Stratham Planning Board Meeting Minutes
September 16, 2026, 7:00 pm
Stratham Municipal Center

Members Present: John Kunowski, Vice Chair
Jay Fraprie, Regular Member
Jameson Paine, Regular Member

Member Virtual: Tedd Tramaloni, Ex-Officio Select Board Member

Member Absent: Thomas House, Chair

Staff Present: Vanessa Price, Director of Building and Planning
Josh Bouchard, CMA Engineers, Inc.

CALL TO ORDER AND ROLL CALL:

Mr. Tramaloni is attending the meeting remotely and stated that he is not in the Town of Stratham due to attending to urgent family matters. Mr. Kunowski stated that all votes must be cast via roll call. Mr. Kunowski called the meeting to order at 7:00 pm and took roll call.

REVIEW AND APPROVAL OF MINUTES:

Planning Board Minutes from September 2, 2026.

Mr. Fraprie made a motion to accept the Planning Board minutes from the Planning Board meeting of August 19, 2026, as written. Mr. Tramaloni seconded the motion. Roll call vote: Mr. Kunowski – Aye; Mr. Fraprie -Aye; Mr. Tramaloni – Aye; Mr. Paine – Abstained. Motion passes.

PUBLIC HEARING:

Application 1: Red Barn Property LLC (Applicant and Owner) requests approval of a Conditional Use Permit for disturbance within the wetland setback associated with the proposed location of seven (7) parking spaces. The subject property is located at 210 Portsmouth Avenue (Tax Map 21, Lot 81) within Route 33 Legacy Highway Heritage Zoning District and the Wetlands Conservation Overlay District.

Application 2: Red Barn Property LLC (Applicant and Owner) request for approval of a major subdivision, Route 33 Heritage District application, and Conditional Use Permits required for Wetlands Conservation District and Wetlands Setback disturbances construction in wetland, wetland no-disturbance buffer, and wetland setback areas for a shared driveway, well installation, barn, and stormwater infrastructure. The location is 210 Portsmouth Avenue (Tax Map 21, Lot 81) in the Route 33 Legacy Highway Heritage Zoning District and the Wetlands Conservation Overlay District. The applications were submitted by Beals Associates. Continued from August 19, 2026

Mr. Kunowski stated for the record that the consideration of both applications will be heard at the same time.

Mr. Kunowski asked Ms. Price for an update since the applicant was last before the Board. Ms. Price reported that the applicant was last before the Board in August. Since that time, the applicant submitted a revised plan set dated September 1, 2026. The revisions reflect design changes discussed with the Heritage District Advisory Commission (HDAC), including retaining the barn in its current location, repositioning one of the duplex buildings closer to the front of the property, breaking up the parking area, and better aligning the buildings with the applicable zoning requirements. She explained that the Town Engineer has reviewed the revised plans, and the Town is currently on its third round of engineering comments. The most recent comments were received today following discussions between the applicant's engineer and the Town Engineer regarding outstanding issues with the project. Ms. Price stated that the applicant has also submitted two waiver requests. One relates to fire protection requirements, specifically the requirement for a cistern or sprinkler system; and the second relates to the proposed access road. She also explained that the applicant had previously considered the access a driveway; it does not meet the applicable Town specifications. The applicant has therefore submitted a waiver request related to the road standards, including the Figure A cross-section requirements. Ms. Price also reported that additional public comments have been received both in support of and in opposition to the application within the last twenty-four hours; however, there was a short turnaround time and due to a family emergency, she was unable to forward all of the comments to the Board prior to the meeting but will distribute them prior to the following the meeting and they will be part of the case file. Ms. Price explained that as a result of the revised design, a new Conditional Use Permit (CUP) application has been submitted for the proposed parking spaces. The previously submitted CUP applications related to stormwater management and wells also remain before the Board for consideration.

Mr. Kunowski asked Mr. Bouchard to provide an overview of the key developments since the last meeting and summarized the current status of the project from the Town Engineer's perspective. Mr. Bouchard reported that he and Ms. Price met with the developer and the developer's engineer the previous day [September 18, 2026] to review the Town Engineer's September 10, 2026 comment letter and discussed each outstanding item. Most of the comments relate to roadway design and whether the proposed roadway meets Town regulations. He explained that some items will be addressed with the final plan set, while the applicant is requesting waivers for certain roadway standards. Aside from the roadway standards, the remaining comments are primarily plan cleanup items. One test pit had been covered and was not visible during the review; this will be addressed with the final plan submission. Mr. Bouchard explained that the proposed infiltration ponds, as currently designed, do not meet NHDES design standards. The applicant will reconfigure them as bioretention basins, which will require updates to the applicable plan sheets, details, and drainage report. Mr. Bouchard explained that there is limited snow storage on the site. He stated that the applicant agreed to add a note to the plans stating that excess snow will be removed from the site as necessary and add an underdrain within the cut section of the proposed roadway. He stated that the remaining potential issue involves the proposed drinking water supply wells and whether they meet NHDES requirements. Mr. Bouchard recommended that the applicant coordinate with NHDES regarding the proposed well locations and provide documentation confirming compliance to the Town.

Mr. Kunowski asked if the applicant had any other comments on the conversations with the town engineer, or any additional updates. John Lorden of Beals and Associates replied that there isn't much to add, other than he thinks there is an agreement overall. Mr. Lorden stated that the project team initially did not agree that the road standards applied, but now we're in agreement. It is a private road, so we'll bring that up to standards. He stated he doesn't think there's anything significant outstanding or anything that was left on the table that we thought we couldn't get into. Mr. Kunowski asked if it is fair to say, since the outstanding comments relate to stormwater management and the well placement, that the conditional use permits related to those two topics should be deferred and not open for discussion this evening. Mr. Lorden stated that they're not going to get any bigger. In his opinion, if anything, they're going to get smaller. He explained that the ponds themselves go to bio-retention; there's more storage over there, so it actually gets smaller. Mr. Allard replied that they will leave it to the Board, and if the Board feels that it has enough information to make a decision tonight, then that's fine; if the Board wants to defer based on some other information from the two CUPs then that is also fine. Mr. Kunowski stated his concern that some items could possibly change like the well radius and

bioretention ponds and he asked the Board for their thoughts. Mr. Fraprie expressed concern about the volume of new information received over the past several days and the limited time available to adequately review the materials. He stated that additional time would be beneficial to allow for a thorough review before the Board considers certain outstanding matters. Mr. Tramaloni stated he is in agreement that a lot of new information has come before the Board in the last 48 hours, and as much as he has been trying to keep up with all the different submittals, he recommends that the Board defer the discussion at least at this point. Mr. Paine stated he was in agreement, as having information without updated plans and making decisions based on either speculation or discussions that the Board wasn't part of makes it difficult for us to provide a concrete response. Mr. Kunowski asked Ms. Price to make a note that the Board will consider those two conditional use permits at a future meeting.

