



Stratham Planning Board Meeting Minutes

May 7, 2025

Stratham Municipal Center

Time: 7:00 pm

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

Members Absent: Chris Zaremba, Regular Member

Staff Present: Vanessa Price, Director of Planning and Building
Susan Connors, Planning Project Assistant

1. Call to Order

Mr. House called the meeting to order at 7:00 pm and took roll call. Mr. House appointed Mr. Allison as a voting member for this meeting.

2. Approval of Minutes

a. April 2, 2025

Mr. Houghton made a motion to approve the April 2, 2025 meeting minutes. Mr. Canada seconded the motion. All voted in favor and the motion passed.

b. April 16, 2025

Mr. Houghton made a motion to approve the April 16, 2025 meeting minutes. Mr. Canada seconded the motion. All voted in favor and the motion passed.

3. Public Hearing:

- a. Land Bank Properties, LLC (Applicant) and Dorothy P. Thompson (Owner) request for approval of a Condominium Subdivision, Conditional Use Permit, and Route 33 Heritage District Application at 217 Portsmouth Avenue, Tax Map 21, Lot 88 in the Route 33 Legacy Highway Heritage District.

Ms. Price stated that updated materials were submitted to the Town on May 1st and therefore staff did not have sufficient time to review them for this meeting. CMA Engineering provided third-party engineering review comments on the plan that staff is currently reviewing along with Emanuel Engineering's response to those comments. She anticipates having her review finalized for the May 21st meeting. The applicant requested to provide an update on the status of their application to the Board tonight.

Tim Phoenix, attorney from Phoenix, Gormley & Roberts, introduced Shamus Quirk, the

45 applicant, and Bruce Scamman of Emanuel Engineering and JVA Surveyors. Mr. Phoenix
46 presented his response letter to comments from the Heritage Commission dated April 11, 2025.
47 Mr. Phoenix noted that Mr. Houghton and Mr. Canada are members of the Heritage Commission
48 and Mr. Houghton was present at the meeting where the Heritage Commission voted on the
49 comments. Mr. Phoenix asked Mr. Houghton if he can remain open-minded and objective as a
50 Planning Board representative having voted on this matter before the Heritage Commission. He
51 added that he is comfortable with it if Mr. Houghton is. Mr. Houghton replied that he is confident
52 that he can handle himself appropriately.

53
54 Mr. Phoenix stated he is puzzled by the concept of Mr. Quirk having to appear before two separate
55 commissions (i.e. the Advisory Committee and the Heritage Commission). He stepped through
56 some points in his letter dated April 30, 2025. The first is that he disagrees with the Commission's
57 comments that the project does not meet the purpose and intent of the district. He believes that the
58 Commission's position and recommendations are not fair and reasonable under the ordinance and
59 are not fair and reasonable to Mr. Quirk, starting with a suggestion that the Planning Board should
60 assign to the Commission some final authority on things like an easement to protect the farmhouse.
61 Mr. Phoenix stated that Section 3.10.4.a specifically says that the comments by the advisory
62 committee are advisory and that the Planning Board shall make all final decisions. He believes it
63 would be inappropriate for any Planning Board decision to be made conditioned upon getting any
64 further approvals from any other board or commission. There was a question raised as to whether
65 or not the intent for the wording of this ordinance permits single family dwellings and/or permits
66 condominiums. Mr. Phoenix cited in his memo and attached copies of the relevant documents from
67 the zoning ordinance including a copy of the zoning amendment vote from March 2025. Mr.
68 Phoenix stated that one major request of the Heritage Commission is to permanently preserve and
69 protect the front farmhouse and the outbuilding. Regarding the purposes and goals of the district,
70 he stated that purposes are not specific requirements that have to be met but instead outline what
71 the intention is. He added that it is not the law that has to be followed, and it is from that, that laws
72 are created as to what has to be followed. They believe they have met that as they are preserving
73 the farmhouse. He stated there was some concern about the views next to it, down the hill, where
74 these new houses are proposed and that they are interested in working with the Board to have stone
75 walls, plantings, grasses that look like meadows, and other landscaping that helps screen the views
76 down that hill. Mr. Phoenix stated the purpose of the ordinance specifically references preserving
77 the historic character of the Route 33 corridor and we think this does that. It also encourages
78 adaptive reuse of structures, and they think they are doing that.

