



Stratham Planning Board Meeting Minutes

September 3, 2025

Stratham Municipal Center

Time: 6:30 pm

Members Present: Thomas House, Chair
David Canada, Vice Chair
Mike Houghton, Select Board's Representative (left after nonpublic session)
John Kunowski, Regular Member

Members Absent: Chris Zaremba, Regular Member
Nate Allison, Alternate Member

Staff Present: Vanessa Price, Director of Planning and Building

1. Call to Order and Roll Call

Mr. House called the meeting to order at 6:30 pm and took roll call.

2. Nonpublic session

Mr. Houghton made a motion to enter nonpublic session at 6:30 pm to discuss a contractual matter to discuss the consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.

Mr. Houghton made a motion to exit a nonpublic session at 6:53 pm to discuss a contractual matter. Mr. Canada seconded the motion. All voted in favor, and the motion passed.

Mr. Canada made a motion to seal the minutes because it was determined that divulgence of this information likely would render a proposed action ineffective. Mr. Houghton seconded the motion. All voted in favor, and the motion passed.

Mr. Houghton excused himself from the rest of the meeting.

3. Approval of Minutes

a. August 20, 2025

Mr. Kunowski made a motion to approve the meeting minutes from August 20, 2025. Mr. Canada seconded the motion. All voted in favor, and the motion passed.

4. Public Meeting (New Business)

- a. Red Barn Property LLC (Applicant and Owner) request for a Preliminary Consultation to construct residential, detached duplex units with a private driveway at 210 Portsmouth Avenue (Tax Map 21, Lot 81), Route 33 Legacy Highway Heritage Zoning District.

45 The case file was moved to be heard first by the Board's Chair, Tom House.
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47 Ms. Price stated that any individual who anticipates submitting an application for site plan approval
48 is required to consult with the Planning Board prior to submission of the formal application. The
49 purpose is to have the Board discuss with the Applicant the basic concept of the proposed
50 subdivision. She noted that single-family and two-family dwellings are permitted in the District.
51 The Applicant will need to go before the Heritage Advisory Committee and may need to file a
52 Conditional Use Permit for road crossings in wetland areas. The application does not explicitly
53 state if the units will be condominiums.

54 John Lorden with Beals Associates spoke on behalf of the owner, Brendan Sheehan. It is an
55 existing 11.1-acre lot. It is a long, narrow lot along Route 33. There is an existing duplex and barn
56 for storage. The proposal is to maintain the existing duplex and move the existing barn to another
57 location on the lot. The barn may be converted into a duplex, but that is not yet final. The driveway
58 will take advantage of an existing southern curb cut and remove the northern curb cut, and have
59 one shared driveway for all units. Mr. Lorden stated that the owner does not plan to create condo
60 ownership and would like them all to be rental units. They propose a total of 13 new duplexes in
61 addition to the two existing duplexes for a total of 15 duplexes, 30 units, 60 bedrooms. Two-family
62 units are permitted in the District, and the maximum residential density is three units per acre. At
63 11 acres, this property would allow for 33 units.

64 Mr. House stated that the discussion tonight is nonbinding for the Board and the Applicant. Mr.
65 House asked how long the road is. Mr. Lorden stated it is a driveway and he doesn't have the exact
66 measurement, but assumes it is approximately 1,000 feet. Mr. House encourages the project team
67 to talk to the fire department. Mr. House asked if the private driveway will be plowed by the owner.
68 Mr. Lorden replied yes. Mr. House stated they need to obtain driveway permits. Mr. Lorden agreed.
69 Mr. House asked where the septic system is. Mr. Lorden replied that is to be determined but they
70 did some preliminary layouts and test pits and likely the layout will change slightly.

71 Mr. Kunowski asked if there will be community water. Mr. Lorden replied there will be multiple
72 wells. Mr. Kunowski asked for confirmation that they are two-bedroom units. Mr. Lorden
73 confirmed. Mr. Kunowski asked if there will be surface or garage parking. Mr. Lorden replied that
74 is to be determined and preliminarily there may be some units with garages and some units without.
75 Mr. Kunowski asked if there is a wetlands road crossing. Mr. Lorden replied there is an option to
76 put the driveway in the side setback to reduce wetland impact and is seeking input from the Board
77 on that. Mr. House asked if they move the driveway south, how much will it be outside the wetlands
78 setbacks. Mr. Lorden described the wetlands locations and stated they cannot get completely out
79 of the wetlands. Mr. Kunowski stated that in his opinion having the road on the lot line and in the
80 setback is problematic. Mr. Lorden replied it might be 10 feet from the property line and that would
81 help to reduce the wetlands impact.

82 Mr. Kunowski asked if there is anything historic about the existing house or barn. Mr. Sheehan
83 replied they were built in 1880. Mr. Lorden added that they will both be maintained with the barn
84 being moved. Mr. Sheehan stated that the barn is collapsing and he wants to move it to a new
85 foundation and restore it.

86 Mr. Canada asked if the Conservation Commission reviewed the project. Mr. Lorden replied not
87 yet, that this is their first step. Mr. Canada stated that this is another example of shoehorning in as
88 many units as possible and not considering things like wetlands. Mr. Lorden replied that the
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94 wetlands impact is directly related to the driveway which is allowed to access a property and they
95 would adhere to the buffers with the septic systems, etc.

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97 Mr. Kunowski asked if the wetlands need to be removed from the calculation for allowable number
98 of units. Mr. Lorden replied that he didn't see it for density but did see that for lot area. Ms. Price
99 noted Section 11.5.1 of the Ordinance that requires the proposed construction be essential to the
100 productive use of land not within the Wetlands Conservation District where the upland area
101 considered for development is not smaller in acreage than the wetlands area and no-disturbance
102 buffer being impacted. Mr. Kunowski asked if that could impact the number of units. Ms. Price
103 and Mr. House replied yes. Mr. Lorden took note of that reference. Mr. Lorden asked if that is
104 specific to density. Ms. Price replied not for density, but for the wetlands crossings.

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106 Mr. House asked for Mr. Lorden to point out the actual wetland. Mr. Lorden did and Mr. House
107 stated that they are not just within the setbacks but they are crossing the actual wetlands. Mr.
108 Lorden agreed and said that is the only way to access that portion of the property.

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110 Mr. Canada asked if there is any intention to subdivide the property. Mr. Sheehan replied no. Mr.
111 Canada asked if that would be in the deed. Mr. Lorden replied he does not know if the parcel would
112 fit a subdivision. Mr. Canada stated he does not want to see a back door to a subdivision, for
113 example once all the houses are built, then they decide to subdivide. Mr. Lorden replied he could
114 see it become condos possibly in the future, but does not believe subdivision meeting the
115 regulations. Mr. Canada asked wouldn't condos require a subdivision. Ms. Price and Mr. Lorden
116 replied yes. Mr. Lorden replied the current plan is to create rental units and if the Board want to
117 put on further stipulations, they can discuss that. Mr. House replied if it changed to condos in the
118 future, it would need Planning Board approval. Mr. Lorden agreed.