Mr. Fraprie raised concerns regarding the proposed wells and whether sufficient information had been provided to understand groundwater flow and potential impacts. He asked Mr. Bouchard whether a hydrologic study should be conducted to evaluate the effects of groundwater withdrawal from the proposed wells, including potential impacts on the subject property and neighboring properties. Mr. Bouchard stated it would not be unreasonable to ask for one, but he is not a hydrogeologist. Mr. Fraprie further stated that, given the narrow and unique characteristics of the property and the intensity of the proposed development, it is important to better understand potential off-site impacts associated with the proposed wells and requested additional information regarding those impacts. He also expressed concern regarding the proposed infiltration ponds and their location within the wetland setback area as part of the requested CUP; and emphasized the importance of understanding and minimizing potential wetland setback impacts and recommended that the applicant be prepared to address these concerns when the Board reviews the applicable CUP criteria. Mr. Fraprie also raised a concern regarding snow storage and noted that it was unclear from the plans where snow would be placed. He acknowledged the Town Engineer's earlier comments regarding removal of excess snow from the site and requested that the plans include notes clearly identifying the proposed snow storage areas and indicating that excess snow will be removed off-site as necessary.

Mr. Kunowski addressed the room and outlined the process for the remainder of the discussion. The Board would review and discuss the two waiver requests, the fire protection waiver and the roadway cross-section waiver, and receive input from the applicant. He explained that the Board would then briefly introduce and discuss the CUP application related to the proposed parking spaces. Following discussion of these items, the Board would open the matter for public comment.

Mr. Kunowski stated that regarding the fire protection waiver, he noted that the Fire Chief and Fire Inspector had indicated that certain fire protection requirements contained in the Subdivision Regulations may not be applicable to the proposed project. Ms. Price commented that each development is required to comply with the State Fire Code and referenced a letter included in the Board's packet from Fire Chief Denton and Fire Inspector Matthew Newton regarding the proposed subdivision at 210 Portsmouth Avenue. She explained that the letter stated that the Town's Subdivision Regulations require a cistern for subdivisions containing four or more duplexes, with the installation of building fire sprinkler systems available as an alternative. After reviewing the proximity of the existing cistern at 217 Portsmouth Avenue to the proposed buildings, the Fire Chief and Fire Inspector determined that an additional cistern would not be required for this development. As a result, fire sprinkler systems would also not be required. Ms. Price explained that because the cistern requirement is contained within the Town's Subdivision Regulations, a waiver from the requirement is necessary. Staff noted that the applicant submitted the required waiver request, including a narrative explaining the basis for the request.

Mr. Kunowski asked the applicant and his representatives if there was anything to add or to reinforce what their plan is. Mr. Brendan Sheehan, owner, explained that the information came from the Town's Fire Inspector following installation of a new cistern across the street from the proposed development, and indicated that the proposed development would meet the applicable distance requirements from the existing cistern and that neither the Fire Chief nor Fire Inspector expressed concerns with the waiver request. Mr.

Fraprie inquired if this included the duplexes in the back. Mr. Lorden stated that the requirement says that a cistern has to be within 2,000 linear feet of the furthest building, and they did a plan to show them that, and he believes the fire department did their own calculation as well. Mr. Paine asked the question whether reliance on the existing cistern at 217 Portsmouth Avenue creates any responsibility for the proposed development to contribute to its future maintenance, testing, refilling, or continued availability. He noted that the applicant would receive the benefit of an existing fire protection facility that it would otherwise be required to provide and asked whether the Town should establish provisions to ensure the cistern remains operational and available to all properties that rely upon it. Ms. Price stated she could discuss this with the Town attorney for the use of the cistern. She noted the cistern should be filled at all times; the fire department uses the most available resources when there is a fire regardless of whose property it is on. Mr. Paine asked whether the condominium association would have an insurance policy or other mechanism to address use of the cistern. He expressed concern about ensuring the cistern would remain available if another neighborhood across the street needed it shortly after it had been used by this development. Mr. Kunowski stated that, as they understood it, a cistern located on one property could effectively serve as a shared resource that the Fire Department could access to provide fire protection within a defined geographic area. He asked Ms. Price to make a note on the notice of decision regarding this matter. Mr. Kunowski suggested discussing the two waiver requests and the CUP before opening the hearing to public comment on those three items in order to keep the discussion organized. The Board agreed.

Mr. Kunowski then introduced the waiver request related to the road cross-section requirements of the Subdivision Regulations and noted that Mr. Bouchard had previously provided input on the matter. He asked the applicant to walk through the rationale for the waiver request. Mr. Lorden stated that the waiver request sought several modifications from the Town's standard road cross-section requirements. These included relief from pavement markings, specifically painted lines and a double solid centerline, because the proposed road is relatively small and straight. He explained the regulations require a 22-foot roadway width, while the applicant proposed a 20-foot width, consistent with the previously approved CUP and Fire Department review. In this waiver he also requested approval to use a 12-inch RCP culvert with less than three feet of cover rather than the required 12-inch HDPE culvert with a minimum of three feet of cover. The applicant explained that the proposed pipe requires less cover and that raising the road to accommodate the required HDPE pipe would result in additional impacts to the wetland buffer. Finally, he discussed relief from the roadside swale requirement along an approximately 175-foot section where a small hill slopes toward the property and stated that constructing the required drainage could require additional excavation or a retaining wall. Alternative drainage approaches had been discussed with the town engineer, including the possible use of stone and pipe, and the applicant indicated a willingness to work with him to develop an acceptable solution. Mr. Lorden explained the development of the road would typically be crowned, with the center higher and the roadway sloping toward both sides. However, the plans did not specifically address roadway superelevation or cross-slope. He noted that the intent is to slope the roadway away from Barker's Farm so that stormwater runoff is directed away from that property and stated that this item was therefore included in the waiver request. Mr. Tramaloni asked for clarification regarding the proposed superelevated roadway. He noted that Figure A depicts a crowned road, with the high point in the center and drainage directed toward both sides, and asked whether the proposed design would instead pitch the roadway away from Barker's property and toward the applicant's property. Mr. Lorden answered that was correct. Mr. Kunowski stated that before we entertain any of the conditional use permits, he would like to open to the public for any comments related to the two waivers.

Mr. Fraprie made a motion to open to public comment on the waivers. Mr. Paine seconded the motion. Roll call vote: Mr. Kunowski – Aye; Mr. Fraprie -Aye; Mr. Tramaloni – Aye; Mr. Paine – Aye . Motion passes.

Mr. Kunowski addressed the members of the public to provide comments specifically related to the two waiver requests under discussion: the waiver from the Town's standard road construction requirements and the waiver related to fire protection requirements, and to add their name and address for the record.

Forrest Barker, 216 Portsmouth Ave: One question I had that wasn't listed under the waiver is one of the comments was that the grade was 7.37 when 2% is required; does that have to be on the waiver? Ms. Price addressed the Board through the Chair, Mr. Kunowski, that it was addressed by NHDOT as it was in their jurisdiction, and approved it as it was currently designed. Ms. Barker asked if the recent plan was reviewed by NHDOT, as in their approval letter it is looking at an older plan. Ms. Price confirmed the NHDOT approval was in August and she would verify the new plan with NHDOT. Ms. Barker stated it would be great to actually see what the road is going to look like instead of approving a waiver on what they say the road will look like with the super elevated versus crowned. She stated that were all her comments about the waivers.

Roger Stephenson, 22 Stephen Drive, asked for clarification with respect to snow removal; is that part of either of these waivers? Mr. Kunowski said no. Mr. Stephenson replied, thank you, I can talk about that later.

Jerry Thomas, 2 Morningstar Drive, explained that about six years ago, he worked for the largest traffic control company in the United States, and this is not a driveway. This is a road that people are going to be using. A number of them, based on the population of that subdivision, if you want to call it that, and probably friends, etc. He stated that not having pavement markings is an extremely unsafe thing to do, especially around here with snow, rain, dark, etc. Not having pavement markings is a totally unsafe way to go.

