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5 **Joint Stratham Planning Board and Zoning Board of Adjustment**
6 **Meeting Minutes**
7 **October 7, 2015**
8 **Municipal Center**
9 10 Bunker Hill Avenue
10 Time: 7:00 PM
11

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13 **Members Present: Planning Board:**
14 Mike Houghton, Chairman
15 Bob Baskerville, Vice Chairman
16 Dave Canada, Selectmen's Representative
17 Jamie Paine, Member
18 Tom House, Member
19 Christopher Merrick, Alternate
20 Nancy Ober, Alternate
21

22 **Members Present: Zoning Board of Adjustment**
23 Arol Charbonneau, Chairman
24 Bruno Federico, Selectmen's Representative
25 Garrett Dolan, Vice Chairman
26 Chris Brett, Member
27 Phil Caparso, Alternate
28 Deidre Lawrence, Alternate
29

30 **Members Absent:** Jim Elliott, Member
31 Chris Cavarretta, Member
32

33 **Staff Present:** Lincoln Daley, Town Planner
34

35 **1. Call to Order/Roll Call.**

36 Mr. Houghton took roll call.
37

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

39 a. September 16, 2015

40 Mr. Paine made a motion to accept the minutes as presented. Motion seconded by Mr.
41 House. Motion passed unanimously by the Planning Board.

1 Mr. Dolan made a motion to approve the minutes as presented for the September 16th
2 meeting. Motion seconded by Mr. Brett. Motion carried unanimously by the Zoning
3 Board of Adjustment.

4 **2. Public Hearing(s).**

5 a. *Planning Board Meeting*

6 **Cabernet Builders, P.O. Box 291, Stratham, NH 03885 for the property located at**
7 **109 High Street, Tax Map 19 Lot 44.** Subdivision Application to construct a 9-Lot
8 conventional subdivision.

9 Mr. House recused himself as an abutter to the project. Mr. Houghton asked Mr. Merrick
10 to be a full voting member in his place for this application. Mr. Merrick agreed.

11 Mr. Scott Gove, Civil Engineer introduced himself and the developer Mr. Tim Mason.
12 He updated the Board that they submitted the plans to the Town's engineer who
13 responded with their review which they have in turn responded to. The Town's engineer
14 sent another letter dated September 30 with their sign off and recommendation for
15 approval. In addition the NHDES has reviewed the plans and granted a State subdivision
16 permit. The Town's Road Agent has reviewed and approved the plans as well as
17 recommending the requested road waivers. Mr. Gove continued that he hopes the Board
18 now finds the plan acceptable for approval and is ready to act on 3 waiver requests. He
19 added they are willing to schedule a site walk if the Board feels it is necessary.

20 Mr. Daley said he felt the application was complete.

21 Mr. Baskerville made a motion to accept the application as complete. Motion seconded
22 by Mr. Paine. Motion carried unanimously.

23 Mr. Houghton asked Mr. Gove to talk about the waivers and the rationale behind the
24 requests. Mr. Gove said there is one for the perimeter boundary survey; they will work
25 with Mr. Daley to put as much information on the plans as possible without having to
26 survey the abutters' properties to avoid trespassing. The other waivers concern road
27 design; one with road width, reducing it from the required 24' to 22'. This has been
28 reviewed by the Road Agent who recommends the waiver. The second road waiver
29 concerns the grade in a bulb of a cul-de-sac. In this case the bulb is located in a 100'
30 easement belonging to Eversource Utility Company who have requested they maintain
31 the current grade as much as possible, which means there will be roughly a 6% grade
32 only on the curvature of the bulb. The rest remains at about 2%. The Town's Engineer
33 and Road Agent have reviewed that and recommended approval.

34 Mr. Paine said last time Mr. Mason had talked about contacting the abutter across the
35 street who could be affected by headlight glare and asked if there had been any progress.
36 Mr. Gove said Mr. Mason had met with the abutter and Mr. Short from Stratham Nursery
37 to look at what kind of vegetation could go there so there is ongoing communication, but
38 nothing has been finalized at this point.

39 Mr. Houghton asked the public for their comments concerning the waiver requests.

40 Mr. Jeffrey Wilson, abutter 109 Willowbrook Avenue spoke concerning the first waiver.
41 He has no problem with surveyors going on his property and encouraged the Board to
42 allow it. Mr. Baskerville clarified the waiver is only for properties or structures within

1 200' of the project itself. Mr. Daley said he could provide G.I.S. information which will
2 show the footprint of the existing structures that surround this property. G.I.S. is pretty
3 accurate. Mr. Merrick suggested contacting the abutter it affects and they can decide if
4 they want somebody on their property.