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120 Mr. House noted that the wetlands crossings will be tough. Mr. Lorden replied it will be about
121 3,000 square feet of impact. Mr. House asked if it can be mitigated elsewhere. Mr. Lorden replied
122 that will be up the State to determine it.

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124 Ms. Price noted there are dimensional requirements in 4.1.5 that state there is only one primary
125 dwelling or duplex permitted on individual parcels in this district unless permitted as part of a
126 condominium or mobile home development. That was a recent zoning change in 2025.

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128 Mr. Kunowski asked how much clearing would be needed for this project. Mr. Lorden replied they
129 won't know that until they design the drainage and the septic. Mr. Kunowski asked if it is currently
130 heavily wooded. Mr. Lorden replied yes. Mr. Kunowski asked if it is a natural through-way for
131 wildlife. Mr. Lorden replied not that he is aware. He added that there is a brook on the property
132 but not within the development area.

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134 There were no more comments from the Board.

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136 5. Public Hearing (Ongoing Business):

137 a. Copley Properties, LLC (Applicant) and CAT Trust (Owner) request for approval of a Site Plan,
138 Conditional Use Permit, and Route 33 Heritage District Application for an approximate 4,535 SF,
139 three-unit, multi-family structure consisting of 3-bedroom units. The location is 301 Portsmouth
140 Avenue (Tax Map 22, Lot 24), in the Route 33 Legacy Highway Heritage Zoning District.

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142 Ms. Price noted that the Board needs to review one waiver and the Conditional Use Permit. She
143 stated there are some minor changes to the plan noted in the staff memo. Ms. Price noted there are

144 some outstanding questions on the retaining wall height and the removal of the proposed guard rail
145 requested by the Board.

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147 Bruce Scamman of Emanuel Engineering and James Verra and Associates presented and
148 introduced Drew Goddard, the Applicant. He stated with regards to the retaining wall they made a
149 1:1 slope made out of rock and the height difference is about 3.1 feet. They lowered the corner of
150 the driveway, so they do not need a retaining wall or a guard rail. He showed this on the grading
151 plan. Mr. House asked if they are pitching the driveway towards the neighboring property. Mr.
152 Scamman replied correct but they will capture water in the rock. The native grade is to the rear of
153 the lot. By dropping water into the rock, it will run along the grade underneath toward the back of
154 the lot. New plans were presented regarding this and Mr. Scamman asked that it be included as a
155 condition of approval.

156 Mr. Scamman offered to present changes to the plans and stated that CMA and staff are in
157 agreement with the changes. Mr. House asked if the fire department is all set with the project. Ms.
158 Price replied yes.

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160 Mr. House asked what is the pitch of the road from right to left going down. Mr. Scamman replied
161 about 5%. Mr. House asked if that is okay with the fire department. Mr. Scamman replied that 5%
162 is considered allowed for handicap walking space and 2% is for landings. Traditionally they design
163 between 2% and 5% for parking lots. Mr. House noted they maxed it out for this case. Mr.
164 Scamman agreed and added that allows them to remove the retaining wall and future maintenance.
165 Mr. Kunowski asked if the 5% pitch is towards the abutting property. Mr. Scamman replied yes,
166 but the water will be captured by rock and when water goes through the walk to the ground below
167 it will flow naturally to the rear of the property. He added that there will be drip edges around the
168 structures and additional rock for drainage on the property.

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170 Mr. House asked if the abutter who spoke at the last meeting was present. She was not. He asked
171 if she is okay with the project design and noted he recalls her having issues with headlights. Ms.
172 Price replied the Mr. Scamman noted that might be a concern and that's the original reason for the
173 guard rail. She added that there is a lot of mature vegetation and there is a condition in the draft
174 notice of decision for a temporary easement during construction. Mr. Goddard stated that he spoke
175 with the abutter and her major concern was that vegetation wouldn't be removed or would have
176 limited removal. The vegetation in question is on her property and they will not cut that. He stated
177 she was relieved that the natural buffer will remain. Mr. Scamman noted that an existing trailer is
178 supposed to be removed from her property that is owned by the owner of the subject property.

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180 Mr. Scamman stated they added a demo plan to the set at the request of CMA who asked to see
181 the areas to be cleared. Mr. House noted that they will need a demolition permit to remove the
182 home.

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184 Mr. House asked for a waiver presentation. Mr. Scamman stated that one waiver was already
185 granted and the remaining waiver is from the requirement for a 60 foot wide right-of-way. Mr.
186 House asked how long is the driveway. Mr. Scamman replied just under 300 feet.

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188 Mr. House stated that the Board needs to review the waiver criteria. Mr. House asked Mr.
189 Scamman to present the waiver justification. The Board had no comments on the waiver criteria
190 in Section 19.9.1 of the Zoning Ordinance.

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192 **Mr. Kunowski made a motion to grant the waiver from Site Plan Regulation Section 5.14, of**
193 **the Site Plan Regulations, to grant the proposed shared driveway to not meet the pavement**

width or right-of-way width requirements found in the Subdivision Regulations Addendum A, Figure A strict conformity would cause an unnecessary hardship to the applicant, and the waiver would not be contrary to the spirit and intent of the regulations. The Findings of Fact are that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property, and will promote the public interest as the 20-foot wide driveway proposed shows pull-in access for a fire truck.
2. The waiver will not, in any manner, vary other provisions of the Stratham Zoning Ordinance.
3. Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations by having an adequate driveway size of at least 20' wide.
4. A specific circumstance warrants the granting of a waiver for a smaller road requirement for a 20' wide driveway. The lot is utilizing an existing access to the property and will allow the resident to access their property, as there is a lack of availability of alternative site locations.

Mr. Canada seconded the motion. All voted in favor the motion passed.

Mr. House asked for a presentation of the Conditional Use Permit criteria. Mr. Scamman read aloud the responses on the CUP application for the criteria. Mr. Kunowski noted that he stumbles on the fiscal impact criteria because single-family homes can potentially increase town expenses with regards to schooling, but the value of the property will likely be greater than the current use resulting in an increased tax base. There were no additional comments from the Board.