David Beck, 17 Crockett's Way, also abutter to the property, noted on behalf of probably 60, 70 people who came out here, and the many people from last time that the Board had go to a larger room. We all have questions, and you can't limit our discussion to what the waivers are when we can't hear half the time what you're saying to begin with, to know what the waivers are. He believes it is unfair to the public who comes back time and time again. We have a right to be able to ask our questions. Mr. Kunowski replied that is what the Board is planning to do. Mr. Fraprie added that at this moment, the Board is addressing the waivers and then will open the meeting for public comment. Mr. Kunowski stated that the Board’s goal is to satisfy everybody's need to make a comment this evening and ask questions.

A member of the public commented without stating her name. Regarding the cistern that apparently is being used by another property, and the Board will allow the use of that cistern for this property, doesn’t seem right to her. She stated that everyone knows that water is precious and sacred and scarce. And asked what happens to that other property if this one needs to use it? She stated they need to figure out that issue that doesn't impact other people or the farm that has been there for five generations. She has second issue with the road. She lives on the other side of Barker's Farm, and Route 33 is becoming more and more impacted by traffic coming in and out of that road. And now there will be another road that's going to provide access in and out, and you're not even calling it a road that needs markings, and yet you're going to have how many people living there? It doesn't seem fair to the people who you are about to sell these properties to, or those of us who live within the distance of those properties. So those are my concerns.

Larry Schmidt, 5 Jason Drive, stated that his question is: With all these changes that I've been hearing, most of which I can't digest or hear, I've read in the paper that the conservation committee has voted not to approve this. I don't know if these changes have affected that, and what is the thinking of the committee if they do not go along with what the Conservation Commission has recommended. He asked if all these changes mean the Conservation Commission should review this again. Mr. Kunowski explained that the Conservation Commission is an advisory board for the Planning Board, and we certainly take their thoughts and considerations in terms of the overall decision. He stated there is still a long road ahead of us; this is not a completely approved project. He explained there is still more information to go through. Mr. Schmidt stated that he can understand that based on what he has heard so far, but what the conservation committee was objecting to is germane to any of this conversation. Mr. Kunowski noted that the Conservation Commission had previously reviewed and commented on a Conditional Use Permit that had already been presented and voted upon. He then asked Ms. Price whether the Conservation Commission had held any additional or broader discussions regarding the project to date. Ms. Price answered that the Conservation Commission has not yet reviewed the September 1, 2026, plan set and Town engineer comments, and they may be heard at a

future Conservation Commission meeting. Mr. Kunowski stated that the two items that the Board deferred discussion on tonight will be put before the Conservation Commission – the wells and the stormwater or wastewater management. Mr. Allard replied that the Commission looked favorably on the well Conditional Use Permit. Mr. Kunowski asked for additional public input on the waivers.

Doug Simmons, 9A Lovell Road stated the Conservation Commission explicitly recommended denial of the conditional use permit for the 20-foot-wide shared access drive. They raised concerns that constructing a heavy roadway directly through the wetland setback would disrupt natural water paths. Members also raised significant issues regarding the environmental footprint of property maintenance and raised concerns about threat to the aquifer and neighboring agriculture. She is totally in accord with the Conservation Commission. He stated that this is a road, whether it's called a road or not. The road is in the Wetlands District, and it's within 30 feet of a pond that's part of the Jewel Brook drainage or Jewel Brook Estuary, and that pond has been used for agricultural purposes for, as many people pointed out, generations. And you guys voted to establish these wetland conservation districts. Some of the people sitting up here voted in favor of those, like I did. This Conditional Use Permit should be denied. The majority of the Town wants these wetlands districts preserved. We voted to preserve and protect these resources; the vast majority of the residents of this town. I don't care whether you call it a road or a driveway; this is a specific infringement on the wishes of the majority of the population of the Town of Stratham.

Sheila Barnes, 17 Birnum Woods Road, stated she is concerned if the Conservation Committee is a true advisory committee. It seems that you're a little foggy on what they brought up. When you were asked previously what the issues were, you weren't quoting them properly, and I think you really need to be well versed on this really, really important advisory group and know what they're bringing forth.

Mr. Fraprie made a motion to close the public comment on the waivers. Mr. Paine seconded the motion. Roll call vote: Mr. Kunowski – Aye; Mr. Fraprie -Aye; Mr. Tramaloni – Aye; Mr. Paine – Aye . Motion passes.

Mr. Kunowski expressed concern regarding the optics of continuing to approve individual components of the project incrementally. The concern was that approving portions of the project piece by piece could create a perception, for both the applicant and the public, that the project is on a predetermined path toward eventual approval in its entirety. Mr. Tramaloni expressed concern that the waiver justifications appeared somewhat circular. The justification for maintaining the proposed 20-foot roadway rather than complying with the Town's roadway standards was, in part, that increasing the roadway width would result in additional grading and disturbance within the wetlands and wetland buffer areas. He questioned whether this reasoning effectively sought relief from the roadway standards in order to avoid having to revisit previously approved wetland impacts and the associated CUP. Mr. Tramaloni stated that if compliance with the roadway standards would require additional impacts to the wetlands or wetland buffers, then the Board may need to revisit those issues rather than approve additional waivers simply because compliance with one regulation could affect compliance with another. He expressed concern that approving successive pieces of relief could gradually erode the applicable regulatory requirements and create the appearance of circumventing them. Mr. Tramaloni reiterated the concern about the optics of approving individual components incrementally, particularly where an existing CUP provides relief related to wetlands and a subsequent waiver would provide additional relief from the roadway standards. Mr. Fraprie agreed with the concerns previously expressed and noted that several aspects of the application remained troubling. He stated that the CUP had been approved without the Board having the current information regarding the proposed roadway design and noted that additional changes, including the newly proposed parking, had since been presented. Mr. Fraprie expressed concern that the various requests were being considered separately when, taken together, they raised broader issues that warranted consideration as part of the overall project. Regarding the fire protection waiver, Mr. Fraprie indicated greater comfort relying on the recommendations of the Fire Department, as the Department is responsible for establishing and administering the applicable fire protection requirements. He acknowledged that provisions may be necessary to address replenishment of water from the existing cistern if it is used.

