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5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **February 17, 2016**  
8 **Municipal Center, Selectmen's Meeting Room**  
9 10 Bunker Hill Avenue  
10 Time: 7:00 PM  
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13 **Members Present:** Mike Houghton, Chairman  
14 Bob Baskerville, Vice Chairman  
15 Jameson Paine, Member  
16 Tom House, Member  
17 Nancy Ober, Alternate  
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19 **Members Absent:** David Canada, Selectmen's Representative  
20 Lee Paladino, Alternate  
21  
22 **Staff Present:** Tavis Austin, Town Planner  
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24 **1. Call to Order/Roll Call**

25 The Chairman took roll call.

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

27 **a.** February 03, 2016

28 **b.** Amend Approved Minutes of January 06 and January 20, 2016

29 Mr. Baskerville made a motion that the Board revise the approved meeting minutes for  
30 January 6, 2016 and January 20, 2016 to reflect the changes on page 2 and 10 as handed out  
31 at the Planning Board meeting tonight. Motion seconded by Mr. House. Motion carried  
32 unanimously.

33 Mr. Paine made a motion to accept the meeting minutes for February 3, 2106 with the change  
34 that Mr. House suggested on line 35, page 1 of the year being 2016. Motion seconded by  
35 Ms. Ober. Motion carried unanimously.

36 Mr. Houghton commented that Ms. Ober is a full voting member tonight in place of Mr.  
37 Canada.

38 **2. Public Hearing(s):**

39 **a. Verizon Wireless, 28 Bunker Hill Avenue, Tax Map 9 Lot 51.** Site Plan Review and  
40 Conditional Use Permit to construct 90' tall wireless service facility, related accessory  
41 structures and equipment, and access. (*Continued from February 03, 2016*).

1 Mr. Steven Slovenski, McLane Middleton representative for Verizon introduced himself.  
2 He summarized the status of the application to date and the remaining points to be  
3 finalized this evening.

4 Mr. Baskerville asked if the D.O.T. had stated verbally that Verizon were OK. Mr.  
5 Slovenski said D.O.T. requested a meeting which was held at the Town Hall with various  
6 parties. The only option available after that meeting was for Verizon to use the access  
7 onto Bunker Hill Avenue-- the Town's exclusive easement. Verizon gave D.O.T. all the  
8 deeds they requested and Verizon are hoping that due to the minimum amount of traffic  
9 using this access, and upon completion of a favorable traffic report, conducted by Steve  
10 Pernot, a well-respected New Hampshire traffic engineer, that D.O.T. will approve their  
11 request.

12 Mr. Dan Merrill, Dewberry Engineers worked primarily on the roadway and talked  
13 through the revisions made for the access driveway. They are now proposing to pave the  
14 first 200' of the access—at the request of Mr. Hutton—and are not opposed to paving the  
15 whole way if the Town requests it. From a storm water perspective it will work similarly  
16 whether paved or not. They were asked to add a ditch in front of the driveway or provide  
17 a way for the water to go under. It wasn't feasible for the water to go under so they are  
18 adding a ditch instead. Mr. Baskerville asked if they were putting in a storm water  
19 infiltration tank. Mr. Merrill said that they were. Mr. Baskerville said the plan could be  
20 a little clearer, but he was OK with the explanation as long as the Town Engineer  
21 approves it.

22 Mr. Paine asked who would be responsible for the maintenance of the tank. Mr. Merrill  
23 said he wasn't sure, but he believed it would be Verizon's responsibility. Mr. House  
24 asked what the slope of the drive was. Mr. Merrill said the highest point is just under  
25 15%. Mr. Paine asked if the access is for Verizon only or for any use at the top of the  
26 hill. Mr. Merrill said it would be for Verizon only. Mr. Paine confirmed that the resident  
27 at the top of the hill or anything involving the future water tank would use the existing  
28 Foss driveway. Mr. Baskerville asked if it would be gated. Mr. Merrill said that it would  
29 be. Mr. Paine said they will obviously clear cut to the edge of the associated slope and  
30 asked what would go on the edges. Mr. Merrill said possibly some plantings. Mr. Paine  
31 asked if the driveway access pointed to anything on the opposite side of the road. Mr.  
32 Merrill said there were only woods.