5 Mr. Canada said it brings up the issue of need versus cost. Mr. Merrick asked how many
6 abutters this would refer to. Mr. Gove said they have taken Mr. Daley's advice and used
7 Google Earth; that information is reflected on the plans. Mr. Baskerville asked Mr. Daley
8 if he felt it would meet the intent of the waiver if the applicant provided aerial
9 photography. Mr. Daley felt it would meet the intent. Due to this, the Board agreed a
10 waiver was not necessary.

11 Mr. Baskerville confirmed the Road Agent was comfortable with a 22' road width. Mr.
12 Daley confirmed affirmatively.

13 Mr. Baskerville made a motion to approve the waiver for a 22' width road where a 24'
14 width is required. Motion seconded by Mr. Merrick. Motion carried unanimously.

15 Mr. Baskerville asked about the site walk and said he would like to do that before voting
16 on the remaining waiver concerning the grade. Mr. Paine asked if the applicant had
17 considered the clearance from the road to the power lines with the proposed road going
18 through there. Mr. Gove said it is currently under review by Eversource.

19 Mr. Daley suggested October 14 for a site walk so the Conservation Commission can
20 attend also as there are wetlands on the property.

21 Mr. Baskerville made a motion to do a site walk of this property at 5:00 pm on Thursday,
22 October 15. Motion seconded by Mr. Paine. Motion carried unanimously.

23 Mr. Paine made a motion to continue the Cabernet Builders project until October 21,
24 2015. Motion seconded by Mr. Merrick. Motion carried unanimously.

25 Mr. Jeff Wilson, abutter asked if the process was a charade and a rubber stamp exercise
26 because he doesn't understand how the applicant can begin construction work before the
27 Board even accepted the application.

28 Mr. Tim Mason, Cabernet Builders explained that they are putting in a temporary
29 driveway because the Road Agent has asked them to stay off of High Street with the
30 equipment. They are preparing for the tree cutters; he has spoken to the Road Agent and
31 they need to combine 2 driveways into one. Per the ordinance, they are permitted to do
32 these things.

33 Mr. Wilson accused Mr. Mason of lying and said he had photo evidence. Mr. Houghton
34 said that activity should not be taking place. Mr. Mason said they are getting set up for
35 logging the property because of the time line and anyone can do logging. They have to
36 get the tractor trailers in there for the chipping and they can't use High Street in case they
37 damage it so it makes sense to use where the road will be going through.

38 Mr. Paine asked if they were required to file any permits for the cutting. Mr. Mason said
39 once they start the cutting, they will need an Intent to Cut permit, but they haven't started
40 cutting yet. Mr. Paine asked if he had considered impacts to wetlands. Mr. Mason said
41 they were not impacting any wetlands. Mr. Paine asked how long the access road was
42 going to be. Mr. Mason said about 100'. Mr. Paine asked if a staging area for logs and

1 chips had been created also. Mr. Mason said it's their intention to do logging this Fall.
2 Mr. Daley said they might want to postpone it until the approval has been granted to
3 construct the roadway for a subdivision.

4 Mr. Canada pointed out that Mr. Mason can do this at his own risk and it will be wasted
5 money if this doesn't get approved.

6 Mr. Wilson said if they are worried about High Street, why are large vehicles driving one
7 and a half miles down High Street from Winnicutt and then turning onto Willowbrook
8 Avenue.

9 Ms. Maher, abutter asked that the builder be sensitive to the trees between the abutters
10 and new development. Mr. Merrick said they would look at the buffer of trees on the site
11 walk.

12 **b. *Joint Planning Board and Zoning Board of Adjustment Meeting***

13 **Verizon Wireless, represented by McLane Law Firm, 900 Elm Street, Manchester,**
14 **NH 03101 for the property located at 28 Bunker Hill Avenue, Tax Map 9 Lot 51.**
15 Conditional Use Permit application, Site Plan Review Application, and Special
16 Exception Permit application pursuant to Sections 19.4.2 and 19.7 of the Stratham
17 Zoning Ordinance to construct a 90' tall monopole wireless service facility, associated
18 antennas and cabling, and installation of ground based telecommunications equipment
19 and fencing. (*Request for Continuance to October 7, 2015*)

20 Mr. Houghton informed everybody that Mr. House had rejoined the Board and thanked
21 Mr. Merrick for his input.

22 Mr. Houghton handed over the proceedings to the Zoning Board.

23 Mr. Charbonneau, ZBA Chairman explained the procedure.

24 Mr. Tom Hildreth, McLane Law and representative for Verizon Wireless took the floor.
25 He introduced Chip Fredette, Matt Tilburn, Keith Vallente, and Don Hayes.