However, Mr. Fraprie continued to have concerns regarding the requested roadway waiver. Mr. Paine agreed with the concerns previously raised and discussed the importance of having complete plans and supporting information available before the Board is asked to make a decision. He noted that when information or plan details are deferred for later coordination with engineers or other parties, the Board may not have a complete understanding of what it is being asked to approve. Mr. Paine stated that it would be in the Board's best interest to have a complete set of plans containing the information necessary to make an informed decision at the time the decision is made. He also expressed concern that significant amounts of information and additional requests were being submitted only a day or two before meetings, despite typical 15-day submission requirements. While acknowledging the ongoing coordination involved in the application process and the desire to work in good faith to keep projects moving forward, he emphasized that the volume and timing of last-minute information made it difficult for the Board to adequately review the materials before taking action. Mr. Sheehan responded that the proposed 20-foot roadway had been discussed during previous meetings with the Fire Department, the Planning Board, and the Town's engineering consultant, and that no concerns regarding the roadway width had been raised during those discussions. He stated that specific roadway items had also been discussed with the Town Engineer and that feedback received indicated that most of those items did not present concerns. Mr. Sheehan explained that the purpose of the current discussion was to identify the changes that would be made, with the plan set subsequently updated to reflect those changes. In Mr. Sheehan's view, the proposed changes were not substantial because the 20-foot roadway width had remained consistent throughout the review process. He acknowledged that the roadway width appeared to be the primary issue under discussion and stated that drainage-related matters could be further coordinated with the appropriate engineers. Mr. Sheehan characterized the remaining items as more tangential to the overall project. Mr. Allard further stated that there had been no coordinated effort to circumvent the regulations or incrementally obtain approval of the project. Rather, the requests had developed through the ongoing review and dialogue with the Town and its consultants. He acknowledged that a significant amount of information had been submitted within the previous 48 hours but explained that this resulted from approximately a month of ongoing discussions with CMA Engineers. Mr. Allard stated that the roadway waiver arose directly from those discussions. He noted that the Board had previously approved the CUP for the road based on a 20-foot roadway width and that the current review involved the more detailed roadway design. Mr. Allard stated that the intent was to develop the roadway in a manner that minimized impacts to the greatest extent possible while remaining consistent with the CUP previously granted by the Board. Mr. Kunowski stated he believes that the CUP that was approved was simply for a road in the wetland buffer area, without any specific approval of the road design. He explained that he understand that there was a road design in the plan, but we were not approving the road design based on what was in the plan at that time. Mr. Allard agreed, but he provided the pavement width as an example, noting that the Board had previously approved the CUP for the roadway and its impacts within the wetland buffer. He stated that if the waiver from the roadway width requirement were denied, the roadway would need to be increased from 20 feet to 22 feet. Mr. Allard explained that the waiver request resulted from ongoing discussions with CMA Engineers and was intended to address what was necessary for the site while remaining as consistent as possible with the previously approved plans, which reflected a 20-foot roadway. Mr. Allard also stated that consideration had been given to requesting a continuance due to the amount of new information submitted during the previous two days. However, because the application had already been continued at the prior meeting to allow additional time, he believed it would be beneficial to return to the Board, discuss the outstanding issues, and receive guidance regarding how to proceed. Mr. Allard acknowledged that decisions regarding revisions to the project ultimately rested with the applicant but he stated that those decisions were also informed by consultation and feedback from the Board. Mr. Allard clarified that there was no intent to pressure the Board into acting on the waiver requests that evening; rather, the purpose of the discussion was to obtain feedback and direction regarding the appropriate path forward. Mr. Kunowski noted that the roadway waiver had only been received that day and remained his primary concern. However, based on the discussion regarding the roadway design, including pitching the roadway away from the adjacent property rather than using a crowned roadway, Mr. Kunowski indicated general comfort with several of the proposed design decisions and recommendations. Mr. Kunowski similarly noted the Fire Department's guidance regarding the existing cistern and observed that, regardless of the property on which it is located, the cistern serves as a fire protection resource for the Department and the

community. Given the Fire Department's comfort with the proposed arrangement, he indicated general support for that approach.

Mr. Kunowski asked the other Board members whether they were comfortable proceeding to a vote on the requested waivers. Mr. Fraprie stated he was fine with the fire department waiver, but he still has more questions about the road waiver. Mr. Paine stated he was probably fine with the fire department waiver, but he has concerns of the use of the facilities, but he saw it as a super-sized fire hydrant. Mr. Fraprie clarified that the concerns [for the road waiver] were not directly related to the waiver requests currently under discussion but instead involved broader changes to the project, including the addition of parking and other modifications. He stated that the cumulative additions and changes raised questions but was uncertain whether those concerns were appropriate to address as part of the current waiver discussion, as they related more directly to the CUP. Mr. Tramaloni asked whether denial of the roadway width waiver, which would require the applicant to construct a 22-foot-wide roadway rather than the proposed 20-foot roadway, could affect the validity of the previously approved CUP. He noted that the CUP and associated wetland and wetland buffer impacts were based on a 20-foot roadway and questioned whether requiring a wider roadway would result in additional impacts that could require the Board to revisit the CUP. Mr. Tramaloni stated that the answer was unclear and requested clarification from the Board or Town staff. Ms. Price replied she would need to research that before giving an answer to the Board. Mr. Fraprie stated that this concern was consistent with the point raised earlier regarding the cumulative changes to the project. He questioned whether the addition of parking spaces along the roadway, together with the requested roadway waivers, could affect the previously approved CUP for the roadway. Mr. Fraprie noted that the proposed changes appeared to alter the impacts to the wetlands and wetland buffers from those considered when the original CUP was approved. As a result, he had questions regarding whether the original CUP would need to be revisited or whether the additional impacts could instead be addressed through one of the other pending CUP applications. Mr. Fraprie stated that further clarification was needed regarding the appropriate process.

Mr. Fraprie made a motion to approve the fire department waiver, which was recommended by the fire department and how to approach it, from section 4.4.7.b.i of the subdivision regulations [revised October 1, 2025] as specific circumstances relative to the subdivision or conditions of the land in the subdivision indicate that the waiver will properly carry out the spirit intent of the regulations, as the fire department has determined that adding a cistern at 210 Portsmouth Ave subdivision or sprinkler system is not required. Mr. Paine seconded the motion. Roll call vote: Mr. Kunowski – Aye; Mr. Fraprie -Aye; Mr. Tramaloni – Nay; Mr. Paine – Aye. Vote 3-1, Motion passes.

Mr. Kunowski addressed the Board and the audience for quick break to ask the Town Planner a question (time was 8:12 p.m.). Mr. Kunowski resumed the public hearing at 8:22 p.m. He thanked everyone for their patience and wanted to address how the Board would proceed with the remainder of the meeting. Mr. Kunowski noted that discussion of the two CUPs had been deferred. The Board wished to receive input from the Conservation Commission regarding the stormwater-related CUP. He noted that the Conservation Commission had preliminarily indicated that it did not have concerns with the well-related CUP, although there were additional related matters on which the Board wished to receive its input. The Board also wanted to ensure that the Conservation Commission had an opportunity to review and comment on the new CUP associated with the proposed parking spaces within the wetland buffer. Mr. Kunowski stated that discussion of those CUPs would therefore be deferred and proposed opening the floor for public comment. Members of the public were invited to provide comments and raise specific questions; however, Mr. Kunowski explained that the Board might not be able to answer questions during the public comment period. Any questions raised would be noted and considered as the application review continued. Mr. Kunowski further clarified that the public comment period was not intended to be a debate or direct discussion with the applicant. He guided the applicant and representatives to listen to and take note of the comments without responding during the public comment period. Mr. Kunowski stated that the applicant would have an opportunity to provide general comments after the public comment portion of the hearing was closed.

