Hopkinton Planning Board
Minutes
August 14, 2007

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, August 14, 2007, at 5:30 PM in the Hopkinton Town Hall. Members present: Jane Bradstreet, Cettie Connolly, Timothy Britain, Celeste Hemingson, Scott Flood and Michael Wilkey.

I. Work Session – Revisions to the Subdivision Regulations in an effort to update the procedure for submitting applications and plans.

Planning Consultant Carolyn Russell reviewed a draft of proposed revisions to Section IV: General Principles and Design and Construction Standards for Subdivisions. The proposed revisions are intended to replace the existing Section 4.4.1 of the Subdivision Regulations. See attached copy entitled first draft – July 8, 2007.

Following receipt of revisions to the draft, the Planning Board will schedule the necessary public hearing to adopt the revisions.

II. Review of the Minutes and Notices of Decision of July 10, 2007.

Motion made by Mr. Britain, seconded by Mrs. Connolly, to accept the Minutes of July 10, 2007 as presented. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Motion made by Mrs. Hemingson, seconded by Mr. Wilkey, to accept the Notice of Decision of July 10, 2007 as presented. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

III. Applications/Public Hearing:

#2007-12 Steven C. & Shawn O. Sidwell—Steven Sidwell addressed the Planning Board presenting plans of a subdivision and annexation involving properties owned by Steven & Shawn Sidwell, shown on Tax Map 216 as Lot 16, and Deirdre Gilroy, shown on Tax Map 216 as Lot 18. The properties are located off Hatfield and Thain Road in the R-4 (residential/agricultural) district.

Planning Board was in receipt of a letter from Mrs. Gilroy granting permission for Mr. Sidwell to act on her behalf during her absence.

The intent of the subdivision/annexation is to annex 22.9 acres of the Sidwell property to the Gilroy property. After the subdivision/annexation the Sidwell property will consist of 12.6 acres and the Gilroy property will consist of 69.8 acres. Both parcels currently have existing residences located on them. Mr. Sidwell pointed out the fact that the proposed new lot line between the Sidwell and Gilroy property is intended to follow an existing stonewall.

Bob Nevins of Henniker addressed the Planning Board on behalf of Mrs. Gilroy to explain that the property in question was once a part of a farm that is now owned by

Mrs. Gilroy. The intent of the additional acreage is to allow Mrs. Gilroy additional space for horseback riding trails.

Motion made by Mrs. Britain, seconded by Mrs. Bradstreet, to accept Application #2007-12 as complete and for consideration. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Motion made by Mr. Britain, seconded by Mrs. Bradstreet to approve Application #2007-12 as presented. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

#2007-13 Southworth-Milton, Inc.—Mercer Bonney of OEST Associates addressed the Planning Board representing Milton-Cat. Mrs. Bonney presented a Site Plan to expand the outdoor machine display area on property located at 554 Maple Street in the M-1 (industrial) district, shown on Tax Map 227 as Lot 4.

The intent of the site plan is to show a new 30' x 60' outdoor display area that will be used for displaying small earth moving equipment. The display area will only be utilized during daylight hours and therefore will not be lit. Additionally, there is no additional impervious surface proposed as the display area will be gravel.

Motion made by Mrs. Bradstreet, seconded by Mr. Wilkey, to accept Application #2007-13 as complete and for consideration. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Peter Russell of Maple Street believed that Milton-Cat has been a good resident of Hopkinton. He recalled a time years ago when there was discussion of the company moving their facility to Warner. Mr. Russell urged the Planning Board to approve the application as presented.

Motion made by Mr. Britain, seconded by Mrs. Connolly to approve Application #2007-13 as presented. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

#2007-14 Francis Chase—Surveyor Gerrit Crabbendam addressed the Planning Board representing Mr. Chase for a seven lot subdivision and new road on property located off Irish Hill Road in the R-4 district, shown on Tax Map 237 as Lot 36.

Chairman Ellsworth noted receipt of a letter from Mr. Chase requesting the Planning Board waive Preliminary Review of the application.

Motion was then made by Mrs. Hemingson, seconded by Mrs. Connolly, to waive Preliminary Review (section 2.3 Subdivision Regulations) of Application #2007-14 due to the fact that the Board had previously reviewed and discussed the project proposed. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Mr. Crabbendam presented a detailed tree clearing plan and a concept design showing six lots as part of the conservation subdivision and a seventh lot fronting on Irish Hill Road as a conventional design. The preferred plan is that of a conservation design involving all seven lots. The road as proposed will be shorter; however, it is located within the same right-of-way as was previously reviewed and approved.

At the Board's July meeting, it was agreed to waive the requirement of engineering review and Fire Department and Road Committee review of the plans. Again, it was noted that the roadway design proposed is the same as had been previously reviewed and approved.

Planning Board briefly discussed their prior reviews of plans proposed for the property. Following discussion as motion was made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to accept Application #2007-14 as complete and for consideration (Conservation Design to include Lot 7). Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Conservation Commission member Ron Klemarczyk spoke in favor of the conservation design as proposed. The design, including Lot 7, will help protect the wetlands and maintain the streetscape. Additionally, the Town currently owns two tracts of property to the rear of the proposed subdivision. The properties were deeded to the Town as part of the construction of Interstate 89. When Mr. Chase had previously come before the Board for subdivision approval, the Commission had worked out an agreement to acquire a small piece of property from Mr. Chase in order to connect the two town-owned tracts. The design as now proposed provides for a greater amount of open space which the Commission recommends that the Town acquire in fee. By doing so, it would allow the Town the ability to access and manage the tracts in the rear.