Mr. Kunowski made a motion that the Planning Board grant, per Section 3.6 of the 2025 Stratham Zoning Ordinance, a Conditional Use Permit for a multi-family dwelling due to all the conditions found to exist by the following findings of fact:

1. **Spirit and Intent of the Ordinance:** The proposed development is located on a site on which there are no existing violations of the Stratham Zoning Ordinance and will be constructed in a manner compatible with the spirit and intent of the Stratham Master Plan and Zoning Ordinance.
2. **Site suitability:** The site is suitable for the proposed use, which includes the following:
 - a. Adequate vehicular and pedestrian access for the intended use.
 - b. The availability of adequate public services to serve the intended use, including emergency services, pedestrian facilities, schools, and other municipal services.
 - c. The absence of environmental constraints such as floodplain, steep slope, etc.
 - d. The availability of appropriate utilities to serve the intended use, including water, sewage disposal, storm water disposal, electricity, and similar utilities.
3. **The external impacts of the proposed use on abutting properties and the neighborhood** are no greater than the impacts of surrounding 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.
4. **Character of development and impact on natural, cultural, historic, and scenic resources:** The proposed layout and design of the site and new 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 relationship of the development to the street, the scale, height, and massing of the building, architectural design, buffering from adjacent properties, and provisions for pedestrian and vehicular access. The proposed use and development of the site shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties.

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5. **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;
6. **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 offset 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.
7. **Public Interest:** The permit is in the public interest, as it meets the regulations and provides additional housing for the Town.

Mr. Canada seconded the motion. All voted in favor the motion passed.

Mr. Kunowski made a motion to close the public hearing. Mr. Canada seconded the motion. All voted in favor the motion passed.

Ms. Price stated the Board now needs to review the Route 33 Heritage District application and the conditional approval for the Notice of Decision. She noted that some proposed condition can be removed including one that relates to condominiums which is not proposed for this project, the stormwater management agreement requirement, the water supply from NHDES, add a new condition that prior to issuance of a Certificate of Occupancy that a well completion report for each new well be submitted to the Director of Planning and Building, and that a copy of the driveway permit issued by DOT be provided to the Director of Planning and Building.

Mr. Goddard stated that he provided comments to Ms. Price on the draft Notice of Decision that he reviewed. One additional comment not addressed is that the EPA Construction General Permit is applicable only if they disturb more than one acre. This property is only one acre and they are not disturbing the full site. He noted the condition does say 'if applicable' but he thinks as a housekeeping measure it could be cleaned up. Mr. Goddard stated that the DOT permit was submitted to staff. He requested that conditions regarding the retaining wall be removed since they removed the wall from the plan or a note added 'if one is to be built'. The Board agreed to remove the retaining wall condition. Mr. Goddard explained his issue with the condition regarding outstanding technical comments. He stated there are no outstanding technical comments and he wants to avoid a situation where before recording the plan that they have to go back to CMA for review. Mr. House asked if CMA is all set. Ms. Price replied yes, but there were some technical items that are outlined in the plan revisions. She noted that is standard language from all notices of decision and CMA did not have any further issues. Mr. House agreed that should be removed. The Board agreed to remove the stormwater management agreement condition. Mr. Goddard requested that the condition regarding an easement on the abutting property for possible disturbance of the land for construction of the retaining wall can be removed as the wall is no longer proposed. Ms. Price noted that she suggests keeping that condition to protect the abutter. She does not anticipate them having to disturb the area, but something could happen. Mr. Goddard replied he has an obligation to stay on his parcel and if they go over it, that's when their hand gets slapped and we deal with it. The Board agreed to remove that condition. Mr. Goddard questioned why the project needs a third-party fire protection engineer to review the fire detection system. He said the Code Enforcement Officer will review the project for egress and complete inspections to make sure that fire alarms and CO detectors are installed. He added this is not a 20-unit apartment building and they should rely on the Code Enforcement Officer to know his stuff. Ultimately the fire suppression system will be stamped, but he would like to strike the other stuff reliant that the Code Enforcement Officer is capable of doing his job sufficiently and efficiently. Mr. House

294 replied that he does not think that condition is referring to a third party. He recognizes it says
295 certified fire protection, but that is an engineer's stamp. Mr. Goddard replied that it also lists egress,
296 emergency lighting and smoke and the suppression company is going to design and stamp their
297 fire suppression system. There is no requirement for emergency lighting, there is no common
298 hallways. Mr. House replied that the intention is that the plan needs to be stamped by an engineer
299 which Mr. Goddard already said he will use; and the other items like emergency lighting, smoke,
300 heat will be an electrical engineer and will be stamped on drawings as they progress. Some of the
301 items are building code which will be stamped by an architect. The Board agreed that the
302 requirements can be picked up during the building permit process. Mr. Scamman commented that
303 in New Hampshire engineers are not certified in specific engineering areas, it is just a "professional
304 engineer" and he could stamp a nuclear power plant if he felt he was qualified.

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306 The Board agreed to remove the condition regarding the water supply well. Mr. Goddard noted
307 that the DOT permit was recently submitted to staff, so that condition can also be removed. Mr.
308 House asked for confirmation that the DOT number will be on the plans. Mr. Goddard and Mr.
309 Scamman agreed.

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311 Ms. Price stated there is one condition she would like to add and it is that a copy of the well
312 completion report be submitted as it is a frequent request from the public. Mr. Goddard objects to
313 that. He stated that when he drills wells, he does a well test and submits the information to the
314 Code Enforcement Officer to get the CO. Additionally, the information is on record with the state.
315 Ms. Price stated that the Planning and Building Department are trying to be better stewards for
316 residents and DES records are not always complete although they have been better at record
317 keeping recently. Mr. House read aloud the proposed condition. Mr. Canada questioned what is
318 hard about that. Mr. Goddard replied that because ultimately it is saying that he needs two
319 signatures now, from the Director of Planning and the Building Inspector. The Board replied that
320 it does not say that the Director needs to sign off on it, just that a copy is submitted. Mr. Goddard
321 agreed. The Board agreed to include that condition.

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323 Ms. Price summarized that the Board needs to vote on the Route 33 Heritage District application
324 and on the Site Plan.

325
326 **Mr. Kunowski made a motion that the Planning Board grant approval of the Route 33**
327 **Heritage District Application for an approximate 4,535 SF, three-unit, multi-family**
328 **structure consisting of 3-bedroom units. The architecture of the three-unit multi-family**
329 **home meets the regulations for the Route 33 Legacy Highway Heritage Zoning District. The**
330 **location is 301 Portsmouth Avenue (Tax Map 22, Lot 24), Route 33 Legacy Highway Heritage**
331 **Zoning District. This is subject to the site plans by Emanuel Engineering, last revised August**
332 **22, 2025. Mr. Canada seconded the motion. All voted in favor the motion passed.**

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334 Ms. Price stated that she will note on the Notice of Decision that the CUP was approved.

