



Stratham Planning Board Meeting Minutes

March 5, 2025

Stratham Municipal Center

Time: 7:00 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative
Chris Zaremba, Regular Member
John Kunowski, Regular Member
Nate Allison, Alternate Member

Members Absent: None

Staff Present: Susan Connors, Planning Project Assistant
Carol Ogilvie, Interim Town Planner (virtually)
Cordell Johnston, Town Counsel (virtually)

1. Call to Order

Mr. House called the meeting to order at 7:00 pm and took roll call.

2. Approval of Minutes

a. February 19, 2025

Mr. Zaremba made a motion to approve the February 19, 2025 meeting minutes. Mr. Canada seconded the motion. All voted in favor and the motion passed.

3. Public Hearing (Old Business):

a. Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner), request for approval of a Subdivision application and Conditional Use Permit for a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, into a Residential Open Space Cluster Development with 28 single-family residential lots, and five (5) joined-array lots each with four (4) separate single-family units, for a total of 48 units. The parcels are Zoned Residential/Agricultural.

Ms. Connors described a few action items for the Board for tonight and the future. An application extension needs to be granted, and the application needs to be moved into third party engineering review. Additionally, two waiver requests have been submitted, one is to exceed the maximum road length in the subdivision regulations and the other is a request to exceed the maximum percentage of wetlands that the open space land can contain per the Ordinance. The staff memo outlines new application materials submitted and the plans that have been revised since the last meeting. She stated that the project was presented to the Conservation Commission on February 26th and the staff memo includes comments from the Commission including their request for the project proponent to return to the Commission once the plans are farther along.

45 Drew Goddard of Copley Properties introduced himself and his team – Tim Phoenix, his counsel
46 and JJ McBride from Emanuel Engineering. Mr. Goddard stated that he believes they are at a point
47 to proceed to third-party review. He presented the new Open Space Plan to the Board and noted
48 some changes to the existing plans including: changing the pressurized fire hydrant system to two
49 fire cisterns that are located within 1,000 feet of every structure; edits to some leach field locations;
50 a reduction in the number of sewer crossings under the roads from eight to two; updated the array
51 home separation to 30 feet; rotated the existing barn that will be relocated on the same parcel and
52 still with the existing home; modifications to array lot driveways; inclusion of fire truck turning
53 templates for the array lot driveways; and the addition of a one way street sign around the large
54 cul-de-sac. A plan showing the maximum tree clearing limits was submitted, but is not necessarily
55 what will be cut, as Mr. Goddard wants to preserve trees where appropriate.

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57 Mr. Goddard stepped through each of the items on the applicant response letter dated February 21,
58 2025. The first response was regarding how the project meets the objectives of a residential open
59 space cluster subdivision. He asserts that recreational use is not required and because he was not
60 awarded any bonuses for trails or recreation, he is not required to provide any. However, he
61 voluntarily added some walking trails and a picnic area near the large leach field. He proposes
62 public parking spaces and a dedicated trail easement to the town if the project is approved as a
63 public road. If the road is private, then the open space access will be limited to the residents of the
64 subdivision.

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66 Mr. House asked if the road will be public or private. Mr. Goddard replied that they are proposing
67 it to be a public road, but if the Board and the DPW don't accept the two sewer lines under the
68 road, then he will have to privatize the road and not allow public access to the open space land.
69 Mr. Canada asked if the maintenance of the sewer crossings would be the responsibility of the
70 HOA. Mr. Goddard replied that the entire sewer system will be private and is 100% the
71 responsibility of the HOA for maintenance and repair including road repair. Ms. Connors provided
72 an update from the DPW Director on the revisions. The Director stated if there are only two
73 crossings, the engineering review is supportive of it, and the pipes are sleeved (e.g. with concrete)
74 then he is okay with the two crossings but qualified it as pending engineering review.

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76 Mr. Houghton disagrees with the applicant's interpretation of the open space criteria as it is
77 outlined in the Subdivision Regulations at Section 4.6.6. He believes what has been submitted falls
78 short from the spirit and intent of that section. Mr. Houghton agrees that general public use is
79 optional, but he is asking that they meet the spirit and intent of the regulation. Ms. Connors read
80 the first sentence of Section 4.6.6 "Useable Open Space shall be reasonably available for
81 recreational use by the residents of the subdivision" and stated that was the reference for the
82 comment in the staff memo, and at the time, the open space plan did not exist. Ms. Connors
83 expressed concerns with trail easements being dedicated to the Town and asked if Mr. Goddard is
84 building the trails. Mr. Goddard presented an updated easement plan and a new open space plan
85 and described the trails he will build.

