



**Stratham Planning Board Meeting Minutes
August 5, 2026, 7:00 pm
Stratham Municipal Center**

Members Present: Thomas House, Chair
John Kunowski, Vice Chair
Jay Fraprie, Regular Member
Nate Allison, Alternate

Members Absent: Tedd Tramaloni, Ex-Officio Select Board Member

Staff Present: Vanessa Price, Director of Building and Planning

1. Call to Order and Roll Call

Mr. House called the meeting to order at 7:03 pm and took roll call.

2. Review and Approval of Minutes

A. July 22, 2026, Planning Board meeting minutes.

Mr. Fraprie made a motion to accept the Planning Board minutes from the Planning Board meeting of July 22, 2026, as written. Mr. Kunowski seconded the motion. All voted in favor, and the motion passed.

Mr. House made Nate Allison a voting member.

3. Public Hearing (New Business):

A. Steven & Amy Houle (Applicant and Owner) request for a Conditional Use Permit for a proposed eight-foot privacy fence at 4 Tilton Drive (Tax Map 6, Lot 215) within the wetland setback in the Residential-Agricultural District and the Wetlands Conservation Overlay District.

Ms. Price explained that the applicant is seeking to construct an eight-foot-high fence on a corner lot located at Tilton Drive and Bunker Hill Avenue. The applicant had previously sought a building permit for the fence; however, because a fence of this height is considered a structure under the Zoning Ordinance, it is required to meet the applicable setbacks. The proposed fence extends into the 50-foot wetland setback but would not disturb the 25-foot wetland setback which requires a Conditional Use Permit (CUP). Ms. Price stated that the applicant appeared before the Zoning Board of Adjustment the previous evening seeking a variance from Section 4.2, Table of Dimensional Requirements, to allow a reduced front setback for the eight-foot fence on the corner lot. The Zoning Board granted the variance by a vote of 4-0. She stated that all materials necessary for the Planning Board to consider the CUP application had been submitted and the application could be considered complete. Ms. Price also clarified a matter discussed during the Zoning Board hearing. Referring to the plan received July 28, 2026, the applicant confirmed that the red line depicting the proposed fence terminates near the corner and does not extend into the 30-foot front setback in that area. Staff reiterated this clarification for the Board.

Mr. Fraprie made a motion to accept the application as complete. Mr. Kunowski seconded the

47 **motion. All voted in favor, and the motion passed.**
48

49 Mr. Houle stated that Ms. Price had covered most of the relevant information. He added that he
50 attended the Conservation Commission meeting in July to discuss the proposed fence in relation to the
51 wetland setback. The Conservation Commission indicated that it had no concerns with the proposal
52 provided the fence did not extend into the 25-foot no-disturbance buffer. He reiterated that the proposal
53 is for an eight-foot-high fence along the Bunker Hill Avenue side of the property.
54

55 Mr. House asked about the location of the fencing and the trees. Mr. Houle explained that the tree lines
56 go into his property about 20 feet, and he doesn't want to disturb them. Mr. House stated he was
57 concerned about the tree roots damage during construction. Mr. Allison asked about the type of trees
58 and if they were deciduous or a combination and stated that the fence would enable the property to
59 have a continuous screen during all seasons and asked if this was the primary reason for the proposed
60 fence. Mr. Houle replied that a three-year-old and a one-year-old are probably the primary reasons,
61 and it is a thin stretch of trees, so there are a lot of openings to the road. Mr. House inquired why the
62 drawing didn't show the tree line and the locations of the old driveway as shown in an aerial
63 photograph. Mr. Houle stated that the fence would be going into the wetland setback. He explained
64 that an additional intention was to block off the old driveway, as GPS locates delivery trucks and the
65 like to his property there. Mr. House asked if the plan submitted could be updated to show the
66 locations. He said he would like an as-built final plan.
67

68 Mr. Kunowski asked if there was anything in the HOA about fencing. Mr. Houle answered there were
69 no limits on fencing in the HOA. Mr. Kunowski asked about the fencing material. Mr. Houle said it
70 would be vertical, solid paneling with a Brazilian brown wood color. Mr. Kunowski commented on a
71 concern that a solid eight-foot-high fence could affect the open character of the area and potentially
72 obstruct views. He also noted that the existing conditions of the property were present when the
73 property was purchased and asked whether the fence needed to be a solid eight feet in height or whether
74 alternative designs could be considered. Mr. Houle responded that, in his opinion, an alternative fence
75 design would not accomplish the intended purpose. He explained that the fence would be located on
76 the property side of an existing line of trees and therefore would not significantly alter views from
77 neighboring properties. He noted that he had discussed the proposal with surrounding neighbors, who
78 were supportive of the fence, and that it may also help screen vehicle headlights. Mr. Houle further
79 explained that, in addition to safety, the solid fence is intended to provide noise reduction, privacy,
80 and screening from vehicle lights. For those reasons, he preferred a solid fence design.
81

82 Mr. House commented on his concern about safety that adults would be watching the kids. Mr. Houle
83 replied yes, for sure.
84

85 Mr. Kunowski asked about sight lines and if views would be limited. Mr. Allison suggested requiring
86 a sight triangle to ensure adequate visibility along the roadway. He explained that the sight triangle
87 would begin approximately 15 feet from the edge of the traveled way and extend along the roadway.
88 Because the property is located on the outside of the curve, the resulting area would likely be relatively
89 small and would have minimal impact on the proposed fence. Mr. Allison recommended that a sight
90 triangle be considered as a condition of approval.
91

92 Mr. House asked Mr. Houle to go over the criteria for the Conditional Use Permit (CUP). Mr. Houle
93 stated the CUP criteria into the record.
94

95 *Criteria 1, describe how the proposed construction is essential to the productive use of the land not*
96 *within the Wetlands Conservation District, and where the upland area considered for development is*
97 *not smaller than the wetlands or and no disturbance buffer.*

98 Mr. Houle read the first criteria and gave his responses as: this proposed fence is an accessory

residential improvement that is necessary to allow reasonable and productive use of the residential property. Property directly fronts Bunker Hill and is exposed to traffic, headlights, noise, and visual impacts not experienced to the same degree for any of the other interior lots within Windsong. The fence is intended just to provide privacy, security, and screening for normal residential use and enjoyment of the property, which includes our outdoor family activities. Proposed construction is limited in scope, and we'll have just a few posts within the wetlands buffer, and of course we met with them and they agreed.

Criteria 2, describe how design and construction methods will be utilized to minimize detrimental impact upon the wetlands.

Mr. Houle read the second criterion and gave his responses as: the project has been designed to minimize the wetland and surrounding buffer areas. In the Conservation Commission meeting, they had discussed if more trees were to be installed, there would be more of an impact to digging larger holes versus just these fence posts. There will be no additional construction done except the fence post, and no existing vegetation will be touched. It'll be all preserved, and there will be no water flow changes as well. This will be off the ground.

Criteria 3, how the proposed construction design includes provision for restoration to the site.

Mr. Houle read the third criterion and gave his responses as: the construction activities are going to be so limited; there won't be any excavators or major heavy equipment entering the area. He explained that any soil disturbances from installation will be stabilized; but other than that, there should be almost no disturbed areas. Any reseeding that needs to be done. We certainly will do, but we don't expect any long-term or any changes to the to the area.

Criteria 4, no feasible alternative.

Mr. Houle read the fourth criterion and gave his responses as: the fence is intended for multiple things, and no other alternative solves every one of these things. He stated they explored other options because it would have saved time, energy, and money to get this done, but they came to the conclusion that this was the only path forward. The property's layout, the frontage, and the location where the wetlands are, made it so that they felt this was the only alternative that exists.

Criteria 5, economic advantage along is not a reason for the proposed construction of the fence.

Mr. Houle read the fifth criterion and gave his responses as: they are not doing anything for economic advantage in this case. It's truly just for our property.

Mr. Kunowski made a motion to open public comment. Mr. Fraprie seconded the motion. All voted in favor, and the motion passed.

No one is in the audience.

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

Mr. House stated asked that before a motion is considered, if anyone on the Board had further questions. In his opinion, Mr. House felt the applicant met all the criteria, and it's pretty straightforward.

Mr. Kunowski commented on the solid nature of this fence, and it's on the south side of the property, so it will have sunlight and heat. His concern is that the heat will build up behind it and have a potential negative impact on the plantings that are there from the heat and the radiation of the sun.

Mr. Fraprie stated in his opinion the trees would actually shade the fence a bit to keep them cooler.

Mr. Kunowski stated that his other concern is if the Board is setting a precedent for anybody with a property facing onto Bunker Hill Avenue or any other major road. Mr. Fraprie agreed and stated in his opinion, a solid fence is not his favorite as you drive down the highway; all you see are high walls and pure solid. But here there are corners and the light from vehicles.

Mr. Allison asked what color the fencing was going to be. Mr. Houle replied it would be brown.

Mr. House noted that the residence is located a considerable distance from Bunker Hill Avenue and questioned whether an eight-foot fence was necessary to address vehicle headlights, stating that headlights would not typically reach that height. He acknowledged the Applicant's desire to provide privacy and safety for the children using the yard and asked for clarification regarding the topography of the property, specifically whether the area between Bunker Hill Avenue and the residence is generally flat. Mr. House asked the board if there were any additional comments, and Ms. Price noted the conditions they discussed.

Mr. Kunowski made a motion that the Planning Board approve, with conditions, the conditional use permit from the Stratham zoning ordinance for section 11.6.1 for a proposed eight-foot privacy fence at 4 Tilton Drive within the 50-foot setback, as all of the criteria have been met. The conditions include providing an updated site plan showing the actual proposed position of the fence, showing as-built conditions, including the actual house, driveway, septic, etc. The Plan should include the visual site triangle as required, and provide a sample of the fence product. The findings of fact for granting the CUP are:

- 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. The fence is intended to provide privacy, safety, security, and screening for normal residential use and enjoyment of the property, including outdoor family activities.**
- 2. Design and construction methods will be utilized to minimize detrimental impact upon the wetland, as no buildings, pavement, filling, grading, drainage alterations, or changes to wetland hydrology are proposed. Existing vegetation will be preserved where practical, disturbance will be limited to the minimum area necessary for fence installation, and construction activities will be confined to the immediate fence alignment.**
- 3. The proposed construction design will include provisions for restoration of the site as nearly as possible to its original grade and condition as any disturbed soils resulting from installation will be stabilized and restored to existing grade as closely as practicable. Disturbed areas will be reseeded or restored as necessary, and no long-term alteration of drainage patterns or site topography is proposed.**
- 4. No feasible alternative exists, as due to the property's layout, direct frontage on Bunker Hill Road, and the location of wetlands and associated setback areas, no feasible alternative location exists that would provide comparable screening while avoiding the setback area.**
- 5. Economic advantage alone is not the reason for the proposed construction, as the purpose of the project is to provide privacy, security, visual screening, and buffering from traffic-related impacts associated with Bunker Hill Road.**

Mr. Fraprie seconded the motion. Mr. House, Mr. Fraprie, and Mr. Allison vote aye. Mr. Kunowski voted nay. The motion passed 3 to 1.