79
80 Mr. Phoenix continued with the second of the purposes is to maintain and enhance the existing
81 surrounding neighborhoods residential and agricultural character while providing opportunities for
82 entrepreneurs. He stated that residential maintenance and enhancement are specifically one of the
83 purposes here and that the corridor is now largely residential with a handful of farms and a number
84 of businesses. He considers it to be a rural or semi-rural corridor with a number of uses. They are
85 preserving the farmhouse and putting homes behind it and they believe they are enhancing the
86 residential character.

87
88 Mr. Phoenix stated the next purpose is fostering greater private investment and stated this is a
89 significant investment to provide these homes that will be a small community like a pocket
90 neighborhood. Regarding the purpose to preserve existing agricultural uses and encourage new
91 ones, Mr. Phoenix has been to the property many times and the existing farm has had challenges
92 with animals on neighboring properties and in the road. It is his opinion that a three-acre parcel is
93 not suited for significant agricultural purposes, especially this one with the downhill slope.

Mr. Phoenix stated regarding the goal to permit mixed-use development while maintaining a buffer to adjoining residential neighborhoods – they are meeting that with two houses per acre. They are not proposing pedestrian or bicycle travel as it doesn't lend itself to that kind of connection. Regarding providing additional opportunities for residents of Stratham to engage socially and allow venues for community discussions, artistic expression, and showcase the cultural and performing arts, Mr. Phoenix stated that not every site is appropriate for it. Regarding the goal to incentivize the creation of a greater diversity of housing types, Mr. Phoenix stated that Mr. Quirk has addressed concerns from the Board regarding materials. Regarding the design standards, one purpose is to preserve the historic character of Portsmouth Avenue as is practicable while allowing new construction that is appropriately scaled and consistent with the existing character of the built environment. He stated that the site does not lend itself to significant agricultural use. The intent of both the standards and the goals is met by Mr. Quirk with his agreement to preserve the farmhouse and building behind it; he's willing to do mixed use, and it's the preservation of the farmhouse that is preserving the historic character. He added that the roof peak of the closest house behind it is about 10 feet lower than the than the peak of the farmhouse and is set back and down the slope. He concluded with for the reasons stated in his submission, he believes they meet all the design standards as well.

Mr. Scamman stated that with regards to mixed-use at this property there is confusion for the project team in that the Planning Board was in favor of removing the mixed-use until a business owner is identified and the Heritage Commission asked that the project team include a mixed-use. Mr. Scamman stated a second issue with the Commission's comments is that there has been a discussion with the Planning Board about a preservation easement for the home, but one for the existing garage has not been discussed. Mr. Canada replied he does not recall the garage being part of the conversation. Mr. Quirk clarified that his agreement for a preservation easement was for the house and not the garage, but if it is something that the Board would prefer, it's something he can consider. Mr. House asked for comments from the Board.

Mr. Canada stated he agrees with the Heritage Commission memo, but it's subjective and the Board can't deny based on that. He thinks that the Board needs to review the ordinance over the coming year and codify it. He added that he thinks the important thing to do here is to protect the farmhouse and the applicant has agreed to do that.

Mr. Houghton stated that he is clear of the Board's responsibilities and obligations under the ordinance and he continues to maintain that the project does not meet the spirit and intent; and it is unfortunate and regrettable that we're not able to move the needle on that.

Mr. House asked if any members of the public wished to speak. No members of the public spoke.

Mr. Kunowski stated that he echoes some of what Mr. Houghton stated. That Section 3.10.3.h speaks to the creation of greater diversity of housing types. He has no qualms with the number of units, but he struggles with the size and the scale of the units proposed at 3,000 plus square feet. He believes it is contrary to other parts of the town and in his opinion, the scale of the homes, and not the number is contrary to Section 3.10.3.h. Mr. Quirk clarified that the proposed sizes are 2,700 or 2,800 to 3,000 square feet. Mr. Phoenix replied that he thinks one needs to look at each property in terms of greater diversity of housing type, styles, and sizes. There are other lots that would provide different sizes. He thinks the Board needs to consider that with respect to the size of this particular lot, its layout and the preservation of farmhouse. Mr. Kunowski replied that he doesn't think that they are adding anything in terms of diversity of housing types to Stratham. Specifically, in his opinion Stratham does not need any more 3,000 square foot, four-bedroom homes. Mr.