33 Mr. House asked what the slope was down at Bunker Hill Avenue. Mr. Merrill said it's  
34 about 10%, but it evens out. Mr. House said he is concerned should ice be there.

35 Mr. Houghton addressed Mr. Fred Hutton, abutter and asked if he was happy with the  
36 modifications. Mr. Hutton said he hadn't seen them so he would need to do calculations  
37 to see if they will work. Mr. Baskerville said it looks better than the previous one, but  
38 Mr. Hutton should still take a look at it.

39 Mr. Jay Nesvold, 7 Bittersweet Lane said at the December 2<sup>nd</sup> meeting the engineer had  
40 posited that they 'didn't think this access was possible' and he asked what had changed  
41 since then. Mr. Merrill explained that was simply him looking at the road as a trainee  
42 engineer. Once more information became available, it was realized the road can be built  
43 there. Ron Karon, attorney for Mr. and Mrs. Foss confirmed that for storm water there  
44 would be a ditch under Mr. Hutton's second driveway. Mr. Merrill confirmed that to be

1 so. Mr. Hutton said he can't really make a determination tonight, but the storm water  
2 gets to him and the grades coming off the road can affect emergency vehicles so he would  
3 like the Fire Chief to do calculations before anybody does anything. Mr. Merrill said he  
4 believed that the driveway of Mr. and Mrs. Foss was still going to be used for emergency  
5 vehicles.

6 Mr. Slovenski added that this driveway was not going to be engineered to the width  
7 necessary for emergency vehicles because they already have access to the residence at  
8 the top via the Foss driveway. Verizon Wireless commented that the road was designed  
9 to suit construction vehicles that are scheduled to build the site. That would include the  
10 crane truck and also the semi-truck that would pull a low bed trailer to the site and he  
11 didn't think that the construction manager would have allowed a plan that wasn't capable  
12 of facilitating their own development. He feels that if these types of construction vehicles  
13 can make the trip to the top of the hill that any one of the Stratham emergency vehicles  
14 probably can too.

15 Mr. Houghton said for clarification this access would be exclusively for Verizon Wireless  
16 and its employees, it does not change Mr. Hutton's access to his driveway or the Foss's  
17 access to their driveway, it doesn't change the Town's access to the Town property  
18 through the existing easements relative to the Town property. Mr. Slovenski said that  
19 those were all correct statements.

20 Mr. Houghton referred to the drainage improvements on Verizon's driveway and  
21 confirmed they are meant to lessen the impact to Mr. Hutton's property and the Foss  
22 driveway. Mr. Merrill confirmed this to be so. Mr. Houghton checked with fellow board  
23 members Mr. Baskerville and Mr. Paine that they were satisfied. Mr. Austin confirmed  
24 that Paul Connelly was now satisfied with the drainage plan. Mr. Slovenski added that  
25 Mr. Connelly had also reviewed their storm water report and was satisfied.

26 Mr. Baskerville was satisfied and Mr. Paine said the only issue he could see was the  
27 steepness of the slope with regards to there being a gravel slope and long term  
28 maintenance; 15% gravel slope may have wash out potential so if that is something the  
29 Town or Town's Road Agent is comfortable with then he is OK with it. Mr. Slovenski  
30 said that the operations manager for Verizon will check on the driveway as part of his  
31 role. Mr. Paine pointed out that any erosion on this driveway could have an impact on  
32 an adjacent property, at least in the short term. Verizon said Town's Road Agent could  
33 have a direct line to the Verizon's Operation Manager. Mr. House asked if it would help  
34 if the slope at the street level was lessened at the paved area of Bunker Hill so it would  
35 slow things coming down so it doesn't wash out onto Bunker Hill. Mr. Baskerville said  
36 the location of the infiltration tank will help with that although it could fill up with  
37 material from time to time so will need to be cleaned occasionally.

