ms. Werner agreed.

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2. Review/Approval of Meeting Minutes.

a. December 19, 2012

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Mr. Federico made a motion to approve the minutes from December 19th, 2012 as reported. Motion seconded by Ms. Werner. Motion carried unanimously.

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3. Public Hearing(s).

a. **Proposed 2013 Zoning Ordinance Amendments:**

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Before the Board began discussions, Ms. Werner requested that the agenda be changed to move Zoning Warrant Article Number 8 to the top of the list.

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i. **Zoning Ordinance Amendment 3:** Amend Sections 3.4.3 Professional / Residential, 3.6 Table of Uses, and 3.6 Table of Uses – Footnotes to permit limited retail uses within the Professional / Residential Zoning District.

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Mr. Daley reminded the Board that the change from last meeting involved defining what qualifies as an existing building. The words "prior to the adoption of this

1 section" have now been added.

2 Ms. Werner made a motion that the Board includes Zoning Ordinance Amendment
3 number 3 as it is rewritten to move it forward to the Town meeting. Mr. Daley
4 suggested Ms. Werner add "to recommend this article to the Town meeting" to the
5 motion. Ms. Werner did so. Motion seconded by Mr. Paine and motion carried
6 unanimously.

7 *Mr. Merrick arrived at approximately 7:38 PM*

- 8 ii. **Zoning Ordinance Amendment 4:** Amend Section VII. Signs by replacing said
9 section in its entirety with revised language to further clarify and provide additional
10 guidance on the type, number, maximum area, and design of signage within
11 Stratham. In addition, delete Sections 2.1.61 through 2.1.91 and 3.8.7.f in their
12 entirety and renumber accordingly.

13 Mr. Daley reminded the Board that at the last meeting, the Board recommended that
14 he consult Mr. Terry Barnes, Building Inspector regarding the further definition of
15 how the height of a sign is measured. On Page 11, number 4, Mr. Daley has added;
16 "measured vertically from the edge of the nearest travel lane to the bottom of the
17 base of the sign."

18 Mr. Federico said to clarify; if the placement of the sign is 10 feet below travel lane
19 level that is not going to be considered as part of the height of the sign. Mr. Daley
20 said yes. Mr. Hyland asked what the allowed maximum height of a sign is. Mr.
21 Daley said it is 30 feet. Mr. Hyland continued that meant somebody could
22 potentially get a sign that is 40 feet high. Mr. Daley said based on this definition,
23 yes. Mr. Baskerville said the sign would be limited by the square footage of the
24 sign so in theory somebody could put in a very tall, narrow sign. Mr. Hyland asked
25 for clarification of what the base of a sign is. Mr. Hyland suggested it be defined as
26 where the finished grade intersects with the sign structure. Mr. Baskerville
27 questioned the definition. He asked if it shouldn't say; to be measured vertically
28 from the edge of the nearest travel lane to the top of the sign and not the base of the
29 sign. Mr. Daley agreed it made sense. After some discussion, it was agreed to
30 remove sections 1, 2 and 3 completely and Mr. Baskerville suggested the following
31 wording instead; "The height of the sign shall be computed as the distance from the
32 elevation of the pavement on the nearest edge of the travel lane to the top of the
33 highest attached component of the sign." Mr. Federico added that the maximum
34 height would be 35 feet.

35 Ms. Debbie Foss, resident confirmed that the properties at the top of a hill would
36 have to have very short signs. Mr. Federico said it would only affect 2 properties at
37 this time and Mr. Daley added that the signs that are already there would be defined
38 as existing signs. Ms. Foss asked what would happen if they sold those properties
39 or wanted to redesign their signs. Mr. Daley said that most property owners would
40 change the face of the sign as they know it is to their advantage to keep the existing
41 signs. Mr. Barnes said he always tells new businesses that they shouldn't take their

1 sign down until they find out about a new sign so they don't lose what they
2 currently have if they are grandfathered.

