

Hopkinton Planning Board
Minutes
September 11, 2007

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting of Tuesday, September 11, 2007, at 7:00 PM in the Hopkinton Town Hall. Members present: Jane Bradstreet, Cettie Connolly, Celeste Hemingson, Scott Flood, Edwin Taylor and Michael Wilkey.

I. Review of the Minutes and Notices of Decision of August 14, 2007.

Motion made by Mrs. Hemingson, seconded by Mr. Wilkey, to accept the Minutes of August 14, 2007 as presented. Motion carried unanimously (Bradstreet, Connolly, Hemingson, Flood, Taylor, Wilkey and Ellsworth).

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to accept the Notice of Decision of August 14, 2007 as presented. Motion carried unanimously (Bradstreet, Connolly, Hemingson, Flood, Taylor, Wilkey and Ellsworth).

II. Conceptual Consultation.

Jiri Hajek of Eric Mitchell & Associates presented conceptual plans of a proposed twenty-one lot subdivision of property owned by Stockwell Trust, located off Jewett Road in the R-3 (low density residential) district, shown on tax map 256 as lot 17. The property consists of approximately 110-acres with approximately 34-acres of wetlands. Additionally, there is a power line easement and brook that passes through the property.

The conservation subdivision design will include lots ranging in size from 50,000 to 120,000 square feet, a wetlands impact of 7,500 square feet with three (3) major crossings and one (1) minor crossing. Direct access to the subdivision lots to the open space is proposed. The proposed new roadway length is anticipated at 1,600 lineal feet with no impact to the floodplain or power line easement. A waiver from the Planning Board will be necessary in order to exceed the maximum roadway length of 1,000 feet. The grade of the roadway at the steepest point is estimated at eight to nine percent. Roadway width will be 18-feet with 2 foot shoulders.

Mr. Hajek noted a place at the entrance where a school bus turn-around will be constructed.

Chairman Ellsworth advised of the phasing requirements for subdivisions, questioning the time frame anticipated for construction of the development. In response, Mr. Hajek estimated construction in the year 2008 or 2009, noting that the schedule will be depend upon the time that it take to obtain other permits from the State and Army Corps of Engineers.

Planning Board briefly reviewed submittal requirements which will include a site inventory map in order for the Board to determine the locations for houses on

individual lots. Mr. Hajek was aware of the requirements, noting that the plan presented is conceptual. The next step will be for Mr. Hajek to schedule a pre-application conference.

III. Applications/Public Hearing:

#2007-15 Cellco Partnership d/b/a Verizon Wireless—Review of the application is a continuation of the August 14, 2007 meeting in which the Planning Board had reviewed the Applicant's request 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.

On behalf of the Applicant, Attorney Tom Hildreth addressed the Planning Board reviewing revised site plans of the proposed project. Revisions include the location of the municipal boundary between the City of Concord and the Town of Hopkinton. Attorney Hildreth had explained that the engineer had corrected the location of the boundary. In doing so, the proposed facility is shown to be located within the Town of Hopkinton, rather than straddling the municipal line. Copies of the revised plans had been submitted to the Concord Planning Department for their review.

Chairman Ellsworth stated that prior to the meeting Mrs. Robertson had spoken with City Planner Becky Hebert. Ms. Hebert wanted to be sure that Hopkinton had received Concord's written comments concerning their review of the first set of plans. See attached copy. Mrs. Hebert advised that Concord's Conservation Commission will be discussing the project at their meeting tomorrow evening. She asked that Hopkinton provide Concord with additional time to review the plans and for the Commission to comment. In response, Attorney Hildreth explained that he had attended the City of Concord's Planning Board meetings which took place before and after the balloon test.

Additionally, Chairman Ellsworth noted telephone conversations that Mrs. Robertson had reported with concerned residents.

Chairman Ellsworth referred the Board to RSA 36:55 and RSA 36:56 concerning Review of Developments of Regional Impact. Chairman Ellsworth asked the Board to review the Statute and determine whether the application "could be construed as having the potential for regional impact". RSA 36:56 noted that "doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact". Following discussion, the Planning Board unanimously determined that there is a potential for regional impact. As a result, notification will be provided to the City of Concord and the Central NH Regional Planning Commission.

