



## Stratham Planning Board Meeting Minutes

June 03, 2020

### Virtual Meeting/Conference Call

Time: 7:00 PM

Members Present: Mike Houghton, Selectmen's Representative  
Tom House, Member  
Robert Roseen, Member  
David Canada, Member  
Pamela Hollasch, Alternate Member

Members Absent: David Canada, Member  
Colin Laverty, Member  
Robert Baskerville, Alternate Member

Staff Present: Tavis Austin, Town Planner

### 1. Call to Order/Roll Call

Mr. House welcomed everyone to the Town of Stratham Planning Board meeting for June 3rd 2020. He said before they get started he is required to notify everyone that do to the State of Emergency declared by the Governor as a result of the Covid-19 Pandemic in accordance with the Governor's Emergency Order number 12 pursuant to Executive Order 2020-04 the public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously. This meeting is authorized pursuant to the Emergency Order however, in accordance with the Emergency Order, he is confirming that all members of the Planning Board have the ability to communicate contemporaneously during this meeting through this platform and the public has access to listen and participate if necessary in this meeting. The public can dial in with the number 1-800 764-1559 with an access code of 4438. Meeting materials are available through the town website and can be found by clicking on the agenda links under each section. The agenda includes information for accessing the meeting including Tavis Austin's number to call if there is a problem, 603-772-7391 extension 147 and he will be able to help someone get on. Mr. House asked everyone to silence their phones and announce if anyone else is present with each participant.

Mr. Austin took roll call. Mr. House stated he was present and by himself, Mr. Houghton stated he was present and by himself, and Mr. Roseen stated he was present and by himself.

38           **2.       Review/Approval of Meeting Minutes**

39               **a.   May 20, 2020**

40           Mr. Houghton made a motion to approve the May 20th, 2020 meeting minutes and Mr.  
41           Roseen seconded the motion. Mr. Austin took roll call; Houghton, Aye; House, Aye;  
42           Roseen, Aye.

43           Alternate Member Hollasch joined meeting at 7:11PM and stated she was alone.  
44           Chairman House asked Hollasch to be a voting member.

45  
46           **3.       Public Hearing(s): None.**

47           **4.       Public Meeting:**

48               **a.   5G/ROW Discussion**

49           Mr. Austin said the Board had asked him to put together a photo collage of what 5G  
50           would look like. The collage is located on the link on the agenda. Mr. Austin  
51           explained the collage shows images of different installations of 5G. One of the  
52           photos shows how 5G works, there is one large tower that pushes out a ripple effect  
53           to smaller nodes or cells. He said 5G has been a concern for some people because  
54           there are many antennas involved. They put a number of installations out that are  
55           similar to repeaters for the signal.

56           Mr. Austin said people had discussions about the RF frequency and what impact the  
57           current town regulations have. A few meetings ago Mr. Austin reminded the Board  
58           of the telecommunications work that was done in 2018 and encouraged the Board to  
59           read through it as a reminder of what it covered. Mr. Austin reminded the Board of  
60           section 19.4.1 which goes into the State RSA 12K. It outlines what local authority  
61           may not touch. Mr. Austin paraphrased RSA 12K:11. He stated no authority may  
62           impose incremental testing, sampling or monitoring requirements, establish or  
63           enforce regulations for radio frequency signal strength or for adequate service. He  
64           said it is all an extension of the telecommunications act of 1996, specifically section  
65           704a.

66           Mr. Austin said section 19.3.9 of the Zoning Regulations includes Personal Wireless  
67           Service Facility or PWSF. PWSF is defined in the federal Telecommunication Act  
68           of 1996 including facilities used or to be used by a licensed provider of network  
69           wireless services. He said that is describing antennas. The obvious installation of 5G  
70           that is coming are the 5G antennas that can be seen in the photo collage. He said it  
71           appears there are no local regulatory authority over the installation of antennas.