Mr. Britain inquired as to why the Commission would prefer fee ownership versus an easement. In response, Mr. Klemarczyk explained the work involved in monitoring easement property. He suggested that fee ownership would provide for greater protection to the open space and wildlife habitat. He also noted that should the property remain in ownership by the developer it would continue to be taxed in current use and therefore would not provide a great deal of tax dollars to the Town.

Mrs. Hemingson inquired about the time frame for the removal of the existing residence, since the location of the residence as it currently sits is not in conformance with the setback requirements outlined in the Conservation Ordinance. Mr. Chase suggested that the residence could be removed upon the Board's approval of the subdivision.

Lastly, it was noted that the roadway is to be constructed with a width of 18-feet with one foot shoulders. The shoulders of the roadway must be constructed to the same standard as the base of the road.

Motion made by Celeste Hemingson, seconded by Cettie Connolly, to approve Application #2007-14 as presented with the following conditions:

1) The house on Lot 7 is to be removed within one-year from the date of subdivision approval.
2) The designated open space is to be conveyed to the Town or conveyed by conservation easement, subject to acceptance by the Board of Selectmen.

Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

Mr. Britain recused himself from the remainder of the meeting, noting that he lives in close proximity to the Brown property.

#2007-15 Cellco Partnership d/b/a Verizon Wireless—Attorney Tom Hildreth addressed the Board on behalf of the Applicant reviewing a proposal to construct 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.

Attorney Hildreth discussed the growth of the subscribers, reviewing propagation maps of Verizon's existing and proposed coverage. He noted that the application before the Board includes a request for a waiver of the height limitation

Mr. Wilkey inquired whether Verizon currently utilizes spaces on the tower that already exists on the Brown property. Attorney Hildreth replied no, explaining the lack of space available.

In reviewing the plans of the proposed tower, Attorney Hildreth noted that the existing tower is 50-feet higher than the tower proposed by Verizon. The tower if constructed will have a 12-panel array and will provide both voice and data services from the same antennae. The antennae will be connected via co-axial cable to equipment housed in the 12' x 30' equipment shelter. The site will consist of approximately a 75' x 75' fenced-in area on a leased parcel of land of approximately 230' x 230'. It is estimated that on average one to two monthly maintenance visits will be necessary.

While facilities in wooded area shall not exceed 20-feet in height above the average tree canopy, Verizon is requesting a waiver. It is estimated that the average tree canopy height is 58-feet; therefore, the maximum height allowed is 78-feet. The request before the Board is to construct a 90-foot monopine tower that will exceed the height limitation by 12-feet. Attorney Hildreth briefly reviewed the written material regarding the requirements to be granted a waiver.

Mrs. Hemingson suggested that a crane or balloon test would be necessary, prior to deciding whether to grant a waiver. Board members concurred.

Mr. Wilkey inquired as to other nearby sites that are currently being utilized by Verizon. Attorney Hildreth stated that Verizon currently utilizes sites in Warner,

Henniker and Hopkinton. The Company's work is now mainly focused towards the southwestern part of the State, such as the Keene area.

Planning Director Karen Robertson informed the Board of conversations with the Concord Planning Department concerning the proposal. While the City of Concord was notified of the application, Concord would like an opportunity to further review the material before providing comments. The Concord Planning Board is scheduled to discuss the matter at their meeting on August 22nd. Mrs. Hemingson asked to be provided information as to the time and place of the meeting so that she may be able to attend.

Mrs. Bradstreet requested a survey of the tree canopy in order to confirm the type and height of the trees in the area. Board members concurred.

Mrs. Robertson asked attorney Hildreth whether he was aware of the specific conditions imposed at the time of Planning Board approved the existing tower on the Brown property. Attorney Hildreth replied yes, and outlined the conditions for the Board's information.

Mrs. Hemingson inquired as to whether Verizon would still want to move forward with the project should they be limited to a height of 78-feet. Attorney Hildreth was unsure, noting that was not his decision to be made.

Mr. Flood requested that the Applicant provide Radio Frequency (RF) information at the lower level, 78-feet, so that the Board could compare the differences in frequency.

Lastly, it was noted that due to limited access to the property a crane test would not be possible. As an alternative a balloon test will be scheduled with balloons at a height of 78-feet and 90-feet. Attorney Hildreth and Mrs. Robertson will coordinate the date and time of the test. Notices by regular mail will be sent to property owners along Hopkinton Road (Concord Town Line to Upper Straw Road), Hedgerose Lane, Clarke Lane, and Upper Straw Road.

Nancy Needham of Upper Straw Road addressed the Board expressing concern with the need to construct a roadway to the site. She suggested that there may be other motives to the construction of the roadway such as the road being used for future development of the Brown and/or Olkonen property. Mrs. Needham asked the Board to inquire as to the owner's future intentions.

Following discussion, motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to continue review of Application #2007-15 to the Planning Board's September 11, 2007 meeting, so to allow the Applicant an opportunity to present additional information that is to include a balloon test representing the location of the proposed tower. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth).

IV. Other Business.

- Growth Management Review—Planning Board to complete the Growth Management Findings of Facts following the October reporting of the School District's enrollment figures.
- Capital Improvements Plan for Year Ending 2008—Departments to review projects and to provide an explanation as to how each proposed capital expenditure relates to the Master Plan.
- Green Building Ordinance—Planning Board was in receipt of a copy of a proposed ordinance in the Town of Epping that require "green building" standards for new commercial developments.

V. Adjournment.

There being no further business, Chairman Ellsworth declared the meeting adjourned at 9:35 PM. The next scheduled meeting of the Planning Board is Tuesday, September 11, 2007 at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

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.