Ms. Price asked Mr. Kunowski to provide for the record the reasons for his nay vote.

Mr. Kunowski explained that he is concerned with criterion one regarding whether the use is essential to the productive use of land. He stated there is already essential use of the land and his view is that

the proposed construction is not essential. He added that, for some of the other considerations he already discussed.

Ms. Price announced that there is a 30-day appeal period and she will issue a Notice of Decision with conditions.

B. Amended Site Plan Regulations

Ms. Price and Susan Connors, Stratham Planning Project Assistant, presented for the Board's review amended site plan regulations. The Board provided minor comments that will be incorporated and presented at the August 19th Planning Board meeting.

Site Plan Review Amendments discussed:

- Section 2.1.10 Definition of a Minor Site Plan added.
- Section 3.4: Defines a new section of a site plan amendment
- Section 4.1: Preliminary Conceptual Consultation clarification.
- Section 4.3: Formal Application Process Minor Updates & Fees.
- Section 4.7: Modification to Plans minor updates for Planning Board regulation.
- Section 5.11: Fire Protection: updates to requirements.
- Section 5.12: New section, adding the Select Board Process Names of Streets, and Addressing
- Section VI: Removal of Supplementary Provision to include a New Section Construction Administration Procedures
- Section 7.4: New Section Bond Review Process
- Addendum C: Town of Stratham Stormwater Regulations, Amendment to coincide with the requirements of the MS4 permit.
- Addendum D: New Addendum Wetland Buffer Sign Detail

See attached draft amendments document.

4. Public Meeting (New Business):

A. Discussion on Special Events Process and Fees

Will be discussed at a future meeting.

B. Discussion on Current Application Fees

Will be discussed at a future meeting.

C. Discussion on Zoning Amendments

Will be discussed at a future meeting.

5. Adjourn:

Mr. Kunowski made a motion to adjourn at 9:18 p.m. Mr. Fraprie seconded the motion. All voted in favor, and the motion passed.

Respectfully submitted by Vanessa Price

SECTION I: GENERAL PROVISIONS

1.1 AUTHORITY:

These Regulations are enacted in accordance with the authority conferred in RSA 674:43-44 and based upon the authority given to the Planning Board at the Town Meeting held on March 10, 1981.

1.2 PURPOSES:

The purposes of these Regulations are to:

- a. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of: (1) inadequate drainage or conditions conducive to flooding of the property or that of another; (2) inadequate protection for the quality of groundwater; (3) undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and (4) inadequate provision for fire safety, prevention, and control;
- b. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs and to promote the goal of maintaining the rural character of the Town; (Rev. 11/95)
- c. Provide for open spaces and green spaces of adequate proportions and of adequate visibility from public streets, roads, or subdivided and/or developed residential areas; (Rev. 11/95)
- d. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- e. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for ~~fire~~ firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- f. Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- g. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- h. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

1.3 TITLE:

These Regulations shall be known as the "Site Plan Review Regulations of the Town of Stratham, New Hampshire."

residence in the Agricultural - Residential District defined in the Zoning Ordinance of the Town of Stratham.

2.1.10 Minor Site Plan: A site plan application which meets the requirements of the Zoning Ordinance and contains less than five (5) dwelling units for residential projects, and less than one thousand (1,000) square feet of building area/addition as for non-residential projects, shall be considered a Minor Site Plan, unless the proposed site plan requires new streets, driveways, parking lots, stormwater, or drainage structures. If the proposed site plan requires new streets, driveways, parking lots, stormwater, or drainage structures, then it will be considered a Major Site Plan.

2.1.~~40~~11 Seasonal High Water Table: means the upper limit of the groundwater in a soil, which becomes seasonally saturated with water.

2.1.~~41~~12 Street: means the same as the definition provided in Section 1.5.26 of the Subdivision Regulations. (Rev. 8/99)

2.1.~~42~~13 Subdivision: means the division of a lot, tract or parcel of land for the purpose, whether immediate or in the future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these Regulations.

2.1.~~43~~14 Wetlands: means the same as the definition provided in Section 1.5.29 of the Subdivision Regulations. (Rev. 8/99)

SECTION III: SCOPE & REQUIREMENTS

3.1 SCOPE:

The Planning Board is hereby authorized to review, and approve or disapprove site plans for the development of tracts for nonresidential uses or for multifamily dwelling units (any structure containing in excess of two dwelling units) whether or not such development includes a subdivision or re-subdivision of the site.

3.2 RELATIONSHIP TO OTHER REQUIREMENTS:

3.2.1 Compliance with Other Regulations:

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

In cases where a variance is required from the Zoning Ordinance, the applicant shall first present the plan to the Planning Board so as to allow the Board to render a decision at a public hearing. (Rev. 7/89, 8/99, 6/00)

At the Applicant's request, the Planning Board may, at its sole discretion, waive the general

- ii. The change of use applies to more than 50% of the gross interior square footage of the structure or site,
- iii. The change of use will require development of the site including, but not limited to, improvement or alteration to the site required by virtue of any other Town or State ordinance, statute, or regulation.
- e. The change within a structure from one permitted use to another permitted use, if the change applies to more than 1,200 square-feet but less than 3,000 square-feet, does not apply to more than 50% of the gross interior square footage of the structure or site, and does not include any additional development or architectural modifications to the site.
- f. Minor architectural alterations provided the change is consistent with the approved architectural plan. Architectural modifications that would significantly alter the appearance of the structure, including changes in siding materials, shall require a public hearing.
- g. The addition of, or changes in the location of, small accessory structures under 500 square-feet or changes in utility locations, provided the change does not significantly affect the overall function of the site or its aesthetics. Additions to existing buildings that are less than 500 square-feet in the aggregate also apply.
- h. Alterations to landscaping, including in the location, size, number, or type of planting materials.
- i. Minor alterations to site driveways, circulation patterns, or parking facilities, provided the change is consistent with the approved circulation pattern of the site.
- ~~j. Applications for time extensions of Planning Board approvals of no more than 120 additional days.~~

3.4 SITE PLAN AMENDMENT

The proposal is a change to a Site Plan approved or conditionally approved by the Planning Board, which is on file in Town records. Site plan amendments shall be consistent with the approved site plan, in compliance with the Town Ordinances and Regulations, and include one of the following:

- a. The change within a structure from one permitted use to another permitted use, if the change applies to more than 1,200 square-feet but less than 3,000 square-feet, and does not apply to more than 50% of the gross interior square footage of the structure or site.
- b. Minor architectural alterations provided the change is consistent with the approved architectural plan. Architectural modifications that would significantly alter the appearance of the structure, including changes in siding materials.
- c. The addition of, or changes in the location of, small accessory structures under 500 square feet or changes in utility locations, provided the change does not significantly affect the overall function of the site or its aesthetics. Additions to existing buildings that are less than 500 square feet in the aggregate also apply.
- d. Alterations to landscaping, including in the location, size, number, or type of planting materials.
- e. Minor alterations to site driveways, circulation patterns, or parking facilities, provided the change is consistent with the approved circulation pattern of the site.

BUILDING PERMIT:

No building permit shall be issued by the Building Inspector for the construction or expansion of a building or other facilities subject to these regulations, until final approval is granted by the Planning Board and the Building Inspector is so notified in writing by the Planning Board.

3.5 SPECIAL EVENTS: (Adopted 4/22)

Special events occurring outdoors or in temporary structures in which commercial transactions are conducted and more than 50 patrons are anticipated, including tent sales, farmers markets, art shows or like events require approval of a Special Event Permit. Events directly associated with an agricultural use or events of a personal nature, in which no commercial transactions are conducted, are exempt and do not require approval of a Special Event Permit. Special Events shall be conducted within the spirit and intent of the applicable zoning district.

A single Special Event shall not exceed 12 hours in duration and shall not occur between the hours of 10 pm to 7 am. For properties located in the Residential/Agricultural, Manufactured Housing and Retirement Planned Community zoning districts, no more than 4 (four) Special Events shall be held within a calendar year. For all other zoning districts, no more than twelve special events may be held on a single property within a calendar year.

Applicants should submit a completed Special Event Permit to the Stratham Planning Department a minimum of 14 days in advance of the date of the event, however the Town may accept applications submitted later at the discretion of the Town Planner. Special Event Permits may be issued after approval of the Town Planner, Building Inspector/Code Enforcement Officer, Police Chief and Fire Chief. The Town may impose reasonable conditions on a Special Event Permit to ensure safe access, site circulation, adequate sanitation, and reduced impacts to abutting property owner.

SECTION IV: APPLICATION PROCEDURES & REQUIREMENTS (Rev. 7/25)

An individual who anticipates submitting a formal application for site plan review may consult with the Planning Board prior to submission of a formal application. Preliminary Conceptual Consultations and Design Reviews are non-binding for the applicant and the Planning Board, as stated in RSA 676:4, II (as amended). (Rev. 7/25)

4.1 PRELIMINARY CONCEPTUAL CONSULTATION (REQUIRED): (Rev. 4/21, 10/23, 7/25, 9/25)**4.1.1 Purpose:** (Rev. 7/25, 9/25)

An individual who anticipates submitting a formal application for a subdivision approval shall be required, to consult with the Planning Board prior to submission of the formal

application and supporting documentation in accordance with Town Meeting vote on March 14, 2006.

The purpose of a preliminary conceptual consultation is to familiarize the Planning Board with the basic concept of the proposed site plan. The consultation is further designed to 1) acquaint the potential applicant with the formal application process and information that the Board may request as part of the formal application; 2) to suggest methods for resolving possible problems with the development, design and layout; and 3) for the Planning Board to discuss the merits of the proposed site plan and its conformance with the Town of Stratham Zoning Ordinance, Site Plan Regulations, and the recommendations in the Master Plan (if applicable) to the property in question.

The Applicant may discuss with the Board the procedure for site plan approval, including the requirements as to general layout, preservation of lands, off-site improvements, drainage, utilities, and similar activities, as well as the availability of existing services.