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336 **Mr. Kunowski made a motion that the Planning Board conditionally approve, subject to the**
337 **conditions stated in the amended, draft notice of decision of 9/3/2025, the request for an**
338 **approximate 4,535 SF, three-unit, multi-family structure consisting of 3-bedroom units. The**
339 **location is 301 Portsmouth Avenue (Tax Map 22, Lot 24), Route 33 Legacy Highway Heritage**
340 **Zoning District. Mr. Canada seconded the motion. All voted in favor the motion passed.**

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342 Ms. Price noted that the original Notice of Decision will be mailed to the owner and other parties
343 will receive an electronic copy.

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b. Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner), request for approval of a Residential Open Space Cluster Subdivision and Conditional Use Permit for a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, Zoned Residential/Agricultural.

Ms. Price stated that the Applicant is here to seek conditional approval. There are five waivers to be reviewed regarding road length, paved cul-de-sacs, using a precast fire cistern, and the phasing plan. Staff had comments on the August 22, 2025 plan set and met with the Applicant to address most items. Regarding the smaller cul-de-sac both DPW and the fire department said they can work with how it's presented. However, there is still concern that there will be cars parked where they aren't supposed to park. The fire department does not have an issue with using a pre-cast cistern. The town engineering consultant, CMA, noted the need for compliance with zoning and subdivision regulations and detailed those comments in their letter dated August 14, 2025. Those are the five waivers to be reviewed tonight and the two CUP applications. The police chief reviewed the last set of plans and provided observations about adequate signage for stop signs for each driveway prior to entering the cul-de-sac; he proposed that through that entire area advisory signage be placed like 'children present' or something like that along with multiple posted speed signs. He suggested a center island to ensure proper traffic flow and noted that the cul-de-sac with three driveways allowing access to 20 homes is unique and wondered if an island would be possible. Additionally, the police chief proposed that from his experience, cul-de-sacs should have adequate lighting. Ms. Price reviewed her outstanding comments on the plans set including correcting sheet V1, the road design criteria, and the waivers.

Mr. House summarized that the Fire Department and the DPW are all set although they have concerns with 20 homes up three driveways. Mr. House asked if the Applicant is okay with the signage requested by the Police Chief. Mr. Goddard replied yes. Mr. House asked about lighting in the cul-de-sacs. Mr. Goddard replied there is no lighting planned. Mr. House asked how the Board feels about that. Mr. Canada replied it is kind of late to require it. Mr. Kunowski replied since there are no street lights, it seems weird to ask for cul-de-sac lighting. Mr. House if Mr. Scamman understands the corrections to sheet V1. Ms. Price showed Mr. Scamman some issues with lot lines intersecting houses. Mr. Goddard clarified that house layouts are proposed but not definite. Mr. Scamman agreed to correct sheet V1.

Mr. House asked Ms. Price to explain her comment that the proposed road does not meet the Town's regulations. She replied that a waiver was submitted to allow a road to exceed 1,000 feet. She noted that other open space cluster subdivisions in town don't really exceed that requirement. She stated that the limit used to be 800 feet and was increased to 1,000 feet decades ago. The meeting minutes for that change allude that the reason was related to utilities. Mr. Scamman stated that the fire department approval of the cistern locations was what the Board was concerned with and they met with the Fire Department today who stated they are in favor of the proposed cistern locations. Mr. Goddard added that the fire cistern company will have the plans stamped by a fire protection engineer and they have supplied a dozen or so concrete cisterns throughout Stratham already.

Mr. House asked Ms. Price to explain her comment on density. Ms. Price explained that the Applicant has stated in the past with regards to the density granted that is how many lots he can get. She clarified that doesn't necessarily mean that's how many lots one can get with a conservation subdivision due to several factors, but they have submitted waivers for those.

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394 Mr. House asked for a presentation on the waiver from Subdivision Regulation Section 4.4.3.8.ii
395 for the road length. Mr. Scamman described the waiver is to allow a 2,138.94 foot paved road
396 connector to Winnicutt Road. Mr. Goddard stated there have been other projects recently with
397 distances longer than 1,000 feet. He thought the concern was mostly from a public safety aspect
398 and he discussed the project with the fire and police departments and DPW. They have all said
399 they are good with the project. He noted that the project has connection capability, but the abutters
400 did not want it and there would be greater environmental impact and greater long term
401 maintenance, cost, and liability to the Town. Mr. Scamman read aloud the waiver criteria from the
402 subdivision regulations. Mr. House asked for comments from the Board. He stated that in his
403 opinion, the fire chief is satisfied. Mr. Canada believes if there was a concern with the road length,
404 it should have been discussed long ago. He believes the waiver should be granted. Mr. Kunowski
405 is comfortable granting the waiver due to the extensive discussions with the fire department and
406 other divisions.

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408 **Mr. Kunowski made a motion that the Planning Board grant the waiver to Subdivision**
409 **Regulations Section 4.4.3.a.ii, limiting road length to 1,000 feet. The specific circumstances**
410 **relative to the subdivision or conditions of the land indicate that the waiver will properly**
411 **carry out the spirit and intent of the regulations. The Finding of Fact are:**

- 412 a. **The granting of the waiver will not be detrimental to the public safety, health, or**
welfare or injurious to other property, and will promote the public interest.
- 413 b. **The waiver will not in any manner vary other provisions of the Stratham Zoning**
Ordinance.
- 414 c. **Such waiver will substantially secure the objectives, standards, and requirements of**
these regulations.
- 415 d. **A particular and identifiable hardship exists, or a specific circumstance warrants the**
granting of a waiver. Factors to be considered in determining the existence of a
hardship shall include, but not be limited to:
 - 416 i. **Topography and other site features;**
 - 417 ii. **Lack of availability of alternative site locations;**
 - 418 iii. **Geographic location of property; and**
 - 419 iv. **Size/magnitude of project being evaluated and availability of future co-location.**

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421 **Mr. Canada seconded the motion. All voted in favor and the motion passed.**

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423 Mr. Scamman discussed the waiver request from Addendum A, Figure B, detail paved cul-de-sac
424 for the main road A. Mr. Scamman read aloud the waiver criteria from the subdivision regulations.
425 He stated that this waiver is about having internal paving to provide an apron for the fire
426 department in the center of the circle next to the fire cistern. There was no discussion from the
427 Board.

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429 **Mr. Kunowski made a motion that the Planning Board grant the waiver to Subdivision**
430 **regulations Addendum A, Figure B – Detail Paved cul-de-sac for the proposed Main Road**
431 **"A" cul-de-sac. Strict conformity would cause an unnecessary hardship to the applicant, and**
432 **waiver would not be contrary to the spirit and intent of the regulations. The Findings of Fact**
433 **are:**

- 434 a. **The granting of the waiver will not be detrimental to the public safety, health, or welfare**
or injurious to other property and will promote the public interest, because of the
additional road length, the cistern will be located in the cul-de-sac and will be properly
designed for fire access to the water supply.