Mr. Allard asked the Board, before opening for public comment, to close the loop on the waiver for the road. He asked if it was going to be deferred to the next meeting. Mr. Kunowski replied that is correct. Mr. Allard requested additional guidance from the Board regarding its concerns with the roadway waiver so those concerns could be addressed before the next meeting. He asked whether there were specific design elements or components that the Board wanted further evaluated or revised. Mr. Allard noted that the waiver requests had been developed in consultation with CMA Engineers and stated that the proposed deviations had been characterized as reasonable and generally consistent with the constraints of the site. He requested that, if the Board has concerns with those recommendations, they be identified at this time to help guide revisions and avoid repeating the same discussion at the next meeting. Mr. Sheehan added a comment specifically regarding the proposed roadway width. He acknowledged the Board's concern regarding compliance with the Town's 22-foot roadway standard, compared with the proposed 20-foot width. He stated that, based on the project engineer's experience designing similar systems, a 20-foot roadway serving a small residential development would not typically be expected to create traffic or safety concerns. Mr. Sheehan then asked the Town's engineering consultant to provide feedback regarding whether the proposed 20-foot roadway width would have any anticipated impacts on traffic circulation or safety. Mr. Bouchard responded that a 20-foot roadway width was not unreasonable given the anticipated traffic volume and size of the development. However, the consultant noted that he was not familiar with the full history or circumstances surrounding the previously approved CUP. He expressed that it's not his decision to make if a 20-foot road is acceptable or not. Mr. Kunowski stated that the Board generally relies on and gives consideration to the recommendations of the Town's engineering consultants. He asked Ms. Price for clarification regarding the roadway pavement marking requirements, noting that pavement markings did not appear to be common within other residential subdivisions in Town and questioned whether such markings were typically required. Ms. Price responded that each project is different and that requirements may vary depending on when a development was approved, whether waivers were granted, or whether certain standards were in effect at the time. She stated that she could obtain additional feedback from the Department of Public Works regarding pavement markings. Ms. Price also noted that she understood the Board's broader concern to be the relationship between the previously approved CUP and the requested roadway waiver, including whether approval or denial of the waiver could affect the CUP. She recommended seeking legal guidance on that issue so she could provide clearer directions to both the Board and the applicant. Mr. Kunowski stated that they would like to defer the discussion for more information. He stated that there are three CUPs before the Board. He reviewed the three primary matters before the Board: the CUP related to stormwater management, the roadway-related matter, and the CUP associated with the proposed additional parking within the wetland buffer. He asked members of the public to generally focus their comments on those issues. Mr. Kunowski reiterated that the Board might not be able to immediately answer all questions regarding the application, process, or order of review and would address those matters as appropriate. He asked Ms. Price if there is an existing application before the Heritage committee. Ms. Price replied that the Heritage District Advisory Committee (HDAC), which serves in an advisory capacity to the Planning Board, met with the applicant several times. She stated that the September 1, 2026 plan reflected revisions resulting from the most recent HDAC review and that the Committee had previously raised concerns with the layout shown on an earlier plan set. She believed the September 1, 2026, revisions addressed those concerns. Ms. Price noted that HDAC had also provided comments regarding the appearance and materials of the proposed development, including a preference against stucco and vinyl siding. Those design-related comments were raised through the Technical Review Committee (TRC) and during the Planning Board review process. She indicated that additional renderings were submitted.

Mr. Fraprie made a motion to open to public comment.

Mr. Sheehan asked if the Heritage application was going to be considered. Mr. Kunowski stated it is a separate application and was not ready to comment on it. Mr. Sheehan explained that the CUP application for the proposed parking was directly related to the Heritage/HDAC review and the resulting changes to the site design. He offered to provide additional background regarding why the parking CUP was submitted and how it related to the revisions requested through the heritage review process. Mr. Sheehan noted that the two matters were connected and asked whether the Board would find that additional context helpful. Mr. Fraprie

stated there was a motion on the table. Mr. Kunowski asked the Board if they wanted to introduce the CUP for the parking, or wait for a more complete plan set to be able to evaluate everything. Mr. Paine expressed concern about addressing individual aspects of the application separately, noting that doing so could result in selectively considering certain issues without the benefit of reviewing the application as a whole, stating it as cherry picking. Mr. Kunowski noted that the proposed parking within the wetland buffer was a distinct issue and that a decision on the associated CUP would likely be necessary before the applicant could proceed with further development and resubmittal of the overall plan set. Mr. Allard addressed the Board stating that the seven additional parking spaces were added in response to a request from the HDAC and were not necessary to meet the minimum parking requirement. He stated that the project already provided 10 parking spaces for the 10 proposed dwelling units and therefore meets the applicable minimum parking requirement without the seven additional spaces. He stated that the additional parking was proposed specifically in response to the HDAC's comments. Mr. Allard clarified that the Town's existing regulations require two parking spaces per dwelling unit, but stated that those local regulations had not yet been updated to reflect changes in state law enacted the previous year. The applicant explained that the additional parking was therefore proposed for two reasons: to remain as close as practicable to the Town's existing parking standard and in response to discussions and recommendations from the HDAC. Ms. Price addressed the Board stating that HDAC discussions had focused primarily on the configuration of the parking and its relationship to the site, rather than requiring additional parking spaces. She explained the earlier plans showed a larger parking area at the front of the development, and the Committee had recommended breaking up that parking area and considering alternative locations for some of the spaces elsewhere on the site. She noted that the potential future use of the barn had also been discussed, including whether it would be appropriate to plan for parking that might serve a future use. However, no specific future use of the barn had been identified. Ms. Price emphasized that the applicant was not being required to provide additional parking beyond what was otherwise necessary; the intent of the earlier discussions was primarily to reduce the concentration of parking at the front of the site and redistribute spaces throughout the development. Mr. Sheehan explained that the additional parking was also intended to provide practical and safety benefits by reducing the potential for parking along the roadway and providing available spaces for visitors, maintenance personnel, utility workers, deliveries, and other temporary needs. He stated that the additional spaces were not strictly necessary to serve the residential units but were considered a useful amenity for the residents and overall operation of the development. He further explained that the proposed location of the additional spaces resulted from the HDAC review. The parking had originally been concentrated toward the front of the development and between the buildings, but the Committee expressed concern about the amount of parking in that area and recommended relocating and distributing some of the spaces elsewhere on the site. Mr. Sheehan stated that the reasoning behind that recommendation was understandable and had informed the revised parking layout. Mr. Allard stated that there's a lot of flexibility on the parking because obviously we're pitching seven more spaces than is actually required; so they are happy to work with the Board.

Mr. Fraprie made a motion to open to public comment. Mr. Paine seconded the motion. Roll call vote: Mr. Kunowski – Aye; Mr. Fraprie -Aye; Mr. Tramaloni – Aye; Mr. Paine – Aye. Motion passes.

Forrest Barker, Barker's Farm at 216 Portsmouth Ave, stated for the record that her mom, Edie Barker, couldn't make it to the meeting, and she was going to read her letter into the record, and Forrest Barker also has some comments. She thanked the Board for giving us the opportunity to speak. She read, Dear Member of the Stratham Planning Board, I am writing to ask the Planning Board to carefully consider the potential impact of the proposed Red Barn property development and its impact on Barkers Farm. We have raised our concerns at every meeting since this proposal first came before the Board last year. Our concern is not just that this development is next to our property; it is about the proposed road that would come within 26 feet of our wetland and critical irrigation area and with the limit of disturbance extending into Stratham's 25-foot no-disturbance zone. Stratham has a 75-foot wetland buffer and a 25-foot no-disturbance zone for a reason. Our irrigation pond is vital to this farm, and many years we depend on it to keep our crops alive. If that pond were contaminated or its water supply compromised, the consequences for our farm could be devastating. That one irrigation pond is critical to keeping this farm viable. I am not one to toot my own horn, but at this point, I feel I need to. Barker's farm has been part of Stratham for more than 100 years. Every year, we grow hundreds

of tons of produce and serve more than 7000 individuals and families. We employ more than 20 local people, and for some, the farm provides the first work experience. We open the farm to educational programs and host libraries, school groups, and cooperative extension programs. We have also donated the back easement of the farm so that it can be maintained as forest and will never be lost to development. The developer has repeatedly described his proposal as something beneficial to the town. Please don't overlook what Barkers Farm already brings to the community. This farm provides food, jobs, education, open space, wildlife habitat, and a connection to agriculture for 1000s of people every year. Stratham residents have repeatedly voted to protect wetlands. Please consider that commitment here, particularly where the wetlands and water resources at issue are directly tied to the continued viability of a farm that's been part of this community for more than a century. Please don't jeopardize this unique and special place. That irrigation pond is critical to keeping this farm viable. Thank you for your consideration. Sincerely, Edie Barker, Barker's Farm.

