



Stratham Zoning Board of Adjustment
Meeting Minutes
October 24, 2023
Stratham Municipal Center
Time: 7:00 pm

Members Present: Drew Pierce, Chair
Brent Eastwood, Vice Chair
Bruno Federico, Member
Frank MacMillan, Member
Jameson Paine, Member

Members Absent: Nicholas Garcia, Alternate

Staff Present: Mark Connors, Director of Planning and Community Development

1. Call to Order/Roll Call

Mr. Pierce called the meeting to order at 7:02 pm and took roll call.

2. Approval of Minutes

a. August 8, 2023

Mr. Pierce made a motion approve the August 8, 2023 meeting minutes. Mr. Eastwood seconded the motion. Mr. Pierce, Mr. Eastwood, and Mr. MacMillan voted in favor and Mr. Federico and Mr. Paine abstained. The motion was approved.

3. New Business:

a. Stratham Community Power Presentation by Paul Deschaine, Stratham Energy Commission

Mr. Deschaine began his presentation by introducing himself and Charlie Case as members of the Stratham Energy Commission. The Commission identified that presentations to each Town Board, Commission, and committee as a means of communication to the Town and its residents regarding the Community Power Initiative. Mr. Deschaine explained that on each electric bill there are two sections. The distribution section includes costs for Until supplying power including the trucks, lines, poles, people, etc. The distribution cost includes a margin for profit. The second section is the source section. Up until now there were only two options for power supply: Until's default rate or a third-party power supplier. Community Power offers a third option for the power source. The statute allows communities to aggregate all of their users into one buying block in order to get a lower supply cost. Stratham started invoking the statute about six months ago. There were a number of public hearings and a plan was developed and approved by the Select Board that was sent to the New Hampshire Public Utilities Commission for approval. The PUC approved Stratham's Plan. The final step is approval at Town

Meeting. The Commission recommended and the Select Board agreed that Stratham should choose the Community Power Coalition of New Hampshire which is a non-profit organization representing over 40 New Hampshire communities. That aggregated customer base of communities can buy power at hopefully a lower price. About 15 communities are currently in the plan including Exeter, Rye, Portsmouth, and Nashua. Their initial rate in May 2023 was 15 cents per kWh when Unitil's default rate was 25 to 26 cents per kWh. That rate lasted from May to August 1st. If Stratham had been able to participate in the May 2023 rate process, the average Stratham customer would have saved \$315 in the period of May through August. In August Unitil's rate came down, but CPC's rate was still lower by about 1 or 2 cents. It is expected in February 2024 the CPC's rate will still be lower than Unitil. If the plan is approved, Stratham will not implement the plan unless the CPC's rate is less than Unitil. There is no guarantee over the years that the rate will always be lower as it is a volatile market, but the history available shows it has been lower.

Mr. Case added that a few things that the Commission liked about CPC is that they are a non-profit whereas the other providers are for-profit and must make 10 to 15% profit. CPC is the largest supplier in New Hampshire other than the default suppliers of Liberty, Unitil, and Eversource. Additionally with CPC the member towns make the decisions. CPC is also pursuing the wholesale market. Mr. Deschaine added that the CPC offers packages that include renewal energy sources that the customer can pursue as well. Essentially it offers more choices to customers.

Mr. Case explained that regarding customers connected to solar, the Statute states that Unitil, Eversource, and Liberty have to provide the data for review and analysis but so far they have not. The belief is that if a user with solar generates less power than they use, then the program is a benefit. If they generate more than they use then that's a problem. Mr. Deschaine added that the users that generate more power will need to complete their own financial analysis.