- b. The waiver will not, in any manner, vary other provisions of the Stratham Zoning Ordinance;
- c. Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations;
- d. A specific circumstance warrants the granting of a waiver with the installation of the cistern in the cul-de-sac on a road length that exceeds 1000 feet. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
 - i. Topography and other site features;
 - ii. Lack of availability of alternative site locations;
 - iii. Geographic location of property; and
 - iv. Size/magnitude of project being evaluated and availability of future co-location.

Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. Scamman discussed the waiver request from Addendum A, Figure B, detail paved cul-de-sac for the road B. Mr. Scamman read aloud the waiver criteria from the subdivision regulations. He stated that the cul-de-sac is smaller because of wetlands in the area and it allows for smaller homes to be built for more reasonably priced homes. There is also a lack of wanting a through-road to the neighboring subdivision by the abutters. The smaller cul-de-sac will minimize wetlands impacts. Mr. Canada asked how much smaller is it. Mr. Goddard replied he believes it is about 90 or 95 feet. He stated that the fire chief mentioned that with a fully paved cul-de-sac he can stage multiple engines where with the larger circle, once the engine goes around the circle, it's clogged. Mr. Scamman stated the radius of the exterior of the large circle is 75 feet. The radius of the small one is 49.5 feet. Mr. House questioned that the fire chief was okay with that. Ms. Price replied he said he would make it work. Mr. Scamman added that they worked with the fire department and with DPW and added easement areas for snow plowing and moved houses to accommodate the snow storage areas. Mr. Goddard stated another outcome of meeting with the fire chief is that the turning radius in the cul-de-sac is now irrelevant now that there are turnarounds at the end of each appendage. Mr. Scamman noted that there will be hatched marks on the pavement. Mr. House asked if the turnarounds identify any snow removal storage areas. Mr. Scamman replied those will be privately maintained and there are specifications on plowing and no parking. Mr. House commented that the HOA documents should include plowing of the private roads in an appropriate time frame. Meaning that fire trucks need access and if they are not plowed, that will be a problem. He would like that written someplace. Mr. Canada asked for an expanded presentation on the turnarounds. Mr. Scamman displayed the plans and described the turnaround areas and hatched, no-parking areas. There were no more comments or questions from the Board.

Mr. Kunowski made a motion that the Planning Board grant the waiver to subdivision regulations Addendum A, Figure B – Detail Paved Cul-de-sac for the proposed Secondary Road "B" cul-de-sac as it meets all the criteria for granting the waiver. Strict conformity would cause an unnecessary hardship to the applicant, and waiver would not be contrary to the spirit and intent of the regulations. The Findings of Fact are that:

- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property and will promote the public interest;
- b. The waiver will not, in any manner, vary other provisions of the Stratham Zoning Ordinance;
- c. Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations;
- d. A particular and identifiable hardship exists, or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:

- i. Topography and other site features;
- ii. Lack of availability of alternative site locations;
- iii. Geographic location of property; and
- iv. Size/magnitude of project being evaluated and availability of future co-location.

Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. Scamman discussed the waiver request from Section 4.5.3, fire protection structures. He explained that the regulations discuss a fiberglass tank and there are concrete tanks in multiple places in town. They are requesting to install a concrete tank instead of a fiberglass tank. Mr. House asked if the plans will be stamped by an engineer. Mr. Scamman replied yes. Mr. House noted that the fire chief is okay with concrete as long as the plans are stamped by an engineer. There were no questions or comments from the Board.

Mr. Kunowski made a motion that the Planning Board grant the waiver to Subdivision Regulations Section 4.5.3, fire protection structures. The specific circumstances relative to subdivision or condition of the land indicates the waiver will properly carry out the spirit and intent with the regulations. The Findings of Fact are that:

- a. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property and will promote the public interest because the precast concrete cistern will be stamped by a fire engineer and is site-specific to the site;
- b. The waiver will not, in any manner, vary other provisions of the Stratham Zoning Ordinance;
- c. Such waiver(s) will substantially secure the objectives, standards, and requirements of these regulations;
- d. A specific circumstance warrants the granting of a waiver, a fact to be considered in determining the existence of a hardship is the size and magnitude of the project being evaluated.

Mr. Canada seconded the motion. All voted in favor and the motion passed.

Mr. Scamman discussed the waiver request from Section 2.3.9, phasing plan. He described that the NHDES AOT process requires phasing where not more than five acres open at any one time. They would like to get the road built as much as possible and they don't know which house will be built first. They do not want to commit to building either all of the arrays or all the other houses first as they don't have an idea of what the economy will do. There are other factors that can affect which house will be built first or which one has to be built last. He stated this is a unique subdivision with multiple sizes of homes and price points that they can't determine the phasing at this point. They are requesting a waiver from the Town's requirement and commit to following the AOT permitting requirements. Mr. House asked what is Stratham's allowance for opening of land. He commented that they could have one home start in one area and another far away essentially skipping all over the place. Mr. Scamman replied correct and that they couldn't obtain occupancy permits until the road was completed to the home. Mr. House asked if they will complete all the roads first. Mr. Scamman replied that he assumes that and that means the drainage would have to be installed as well. Mr. House asked what is the average acreage. Mr. Goddard replied he thinks most of them are three-quarters, some are one acre. He said that he does not believe he will phase the road construction. He doesn't know what the acreage is, but as long as they get the road infrastructure in, once the road is graveled, it's considered stabilized, so that would be subtracted from the acreage allotted by AOT. When they stabilize area, they will open up an area. When they develop a house lot, they do not disturb the whole lot, it's just the area of disturbance. If they want to open up more house lots, he will keep the area really tight around the house. He added that they

