



Stratham Planning Board
Meeting Minutes
November 16, 2016
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM

Members Present: Mike Houghton, Chairman
 Bob Baskerville, Vice Chairman
 David Canada, Selectmen's Representative
 Jameson Paine, Member
 Nancy Ober, Alternate
 Lee Paladino, Alternate

Members Absent: Tom House, Member

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

The Chairman took roll call and asked Ms. Paladino to be a voting member in Mr. House's absence. Ms. Paladino agreed.

2. Review/Approval of Meeting Minutes

a. November 02, 2016

Ms. Ober made a motion to approve the November 02, 2016 meeting minutes as written. Motion seconded by Mr. Baskerville. Motion carried unanimously.

3. Public Meeting

- a. Verizon Wireless, represented by McLane Law Firm, 900 Elm Street, Manchester, NH 03101 for the property located at 57 Portsmouth Avenue, Tax Map 9 Lot 006.** Preliminary Consultation for Conditional Use Permit application, Site Plan Review Application, and Special Exception Permit application pursuant to Sections 19.4.2 and 19.7 of the Stratham Zoning Ordinance to construct a 150' tall monopole wireless service facility, associated antennas and cabling, and installation of ground based telecommunications equipment and fencing.

Mr. Victor Manougian, McLane Law Firm introduced himself as well as Robert Baker, and Chip Fredette from Vital Site Services as representing the applicant.

Mr. Manougian explained this preliminary consultation was for a 150' tall monopole tower with a 12' x 16' concrete pad which will house the equipment and generators and then the compound will be a 50' x 50' fenced in with an 8' stockade fence. This tower is to help with coverage and capacity

issues in Stratham. The areas this will cover will be Routes 108 and 33, 85 and between Route 101 and the Exeter town line plus the surrounding communities.

Mr. Fredette gave a presentation showing current coverage and the coverage with the proposed tower. He showed the location on the south west corner of the lot of 57 Portsmouth Avenue; the existing access will be used.

Mr. Paine asked the applicant if they felt they had exhausted the public property locations in Town. This location is high visibility and one of the lowest points in the area. He suggested other locations that are not as visibly intrusive such as Town properties like Stevens Park or the Police Station or locating on something like a church steeple. He continued that the proposed location is in the business district which the Town is trying to build up.

Mr. Fredette said they did explore all Town properties; they are trying to locate a site where the coverage needs improving. They do need to meet certain height limitations, the Town's code regarding setbacks, and the Tower offset regulations which state that they can't be closer to another tower if it's within 1,000 feet. There are no co-locatable structures in the area that come close to the height that they need. Mr. Paine asked about the Highway facilities. Mr. Fredette said it wouldn't meet the coverage needs.

Mr. Canada said this is the applicant's third attempt with the Town and the Town spoke very clearly that they don't want a cell tower on Town property so as one third of the Board of Selectmen he knows he would be pretty hesitant about bringing a cell tower back to Town meeting. He feels they have exhausted their opportunities with Town properties.

Mr. Baskerville said he understood the need for better coverage, but not locating it in front of a large scenic vista which a lot of public money was spent on. Mr. Fredette said they will do a simulation with a balloon test so the public can get a better idea of what it will look like.

Mr. Austin referred to the Telecommunications section of the Ordinance Section 19. In those regulations a conditional use permit is required that triggers a site plan review. The site plan review requires the preliminary consultation. Mr. Austin said that currently the Telecommunications regulations are inaccurate as currently printed because Section 19.4.2 refers to the General Commercial zoning from past eras. One of the zoning amendments discussed at the previous planning board meeting covered changing it to reflect the Gateway district. He suggested that the Board consider what the Gateway district is designed to promote in terms of a development pattern\ and gave the example of thinking about the potential data commands of the very district you are looking to further the coverage provided by this tower. Mr. Austin referred to Section 19.6.4.a.1 which says towers must be set back to a distance equal to 125% of the height of the tower from any off site residential structure. In this case that would equal 186.7 feet. There is no residence within that however there are residential uses within the district so the Board might consider increasing the set back from the south line to 187 feet also.

Mr. Houghton asked the applicant if they had engaged any other property owners along the 101/108 corridor up until the traffic circle about putting the tower on their property. Mr. Fredette said they had approached various owners where the site would meet Town regulations and there was adequate space. Mr. Houghton asked about the area around the area of Shaw's. Mr. Fredette said it was too far south. Mr. Fredette said he was happy to look at other sites suggested by the Board.

