

## DRAFT – NO LEGAL VALUE

### Planning Board Meeting Minutes

**Location:** Strafford Town Hall Conference Room

**Date & Time:** November 6, 2025 6:30PM

**Members Present:**

Phil Auger – Chairman  
Charlie Moreno – Vice Chairman  
Don Clifford

**Alternate Members Present:**

Susan Arnold  
Sue Higgins

**Others Present:**

Lisa Murphy, Strafford Regional Planning Commission (SRCP), Senior Regional Planner  
Robert Fletcher, Minutes Recorder

The Chair, Phil Auger, called the meeting to order at 6:32PM and recognized Board members Charlie Moreno, Don Clifford, Susan Arnold, and Sue Higgins as present. He also recognized as present Lisa Murphy and Robert Fletcher. He appointed Susan Arnold and Sue Higgins as a voting members in place of Lynn Sweet and Terry Hyland respectively.

**Continuing Business**

**Major Subdivision** – Michael D. Whitcher Revocable Trust of 2002, 8-lot subdivision, Whig Hill Road, (Tax Map 4, Lot 1)

Don Clifford recused himself.

Chris Berry of Berry Surveying and Engineering, representing the applicant, recapped the proposal. At previous meetings, the plan was accepted as complete, Altus Engineering independent review concerns were addressed, and requested mechanical waivers were approved along with a Conditional Use Permit. He indicated that this meeting is an opportunity for the Board to address any questions or concerns.

The Chair asked Mr. Berry to run down some of the high points of the proposal. Mr. Berry indicated the changes to the plan in response to the Altus Engineering independent review as follows:

- Reduction of the hammerhead at the terminus of the proposed Caverno Drive.
- Addition of turn-outs on two of the driveways off Caverno Drive.
- Expansion of the infiltration rain garden at the Caverno Drive entrance from Whig Hill Road which changed its shape. The entire project is designed to send stormwater to the rain garden and is based on theoretical storm events.

Lisa Murphy referenced a letter to the Planning Board which addressed in detail the responses to the Altus Engineering independent review concerns regarding the proposed project. Mr. Berry noted that a Homeowner Association (HOA) document which incorporates rain garden operation and maintenance requirements will be submitted for Board and legal counsel review. Charlie Moreno asked when the HOA is funded and if the other two lots in the subdivision with separate access from Whig Hill Road would be included in the HOA. Mr. Berry indicated that the deed for each lot requires

participation in the HOA and funding typically begins with the sale of the first lot. He also indicated that the applicant would most likely elect to not include the other two lots in the HOA. Susan Arnold noted that some Whig Hill residents are governed by an HOA and questioned how they might interact with the proposed HOA. Mr. Berry did not know if the property being subdivided was part of an HOA on record but he would research records to determine if it would be governed by an established HOA. Susan Arnold also asked about the hammerhead reduction. Mr. Berry indicated that it had been reduced about 40 percent from a 40-foot by 180-foot area to a 24-foot by 100-foot area which is a standard size for emergency vehicle maneuvering. He also stated that "street trees" would be planted along the hammerhead perimeter. At Charlie Moreno's suggestion, Mr. Berry confirmed that he would add plantings to the plan. Mr. Moreno, along with Susan Arnold, asked if some protection could be provided for historical preservation of an old foundation on one of the proposed lots. Mr. Berry indicated that he had not discussed this with the applicant but knew he was not inclined to infringe on property rights and did not have any plans to remove or disturb the foundation. The Chair asked if the cemetery on the property was retained by the family. Mr. Berry indicated that it was not retained in a deed but the family reserved a right of access to it. The Chair asked Mr. Berry for his opinion on how to treat the range way that runs through the property. Mr. Berry believed it did not need to be preserved because at the state level there is a general consensus that if they are not used, they are not needed. This does not mean there is not some inherent rights of use to them. He stated that the plan design avoids placing any structure or required setbacks within the range way. However, the lot off Aspen Drive does have a storm water containment area that is partially in the range way but does not block it in any way. Susan Arnold raised the question of access for hunters and hikers to the undeveloped area of the property. Mr. Berry stated that the applicant does not intend to post the property unless conditions warrant it. It will remain as private property but access is possible from the proposed hammerhead. At the request of Charlie Moreno, Mr. Berry briefly addressed the remaining concerns noted in the Altus Engineering independent review. Mr. Moreno confirmed with Mr. Berry that the various notes contained throughout the proposed plan documents were highlighted on the subdivision overview page to provide easy reference for the building inspector. Lisa Murphy asked if the fire chief commented on reduction of the hammerhead size. Mr. Berry indicated that he had not heard from the chief but the hammerhead complies with subdivision requirements. Charlie Moreno once again expressed concern over historical preservation of the foundation on one of the lots. The Chair suggested a deed restriction as a condition of approval. Mr. Berry stated that he could not agree to this as a condition of approval without consulting with the applicant and follow-up with the Board. The Chair suggested that the applicant's attorney craft a document for Board review.