Phoenix replied that if there are buyers, then they are needed in Stratham. He added that they want to have discussions with the Board as to what the Board feels comfortable with doing and that Mr. Quirk is willing to consider that.

Mr. Scamman stated that he reviewed his response to comments earlier today with Ms. Price who will then have a discussion with CMA Engineers. He wants to show the Board tonight how they addressed comments from the Heritage Commission and some of the changes to the plans. They have adjusted the fire cistern based on comments from the fire department, redesigned leach fields, created new footprints for the homes, new grading for the project, moved the pump house for the drinking water, moved the septic pump chamber, and included a proposed driveway plan and profile. He added that they addressed comments regarding fire truck turning radii and added a utilities plan. The septic tanks for the bottom two homes were moved and they added typical details and the cistern detail. They submitted an application to NHDOT for the driveway permit. They have a series of septic plans that will be reviewed by NHDES.

Mr. House asked what is the head run for the septic for the two homes at the bottom of the hill that will be pumped to the top of the hill and what kind of pump is needed for that. Mr. Scamman replied about 20 or 30 feet and a standard residential sized pump can handle that head. Because it is a shared system, a dual pump is not needed.

Mr. Scamman stated architectural changes were made to the houses based on comments from the Heritage Commission. Mr. House asked what kind of materials will be used. Mr. Quirk replied that he agreed not to use vinyl siding and they are looking at a composite board like LP Smartside or real wood siding with wood trim, architectural style asphalt roof shingles, and simulated divided light, nine over six windows. They added brick chimneys (some will be false), field stone veneer on any exposed foundations, and transom windows over garages and front doors.

Mr. Scamman stated they are continuing to work with CMA and Planning staff on addressing comments. Ms. Price stated that she has questions for CMA as well and is trying to narrow down the engineering comments for the project team.

Mr. Scamman stated that a landscaping plan was prepared by Ironwood Landscape Architects and submitted and briefly described the plan. Mr. House asked what kind of trees are at the entrance. Mr. Scamman replied they are Autumn Blaze maple trees. Mr. House and Mr. Allison commented that the fire department should review those locations.

Mr. Quirk described a driveway stone wall with apple trees, a proposed 3-rail split rail fence, and native meadow pollinating seed over the leach field nearest to Portsmouth Avenue.

There were no further questions from the Board. Ms. Price described the review time to follow this meeting.

Mr. House asked if there are any comments from the audience. One person (name unknown) asked if there are seven buildings total with five new houses and two existing. Mr. House confirmed that's what they are planning.

Susan Connors, Planning Project Assistant, commented that apple trees shouldn't be planted along Portsmouth Avenue since they attract deer.

Mr. Canada made a motion to continue the hearing to May 21, 2025 at 7:00 pm. Mr.

195 **Houghton seconded the motion. All voted in favor and the motion passed.**
196

- 197 **b.** Copley Properties LLC (Applicant) and Helen E. Gallant Revocable Trust of 1995 (Owner),
198 request for approval of a Subdivision application and Conditional Use Permit for a proposed
199 subdivision of 80 and 80R Winnicutt Road, Tax Map 14, Lots 56 and 57, Zoned
200 Residential/Agricultural, into a Residential Open Space Cluster Development with 28 single-
201 family residential lots, and five (5) joined-array lots each with four (4) separate single-family units,
202 for a total of 48 units.
203

204 Ms. Price stated that new materials were not submitted at least 10 days prior to the meeting so
205 there are no finalized staff notes. The applicant is here tonight to present the project file, discuss
206 the current status and any other discussion topics the Board would like to deliberate. The existing
207 extension expires on May 18th and she anticipates that the applicant will request another extension.
208

209 Mr. House asked if Ms. Price is still in discussion with the town's and project's engineers. Ms.
210 Price replied yes and there are several comments that need to be addressed.
211