26 Since the last meeting on August 19, they have submitted a stormwater report; he
27 commented there will be a slight increase in impervious area caused by the gravel
28 compound and driveway which will result in a minimum increase in volume and
29 discharge in the existing conditions. Due to this minimal change and the site is near the
30 high point of the relevant water shed, the resulting volumes and discharges are
31 insufficient to affect the proposed compound or the surrounding drainage conditions.
32 However, the applicant would be prepared to implement any erosion control measures or
33 slope stabilization the Town may request.

34 They submitted also a lengthy property valuation document by an appraiser Drew LeMay
35 which concluded that the proposed tower will have no measurable impact on surrounding
36 property values.

37 Updated zoning drawings have been provided that largely addressed some technical
38 issues pointed out by Mr. Daley. They have added the dimensions of the mono pine to
39 the plan if that is the preference instead of a mono pole. A supplemental affidavit
40 prepared by Keith Vallente has been submitted as requested by the Board to show how

1 this compares with the FCC maximum permissible exposure. This affidavit shows this
2 tower will be under 20% of that.

3 They have plotted the 2 existing towers in the Town of Stratham onto a zoning map and
4 showed them relevant to the site Verizon Wireless wishes to use. They were asked to
5 evaluate other sites for the needs they are trying to fill with this application. Mr.
6 Vallente's earlier modelling had already incorporated the Varsity Wireless tower where
7 they are now co located into the existing conditions. The tower on Long Hill is not a
8 substitute for the tower on Bunker Hill because it is too close to the Varsity Wireless
9 tower and would provide largely redundant coverage, and too far from the Bunker Hill
10 site.

11 Mr. Hildreth stressed that he is under a duty of candor in his profession so has to tell the
12 Board things that are true and substantiated to the best of his knowledge. He referred to
13 a couple of issues raised at the last meeting where he felt he may not have been believed.
14 One of those issues concerned E911 and the fact a substantial amount of emergency calls
15 are made from wireless phones. Tonight, he brought evidence of the fact which he gave
16 to the Board. Mr. Hildreth had brought a report also confirming his statement last time
17 of how many houses were now wireless only. He added not only are wireless homes
18 growing, but home buyers increasingly look for a reliable wireless signal as part of that
19 process, and cited an article from Money Magazine to back this up. He said he had asked
20 the assessor for Stratham if any property owner had ever filed an abatement for property
21 taxes due to their property values being reduced by living in the proximity of either of
22 the 2 existing towers. He was told nobody had. He then quoted a case concerning an
23 U.S. Cellular cell tower which was not approved by a Zoning Board because a statement
24 was provided by an abutter from a realtor that it affected property values, as well as
25 logical testimonies from other abutters. It was then taken up with the U.S. District Court
26 for New Hampshire who overturned the denial due to other data suggesting otherwise.

27 Mr. Hildreth said that Mr. Daley had asked about noise from the equipment. Mr. Hildreth
28 said the noise is similar to an A/C window unit in a home and they will be using a 30
29 KW generator which will be in a shelter. The noise from that size generator is 70 decibels
30 at 23' for an outside generator, so the actual level of decibels will be considerably less
31 for one inside a shelter. The generator is programmed to exercise itself for 20 minutes
32 a week at a day and time that can be set.

33 Mr. Hildreth reminded everybody of the 1996 Telecommunications Act which states
34 when an applicant proves that their installation complies with FCC limits on RF
35 emissions, the regulating authority has no power to regulate or make an adverse decision
36 on claims to the contrary.

37 Mr. Hildreth said the Town regulations state that if you have a mono pine, a 10 acre site
38 is required, but this site is only a couple of acres. He has requested a waiver for this
39 regulation.

40 Mr. Hildreth discussed the issue of access to the site next and reminded everybody that
41 at the last meeting this was an issue because the driveway of Mr. and Mrs. Foss would
42 have to be used. The easement language for that driveway is worded so that the Foss's
43 driveway may be used for access to the future water tower, and to the single family
44 property that exists there. Mr. and Mrs. Foss have the right to veto use for anything else.