72           Mr. Austin explained the next couple of pages of the PDF is a draft right-of-way  
73           permit application. The application would cover anything from trenching across a  
74           road or installing a gate or structure in the right-of-way. There is currently no clear  
75           permit process for the town to evoke. Mr. Austin said the intent of the application is  
76           to have a form for someone to fill out when they want to do something in the town

77 right-of-way. He said it is his understanding that as long as the town treats the  
78 applications equally and do not target 5G antennas or other such installations, the  
79 town has some ability to regulate them. He said not in terms of frequency, but it  
80 could be in terms of height. He said 5G antennas can be targeted generally under  
81 public health safety and welfare.

82 He said included in the packet is an example ordinance from Keene. Keene took the  
83 unique stance looking at frequency regulations. There were representatives of the  
84 wireless service industry at the meeting who were strongly urging Keene not to  
85 include certain elements of the ordinance. He said as a Town Planner, he cannot  
86 recommend the Board inherently propose a regulation that is in conflict with state  
87 and federal law. If the town wishes to take that step, he believes it should be done in  
88 collaboration with town councils. He said recently Deb Hudson, who is on the call,  
89 and Pat Abrami have been communicating with David Moore and himself. They have  
90 been sending articles, citations, and peer review papers.

91 Mr. House asked if the Board has questions or comments on 5G.

92 Mr. Houghton said from an architecture point of view, he would like to know if the  
93 larger cell towers would bounce signals off to the smaller repeater cells.

94 Mr. Austin said that was correct. He said the larger cell towers, if not existing, would  
95 be subject to section 19 in the Zoning Regulations just like the tower that went in  
96 behind Audi.

97 Mr. Houghton stated there are two towers that are currently existing in town that  
98 could be used for that purpose.

99 Mr. Austin replied that there are at least two. He said it could be extreme where there  
100 would be a 5G repeater on every utility pole in every town.

101 Mr. Houghton said based on the pictures Mr. Austin provided, it seemed like there  
102 was a main tower that sends out the signal to the repeaters.

103 Mr. Austin said that was correct.

104 Mr. Houghton said that the existing two towers could be used to push the signal out.

105 Mr. Austin said there is a tower on Long Hill, behind Audi, and in Exeter. He said  
106 the towers were identified by Verizon when they were demonstrating the gap in  
107 Stratham. He said not knowing the cost of the repeaters, it is possible that the 5G  
108 repeaters could be an efficient way to expand coverage throughout Stratham in the  
109 rural areas because they don't need to be as tall or as powerful. When the Audi tower  
110 went before the Board, residents questioned why they weren't using small cell. The  
111 same conversations came out at the public hearing.

112 Mr. Houghton said it may be a good time for Mr. Abrami to speak about it on a State  
113 level.

114 Mr. House said he wanted to listen to the Board first.

115 Mr. Roseen said he had no questions or comments at this point.

116 Ms. Hollasch said she is curious how many other types of entities would need a right-  
117 of-way permit. The potential template is for building in the town right-of-way. She  
118 said she understands that they don't want to single out 5G antennas and would like to  
119 know some other examples.

120 Mr. Austin said that it is large. A few years ago there was a porkchop subdivision  
121 that the construction had to cut across a right-of-way and there was no permit  
122 available for that. Mr. Austin explained it would be those types of projects that would  
123 need right-of-way permits.

124 Mr. House asked Mr. Abrami if he would comment and if he was alone.

125 Mr. Abrami said he was alone in the room. He said he was able to get a commission  
126 on 5G that was approved by the legislature. The commission is made up of about 15  
127 people with scientific and medical backgrounds. They are looking at a new  
128 phenomenon where the cell towers have to be close together to work. The reason that  
129 they are close is because they want to use a higher frequency which doesn't reach as  
130 far. He explained 5G means fifth generation which means something different to  
131 every cell company. Some will have more large towers. What the commission has  
132 been doing is taking testimony from scientific and industry experts. He said there are  
133 thousands of papers showing radiation effects from cell towers. The problem with 5G  
134 is that there are more towers and they are closer to the ground where people walk by.  
135 It will be right on top of cellphone polls. They are trying to understand the science.  
136 The SPC standard of energy that comes out of the towers is set high compared to  
137 other countries. People want to know why the SPC hasn't relooked their standards.  
138 They said they have to look at the biological effects. In 1996 the standards were set  
139 and they haven't changed through the years. The commission is trying to understand  
140 the issues and come to a consensus of what a community can do. They are well aware  
141 of the Keene situation. He said the commission is working on coming up with a  
142 solution to the concerns. He said he will take questions.

