



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.

46
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

55 John Lorden with Beals Associates spoke on behalf of the owner, Brendan Sheehan. It is an
56 existing 11.1-acre lot. It is a long, narrow lot along Route 33. There is an existing duplex and barn
57 for storage. The proposal is to maintain the existing duplex and move the existing barn to another
58 location on the lot. The barn may be converted into a duplex, but that is not yet final. The driveway
59 will take advantage of an existing southern curb cut and remove the northern curb cut, and have
60 one shared driveway for all units. Mr. Lorden stated that the owner does not plan to create condo
61 ownership and would like them all to be rental units. They propose a total of 13 new duplexes in
62 addition to the two existing duplexes for a total of 15 duplexes, 30 units, 60 bedrooms. Two-family
63 units are permitted in the District, and the maximum residential density is three units per acre. At
64 11 acres, this property would allow for 33 units.
65

66 Mr. House stated that the discussion tonight is nonbinding for the Board and the Applicant. Mr.
67 House asked how long the road is. Mr. Lorden stated it is a driveway and he doesn't have the exact
68 measurement, but assumes it is approximately 1,000 feet. Mr. House encourages the project team
69 to talk to the fire department. Mr. House asked if the private driveway will be plowed by the owner.
70 Mr. Lorden replied yes. Mr. House stated they need to obtain driveway permits. Mr. Lorden agreed.
71 Mr. House asked where the septic system is. Mr. Lorden replied that is to be determined but they
72 did some preliminary layouts and test pits and likely the layout will change slightly.
73

74 Mr. Kunowski asked if there will be community water. Mr. Lorden replied there will be multiple
75 wells. Mr. Kunowski asked for confirmation that they are two-bedroom units. Mr. Lorden
76 confirmed. Mr. Kunowski asked if there will be surface or garage parking. Mr. Lorden replied that
77 is to be determined and preliminarily there may be some units with garages and some units without.
78 Mr. Kunowski asked if there is a wetlands road crossing. Mr. Lorden replied there is an option to
79 put the driveway in the side setback to reduce wetland impact and is seeking input from the Board
80 on that. Mr. House asked if they move the driveway south, how much will it be outside the wetlands
81 setbacks. Mr. Lorden described the wetlands locations and stated they cannot get completely out
82 of the wetlands. Mr. Kunowski stated that in his opinion having the road on the lot line and in the
83 setback is problematic. Mr. Lorden replied it might be 10 feet from the property line and that would
84 help to reduce the wetlands impact.
85

86 Mr. Kunowski asked if there is anything historic about the existing house or barn. Mr. Sheehan
87 replied they were built in 1880. Mr. Lorden added that they will both be maintained with the barn
88 being moved. Mr. Sheehan stated that the barn is collapsing and he wants to move it to a new
89 foundation and restore it.
90

91 Mr. Canada asked if the Conservation Commission reviewed the project. Mr. Lorden replied not
92 yet, that this is their first step. Mr. Canada stated that this is another example of shoehorning in as
93 many units as possible and not considering things like wetlands. Mr. Lorden replied that the

wetlands impact is directly related to the driveway which is allowed to access a property and they would adhere to the buffers with the septic systems, etc.

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

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

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

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

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

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

There were no more comments from the Board.

5. Public Hearing (Ongoing Business):

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

Ms. Price noted that the Board needs to review one waiver and the Conditional Use Permit. She 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.

146
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.

159
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.

169
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.

179
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.

183
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.

187
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.

191
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.

- 244 5. **Impact on property values:** There will be no greater diminution of neighboring property
245 values than would be created under any other use or development permitted in the
246 underlying zone;
- 247 6. **Fiscal impacts:** The proposed use will not have a negative fiscal impact on the Town
248 unless the Planning Board determines that there are other positive community impacts
249 that offset the negative fiscal aspects of the proposed use. The Planning Board's decision
250 shall be based upon an analysis of the fiscal impact of the project on the town. The
251 Planning Board may commission, at the applicant's expense, an independent analysis of
252 the fiscal impact of the project on the town.
- 253 7. **Public Interest:** The permit is in the public interest, as it meets the regulations and
254 provides additional housing for the Town.