1 Mr. Hildreth said the Town is the beneficiary of a second easement which is 50' wide, it
2 runs immediately parallel to the existing driveway. They have submitted an application
3 to the D.O.T. for a curb cut off of Bunker Hill Avenue to have a driveway which would
4 just serve the Town's site and just for the Tower. It would be a gated access and based
5 on conversations with the D.O.T., they are optimistic it will be approved. He suggested
6 that a condition be added to the approval stating that there be a definitive, satisfactory
7 resolution of the access issue. He informed the Board that the Foss's recourse is to go to
8 the Superior Court, seek a declaratory judgement that that was not what the easement
9 deed intended.

10 Utilities for the site were discussed next. Mr. Hildreth said they have the ability to bring
11 them in up the 30' wide water easement which the Town holds. They don't know yet if
12 that easement would allow them to bring non-water utilities up that road so if they can't,
13 they plan to use the source that serves the house that is there today.

14 Mr. Hildreth ran though the Town Planner's review. He said they would visit the site
15 once or twice a month just to check the equipment and make sure it is operating as it
16 should. The sequence of construction will be similar to building a single family house
17 time wise and vehicle trips. There will be considerably less materials and equipment to
18 the site, although when the tower itself is constructed, it will be delivered in 20' sections.

19 Mr. Don Hayes, radiation safety specialist took the floor next. He said he was there as
20 an independent consultant and had been working in the field of radiation safety for almost
21 30 years. He explained he was asked by Verizon Wireless to review the report produced
22 by Keith Vallente concerning the potential for exposure to RF fields. He said when you
23 look at that, you have to look into 2 different fields; firstly is the site licensed by the FCC,
24 if it is, they have to go by the FCC guidelines for human exposure. If it is not a licensed
25 FCC site then there are different categories to use for exposure.

26 Mr. Hayes said he has looked at many reports and looks for 3 different things: did they
27 use the proper parameters, the proper methodology and they did they make the proper
28 assumptions. If those 3 things are all in line with each other, then you will have the
29 proper conclusion. He found everything to be correct in Mr. Vallente's report and agreed
30 with the conclusion that the site would in fact comply with the FCC guidelines for public
31 exposure. He added that using a cell phone exposes a person to 20 times more energy
32 than the cell tower.

33 Mr. Keith Vallente spoke next. He said they were asked to look at 2 other sites for the
34 cell tower, one being the land fill site which is located about 1.5 miles to the east of the
35 proposed site. He showed a slide that shows the composite coverage of surrounding
36 existing Verizon facilities along with a hypothetical site at the land fill location. The map
37 showed how it would not provide any improvement to the area they wish to cover. The
38 other site is the existing Long Hill Road tower located about 2 miles from the proposed
39 site and less than a mile from the existing Verizon facility on the Varsity Wireless tower.
40 He showed another slide which showed that site didn't improve service either.

41 Mr. Hildreth addressed the criteria for the special exception application

42 He said there is no hazard to the public or adjacent property on account of potential fire,
43 explosion, or release of toxic materials

1 There is no detriment to property values in the vicinity which he said they have shown in
2 a number of different ways.

3 There is no creation of a traffic safety hazard or a substantial increase in the level of
4 traffic congestion in the vicinity with only 2 site visits a month.

5 He continued that there is no excessive demand on municipal services, including, but not
6 limited to, water, sewer, waste disposal, police and fire protection, and schools and there
7 will be no significant increase of storm water runoff onto adjacent property or streets.

8 Mr. Caparso asked Mr. Hildreth to talk though the access problem again. He asked who
9 would give Verizon the authority to build an access point using the Town's easement.
10 Mr. Hildreth said it would come from D.O.T. and the Town. Mr. Caparso asked how
11 soon they envisage receiving D.O.T. approval. Mr. Hildreth said it would be imminent
12 as the paperwork has already been submitted.

13 Mr. Karon, attorney for Mr. and Mrs. Foss took the floor. He reminded those present
14 that Mr. and Mrs. Foss have the right to not allow anyone to use their driveway apart
15 from the Town for the future water tower and the residents living in the house near where
16 the Verizon tower will be located. He said that D.O.T. wanted the Town to relinquish
17 the easement being referred to as an alternative driveway for Verizon because the
18 Bittersweet subdivision was coming in. The Town at the time said it would never be
19 used because it's too expensive to build a driveway. He wondered how construction
20 vehicles would get up to the site of the tower using the Town's easement without going
21 across the Foss's driveway. The deed for the Foss's driveway only allows the use of
22 construction vehicles for the water tower. He wondered if the association for Bittersweet
23 had been contacted about the land they own underlying the abandoned easement; the
24 Town could convey that land to the association in exchange for giving to the Town the
25 right to go down their side. Mr. Karon said it had been suggested that the residential
26 property be razed so the amount of traffic would lessen on Mr. and Mrs. Foss's driveway.