The Applicant may seek guidance from the Board only at a scheduled Board meeting. The Board and Applicant may discuss proposals in conceptual form only, and in general terms, such as the desirability of types of development. Such discussion may occur without the necessity of giving formal public notice or formal notice to the applicant, abutters, or other parties. (Rev. 7/25)

4.1.2 Submission Period: (Adopted 7/25)

An application for preliminary consultation for a site plan shall be submitted to the Chairperson of the Planning Board c/o the Town of Stratham Planning Office, prior to 12:00 PM at least fifteen (15) calendar days in advance of a regularly scheduled Planning Board meeting.

4.1.3 Submission Documents: (Rev. 7/25)

In order to facilitate discussion, the applicant must provide:

- a. A completed and signed application form, checklist, and associated fee.
- b. A base map of the property to be developed, a completed application, and supporting information, including a written narrative of the proposed project, sufficient for the Board to provide the applicant adequate comments regarding the project.

In order to further facilitate the discussion, it is recommended that the applicant provide:

- a. A general description of existing conditions on the site, including characteristics of the land, topography, vegetation, and similar features.
- b. A general description of the proposed development, including size and dimensions, and a general use plan for the site.
- c. A general description of the proposed architecture.

4.1.4 Planning Board Comments:

During the Preliminary Conceptual Consultation, comments which are generated by the Planning Board are non-binding in nature, and advisory only. The Planning Board may require a Design Review prior to Formal Application Submission.

4.1.54 Separation of Process:

It is hereby declared that no processing time limits shall apply as defined in RSA 676:4. Such time limits shall apply only when a formal application is submitted in accordance with Section 4.3 of these Regulations.

4.2 **DESIGN REVIEW** (OPTIONAL): (adopted 7/25)

4.2.1 Purpose

A design review involves more specific design and engineering details. The purpose of design review is to allow the Board the opportunity to understand the proposed project, while allowing the applicant to gather feedback on any concerns from the Board, abutters, and the public. The Applicant shall submit drawings and supporting information to address the requirements of the regulations and the essential characteristics of the site.

4.2.2 Submission Period

An application for design review for a site plan shall be submitted to the Chairperson of the Planning Board c/o the Town of Stratham Planning Department, prior to 12:00 PM at least twenty-~~eight~~ one (21~~8~~) days in advance of a regularly scheduled Planning Board meeting. Once it is determined that all required checklist items are provided, the plans will be scheduled for review by the Planning Board.

The Planning Board shall provide notice to the public and the applicant, abutters, and other parties as required by RSA 676:4, I(a) and II(b).

4.2.3 Submission Documents:

In order to facilitate discussion, the applicant must provide:

- a. Nine (9) copies of the completed and signed application form, checklist, and all other supporting documentation, including nine (9) sets of 11" x 17" plans. All copies must be collated in sequential order into individual packets.
- b. One (1) set of full-size plans and a .pdf/a format file of all documents.
- c. Application and notice fees.
- d. A list of names and mailing addresses for the applicant, property owner, abutters, holders of conservation, preservation, or agricultural preservation restrictions, and all professionals whose seals appear on the plat, along with three (3) sets of mailing labels.
- e. A base map of the property to be developed, a completed application, and supporting information, including a written narrative of the proposed project, sufficient for the Board to provide the applicant adequate comments regarding the project.

4.2.4 Planning Board Comments:

During the design review phase, comments which are generated by the Planning Board are forwarded to the Applicant for their use. The Applicant shall address these comments in the final application as follows:

- a. The applicant shall address the Board's comments in writing, explaining how each comment has been addressed. The applicant is required to provide one (1) set of full-size revised drawings and nine (9) sets of 11" x 17" drawings (with changes highlighted

in yellow) and a .pdf/a file to the Planning Board. Additionally, the revision block on the drawings should be appropriately noted and dated.

- b. The applicant shall contact the Director of Planning and Building to discuss any requirements or comments raised in the review process and provide written verification to the Board that the comments are addressed to the satisfaction of the Town's department heads.
- c. If a second design review meeting with the Planning Board is warranted by the Applicant or the Planning Board, revised plans shall be submitted no later than fifteen (15) calendar days prior to the scheduled design review meeting with the Planning Board.

4.2.5 Separation of Process:

It is hereby declared that no processing time limits shall apply as defined in RSA 676:4. Such time limits shall apply only when a formal application is submitted in accordance with Section 4.3 of these Regulations.

4.3 **FORMAL APPLICATION REVIEW PROCESS:** (Rev. 8/99, 5/02, 10/23, 7/25)

~~Whether or not a~~ After a Preliminary Consultation and/or Design Review has been conducted, an applicant shall prepare and submit an application for site plan approval in accordance with and to the standards set forth in these Regulations. This formal review process is designed to afford the Planning Board, the applicant, abutters, and parties in interest a clearly delineated method for examining the proposed site plan thus allowing the Planning Board to make a timely and informed decision on the proposal.

4.3.1 Submission Period: (Rev. 5/02, 10/23, 7/25)

- a. An application for formal site plan approval shall be submitted to the Chairperson of the Planning Board c/o the Town of Stratham Planning Department, prior to 12:00 PM, at least twenty-~~eight~~-one (21~~28~~) days in advance of a regularly scheduled Planning Board meeting. (Rev. 7/25)
- b. In the case of continued applications, all new information, including but not limited to plan revisions, special studies, and waiver requests must be submitted to the Planning Department prior to 12:00 PM at least fifteen (15) calendar days in advance of the continued meeting date; (Rev. 7/25)
- c. Abutters or other interested parties may provide comments at the meeting or public hearing or provide written comments, provided that such written comments are provided to the Planning Department no later than by 4 pm on the date of the meeting or public hearing. Those wishing to speak at a meeting or public hearing may do so when prompted by the Planning Board Chair provided that the speaker states his or her full name and the address of their primary residence for the record before providing remarks.

To ensure an efficient process, the Planning Board Chair, at his or her sole discretion, may limit public comments provided by each speaker to a limited duration of time.

No agenda items will be opened for discussion by the Board after 10 pm unless the Planning Board Chair waives this requirement. (adopted 10/23)

- b. At the first public meeting, the Planning Board shall review the submitted application materials and determine if the application is complete. The Planning Director shall provide advisory comments to the Planning Board regarding a determination of completeness. Once the Planning Board has accepted the application as complete, the Planning Board shall determine if the application requires third-party review by a certified professional representing the Town. The applicant shall be responsible for reimbursing the Town for third-party review costs determined necessary by the Planning Board. The Planning Board shall also determine if a site walk of the subject property is necessary and, if applicable, make preliminary arrangements with the applicant to arrange one. Site walks shall be considered public meetings and be posted as such; however, they shall be conducted for informational purposes only, and no public comments shall be accepted. (Rev. 10/23, 7/25)
- c. The Planning Board shall determine if additional special investigative plans or studies are necessary. Unless otherwise specified by the Planning Board, the applicant shall be responsible for arranging for such plans or studies to be completed and be responsible for all costs related to furnishing them. The Planning Board may request that any additional plans or studies be reviewed by a third-party expert retained by the Town. The costs of the third-party review shall be borne by the applicant. (Rev. 10/23)

4.3.4 Public Hearing and Notice: (Deleted 1/01; Reinserted 12/03, Rev. 7/25))

The Planning Board, before taking action on a site plan, shall hold at least one public hearing thereon. The Planning Board shall take testimony from the applicant, abutters, and parties in interest to the proposal either in person and/or in writing.

For any meeting on any application for which notice is required, pursuant to RSA 676:4 I(d) the Board shall notify the applicant, property owner, abutters, holders of conservation, preservation, or agricultural preservation restrictions, and all professionals whose seals appear on the plat by certified mail at least ten (10) days prior to the meeting and on Town's website and by posting in two (2) public spaces.

4.3.5 Concurrent and Joint Hearings:

The Planning Board may hold a hearing on a site plan or for a subdivision plat (Rev. 1/01) in conjunction with each other if both are required for a project. A hearing for either by the Planning Board may be held at the same time and place that a hearing for a special exception or variance is held for the project by the Board of Adjustment, provided that such a hearing is mutually agreed to in advance by the Chairs of Boards. (Rev. 10/23)

4.3.6 Fees and Charges:

The applicant shall pay ~~the following~~ fees and charges as ~~are~~ applicable. -All application fees are located on the Planning & Building Notice of Land Use Board Fees Structure, as amended.

~~a. For a Preliminary Consultation as provided for under Section 4.1, a filing fee of \$75.00. (Rev. 7/25)~~

~~b. For a Design Review as provided for under Section 4.2, a filing fee of \$150.00 plus Notice Costs. (Adopted 7/25)~~

~~c. Site Plan Review and Site Plan Amendment Fee: The applicant shall pay the~~

~~appropriate filing fee(s) based on the location of the project. (Rev. 7/25)~~

- ~~i. The fee is equal to one hundred (\$100) dollars for each 1,000 square feet of building construction with a minimum of one hundred (\$100) dollars plus Notice Costs. (Rev. 10/23, 7/25)~~
- ~~ii. For projects within the Route 33 Heritage District, in addition to the filing fee in 4.2.7c.i., the additional filing fees apply: (Adopted 7/22)~~
 - ~~1. \$50 for an existing residential or agricultural application;~~
 - ~~2. \$150 for a new residential application plus \$100 per new housing unit;~~
 - ~~3. \$150 for a minor commercial/mixed use application where no more than 1,500 square feet of additional interior space is proposed;~~
 - ~~4. \$150 plus \$100 per 1,000 square feet for a major commercial/mixed use application where more than 1,500 square feet of additional interior space is proposed.~~
 - ~~5. The Route 33 Heritage District application fees for all projects shall not exceed \$450.~~

b.a. Notice Costs: The applicant shall pay \$50.00 administrative fee plus \$10.00 per abutter and per applicant for the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or posting costs. (Rev. 8/99, 10/07, 10/23, 7/25)

e.b. Special Investigative Costs: The Board may require the applicant to pay reasonable costs of special investigative studies which may be necessary for the Planning Board to evaluate the impact of a proposed development, including evaluation or peer reviews of applications materials by experts of the Town's choosing. This may include but is not limited to reviews by civil engineers, traffic engineers, fire protection engineers, architects, landscape architects, arborists, foresters, hydrologists, historians, economists, demographers, land use or transportation experts employed by the Rockingham Planning Commission, or any other expert in a field that is relevant to the application. (Rev. 10/23)

d.c. Recording Costs: The applicant shall prepare a check payable to the Rockingham County Registry of Deeds for submission to Rockingham County after the site plan has been approved. The amount of the recording fees shall be determined by Rockingham County at the time of submission and a \$25 fee shall be charged by the Town for transportation costs for every trip to the Registry of Deeds. Recording check and mylar plan shall be delivered to the Planning Board Secretary after Planning Board approval. It will be the responsibility of the Town to record all plans. (Rev. 11/93, 10/23)

e.d. Municipal Review Costs: (Rev. 11/93)

The Board will require the applicant to reimburse the Town for the cost of having duly appointed agents of the municipality review a submitted plan. Such costs may be encountered in the following instances:

- i. Witnessing of test pits by an agent designated by the Board;

shown on the plans has occurred in compliance with the approved plans, or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in Site Plan Regulations or Zoning Ordinances shall operate to affect such improvements; and further provided that: (Rev. 7/25)

- i. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within twenty-four (24) months after the date of approval by the Planning Board), or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drainage structures, landscaping, drains or septic/sewer is required in connection with such approval, such bond or other security is posted with the Town, at the time of commencement of such development; (Rev. 7/25)
 - ii. The development remains in full compliance with the public health regulations and ordinances of the Town of Stratham; and
 - iii. At the time of approval by the Planning Board, the site plan conforms to the Site Plan Regulations, and Zoning Ordinances then in effect at that time. (Rev. 7/25)
- b. For purposes of these regulations, "active & substantial development" shall be defined as:
- i. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
 - ii. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
 - iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
 - iv. Items i, ii, and iii shall be reviewed and approved by the Town's Road Agent & Building Inspector or their designated agents.

Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed.

4.7 MODIFICATION TO PLANS: (Adopted 7/25)

4.7.1 General Guidance:

If at any time after the Planning Board approval, the applicant determines that unforeseen conditions make it necessary, or preferable, to modify the design, the applicant shall present the modification to the Town Planner in writing. The Town Planner will determine how to proceed with the design change, ~~and if the design change is~~ if it is minor or major.

4.7.2 Minor Design Change:

- a. Minor design changes do not appreciably change the nature of the development and do not require waivers from Town Regulations. Examples of minor design changes are relocating proposed utilities; or relocating proposed driveways ~~or houses.~~
- b. Minor design changes require a field sketch for review, and if approved, the minor design change shall be documented in the as-built drawings.
- c. Minor design changes require Planning Board review, but do not require a public hearing. ~~require Town Planner approval, and t~~They may also require approval from Department Heads.

4.7.3 Major Design Change:

- a. Major design changes alter the nature of the development, how it functions, or the longevity of the infrastructure. Examples of major design changes are modifying the roadway design, stormwater treatment system(s), and property boundaries.
- b. The Planning Board may consider waiver requests when reviewing major design changes.
- c. Major design changes require submission of a formal site plan application and Planning Board approval after public hearing ~~Planning Board approval,~~ and may require amending the Notice of Decision or Approved Plans.

4.7.4 Fees:

Any request for review and approval of a modification to an approved Plan shall be accompanied by a fee of an amount to be determined in accordance with the Fee Schedule.

4.8 **EXPIRATION OF APPROVED PLANS:** (Adopted 7/25)

Where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire two years from the date the plan is signed (NH RSA 674:39(2)). An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at least thirty calendar days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and all other town ordinances and regulations.

SECTION V: DESIGN & CONSTRUCTION REQUIREMENTS

The layout of the proposed site plan is subject to the requirements and provisions of these Regulations.

5.1 ACCESS DESIGN:

Traffic access to the site from Town streets must ensure the safety of vehicles and pedestrians.

- a. The Planning Board must give its approval of the design for a proposed access/egress point onto the public way, which point shall provide as adequate sight distance, grade, width and curb.

observations being conducted on two separate days during any consecutive 45-day period.

4. Upon the Planning Board's determination the applicant has established the requisite parking need, and upon submission of the report to the Planning Board, the Planning Board may allow the conversion of all or a portion of the land-banked parking.

vi. Reduction in Parking.

1. Where it can be demonstrated that a use or establishment needs a lesser number of parking spaces or loading bays than is required by this Section, such as housing for persons with disabilities, low rate of vehicle ownership, the availability and implementation of transportation demand management alternatives, or other such circumstances as may be deemed appropriate by the Planning Board, the number of such parking spaces or bays may be reduced by not more than thirty percent (30%).
2. An applicant shall submit documentary evidence satisfactory to the Planning Board that the parking or loading experience of the specific use justifies a lesser number of spaces or bays.
3. This allowance shall lapse upon change to a different type of use unless otherwise determined by the Planning Board, and shall not be considered to constitute a legal nonconformity with respect to parking for any new use.

5.10 WATER AND SEWER SERVICE:

Water supplies and sewage disposal systems must be sized to meet the needs of the proposed use. Percolation test and design of sewage disposal systems shall comply with the Town of Stratham Zoning Ordinance Section XX (Rev. 8/99) and applicable State standards as outlined in the New Hampshire Code of Administrative Rules. Newly proposed public water systems, as defined by RSA 485:1, shall be designed by a professional engineer licensed in New Hampshire. (Rev. 11/93) All septic vents shall be screened from view by use of appropriately sized plantings. (Rev. 11/95)

5.11 FIRE PROTECTION:

- a. Fire alarms, fire hydrants ~~and~~, cisterns ~~and fire ponds~~ shall be provided as specified by the Stratham Fire Department. These items shall be shown on the site plan and installed by the applicant. Above ground storage tanks having capacities of forty (40) gallons or more shall have their contents clearly marked on the outside of the tank(s) in order to aid fire-fighting efforts. Tanks shall be marked according to the most recent Hazard Identification Code as developed by the National Fire Protection Association (NFPA). (Rev. 11/93, 8/99, 5/04)
- b. Cistern(s) shall ~~Where required, it is recommended that cisterns~~ be designed and installed according to the Fire Department Specifications for 30,000 Gallon Single-Wall FRP Tank For Fire Cistern, as amended to these regulations, and provided as Addendum "A" of the Stratham Site Plan Review Regulations. The cistern(s) shall be in service prior to any building permits being issued.-(Rev. 5/04, X/26)

5.12 NAMES OF STREETS AND ADDRESSING:

- a. The Town of Stratham will adhere to the current State of New Hampshire E911 Addressing Standards Guide for naming and numbering. Exceptions may be granted at the discretion of the Select Board or designated staff members.
- b. The Select Board serves as the final authority for approving road names. The final approval of names that are pre-approved will be determined by designated staff and E911, as unforeseen conflicts may arise with names on the pre-approved list. Suffixes will be assigned by staff based on the features of the road.
- a-c. Acceptance of formal offers to dedicate names for streets, public areas, easements, and parks must be approved by the Select Board. Approval by the Planning Board of a plan does not imply acceptance by the Select Board or the town of any street, right-of-way, easement, or park depicted in the plan. The Planning Board will require that the plan be endorsed with appropriate notes to this effect.

5.13 UTILITIES:

- a. All utilities serving the property shall be placed underground;
- b. Propane tanks, and other tanks used to store fuels, gases or liquids must be buried underground in accordance with environmental regulations and sound engineering practices, except as otherwise noted. If tanks must be located above ground, tanks, tank pads, and any related appurtenances must be adequately screened with fencing and landscaping.

5.14 STORMWATER MANAGEMENT AND EROSION CONTROL: (Rev. 11/93)

The purpose of this regulation is to control runoff as well as erosion and sedimentation resulting from development. Subdivision and site plans shall include plans for managing stormwater and controlling erosion and sedimentation as provided below.

- a. Definitions:

Best Management Practice (BMP): A proven and accepted structural, non-structural, or vegetative measure, the application of which reduces erosion, sedimentation, or peak storm discharge.

Critical Areas: Disturbed areas of any size within 50 feet of a water-course, waterbody, poorly drained soil or very poorly drained soil; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil.

Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to .43 in any layer as found in Table 3-1 of the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire".

- b. Where Required:

The applicant shall submit pursuant to Addendum C.

5.14 STREET CONSTRUCTION:

Streets or access ways in non-residential and multi-family developments shall be constructed to Town specifications as set forth in the Subdivision Regulations. Streets serving non-residential (unless a public roadway such as in an industrial park) shall remain in private ownership, and the applicant shall execute and provide legal instruments to insure their continued maintenance and ownership, any such instruments being subject to approval by the Town Attorney and Board of Selectmen. (Rev. 7/89)

5.15 ARCHITECTURAL PLANS:

No building permit shall be granted for a commercial building unless architectural elevations and a building footprint depicting exterior features drawn to scale meet all of the requirements of the Planning Board. Specifications shall have been filed with and approved by the Planning Board. (Rev. 8/99)

As documented in the 1985 and subsequent Stratham Master Plans, a majority of the residents of Stratham prefer that the character of the town maintain a rural, residential, countrified flavor. This preference is represented in the scale of commercial development to residential/agricultural development desired, and in the aesthetic characteristics of the buildings and structures that have been developed. To this end, the Site Plan Review Regulations have been amended to require building design that incorporates significant features representing a rural New England colonial design theme. (Rev. 11/95)

The Stratham Planning Board strongly believes that by reviewing the building design and holding the applicant to stringent design standards, the integrity and character of the community will be preserved, the property values will be maintained and the community will benefit from aesthetically pleasing, high quality development along major transportation corridors within Stratham. (Rev. 11/95)

The features in the design of buildings, structures and outbuildings noted below shall be required in the Professional/Residential (PRE), Town Center (TC), General Commercial (GCM), Commercial Light Industrial Office (CLIO) and Retirement Planned Community (RPC) - all districts located along Portsmouth Avenue corridor and extremely visible to the general public. The Planning Board strongly encourages applicants to consider and include these design features within the Industrial (IND) district however, due to the lack of visibility by the general public, these standards are not mandatory within the Industrial District. (Rev. 8/99, 11/95) The design features shall include:

- a. Pitched roofs of at least a 4:12 pitch; (Rev. 8/99, 11/95)
- b. Roofing materials and roofing colors in keeping with the New England theme; (Rev. 11/95)
- c. Building components, such as windows, doors, and eaves that are adequately proportioned. Use of multiple paned windows is encouraged; (Rev. 11/95)
- d. Exterior cladding materials allowed are clapboard, shakes, brick, plaster, stone or other similar materials or similar fabricated materials. Disallowed is the use of prefabricated metal, concrete blocks, T-111 plywood, or other similar materials; (Rev. 11/95)
- e. Exterior colors in muted tones, with no more than 15% of any exterior face of the buildings(s), including the roof, in an overly bright color. Colors to be implemented in

- the design will be specified on the architect's drawing, and a color board shall be submitted to the Planning Board prior to site plan approval; (Rev. 11/95)
- f. All buildings and outbuildings shall be designed by a professional, registered architect; (Rev. 11/95)
 - g. No mechanical equipment incorporated on or in the building, including electrical, plumbing, heating, ventilation, and air conditioning equipment and antennas shall be exposed to view. (Rev. 11/95) Such elements shall be appropriately screened by incorporation in the building design;
 - h. Whether attached to the building or freestanding from the building, the following items shall be completely architecturally screened and clad with materials similar to the building(s):
 - i. Trash dumpsters and compactors;
 - ii. Surface mounted mechanical equipment;
 - iii. Material storage areas;
 - iv. Above ground storage tanks (Rev. 11/95)
 - i. Vehicle entry doors will not be located on the front or side faces of the building(s). Where these vehicle entry doors face to residential property, these doors shall be screened, taking into account the proximity and exposure to the residential property; (Rev. 11/95)
 - j. The front, sides, and rear of the building(s) shall be attractively designed and articulated to eliminate large spans of blank exterior wall. (Rev. 11/95)
- The Architectural Plan shall indicate:
- i. The architectural design of the exterior of the building;
 - ii. The type of windows and doors to be installed on the building;
 - iii. The type of building material to be used on the exterior walls of the building.