143 Mr. House asked if there is a website for people to get more information.

144 Mr. Abrami said they have a website where they have all the papers and minutes  
145 from the commissions meetings. He said he will get the website to them through Mr.  
146 Austin.

147 Mr. Houghton said he understood where Mr. Abrami is in his process.

148 Mr. House asked if Ms. Hudson was alone.

149 Ms. Hudson said she was alone. She said she would like to add that 5G has nothing  
150 to do with telephone service, it is just for data download. The reason people have  
151 concern is because of privacy issues and health concerns. Fiberoptic is safer, more  
152 secure, and there wouldn't be a risk of radiation. She said there are a lot of issues  
153 with 5G.

154 Mr. Abrami said it gets complicated.

155 Mr. House said Mr. Austin and Mr. Moore have been receiving phone calls and

156 emails with regard to 5G. He thinks there should be more resources available for  
157 Staff and public to understand.

158 Mr. Abrami said 5G is needed to download things quickly. He said for years they  
159 were paying a fiberoptic tax. Now they are moving toward 5G. He said fiberoptic is a  
160 better option. He said they will come up with a summary of the issues and send it  
161 along to Mr. Austin.

162 Ms. Hudson said that they know someone who is willing to speak to the Board about  
163 information regarding 5G.

164 Mr. Abrami said there is pushback around the country and around the world. He said  
165 it is a big issue. Cellular companies are going to the big cities first and then they will  
166 go to the smaller communities like Stratham.

167 Mr. House asked to hear from David Moore.

168 Mr. Moore stated he was alone in the room. He said he appreciates the opportunity to  
169 hear what is happening at the state level from Mr. Abrami and Ms. Hudson.

170 Mr. Houghton said there is a lot to digest. He said consumers will want 5G if it  
171 provides gratification for them. He said it will come to Stratham, even though people  
172 are pushing back on it. He said they should get ahead of the issues as much as  
173 possible. He said Ms. Hudson's suggestion of having someone come speak to them  
174 about 5G is a good idea. He said they should put together something that provides  
175 guidance to how Stratham wants to move forward. He said he thinks Stratham should  
176 provide regulations that will protect the people and their interest for the Town.

177 Mr. Roseen said that they are early enough ahead of 5G that they can follow the lead  
178 of other communities that are dealing with it. He said there are still a lot of questions  
179 about 5G.

180 Mr. Moore said he imagines there are comments from 5G lobbyist who participate in  
181 the committee meetings as to why the science is not being considered in writing  
182 regulations at the federal level. He asked if Mr. Abrami could give a preview of what  
183 people who are speaking for the industry are saying regarding the scientific papers.

184 Mr. Abrami said there was a professor from University of Pittsburg that spoke to  
185 them and he had dismissed the science without much reason behind it. There weren't  
186 studies that disproved it, he had said he disagreed with the science. The industry is  
187 hiding behind the SPC. The original testing was done on heat radiation. The state is  
188 trying to formulate a strategy and have a report by November 1st.

189 Mr. Moore said that they have to be aware of how things are viewed in society, it  
190 doesn't matter how many facts and papers are out there. There will always be an  
191 opposition. One of the ways to avoid that is bringing in the right mix of voices to  
192 insulate against that phenomenon. He is interested in hearing other strategies.

193 Ms. Hudson said she sent a link to Mr. Moore and she thinks it will be helpful for the  
194 Board to look through the minutes from the commissions meetings.

