

**Hopkinton Planning Board**  
**Minutes**  
**November 13, 2007**

Acting Chairman Michael Wilkey opened the Hopkinton Planning Board meeting of Tuesday, November 13, 2007, at 6:30 PM in the Hopkinton Town Hall. Members present: Jane Bradstreet, Celeste Hemingson, Cettie Connolly, Bethann McCarthy, Scott Flood and Edwin Taylor. Absent: Chairman Ellsworth, Vice Chairman Timothy Britain and Alternate Clarke Kidder.

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**I. Pursuant to RSA 675:6 & 7, Planning Board held a public hearing on proposed amendments to the Hopkinton Subdivision Regulations.**

Revisions proposed to Section IV: General Principles and Design and Construction Standards for Subdivisions. In particular, replacement of existing sections 4.4.1 and 4.4.11 of the Subdivision Regulations. A full-text of proposed amendments was available at Town Hall, Town Clerk's Office and on the Town's website [www.hopkinton-nh.gov](http://www.hopkinton-nh.gov).

On behalf of the Planning Board, Planning Consultant Carolyn Russell reviewed the revisions as proposed by the Planning Board. For example, all references to "Water Supply and Pollution Control Commission" will be updated to the "New Hampshire Department of Environmental Services". Furthermore, the existing Section 4.4.1 will be replaced with new language that will outline the design standards for lot configuration and design. The intent of the standards is to improve the character of development and to minimize impacts on natural and cultural features. In addition, proposed revisions include the replacement of the existing 4.4.11 with detailed language as to the requirements for Designated Open Space.

There was no one present wishing to provide public testimony.

Following discussion, the Planning Board determined that additional changes to the draft were required. As a result, the Planning Board will hold a second public hearing on Tuesday, December 11, 2007, at 7:00 PM in the Town Hall.

**II. Review of the Minutes and Notices of Decision of October 9, 2007.**

Motion made by Mrs. Connolly, seconded by Mrs. Bradstreet, to accept the Minutes of October 9, 2007 as amended (Bethann McCarthy's name to be removed from the list of members that were in attendance). Motion carried unanimously (Wilkey, Bradstreet, Hemingson, Connolly, McCarthy, Flood and Taylor).

Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to accept the Notice of Decision of October 9, 2007 as presented. Motion carried unanimously (Wilkey, Bradstreet, Hemingson, Connolly, McCarthy, Flood and Taylor).

**III. Conceptual Consultations.**

Richard Kincaid of Rollins Road presented a conceptual plan of a proposed 26-unit residential development to be located off Currier Road. The subdivision proposed is a joint venture involving property owned by Mr. Kincaid, located off Rollins Road and property owned by William Lett, located off Currier Road. Mr. Kincaid explained various design options to constructing homes closest to Currier Road with the homes being constructed as two-family dwellings. Mr. Kincaid is also considering constructing the development as an adult community (55 and older).

Mrs. McCarthy preferred the alternative design of constructing the homes as two-family dwellings with a shorter Town road. She suggested that the Town Road Committee may prefer a shorter road design.

Mrs. Hemingson suggested that based on the description of the property by Mr. Kincaid, he might wish to construct the homes as shown (longer road with houses further onto the property), so to take advantage of the nature's features of the property. Mrs. Bradstreet concurred, indicating that the design as presented appeared to meet the purpose of the Conservation Subdivision Ordinance.

Mr. Flood stated that he would prefer to see the homes constructed as presented (single-family homes). He suggested that Mr. Kincaid would be better able to design the development taking into consideration the contours of the property. Mr. Flood also suggested that the single-family residences might appeal to a more diverse group of individuals.

Mrs. Robertson noted that Mr. Kincaid had met with her a number of times to review the Conservation Ordinance. She believed that Mr. Kincaid was aware of the necessary requirements for a Conservation subdivision. Mr. Kincaid concurred, noting that he was also aware of the limited length of roadway allowed. He will request a waiver from the maximum length of road allowed and propose to install sprinklers in every home beyond 1,000 feet. Mr. Kincaid agreed to consider the Board's comments and submit a preliminary application.

#### **IV. Other Business.**

Representatives of Greener Hopkinton and REACH addressed the Planning Board with a proposed amendment to the Zoning Ordinance that would prohibit the use of outdoor wood fired boilers (OWBs).