3 Mr. Federico asked if they should add that this applies to free standing signs. Mr.
4 Deschaine said it should apply to all signs. He then commented on point 3 that
5 refers to clearances and said that is a different subject from the height.

6 Mr. Paine asked if there was a clarification of the kind of sign the Board is referring
7 to under the description of the sign height as he wasn't sure how this regulation
8 could be applied to the sign on a building. Mr. Baskerville asked what the allowed
9 maximum height of a commercial building is. Mr. Barnes said 35 feet unless you
10 get a special exception from the Fire Chief.. Mr. Baskerville said he would be in
11 favor of adding "free standing signs" to the paragraph he quoted before so it begins,
12 "the height of freestanding signs shall be computed as". Mr. Daley then re read the
13 paragraph.

14 Mr. Deschaine asked what happens if he attaches a pole to the side of the building
15 that is 50 feet high with a sign attached to it so it is perpendicular to the building.
16 Mr. Daley agreed with Mr. Deschaine that digging into this could be too much of a
17 subsequent change. The Board agreed to tackle his question for next year.

18 Mr. Tim Sullivan, employee of Barlow Signs, said he was surprised at the new sign
19 ordinance and at how business unfriendly it is. There are a lot of restrictions placed
20 on potential new businesses in Town. He wanted to know who is going to decide if
21 his sign is a preferable sign, and with regards to lettering, it says no more than 2
22 type styles per sign, he wanted more clarification on that. Mr. Sullivan then
23 referred to tenant trademarks, such as Starbucks and asked if the new Ordinance
24 means they are not allowed to use their traditional trademark. He then asked about
25 preferred colors. The Ordinance says 3 colors allowed, but he wanted to know if 3
26 different shades of green would count as 1 color or 3. He said the preferred
27 materials that are quoted are very expensive materials to use for signs. Not only
28 that, he continued, certain materials are prohibited such as aluminum which is
29 contradicted further on in the Ordinance when it states that internally illuminated
30 letters are allowed. He said you can't build an internally illuminated letter without
31 aluminum. Mr. Sullivan told the Board that 75% of signs nowadays are going
32 towards LED lighting which isn't allowed in the new Sign Ordinance. He
33 recommended retracting that. He asked who would determine if his sign was
34 energy efficient and how would it be regulated. He then talked about awnings and
35 whether or not they could be illuminated or have side lighting. He didn't like that
36 lettering could only go on the side of a building OR an awning, but not both. Mr.
37 Sullivan then addressed pylon signs and said basically all pylon signs would have to
38 be spot lit as they won't be able to be internally lit because box signs are prohibited
39 in Town. He respectfully requested the new sign ordinance be tabled until some of
40 the issues can be sorted out.

41 Mr. Baskerville said he respected Mr. Sullivan's expertise and wished he had been
42 present at other meetings as the amendment was at the point now where major

1 changes could not be made. He said the intent was to make it business friendly.
2 Mr. Baskerville asked the Board if they felt it should be tabled. Mr. Hyland
3 commented that Mr. Sullivan did bring up some valid issues and even though the
4 Board did spend a lot of time doing the amendments, he had exposed some holes.
5 Mr. Baskerville said he didn't mind revisiting it because it is a big topic. Mr.
6 Hyland and Merrick said it is more important to get it right. Mr. Baskerville asked
7 if the Board should go ahead and make this change and then fine tune it next year or
8 should they put it off and do it again. Mr. Merrick wondered if they could tweak
9 one or 2 of the issues mentioned now such as the issue of materials.

10 Mr. Daley agreed that Mr. Sullivan had raised some good points. He referred to the
11 section about preferred materials and said it does offer a certain amount of
12 flexibility to use more inexpensive materials for the sign itself. He continued that
13 with regards to the actual process, for any new development the Planning Board
14 will have the authority to review the sign program. Replacement signs fall under
15 the authority of the Code Enforcement Officer and Planning Board to a degree.
16 Mr. Daley said the design standards were actually part of the Gateway (GCBD) sign
17 ordinance. Mr. Federico asked if the question about different shades of color could
18 be answered. Mr. Deschaine said if the color comes in 3 distinguishable shades of
19 the same color then that should be considered as 3 different colors. Mr. Baskerville
20 said the words "would be preferred" do offer some flexibility to the Building
21 Inspector and Planning Board. Mr. Federico said that the Board ultimately makes
22 the decision as to whether or not a sign is preferred.