Mr. Paine stated that he has solar panels and asked a question about how the default rate applies to him. Mr. Deschaine replied that 80 to 90% of the town is currently on the default rate. If the vote passes, in December or January each customer will get a letter explaining that the CPC will become default rate. If a customer has a third-party contract, then CPC will not interfere. The individual customer will need to review their contract terms and make their own decision. If a customer has net metering, they will not be automatically switched. Mr. Paine asked if the pricing is based on the 40 members or the 15 that are active. Mr. Case replied it is based on the 12 to 15 current members and they anticipate the rates will go down. Mr. Deschaine added that the CPC is waiting for the second wave of new members in February to negotiate new rates.

Mr. Federico asked for an explanation of the administration of the Coalition, it's a non-profit but there must be some costs. Mr. Deschaine replied that the costs are in the default rate. The plan is to have about five total employees by the end of the year. There are a lot of consultants that helped get started over the past few years. There is a Board of Directors and a CEO was recently hired from the New Hampshire Cooperative which is also a non-profit. Mr. Case added that there are four companies setting up community power in New Hampshire. The Energy Commission thoroughly researched them and determined that CPC is the best for Stratham. Mr. Federico asked if they have to report to the PUC. Mr. Case and Mr. Deschaine replied that there are some things that have to be reported, but they are not a utility. Mr. Federico asked what will happen to Unitil's default rate as their base dwindles. Mr. Deschaine replied Unitil has no interest, they only go for the default rate because they have to, and they get no remuneration from it.

Mr. MacMillan asked if there is more than one mandate for the goal of the program. For example, is

it cheaper rates, certain percentage of renewables, or is it a blended goal? Mr. Deschaine replied the plan lists about 10 to 12 goals, but the top goal is lowest cost. The Select Board is the authority that will make the decision to accept the Coalition's rate. Mr. MacMillan said the reason he asked the question is what if there is a Select Board member who is really into renewable energy and decides to support that cause with the power of the customers signed up for the program. Mr. Case replied that every town so far in the CPC has defined that there would be a number of options for the renewable percentages and his understanding is the Select Board will adopt all of the options so the customer can choose. Mr. Deschaine added that's outlined in the plan as well and the plan is clear that cost savings is the primary goal. Mr. Case added that customers can opt out of the program and opt in again at a later date.

24:55 Mr. Eastwood asked if it is one bill. Mr. Case and Mr. Deschaine replied yes.

25:05 Mr. Paine asked if meters would need to be changed. Mr. Case replied no.

Mr. Pierce asked if the CPC is based in New Hampshire. Mr. Deschaine replied yes. Mr. Pierce stated he has a third party and it can be difficult to get out of the contracts. He asked if there is a way for residents to monitor the rate without waiting for the bill. Mr. Case replied they will know the rates by the end of December.

26:55 Mr. Paine asked if the rates could be posted on the Commission's page on the Town's website. Mr. Case and Mr. Deschaine replied yes.

27:30 Mr. Pierce asked if this doesn't get implemented, can residents choose CPC as a provider on their own. Mr. Case and Mr. Deschaine replied no.

Mr. Federico asked if there has been any opposition to date. Mr. Deschaine replied the only comments they have heard is that government should not be involved in private sector and they have also heard concerns with the net metering issue.

Mr. Deschaine encouraged members to support and attend the Town Meeting.

31:45 Mr. Paine asked if this affects commercial properties. Mr. Deschaine replied they are allowed to join and the website lists a breakdown of different accounts – residential, industrial/commercial, and public.

Mr. Pierce asked if the Town could potentially save money on the public buildings. Mr. Case replied not necessarily as the Town is paying only 9 cents per kWh on the police station with its solar and in a year or two they will buy it out at a very low rate and the electricity will be free. The Town will be careful as to which buildings join.

b. Potential amendments to the Board of Adjustment Rules of Procedure.