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

256

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

259

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

267

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

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

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

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

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

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

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

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

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

- 344 b. Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner),
345 request for approval of a Residential Open Space Cluster Subdivision and Conditional Use Permit
346 for a proposed subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, Zoned
347 Residential/Agricultural.
348

349 Ms. Price stated that the Applicant is here to seek conditional approval. There are five waivers to
350 be reviewed regarding road length, paved cul-de-sacs, using a precast fire cistern, and the phasing
351 plan. Staff had comments on the August 22, 2025 plan set and met with the Applicant to address
352 most items. Regarding the smaller cul-de-sac both DPW and the fire department said they can
353 work with how it's presented. However, there is still concern that there will be cars parked where
354 they aren't supposed to park. The fire department does not have an issue with using a pre-cast
355 cistern. The town engineering consultant, CMA, noted the need for compliance with zoning and
356 subdivision regulations and detailed those comments in their letter dated August 14, 2025. Those
357 are the five waivers to be reviewed tonight and the two CUP applications. The police chief
358 reviewed the last set of plans and provided observations about adequate signage for stop signs for
359 each driveway prior to entering the cul-de-sac; he proposed that through that entire area advisory
360 signage be placed like 'children present' or something like that along with multiple posted speed
361 signs. He suggested a center island to ensure proper traffic flow and noted that the cul-de-sac with
362 three driveways allowing access to 20 homes is unique and wondered if an island would be
363 possible. Additionally, the police chief proposed that from his experience, cul-de-sacs should have
364 adequate lighting. Ms. Price reviewed her outstanding comments on the plans set including
365 correcting sheet V1, the road design criteria, and the waivers.
366

367 Mr. House summarized that the Fire Department and the DPW are all set although they have
368 concerns with 20 homes up three driveways. Mr. House asked if the Applicant is okay with the
369 signage requested by the Police Chief. Mr. Goddard replied yes. Mr. House asked about lighting
370 in the cul-de-sacs. Mr. Goddard replied there is no lighting planned. Mr. House asked how the
371 Board feels about that. Mr. Canada replied it is kind of late to require it. Mr. Kunowski replied
372 since there are no street lights, it seems weird to ask for cul-de-sac lighting. Mr. House if Mr.
373 Scamman understands the corrections to sheet V1. Ms. Price showed Mr. Scamman some issues
374 with lot lines intersecting houses. Mr. Goddard clarified that house layouts are proposed but not
375 definite. Mr. Scamman agreed to correct sheet V1.
376

377 Mr. House asked Ms. Price to explain her comment that the proposed road does not meet the
378 Town's regulations. She replied that a waiver was submitted to allow a road to exceed 1,000 feet.
379 She noted that other open space cluster subdivisions in town don't really exceed that requirement.
380 She stated that the limit used to be 800 feet and was increased to 1,000 feet decades ago. The
381 meeting minutes for that change allude that the reason was related to utilities. Mr. Scamman stated
382 that the fire department approval of the cistern locations was what the Board was concerned with
383 and they met with the Fire Department today who stated they are in favor of the proposed cistern
384 locations. Mr. Goddard added that the fire cistern company will have the plans stamped by a fire
385 protection engineer and they have supplied a dozen or so concrete cisterns throughout Stratham
386 already.
387

388 Mr. House asked Ms. Price to explain her comment on density. Ms. Price explained that the
389 Applicant has stated in the past with regards to the density granted that is how many lots he can
390 get. She clarified that doesn't necessarily mean that's how many lots one can get with a
391 conservation subdivision due to several factors, but they have submitted waivers for those.
392

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

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

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

- 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.**

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

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

453

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

476

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

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

- 491 i. **Topography and other site features;**
492 ii. **Lack of availability of alternative site locations;**
493 iii. **Geographic location of property; and**
494 iv. **Size/magnitude of project being evaluated and availability of future co-location.**
495 **Mr. Canada seconded the motion. All voted in favor and the motion passed.**
496