23 Mr. Baskerville asked if somebody has an existing building and applies for a new
24 sign with 5 colors would that require a variance and if somebody came in with a site
25 plan approval could the Board waive it and allow the 5 colors even though it is in
26 the Ordinance or would it need a variance also. Mr. Deschaine reminded everybody
27 that the ordinance says "preferred" and not "should" meaning it can't be denied.
28 The Board was asked what they would do about a freestanding pylon sign as for it
29 to be illuminated it would need to be a "can/box" sign. Mr. Barnes said he
30 preferred internally lit signs over externally lit ones. Mr. Sullivan said that it would
31 be good to change the wording regarding illuminated signs to reflect that the Town
32 is seeking a dark or opaque background. Mr. Deschaine said a bigger concern for
33 him is the section about materials used for signs. He asked if the materials referred
34 to the framework as the fascia itself can't be made from the materials stated. Mr.
35 Baskerville said it might be good to state in the amendments that the materials refer
36 to the base and structure of the sign. Mr. Hyland confirmed that the new ordinance
37 discourages logos. Mr. Daley said it did but that the Board would work with any
38 company that has a trademark logo. Mr. Hyland asked if they should include
39 wording to that effect. He also suggested replacing the word transformer with the
40 words; power supply on Page 11. The Board discussed the wording for having a
41 dark background for signs. Mr. Daley suggested writing, "internally illuminated
42 plastic box can signs are discouraged. Individually aluminum channel letters are
43 preferred". The Board liked the suggestion. Mr. Deschaine said his concern was
44 that this kind of change might have implications with regard to notifying the public
45 and felt that such a change should not be made at this meeting. Mr. Baskerville

1 recommended they didn't make this particular change and move forward with the
2 few changes made earlier that weren't substantial changes.

3 Mr. Federico made a motion that the Board go forward with Zoning Ordinance
4 Amendment Number 4 with the few textual changes that have been made this
5 evening. Mr. Daley reminded the Board what those changes were. Mr. Federico
6 wished to have the change of internally illuminated signs included as part of the
7 motion. Ms Werner seconded the motion with the changes incorporated. Motion
8 carried unanimously.

9 Mr. Deschaine asked Mr. Sullivan if he would be willing to put the points he raised,
10 in writing. Mr. Sullivan said he would.

11 iii. **Zoning Ordinance Amendment 6:** Amend Sections 3.1 Establishment of Districts,
12 3.2 Location, 3.4 District Purposes, 3.6 Table of Uses, 3.8 Gateway Commercial
13 Business District, 4.1 General Requirements, 4.2 Table of Dimensional
14 Requirements, 4.3 Explanatory Notes, 5.8.4 Multi-Family, Workforce Housing, and
15 Elderly Affordable Housing - Applicability, and VII. Signs to eliminate the General
16 Commercial District in its entirety and designate the Gateway Commercial Business
17 District from its current designation as an overlay district to the underlying zoning
18 district. In connection therewith, amend Section 3.8 Gateway Commercial Business
19 District to change the provisions and standards of the Gateway Commercial
20 Business District from voluntary compliance to mandatory for all development
21 projects within the district.

22 In addition, amend Section 3.6 Table of Uses by inserting the Gateway Commercial
23 Business District, Central Zone and Outer Zone sub districts and designating the
24 appropriate permitted uses in accordance with Section 3.8.8 Development Standards
25 And Tables. Further, amend Section 3.8.8, Table 2. to reduce the minimum
26 building/structure setback requirement for properties within the District fronting
27 Route 108/Portsmouth Avenue in accordance with the minimum rights-of-way
28 setbacks established by the NHDOT.