212 Mr. Scamman stated they have submitted a 33-page response letter to CMA's comments. He won't
213 get into those details as he is working with Ms. Price and CMA on those. He would like to discuss
214 the waiver requests with the Planning Board. He explained that they need a response on some of
215 these waivers because if they are not approved, then he needs to redesign the drainage. The first
216 waiver request is for the single pitch road. Mr. Goddard stated that this request has been on their
217 plan from the beginning and was part of the density bonus request for unique design. He stated
218 that it is Mr. Scamman's opinion that this design is more advanced, better treatment system than
219 the traditional roadside swale transference system to wetland areas. He stated they did not get a
220 density bonus for this, what they believe is an improved system. He requested that the Board
221 provide a response to the waiver request as they would need to change the drainage design if not
222 approved.
223

224 Mr. House asked which side of the road is pitched especially when it comes to an intersection. Mr.
225 Scamman replied it will all pitch to the south side and all the water is flowing west. The bio
226 treatment system with the sand filter will treat whatever runs off the road more efficiently than
227 having it all run to a pond in the back. He stated that regarding treatment, the closer you are to one
228 square foot of falling rain to one square foot of treatment, the better you are. On a road like this,
229 you have 24 feet of pavement running into the swale, you are getting 24 feet into a swale that's six
230 feet wide, or eight feet wide, depending on where you are. So you're getting about four square feet
231 of water falling from the sky into one square feet of treatment. Traditionally in ponds and
232 pavement, it is closer to 40 to 80 square feet of water per square foot of treatment. So the treatment
233 will last longer and will treat better by not concentrating, not only the water, but the pollutants, to
234 one spot on the property. The UNH stormwater analysis work, talks about porous pavement and
235 the bacteria that grows on it, which is the same basic design here, but just in a bioswale. It can
236 handle hydrocarbons and break that down through the bacteria that grows on the sand in that
237 biofilter. That doesn't happen when the water is directed to a pond because there is no surface area
238 for that bacteria other than maybe on a few blades of grass here and there. It dries up and then the
239 bacteria dies. For a natural, organic method, this is about as good as you can get. There are store
240 bought systems like a tree planter, but there would be a few of those along this whole road and
241 there would be less square feet of treatment for the treatment areas that you're working on. So that's
242 why we feel that this is a much superior system for treatment.
243

244 Mr. Allison stated that he does not agree. He stated that Mr. Scamman is comparing a system that's

open with detention basins and surface treatment, as opposed to putting it into swales that have biofabric in it. There is no reason why you could not have this same type of system with biofabric, either on both sides of the road or on one side piping the swale to the side with biofabric, and would still have a conventional road. He stated that the Board has not heard a presentation where they can compare one with the other and what we have in the ordinance is very simply a standard type of road that you'll see throughout the town. He has never seen, nor heard, the reasons why, outside of the type of road you'd have in a shopping center, why you would pitch everything over to one side, except under super elevation circumstances. He does not understand, other than the fact that you can do it more cheaply, why you would go to a system like this, as opposed to continue to have the biofabric, which you could, but just run it to two swales, or again, one swale and pipe it over. He believes a standard road section is going to be safer under circumstances where you've got ice, and you want to take snow off to the sides.