There being no further comments or questions from the Board, the Chair opened the meeting for public comments at 6:59PM.

Carole Johnson, 87 Sunny Oaks Terrace, who identified herself as a hydrologist for 42 years, indicated that she had not been involved in this subdivision approval process since an earlier design review when a stormwater plan was not presented. She asked if the proposed stormwater treatment area drains across Whig Hill Road or into the wetlands on the subdivision site and if there is a model of how much stormwater flow is expected into the pond during a high-water period. Mr. Berry indicated that stormwater entering the treatment pond discharges to a wetlands area onto private property and then heads in a southeasterly direction to eventually cross Route 202A. Mr. Berry discussed that modeling of 10, 25, 50, and 100-year storm events use the Cornell Extreme Rate Event numbers. He indicated that the rain garden is designed to mitigate approximately nine inches of water in a 24-hour period. He

noted other design features including ground water recharge volume, outlet control structure, and specific amount of anticipated flow. He suggested that the document containing stormwater analysis and models be made available via website link, to which the Board agreed.

Dennis Lauze, 215 Whig Hill Road, asked if the proposed pond will be a fire pond with a cistern. Mr. Berry stated the pond was not a fire pond and is intentionally designed to be dry. There is no plan for a cistern.

Carole Johnson, 87 Sunny Oaks Terrace, asked about the sight lines on the Whig Hill Road curve at the entrance to Caverno Drive. The Board acknowledged consideration of sight lines during the site walk in July 2025 and concluded adequate visibility when entering Whig Hill Road from Caverno Drive.

There being no further public comments, the Chair closed the meeting to public comments at 7:12PM. Susan Arnold expressed concern about enforcement of the HOA with respect to the retention pond maintenance. Charlie Moreno suggested that the HOA specify periodic inspection. Mr. Berry stated that the operations and maintenance manual requires an annual inspection that is submitted to the town every December. However, there is no specific agency to enforce compliance but HOA participants are subject to damage liability for any failed system through neglect.

The Chair called for a motion to approve the application; however, Mr. Berry suggested a continuance to address the Board's concern about the old foundation with his client. Susan Arnold made a motion to continue the application until the December 4, 2025 Planning Board meeting which seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chair reinstated Don Clifford as a voting member and appointed Sue Higgins as a voting member to replace Terry Hyland.

**Major Subdivision: David & Rebecca S. Lovely Revocable Living Trusts, 7-lot Conservation Development, Canaan Road and 20 Back Canaan Road (Tax Map 4, Lot 83-1)**

Chris Berry of Berry Surveying and Engineering, on behalf of David and Rebecca Lovely, noted that the plans submitted to the town and SRCP were not the current version which contains a lot line revision as suggested by the Board during Design Review. This is the only substantive difference between the two versions and Mr. Berry asked which the Board would like to consider. The Board agreed to consider the current version of the plans which Mr. Berry provided. Lisa Murphy indicated that SRCP conducted a completeness review of the latest version of the plans and found them to be complete. However, SRCP has not had the opportunity to conduct a full review.

Mr. Berry stated that the Lovely's are proposing a conservation subdivision of approximately 40 acres bordering both Canann and Back Canaan Roads with a primary entrance off Canaan Road via a small 500-foot private roadway with a hammerhead at its terminus. Each buildable lot is designed around what fits within the stonewalls on site, reasonable building envelopes, and NHDES subsurface standards for sewage disposal. The rear acreage of approximately 31-acres would be placed under a conservation deed restriction. The proposed roadway has a 20-wide gravel base with a 16-foot wide paved section and two-foot shoulders. Two rain gardens are proposed to mitigate stormwater flow. The one at the beginning of the roadway will discharge excess stormwater across Canaan Road via an existing culvert. The other rain garden will be off the end of the hammerhead with excess stormwater flow to the east away from Canann or Back Canaan Roads. All the proposed buildable sites contain wells, 4000 square foot leaching areas, and have suitable soils for development. The applicant is

seeking waivers to road design standards and relief from the 100-foot residential buffer. Mr. Berry noted that vintage car parts and a bottle dump were located in separate areas of the proposed conservation area with some of the bottle dump located on an abutting property. Watershed from these dump sites is toward the northwest and should not impact wells on the proposed building lots.