Representative Ron Lajoie explained how the boilers are affecting the environment, stating that the residential wood burning boilers are not required to meet federal emission standards and are not certified by the Environmental Protection Agency. In reviewing an Environmental Fact Sheet provided by the NH Department of Environmental Services, Mr. Lajoie stated, "Current OWBs are often dirtier and less efficient than other home heating devices. With smoldering fires and short smokestacks (usually less than 12 feet tall), OWBs often release heavy smoke close to the ground, where it creates a nuisance and is unhealthy to breathe. Smoke from OWBs contains emissions of fine particle pollution, carbon monoxide, and other organic products formed from incomplete combustion, such as formaldehyde, benzene and aromatic hydrocarbons. When inhaled, fine particles from smoke emissions are carried

deep into the lungs and can aggravate existing medical conditions such as asthma or lung and heart disease, as well as impair lung function. Exposure to other pollutants in smoke, such as benzene or polycyclic aromatic hydrocarbons, can cause a diverse range of harmful health effects, including asthmatic sensitivity, lung illnesses and cancer."

Representatives expressed concern that due to the size of the OWBs users may illegally burn tires and construction debris.

Mr. Lajoie noted that absent federal regulations, some states are prohibiting the sales or installation of OWBs. He discussed the limited resources of the Environmental Protection Agency to monitor or inspect OWBs, suggesting that the Town needs take action to insure the health and safety of its residents.

Lastly, Mr. Lajoie referred Board members to an assessment of OWBs that was completed by NESCAUM (Northeast States for Coordinated Air Use Management). The report assesses emissions and associated health concerns that had been addressed in the Environmental Fact Sheet.

Representative Jack Ruderman addressed the Board discussing regulations and restrictions in place in the States of Washington and Maine.

Mrs. Hemingson referred to the Environmental Fact Sheet that indicates, "In 2007 at the federal level, EPA initiated a voluntary partnership with manufacturers to produce and sell cleaner, more efficient OWBs that meet a certain performance level. As of early 2007, ten manufacturers had signed an agreement with EPA to make cleaner models available to consumers—ones that are about 70 percent less polluting than existing models." While based on the Environmental Fact Sheet there are efforts being made to make cleaner OWBs, Mrs. Hemingson suggested that she would be inclined to apply a sunset to any ordinance prohibiting OWBs. By the time the sunset of the ordinance arrives more efficient models may be available.

Resident Jamie Robertson addressed the Board representing Bohanan Farm. Mr. Robertson spoke in opposition to the proposed amendment, suggesting that it would be harmful to those residents, including farms, that have converted their heating systems over to OWBs. Mr. Bohanan discussed the benefits of being able to utilize a natural resource, the lumber from their property, to heat the water used on the farm as compared to them having to purchase 8,000 to 10,000 gallons of oil.

Fire Chief Rick Schaefer addressed the Board advising that utilizing OWBs would mean that there would never be a house chimney fire. He suggested that the Board review the website for Central Boilers, which would provide additional insight as to the manufacturing and operation of OWBs.

Resident Efner Holmes noted that the OWB is not for the average consumer. In other words, the cost to purchase the boiler and the amount of wood needed to heat the boiler tends to limit the number of possible consumers.

Resident Seth Holmes stated that he recently purchased and installed an OWB to heat his home. Mr. Holmes explained that he utilizes the wood from his property to heat the boiler.

In response to comments, Mr. Lajoie reiterated the potential health hazards related to OWBs. With smoldering fires and short smokestacks, there tends to be a lot of smoke close to the ground where it is unhealthy to breathe. Additionally, the size of the OWB is large enough so that people may burn materials that are illegal, such as tires and garbage.

Discussion ensued amongst the Board members concerning the language of the proposed amendment with those present unanimously agreeing that they would not support the amendment as written. Mrs. Hemingson suggested that the groups consider alternative language that would either provide a sunset to any ordinance prohibiting OWBs or language that would provide specific standards for their installation.

### **III. Conceptual Consultations—Continuation**

Cyn Environmental Services— Shelley Tamis of Cyn Environmental addressed the Board explaining that Cyn Environmental had been hired by Ray Mock to install a soil vapor extraction system at 861 Main Street, known as the Contoocook Auto Clinic. The intent of the soil vapor extraction system is to reduce ground contamination. The installation will include the construction of a shed to house a blower and equipment that is necessary to the operations of the system. Due to the limited size of the property their efforts to place the shed on the property was limited, requiring a Variance from the Zoning Board of Adjustment for a reduction in the setback requirements of 10-feet.

Ms. Tamis reviewed a conceptual plan with the Board, questioning whether it would be possibility to show photographs as an alternative to providing elevation views of the existing garage and proposed shed. In response, Mr. Wilkey expressed concern with the close proximity of residences in the area, suggesting that the information required in the Site Plan Review Regulations should be adhered to. He then questioned the impact, if any, that the sound of the blower might have on the residents in the area. In response, Ms. Tamis estimated the sound of the blower to be 80 decibels. She then advised that the shed will be sound proofed.