Attorney Hildred stated that he was not aware that the matter was to be discussed by the Concord Conservation Commission. Furthermore, he did not believe that the project before the Board met the definition for regional impact, noting that in accordance with RSA 12-K communities within a 20-mile radius had been provided notification. Additionally, the City of Concord was notified of the proposal and had already provided comments.

Chairman Ellsworth agreed that the Hopkinton Planning Board was in receipt of a letter from the City of Concord outlining concerns related to the project. In particular, Concord expressed concern with the original plans submitted which had shown the Brown property and possibly the project as straddling the municipal boundary line. Several members of Concord's Planning Board went to view the balloon test, noting that they could not see the balloon from Dimond Hill Farm. Concord questioned whether Hopkinton's regulations would include protection of trees from being cut or removed for as long as the tower is in place.

With respect to possibly waiting until leaf off for final action on the request, Attorney Hildreth noted that the site already has a tower that is 90-feet in height. He explained how he could not view the existing tower from the site in question. Attorney Hildreth then suggested that the Planning Board walk the property.

Board members discussed their efforts to view the balloon from different locations in Hopkinton and Concord. Mrs. Hemingson had tried viewing the balloon from the highest point off Patch Road and was unsuccessful. However, she noted that a balloon was visible from the entrance to the Brown property, suggesting that the Planning Board should take into consideration the potential for view of the tower from neighboring locations should trees be removed and properties be developed. She believed that it would be reasonable for a balloon test when the leaves are off the trees. In response, Attorney Hildreth explained that shortly after the balloons were in place at 78-feet and approximately 105 feet, the lower balloon had deflated. Mr. Wilkey believed that a second balloon test is valid as a result of the lower balloon deflating; however, he did not believe the Board should require the test after leaf off.

Chairman Ellsworth noted that the balloon was visible from the rear of the Sharpe property; however, the fact that the balloon (tower) will be seen is not a reason for denying the application. The question is whether viewing the facility is visually objectionable. Mrs. Bradstreet concurred, noting that the Board requires that the facility be as stealth as possible and on most occasions the Board has required that the tower be designed as a tree.

Following discussion, Board members voted four to three in favor of requiring a balloon test after leaf off.

Attorney Hildreth reviewed additional revisions to the plans, including the required inventory of trees in proximity to the tower. The Zoning Ordinance requires that

the trees within 50-feet of the tower be counted; however, there are no trees within 50-feet, so they had surveyed trees within the surrounding area. The Ordinance also requires the height of the average tree canopy, which could be considered as a band of trees; however, the surveyor had measured to the crown of the trees. Chairman Ellsworth and Mrs. Bradstreet agreed that the intent of the Ordinance is to measure to the crown of the tree, rather than the canopy. Some of the trees shown on the plan were taller than 90-feet, which may interfere with coverage and potential co-locators. Attorney Hildreth agreed to review the location of the trees and the proposed fencing and parking lot in an effort to try to minimize the number of trees to be removed.

In discussing the elevation of the site, Mrs. Hemingson and Mr. Wilkey believed that when viewing the balloon they did not see any trees that were taller than the balloon. In response, Attorney Hildreth explained how there is a significant elevation change of approximately 20-feet in which the trees at that elevation are taller.

Chairman Ellsworth stated that the issue is where the tower is in relation to the trees in considering its affect on the skyline.

RF Engineer Kevin Moser reviewed propagation maps comparing coverage at 78-feet and 90-feet. While coverage appeared to be the same there was a difference were coverage at 78-feet feet would not include Route 9 to the north and Route 13 to the south. Mr. Wilkey requested an analysis as to what the percent of difference would be, at the two levels of height, beginning with 100-percent. Mr. Moser agreed to prepare the analysis and present it at a later meeting. Chairman Ellsworth asked to see propagation maps showing the coverage available from the existing U.S. Cellular tower. Attorney Hildreth agreed.

In response to Concord's concern with the preservation of trees on the property, Attorney Hildreth stated that the Ordinance requires a leased area much larger than needed for these projects. He agreed to commit that all trees within the leased area will remain; however, he had no authority to provide a commitment concerning trees outside of the leased area. Mr. Taylor and Mr. Wilkey believed that the Planning Board could not limit tree removal outside of the leased area.

Mr. Flood questioned whether the owner would allow use of the tower by smaller providers or to businesses that may provide a different type of telecommunication service. Attorney Hildreth replied yes, explaining that the commercial lease arrangement requires that the proposed services not interfere with existing performance of other uses of the facility.