5.16 OPEN SPACE SETBACK: (Rev. 11/95)

Furthermore, it should be noted that in addition to the building setbacks contained in the Stratham Zoning Ordinance, all paving, except for walks and approved drive entries, shall be set back a minimum of 35 feet from the front property line, with an average setback no less than 50 feet from the front property line. Setbacks shall be measured along a line parallel to the front property line, with said line beginning 25 feet from side property lines.

~~SECTION VI: SUPPLEMENTARY PROVISIONS~~

~~The site plans shall also comply with the following provisions:~~

~~6.1 CONSTRUCTION STANDARDS:~~

~~Construction of improvements shall also comply with, and be inspected pursuant to, the requirements of "Building Ordinance - Town of Stratham."~~

~~Unless otherwise specified on the site plan and approved by the Planning Board, roadway and ancillary improvements shall comply with the State of New Hampshire Department of Public Work and Highways' manual, "Standard Specifications for Road and Bridge Construction," dated 1990, as amended. (Rev. 8/99)~~

~~6.2 AS BUILT DRAWINGS:~~

~~Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by licensed land surveyor or engineer an "as-built plan" showing the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto, and profiles, centerline street and ditch grades on 100-foot stations to the nearest .1 feet. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval. (Rev. 8/99)~~

~~In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficiently material as to require a resubmission of portions or all of the project plans to the Planning Board under these Regulations or any part thereof.~~

~~6.3 SITE INSPECTIONS AND FEE: (deleted 11/93)~~

SECTION VI: CONSTRUCTION ADMINISTRATION PROCEDURES

6.1 GENERAL

The purpose of this regulation is to incorporate all the construction phase requirements within a single article.

Prior to commencing any construction on a project, all the conditions of approval shall be met, the plan shall have been signed by the Planning Board, a preconstruction meeting held with the Town, the performance guarantee accepted by the Town, and the inspection escrow account funded.

6.1 CONSTRUCTION STANDARDS:

Construction of improvements shall also comply with, and be inspected pursuant to, the requirements of "Building Ordinance - Town of Stratham."

Unless otherwise specified on the site plan and approved by the Planning Board, roadway and ancillary improvements shall comply with the State of New Hampshire Department of Public Work and Highways' manual, "Standard Specifications for Road and Bridge Construction," dated 1990, as amended. (Rev. 8/99)

6.2 PERFORMANCE AND MAINTENANCE GUARANTEE

A. Posting of Performance Guarantee

The Planning Board shall set the amount of the performance surety, to include winter maintenance, (in the form of a bond, passbook, Qualifying Letter of Credit, or cash only) prior to the final approval of the site plan. The developer shall post such surety with the Select Board prior to the issuance of any building permits for the site, in lieu of the completion of street work and other required improvements (e.g., community water supply, sewerage, etc.). The performance surety will be in a form

and amount sufficient to cover the construction and installation costs of such improvements.

The Town may perform such inspections as are necessary as a condition to release of the surety. Inspections and additional work required upon inspection shall be performed in accordance with RSA 674:36, V. Upon completion and approval of said street(s) and improvements, all but 10% of the security shall be released to the developer. Said 10% balance shall be retained for 90 days after the date of such completion and acceptance to ensure the continued and proper operation and integrity of the streets, drainage, and all other facilities and improvements.

Prior to Town acceptance of a road built to town standards, an "as-built" plan, showing road drainage and any changes or additions subsequent to Planning Board approval, shall be submitted to the Selectmen and/or their agent. A deed for the road right-of-way shall be conveyed to the Town as a condition of acceptance. The road shall become Town property upon the Town filing said deed at the Register of Deeds.

B. Qualifying Letter of Credit

A "Qualifying Letter of Credit" shall be an irrevocable letter of credit issued by a "Qualified Financial Institution" naming the Town of Stratham as beneficiary and meeting the following requirements:

1. The Letter of Credit shall provide for payment by the Financial Institution to the Town upon presentation of a Sight Draft alone and no other documents. The Letter of Credit shall obligate the Financial Institution to pay upon receipt of the Sight Draft without any form of accompanying affidavit or declaration and without any qualification as to whether or not any default may have arisen. The Letter of Credit shall permit partial drafts. After any partial draft, the Letter of Credit shall remain in full force and effect with respect to the balance. The Letter of Credit shall provide that it may not be amended or cancelled without the consent of the Town.
2. The Letter of Credit shall provide that it is renewable annually and shall automatically renew annually unless written notice is delivered to the Town via Certified Mail, Return Receipt Requested to the attention of the Town Manager, in care of the Town Offices, not less than 45 days prior to the date of renewal. The agreement between the Town and the Developer shall provide that the Town is authorized to draw on the Letter of Credit upon receipt of any such notice without regard to whether there are any undertakings on the part of the Developer to cause the renewal of the Letter of Credit.
3. There shall be a separate agreement between the Town and the Developer by which the Developer undertakes to complete the improvements secured by the Letter of Credit. Further, the Developer shall, in such agreement, agree to cooperate with the Town in any appropriate modifications to the Letter of Credit.
4. The Letter of Credit shall provide that it is payable to the Town upon presentation of a Sight Draft. The Letter of Credit shall be in such form as to make clear that the Sight Draft described in Section 4.4.8a (vii) of these Regulations is a fully

- conforming Draft and that when signed and presented to the Financial Institution it shall be paid promptly, and in any event at sight.
5. The Letter of Credit shall be issued by a “Qualified Financial Institution,” which means an institution that meets the following requirements: (a) it is a bank, State Chartered Bank, National Banking Association, Savings and Loan Association, Federal Savings Bank, or other institution, the deposit accounts of which are insured by the Federal Deposit Insurance Corporation; (b) it has a net worth in excess of 1,000 times the face amount of the Letter of Credit; (c) it is not insolvent, and the Town has no reasonable fear that the Financial Institution will become insolvent; and (d) it has an office physically located in the County of Rockingham, State of New Hampshire, at which the Letter of Credit may be presented for payment.
 6. The agreement between the Town and the Developer shall provide that if the financial condition of the issuing Financial Institution shall materially change in an adverse fashion between the date that the Letter of Credit was issued and the date that the Town exercises its rights under this Paragraph, then the Town may, in its complete discretion, Draft in full under the Letter of Credit, with or without notice to the Developer.
 7. The Letter of Credit shall provide that the issuing Financial Institution is obligating itself to pay to the Town against the Draft irrespective of the Applicant’s financial condition or ability to pay or bankruptcy. In the event that the presentation of a Draft or the payment against the presentation of a Draft is enjoined by any order of any court or enjoined by the operation of 11 U.S.C. §362, then the Letter of Credit shall be automatically renewed until a date one year after any such injunction or automatic stay has finally terminated.
 8. A Letter of Credit shall be a Qualifying Letter of Credit hereunder only if it is irrevocable. A Qualifying Letter of Credit shall contain no other conditions for payment excepting only the presentation of a Draft by the Town. The obligations of the issuing Financial Institution shall not be modified or affected or conditioned in any fashion upon performance by the Applicant.
 9. The Agreement between the Town and the Applicant shall provide, among other things, as follows:
 - a. That the Applicant shall pay all of the costs and attorney’s fees incurred by the Town in connection with the enforcement of its rights under the Letter of Credit or of its rights under the approval or in connection with the approval; and
 - b. That the reimbursement of those costs and attorney’s fees referenced above shall be secured by the Letter of Credit, and the Town may affect the payment of those costs and attorney’s fees as and when they are incurred by partial Drafts on the Letter of Credit.
 10. The Agreement between the Town and the Borrower shall include provisions that allow the Town to act as the Borrower’s attorney-in-fact to modify any Reimbursement Agreement or other agreements between the Applicant and the Financial Institution or among the Applicant, the Financial Institution and the Town, the effect of which is to lower the amount of the Letter of Credit provided, however,

that the Applicant shall reasonable cooperate with the Town and shall provide original signatures or original confirming signatures promptly on request.

6.3 PRECONSTRUCTION MEETING

A pre-construction conference will be mandatory prior to the beginning of any construction of a site plan. This shall occur after the Planning Board chair, or their designee, signs the construction plans approved by the Notice of Decision, the site review agreement, and proper surety is in place and approved by the Select Board. The conference will include the developer and representatives of all necessary town departments. Efforts will be made to include representatives of any utility companies involved and any state and federal officials with jurisdiction.

The town shall provide for the inspection of required improvements during the construction of the development and certify their satisfactory completion in accordance with RSA 676:4-b.

6.4 INSPECTIONS

A. Fees

1. Whenever a proposed site plan includes roadway construction, installation of drainage structures or other public improvements, the costs incurred by the town to have the work inspected shall be borne by the applicant.
2. The Town Engineer will submit a proposal to the Town for review/acceptance to complete construction inspection services. The proposal will include the estimated office/field time necessary to ensure the project complies with the Notice of Decision and approved plans. The Applicant will submit a deposit to fund a Town escrow account for the purpose of paying the Town Engineer's inspection fees. The unused portion shall be returned to the applicant upon final acceptance of the improvements. If the inspection cost exceeds the deposit, the applicant shall replenish the escrow account for the balance of the work remaining. All Town expenditures shall be paid prior to final acceptance of the improvements, and prior to the release of any bond, letter of credit, money or other financial security deposited under this chapter.

B. Inspection Schedule (Rev. 4/26)

1. During construction, the Town Engineer will be on-site periodically confirming progress and compliance with the Notice of Decision and approved plans. For the key inspection noted below, the applicant shall notify the Town two business days prior to the required inspections. Upon notification of applicant, Town Engineer or designee shall perform the following inspections within 48 hours. The Town shall regularly be notified to inspect all road and utility construction and materials used.
2. The applicant shall notify the Director of Public Works and town engineer prior to the commencement of any road construction activity and at each stage of its construction. Approval or disapproval of any segment by The Public Works Director and engineer shall be in writing, with a copy to the Town Administrator,

and shall constitute a recommendation relative to whether or not the Town shall accept the street concerned.