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87 Mr. Kunowski asked what the easement between Lots 26 and 27 is for. Mr. Goddard replied it is
88 a shared driveway easement for Lot 26 to use the driveway on Lot 27 and also as future access by
89 the HOA to the leach field on the common land behind those lots.

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91 Mr. Zaremba asked if there are trails in the Treat Farm neighborhood that this project will connect
92 to. Mr. Goddard replied it has a limited loop trail. He thinks the connection is good for pedestrian
93 access. He notes that Winnicutt Road is a busy and dangerous road, so residents of the new
94 subdivision can access Treat Farm Road and from there have a much shorter walk along Winnicutt

95 Road to Muirfield Drive.
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97 Ms. Connors commented that the easement shown between Lots 26 and 27 will need to extend to
98 the rear property line for the septic maintenance easement. Mr. Goddard agreed. Mr. House
99 commented that the HOA will need to maintain the grass on the septic system and asked if Mr.
100 Goddard has addressed how trucks will get access to the leach field. Mr. Goddard replied that one
101 of the trails will act like an access road and he agrees that the leach fields need regular mowing.
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103 Mr. Goddard presented Item 2 on the applicant response letter dated February 21, 2025. Mr.
104 Zaremba stated he understands why if the roads are private that Mr. Goddard wouldn't build
105 parking spaces, but he doesn't understand why the open space in the development would be
106 restricted to residents. Mr. Goddard replied that there would be liability and maintenance issues
107 with public access and the homeowners would have a significant burden on their private property.
108 Mr. Zaremba responded that the point will be moot if it is a public road, and he doesn't think it is
109 consistent with the Master Plan to restrict the entire trail system. Mr. Goddard replied that he agrees
110 it would be a shame, but that the ordinance is clear that it's not a requirement. Mr. Houghton stated
111 that he believes there is a disconnect with Mr. Goddard's interpretation of the subdivision
112 regulations regarding open space cluster subdivision requirements. He believes that the
113 construction and maintenance of the open space provisions of the development rest with the
114 developer and not the town. The Town, through its regulations and Master Plan, advocates
115 connectivity. He stated that is the spirit and intent of the Master Plan and the essence of the
116 regulation. Mr. Phoenix replied that the Master Plan is unclear and does not itself address who is
117 responsible and that it's just a goal of the Town. He added that Master Plans are more than a wish
118 list but they are not law, a regulation, or an ordinance. Mr. Phoenix asked Mr. Houghton for
119 suggestions. Mr. Houghton clarified that his references to the Master Plan are in regards to the
120 spirit and intent and not a requirement but that Section 4.6.6 of the Subdivision Regulations does
121 specifically layout the design intent of the regulation. Mr. Phoenix explained that the Applicant
122 added walking trails to the open space and asked specifically what the Board thinks is necessary
123 to add to the plan. Mr. Houghton replied there are many options from a recreational perspective
124 particularly in the lower section of the open space plan including, for example, playing fields for
125 soccer, that are above and beyond walking trails. Ms. Connors asked why are trail easements
126 proposed to be granted to the Town, why does the Town need the easements? Mr. Phoenix replied
127 that if the Town wants more trails than what are proposed for the Open Space, then the easements
128 would allow the town to do that. Ms. Connors asked if the trails in red on plan OS1 will be built
129 because they are labeled differently - one is labeled as trails and the other as proposed public access
130 easement. Mr. Goddard replied those will be built and the ones in red are on private property so a
131 public easement to cross that property is needed. Before proceeding to the next comment, Mr.
132 Zaremba echoed Mr. Houghton's concerns.
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134 Mr. Goddard explained his response to Item 3 regarding the common land. He added a gazebo,
135 picnic benches, connection easements, and walking trails. Mr. House asked for confirmation that
136 the access easements along private driveways means that the public can walk along those
137 driveways to access common areas. Mr. Goddard replied yes and if they go along someone's house,
138 there can be signage directing the public where to walk.
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140 Mr. Goddard read his response to Item 4 regarding wetlands on residential lots, Item 5 regarding
141 shared utilities, and Item 6 regarding legal reviews of documents and provided further explanation.
142 Mr. House asked why the wells on the individual lots are next to each other instead of separating
143 them to opposite sides of the lots. Mr. Goddard replied that they are trying to cluster utilities
144 together and not spread them out for the ease of maintenance and drilling. He added that there is a