In reviewing the tree survey, Mr. Taylor noted that the overhead power lines appear to pass through trees that may need to be removed. Attorney Hildreth agreed to redirect the utility lines so to not require tree removal.

David Tivnan of VitalSite Services addressed the Board to explain that the parking lot is intended to be outside of the fenced in compound so to minimize the amount fencing necessary. Mr. Flood then suggested that the parking area be located inside the fenced in enclosure so to limit the need to cut additional trees. In response, Mr. Tivnan agreed to consult with the project engineer and get back to the Board.

Motion was made by Mrs. Bradstreet, seconded by Mrs. Connolly, to accept Application #2007-15 as complete and for consideration. Motion carried unanimously (Bradstreet, Connolly, Hemingson, Wilkey, Taylor, Flood and Ellsworth).

Nancy Needham of Upper Straw Road questioned the length of the proposed entrance road (driveway). Attorney Hildreth was unsure of the exact length, but will provide the information. Mrs. Needham then questioned whether the electricity for the facility will come from the electricity at the street (Upper Straw Road). Attorney Hildreth replied yes.

Mrs. Bradstreet inquired as to the width of the proposed driveway. Mr. Tivnan advised that the easement is 20-feet with the roadway width being that of one and one-half car.

Mr. Wilkey questioned whether consideration has been given to locating the power below ground. Mr. Tivnan believed that would be too costly, noting that the power is generally above-ground with the exception of that area within the fall zone.

Samuel Delgado of 707 Upper Straw Road expressed concern with the possibility that the tower will be seen from his property. Mr. Delgado had written an email to the Board of Selectmen requesting information concerning the tower. He was not aware until such time as notifications of the balloon test that a tower was proposed on the Brown property. In response, Chairman Ellsworth offered Mr. Delgado the opportunity to view the application on file.

Dr. Mark Lewy of 212 Hedgerose Lane inquired whether provisions will be made for protection of the trees outside of the easement area. Chairman Ellsworth replied no, indicating that the trees outside of the easement area are beyond the Board's review of the application.

Mrs. Needham questioned why the residents along Upper Straw Road were not considered as part of notification of regional impact. Chairman Ellsworth explained how there are specific statutory provisions that address the impact that a project may have on abutting communities. It does not include residents in the Town that are not legally considered abutters.

Mrs. Needham expressed concern with the potential for the use of the proposed new roadway (driveway) as a subdivision road by the Browns or Olkonens. In

response, Mrs. Hemingson explained how Hopkinton has road design standards that also require roadways to developments be off Class V roads.

Chairman Ellsworth asked Attorney Hildreth if the easement for the driveway allowed use by others. Attorney Hildreth replied no, advising that the use is limited to the ease holder and those who co-locate.

Dr. Lewy then inquired as to the reason why the existing U.S. Cellular tower is not to be used by Verizon. In response, Chairman Ellsworth stated that at the previous meeting the question was asked and the Board was informed that the location of the tower is not acceptable. Mrs. Robertson noted that the Board had been advised that the tower had no space for additional co-location.

Michael Morison of 116 Clarke Lane appreciated the Board consideration of the impact that the tower may have on future development. He suggested that the Board consider alternative designs, such as a silo, in an effort to limit the tower's visual impact.

Mr. Wilkey requested that the Applicant provide the Board with a photographic image of the tree proposed, including the brand.

Conrad Trulson of 162 Clarke Lane recalled objections to the U.S. Cellular tower, noting that at the time the Board and residents were assured that the location was the only place the tower could be constructed. He believed that now the Planning Board is being told by Verizon that the location that they are proposing is the only place that the tower could be constructed. Mr. Trulson then questioned whether the Town has a limitation on the number of towers allowed on a property. Chairman Ellsworth replied no, stating that the Town does not have the ability to control the number of towers.

Attorney Hildreth readdressed the Board advising that the proposed tower is to be constructed as a three carrier site. If it were possible to locate the tower near the U.S. Cellular site there would still be a problem with the fact that there is an area of the property that is at a higher elevation between the site and that of I-89 that would affect the coverage provided.

Chairman Ellsworth closed public testimony. He then noted that there has been no date set for the second balloon test; however, neighbors will be provided a two-week notice prior to the test.