38 Ms. Yalcinkaya, an abutter, said in previous meetings it was mentioned there would be  
39 no snow plowing or maintenance. She asked if they were changing their minds. Mr.  
40 Chip Fredette, Verizon Wireless said they were not planning on plowing the access road,  
41 but they will maintain water erosion and wash out. Ms. Yalcinkaya said that Mr. Hildreth  
42 said he would talk to Emergency Management. Mr. Slovenski wasn't aware of this.  
43 After some discussion Mr. Baskerville said it would be nice to hear something from the  
44 Fire Chief.

1 Mr. Whitney Saidla, resident and developer for Bittersweet and Market Lane inquired  
2 what would happen to the trails located right where the driveway will go as one trail goes  
3 across the driveway. Mr. Paul Deschaine, Town Administrator commented that none of  
4 the access being proposed obliterates any of the trail easements the Town currently has  
5 so they would stay the same apart from the one segment which would be gravel as it  
6 crosses the driveway. Mr. Fredette said the public have the right to traverse that section  
7 of the driveway as part of the trail system. Mr. House requested that Verizon make it  
8 clear where the trail is on their plans. Mr. Houghton confirmed nothing changes  
9 concerning the trail system and if Verizon do not wish to plow their driveway that is their  
10 choice. He continued to say that emergency vehicles can access the properties the same  
11 way in the future as they have in the past and that this driveway is not intended for access  
12 of emergency vehicles; it is for Verizon to be able to take their employees and vehicles  
13 to the top of the hill.

14 Mr. Houghton said the critical element is the fact that D.O.T. haven't yet authorized the  
15 access to the driveway from Bunker Hill Avenue.

16 Ms. Yalcinkaya said she would like to insist that the emergency management committee  
17 responds to this. She worries about the tower falling down and they are the ones that are  
18 directly affected. She asked who is paying for the access too. Mr. Slovenski said that  
19 Verizon will pay for the driveway.

20 Mr. Hutton referred to the catch basin and said it should say on the plan that Verizon will  
21 carry out maintenance annually. If left longer, this type of catch basin will not work. Mr.  
22 Slovenski confirmed that Verizon will certainly handle the maintenance and it is a  
23 condition of approval.

24 Mr. Saidla asked who owns the 60' wide right of way. Mr. Baskerville said his guess is  
25 that it's part of the open space for the development. They have an easement that was  
26 granted prior to the development ever taking place. Mr. Slovenski said his understanding  
27 is that the Town has the exclusive easement right to use the easement which is the  
28 driveway.

29 Mr. Ciccenisi, 5 Bittersweet Lane asked where they were with in the final process  
30 pending D.O.T.s authorization in terms of construction. He understood that the Town  
31 has to vote on this for this to pass. Mr. Houghton said there is a Town Meeting on March  
32 11, and for the Town to be able to lease the rights for the property to Verizon, a majority  
33 of voters present at the meeting need to approve it. Mr. Ciccenisi asked if in the event  
34 D.O.T. hasn't come back on the approval, does this project get put on hold for a certain  
35 length of time or does it continue to keep going.

36 Mr. Slovenski said if D.O.T. deny their request for a curb cut, the chances are the project  
37 will not move forward. However, if it is approved at Town Meeting and the decision  
38 from D.O.T. hasn't been made by that point, that doesn't prevent the project moving  
39 forward.

40 Mr. Ciccenisi asked if there was a possibility for new balloon tests to take place now that  
41 there isn't much foliage.

1 Ms. Yalcinkaya said the Board is concentrating on the D.O.T. authorization, but there are  
2 other issues that still need to be resolved. Mr. Slovenski said all these issues have already  
3 been adequately discussed in previous meetings.