27 Mr. Karon said another alternative is the filing, in the short term, of a petition for
28 declaratory judgement and a contract action against the Town. If the Town wants to
29 create a driveway parallel to the existing driveway, then there is no alternative to filing a
30 declaratory judgement which he is fine with. He hopes the Town chooses to talk to the
31 association.

32 Mr. Caparso thanked Mr. Karon and asked if he had any issues with the special exception
33 part of the application. Mr. Karon said they didn't have any issues.

34 Mr. Boye, abutter talked about property values. He said they have a realtor who lives on
35 Bittersweet Lane who says she believes the values of the homes will be negatively
36 impacted. He wanted to remind everybody that they live where the tower will be located
37 24/7 unlike those presenting. He read the mission statement for the Planning Board from
38 the Town website.

39 Mr. Charbonneau reminded everybody that the Zoning Board was ruling on the special
40 exception part of the application so the access issue would not be ruled on by them.

41 Ms. Yalcinkaya, abutter said the 103 page report from Drew LeMay refers to existing
42 towers, not when a tower is built after the fact. She did her own analysis and the property

1 values had decreased as a result of a cell tower being built which translates into a loss of
2 property taxes for the Town also.

3 Mr. Ciccanesi, abutter said he doesn't believe that people are against better cell coverage;
4 the real issue is that everybody has spent a ton of money building houses in the
5 neighborhood so there is a concern about property values and radio frequency. He
6 pointed out that Verizon were denied 3 years ago so he would like to know what has
7 changed. He referred to the common area owned by the association and the fact the trails
8 go by where the site will be and said that area is bordering the free area as an association.
9 The safety factor of children and the community going up to the area to just hang out and
10 play hasn't been discussed.

11 Mr. Matoglu, abutter thanked the applicant for bringing the technical people. He said he
12 wanted to point out that the antennas for the tower will be 30 KW and not 100W. He
13 talked about the effect of radiation on animals and said they have a kid and a new born
14 so he is concerned.

15 Mr. Deschaine, Town Administrator said it was all well and good giving the history
16 relating to the Makris development, but the full story hadn't been shared. He explained
17 that what D.O.T. really wanted back then was to consolidate the Hutton driveway, the
18 unused Town's right of way, the Foss's right of way, and have them all connect to the
19 new Bittersweet Road. This was opposed by all concerned for a variety of reasons. The
20 whole issue revolves around the term "intensification of use". The Town doesn't believe
21 this cell tower application would be an intensification of use and if the Foss's easement
22 could be used it would take away the 50' right of way on the Town's easement and the
23 absurdity of having 2 driveways running parallel to each other. At the time the Town
24 stated they wouldn't use the easement because that is what it thought at the time; they
25 couldn't predict the future. The Town can only convey what is written under the deed
26 for the right of way, and the idea of razing the residence has never been presented as an
27 option so he cannot comment on that.

28 Ms. Ciccanesi said the last time she attended the meeting, Mr. Deschaine mentioned a
29 time frame; she asked how many days were left before a decision had to be made. Mr.
30 Daley said the Board has to make a decision by December 30, 2015. She asked if the
31 Verizon Wireless antenna co-located on the Varsity Wireless tower had been switched
32 on yet. The applicant said it had been switched on. She asked if their analysis had been
33 done once that antenna was switched on. The applicant said it hadn't. Ms. Ciccanesi
34 asked if they would do another analysis now that it was switched on. She was told it
35 wasn't the typical thing to do.

36 Attorney Hildreth said the issues being argued by Attorney Karon and Mr. Deschaine are
37 the issues that will be before the Super Court for a declaratory judgement action. He has
38 no ability to speak to what Mr. Deschaine said as he wasn't present or involved back in
39 2012/2013. He continued that in terms of the width of the access drive for construction
40 vehicles; they have had some very challenging access sites in New England, but they do
41 what they have to do to get the job done. It is also not uncommon to have 2 parallel
42 driveways in a residential neighborhood.