Mr. Paine asked why the applicant couldn't add to an existing structure or structures to increase the coverage rather than a tower. Mr. Fredette said he would look into that. Mr. Austin asked what the 146' referred to on the plans. Mr. Fredette said that was the measurement of the center line of the antenna. Mr. Paine said he would prefer an internal antenna.

Mr. Canada said the desired location is a valuable area; Stratham's commercial area is very limited. He asked if the tower could go back further. Mr. Fredette said the problem is that further back it is wetland and drops off 30'. He couldn't get a road back there. Mr. Austin said it might be helpful to see what an array free design would look like at this location or 152 feet further back and/or 180 foot tower, 152 feet further west. Mr. Fredette showed where the wetlands began and Mr. Austin confirmed the closest they could get to that would be 50 feet unless they got a variance.

Mr. Fredette asked if the goal is to achieve a better visual positioning on the site. Mr. Canada said there was that, but they want to preserve commercial land too as there isn't much available in Town. Mr. Houghton asked Mr. Austin to provide the applicant with a list of the alternative locations suggested by the Board this evening. Mr. Austin confirmed Shaw's, on a steeple, Route 101 and Route 108, Audi – behind the storage facilities, and the ambulatory surgery center. Mr. Houghton said the location Verizon Wireless would like to use is a real focal point in the Town and a tower would detract from that. He understands the challenges, but there are other locations. Mr. Fredette asked if moving closer to residences would be preferable to putting the tower at the desired location. Mr. Baskerville said from a visual standpoint anywhere would be better. Mr. Fredette reminded the Board that the last time they came before them, they brought their "A" game and it didn't work, but they will try. He added looking at the fire station too. Mr. Fredette explained he thought it would be a good idea to schedule the balloon float at the next public hearing so people know about it and don't miss it. Mr. Paine suggested they check the other suggested locations to see if they will even work first.

Mr. Houghton opened the floor for public comment.

Mr. Jeff Wilson said he appreciated the fact that the Board values the property as it is now with its view. He continued that it is not that the Ordinance is not accurate now, but to him there is no authority in the ordinance to locate a cell tower on this property or any other parcel in the Gateway district. He read from the Ordinance about the Gateway district and quoted that the intent of the district was to promote visual appeal of the Route 108/Portsmouth Avenue corridor.

Mr. Jeremy Riecks said there has been no mention of micro cells instead of having one large tower or using smaller telephone poles and antennas located to fill gaps. He asked the Board to charge the applicant with investigating those options.

Mr. Fredette said that Mr. Riecks is talking about small cell technology. Verizon are using their L.T.E. 700 megahertz spectrum on their macro cell sites and then installing small cells, with a single antenna, with one radio on a pole, but these are in places like downtown Portland, Manchester and they are not the proper application for a rural community like Stratham. He continued that the way the cell system works is that a phone call or email is transmitted through the cell site and that information is sent in a packet back through fiber and not copper off to its destination whether that is a land line or a wireless device.

Ms. Beth Dupell thanked the Board for its comments. She mentioned all the landscaping that was required of another applicant located in the Gateway district; to her it wouldn't make sense to have gone through all of that if this tower was permitted. Another resident said even her child had commented on the view as you drive by the Scamman farm. She finds it offensive to put something so tall and large in front of such a beautiful spot especially as there are so many car dealerships and strip malls in Stratham. Mr. Richard Feeney said he does think cell phone service is important for emergency calls, but he is worried about the lack of thought of its proximity to residential neighborhoods and thinks the site should be located more to the east where it would look better. He said the FDA does designate radio frequency electromagnetic energy as a possible carcinogen. There are also 3 major studies happening now to assess the connection between radio frequency

electromagnetic energy and cancer in children. He cautioned that as we don't know the long term impact of such a tower to shy away from residential neighborhoods.

Mr. Paul Deschaine, Town Administrator said in terms of what the Ordinance does and doesn't do, there is an argument that says the Town's ordinance is null and void when it comes to Telecommunications. The applicant hasn't made that argument and as a result we have no jurisdiction to review these plans. They are here willingly to discuss the site. He does agree however with the opinion of the Chair, about all the investment in this district and the conservation commission's effort to obtain the easements behind this site. He continued that the Town owns no easement at this site and the Scammans have the ability to develop their site within the regulations, which in this instance are Federal regulations and law so unless there is a view easement or encumbrance the Town is willing to pay, the Town really has no control over this application.