195 Mr. House said he would like a summary of their minutes as well.  
196 Ms. Hollasch said that she thinks bringing someone in to provide more information is  
197 a good idea.  
198 Mr. Roseen said he feels indifferent on bringing someone in. He thinks they should  
199 wait to see what other communities do.  
200 Mr. Abrami said he forwarded a summary of what is going on nationally on this issue  
201 to Mr. Moore.  
202 Mr. Austin said he will put together links and documents to send to the Board.  
203 Ms. Hollasch said what Mr. Roseen said makes sense to her. She thinks it is a good  
204 idea to wait and see what other communities are doing.  
205 Mr. Houghton said when he said get ahead of it, he meant for the Board to start  
206 planning for applications to come in and think of regulations. He said the SPC seems  
207 to have a broad range of what cellular companies are allowed to do. He said he  
208 agrees they need to wait for the information to come in and once they get a chance to  
209 digest information, they can have third-party come in and educate them further.  
210 Ms. Hudson said her suggestion with bringing someone in was to for information  
211 only.  
212 Mr. Austin said he will be watching this actively and will let the Board know when  
213 new information is ready.  
214 Mr. Abrami and Ms. Hudson thanked the Board and left the meeting.

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**b. Update from Rt. 33 Legacy Highway Ad-Hoc Committee**

217 Mr. Austin said the link on the agenda includes a draft from the committee. He said  
218 the draft includes a table of content and draft ordinance language. He said the  
219 ordinance was an attempt to have a form-based version of the current PRD zone. In  
220 an effort to expedite the drafting, the committee modified the town center form-based  
221 ordinance and updated the use tables from PRD to reflect the intent. The key to the  
222 corridor is the number of historic elements as well as the declining interest in people  
223 investing in the older homes along the high traffic corridor which is Route 33.  
224 Mr. Austin said the material put together is to incentivize reinvestment in historic  
225 properties and enable that by allowing commercial or quasi commercial. The  
226 Committee had a discussion of what commercial meant or might mean to residents.  
227 ‘Commercial’, as it’s used in the draft ordinance, means not residential, for example,  
228 3 or more dwelling units per structure or a non-residential use. That is the intent of  
229 revising the use. It is not to run the old general commercial zone up the Route 33  
230 corridor or to expand town center or gateway all the way up the Route 33 corridor. It  
231 was target specific for the small lots along the Route 33 corridor. He did invite the  
232 entire Adhoc Committee to the Planning Board meeting. Two of the members are  
233 also Planning Board members and they are at the meeting. Mr. Austin said he will

234 take any comments or questions the Board has and bring them to the Adhoc  
235 Committee meeting which is a week away (6/10/2020).

236 Mr. Houghton said he thinks that the Committee has done a lot of good work. He  
237 thinks it is a challenging topic. There are structures along that road that are in  
238 disrepair. He said the challenge in trying to retain them is if they don't put forward  
239 some type of zoning that encourages it, they will continue to see an erosion and  
240 decay of the properties. He said there aren't a lot of families that would want to live  
241 along that road. The challenge is how do they preserve the architecture and turn it  
242 into a stretch of properties that are more attractive. He knows they do not want to  
243 turn it into the PRD zone. He said it is a tricky task.

244 Ms. Hollasch asked what PRD means.

245 Mr. House said it is the Professional Residential District.

246 Mr. Roseen said he is on the Committee and he thinks either himself or Mr. House  
247 should give comments since they are both on the Committee.

248 Mr. House said he concurs with Mr. Houghton. He said it will be a lot of work  
249 because it is a tricky situation. He said most of the people living there now are aware  
250 of the Committee. He said he thinks it is doable with more time. They have a lot of  
251 information that was presented. They are taking existing conditions and existing  
252 zoning regulations and modifying them to where they think it should be. In short  
253 term they will be looking to the Board to make sure they are going in the right  
254 direction.