Mr. Scamman addressed Mr. Allison and showed the typical cross section of the bioswale. He stated that if they install it on the other side, it would be cut in half. He believes it is better to have the wider bioswale than to have two small diameter ones. If something happens, for example, if when the town is repaving, some pavement gets into it, this is wider and has more room for resilience and a failure of that. Additionally, he feels that these are much better than some of the other systems that are out there, because it's a lawn, and by keeping this underdrain underneath it, you're also keeping it so that you're maintaining the road, so that you don't have groundwater issues in a road and by doing this system, it stays dry over the long period of time, allowing homeowners to mow it. Mr. Scamman believes that mowing is an important part of maintenance and that the homeowners will do that. Mr. Allison suggested that a third-party engineer come before the Board to discuss this with the project team. He does not think the Board should make a determination on what is clearly an engineering issue. Mr. Scamman replied that he could work with the engineer outside of a board meeting. He is concerned with the applicant paying for the engineer to attend the meeting if they disagree with Emanuel Engineering's proposal. Mr. Goddard added that the engineer will review the drainage analysis. Mr. Allison replied that he is not arguing the competence of the drainage calculations, he is asking if the design is appropriate. He has seen this type of design in shopping centers but not on public roadways. Mr. Goddard replied he would like to get the opinion of the entire Board and that this is a more expensive system than a traditional transference swale into a pond. He is trying to invest in a better system that he has installed previously in a very wet environment. He stated that if the bioswales are installed on both sides of the roads, they will be smaller and won't function or be maintained as well. He added that the cost of that is also an issue as there is a cap that he's willing to invest in improved environmental infrastructure and creating the swales on both sides is cost prohibitive. He added that the ponds for traditional swales would be in the open space and could result in larger clearing areas. He requested a clear direction from the Board on this subject tonight. Mr. House asked where else in town has this been done. Mr. Goddard replied Barbara's Way and Mr. Scamman replied Betty Lane and in other roads outside of town. Mr. House stated that he would like to see how successful those systems are holding up and noted that this proposed road is much longer. Mr. Allison does not think the Board should make a determination until after the town's consulting engineer has provided their opinion. Mr. Goddard explained that his proposal is innovative and that regulations tend to lag innovation and that's why there is a process of waivers. Mr. Houghton commented that the project team has not presented any evidence of one versus the other and the regulations exist and must be followed. He is not opposed to having a third-party engineer review it and provide objective input and he is not willing to make a decision tonight. Mr. Scamman replied that what is important is that they are proposing a system that is better treatment. Ms. Price summarized that the Board would like to have input from the consulting engineer and she proposed that she would have a discussion with CMA on proposed infrastructure to provide pros and cons. She agrees that

295 it is worthwhile to hear from CMA if the Board is willing to entertain the bioswale system. The
296 Board agreed with Ms. Price to get input from the consulting engineer.
297

298 Mr. Allison stated he is concerned with the primary cul-de-sac with the fire cistern because with
299 the current grading, there will be sheet flow across it because there is no crown in the center and
300 no depression so there is nothing to catch any water coming down the road. He suggested that Mr.
301 Scamman review the detail for cul-de-sacs in the regulations.
302

303 Mr. Scamman introduced the waiver request for the smaller, full paved cul-de-sac. Mr. Goddard
304 explained that he proposed it based on the fire chief's request for apparatus staging and also
305 because of Mr. Goddard's desire to have a paved area for recreation for kids. Mr. Houghton asked
306 if the fire chief has reviewed and signed off on the cul-de-sac. Ms. Connors replied that the chief
307 requested a third-party engineer to review it and CMA noted that it is smaller than allowed in the
308 regulations. Ms. Price stated that she would follow up with the fire chief. Mr. Goddard stated that
309 although he hasn't read the waiver request, the Board is not giving a waiver to approve the circle
310 as shown today. It has gone through third-party review and they provided turning radiuses for the
311 fire trucks. He stated there could be slight size changes to the radius or gravel shoulders to be
312 increased. His belief is that the waiver is about a fully paved cul-de-sac and whether it gets a little
313 bit bigger or smaller, it's not approving the plan; it's just approving the deviation to a fully paved
314 cul-de-sac.
315

316 Mr. House asked for confirmation that there are four waiver requests. Mr. Scamman replied
317 correct; road cross section, road length, cul-de-sac, and soils-based lot sizing. Regarding soils-
318 based, Mr. Scamman stated that because the project is not proposing individual septic systems,
319 they are requesting soils-based lot sizing on the overall lot and not individual lots because that is
320 how they are designing the septic systems. He added that all of the lots meet the required size, but
321 they did not perform a soils-based analysis on each individual lot, they are proposing it on the
322 overall size of the whole lot. Mr. House stated that the consulting engineer should review all of the
323 waivers. Mr. Allison asked Mr. Scamman why he doesn't want to provide the road cross sections.
324 Mr. Scamman replied that he believes they did provide the road cross sections, that the waiver
325 request is for the single road pitch. He described that on the lower side will be the bio swales, and
326 on the upper side will be a stone infiltration trail, for any water that runs down the driveways on
327 upper side. Mr. House asked if the fire cistern will be in the middle of the cul-de-sac. Mr. Scamman
328 replied yes, in the big cul-de-sac. It was originally proposed on the outside, but because of the
329 narrow width, it was going to be difficult to install, so they moved it to the inside of the cul-de-sac
330 and it is further away from any homes on fire. Mr. Scamman clarified that both cul-de-sacs need a
331 waiver, and they submitted a single form for both requests.
332