43 Mr. Hildreth addressed the issue of safety and children. Verizon Wireless has sites in all
44 kinds of places where kids play and congregate. The site is protected by a fence and

1 locked gate, and the pole has anti-climbing features. He added that the 103 page realtor
2 document doesn't cover just properties where a tower already exists.

3 Mr. Charbonneau asked what the applicant will do if the Planning Board doesn't grant
4 the waiver for the minimum requirement of 10 acres. Mr. Hildreth said they have
5 prepared for both a monopole and mono-pole so it is the Planning Board's choice.

6 Ms. Lawrence asked if Verizon would be willing to add another element to their
7 compound to prevent children entering. Mr. Hildreth said they would do whatever the
8 Town requires. Mr. Daley asked Ms. Lawrence if a stockade fence was her preference.
9 Ms. Lawrence said as opposed to a chain link; yes.

10 Mr. Ciccanesi asked if the Town would have to put up signs everywhere saying do not
11 go up the hill or near the cell tower. Mr. Hildreth said the Town should not have to do
12 that and that there will be a sign on the gate showing their FCC license number and giving
13 a number for people to call if they want information.

14 Mr. Boye asked the Board if this application was rejected 3 years ago why are they here
15 again. Mr. Daley said it was brought before the Town for vote because it required a lease
16 agreement between the Town and the applicant. It was turned down at the Town meeting
17 in 2007. This application is to look at the site plan and use itself, and it will need to go
18 before the Town for vote again to grant the lease agreement. Mr. Hildreth said that
19 whatever application that was, it wasn't this site, tower or application. Each application
20 is judged on its own merit.

21 Ms. Cassi, resident Bunker Hill Avenue said the issue of co-location of other cell
22 providers on this tower hasn't been discussed this evening and the extra maintenance
23 checks and traffic that will add. She hopes the people doing the maintenance are
24 responsible and will lock the gate and shelters after they are finished. Mr. Hildreth said
25 any companies wishing to co-locate are on their own in terms of getting permits and
26 authorization.

27 Mr. Hildreth said that he and Mr. Karon seem to have a different recollection about use
28 of the water pipes easement. He remembered that the Foss's would get in touch with the
29 Homeowners Association to see if that was possible. It is not Verizon's proposal to use
30 that as a way to get utilities to the site.

31 Mr. Brett asked how many additional carriers could be accommodated on the pole. Mr.
32 Hildreth explained it depends on the coverage requirements for each individual carrier.
33 Some could go below the 90' level or higher than 90'.

34 A resident asked how additional carriers would affect the radio frequency levels. Mr.
35 Fredette said they were asked that question last time and the answer was 17% of the
36 maximum permissible level for 3 additional carriers plus Verizon Wireless, so 4 total.
37 She asked what it would be if there were a total of 6 antennas. Mr. Fredette said it would
38 be slightly more than 17%.

39 Ms. Yalcinkaya said that the evaluation of property prices document doesn't compare the
40 value before and after a cell tower is built, just proposed and existing.

41 Mr. Caparso made a motion to close the public session. Motion seconded by Ms.
42 Lawrence. Motion carried unanimously.

1 The Zoning Board ran through the criteria under Section 19.4.2.

2 Additional requirements, which shall be included in any consideration of the location of
3 any facility, shall include the following:

- 4 1. Shall be of an “Alternative” type tower structure as defined in the ordinance. Flag,
5 light, or other flush mounted monopole types are recommended for location with any
6 existing or proposed uses.

7 All the members agreed this condition was met.

- 8 2. Shall be located as part of an existing municipal, office, commercial, industrial or
9 multi-family development which may include residential condominium
10 developments or,

11 The Board agreed the applicant satisfied this condition

- 12 3. All facilities constructed as a camouflaged tree, shall be located on a parcel, which is
13 no less than 10 acres, buffered by and integrated into the surrounding forest scape,
14 and has a forest management plan which shall provide for the long term protection of
15 any forest buffers of the facility and associated structures.

16 Mr. Dolan said the applicant meets this condition; if they get the waiver they can have
17 a mono pine, if not they will still be able to have a monopole.

- 18 4. All tower facilities and supporting structures shall be of a type and design to blend
19 into the primary use of the site. It shall be the Planning Board’s responsibility to
20 review the architectural design of any and all supporting structures to ensure
21 compatibility with surrounding properties.