3. The Town and/or their designated representative shall at all times have access to the site for the purpose of performing inspections.
4. The following inspection schedule shall be abided by during the construction of roads. The inspections shall be performed and documented by The Public Works Director and/or a third-party engineer.
 - a. Review of design engineer's layout and wetlands marking.
 - b. Clearing, grubbed down to native soil, free of loam or other unsuitable materials prior to the placement of any fill
 - c. Inspection of erosion control measures.
 - d. Inspection of fill placement. In- place compaction testing of fill is required every 200linear feet.
 - e. Inspection of drainage piping and buried utilities. Installation of conduits, cables, pipe, and warning tape for electric, water, wastewater, etc. The Town's representative must be present during the installation of utilities.
 - f. Inspection of sub grade and slope work.
 - g. Drainage: Installation of pipes and structures, culverts, stormwater treatment devices, etc.
 - h. Subbase materials
 - i. All subbase material as it is installed and compacted. The Town's representative must be present during compaction testing of all road subbase materials, and prior to placement of road base materials.
 - ii. Inspection of gravel grade. Compaction testing of gravel course is required every 200 linear feet of roadway.
 - iii. Inspection of crushed gravel grade. Compaction testing of crushed gravel course is required every 200 linear feet of roadway.
 - iv. Inspection of final ditch work/ slope work, landscaping and erosion control measures.
 - v. Inspection of headwall construction.
 - i. Road Base Materials

All road base material (crushed stone coarse and fine) shall be inspected as it is installed and compacted. The Town's representative must be present during compaction testing of all road base materials.
 - j. Pavement (Rev. 4/26)
 - i. Applicant must notify the Town of date(s) that pavement will be installed, and the Town must give approval prior to the placement of pavement. The Town's representative must be present during the installation of pavement.
 - ii. Inspection of binder course paving. Full-time inspection will be performed during the paving.
 - iii. Inspection of wearing course pavement. Full-time inspection is required.

- iv. After the binder course pavement and all work required to that point has been completed, the developer can request in writing a reduction of the roadway bond to the Director of Planning & Building. The exact amount of the bond is determined by The Director of Planning & Building and reviewed for final approval by The Select Board.
- k. Additional inspections.
 - i. The Town will conduct a follow-up inspection (one (1) year after the project completion date).
 - ii. The Town may conduct additional inspections as necessary to verify proper construction methods.

AS-BUILT DRAWINGS:

- ~~— Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by licensed land surveyor or engineer an "as built plan" showing the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto, and profiles, centerline street and ditch grades on 100-foot stations to the nearest .1 feet. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval. (Rev. 8/99)~~
- ~~— In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficiently material as to require a resubmission of portions or all of the project plans to the Planning Board under these Regulations or any part thereof.~~

C. Final Inspection

After the submission of as-built drawings and prior to the release of the performance guarantee, the Town's representative shall conduct a final inspection. All items from the Town's punch list shall be addressed prior to the acceptance of the work.

D. Failure to Provide Proper Notice

Failure to notify the Town of said inspection points shall give the Town the right to reject the work and require reconstruction.

E. As-Built Drawings

1. The applicant shall maintain as-built drawings daily as work progresses, and the applicant's contractor shall be available to the Town's designated representative, if requested.
2. At project completion, as-built record drawings, stamped by a NH licensed Professional Engineer or Land Surveyor, shall be submitted for review by the Town's representative. As-built drawings shall document the project as it was constructed, including any changes to the approved plans that were made during

project construction. The Applicant shall be responsible for all costs associated with the Town reviewing and recording of revised plans with the Registry of Deeds.

3. Town acceptance of the as-built drawings is required for Town acceptance of the project and release of performance guarantees.

4. Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by licensed land surveyor or engineer an "as built plan" showing the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto, and profiles, center-line street and ditch grades on 100 foot stations to the nearest .1 feet. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval.

5. In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficiently material as to require a resubmission of portions or all of the project plans to the Planning Board under these Regulations or any part thereof.

SECTION VII: AGREEMENTS & BONDING

7.1 SITE REVIEW AGREEMENT:

As a condition of the Planning Board's approval, the applicant must execute a legal agreement, which specifies the terms and conditions, and the understandings between the parties with respect to these Regulations. Terms and conditions of the Site Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all the Ordinances of the Town of Stratham, requirements of the Town's Building Code, and including the posting of a performance and/or guaranty bond to insure that all site development and construction is completed according to the plan approved. No building permit or preconstruction meeting shall be issued until the Site Review Agreement is executed by both parties.

7.2 FINANCIAL GUARANTY:

The Planning Board may require a performance surety (in the form of a bond, passbook, or cash only) for such facilities that it believes should be guaranteed before any work commences on the development. (Rev. 8/91) The steps for issuing and releasing a performance bond (or other surety) shall be the same as required in the pertinent Zoning Ordinance and Subdivision Regulations, including but not limited to determining the amount, the sufficiency, term, and form of the bond (or other surety).

7.2.1 Certificate of Occupancy:

No dwelling unit or building may be occupied or used unless a certificate of occupancy has been issued by the Building Inspector. If any corrections, changes, or other stipulations are required by the Building Inspector prior to issuance of a Certificate of Occupancy, the Building Inspector shall keep a copy of said required actions in his office.

7.3 MAINTENANCE BOND:

The Planning Board may require a performance surety (in the form of a bond, passbook, or cash only) covering maintenance of roads and improvements for a period of one (1) year from the date of completion, in an amount not to exceed 10% of said cost of improvements. (Rev. 8/91) If repair or unusual maintenance is needed or additional improvements required, then such costs as necessary shall be borne by the applicant or sought from said surety.

7.4 BOND REVIEW PROCESS

Prior to plan endorsement, the applicant shall submit a detailed engineer's estimate of the cost of all improvements to be secured by financial guarantee. The estimate shall be reviewed by the Town Engineer, who shall recommend an appropriate bond amount to ensure completion of the required improvements. Any required performance bond, letter of credit, or other acceptable financial security shall be approved by the appropriate Town authority prior to plan signing.

1. BOND ESTIMATE

Following Planning Board approval and prior to the commencement of construction, the applicant shall submit a proposed cost estimate for all public and private improvements subject to financial security.

The estimate shall include, at a minimum:

1. Roadway construction
2. Stormwater management facilities
3. Drainage infrastructure
4. Water and sewer utilities
5. Sidewalks and landscaping (if bonded)
6. Monuments, erosion and sediment control measures
7. Lighting and other required site improvements
8. The applicant's engineer shall prepare and certify the estimate.

2. Town Engineer Review

The Town Engineer shall:

1. Review the engineer's cost estimate for completeness and accuracy.
2. Verify that all bonded improvements required by the Planning Board approval are included.
3. Recommend revisions where quantities or unit costs appear insufficient.

4. Recommend an appropriate contingency factor, if required by Town policy.
5. Submit a written recommendation to the Planning Department regarding the final bond amount.

3. Financial Security

Following the Town Engineer's recommendation, the applicant shall provide financial security in a form acceptable to the Town, such as: Irrevocable Letter of Credit, Performance Bond, Cash Escrow, or other security approved by the Select Board. The amount shall be sufficient to guarantee completion of all required improvements. Financial Security shall be filed with the Site Review Agreement.

4. Approval

The Planning Board shall recommend acceptance of the financial security, subject to review by the Town Engineer, to the Select Board.

The Select Board shall approve the form and amount of the financial security prior to the signing of the plans or issuance of applicable permits, as required by Town regulations.

5. Bond Reductions

As construction progresses, the applicant may request partial release of the financial security. The Planning Board shall recommend bond reductions, subject to review by the Town Engineer, to the Select Board for release.

The Town Engineer shall:

1. Inspect completed improvements.
2. Verify that work has been completed in accordance with the approved plans.
3. Recommend the amount eligible for release.
4. The Planning Department shall review the recommendation, and the Select Board shall approve any bond reduction.

6. Final Release

The Planning Board shall recommend final, subject to review by the Town Engineer, to the Select Board for final release.

Upon completion of all improvements:

1. The applicant shall submit record (as-built) plans, if required.
2. The Town Engineer shall perform a final inspection.
3. All deficiencies shall be corrected.
4. The Town Engineer shall recommend final release of the financial security.
5. The appropriate Town authority shall authorize release of the remaining bond.

ADDENDUM C: TOWN OF STRATHAM STORMWATER REGULATIONS***Provisions and Standards for Construction Stormwater Management*****A. PURPOSE AND GOAL**

The purpose of post construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Stratham. This regulation seeks to meet that goal through the following objectives:

1. Minimize increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
 2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
 3. Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
 4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
 5. Protect the quality of groundwater resources, surface water bodies and wetlands.
-
- ~~1. These provisions and standards shall apply to all development activities including but not limited to construction of roads, drainage infrastructure, utilities and other structures or development that support the subdivision.~~
 - ~~2. Development on residential lots shall incorporate best management practices from the *NHDES Homeowners Guide to Stormwater Management* (2011, as amended), *NH Stormwater Manual: Volumes 1 and 2, December 2008* as amended (or most current version), and the *2017 NH Small MS4 General Permit* to manage and treat runoff.~~
 - ~~3. The provisions and standards of this Addendum are implemented for the purpose of:
 - ~~▪ Managing stormwater runoff to protect water quality and quantity.~~
 - ~~▪ Causing no increase in contribution of a pollutant for which a water body is impaired.~~
 - ~~▪ Treating new runoff discharged to a municipal drainage system, surface water body or wetland.~~
 - ~~▪ Resulting in no discharge of runoff to properties in excess of runoff discharged in the~~~~

~~existing developed or undeveloped condition.~~

A. APPLICABILITY STANDARDS B. OTHER AGENCY APPROVALS

- ~~i. These standards apply to all projects subject to Site Plan Review Regulations or Subdivision Regulations. Additionally, all applications will be required to include a post construction stormwater management plan prepared by a NH licensed engineer.~~
- ii. 1. All projects under review by the Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NH Department of Environmental Services (NHDES) Alteration of Terrain (AOT) program shall comply with the standards of EPA and/or NHDES permits and this section, whereas the stricter standards shall apply.
- 2. In addition to local approval, copies of the following permits shall be submitted if applicable:
 - a. RSA 485-A:17, as amended, requires a permit from the New Hampshire Department of Environmental Services (NHDES) Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff ..." Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State of New Hampshire.
 - b. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the EPA or by the State under authority delegated pursuant to 33 USC, section 1342 (b) that authorizes the discharge of pollutants to waters of the United States. For a cumulative disturbance of one (1) acre of land that EPA considers "construction activity," which includes, but is not limited to clearing, grading, excavation, and other activities that expose soil typically related to landscaping, demolition, and construction of structures and roads, a federal permit is required. Consult EPA for specific rules. This EPA permit is in addition to any state or local permit required

B. C. MINIMUM THRESHOLDS FOR APPLICABILITY

- ~~i. 1. Minimum Thresholds for Applicability: These stormwater management standards apply to all any development or redevelopment projects requiring Planning Board review and approval under the Subdivision or Site Plan Review Regulations. For smaller projects that disturb less than 43,560 square feet an applicant may request a waiver from specific sections of these regulations of the full standards providing minimum protections and management are implemented. For the purpose of these standards, disturbance is defined as any alteration of the land surface or permanent removal of vegetation or trees associated with a development activity (refer to the Definitions, below).~~
- ii. 2. Waiver Option for Small Development Projects: At the request of an applicant, the Planning Board may grant a waiver to any or all stormwater standards for projects that: disturb less than 43,560 square feet and are not part of a larger common plan of development or redevelopment which disturbs more than 43,560 square feet; create less than 20,000 square feet of new impervious surface; and do not disturb land within 100 feet of a surface water body or wetland comprised of less than 5,000 square feet based on wetland delineation.