497 Mr. Scamman discussed the waiver request from Section 4.5.3, fire protection structures. He
498 explained that the regulations discuss a fiberglass tank and there are concrete tanks in multiple
499 places in town. They are requesting to install a concrete tank instead of a fiberglass tank. Mr. House
500 asked if the plans will be stamped by an engineer. Mr. Scamman replied yes. Mr. House noted that
501 the fire chief is okay with concrete as long as the plans are stamped by an engineer. There were no
502 questions or comments from the Board.
503

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

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

519 **Mr. Canada seconded the motion. All voted in favor and the motion passed.**
520

521 Mr. Scamman discussed the waiver request from Section 2.3.9, phasing plan. He described that
522 the NHDES AOT process requires phasing where not more than five acres open at any one time.
523 They would like to get the road built as much as possible and they don't know which house will
524 be built first. They do not want to commit to building either all of the arrays or all the other houses
525 first as they don't have an idea of what the economy will do. There are other factors that can affect
526 which house will be built first or which one has to be built last. He stated this is a unique
527 subdivision with multiple sizes of homes and price points that they can't determine the phasing at
528 this point. They are requesting a waiver from the Town's requirement and commit to following the
529 AOT permitting requirements. Mr. House asked what is Stratham's allowance for opening of land.
530 He commented that they could have one home start in one area and another far away essentially
531 skipping all over the place. Mr. Scamman replied correct and that they couldn't obtain occupancy
532 permits until the road was completed to the home. Mr. House asked if they will complete all the
533 roads first. Mr. Scamman replied that he assumes that and that means the drainage would have to
534 be installed as well. Mr. House asked what is the average acreage. Mr. Goddard replied he thinks
535 most of them are three-quarters, some are one acre. He said that he does not believe he will phase
536 the road construction. He doesn't know what the acreage is, but as long as they get the road
537 infrastructure in, once the road is graveled, it's considered stabilized, so that would be subtracted
538 from the acreage allotted by AOT. When they stabilize area, they will open up an area. When they
539 develop a house lot, they do not disturb the whole lot, it's just the area of disturbance. If they want
540 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

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

Mr. Kunowski made a motion that the Planning Board grant the waiver to Subdivision regulations Phasing Plan. The phasing of the project will follow the New Hampshire Department of Environmental Services Alteration of Terrain Permit (NHDES-AoT), and the criteria of the waiver has been met. The specific circumstances relative to the subdivision or conditions of the land indicate that the waiver will properly carry out 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 by a phased development determined by AoT;**
- 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, as the phasing plan will be determined by AoT.**
- d. A specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship are the Size/magnitude of the project being evaluated and the availability of future co-location as determined by AoT.**

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

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

Criterion 1. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District and where the upland area considered for development is not smaller (acreage) than the wetlands area and no-disturbance buffer (acreage) being impacted.

Mr. Scamman stated that they have a much larger area that they are able to use than the wetlands area that is being impacted.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District and where the upland area considered for development is not smaller (acreage) than the wetland buffer area (acreage) being impacted. On the plan set, sheet V2, the open space tabulation table refers to the upland buildable area of 1,298,847 SF, approximately 29.82 acres at 68.78% of the total lot, and the wetland area 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.
2. Design and construction methods will be such as to minimize detrimental impact upon the wetland. Wetland signs will be installed, and NHDES permits will be obtained.
3. The proposed construction design of powerlines, pipelines, or other transmission lines includes provisions for restoration of the site as nearly as possible to its original grade and condition. The applicant's impact on the wetlands is mainly due to road infrastructure. This will require NHDES approval. During the construction phase, the wetland impacts are anticipated to be less due to the road crossings.

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

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

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

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

Criterion 2: Site Suitability

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

Criterion 3. External Impacts

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

Criterion 4. Character of development and impact on natural, cultural, historic, and scenic resources.

Mr. Scamman stated there is open space completely around the whole subdivision; they meet the 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**

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

4. **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.

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

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

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

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

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

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

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

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

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

6. Public Hearing (New Business)

a. Adoption of Amended Site Plan Review Regulations

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

7. Adjournment

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