4 Mr. Ron Karon shared some information he had derived from D.O.T. namely that Mr.  
5 Canada communicated with the State Rep and State Senator for some assistance because  
6 of a perception that D.O.T. was being improperly influenced by Mr. Karon. D.O.T.  
7 responded that they were not influenced in that regard at all. Mr. Karon said the D.O.T.  
8 feels that the easement originally granted was never used and notwithstanding the Town's  
9 grant and approval of a site plan that had that 50' right of way but a curb cut was never  
10 pursued. D.O.T. said that the Town as a landowner has access to its property through the  
11 easement of Mr. and Mrs. Foss. To deny a curb cut when a property is land locked is  
12 improper which D.O.T. agrees with. In this case there is no land locked property so there  
13 is no reason for D.O.T. to grant a curb cut. He added this could end up in Supreme Court  
14 depending on the outcome relative to Mr. and Mrs. Foss's driveway.

15 Mr. Karon said if the driveway can withstand the use of construction vehicles, then the  
16 Town could use it to access the Town property at the top of the hill.

17 Mr. Slovenski responded by saying he agreed with some, but not all of what Mr. Karon  
18 had said. He continued that Verizon had made a real effort to negotiate with Mr. and  
19 Mrs. Foss to use their existing driveway, which wasn't successful. Mr. Slovenski said  
20 that for purposes of this cell tower, it could be considered as land locked.

21 Mr. Houghton said some time ago they were presented with a citizens' petition from the  
22 abutting subdivision, and most recently yesterday the Planner received an update of that  
23 petition which is requesting clarification and responses on a number of open issues.

24 Mr. Houghton read out each issue that was raised pertaining to; access, emergency  
25 management committee response on the driveway, use of the driveway, maintenance of  
26 the driveway, excess drainage, and increase in height of tower without approval from the  
27 Town. Mr. Slovenski clarified that Federal law allows them to extend the tower for  
28 another 20' without Planning Board purview, it would be Code Enforcement only, but  
29 they are willing to forgo that as a condition of approval. Ms. Yalcinkaya said that when  
30 they go to court, she thinks the court will say this is a federal law so Verizon will have  
31 the right to expand the tower by 20'. She added that the balloon test should reflect the  
32 tower being expanded.

33 Mr. Karon asked if it was the Board's anticipation, should this be approved that the lease  
34 would be appropriately amended to include any third party. The present language of the  
35 lease would not apply so the third party would not be bound by representations of  
36 Verizon. Mr. Slovenski said any conditions or approvals runs with the land so a third  
37 party lease would need approval from the Board and they would have to follow those  
38 requirements.

39 The Board continued looking at the abutter issues. Mr. Houghton asked if the Board felt  
40 another balloon test should take place. The Board felt it wasn't necessary. Mr. Fredette  
41 said they'd prefer a mono pole because it's less expensive, but from a view shed  
42 standpoint, the mono pine will look better. Mr. Fredette said the pole will be brown.

1 Ms. Yalcinkaya asked about insurance and how much it would cost and how much the  
2 residents will have to pay for that. Mr. Houghton confirmed that the house closest to the  
3 tower is Town owned and Mr. Austin explained it would be up to the Town to make sure  
4 insurance was in place. Mr. Paul Deschaine, Administrator explained that Verizon will  
5 provide a commercial insurance and there will be no additional cost or change to the  
6 residents.

7 Mr. Paine felt all the discussion to date had addressed the issues.

8 The Board addressed the waiver requests next, starting with a waiver from Section 4.3.1.k  
9 Soil Maps. Mr. Slovenski said the property is owned by the Town, it is the future site  
10 for the water tank and the soil engineer's calculations indicate that there will be no  
11 adverse impact to the storm water requirements. Civilworks also support this waiver.

12 Mr. Baskerville made a motion to grant the waiver from Section 4.3.1.k which waives  
13 the requirement for a soil map for this site. Motion seconded by Mr. Paine. Motion  
14 carried unanimously.