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large aquifer below ground and although he is not an expert, he doesn't believe there is a meaningful difference whether they are 20 feet apart or 10 feet apart. Ms. Connors stated that anytime bedrock wells can be installed farther away from each other, you lessen the risk of communication between the wells. The locations proposed probably will have communication between them if they are only 10 or 20 feet apart. Mr. House asked that the third-party engineer review that. Mr. Allison asked if fences will be allowed. Mr. Goddard replied he will not include a prohibition on fences in the HOA documents and will leave that up to the HOA. Mr. Allison sees fences as a potential problem with respect to the well radii extending onto adjoining properties. Mr. Goddard replied there will be well easements that prevent septic systems within that area. Mr. House reminded Mr. Goddard that the Town will need to review the draft HOA documents. Mr. Goddard acknowledged the requirement.

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Mr. Goddard explained his response to Item 7 regarding the maximum development yield. Ms. Connors provided an update to the staff's comments. She stated that staff understand the math and explained that the applicant stated multiple times that they needed 40 lots in order to build 48 units, therefore staff expected to see a plan for 40 lots and didn't understand why only 33 lots were proposed. Staff was concerned they were missing something and discussed with Town Counsel who eased their minds but came to the conclusion that either the Declaration for the HOA and/or the individual deeds will need bedroom restrictions. Mr. Goddard and Mr. Phoenix agreed.

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Mr. Goddard explained his response to Item 8 regarding combining the array lots into a single lot. He prefers to keep it the way he has shown it. He did, however, rearrange the lots to provide for a 30-foot separation between the array units and provided a fire truck turning template for the driveways.

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Mr. Goddard explained his response to Item 9 regarding a paper street to Treat Farm Road. He stated that the paper street is not necessary and would be objectionable to the residents on Treat Farm Road. Mr. House asked if any members of the public wanted to speak to this. Kelly Petrarca of 20 Treat Farm Road spoke in opposition to a road connection as it would run outside her bedroom window and Mr. Goddard explained to her that it would destroy the neighborhood. Susan Connors of 3 Treat Farm Road also prefers not to have a road connection. Mr. Zaremba recalled from the preliminary meetings that the Town received other comments against a connection. Ms. Connors confirmed the town received two or three other written comments in opposition to the road connection during the preliminary meetings.

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Mr. Goddard explained his response to Item 10 regarding DPW comments. Ms. Connors noted that the Conservation Commission is opposed to the snow storage areas partially in the wetlands. Mr. Goddard replied he can move them to wherever the Commission and the DPW see fit.

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Mr. Goddard explained his response to Item 11 regarding a conditional approval with unissued State approvals. He stated that many of the applications require finalized designs, and he needs Planning Board approval of the design before moving to full engineering. Mr. Allison asked if each lot needs a septic suitability test. Mr. Goddard replied they only need to show test pits where the septic systems are going to be installed, and the test pits were witnessed by the Rockingham County Conservation District. Mr. Goddard asked the Board if they agree the state permits can be a condition of approval. The Board declined to respond until the project is reviewed by the Town's third-party engineer. Ms. Connors reminded Mr. Goddard that the permit numbers must be included on the signed subdivision plans prior to recording the plan. Mr. Goddard agreed.

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Mr. Goddard explained his response to Item 12 regarding escrow funds for engineering review and requested to be refunded the \$2,200 for the fire protection engineering review. Ms. Connors replied that any money not used will be refunded, but the engineering review for this project as a whole will be more than just phase one. For example, the Town collected \$10,000 from the last subdivision applicant for only a 6-lot subdivision. She added that the fire chief would still like the number and sizes of fire cisterns reviewed.

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Mr. Goddard explained his response to Item 13 regarding the submittal of GIS files for Town review and that they don't want to submit draft data. Ms. Connors replied that she doesn't understand why GIS files are any different from draft plans submitted in paper or pdf format. She explained that the subdivision and wetlands lines are not in the Town's GIS system and having the information would facilitate staff's review of the project on behalf of the Board. Bruce Scamman of Emanuel Engineering stated that he has never had to submit the files as draft in the past and explained that the lot lines have changed multiple times since the beginning. Ms. Connors replied that previous Town staff didn't have the skills to use ArcGIS and provided an example of why and how staff would use the data. Mr. Goddard replied that his consultant will commit to providing presentation materials and answers to questions as requested by Town staff.