~~iii.~~ **3. Conditions for Granting of Waivers:** In order for the Planning Board to issue a waiver, the applicant must demonstrate and ~~b~~Board must find the application meets the minimum criteria listed below and, if granted, will be considered conditions of approval:

- a. Runoff from new impervious surfaces shall be directed to a filtration and/or infiltration device.
- b. Impervious surfaces for parking areas and roads should be minimized to the extent possible (including minimum parking requirements for proposed uses and minimum road widths).
- c. Runoff generated from new impervious surfaces should be retained on the development site and mimic natural hydrology.
- d. Compliance with standards 3.a-3.c above will be determined by the Planning Board on a case by case basis as site conditions and constraints (e.g. disturbance distance to waterbodies, wetlands, and other ecological sensitive receptors; abutter concerns, etc.) will differ greatly between various redevelopment proposals.

4. The following activities are considered exempt from these regulations:

- a. Agricultural and forestry practices in accordance with BMPs published by the NH Department of Agriculture.
- b. Resurfacing and routine maintenance of roads and parking lots that does not include demolition and removal of road/parking lot materials down to the erodible subbase.
- c. Interior and exterior building renovations that do not exceed the conditions in Section F. Stormwater Management for Redevelopment.

C. D. BEST MANAGEMENT PRACTICES

- i. Performance Specifications: Stormwater management ~~will~~shall meet or exceed requirements for the 2017 NH Small MS4 General Permit (or most current version). Pollutant removal for Stormwater Best Management Practices shall be implemented as outlined in Stratham's 2017 MS4 Permit, Appendix F, Attachment 3 and the "Stormwater Best Management Practices Performance Analysis" prepared by Tetra Tech for the US Environmental Protection Agency, dated March 2010. All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications in the NH Stormwater Management Manual February 2025 (or current version). Volume 2 (December 2008 or current revision) a copy of which is available from the NHDES website at <https://www.des.nh.gov/resource-center/publications?keys=swvol2&purpose=&subcategory=>
- ii. Water Quality Protection: All aspects of the application shall be designed to protect the quality of surface waters and groundwater of the Town of Stratham as follows:
 - a. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the New Hampshire Department of Environmental Services (NHDES) including but not limited to those involving Underground Storage Tanks—(UST), Above Ground Storage Tanks, hazardous ~~W~~waste and Best Management Practices for Groundwater Protection (Env-Wqa 401).

E. STORMWATER MANAGEMENT FOR NEW DEVELOPMENT

1. Stormwater Management for New Development: All proposed stormwater management and treatment systems shall meet the following performance standards.

- a. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances (as specified in the Zoning and Regulations). Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and enhance animal passage (see the University of New Hampshire Stream Crossing Guidelines (May 2009, as amended), available from the NHDES website at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/lrm-unh-stream-crossing.pdf>)
- b. Low Impact Development (LID) site planning and design strategies ~~should~~ shall be used to the maximum extent practicable in order to reduce stormwater runoff volumes, protect water quality, and maintain predevelopment site hydrology the generation of the stormwater runoff volume for both new development and redevelopment projects (see Element D for redevelopment standards). LID techniques with the goals of protecting water quality and maintaining predevelopment site hydrology, LID techniques that preserve existing vegetation, reduce the development footprint, and minimize or disconnect impervious area, and use of enhanced stormwater BMPs (such as rain gardens, bioretention systems, tree box filters, and similar stormwater management landscaping techniques) should be incorporated into landscaped areas. Capture and reuse of stormwater is strongly encouraged. An applicant must document in writing why LID strategies are not appropriate if not used to manage stormwater.
- c. All stormwater treatment areas should be planted with native plantings appropriate for the site conditions: grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- d. All areas that receive rainfall runoff should be designed to drain within a maximum of 72 hours.
- e. Salt storage areas ~~should~~ shall be covered and loading/offloading areas shall be designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters should be possible. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. For assistance with this requirement, See NHDES published guidance fact sheets “WMB-4, Road Salt and Water Quality” dated 2021 (or as amended) and “WMB-3, Snow Disposal Guidelines” dated 2020 (or as

- ~~amended). on road salt and water quality, and snow disposal at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/wmb-4.pdf> and https://www4.des.state.nh.us/nh_ms4/wp-content/uploads/2020/11/Snow-Disposal.pdf~~
- f. ~~Runoff should be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to minimize Effective Impervious Cover (EIC) and reduce the need for irrigation systems.~~ Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
- g. ~~All N~~ewly generated stormwater, whether from new development or ~~expansion of existing development (redevelopment), should shall~~ be treated on the development site. Runoff ~~should shall~~ not be discharged to surface water bodies or wetlands in excess of volumes discharged under existing conditions (developed condition or undeveloped condition).
- h. A development plan ~~should shall~~ include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated ~~with BMPs to achieve at least 80% removal of Total Suspended Solids (TSS) and at least 50% removal of both Total Nitrogen (TN) and Total Phosphorus (TP) AND optimized for Total Nitrogen (TN)~~ generated from the total post-construction impervious area as per the 2017 NH Small MS4 Section 2.3.6 Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management ~~Section a.ii.d)1)b.~~, and as specified in the 2025 NH Stormwater Manual, Volumes 1 and 2, December 2008 as amended (or most current version) ~~(refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria)~~ or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not lower water quality or contribute to existing water body impairments. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMPs designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual.
- i. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff rate (cubic feet/second) for the 1-inch rainstorm and the 2-year, 10-year, and 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GR_v) according to the current NHDES Alteration of Terrain requirements. AOT guidelines unless demonstrated for sites where infiltration is limited or not practicable. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures should be in locations with the highest permeability on the site.
- j. The design of the stormwater drainage system should provide for the disposal of

stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.

- k. The design of the stormwater management systems should take into account upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
- l. Appropriate erosion and sediment control measures ~~should~~ shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters ~~should~~ shall be protected from sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the 2025 New Hampshire NHDES Stormwater Manual (as amended) Volume 3 guidelines. In areas where final grading has not occurred, temporary stabilization measures should be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and no more than fourteen (14) days for all other areas. Permanent stabilization should be in place no more than 14 days following the completion of final grading of exposed soil areas.
- m. All temporary control measures should be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized prior to removal of temporary control measures.
- n. Appropriate controls for demolition debris, litter, and sanitary wastes shall be implemented on all construction sites.
- ~~o.n.~~ Porous pavements should be considered for feasibility for commercial and industrial applications for general and overflow parking areas. Construction quality assurance during installation and production of porous pavements, and long term operations and maintenance will be required to ensure success. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions. Porous pavement will generally not be included in the calculation of impervious surface areas for site development.
- ~~o.p.~~ Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

2. Submission Requirements for Stormwater Management Plan and Reports.

- a. All applications shall include a post construction Stormwater Management Plan (SMP). The SMP shall include an Existing Conditions Site Plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.
- b. The SMP shall include a narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and best management

- practices (BMP), including BMP GIS coordinates and GIS files; important hydrologic features created or preserved the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms at each of the outlet locations shall be included.
- c. The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of these regulations and the performance standard for stormwater management for new development or redevelopment. The SMP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.
 - d. The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g. catch basins, swales, detention/bioretention areas, piping).
 - e. The SMP shall include a description and a proposed Site Plan or Subdivision Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the 2025 New Hampshire Stormwater Manual (or most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
 - f. The SMP shall include a long-term stormwater management BMP inspection and maintenance plan that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.
 - g. The SMP shall describe and identify locations of any proposed deicing chemical and/or snow storage areas. SMP will describe how deicing chemical use will be minimized or used most efficiently.
 - h. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant. (This paragraph was previously Section E.)

D. F. STORMWATER MANAGEMENT FOR REDEVELOPMENT CRITERIA**ii. Criteria****1. Redevelopment (as applicable to this stormwater regulation) means:**

- a. Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount.
- b. Any new impervious area over portions of a site that are currently pervious.
- c. The following activities are not considered redevelopment:
 - i. Interior and exterior building renovation that do not meet conditions in F.1.a. or b.
 - ii. Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway).
 - iii. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - iv. Landscaping installation and maintenance.

2. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.

- a. For sites meeting the definition of a redevelopment project and having less than 60%40% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects ~~with the important distinction that the applicant can meet those requirements either on-site or at an approved off-site location.~~ The applicant ~~should~~ must satisfactorily demonstrate that impervious area is minimized reduction, and LID strategies and BMPs have been implemented on-site.**

- b. For sites meeting the definition of a redevelopment project and having more than 60%40% existing impervious surface coverage, stormwater ~~should~~ shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:**

- i. Implement measures onsite that result in disconnection or treatment of at least 30% of the existing impervious cover ~~as well as~~ and 50%100% of the additional proposed impervious surfaces ~~area and pavement areas~~ through the application of filtration ~~media~~ and/or infiltration practices; or**
- ii. Implement other LID techniques onsite to the maximum extent practicable to provide treatment for at least ~~50%~~ 60% of the entire developed site area.**

- 3. Runoff from impervious surfaces shall be treated ~~to achieve at least 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the 2025 NH Stormwater Manual (or current version) or other equivalent means. with BMPs as per the NH Stormwater Manual or equivalent, AND for Total Nitrogen (TN) removal, as per MS4 2.3.6 Stormwater Management in New Development and Redevelopment (Post Construction Stormwater Management Section a.ii.e)1)~~ b. All new impervious area draining to surface waters impaired by nitrogen,**

phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual.