Brief discussion ensued as to the potential noise created by the blower and the need for definitive information from an acoustical engineer. Ms. Tamis expressed opposition to providing the acoustical study as it would cause the cost of the project to exceed that approved by the State. She assured the Board that these types of systems are installed often in an effort to remediate a contaminated site.

Ms. Tamis will apply to the Zoning Board of Adjustment for a Variance and will apply to the Planning Board for Site Plan Review.

**V. Applications/Public Hearing:**

#2007-15 Cellco Partnership d/b/a Verizon Wireless—Attorney Jessica Nyland, on behalf of Cello Partnership, reviewed with the Planning Board Cello Partnership's application to construct a wireless telecommunications facility, including a 90-foot monopine-style telecommunications towers and related equipment shelter within a fenced-in compound on a leased parcel of land owned by George Brown, located at 845 Upper Straw Road in the R-4 (residential/agricultural) district, shown on Tax Map 265, Lot 16. Review was a continuation of the September 11, 2007 meeting.

RF Engineer Kevin Moser reviewed propagation maps comparing coverage at 60-feet which is the next available site available on the U.S. Cellular tower. As requested, Mr. Moser then reviewed the proposed location comparing the coverage available at 78-feet, which is estimated at 23.5 square miles with that available at 90-feet, which is 27.2 square miles. The additional height of 12-feet would increase the coverage on Route 202 and Route 13 to the south. In determining the necessary coverage, Verizon looks at roads with significant traffic and therefore potential users.

Discussion ensued concerning the second balloon test. Attorney Nyland provided the Board with photographs that had been taken during the balloon test in an effort to determine whether the balloons (tower) might be visible from various locations in Concord and Hopkinton.

Mrs. Bradstreet suggested that the tower at 90-feet would provide space for two (2) co-locators. Attorney Nyland concurred.

Mrs. Hemingson requested that the branches of the mono-pine be of varied length. Attorney Nyland agreed.

Mr. Flood suggested that there be no tree removal to the north of the site so to minimize any potential visual impact. Mrs. Hemingson concurred, stating that there should be a 40-foot buffer protecting the visual affects of Route 202/9.

Mrs. Nyland stated that she is not able to commit to any conditions that would be imposed on the property owner. She noted that the Applicant can commit to restrictions within the easement area of 250' x 950'.

At this point, Acting Chairman Wilkey requested a voice vote as to whether there should be a commitment by the property owner restricting the removal of trees outside of the easement. Mrs. Bradstreet, Mrs. Connolly, Mr. Taylor and Mr. Wilkey believed that it would be immaterial to have the owner commit to such an agreement. Mrs. Hemingson, Mrs. McCarthy and Mr. Flood disagreed, believing that a commitment to the removal of trees outside of the easement area is necessary.

Following further discussion, a motion was made by Mrs. Bradstreet, seconded by Mr. Taylor, to approve Application #2007-15 with the following conditions:

1. That the height of the mono-tree not exceed 90 feet as represented by the Applicant;
2. That the branches of the mono-tree begin 30 feet above the base of the tower;
3. That the branches of the mono-tree extend beyond the antennas;
4. That the branches of the mono-tree be of varied length as per the Coventry, Vermont photograph;
5. That the truck of the mono-tree be painted brown and all antennas be painted green;
6. That all cables be located within the truck of the mono-tree;
7. That there be a written agreement by the lease holder agreeing not to clear brush and trees that lie north of the mono-tree as these trees screen the tower from view of Hopkinton Road in front of Dimond Hill Farm.
8. That the Applicant provide the Town of Hopkinton with a non-lapsing bond for the removal of all equipment, including antennas, in accordance with Section 3.10.9 of the Hopkinton Zoning Ordinance;
9. That all successors assume the same conditions and responsibilities of Cellco Partnership and Verizon Wireless, including, but not limited to, bonding and security insurance;
10. That, once construction is completed and prior to occupancy, the Applicant provides the Town of Hopkinton with an as-built plan certified by a NH licensed professional engineer; and
11. That the Town of Hopkinton be notified of any transfer of ownership of the lease by Cellco Partnership d/b/a Verizon Wireless.

With seven members voting, six voted in favor (Bradstreet, Hemingson, Connolly, Flood, Taylor and Wilkey) and one voted in opposition (McCarthy).

### **III. Adjournment.**

There being no further business, Acting Chairman Michael Wilkey declared the meeting adjourned at 10:40 PM. The next scheduled meeting of the Planning Board is Tuesday, December 11, 2007 at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding

the application in question has been filed and becomes available for public inspection in the Planning Office.