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Mr. Goddard briefly explained the Open Space waiver. The Board agreed to table review of the waivers until after the engineering review.

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Mr. Kunowski asked to go on record that he doesn't share the concern expressed by some of the board members on Items 1 and 2 regarding amenities in the open space parcel. He believes the applicant has satisfied the ordinance.

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Mr. Goddard briefly described the fire truck turning templates for the array lots. Mr. House has concerns with fire truck access on the array driveways. Mr. Allison has concerns with large trucks like moving vans navigating through the smaller cul-de-sac. Mr. Goddard replied that it is the responsibility of the homeowners to understand if they have appropriate access for delivery trucks, but he notes Mr. Allison's comments.

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Mr. McBride described minor changes to the sheets prepared by James Verra and Associates which are largely related to lot line changes and updates to easements.

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Mr. Allison commented that the proposed road design does not match the standards in the subdivision regulations. He commented that the stormwater treatment could be installed on both sides of the road and the road have a center pitch as called for in the subdivision regulations. Mr. Scamman presented a description of the stormwater treatment swales. Mr. House noted that a waiver request is needed for this proposal. Mr. Allison commented that the application materials don't include the required 50-foot road cross sections.

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Mr. Goddard presented the plan showing the existing tree line vs. the maximum cutting of trees. He stated that he can respond to concerns from the Conservation Commission by providing more details and will do so at a future meeting.

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Ms. Connors commented that the array lots need to remove the very poorly drained soils from the calculation to meet the minimum lot size requirements. Mr. Goddard replied he can make the lots bigger or move the wells to another lot which would allow the array lots to be smaller. Ms. Connors added that he can also request approval of the smaller lot size through the Conditional Use Permit process.

244 The Board and the project team discussed an application extension and agreed to 65 days.
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246 **Mr. Kunowski made a motion to extend the application for 65 days. Mr. Zaremba seconded**
247 **the motion. All voted in favor and the motion passed.**

248 **Mr. Zaremba made a motion to continue the public hearing to April 16, 2025. Mr. Canada**
249 **seconded the motion. All voted in favor and the motion passed.**

250 **4. Miscellaneous Planning/Community Items**

251 **a. PREP Septic System Vulnerability Assessment and Inventory**

252 Ms. Connors presented a draft of the Septic System Vulnerability Assessment and Inventory
253 project that was prepared by FB Environmental for the Town through a grant from the Piscataqua
254 Region Estuaries Partnership (PREP). The vulnerability assessment used publicly available data
255 to determine which areas of Stratham are at an increased risk of septic system failure due to soil
256 types and other natural features. A web-based interactive mapper was created for the Town to show
257 the results of the analysis. FB Environmental also created a septic system inventory for 25% of the
258 town, which includes extensive detail on each permitted septic system, including its age, design
259 flow, exact location, model, soil characteristics, and other relevant design information that was
260 collated from available septic system plans. The rest of the work under the grant will include an
261 outreach and engagement event and a final memorandum summarizing the results of the analysis
262 and potential policy recommendations for the town.

263 Ms. Connors stated that the inventory part of the project could be continued through a second
264 grant, but a continuation would need to include some other task such as drafting an ordinance
265 related to septic systems (e.g. required inspections or pumping schedules). State law allows the
266 Health Officer of the Town to make regulations regarding septic systems which take effect when
267 approved by the Select Board. Ms. Connors asked the Planning Board if they would support that
268 effort. Although the Board acknowledged what has been completed so far as very useful, they do
269 not support drafting an ordinance that would increase the town's responsibility in septic system
270 management and deferred to NHDES for that.

271 **b. ESRLAC Water Resource Protection Guide for the Exeter-Squamscott River Watershed**

272 Ms. Connors presented a new Water Resource Protection Guide prepared for the Town of Stratham
273 with assistance from the Rockingham Planning Commission through another PREP grant. The
274 Town of Stratham participates in the Exeter-Squamscott River Local Advisory Committee
275 (ESRLAC) through volunteer representation appointed by the Select Board. Stratham's
276 representatives are Nathan Merrill and Eric Bahr. Ms. Connors briefly stepped through the guide
277 noting that Stratham is on par with many surrounding towns with regards to the proposed 75-foot
278 wetlands setback. The guide offers suggestions on how municipal officials can protect the
279 watershed and it will be posted to the website.

280 **5. Adjournment**

281 **Mr. Canada made a motion to adjourn at 9:56 pm. Mr. Houghton seconded the motion. All voted**
282 **in favor and the motion passed.**