Mr. Connors provided to the Board some proposed edits to the Board's Rules of Procedure. The document outlines how the Board operates and is a public document so it is important to regularly update the document to insure the processes followed are reflected in the rules. The Board can approve changes through a regular meeting vote. However, the Rules of Procedure cannot be changed until the changes have been reviewed at two meetings and tonight is the first discussion. Changes include:

- Removing the Secretary position as Town staff essentially provide that function;

- An addition to the section on quorum that offers Applicants the option to postpone public hearings if a full board is not present. Mr. Pierce requested clarification on the postponement language. Mr. Connors replied that if a meeting is postponed, the Town cannot guarantee that there will be five members at the next meeting. Mr. Eastwood asked for clarification if at the next meeting there are only three members can they postpone again. Mr. Connors replied it is up to the Board if there can be another postponement and that the Town is only guaranteeing one postponement. Mr. MacMillan stated that the proposed language could be interpreted to mean there are unlimited postponements, but only one is guaranteed. Mr. Connors will remove the term “at least” in the last sentence.
- Housekeeping changes to the Order of Business, the meeting schedule, and minimum number of meetings;
- Ensuring that applications involving wetlands, the Shoreland Protection District; or a vegetated non-disturbance buffer area are submitted first to the Conservation Commission for an advisory opinion;
- Application submission deadlines in order to meet newspaper deadlines;
- Adding language from the Statute regarding the posting of public notices;
- Adding regular first class mailings for public notification. Mr. Pierce voiced a concern with multiple notices. Mr. Connors explained that the Town has received complaints from residents not receiving certified mail timely particularly when they were on vacation. Mr. Federico added that many people are hesitant to open certified mail, but will open regular mail. Mr. MacMillan stated he likes the requirement because there is case law stating that a first class letter is presumed as received and he supports the change. Mr. Pierce reviewed that the notice is posted in the newspaper, at Town Hall, and sent by certified mail, and that the Town is proposing an additional method. He asked who is preparing the notices. Mr. Connors replied the Town is but the Applicant pays the cost and provides the mailing labels. Mr. Pierce noted that doubles the workload for town staff. Mr. Connors added that it is an extra step but because it is being done already for the certified mail, it’s not a significant amount of work. Mr. Pierce added he doesn’t believe this is done in other parts of the state. Mr. Connors agreed that is probably the case. Mr. Pierce believes this is an added burden on the Applicant. Mr. MacMillan suggested this could protect the Applicant from objection by an abutter who claims they never received the certified mail. Mr. Pierce replied that he doesn’t think that it is the Applicant’s responsibility to ensure that certified mail is picked up by the recipient. Mr. Connors stated that certified mail is required and the regular mail proposal is for convenience. He thinks it is more work for the Town rather than the Applicant as they only need to supply an extra set of labels and pay the additional fee. Mr. Pierce asked who copies plans and puts the packages together. Mr. Connors replied the abutter notice is just a letter stating to contact the Town for more information. Mr. Pierce replied then he is okay with the addition. He thought the mailing included the entire package. Mr. Pierce asked for confirmation that the Planning Board has already implemented this. Mr. Connors replied yes.
- Housekeeping edits to the public hearing process;
- Authority for the Board to call upon technical experts for an independent opinion at the cost of the Applicant;
- Housekeeping edits to the records process and adding the availability of meeting audio recordings for 90 days.
- Amendments to the process and requirements for holding joint meetings with other boards

The Board was in agreement with the changes. **Mr. MacMillan made a motion to approve the changes to the rules of procedure as discussed at this meeting. Mr. Federico seconded the motion. All voted in favor and the motion was approved.**

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192 c. Consideration of 2024 Meeting Schedule.
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194 Mr. Connors presented two proposed meeting schedules for 2024 with either one or two meetings per
195 month. He noted that there have not been a lot of applications to warrant meeting twice per month.
196 Mr. MacMillan indicated he preferred the one meeting a month schedule and the Board was in
197 agreement.
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199 **Mr. MacMillan made a motion to approve the proposed schedule with one meeting per month.**
200 **Mr. Paine seconded the motion. All voted in favor and the meeting was adjourned.**
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202 **5. Adjournment**
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204 **Mr. Eastwood announced that the meeting adjourned at 8:01 pm.**