333 Mr. Scamman described the locations of two concrete fire cisterns.
334

335 Ms. Price summarized her notes that the Board would like all waivers reviewed by CMA Engineers
336 and the Board will wait for comments before voting on any waivers. Mr. House confirmed.
337

338 Mr. House asked if there are any comments from the public. Nobody spoke.
339

340 Ms. Price stated that the extension for this application is due to expire prior to the next meeting.
341 The Board and the applicant agreed to a continuance to May 21st to allow the Board to discuss
342 other items not related to the CMA review. Ms. Price stated that an extension for the decision
343 making is also what the Board must consider tonight as the deadline is May 18th. She stated the
344 last extension was 60 or 65 days, so you can keep on that track knowing that the Board can make

a decision before then. Mr. Goddard requested an extension until June 4th.

Ms. Price summarized there are two motions needed. The first is a continuation until May 21st and the second is to extend the decision.

Mr. Houghton made a motion to extend the application until June 4th. Mr. Allison seconded the motion. Mr. Kunowski voted yay, Mr. Allison voted yay, Mr. House voted yay, and Mr. Houghton voted yay. The motion passed.

Mr. Houghton made a motion to continue the application until May 21st. Mr. Allison seconded the motion. Mr. Kunowski voted yay, Mr. Alison voted yay, Mr. House voted yay, and Mr. Houghton voted yay. The motion passed.

- c. Drew Goddard, Copley Properties LLC, Site Plan Approval at 89 and 91 Portsmouth Avenue (Tax Map 13, Lots 22 and 23), extension request for precedent conditions.

Ms. Price stated that an extension to meet precedent conditions expires on May 19, 2025, and there have been no additional submittals showing how the precedent conditions will be met.

Mr. Goddard stated that he does not believe an extension will be needed as he hopes to have the lot merger recorded soon. Mr. Scamman stated that they need the recording information for the merger to finish the drawings. Mr. Goddard stepped through the documentation he has provided to the town.

Ms. Price stated that Carol Ogilvie, the interim Town Planner, provided some questions on possible outstanding items related to item two on the notice of decision. She discussed them with Mr. Scamman this afternoon which are items needed for the final plan including: engineer and wetlands scientist stamps, sidewalk easement, area of disturbance, road name, NHDES PWS and septic permit numbers, and EPA CGP number. Mr. Goddard explained that he won't be issued a final water supply number until the water system is installed. He has approval for the water system but it needs to be designed and installed before they get the ID number. Currently the use of the water supply does not cross the threshold because it is only serving one building. The water system will be integral within the fire suppression system; because of the fire flow and the domestic water flow there will probably be a holding tank but the system has to get designed, installed, and then DES will assign the number. Mr. Houghton asked if there is some form of number on the letter from DES. Mr. Scamman replied yes and stated the letter is titled 'conditional final water system approval' and there is a number DR006803 on the letter.

Ms. Price continued that there has been discussions about the fire truck access and Ms. Ogilvie noted that the fire truck turning templates were revised and are under review and that a fire cistern needs to be added to the final plans. Ms. Price stated that new templates were submitted via email after 4:00 pm today. Mr. Goddard stated they have been working diligently on the fire truck turning radius. They received approval in August 2024 and this arose about 3 weeks ago. They have been trying to work through the information that they have received from the fire chief and from the State Fire Marshals office. They have absorbed that and looked at the regulations and come up with a plan that aligns with the information that they have been provided. He added that the fire chief hasn't reviewed this quite yet, but he'd like to show it to the Board and discuss the plan. Mr. Scamman described the plan shows a fire truck being able to enter the site, enter the area within the parking lot as they were asked to do. This is within 150 feet of all structures, so that was, I