Jason Reimer, BCM Environmental and Land Law, spoke on behalf of Barker's Farm as well. He introduced wetland scientist Mark West and hydrogeologist Tim Stone, as well as Forrest Barker. Mr. Reimer stated that Mr. West has found that the applicant's wetland delineations are incomplete, which results in there being far more buffer impacts than previously disclosed and will speak to that. The Board relied on the applicant's undercounted representation of impacts when it approved a private road. Mr. Reimer urged the Board to revisit that decision, but at the least, the Board should not grant any further approvals without an accurate accounting of wetland impacts. With regard to the parking conditional use permit application, please recognize that the buffer protects Barker's Farms irrigation pond. The buffer protects the wetland not just from runoff, but by providing a natural pervious ground cover. The Conservation Commission appreciated this, and I wish that this Board had listened to the Conservation Commission with regard to the road CUP; but it's not too late, as the applicant proposes more paving of the buffer that the regulations don't allow. These parking spaces do not satisfy the CUP criteria. Mr. Reimer stepped through the criteria. He stated the parking spaces may not be essential under Section 11.6.1.a for the productive use of the upland area, as these spaces are not necessary to serve the proposed duplexes in the upland area. They aren't necessary for the productive use of any portion of the property, which has been productively used for decades, if not a century. Second, these spaces will not minimize the detrimental impact on the wetlands as required by 11.6.1.b, as there are alternatives to putting these permanent impacts in the buffer. Third, section 11.6.1.d requires that no feasible alternative exists, which is not the case as has been heard tonight. The applicant is not entitled to maximize its disturbance of the wetland buffers. If these spaces are going to be used by the occupants of Duplex One, then Duplex One should be moved or eliminated to accommodate for parking outside of the buffer. Finally, economic advantage alone is the reason for these parking spaces, and therefore, under 11.6.1.e, these spaces are not permitted. The only reason for these spaces, and for a lot of what the applicant is asking for, is to maximize the profitability of the development, which does not justify a CUP. Just because the Board justified the road as necessary to access the upland part of the property does not provide justification for overdevelopment of the buffer on the street side of the property. This is not allowed both by the sections of 11.6.1 that I mentioned, nor does it carry out the spirit of the ordinance, which is also required by 11.6.1. With regard to the drainage infrastructure CUP, the applicant mischaracterizes almost 17,000 square feet of impacts as temporary. However, the applicant proposes to install drainage infrastructure that will remain in perpetuity. Those are permanent wetland impacts. Mark West will address that. The Board cannot approve a CUP application that completely mischaracterizes these impacts. Further, the proposed drainage infrastructure does not satisfy the CUP criteria in Section 11.6.1. First, these impacts are not essential to the productive use of the upland area; these impacts do not minimize the detrimental impact upon the wetland. How could they when they are not even properly characterized as permanent impacts? These impacts do not provide for restoration of the area to its original condition. Again, how could they when some or all of these impacts are permanent? Next, there are feasible alternatives, and some or all of the proposed drainage impacts are for economic advantage alone, as their purpose is to maximize development on this small parcel rather than provide for upland development. With regard to the CUP application for the wells, the applicant doesn't show any impacts related to the pipes or any other infrastructure associated with the proposed wells, the plans just show the wells. It's hard for me to believe that there's nothing connecting the wells that's going to remain in the buffer permanently; maybe I'm wrong. Therefore, the amount of permanent impacts represented by the applicant is unknown, undercounted, and

inaccurate. The Planning Board cannot approve a CUP that is based on an inaccurate disclosure of permanent impact.

Mr. Reimer continued with explaining he submitted a letter from hydrogeologist Tim Stone. In essence, the applicant has not demonstrated that the applicant's wells and septic systems will not adversely impact Barker's Farms irrigation pond or the water table on both abutting properties, and I was happy to hear some of your earlier comments, where I think you recognize that you don't have enough information to evaluate the impact on the well; thank you for that. Next, I urge the Board to recognize the cumulative impacts of all of the individual CUP applications, and he agrees that the project has been sliced and diced, with approving the road earlier and now a few months later, reviewing one and then another. Mr. Reimer appreciates the consideration tonight that when one pulls on one thread it affects the rest. He urged the Board to continue to think about the cumulative impacts rather than just each individual one in a vacuum. Overall, the applicant is proposing to overdevelop this narrow property with numerous permanent impacts so close to the irrigation pond of an important working farm in Stratham, throughout this process, the applicant has downplayed some of the wetlands as being low value, unimportant, and has understated the wetland buffer impacts. Even the current plan set, my plan set doesn't have one plan showing all of the impacts. There are several plans showing little bits of impact. Then you look at the next plan, and there's just a little bit, and the next one shows a little. Put them all together, and so much of this property is colored orange because it's in a buffer that's going to either be somewhat impacted or paved over or otherwise destroyed. Overall, the applicant proposes to pave over and destroy an unacceptable amount of the protective buffers, and it cannot be said that all of the proposed impacts satisfy the CUP criteria, which are clearly designed to allow a landowner to reach upland area rather than allow the complete overdevelopment of a property. Regarding snow storage, he overheard Mark West mention, that one knows that a property in a rural town is overdeveloped if there is no room to store the snow. I know we're putting some things off for next month, so I'll reserve some other comments for that.

Mark West, wetland scientist, representing Barker’s Farm spoke. He explained that he focused on was wetlands on the Barker Farm property. He did not go on to the development property and stated that the wetland that is most important to Barker Farm is directly on the property line where the Conditional Use Permit was granted. Some of it comes over the property line, and a significant portion of that wetland was not mapped. It was not shown on the existing conditions plan at all that Sergio Bonilla stamped, and even if it's off site, the buffer comes onto the site. That's why they show buffer impacts. Mr. West demonstrated the location in question to the Board on Sheet 4. [Ms. Price displayed sheet four as a visual.] He stated that the existing conditions plan noted that the wetland delineation was done in January 2025, and that snow conditions may have obscured the area. It indicated that a spring follow-up inspection was needed for confirmation. Mr. West’s understanding is that was completed and he just received the reports the other day. One of the reports includes a sketch of what the wetland scientist did, and it specifically showed the numbers of all the flags and did not show any numbers of any flagging here [pointed to the property line area]. There was no wetland shown on the existing conditions here that was stamped by the wetland scientist. Mr. West did not find any flags out there. He is not sure if it was sketched on, but stated as one can see from the topography, the elevation continues all the way down to here, where it says breadth. In Mr. West’s report, there is a color line of where he took some measurements of the linear feet along the property line, and it was over 120 feet. This shows 60 feet. [He discussed his report and used the plan as a reference.] The wetland here receives water, from when the water comes up in the pond, there's a foot of water in this wetland. You can see it based on the pictures, based on the inundation. Mr. West stated he took soil augers and mapped hydric soils. He stated the plant community here is clearly wetland with dominant sedges, and during high water, this is part of the pond, and so any runoff into this is going directly into the pond. The elevation of the wetland here is actually lower than where they show a wetland here. The lowest part of it is here, and that's where the pond water comes up into it. It’s very important to realize you were missing most of this wetland when you did the Conditional Use Permit, and you literally showed the 25-foot buffer, and I believe they bent the road to stay out of that; but the wetland's even closer over here. He has pictures in his report and found a drill hole marking the property boundary was blazed by the engineering survey firm Eric Mitchell and Associates when they put this into a conservation easement. There are red blazes, and Mr. West has a picture showing the blaze of the boundary