22 The Board said they have seen pictures of the supporting structures and felt the
23 applicant meets this condition.

24 Next the Board turned to the criteria for a special exception:

- 25 i. Standards provided by this Ordinance for the particular use permitted by special
26 exception;

27 All the members agreed the applicant met the standards for a special exception.

- 28 ii. No hazard to the public or adjacent property on account of potential fire,
29 explosion, or release of toxic materials;

30 Ms. Lawrence commented that due to the 1996 law, they have to allow this. Mr.
31 Brett said this is referring to 3 specific things and he doesn’t think there is a
32 problem with any of these. Mr. Caparso added he didn’t believe there was any
33 presence of any of these potentials.

- 34 iii. No detriment to property values in the vicinity or change in the essential
35 characteristics of a residential neighborhood on account of the location or scale
36 of buildings and other structures, parking area, access ways, odor, smoke, gas,
37 dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage
38 of equipment, vehicles or other materials;

39 Mr. Caparso talked about radiation and the use of the 1996 Telecommunications
40 act stating he felt the radiation issue has now been addressed which the Board

1 agreed with. Ms. Lawrence said the noise issue is addressed in terms of the
2 generator operation;

3 Ms. Lawrence said the report was done by a licensed appraiser. Mr. Charbonneau
4 said the report is very detailed. Mr. Federico added there are several one million
5 dollar homes within 200' of the Long Hill cell tower. Mr. Brett said that due to
6 the location of the tower you can only see it from the Routes 33 and 108 and he
7 doesn't think it's any more objectionable than having power lines. Mr. Caparso
8 said there has been no conclusive evidence presented that property values in town
9 have been affected by the existence of towers. Everybody agreed there would be
10 no detriment to property values.

- 11 iv. No creation of a traffic safety hazard or a substantial increase in the level of traffic
12 congestion in the vicinity;

13 Mr. Caparso would like to hear both sides of the argument. This wasn't raised as
14 an issue. Mr. Charbonneau said once the construction phase is past, there may be
15 1 or 2 trucks a month. Mr. Brett and Dolan agreed there wouldn't be a hazard
16 due to so few vehicles visiting the site. Ms. Lawrence said if there are other
17 carriers sharing the tower then maybe there will be 6 trucks a month. Mr. Brett
18 asked if they could add a condition that the tower mustn't exceed 90'. Ms.
19 Lawrence said she didn't think they could do that. Mr. Daley agreed.

- 20 v. No excessive demand on municipal services, including, but not limited to, water,
21 sewer, waste disposal, police and fire protection, and schools;

22 Mr. Caparso said he sees this has an enhancement by providing more cell cover
23 in Town including 911. Mr. Federico said this would eliminate the problem of
24 dead spots on this side of Stratham. Mr. Charbonneau, Dolan and Brett agreed
25 there was no excessive demands.

- 26 vi. No significant increase of storm water runoff onto adjacent property or streets

27 A storm water plan was provided and the members couldn't see any issues and
28 there was no opposition. All members agreed that there wouldn't be any
29 significant increase of storm water runoff.

30 Mr. Charbonneau asked the Board if they could see any other issues. Mr. Dolan said the
31 only issue was this being conditional upon the Planning Board granting the waiver for
32 the 10 acres mono pine requirement and the D.O.T. approval for the right of way.

33 Mr. Daley said there was some discussion about the type of fencing earlier and this is
34 one of the special criteria the Zoning Board can look at in accordance with Section
35 17.8.2.d.

36 Ms. Lawrence said she felt they had an obligation to address the security concern.

37 Mr. Dolan made a motion to grant the special exception with the following conditions:

- 38 1. They are granted legal access to the site
39 2. They provide security fencing by erecting an 8' stockade fence.
40 3. Noise abatement from generator exercised will be exercised at midday and midweek.

1 Motion seconded by Mr. Caparso. Motion carried unanimously.

2 Mr. Charbonneau made everybody aware there was a 30 day appeal period.

3 Mr. Caparso made a motion to close the hearing. Motion seconded by Ms. Lawrence.
4 Motion carried unanimously. Mr. Dolan noted it was 10:41 pm.

5 Mr. Houghton said as they have another application to hear he suggested continuing the
6 Verizon Wireless application until the next Planning Board meeting.

7 Mr. Baskerville made a motion to continue the hearing until October 21, 2015. Motion
8 seconded by Mr. House. Motion carried unanimously.