The Chair questioned if the current culvert on Canaan Road was adequate to handle the flow from the rain garden. Mr. Berry did not know whether it was adequate or inadequate but indicated that the subdivision design reduces flow to the culvert. Charlie Moreno questioned if all the property abutters were identified on the plan and it was determined that the abutter list was complete. He also confirmed with Lisa Murphy that the application checklist was complete for the revised plan. Mr. Moreno made a motion to accept the plan as complete which was seconded by Don Clifford and voted upon verbally in the affirmative by all voting Board members. The motion passed. The Board also considered the regional impact of the proposed conservation subdivision. Charlie Moreno noted that traffic on bordering roads would be increased but not by a significant amount. Susan Arnold made a motion that the project would not have a regional impact which was seconded by Charlie Moreno and voted upon verbally in the affirmative by all voting Board members. The motion passed.

The Chair opened the meeting for public comments at 7:38PM and read for the record two letters from Chris and Lorene Reagan, 36 Back Canaan Road, who were not present at the meeting.

Letter dated November 5, 2025.

To the Town of Strafford Planning Board in reference to the David and Rebecca S. Lovely Living Trust proposed 7-lot subdivision. I question the location and approval of the existing 7-lot cluster subdivision proposed by David and Rebecca Lovely. I fail to see how this location abutting existing property and homeowners protects our property values, right to peace and safety in our neighborhood. Given the lot size wouldn't it be more prudent to place the cluster further back into the lot, away from existing homes thus helping to maintain existing home values and quality of life? Further, wouldn't placing the cluster away from the 200-foot steep slope that runs into an intermittent headwater stream that runs into and connects with Hall Brock another headwater stream that feeds Stone House Pond and several marshes be prudent? I further question the dredging and filling that has occurred prior to approval for the road that would feed said development. Have wetlands been impacted? Have stone walls been altered? I know for a fact that the quality of life in the neighborhood has been impacted by the near constant land altering digging, bulldozing and tree cutting every weekend. All homeowners in Strafford have rights, not just the individuals that want to develop their land with little to know thought or regard to their neighbors, property values, peace of mind and safety. (Chapter 1.1 Preamble of the Strafford Zoning and Land Use Ordinance and Chapters 673 to 677 of the NH Revised Statutes Annotated, as amended 9-8-1970 were noted in the letter but not read for the record).

Letter dated November 5, 2025.

This letter serves as our opposition to the proposed 7-lot subdivision. With the proposed 158 duplex development in the wings for the other end of Canaan Back Road unprecedented stress will be placed upon Strafford and the surrounding towns. Our scenic road and way of life is under attack as well as every town's municipal services. Although the scope of this development is not comparable it does not take away from the impact on our property values, way of life and peace of mind. The following list is not inclusive. The abutter's do request a written response in regard to how each concern is to be addressed by the Planning Board and developer.

1. Safety for everyone that lives on and uses Canaan and Corbet Road.
2. Light pollution. Will dark sky exterior lighting be mandatory? Will street lights be restricted?
3. How does a lot of record ie; the existing duplex suddenly become smaller than the required lot size that enabled it in the first place?
4. Steep slope erosion and drainage for the proposed lot abutting lots 83-1-7 and 83-1-2. More specifically, a site walk is in order to experience the drastic slope that feeds a seasonal stream on lot 83-1-2. Please note abutters should be notified and present for this. More info on this below the map of the area in question.
5. What has been done to address the probable toxic waste dump that is located upon the lot for the proposed subdivision? Any test bores? Has the state been notified? Are there any mitigation measures in place to contain any possible contamination?
6. The Board should be aware that additional surveys may be conducted to confirm the legitimacy of the development's boundary line.
7. Has the proposed substandard road been upgraded to meet the town's new road standards for other developments?
8. What restrictions will be in place to insure no future development on this parcel since it would be receiving special treatment as a "Conservation Development Subdivision"?
9. Is there any reason why the whole proposed development couldn't be moved further back onto the 40-acre lot instead of on top of all the entire neighborhood? Allowing the same conservation land mass just further back away from existing neighborhood.
10. Why should the entire neighborhood suffer from the increased noise, light pollution, increased safety concerns on Canaan Road and decreased property values from the proposed cluster...development that is unlike any nearby development in town?

(The letter contained maps, photos, and regulatory references which were not read into the record).

Rob Marshall, 75 Canaan Road, asked if the proposed private roadway would be gravel or paved. He expressed concern about residents mistaking his paved driveway as the subdivision entrance if the roadway is gravel. A gravel roadway would also present a safety hazard to motorcyclists and skateboarders on Canaan Road due to gravel runoff. His property directly abuts the location of the subdivision roadway and he requested plantings between the roadway and his property line to reduce headlight intensity on his residence when vehicles enter the roadway. The Chair indicated that the Board is aware of the need and have asked for increased police presence in the area to control vehicle speeds and the plans indicate the subdivision roadway to be paved with plantings along its entrance.