29 Mr. Daley said the intent of this was based on the Board's past meeting discussing
30 the desire to make the GCBD mandatory. Currently it is a voluntary overlay district
31 on top of the General Commercial District (GCM). To do this involves a multi step
32 process. Mr. Daley reminded the Board of the past discussion concerning set back
33 requirements. He continued that he had discussed this with Mr. Deschaine and
34 realized there could be some conflict with the current language. Mr. Daley referred
35 to a property on Portsmouth Avenue in the Town Center district (TC) which would
36 fall into the right of way if using the ten feet set back the Board was hoping to
37 introduce. He asked should the setback be based on the front setback of the right of
38 way or based on the greater one of two things; 10 feet setback from the property
39 line or 20 feet setback from the edge of the pavement. He continued that further
40 down on Portsmouth Avenue, the roadway itself is very close to the right of way
41 and if the 10 feet setback applies, it would prohibit the building of sidewalks to a
42 certain degree. Mr. Daley suggested adding in that extra language for clarification.

1 Mr. Baskerville said because the edge of pavement and travel lanes can vary and be
2 adjusted, another way to reword it could be to introduce the words "clear zone" as
3 stated in the Astro guidelines. He gave an example of what the "clear zone" would
4 have to be for a telephone pole from the edge of a pavement based on different
5 conditions. Mr. Paine said that if the Board is allowing space for sidewalks, is it
6 expected that the sidewalks are going to be constructed by the adjacent property
7 lines. He asked if a property owner would own the sidewalks and maintain them.
8 He is concerned that there could be continuation problems, where the responsibility
9 for one sidewalk ends and the next begins. He asked if the Town is likely to require
10 an easement just in case the Town ends up needing to maintain, or reconstruct
11 something or even clear snow. Mr. Daley said part of the process for building in
12 the GCBD is to incorporate sidewalks into the design, but for the TC district the
13 Board will need to create those additional requirements as part of the site plan
14 regulations. Ms. Werner felt Mr. Daley's suggestion was a good one concerning
15 setbacks and as it is only a minor change, she feels the Board should take it
16 forward and vote on it.

17 Mr. Paine made a motion that the Board accepts Zoning Ordinance Amendment 6
18 with the amended textual changes proposed by the Planning Board. Motion
19 seconded by Mr. Hyland. Motion carried unanimously.

- 20 iv. **Zoning Ordinance Amendment 7:** Amend Sections Table 4.2 Table of
21 Dimensional Requirements and 4.3 Explanatory Notes to reduce the front setback
22 requirements for properties fronting Route 108 and Route 33 within the Gateway
23 Commercial Business District, Professional / Residential District, Special
24 Commercial District, and Town Center District in accordance with the minimum
25 rights-of-way setbacks established by the NHDOT.

26 Mr. Daley said this was to offer more flexibility to property owners. The textual
27 change is similar to that of the last amendment and can be found under Page 2,
28 Section 4.3 Explanatory Notes. Mr. Daley read the new version for those present
29 saying the idea was to reduce front setbacks from 100 feet for the GCM to 10 feet
30 along with the TC from 60 feet to 10 feet. He said he had another amendment he
31 would like to add, for discussion by the Planning Board to incorporate the language
32 discussed in the previous amendment about the setback being based on whatever is
33 greater; 10 feet setback from the property line or 20 feet setback from the edge of
34 the pavement. The Board members agreed it should be amended.

35 Mr. Werner made a motion that the Board recommends Zoning Ordinance
36 Amendment Number 7 onto a Town vote with the textual changes just made to put
37 it into compliance with the other Zoning Ordinance Amendment. Motion seconded
38 by Mr. Hyland. Motion carried unanimously.

- 39 v. **Zoning Ordinance Amendment 8:** Amend the Official Zoning Map of the Town
40 of Stratham pursuant to Section 3.2 and the Gateway Commercial Business District
41 Regulating Plan Map pursuant to Sections 3.8.2. Applicability and 3.8.4. The
42 Regulating Plan to rezone Map 4, Lots 1, 2, 3, 4, 5, 6, 7, and 21 from their current

1 zoning designation of the Special Commercial District to the Gateway Commercial
2 Business District, Central Zone. In addition, delete all references of the Special
3 Commercial Zoning District, in their entirety, from Sections III. Establishment of
4 Districts and Uses, IV. Dimensional Requirements, V. Supplemental Regulations,
5 and VII. Signs.