9 ***a. Planning Board Meeting***

10 **Rollins Hill Development, LLC. P.O. Box 432, Stratham, NH for the property**
11 **located at 20 Rollins Farm Drive, Stratham, NH, Tax Map 3 Lot 24, Tax Map 3 Lot**
12 **7, and Town of North Hampton, NH Tax Map 15 Lot 24.** Subdivision Application to
13 construct a 43-lot, over 55 Retirement Planned Community Development. (*Request for*
14 *Continuance to October 7, 2015*)

15 Mark Stevens, applicant, shared some minor lot line changes with the Board. Mr. Paine
16 asked how close to wetlands these changes would be. Mr. Stevens said over 100' and
17 they're not near the vernal pools. Mr. Paine asked if he had shared this with the
18 Conservation Committee. Mr. Stevens said he hadn't.

19 Mr. Rob Graham informed Mr. Stevens that at one of the workshops they wanted to make
20 sure there was an upland connectivity around the edge of the wetland and there was a
21 goal to tighten everything as much as possible, with the caveat that septic designs would
22 be done for the affected lots to make sure they could work. He explained that the reserve
23 area and driveway are too close to each other so rather than push the lot back and take
24 from the open space, they have changed the lot so that there is still the upland connectivity
25 and the wetland is preserved.

26 Mr. Canada asked what the significance was of moving that lot. Mr. Graham said a
27 heated driveway will no longer be required and there won't be the fertilizer restriction.
28 Mr. Canada asked if they were confident this would no longer be considered in the vernal
29 pool area. Mr. Graham said he had shared this new design with Mr. Jim Gove who
30 confirmed that it wasn't.

31 Mr. Houghton asked if they were at the point where they have the septic designs and lay
32 out. Mr. Graham said preliminarily. Mr. Stevens said they know where they are going
33 to go and how they are going to go. Mr. Baskerville reminded the applicant that they
34 needed to provide not just the septic designs, but how they are doing erosion control also.
35 Mr. Baskerville said he felt this slight change wasn't an issue as the critters will still have
36 plenty of room to get around the property.

37 Mr. Stevens shared part of their inspections protocol which he said would be a work in
38 progress until the development is completely built. This will be part of the
39 documentation for the declaration and the management plan.

1 Mr. Daley asked if the as-built plan will be for every individual lot or as they are built.
2 Mr. Stevens said they will end up with a master plan that is going to show all of this. The
3 inspection document will be 2 pages with a legend so it is easy to carry out.

4 Mr. Paine said the applicant has talked about the development being built in phases. Mr.
5 Stevens said they are trying to organize it practically from a construction point of view.
6 Mr. Paine asked if they had considered the vernal pool areas during construction. Mr.
7 Stevens said the protection will be put in place before construction of each house begins.

8 Mr. Stevens referred to the development agreement received from the Town's attorney.
9 He said they can agree to about 98% of it, but can't agree with a deadline being placed
10 on when this should be complete; it exceeds State statute so they are not willing to do it.
11 There is also a conversation about bonding; they build the road, it gets inspected and they
12 don't request a building permit until such time they have put binder down which is when
13 they post a bond to finish the work. Mr. Stevens doesn't want to post a bond in order to
14 start construction; he wants to be able to build the road first. Mr. Daley said a potential
15 concern might be that this is a multi-phase project and is it really realistic not to post a
16 bond for phase 2 for example just to make sure the Town and potential residents are
17 protected. Mr. Stevens said he will still pull a bond, but at the point they are ready to
18 construct the houses for that particular phase.

19 Mr. Daley said he thought Mr. Stevens' request sounded reasonable.

20 Mr. Stevens said he would like his attorney and the Town's attorney to get together to
21 look at the documents and finalize them and he hopes they will get final approval at the
22 next Planning Board meeting.

23 The condition for seeing the septic designs on specific lots as identified in a previous
24 meeting was discussed. Mr. Stevens said they can't design the septic systems for
25 approval until they receive State Subdivision approval which they hope to receive in a
26 week or so and repeated that they have done preliminary work on that. Mr. Baskerville
27 said his gut feeling is that there is so much history to go through and draft up that it may
28 be better to have a draft list at the next meeting; the Board hasn't even seen the
29 homeowner documents yet. He thinks it may take a couple more meetings.

30 Mr. Houghton said they could try for October 21, 2015.

31 Mr. House made a motion to continue this to October 21, 2005. Motion seconded by Mr.
32 Paine. Motion carried unanimously.

33 **5. Miscellaneous.**

34 There were no miscellaneous items to report.

35 **6. Adjournment.**

36 Mr. House made a motion to adjourn at 11:00 pm. Motion seconded by Mr. Paine.
37 Motion carried unanimously.