Ryan Baer, 80 Canaan Road, asked why the project approved in 2008 or 2009 to not end up going forward. The Chair stated that the project was with a different owner. Charlie Moreno indicated that economic conditions at the time may have prevented starting the project and approval for the project lapsed. He expressed concern about the volume of stormwater flow through the culvert on Canaan Road that also runs under his driveway. Mr. Berry suggested that the proposed subdivision plans that contain important information be made available to the public. The Board agreed to provide a link to the plans on the town website under the Planning Board tab.

There being no further comments from the public, the Chair closed the meeting to public comments at 7:51PM and asked Mr. Berry to summarize the highlights of the plan. Mr. Berry briefly covered the major components of the proposed conservation subdivision as follows:

- A 16-foot wide, 500-foot long, paved roadway on a 20-foot gravel base with a 3% inclining slope into the site and buffer plantings along the border with abutting property is proposed. The Board requested a buffer planting of dense, low-growing, salt-resistant species beginning at the roadway entrance to provide a headlight buffer.
- The roadway proceeds to a crest on the site and all the current stormwater runoff at that point flows directly to the culvert on Canaan Road. The plan proposes a grass-lined rain garden prior to the Canaan Road culvert to capture and treat stormwater runoff to filter nutrients and sediments. An operation and maintenance plan will be part of a recorded homeowner's agreement (HOA).
- The roadway continues at the crest of the hill with a curve to the right and proceeds with a 4% declining slope to a right-angle hammerhead. Stormwater from the top of the hill is captured by an additional grass-lined rain garden for treatment and released to the natural flow pattern.
- There is shared driveway off the hammerhead through a gap in the wetland system to access two buildable lots and there is no wetland buffer impact.

The Chair mentioned the waste site on the property and stated that the town attorney determined that because the site is not located on what will be the "built" area of the property the Board cannot require a Phase I Environmental Site Assessment (ESA). It would be up to the property owner to address the waste site before marketing the lots for sale. He also restated concern for vehicle traffic and speeds in the area and suggested that residents in the area organize and present their concerns to the police department and the selectboard. Don Clifford suggested making a very small lot in the subdivision larger and Mr. Berry agreed to make an adjustment. Charlie Moreno commented on the need to comply with the town dark-sky requirements and Mr. Berry confirmed that there were no streetlights in the proposal. Lisa Murphy suggested adding the dark-sky requirement to the HOA. The Chair noted that deed restrictions will be part of the conservation subdivision which will address restriction of land use in the conserved area. Charlie Moreno asked who would own the conserved area. Mr. Berry indicated it would be owned by one of the two lots off the hammerhead but deeded as a separate lot, subject to deed restrictions, and accessed via an open easement right-of-way from the hammerhead along an existing stonewall. The Board identified the need to determine if a conservation area can be allowed without any road frontage. However, Mr. Berry indicated that the applicant would not be opposed to combining one of the lots with the conserved area or attempting to modify the plan to provide frontage for the conserved area. Lisa Murphy asked if site development will result in a major land disturbance due to the steep slopes. Mr. Berry indicated that there is minimal land disturbance in the proposed plan. Charlie Moreno expressed the need to regulate commercial tree harvesting in the conserved area but it was not clear if that could be stipulated in the deed restrictions. He asked Mr. Berry to provide a draft of the conservation deed restriction at the next meeting.

Don Clifford made a motion to continue the application until the December 4, 2025 Planning Board meeting which seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Mr. Berry asked if the proposed plan needed to be evaluated by the town engineering consultant, Altus Engineering. After a brief discussion, the Board determined that it would be helpful to have the consultant to evaluate the roadway construction and stormwater runoff. Susan Arnold made a motion

to have Altus Engineering review engineering of the roadway, rain gardens, and related stormwater flow which seconded by Sue Higgins and voted upon verbally in the affirmative by all voting Board members. The motion passed.

### **Other Business**

The Board reviewed the minutes of the October 2, 2025 Planning Board Meeting. Susan Arnold identified inconsistent use of first names Susan or Sue for her or Sue Higgins which the recorded will correct as noted. Susan Arnold made a motion to accept the minutes as corrected which was seconded by Don Clifford and voted upon verbally in the affirmative by all voting Board members present who attended the October 2<sup>nd</sup> Planning Board Meeting. The motion passed.

Susan Arnold noted that the meeting agenda, once again, did not indicate a time at the beginning of the meeting for general public comments not related to the business to be addressed by the Board.

The Board considered the minutes of July 22, 2025, but decided to table acceptance until the December meeting when more attendees are present.

There being no further business before the Board, Don Clifford made a motion to adjourn the meeting which was seconded by Charlie Moreno. The Board voted unanimously in favor, and the meeting adjourned at 8:40PM.

Minutes Prepared by Robert Fletcher