and the wetland 10 feet up from that boundary. He did not see any boundary flags from Northam Survey, and went with the blazes that were shown. He stated it is pretty clear it starts here and it gets further and further closer to the road as you go this way and not parallel to the road; it comes towards the road. Mr. West has a sketch of where this wetland is, and stated it is a big mistake not to have the resource area identified when you're getting approval for impacting the buffer. If you don't know where the wetland is, or it's not shown, you don't know what the buffer impact is totally. The road is going to be in that 75 anyway, but I think it's a significant issue. This is the only wetland he could look at. Some planning boards require a peer review of a wetland delineation. That hasn't been done here. It could be different, but it's important to get the information correct when you're doing this type of work. It's very clear how important this pond is to the farm. He believes that the 25-foot no-disturb buffer will be significantly more than was shown in yellow on the site plans. The issue of the flooding in the wetland is the most important thing. I also had some comments about the temporary buffer impacts. He does not believe it is temporary at all if they build in the buffer. He does not know if the Town's regulation calls this temporary impact, but he has never seen this being called temporary impact. He recognized the applicant's buffer enhancement with some boulders and some boxes and a few shrubs around some of the wetlands, but this wetland is extremely important, and he hopes the Board understands that from his discussion. Thank you.

Tim Stone, a consulting hydrogeologist with 40 years of experience spoke on behalf of Barker's Farm. He has worked on the behalf of planning boards, developers, and on behalf of individual landowners. He stated he has experience on all sides of the fence. He was brought in by Barker's Farm to take a look at this property and perform an overview hydrogeologic assessment, which has not been done by the developer or their engineer. He believes it is necessary because this is a tight property that's being squeezed in on this narrow lot. He understands that the ordinance, when this was submitted, allowed something like this, but he thinks because of that, there need to be additional guardrails when looking at aquifer systems, water supply systems, and things like that. He believes it is incumbent upon the Board to look at those guardrails and possibly ask for that information so the Board knows what is really going on here. Mr. Stone submitted a letter that includes introductory information, looking at local geology and a survey of water supply wells that are in the half-mile vicinity of this project to try to get a handle on the geology. Based on the information reviewed from wells near the site, and it's a very incomplete database that the State has, the depths of bedrock are maybe 10 to 20 feet. It has bearing with how bedrock withdrawal affects overburden and recharge rates and things like that. It looks like there is about 10 to 20 feet thickness of overburden to bedrock. The groundwater in this area generally flows to the southwest towards the irrigation pond, then across the onto this property, and then continues on further south down to Jewel Hill Brook to the south-southwest. One of the really interesting unusual features about this property is the distance from the boundary to the farm pond is 60 feet. That's not a big distance. Mr. Stone pointed to areas in the room that are about 60 feet. He stated those are close distances, close proximities. The project proposes three supply wells on the site and pointed to the location of two of the wells on the plans. He believes it is very unusual to drill wells 50 feet, 25 feet apart from each other. He believes the wells will stealing water from each well from the other well, but that might allow them to reach the 2,000 gallons per day they're looking for from those two wells. Mr. Stone believes it will draw down the bedrock water table more. He does not agree with the Beals and Associates determination that there will be no impact. He doesn't think there's any basis to draw that conclusion unless maybe if it was a residential well for one building, that might it may not have that great of influence. But these wells will serve multiple units in multiple buildings, and with two wells next to each other, the drawdown could be significant, and with the shallow overburden, the communication between the bedrock and the overburden, the loamy sand, sand and gravels, the wells could draw down the water table. Mr. Stone explained the significance with the radius of influence of the wells. He described that the well circles on the plans are just regulatory and stated that they are not really the [withdrawal] radius for that well; it is a protective radius. Fractures in the bedrock will control the distance where you have preferential flow of groundwater from these wells, but typically their preferential in this part of New England is from the north to the south and northeast to the southwest, where greater drawdowns in wells is recognized. That theory brings those drawdowns up closer to the area where the Barker Farm Pond is located. He agrees with the letter from CMA that recommends hiring a professional to do a hydrogeologic assessment for the site. Mr. Stone suggested installing an overburden monitoring well

next to those wells and another monitoring well up against the property boundary and look at water table levels over the years. If the water table shows no impacts, then fantastic. He believes it would behoove the Planning Board to put these guardrails in place to protect a resource, the wetlands and the farm pond. Regarding de-watering the wetlands, the wetlands in the spring represent the water table. The Barker Farm well represents the water table level. He also performed a grand overview of the water budget. The proposed withdrawal is 3,000 gallons per day from these wells, with an annual total of about 1.1 million gallons per day. The vast majority of rainfall that will land on the 3.7-acre property proposed to be developed will not infiltrate into the bedrock; 50% of it is evaporation and evapotranspiration from plants. It also runs off as surface water runoff. A common number that used when looking at water budget is maybe 10 to 15 percent of rainfall makes it to the bedrock to recharge the bedrock. At a 10% recharge rate that is only 421,000 gallons to the aquifers; which is less than half, almost a third, of what is being withdrawn is recharging within their property. Using a 15% recharge rate that number is 625,000 gallons which is still only half of the volume that's proposed to be removed. It gives us a bit of a framework to work with when we look at this. Mr. Stone believes extra caution should be taken on approving something like this and proving that there will not be any overburden impacts in the water table. He noted that the proposed well locations are immediately adjacent to irrigation ponds. If there is communication between the overburden and bedrock, when any irrigation or infiltration pond fills with water, that creates a pressure head, which will drive that water into the bedrock. You might say that's recharge and it potentially will be, but any contamination in that irrigation pond, whether it's from dog feces or salt that's applied to driveways. He recommends a prohibition on salt application throughout the development due to the tight situation with infiltration ponds directly adjacent to the supply wells. Also regarding the water budget, if there is landscape irrigation proposed, you might as well just throw the numbers out the window for water use; the usage goes through the sky. He has seen many planning boards prohibit landscape irrigation in situations like this. His final point is that there are leach fields proposed 50 feet away from the downgradient property boundary and he hasn't seen advanced treatment systems proposed that would reduce the nitrate concentration in those wells. Many planning boards are looking at those issues in nitrate impacts. There's a 10 milligram per liter nitrate standard for groundwater. With traditional septic systems within 50 feet of the property boundary, he can guarantee there will be exceedances of the state drinking water standard for nitrates leaving the property boundary, and there is a supply well in the house immediately downgradient adjacent to the property. Mr. Stone stated that planning boards more and more (in Rye they are looking at this issue) are requiring advanced treatment systems in situations where there's more sensitive environments and planning boards have required this of the developers. He asked that the Board take a look at that issue, or ask the applicant the possibility of installing those systems to prevent downgradient groundwater impacts above drinking water standards. Mr. Stone concluded by reminding the Board that he submitted a letter and stated if you have any further questions, I'm sure the representatives from Barker Farm itself would be happy to answer them. Thank you.