541 have to work with the state to make sure that they have stabilization. Mr. House commented that
542 there are a lot of wetlands on the site and he wants to make sure that everybody is comfortable
543 with the request. Ms. Price responded to Mr. House's earlier question regarding the Town's
544 requirements. She stated that in Section 2.3.9 it says for any development project (single family,
545 multi-family, cluster, or mixed) or more than eight family dwelling units, the Planning Board may
546 require phasing for up to five years. In order to insure equitable phasing, no developer shall
547 circumvent the purposes of phasing by dividing the parcel into land separate subdivisions or
548 separate forms or names of ownership. The phasing process will be at the subdivision or beginning
549 part of the construction process. Once a phasing plan is approved by the Planning Board with dates
550 allowed by each construction phase, the approved plan displaying the phasing plan shall be signed
551 by the Chairman and filed with the Rockingham County Registry of Deeds see Addendum B. Mr.
552 House asked if they have a sense of how long is the time frame. Mr. Goddard replied with 48
553 homes it will take a while. He said a rough guess is about three years, but he doesn't want to put a
554 number to it. He doesn't want to provide a phasing plan because he doesn't know what lots are
555 going to sell. If he had to put certain lots first, the arrays would be the last ones because they are
556 the least profitable. But that will increase his cost to carry on those units, and he will sell those
557 homes for more than he would if he could sporadically do it. The array homes are important for
558 the project because they did a recent project in Dover and it's hard to build multiple homes next to
559 each other because they are so close. Sometimes they construct every other home, but it's hard to
560 do. Or they could pick one street, finish that, and move to the next one. He does not want to
561 handcuff himself to a specific timeline. He did the same routine with the AOT permit when he
562 built at Treat Farm. Ms. Price stated that the phase per year for single-family, conventional or
563 cluster subdivision has a maximum of ten dwelling unit per year and that also falls under the total
564 quantity of dwelling units. It's under the threshold of 50, so it would be approximately 10 per year.
565 Mr. House said that is the maximum and asked if Mr. Goddard would be doing less than that. Mr.
566 Goddard replied no, he will do more than that once they get rolling. He noted that the regulations
567 say the Board may, with may being the important word and that phasing is usually based on fiscal
568 need for school enrollment. He has heard that there is excess capacity in the schools. He stated
569 there should be some sort of fiscal analysis if the Board is going to implement this requirement.
570 For example, there are not enough fire trucks or EMS personnel. He said it's 48 homes and the
571 Board has seen other large subdivisions that aren't built overnight. He believes that restricting
572 which lots can be built at any one time will drive up the cost of housing because he will just pass
573 that along. He has not heard from the Board that there is a fiscal need for slowing construction.
574 Mr. Canada asked why a waiver is needed if nobody has said a phasing plan is required. Mr. House
575 replied it's in the regulations. Mr. Canada replied the regulations say may and not shall. Mr. House
576 replied the Board discussed it in the past. Tim Phoenix, counsel for Mr. Goddard, stated that he
577 thinks it was proper for Ms. Price to raise the issue because there is more than eight dwelling units.
578 He read from the regulations "to ensure that the rate of growth of the town does not unreasonably
579 interfere with the Town's capacity for unplanned, orderly and sensible expansion of its services.
580 Mr. Phoenix said that's where the Board needs to decide if that is being violated or interfered with,
581 and if not, then there is no reason to phase it. He said that in the 1980s things were happening so
582 fast that a lot of towns had phasing requirements to keep up with schools, etc. Today, the state and
583 the Town need housing. He is not sure about the schools, but he has not heard around town that
584 there is any concern about planned, orderly, or sensible expansion. He agrees with Mr. Canada that
585 this is not a waiver issue. Mr. Scamman added that when he was on the school board there were
586 635 students in the school, now there is 530 or 525 and the school is working on an expansion even
587 though there are 100 less students. He doesn't think there is an issue with school capacity. Mr.
588 House asked for comments from the Board. Mr. Kunowski commented that he is stuck between
589 two phasing issues, Alteration of Terrain and physical town planning. AOT doesn't seem to have
590 anything to do with fiscal town planning, and he was troubled when Mr. Goddard said the array

591 homes would be the last things he would want to build. As a member of the Planning Board
592 representing the town, he thinks the arrays are perhaps some of the most important housing that
593 the town needs. Mr. Goddard replied that's why he thinks phasing would be detrimental to the
594 project. The infrastructure will be well over \$2 million and he has to recoup that money. He would
595 also like to be able to spread out construction to different areas because of congestion. It's for
596 logistics and financial. He needs to get money back and then construct some of the smaller array
597 homes. He assumes there will be a lot of over-55 two-bedroom, smaller in size homes. He doesn't
598 want to give this project so many constraints that it will hurt. He would like to start the array homes
599 immediately, but also along with other homes. Mr. Scamman added that with regards to AOT, they
600 are phasing, not with the number of homes, but for environmental impact. Mr. Kunowski asked if
601 AOT is in the regulations for phasing. Ms. Price replied no, at the last meeting during the discussion
602 about a phasing plan, Mr. House requested that the applicant provide a waiver. There were no
603 further comments or questions from the Board.
604

605 **Mr. Kunowski made a motion that the Planning Board grant the waiver to Subdivision**
606 **regulations Phasing Plan. The phasing of the project will follow the New Hampshire**
607 **Department of Environmental Services Alteration of Terrain Permit (NHDES-AoT), and the**
608 **criteria of the waiver has been met. The specific circumstances relative to the subdivision or**
609 **conditions of the land indicate that the waiver will properly carry out the spirit and intent of**
610 **the regulations. The Findings of Fact are that:**

- 611 a. **The granting of the waiver will not be detrimental to the public safety, health, or welfare**
612 **or injurious to other property and will promote the public interest by a phased**
613 **development determined by AoT;**
- 614 b. **The waiver will not, in any manner, vary other provisions of the Stratham Zoning**
615 **Ordinance;**
- 616 c. **Such waiver(s) will substantially secure the objectives, standards, and requirements of**
617 **these regulations, as the phasing plan will be determined by AoT.**
- 618 d. **A specific circumstance warrants the granting of a waiver. Factors to be considered in**
619 **determining the existence of a hardship are the Size/magnitude of the project being**
620 **evaluated and the availability of future co-location as determined by AoT.**

621 **Mr. Canada seconded the motion. All voted in favor and the motion passed.**
622

623 Mr. House announced that there are two Conditional Use Permits with six criteria. The first CUP
624 is for Ordinance Section 11.4 for wetlands impact for roads and utilities. He asked Mr. Scamman
625 to present justification for the criteria.
626

627 *Criterion 1. The proposed construction is essential to the productive use of land not within the*
628 *Wetlands Conservation District and where the upland area considered for development is not*
629 *smaller (acreage) than the wetlands area and no-disturbance buffer (acreage) being impacted.*
630 Mr. Scamman stated that they have a much larger area that they are able to use than the wetlands
631 area that is being impacted.
632

633 *Criterion 2. Design and construction methods will be utilized to minimize detrimental impact upon*
634 *the wetland.*

635 Mr. Scamman stated that they are using retaining walls to minimize wetlands impact, so it is much
636 smaller than with traditional construction methods.
637

638 *Criterion 3. The proposed construction design of powerlines, pipelines, or other transmission lines*
639 *includes provisions for restoration of the site as nearly as possible to its original grade and*
640 *condition.*

641 Mr. Scamman stated they are working with an existing driveway where in a couple places it's
642 being expanded and there are a couple small impacts for new driveways and roads.
643

644 *Criterion 4. No alternative route, which does not cross a wetland or no-disturbance buffer, or has*
645 *less detrimental impact on the wetland or no-disturbance buffer, is feasible.*

646 Mr. Scamman stated there are three areas of wetlands crossings. They minimized impact by having
647 the cul-de-sac roads and by not connecting to the abutting subdivision.
648

649 *Criterion 5. Economic advantage alone is not reason for proposed construction.*

650 Mr. Scamman stated they are only crossing where it is minimally invasive. There's a lot more areas
651 of uplands that could have been used that are not being used as part of this subdivision.
652