255 Mr. Austin said the Committee has planned to talk about at the next meeting the  
256 Durham historic district ordinance that they have. The Adhoc Committee understands  
257 that the phrase 'historic district' may not be the right language. He said they could  
258 use pieces of the Durham language, perhaps as an incentive for additional uses. Mr.  
259 Austin said for the historic architecture they could reconsider the uses where only  
260 some of them require a Conditional Use Permit wherein they have either a listed or  
261 potential eligible property and they preserve, restore, etc., and come up with an  
262 adaptive reuse.

263 Mr. House said they talked about the parking if people open up shops. Right now  
264 people park on the side of Route 33. Parking is something they will need to address.

265 Mr. Roseen said that he thinks the Board should start by looking at the ten goals that  
266 the Committee has put together. As the Committee proceeds forward they continue  
267 to go back and revise the goals. He said as they better understand the process, the  
268 goals become clearer. He said he wants to address some of the goals. He said the  
269 goals of the Committee are to incentivize people to preserve the district without  
270 making it a historic district. They are picturing something more flexible than a  
271 historic district. He said view sheds are important, there are some areas with a lot of  
272 land that they want to remain that way. He said the biggest thing is the flexibility and  
273 mix use of the land that allows uses. He said some examples would be an in-home  
274 business or variations on that theme so someone could convert a building where they

may not live full-time. He said their goal is to come up with something that is not cumbersome.

Mr. Austin said that originally the idea started around a home occupation without someone having to live there. He said that describes a commercial business. The Committee decided traditional commercial businesses are not appropriate. They wanted businesses such as art studios or wood working with a few classes. Not businesses that require a lot of parking, dumpsters or loading docks.

Mr. Houghton said he thinks Mr. Roseen's direction for the goals is good. He thinks the goals are well stated and what they hope to accomplish in that area. He said for example, the old schoolhouse is owned by a builder and he went to the Zoning Board to get a variance to operate his business and was turned down. Now he uses it as a warehouse and rents part of it to a tenant. Now his office is located across 108 from Bunker Hill Road. He said that is an example of a use that wouldn't have a lot of traffic and he would probably invest in the property and have it aesthetically pleasing to look at.

Mr. Roseen said that was a great example of a use that they want to be allowed.

Mr. Houghton said it is challenging to allow that use and not others. He said it has to be a strategy that is attached to the adaptive reuse of the historical structures and businesses that have the potential to utilize them as they exist with modifications that are practical to suit their business. He said maybe the variance is granted on the bases of them reusing the property there and bringing it up to acceptable standards but prohibiting loading docks and things of that nature.

Mr. Austin said that it is a fine line and it is important to have the language right. He said if it is a new zone, they can create rules for it. As long as they are introducing something that has the same appearance as residential agriculture, then it probably will not be an issue. They will have to be clear with the language.

Mr. Houghton said taking on a historic district persona would require them to utilize the existing structures.

Mr. Austin said a historic district becomes too strict. They need to craft it in a way where they preserve the properties without having too many restrictions.

Mr. Moore said he has nothing to follow-up.

Mr. Austin said he will reach out to the Adhoc Committee and pass along the Board's comments. He asked Mr. Houghton if he remembered when the Orlando Builders went in front of the ZBA. He said he wants to find out why they were allowed.

### **c. Site Plan Inspection Checklist**

Mr. Austin said this is stemming from the MS4 compliance and having a preconstruction mandate in the ordinance. He said there is something in the site plan regulations that refers to the subdivision regulations that requires a preconstruction



meeting. The idea for this is based on the BMW discussion and others. How did things become so separated from the Planning Board approval before coming back to the Planning Board approval. This is a mechanism to formalize the preconstruction meeting. He said it would be who was there representing what company, have they gone through the process. He said there is a draft checklist of how to get a preconstruction meeting. After they complete everything on the checklist, they would then present a construction schedule. That way the code officer could have dates in mind to check on them. It doesn't work well to inspect when they call. He said if anyone has suggestions he will be happy to add that to the form. He said Staff is working to improve that process. Feedback from the Board is appreciated.