6 Mr. Daley explained this was a continuation from the previous Planning Board
7 meeting on January 16th, 2013, and at that meeting Mr. Todd Baker, one of the
8 employees of the company that now owns several of the properties in this district,
9 was concerned about the time frame of the discussion which came about, along with
10 the impact upon any proposed development in that area. The Planning Board
11 considered these lots as an extension of the Gateway District to provide an
12 introduction into the Town in an area where the current zoning allows for similar
13 uses to the GCBD.

14 Mr. Baskerville confirmed that other uses would be added, but architectural
15 standards would be imposed. Ms. Werner said she is a little torn on this issue as she
16 would like to see some Gateway development into the area, and this looked like the
17 perfect opportunity to incorporate this into the GCBD, however, she understands
18 that the property owner was not informed of the possible zoning changes although
19 they worked with the Planning department.

20 Mr. Hyland referred to a letter submitted to the Board from Todd Baker and said
21 one of the main issues seems to be about drive-throughs not being permitted. Mr.
22 Daley said that Mr. King, also a property owner of one of the affected lots, was also
23 hoping to include a drive-through at some point as part of his property.

24 Mr. Daley addressed Ms. Werner's comment. He said the Town adopted the
25 Special Commercial District (SCM) in 2009 so it's fairly recent that the Town
26 rezoned this area which allowed for an expansive number of uses. There were
27 discussions about this being part of the GCBD.

28 Mr. Federico said it was his understanding that the reason the Board wanted to
29 bring the SCM back into the GCBD, was because the Board had had the discussion
30 for 3 years now and nothing's happened. The Board felt bringing it back into the
31 GCBD would give the Board more opportunities to start using the architectural
32 guidelines. Mr. Federico confirmed that the Board wasn't taking away any of the
33 current uses in the SCM. Ms. Werner reminded Mr. Federico about no drive-
34 throughs being allowed. Mr. Federico said the applicant can apply for that through
35 a conditional use permit. Mr. Federico said he was in favor of changing it to the
36 Gateway District.

37 Mr. James Kenny, Sarnia Properties said they had purchased the 5 lots and were
38 blindsided by this suggested zoning change. He continued that they had been
39 speaking to some national high quality tenants to redevelop and improve the image
40 of this property and this has thrown a wrench into the process. Mr. Kenny said it is
41 not just the issue of drive-throughs, but also the restrictions on heights, set backs

1 and that kind of thing. He feels the current zoning is more flexible. His request is
2 that they get their plans together and then come and sit down with the Board and
3 hopefully get the Board's blessing.

4 Mr. Daley said the setback requirements in the SCM are actually more restrictive
5 than the Gateway District; setbacks in the Gateway District are 0-15 feet from the
6 property lines themselves. In the SCM they are 30-40 feet. Mr. Daley addressed
7 the GCBD design standards saying they are not meant to be restrictive; they are
8 there for the Town to capitalize on a vision and to move away from strip mall
9 developments that are currently in existence on the Route 108 and create more of a
10 pedestrian based type of development. He continued that the Board took almost 2
11 years creating the design standards for the GCBD and is concerned about the
12 development on the Route 108 and north of the 101. Mr. Daley reiterated that it is
13 possible through a conditional use permit to work with the Planning Board to get
14 approval for any deviations from the design standards.

15 Mr. Kenny said the one thing that stands out for him is the prohibition of drive-
16 throughs in the GCBD. Mr. Federico reminded him he could apply for it via a
17 conditional use permit and the Board would work with him. He explained that
18 drive-throughs tend to use up a lot of land and the Board would like more
19 development rather than drive-through which is why the setbacks are better in the
20 GCBD, to allow more room for development.