6. Off-Site Mitigation:

- a. In cases where the applicant demonstrates, to the satisfaction of the ~~p~~Planning ~~b~~Board, that on-site treatment has been implemented or is not feasible, off-site mitigation will be an acceptable alternative if implemented within the same subwatershed, within the project's drainage area or within the drainage area of the receiving water body. To comply with local watershed objectives the mitigation site would be preferably situated in the same subwatershed as the development and impact/benefit the same receiving water.
- b. Off-site mitigation should be equivalent to no less than the total area of impervious cover NOT treated on-site.
- c. An approved off-site location must be identified, the specific management measures identified, and an implementation schedule developed in accordance with planning board review. The applicant must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management for large storm events.

The following section was moved to E.2.h.

E. STORMWATER MANAGEMENT PLAN APPROVAL AND RECORDATION

- ~~Plan Approval and Review. The Planning Board shall approve the Stormwater Management Plan if it complies with the requirements of these regulations and other requirements as provided by law. At the discretion of the Planning Board, a technical review by a third party may be required of any stormwater management and erosion control plan prepared under these regulations. The technical review shall be performed by a qualified professional consultant, as determined by the Planning Board, and the expense of which shall be the full responsibility of the applicant.~~

F. G. OPERATIONS AND MAINTENANCE CRITERIA

1. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan or subdivision plan. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

2. Requirements for private parking lot owners with 10 or more spaces and operators and private street owners and operators:

- a. The Applicant shall submit a description of measures that will be used to minimize salt usage during winter maintenance activities pre- and post-development.
- b. Any commercial salt applicators hired by private parking lot and/or street owners shall be trained and certified in accordance with NHDES Env-Wq 2203 and shall annually track and report amounts applied using the UNH Technology Transfer Center online tool (when available) or using a form provided by NHDES in accordance with Appendix H of the NH MS4 Permit.

G. H. POST-CONSTRUCTION STORMWATER INFRASTRUCTURE – INSPECTION AND RESPONSIBILITY

1. Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Expenses associated with inspections shall be the responsibility of the applicant/property owner. ~~Routine inspections, cleaning, and maintenance will be conducted as per requirements of the 2017 NH Small MS4 General Permit, Section 2.3.7.1 Operations and Maintenance Programs including annual inspection reports.~~

The applicant shall bear final responsibility for the installation, construction, inspection, reporting, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the Stormwater Management Plan receives written approval by the Planning Board.

2. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if: a property is abandoned or becomes vacant; and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

3. Landowners subject to an approved Stormwater Management Plan shall be responsible for submitting an annual report to the Planning Board or other designated responsible municipal entity by September 1 each year by a qualified professional that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their annual report and include details regarding when the infrastructure shall be repaired and functioning as approved.

If no report is filed by September 1, municipal staff or their designated agent shall be granted site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.

4. The Applicant shall submit as-built drawings of the constructed stormwater management system within one (1) year of completion of construction of the stormwater management system. The as-built drawings must depict all on-site controls designed to manage the stormwater associated with the completed site. The plans shall include as-built construction details of the stormwater controls, including but not limited to locations and dimensions of stormwater pipes, culverts, catch basins, manholes, detention or retention facilities; invert elevations and pipe sizes; cross sections of stormwater detention or retention facilities; and any modifications made during construction that differ from the approved design plans.

5. The Applicant shall submit a copy of a completed Land Use Development Tracking form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the Stratham Planning Department.

B. I. DEFINITIONS

- a) ~~ADAPTIVE MANAGEMENT~~—Management of resources that is a structured, iterative process of robust decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring. In this way, decision making simultaneously meets one or more resource management objectives and, either passively or actively, accrues information needed to improve future management.
- b)a) BEST MANAGEMENT PRACTICES (BMPs) - A structural or non-structural device designed to temporarily store or treat urban stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.
- e)b) BIORETENTION – A water quality practice that utilizes vegetation and soils to treat urban stormwater runoff by collecting it in shallow depressions, before filtering through an engineered bioretention planting soil media.
- d)c) BUFFER – Refer to No-disturbance buffer as defined in Section 11 of the Zoning Ordinance. A special type of preserved area along a watercourse or wetland where development is restricted or prohibited. Buffers protect and physically separate a resource from development. Buffers also provide stormwater control flood storage and habitat values. Wherever possible, riparian buffers should be sized to include the 100-year floodplain as well as steep banks and freshwater wetlands.
- e)d) DISTURBED AREA – An area in which the natural vegetative soil cover has been removed or altered and, therefore, is susceptible to erosion.
- f) ~~ECOSYSTEM SERVICES~~—The benefits of natural systems to individuals, communities, and economies. These benefits include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services such as nutrient cycling that maintain the conditions for life on Earth.
- g) ~~EFFECTIVE IMPERVIOUS COVER (EIC)~~—The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).
- h)e) ENVIRONMENTAL (NATURAL RESOURCE) PROTECTION - Policies and procedures aimed at conserving natural resources, preserving the current state of natural environments and, where possible, reversing degradation. Any activity to maintain or restore environmental quality through preventing the emission of pollutants or reducing the presence of polluting substances in environmental media, and preventing physical removal or degradation of natural resources.
- †f) FILTRATION – The process of physically or chemically removing pollutants from runoff. Practices that capture and store stormwater runoff and pass it through a filtering media such as sand, organic material, or the native soil for pollutant removal. Stormwater filters are primarily water quality control devices designed to remove particulate pollutants and, to a lesser degree, bacteria and nutrients.
- †g) GROUNDWATER RECHARGE – The process by which water that seeps into the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.
- k)h) GROUNDWATER RECHARGE VOLUME – The post-development design recharge volume (i.e., on a storm event basis) required to minimize the loss of annual pre-

development groundwater recharge. The Rev is determined as a function of annual pre-development recharge for site-specific soils or surficial materials, average annual rainfall volume, and amount of impervious cover on a site.

- ~~h~~i) IMPAIRED WATERS – Those waterbodies not meeting water quality standards. Pursuant to Section 303(d) of the federal Clean Water Act, each state prepares a list of impaired waters (known as the 303(d) list) which is presented in the state's Integrated Water Report as Category 5 waters. Those impaired waters for which a TMDL has been approved by US EPA and is not otherwise impaired, are listed in Category 4A.
- ~~m~~j) IMPERVIOUS COVER – Those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (e.g., driveways and parking lots).
- ~~n~~k) INFILTRATION – the process of runoff percolating into the ground (subsurface materials). Stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.
- ~~o~~l) LOW IMPACT DEVELOPMENT (LID) - Low impact development is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.
- ~~p~~m) MAXIMUM EXTENT PRACTICABLE (MEP) - To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.
- ~~q~~n) MITIGATION – Activities, strategies, policies, programs, actions that, over time, will serve to avoid, minimize, or compensate for (by treating or removing pollution sources) the impacts to or disruption of water quality and water resources.
- ~~r~~o) MS4 – Refers to the *Small Municipal Separate Storm Sewer System General Permit* - the MS4 General Permit - issued by the EPA under the Clean Water Act. MS4 applies to municipalities that contain any portion of an urbanized area as defined by the Census. It applies to stormwater conveyances owned by a State, city, town, or other public entity that discharge to 'Waters of the United States'. The MS4 Permit requires that operators of small MS4s develop a Storm Water Management Program that uses appropriate Best Management Practices (BMPs) for each of the six minimum control measures required in the MS4 permit.
- ~~s~~p) NATIVE VEGETATION AND PLANTINGS - Plants that are indigenous to the region, adapted to the local soil and rainfall conditions, and require minimal supplemental watering, fertilizer, and pesticide application.
- ~~t~~q) POLLUTANT LOAD – means an amount of pollutants that is introduced into a receiving waterbody measured in units of concentration or mass per time (i.e. concentration (mg/l) or mass (lbs/day)).
- ~~u~~r) REDEVELOPMENT – ~~Any construction, alteration, or improvement that disturbs a total of 20,000 square feet or more of existing impervious area where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily~~

~~residential. Building demolition is included as an activity defined as “redevelopment”, but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as “redevelopment,” but simply resurfacing of a roadway surface is not. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain, is not classified as redevelopment. In general, the requirements in this manual do not apply to projects or portions of projects when the total existing impervious area disturbed is less than 20,000 square feet. However, specific regulatory programs may impose additional requirements. Any creation of new impervious area over portions of the site that are currently pervious is required to comply fully with the requirements of this manual, with the exception of infill projects.~~

v)s) RETENTION – The amount of precipitation on a drainage area that does not escape as runoff. It can be expressed as the difference between total precipitation and total runoff from an area.

w)t) TOTAL SUSPENDED SOLIDS (TSS) – The total amount of soils particulate matter which is suspended in the water column.

x)u) WATER QUALITY VOLUME – ~~The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In Rhode Island, this equates to 1-inch of runoff from impervious surfaces.~~

y)v) WATERSHED – All land and water area from which runoff may run to a common (design) discharge point.

ADDENDUM D: WETLAND BUFFER SIGN DETAIL**1. Design Standards:**

- a. Sign shall be engineer-grade enamel finish, corrosion-resistant aluminum, predrilled with two attachment holes, with dimensions 12" High by 8" wide, attached to U-Channel post with two stainless steel bolts, washers, and nuts.
- b. The background of the sign shall be the Pantone Matching System (PMS)17-0230 TCX Forest Green, or equal, with white lettering.
- c. Metal sign to read in capital letters: NO DISTURBANCE WETLAND BUFFER. REFER TO STRATHAM ZONING ORDINANCE SECTION XI: WETLANDS CONSERVATION DISTRICT FOR LIMITATIONS.
- d. Signpost will be 6 feet long, green, baked enamel, municipal grade U-Channel with 3/8 inch holes 1 inch on center, post to be driven two feet into the ground, the top of the sign to be four feet above the existing grade.
- e. Signs shall be installed and placed on the wetland no-disturbance buffer; 50 feet on center, at all property line intersections, and at corners or abrupt changes in the course direction of the buffer perimeter boundary line. Where properties are less than 100 feet wide and 50 feet on center is not feasible, a sign will be placed at the center of the line at the property line intersections.
- f. Property owners shall be responsible for repairing and/or replacing all Wetlands Buffer signs, in kind, that have deteriorated to the point where they are no longer sturdy and upright and cannot be easily read or are illegible due to the signs having corroded or faded. Signs' relocation shall be re-established by a New Hampshire licensed surveyor.