Mr. Roseen said he was wondering if it might be enough to have a third party do this. He said third parties take inspections seriously and detailed. He said they would be familiar with the town regulations and they would have a plan set that is a contract. They would be checking to make sure what is on the plan is what is built. He said it would be easier on the town because the Code Enforcement Officer would not need to be involved at the same level and there would be a higher requirement.

Mr. Austin said he agrees. He said he mentions Code Enforcement because functionally the town has the Code Officer check things first. The Code Officer has the ability to stop construction. He said similar to the Marin Way project, the Planning Board had requirements that there be inspection sign-offs on all the stormwater BMPs. He said he says the Code Enforcement Officer as instant eyes. He said the Building Inspector will not do inspections unless they have plans on site.

Mr. Roseen said he thinks it is a lessor standard. He said in the industry, Code Enforcement has a shotty reputation, not necessarily in Stratham. He said if they have third party review of the plan set, he doesn't understand why the plan is more important than construction. He said if they want it built right, they should have a licensed engineer sign-off on it. He said he does not support it as it's written.

Mr. Austin said they have a third-party contractor that can be deployed. He said he needs to know if the Planning Board wants to pull the trigger on a project specific basis or do they want it in the regulations that all site inspections will be done by the town's third party engineer and all costs will be reimbursed by the applicant. He said that would be a simple fix.

Mr. Roseen said he would suggest a scale. He said he thinks there are a lot of projects that are simple, like house lots. He said large subdivisions or more complicated projects should be required to have a third-party inspection.

Mr. Houghton said he agrees with Mr. Roseen. He said he thinks it is important to have a process that will enforce that contractors build what is on the plan. He said with no disrespect to the current Code Enforcement Officer who does a great job, he thinks there is some merit to identifying certain thresholds where there is a third-party.

Mr. House said he agrees with what Mr. Roseen was saying with no disrespect to the

current Code Enforcement Officer. He thinks it needs to be taken more seriously as well.

Mr. Austin said when the town was between DPW directors, Whittaker extension was happening. The developer said he couldn't wait for the town to hire someone so he hired a third-party. The town worked with him and chose a third-party inspector. The road was built as it was shown on the plan.

Mr. Roseen said it is not about the current Code Enforcement Officer, it is about capacity. It is clear that New Hampshire has lean Government. The role of contractors is to provide a small municipality capacity in resources that they don't have. He said he works in a lot of small towns where they are lucky to have an engineer and if they do, they are very busy. He said he knows it is no different in Stratham. He said it is work load to resources.

Mr. Austin said he agrees. He said if the Code Enforcement Officer was on the call, he would probably agree with what they are saying.

#### **d. Discussion of June 17, 2020 Meeting**

Mr. Austin said there were no applications submitted for the June 17th meeting. He said it is possible that some version in person meetings may happen around July. He said if the Board has direction or thoughts for the next meeting. As Staff, he is comfortable to say if nothing comes in, they can postpone the meeting.

Mr. House asked the Board if there is anything they want to discuss at the June 17th meeting.

Mr. Roseen said he was wondering if it would be worthwhile to talk about the MS4 question that has come at a few of the meetings. He would like to discuss the approach the town is taking in terms of what they are looking at for the overall regulation. The approach they are looking at is a narrow MS4 definition instead of a broad definition. He thinks there is a misalignment from what they are hearing from Seacoast Stormwater Coalition versus what the intention is. He said he is worried the narrower approach may be a greater burden on the town in the future.

Mr. Moore said he invites that conversation. He said it may be most effective for Mr. Austin, Mr. Roseen and himself to have a workshop discussion. He said they could work on the side and report out.

Mr. House said he would like to talk about it in person and is looking forward to getting back into the town building.

Mr. Roseen said he thinks next meeting is reasonable.

Mr. Austin said he will add MS4 discussion to the June 17th meeting.

## **5. Adjournment**

Mr. House made a motion to adjourn the meeting at 8:40 PM and Mr. Houghton seconded it. Mr. Austin took roll call; Houghton, Aye; House, Aye; Roseen, Aye; Hollasch, Aye.

Note(s):

1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Planning Office at 603-772-7391.
2. The Planning Board reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.