21 Mr. Baskerville said he agreed that this is a little last minute and a little
22 disconnected from everything else, but historically the Planning Board has been
23 extremely good at working with people. We want to help people bring
24 development to the Town. Mr. Baskerville feels the Ordinance would help them
25 more than hinder them.

26 Mr. Dan Crow, resident said he had managed to work with the Board on many
27 projects in Town very successfully and he supported Mr. Baskerville's statement
28 about that. Mr. Crow said also that he knew Mr. Kenny very well and said he is
29 very good at redeveloping properties and bringing in new trade/business to a town.
30 Mr. Crow appreciates the Board's idea, but feels that maybe Stratham is jumping
31 over the highway a little too quickly. He wondered if the Board could table this
32 rezoning for a year and allow the developer to work with the Board and incorporate
33 some of the Gateway zoning into the project.

34 Mr. Kevin King, owner of Lot 21 spoke next. He doesn't see the advantage of
35 changing the 8 lots mentioned to the GCBD as it is such a small area and people
36 don't know if it is in Exeter or Stratham. He likes the overall proposal of the
37 GCBD, and he is a fan of the idea of having the buildings closer to the road with
38 parking at the back of the building. Mr. King's concern relates mainly to the
39 imposed restriction of drive-throughs. He feels that he is losing something he
40 currently has under the SCM district and is concerned about selling it in the future.
41 Mr. Baskerville asked about Mr. King's property as it is split so that half is in
42 Exeter and half is in Stratham and asked about water and sewer. Mr. King

1 explained he has water for the Exeter side only.

2 Mr. Baskerville asked the Board for their comments. Mr. Federico said it is
3 obvious that the property owners would prefer that the current zoning remains so
4 his new recommendation is to keep it as such. Mr. Merrick said it made sense to
5 table it for a year as did, Mr. Baskerville who added it will give property owners
6 the opportunity to learn more about it. Mr. Hyland wondered if they could split this
7 so it becomes optional. Mr. Daley said that unfortunately it is too late to make
8 changes at this juncture.

9 Ms. Werner made a motion that the Board removes Zoning Ordinance Amendment
10 Number 8 from consideration at the Town meeting this year. Mr. Federico
11 seconded the motion. Motion carried unanimously.

12 4. Miscellaneous.

13 a. Report of Officers/Committees.

14 Mr. Paine gave an update on the Exeter Squamscott River Advisory Committee; he said
15 it is in the process of putting together its master plan which he hopes to share soon.

16 Mr. Daley said that the Town Center Committee proposed their budget last week. Part
17 of that was the creation of a banner program for the down town areas which was
18 supported by the Budgetary Committee and the Board of Selectmen.

19 b. Member Comments.

20 Mr. Baskerville asked when the next meeting would be. Mr. Daley said February 6th,
21 2013 to discuss a number of items, one being Mr. Deschaine presenting the CIP, a
22 preliminary consultation with Porsche about a possible expansion of their facility, and a
23 public hearing about Mr. Kirk Scamman's parking lot. Mr. Daley said there will be a
24 public meeting also with the Conservation Commission on Wednesday, February 13th,
25 2013 at 7:00 PM to discuss the proposed septic expansion on the Town property under
26 the new ball field. At 7:30 PM there will be a public hearing involving Makris. They
27 will be asking for a continuation of their lot line adjustment approved in July 2012.

28 Mr. Daley referred to the meeting with the Conservation Commission. He explained
29 that it is required by State statute that when the Board of Selectmen sell or lease a part
30 of Town property for purposes of private use, it requires a consultation by both the
31 Planning Board and Conservation Commission prior to that going before a Town
32 meeting. Mr. Deschaine added that the purpose behind the statute is to determine the
33 advisability of entering into that conveyance. Mr. Baskerville said he would not be
34 able to attend that meeting.

35 5. Adjournment.

36 Ms. Werner made a motion to adjourn the meeting at 9:12 PM. Motion was seconded by
37 Mr. Hyland. Motion carried unanimously.
38