653 *Criterion 6. Submit a narrative outlining best management practices designed to mitigate the*
654 *wetlands and wetlands buffers impacts, such as, but not limited to, low impact development*
655 *techniques, stormwater design practices, easements or other deed restrictions or on/off site*
656 *improvements designed to limit future development of associated projects, parcels and or impacts*
657 *to wetlands or wetland buffers thereon.*

658 Mr. Scamman stated that by not developing a conservation subdivision and not a traditional
659 subdivision, they have drastically minimized the amount of wetlands impact. Mr. House asked to
660 be reminded of comments by the Conservation Commission. Mr. Scamman replied they were
661 asked to add wetland markers. They added a no construction buffer on the first six or seven lots so
662 that development doesn't happen across the brook. Ms. Price read from the Conservation
663 Commission's comments. They have concerns with the wet property, high water table and that few
664 spots passed the perc test for leach fields; concern with ongoing maintenance and future
665 replacement of septic systems and indication of suitability or lack thereof for development of the
666 parcel; concern with shared leach field locations and that there will be more wetland impact than
667 noted by the time the septic pipe network is complete. There is concern with road salt and sand
668 into wetlands, tree clearing, and that the biggest wetland impact is for only two house lots. They
669 also questioned what happens with the sewage pump stations in the event of a power failure. Mr.
670 Scamman replied that centralized septic systems are better for the environment because they will
671 be treated better. There is dilution by having multiple homes directed to a single leach field. If each
672 home had a leach field, they would be all along the brooks. Mr. House asked if there were any
673 comments from the Board.
674

675 Mr. Kunowski asked Ms. Price if she still has some of the concerns listed in the staff memo,
676 specifically related to the alternative route and economic advantage criteria. Ms. Price replied that
677 the Board approved the waiver for the road length so that supports the alternative route criteria.
678 The economic advantage criteria is subjective as the addition of more homes is an economic
679 advantage; which was also a concern voiced by the Conservation Commission. Mr. Kunowski
680 asked if she still recommends denial of the permit. Ms. Price replied that the Board should
681 determine if all the criteria are met. If the Board had not approved the road length waiver, then she
682 stated that the criteria would not be met. Approving the waiver resulted in crossing more wetlands
683 to reach more homes, which falls in line with economic advantage. She recommends that the
684 applicant defend their application. Mr. Kunowski stated that he is not sure that they use that as a
685 criteria, other than trying to minimize the impact of the wetlands. He had no further questions. Mr.
686 Canada and Mr. House had no questions.
687

688 **Mr. Kunowski made a motion that the Planning Board grant a Conditional Use Permit per**
689 **Section 11.4 of the 2024 Stratham's Zoning Ordinance, a Conditional Use Permit for the**
690 **construction of roads and other access ways, and for pipelines, powerlines, and other**

691
692 transmission lines, due to all the conditions are found to exist by the following findings of
fact:

693
694 1. The proposed construction is essential to the productive use of land not within the
695 Wetlands Conservation District and where the upland area considered for development
696 is not smaller (acreage) than the wetland buffer area (acreage) being impacted. On the
697 plan set, sheet V2, the open space tabulation table refers to the upland buildable area of
698 1,298,847 SF, approximately 29.82 acres at 68.78% of the total lot, and the wetland area
699 is 589,606 SF, approximately 13.54 acres at 31.22% of the total lot. Additionally, the 35%
of open space doesn't include the 50' vegetative buffer.

700
701 2. Design and construction methods will be such as to minimize detrimental impact upon
702 the wetland. Wetland signs will be installed, and NHDES permits will be obtained.

703
704 3. The proposed construction design of powerlines, pipelines, or other transmission lines
705 includes provisions for restoration of the site as nearly as possible to its original grade
706 and condition. The applicant's impact on the wetlands is mainly due to road
707 infrastructure. This will require NHDES approval. During the construction phase, the
708 wetland impacts are anticipated to be less due to the road crossings.

709
710 Mr. Canada seconded the motion. All voted in favor and the motion passed.

711
712 Mr. Scamman discussed the criteria for the CUP for the Residential Open Space Cluster
713 Subdivision.

714
715 *Criterion 1: Spirit and Intent of the Ordinance and Stratham Master Plan.*

716
717 Mr. Scamman stated that the spirit and intent of the proposed development is located on the site,
718 which has no existing violation.

719
720 *Criterion 2: Site Suitability*

721
722 Mr. Scamman stated they have shown site suitability with the roads that they've developed and
723 worked with the Town, DPW, Recreation, and fire department. To his knowledge, everyone is in
724 favor of the development as presented. Mr. Scamman stated to his knowledge there are no
725 floodplains or steep slopes that reach any of the housing or the roads as developed. They have
726 shown the fire department's requirement for fire cisterns and they show the well locations and
727 septic designs.

728
729 *Criterion 3. External Impacts*

730
731 Mr. Scamman stated these are residential uses in a residential part of town, so all very similar to
732 the existing abutters.

733
734 *Criterion 4. Character of development and impact on natural, cultural, historic, and scenic
735 resources.*

736
737 Mr. Scamman stated there is open space completely around the whole subdivision; they meet the
738 open space requirements so the abutting properties will have basically no impact for this
subdivision. This subdivision is very similar to all the rest of the subdivisions in town, other than
it has some unique characteristics of being able to have a variety of size, scale homes that other
subdivisions do not. The significance of this property is the wetlands and the waterways and we've
gone to great lengths to preserve those wet areas. We've also gone to great lengths to propose
almost all of the home locations to be built in the fields. There is very few tree clearing. There will
be some tree clearing for the leach fields and a few of the homes, but the majority of the homes
are in those areas that are the existing fields.

739
740 *Criterion 5. Impact on property values.*

741 Mr. Scamman stated that the homes will only increase value and most likely bring a net positive
742 tax situation to the Town.

743
744 *Criterion 6. Fiscal Impacts.*

745 Mr. Scamman stated there is more than 100 less students in the elementary school than there was
746 10 to 15 years ago. Having more kids in a town makes it a better community for bringing resources
747 for future citizens in Stratham. They feel that having more kids for the recreation department will
748 help some of the programs that have diminished, such as softball that have less students than they
749 used to have. Some of the fields that are not used today in the rec department will hopefully get
750 some more use. In the past there were more sporting events than there are today, even though the
751 town is probably larger than it was 20 years ago.

752
753 *Criterion 7. Public Interest*

754 Mr. Scamman stated there is a need for residential homes in town and in New Hampshire. By
755 allowing the homes to be built, it will better the deficit that's out there for residential homes in
756 Seacoast New Hampshire.

757
758 Mr. House asked if there were any questions or comments from the Board.