Mr. Jeff Wilson said he wasn't arguing that Section 19 wasn't valid, but he was arguing that it says you can do permitting of towers in the general commercial district which no longer exists. Therefore it is still valid for the other districts mentioned.

4. Miscellaneous

The Board discussed some suggested changes to the Subdivision Regulations from Mr. Colin Laverty, Highway Agent. Mr. Laverty said he would like to mandate that the contractor/developer should install 2.5" of bituminous concrete binder course, 0.35 gallons per square yard of RS-1 tack coat emulsion, and 1.5" of bituminous concrete surface course. These are all Town practices that the Highway department practices on roads that they pave in Town. This would replace the ruling for 3" of bituminous concrete binder course and 1" of bituminous concrete surface course, so same thickness, but different proportions. The Board were fine with those changes.

Mr. Houghton asked if this could be applied to both public and private roads. Both Mr. Austin and Deschaine said it doesn't make a distinction.

Mr. Baskerville wondered if they should discuss pavement widths. Mr. Austin said another thing to include on the list would be should the 800' road length be retained or increased for things like cul-de-sacs. He wondered if they should ultimately revise the subdivision regulations to require that roads be developed to the Stratham road standard which is something the Highway Agent could retain and amend. Mr. Deschaine said he didn't believe the statutory authorities allow it to be deferred to the Highway Agent; it would have to be publicly adopted.

Mr. Baskerville talked about pipes and mentioned that in the past people have requested waivers for pipe types.

Mr. Deschaine said he thinks the current regulations call out for 3" bituminous pavement laid out and rolled to 2.75". He suggested using the word "compacted" in the regulations to make it clear too. He returned to Mr. Baskerville's comment about pavement width being reduced to 22'. He said he thinks it depends on the nature of the road. Mr. Laverty agreed with Mr. Deschaine.

Mr. Laverty addressed sight distance regulations and said they have always followed NHDOT sight distance regulations which state that sight distance exiting the roadway shall be a minimum of 400' in each direction. He would like these regulations to apply to any new roadway curb cuts on Town of Stratham publicly maintained roads, but added that there are cases that might warrant a lesser amount of sight distance. He would like each case to be at the Highway Agent's discretion. The current regulation is for 275'.

Mr. Baskerville felt that made sense as did Mr. Canada.

Mr. Austin said he would put together a red line version reflecting Mr. Lavery's suggestions so the Board can schedule a public hearing. Mr. Austin asked if it would be appropriate to seek Planning Board's authority to move forward with the red line version and schedule a public hearing for the next meeting as staff understands there may be an influx of subdivision applications in the near future. Mr. Houghton said it seemed pretty straight forward so he doesn't see an issue doing that. Mr. Deschaine said the only observation he has about the 400' is if you have 2 low volumes running into one another in a small subdivision like Mason Drive and Chelsea Way – he wondered if it is required there. Mr. Austin asked if it should say 275' to 400' with input from the Highway Agent instead. Mr. Deschaine said you might go to 600' depending. Mr. Baskerville said NHDOT says 400' without any flexibility. Mr. Baskerville said he doesn't mind making a motion that an applicant can request a waiver for very low volume intersections without saying what that specifically is yet. Mr. Houghton asked why offer that when waivers can be requested anyway. Mr. Paine suggested leaving it at 400' and if they want to go below that, the Board can go from there.

Mr. Baskerville made a motion to approve the changes requested by the Highway Agent in his letter dated November 16, 2016 for the proposed subdivision regulation changes that we move forward to move that to a public hearing as stated on December 7, 2016. Motion seconded by Mr. Paine. Motion carried unanimously.

Mr. Austin said one of the upcoming subdivision applications is for a lot between 2 mid-80s subdivisions which required a 50' easement that stopped at this parcel in between them. When that comes forward, he will do his best to give enough background. So far there has not been much interest on behalf of the applicant to further the 1986/87 Planning Board's intent of a through road in this particular area.

5. Adjournment.

Mr. Baskerville made a motion to adjourn at 8:28 pm. Motion seconded by Mr. Paine. Motion carried unanimously.