believe, what we were asked to do. Mr. Goddard added that anything within 150 feet, the truck can pull in, and anything without 150 feet the truck can turn around. So, the truck can go in with 150 feet, it can access the buildings as required. The second page shows the truck being able to back out and turn around. So technically at 150 feet, you don't need to turn around, but we do have a turn around. There was some discussion early on about this being an access road, but it's not required, because you're able to access the buildings from the front, so that driveway is ultimately not a fire lane or a fire access lane. We're going to meet the requirements all centrally within the project, aligning with the state fire code that we've been provided. Mr. House asked if the terrain is flat. Mr. Goddard replied yes. He explained the issues with the first template with regards to backing out of the development and two parking spaces that were in the way were removed. He stated Portsmouth Avenue is a fire lane or an access road as well for fire apparatus, but we don't show that. We're just showing it within. Ultimately, these buildings will be sprinklered as required for our radius of being close to fire apparatus. So, we meet that. The duplexes, as Mr. Canada inferred, can't be enforced to have fire suppression and the email from the State Fire Marshal that went to the chief did specifically talk about fire flow, specifically to nonresidential buildings. The fire flow has to be determined, and that's one of the questions from the State Fire Marshal office, but that comes later on. Mr. Goddard stated that's why, in the conditions of approval, that's number 14. It has to be reviewed and approved prior to a building permit. But with this commercial structure, that's part of the application, there's going to be suppression. There's going to be a fire suppression engineer that designs these systems and looks at fire flow. The fire flow for buildings like this is going to be somewhere between 1,000 – 2,000 gallons per hour, and that's where being part of the domestic water system, there's going to most likely be some sort of holding tank. That holding tank size is going to be designed to meet the needs of the domestic water usage of all the structures and also the fire flow for the nonresidential buildings, as required by the state fire code. Mr. House asked where will the cistern be located. Mr. Goddard replied it will be some kind of cistern and it could be within a building. We don't know the size of it; it could be 500 gallons, it could be 1000 gallons, that's to be determined. But ultimately, it could be within one of the structures. We were looking at options of whether we do a cistern or fire suppression, but we're looking at the fire code and how do we meet the needs of the fire code and the regulations and we've determined that the best path forward is to do suppression. We did look at putting a fire cistern underneath this building. The building is slab on grade, so that tank would have been underground. That same thing could happen under one of the other buildings. Mr. Goddard stated it's hard to say where it's going to go or how big it's going to be until that system is designed. But ultimately, that's why it's a condition of approval prior to a building permit, because that is when you're getting MEPs and ultimately, we're going to incorporate that within the project. Mr. House asked how do you put a cistern under a building and does the fire chief have access to it. Mr. Scamman replied that they need access to the fire panel and the connections but not necessarily to the tank itself. He added that the town will have third-party reviews on that. Mr. Goddard added that a holding tank for domestic water is going to be required to meet the flow for all of the structures based on the well that is there. The domestic water approval is for about 2,400 or 2,500 gallons per day and the tank has to be sized to be able to meet that need and take into consideration whatever gets designed for the fire flow. Mr. Goddard stated we'll find a way to incorporate within the site to work with the approved layout and design. He does not anticipate the requirement to put it anywhere that we're not disturbing right now, so we won't increase the area of disturbance later. Mr. Houghton asked Ms. Price where does this go for approval as it seems this was missed during the review and should have been part of the site plan review. He stated that the State Fire Marshal is not going to approve this unless it meets NFPA1 and it will hold up the CO. Ms. Price replied that the applicant can amend the site plan to include the details of the system, but it sounds like they don't know what that is. Ms. Connors stated that she has spoken with the fire chief and there needs to be a meeting with the fire chief and the project team because he chief stated to Ms.