759
760 Mr. Kunowski asked for confirmation that the town's responsibility in the array area ends at the
761 cul-de-sac and the town has not responsibility for any of the driveway maintenance or plowing.
762 Mr. Goddard replied correct. He added that they added a 30-foot radius off the edge of pavement
763 and provided to the DPW a snow storage easement, and the DPW was satisfied with the ability to
764 pile and move snow.

765
766 **Mr. Kunowski made a motion that the Planning Board grant, per Section 8.6 of the 2024**
767 **Stratham's Zoning Ordinance, a Conditional Use Permit for an open space subdivision, by**
768 **the following findings of fact:**

- 769 **1. Site suitability: The site is suitable for the proposed use which includes the following:**
 - 770 **a. Adequate vehicular and pedestrian access for the intended use.**
 - 771 **b. The availability of adequate public services to serve the intended use, including**
772 **emergency services, pedestrian facilities, schools, and other municipal services.**
 - 773 **c. The absence of environmental constraints (floodplain, steep slope, etc.).**
- 774 **2. The availability of appropriate utilities to serve the intended use, including water, sewage**
775 **disposal, storm water disposal, electricity, and similar utilities. External impacts: The**
776 **external impacts of the proposed use on abutting properties and the neighborhood shall**
777 **be no greater than the impacts of surrounding existing uses or other uses permitted in**
778 **the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust,**
779 **fumes, hours of operation, and exterior lighting and glare.**
- 780 **3. Character of development and impact on natural, cultural, historic, and scenic resources:**
781 **The proposed layout and design of the site and new buildings or structures on the site**
782 **shall not be incompatible with the established character of the neighborhood. This shall**
783 **include, but not be limited to, the relationship of the development to the street, the scale,**
784 **height, and massing of the building, architectural design, buffering from adjacent**
785 **properties, and provisions for pedestrian and vehicular access. The proposed use and**
786 **development of the site shall preserve identified natural, cultural, historic, and scenic**
787 **resources on the site and shall not degrade such identified resources on abutting**

788 properties. The criteria is met as the perimeter buffer will not be impacted, the existing
789 home will be put in a preservation easement for the exterior of the home.

790 4. Impact on property values: There will be no greater diminution of neighboring property
791 values than would be created under any other use or development permitted in the
792 underlying zone.

793 Mr. Canada seconded the motion. All voted in favor, and the motion passed.

794
795 Mr. Kunowski made a motion to close the public hearing. Mr. Canada seconded the motion.
796 All voted in favor, and the motion passed.

797 Mr. Goddard has comments on the draft condition of approval. Ms. Price stated that some of his
798 comments have been incorporated, and suggested he present his other comments. She added that
800 a new condition is to include a public water system approval, if needed. Mr. Goddard stated that
801 staff forwarded to him an email from DES regarding guidance that was recently released that the
802 array homes might need to be a public water system. However, staff said to DES that the wells are
803 going to be on HOA-owned land and HOA-maintained wells, which is not the case. Mr. Goddard
804 does not believe his project meets the criteria for a public water system, and asked for it to be
805 removed, but if it says 'if applicable', as long as they can get correspondence, it's a moot point.

806
807 Mr. Goddard requested that the suggestion from the Police Chief for cul-de-sac lighting be
808 removed. The Board was okay with this request.

809
810 Mr. Goddard discussed the written performance agreement. He requests it be moved to the
811 subsequent conditions because he can figure out the bond amount after recording of the plan,
812 because ultimately we can do a schedule of values for the infrastructure, but the bond amount
813 won't be determined until the first building permit application is submitted. Any uninstalled
814 infrastructure at that time is what will be bonded, not the whole project. He requested that be moved
815 to subsequent conditions and add that the schedule values can be determined, but it's not the actual
816 bond amount, so there can't be a written agreement because we don't know what it will be. He
817 asked the Board for leniency, if possible, that if he pulls a building permit to relocate the barn, that
818 doesn't trigger the bond. Moving the barn is an integral part of the road infrastructure and he will
819 need to build a foundation for the barn. He believes this building permit is related to the
820 infrastructure of the project and not like he's building a new residence. He asked that this building
821 permit process does not trigger the bond requirement. The Board agreed. Mr. Goddard and the
822 Board discussed edits to that condition. Mr. House asked Mr. Goddard to continue while Ms. Price
823 drafted edit.

824
825 Mr. Goddard stated that the condition that mentions phases he is now okay with as long as it refers
826 to AOT phases. He acknowledged that as the landowner he's required to maintain all the
827 stormwater facilities. He is just sensitive to the word phases for clarity purposes. Mr. House stated
828 that it says construction phases, not what was discussed before. Mr. Goddard replied he is then
829 okay with that condition.

830
831 Mr. Phoenix requested that the precedent condition related to HOA documents containing
832 information on the responsibilities of septic system maintenance and water supply well
833 maintenance be removed. Mr. Goddard stated that the maintenance responsibilities would be
834 assigned to each owner using the system or well. Mr. Goddard also asked that the requirement to
835 have the HOA documents include the interior square footage be removed as he does not have that
836 information. He added that they don't need to include rights of access to each unit owner to the
837 garage facilities. He agrees that the shared driveways in the array homes can be included along

838 with maintenance of the cisterns, the driveways, and the open space. Mr. Phoenix suggested an
839 edit – ‘the owners of those units utilizing shared septic and/or shared wells shall be responsible’.
840 Ms. Price stated that she suggested the language because it was used in other notices of decision.
841 Mr. House commented that he believes the existing language does not imply what is suggested by
842 the project team and is a general term. He thinks the HOA document can be more specific, as
843 suggested by Mr. Phoenix, than the condition. Mr. Phoenix is concerned that the interpretation can
844 be either way and he wants to avoid confusion. Mr. House asked for Mr. Phoenix and Ms. Price to
845 work on the NOD conditions and return to the next meeting.
846

847 **Mr. Kunowski made a motion to continue the 80-80R Winnicutt Road subdivision**
848 **application to the September 17, 2025, Planning Board meeting. Mr. Canada seconded the**
849 **motion. All voted in favor, and the motion passed.**

850 **6. Public Hearing (New Business)**

851 a. Adoption of Amended Site Plan Review Regulations
852

853 Ms. Price proposed to postpone this to September 17, 2025, because there is an additional change
854 she wants to make to the site plan regulations to put back in the requirement for preliminary
855 consultation and to provide the Board tonight with a copy of the proposed subdivision regulation
856 amendments. It has been discussed before, and there are some minimal changes. She updated the
857 conditional approval timeline from 120 days to 365 days and updated the vesting to seven years
858 from five years.
859

860 **7. Adjournment**

861 **Mr. Canada made a motion to adjourn at 10:10 pm. Mr. Kunowski seconded the motion. All**
862 **voted in favor and the motion passed.**