15 The next waiver request addressed was from Section 4.3.2.h Landscape Architect  
16 requirements and Landscape Plan requirements Section 5.2.n. Mr. Slovenski said there  
17 is already adequate landscaping plans as part of the plan set and they are asking for these  
18 waivers at the recommendation of Mr. Connelly from Civilworks because of the limited  
19 scope of the landscaping.

20 Mr. Baskerville made a motion that the Board approve a waiver to Section 4.3.2.h which  
21 would require a landscape plan by a landscape architect. Motion seconded by Mr. Paine.  
22 Motion carried unanimously.

23 Mr. Baskerville made a motion that the Board waive the requirements of Section 5.2.n  
24 which would require it be shown on a separate plan. As the landscaping is shown on  
25 sheet Z-4 and it's been looked at and everybody has agreed it looks adequate. Motion  
26 seconded by Mr. House. Motion carried unanimously.

27 Mr. Houghton asked if the Board was prepared to act on this application tonight.

28 Mr. Saidla said it seems to him that the Board is acquiescing to Mr. Canada's request that  
29 conditional approval be given subject to the D.O.T. and he feels it would be very  
30 indiscreet if the Board puts this on the ballot as saying the Planning Board approves this.

31 Mr. Slovenski said he feels Verizon has complied with all the terms of the Planning Board  
32 with the one exception of D.O.T.

33 Mr. Baskerville clarified that the warrant on the ballot will not have anything do to with  
34 this approval. It will ask residents if they want to ratify the lease agreement.

35 Ms. Yalcinkaya appealed to the Board to take the safety of the residents into  
36 consideration.

37 Mr. Baskerville made a motion to close the public hearing. Motion seconded by Mr.  
38 House. Motion carried unanimously.

39 Mr. Baskerville made a motion that the Planning Board approve the application in front  
40 of them for Verizon Wireless for the property located at 28 Bunker Hill Avenue, Tax  
41 Map 9, Lot 51 to be approved with the following conditions:

1 If it is required, a D.O.T. approval must be obtained  
2 The applicant receives authorized, legal access to use the driveway as shown on the plans  
3 presented to the Board this evening  
4 All drainage structures and infiltration tanks are to be cleaned by Verizon or the successor  
5 at least once every year or as necessary after major storm events  
6 The Planning Board is agreed that the note (2) on sheet Z-5 shall be changed to show that  
7 the pole itself not be galvanized but will be painted a brown color.  
8 The height of the pole is limited to the 90' submission and any increase in the height of  
9 the pole will necessitate the applicant who is requesting the increase in the height to  
10 reapply to the Planning Board for a new site plan approval.  
11 There is an existing trail that will be covered by this access drive; the public can use this  
12 access drive and to connect the 2 ends of the trails, and the trails shall be constructed in  
13 such a way to be equal to or better than the condition and walkability of the current trail.  
14 Motion seconded by Mr. Paine. Motion carried unanimously.  
15 **b. John Reiss, 16 Emery Lane, Stratham, NH, Tax Map 13 Lot 57.** Minor Subdivision;  
16 dividing the property into 2 lots. (*Continuance requested until April 6, 2016*).  
17 Mr. Houghton said the applicant had requested a continuance until April 6, 2016.  
18 Mr. Paine made a motion to continue the subdivision application of John Reiss until April  
19 6, 2016. Motion seconded by Ms. Ober. Motion carried unanimously.  
20 **3. Public Meeting**  
21 **a.** No additional items at this time.  
22 **4. Miscellaneous**  
23 **a.** Member Comments.  
24 Mr. House made the Planning Board aware that next Tuesday, the Technical Review  
25 Committee (TRC) will be talking to the Porsche people again. Mr. Austin said the TRC  
26 will also be considering a redevelopment of the Phillips' gas station across Portsmouth  
27 Ave. from Irving and somewhat adjacent to CVS.  
28 **5. Adjournment.**  
29 Mr. Paine made a motion to adjourn at 9:51 pm. Motion seconded by Mr. Baskerville.  
30 Motion carried unanimously.