444 Connors that he is not approving sprinklers in those buildings and that a cistern is required. She
445 has tried many times to get the team to agree to a meeting, but they have declined. Mr. Goddard
446 replied that they are following the recommendations that the chief forwarded. Mr. Houghton
447 corrected that they are not recommendations, they are requirements. Mr. Goddard stands corrected
448 and replied that building code is very clear about whether the building is sprinklered or not
449 sprinklered, and for the fire chief to say it has to have a cistern is an overstep from the site plan
450 regulations. Mr. Houghton replied that he does not see a purpose in engaging in a discussion about
451 what somebody said that's not here, and he thinks it would be useful for there to be the right people
452 coming together to resolve it. Ultimately, it's a state requirement that should have been caught by
453 the Board, but there won't be a CO unless it is strictly adhered to. Mr. Goddard replied he will
454 handle that as he moves along with the project. He stated this is an approved site plan and he has
455 met the conditions. Mr. Houghton suggested that it would be to Mr. Goddard's advantage to engage
456 parties to come to closure on the topic. Mr. Goddard replied he thinks there is a time and place.
457 Mr. Houghton replied to Mr. Goddard that he can choose the time and place, it's your money. Mr.
458 Goddard replied that he feels like there's opposition to recording this site plan and he would like
459 to record the site plan and comply with condition number 14 later. It has to be met and agreed upon
460 and it's being portrayed to him that it needs to be done before the site plan gets recorded. Mr.
461 Houghton replied it is clear that was a request and it is clear that Mr. Goddard doesn't want to do
462 that, so we will move forward and meet our obligation and then you will clearly need to meet
463 yours. Mr. Houghton questioned what are the steps in the approval process for this. Ms. Price
464 replied that she spoke with the building inspector who said that the fire chief and the building
465 inspector both have to sign off on the building permit application and that prior to issuing a building
466 permit for any of the buildings, details for fire protection, either fire suppression sprinkler system
467 or fire assisting cistern supply shall be submitted to the fire department and are subject to final
468 approval by the fire chief. Mr. House replied that is for the building permit and what they are trying
469 to get is signing off on the mylar. Ms. Price stated that for the mylar they have met the precedent
470 conditions. The remaining comment she received from Ms. Ogilvie was regarding the fire truck
471 turning template and if that gets approved by the fire chief, then the plans can be signed, as well
472 as the other minor stamps and that sort of thing. Condition 14 is a condition subsequent and when
473 the applicant applies for a building permit, the fire chief is going to have to review and approve
474 the fire system before the permit can be issued. Ms. Price stepped through the list of subsequent
475 conditions and that the Board signing off on it today means that they can move forward to start the
476 building process if the fire chief blesses that and if it can be signed by the 18th. Mr. House
477 commented that the fire chief is a volunteer as well and may need additional time. Ms. Price replied
478 that's why she advises an extension to make sure that everyone can review it and signatures can
479 be obtained. Mr. Phoenix stated that they would like to leave tonight with one affirmative statement
480 that once the mylar is ready and gets to town, it will and can be signed and recorded; everything
481 else may have to wait. And secondly, he thinks an extension until the 21st would be good and if
482 not, it can be dealt with at the meeting on the 21st. Mr. House replied that is what Ms. Price
483 suggested.

484
485 **Mr. Houghton made a motion to extend the deadline for precedent conditions to May 22nd.**
486 **Mr. Allison seconded the motion. Mr. Kunowski voted aye, Mr. Allison voted aye, Mr. House**
487 **voted aye, and Mr. Houghton voted aye. The motion passed.**

488
489 **Mr. Houghton made a motion to enter non-public session at 9:36 pm. Mr. Allison seconded**
490 **the motion. Mr. Kunowski vote aye, Mr. Allison voted aye, Mr. House voted aye, and Mr.**
491 **Houghton voted aye. The motion passed.**

493 **Mr. Houghton made a motion to leave non-public session and return to public session at**
494 **10:01 pm. Mr. Allison seconded the motion. Mr. Kunowski vote aye, Mr. Allison voted aye,**
495 **Mr. House voted aye, and Mr. Houghton voted aye. The motion passed.**
496

497 **Mr. Houghton made a motion to seal the minutes because it is determined that divulgence of**
498 **this information likely would render a proposed action ineffective. Mr. Allison seconded the**
499 **motion. Mr. Kunowski vote aye, Mr. Allison voted aye, Mr. House voted aye, and Mr.**
500 **Houghton voted aye. The motion passed.**
501

502 **5. Adjournment**

503

504 **Mr. Houghton made a motion to adjourn at 10:02 pm. Mr. Allison seconded the motion. All**
505 **voted in favor and the motion passed.**