Mr. Kunowski stated before the Board takes any further public comments, he asked the applicant if they had opportunity to review or comment since these reports were received. Mr. Sheehan replied he received the information late this afternoon and just had a chance to look at it and barely had time to discuss it. He stated no comment this time.

Forrest Barker, 216 Portsmouth Ave, stated that she read her mom's letter earlier, and wants to add her own words. She reiterated the Planning Board's mission includes promoting the health, safety, and general welfare of residents and protecting and conserving the rural, recreational, and historic values of properties and stated that Barker's farm is not asking for special treatment. We are asking the Board to fulfill that mission. If you don't personally shop at a farm, thousands of people care about it. For five generations, this farm has fed local families, preserved open land, and contributed to the rural character of Stratham. It is part of the fabric of this town. This is also our livelihood. This irrigation pond, wetland, and groundwater are not simply scenery or lines on a plan. They are essential parts of a working farm. The evidence presented tonight shows incredible risk to those resources. Brendan (the applicant) also mentioned how, when he sees our the water level lower in our pond, he has also noticed that his pond has lowered; so they are connected. I'm asking you to remember what is at stake. Please do not gamble with our water, our livelihood, or the future of this farm. I respectfully

ask you to deny the applications. Thank you.

Mr. Kunowski invited any additional members of the public who had comments beyond those already raised to come forward. He noted that individuals did not need to repeat comments or concerns that had already been presented but were welcome to provide any new or additional information for the Board's consideration.

John Hatch, 54 Depot Road, explained that he is here to speak in opposition to this development. My biggest concern relates to what we've just been hearing about the impact it will have on the Barker's Farm property. I'm sure this Board has had to deal with unique situations before. In fact, I think the Board had referenced in the beginning that this is a unique property. It's a narrow property. It's also unique in the sense that it abuts a substantial portion of a family farm that's been a mainstay of this community and this town for generations. With that in mind and the uniqueness of this, it's critically important that the Board fully consider not only what the Barker's Farm representatives are saying in opposition to this development, but also really think about what Barker's Farm means to this town and to this community. And on this point, you could start with what you've heard a few times: the fact that Barker's Farm has been producing healthy produce in this community for generations, it is one of the very few places left where, as you walk in to buy food, you can actually see the fields from where it came. That's always been something that the people of this community, like me, value, and that value has only increased in this time of cyclospora outbreaks and grocery store product recalls. Barker's Farm provides those very same products, but in a way that gives customers peace of mind, and this community trusts Barker's Farm because the farm gives them transparency about the food that the grocery store does not. So, anything that increases the risk to the integrity of Barker's Farm soil, wetlands, or water supply is also putting this valuable farm and what it has to offer this community at risk. And the risk I'm talking about is what's before the Board now with this development, within just feet from farm soil and wetlands, there will be at a minimum extensive tree cutting, brush clearing, soil movement. There will be the construction of four significant structures, multiple parking areas, and a whole new road. Again, because of the narrow width of the subject property; these significant land alterations in construction will push right up against the farm soil and wetlands, as the technical experts have just said. I am particularly concerned that a paved road and all the associated risks that come with the installation, use, and maintenance of an impervious surface would exist about 26 feet from the irrigation pond that is critical to Barker's farm operation. So, from my point of view, every vote that advances this development is increasing a risk to an incredibly valuable asset to this town. Just when the people in this community are increasingly relying on it, that seems directly contrary to what Section 11 of the zoning ordinance sets out as its very purpose, which is "to protect public health, safety, and general welfare by promoting the most appropriate use of land, and to protect wetland ecosystems and water quality". Thank you for hearing my concerns.

Roger Stephenson, 22 Stephen Drive, stated he wanted to extend my appreciation to the Planning Board for the work you're doing.

Ms. Price interrupted the Public Hearing to announce that we can no longer continue this meeting because we don't have a quorum. We have to have a quorum in person. Mr. Kunowski stated it was beyond coughing; he is ill. Ms. Price asked if the Board would like to continue to a date and time to listen to all the public comment. This was not intended, obviously, but we don't have a quorum present. Mr. Kunowski stated it was out of their control. It was noted for the record that Planning Board Member Jay Fraprie left the meeting due to unexpected illness at 9:10 p.m. The Board discussed the application's September 22 decision deadline and the procedural implications of being unable to act without a quorum. It was noted that September 22 falls on a Tuesday and that the Select Board was scheduled to meet the preceding Monday. The discussion also addressed the need to comply with applicable meeting notice requirements, and whether a continuance or additional meeting would be necessary before the decision deadline. Mr. Allard asked if the Board is considering a special meeting. Ms. Price replied yes. Mr. Allard stated that we're coming back for another meeting with the Board because there are still a bunch of things that need to be decided. He asked if they could pick up where they left off. Mr. Allard asked if they can extend by agreement. Ms. Price replied that a quorum is not present to make a motion. Mr. Paine asked procedurally if the applicant can ask for their time frame to be extended. Ms.

Price stated that due to the lack of a quorum, the Board would need to close the meeting and separately post a subsequent meeting. The Board could not make a motion to continue the hearing without a quorum. Ms. Price noted that this created a procedural complication regarding how the application should proceed and indicated that additional guidance was being sought.

Mr. Kunowski addressed the members of the public that, due to the unforeseen loss of a quorum, the meeting could not continue in its current state, and the Board could not receive additional comments or conduct further business. He stated that, if the absent Board member was able to return and restore the quorum, the Board's only anticipated action would be to continue the hearing to a later date and address an extension of the application's decision deadline. Mr. Kunowski emphasized that the situation was unexpected and apologized for the disruption. Mr. Tramaloni stated that although he is present, he can't be part of the quorum because the RSA 91 states that the quorum has to be present in the room. Ms. Price called Mr. Fraprie and left a voicemail and a text to see if he could continue and adjourn the meeting as a quorum. Mr. Kunowski stated if Mr. Fraprie was able to come back to the meeting and a quorum was restored; the Board would not resume public comment or substantive review of the application that evening. The only anticipated action would be to continue the application to a later meeting date. He noted that the Planning Board regularly meets on the first and third Wednesdays of each month and began discussing the next available meeting date. Mr. Kunowski notified the members of the public of a short recess [Time was 9:21 p.m.] Ms. Price called Mr. Fraprie once more and noted that for the record. She addressed the members of the public that abutter notice would happen when the meeting date was established. Ms. Price explained that the Board had lost its quorum and that Mr. Kunowski formally acknowledged that a quorum was no longer present. Attempts to contact Mr. Fraprie to restore the quorum were unsuccessful. As a result, the Board could not make any motions or establish a date for continuing the application. Ms. Price stated that she would seek guidance regarding the appropriate process, particularly given the September 22 decision deadline and the expectation that additional review of the application would be necessary. She emphasized that the Town would ensure that all procedural and legal requirements were properly addressed, including any necessary re-notification of abutters or other required correspondence. She apologized that additional information regarding the next meeting date and process was not available that evening and stated that further clarification would be obtained following the meeting. Mr. Kunowski stated that the meeting is in recess as of 9:30 p.m. because we don't have a quorum present.

Meeting concluded in a recess at 9:30 p.m.

Minutes respectfully submitted by Vanessa Price