Attorney Hildreth inquired as to whether they should meet with the Planning Board at the scheduled October meeting even though the balloon test will not be completed. Chairman Ellsworth suggested that it would be appropriate to meet with the Board to present additional information requested. It is anticipated that the Board will also have an opportunity to review comments from Concord's

Conservation Commission and Planning Board, along with comments from the Central NH Regional Planning Commission.

Motion made by Mr. Wilkey, seconded by Mrs. Hemingson, to continue Application #2007-15 to the Board's October 9, 2007 meeting. Summary of information requested:

- Notification of Regional Impact and response from Concord Planning Department, Concord Conservation Commission, and Central NH Regional Planning Commission.
- Receipt of photograph image and brand of mono-pine tree.
- Information and/or revisions as to the location of parking, fencing and driveway so to minimize the removal of trees.
- Analysis as to the percent of difference of coverage at the two levels (78-foot and 90-foot), beginning at 100 percent.
- Committal as to limits of tree removal in the easement area.
- Propagation maps showing the coverage available to Verizon from the site of the U.S. Cellular tower.
- Balloon test after leaf off. Date and time to be determined with a two-week notice to neighbors.

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

III. Review of the Capital Improvements Plan for 2008-2017.

Planning Board reviewed proposed Capital Projects listed below prioritizing according to evaluation criteria after taking reviewing the goals and recommendations of the Master Plan. Note: Costs were not considered by Planning Board when ranking projects.

The Capital Improvements Plan (CIP) is an advisory document that is intended to assist in recognizing the future needs of the Town and School District. The inclusion of any particular project in the CIP does not commit the Town or School District to the expenditure. Preparation of the Town and School District annual budgets is the responsibility of elected official and not the Planning Board.

Capital Improvements Program, FY 2008 to FY 2017 Summary of Potential Projects, Costs, and Ranking						
	Applicant				Planning Board	
DEPARTMENT REQUESTS/PROJECT TITLE	Proposed Year	Estimated Cost	Project Description	Current Funding	Priority Rank 1-5	Goal/Recommendation from Master Plan
CAPITAL PROJECTS						
Community Center	2008-2017	\$771,041	Construction	Capital Reserve	N/A	Not Addressed
Town Hall Renovations	2008-2010	\$140,446	Rehabilitation	Capital Reserve	5	Community Facilities Chapter p. 16, Historic & Cultural Resources p. 1

Fire Station Addition - Contoocook	2009	\$1,600,000	Construction		3, 5	Community Facilities Chapter p. 15
Building/Grounds - Maint./Storage Garage	2008	\$95,000	Construction		N/A	Not Addressed
Municipal Wastewater - Removal/Upgrade	2008-2017	\$100,174	Infrastructure	Capital Reserve	2	Community Facilities Chapter p. 16
Recreation Shuttle Bus	2008-2015	\$50,227	New Vehicle	Capital Reserve	5	Community Facilities Chapter p. 17
Old Hopkinton Cemetery	2008-2012	\$25,000	Expansion		4	Community Facilities Chapter p. 17
Contoocook Village Cemetery	2008-2012	\$60,868	Expansion/ Infrastructure	Capital Reserve	3	Community Facilities Chapter p. 17
Blackwater Cemetery	2008-2017	\$100,585	Expansion/ Infrastructure	Capital Reserve	4	Community Facilities Chapter p. 17
New Garage - HHS	2008/09	\$20,000	Construction		N/A	Not Addressed
School Renovations	2008/09	\$7,546,667	Construction		5	Community Facilities Chapter p. 17
Track - School	2008/09- 2016/17	\$802,000	Construction		N/A	Not Addressed.

The Planning Board reviewed and prioritized the proposed projects based on the description below:

- *1=Urgent* – Cannot be delayed. Needed for health or safety.
- *2=Necessary* –Needed to maintain existing level and quality of community services.
- *3=Desirable* –Needed to improve quality or level of services.
- *4=Deferrable* –Can be placed on hold until after 10-year period, but supports planning for Capital Projects.
- *5=Research* –Pending results of ongoing research, planning, and coordination.
- *N/A=Not Applicable* -Project not addressed in Master Plan or is Non-Capital.

Mrs. Connolly, employed by the Hopkinton School District, recused herself from reviewing School District projects.

Motion made by Mrs. Hemingson, seconded by Mrs. Connolly, to adopt the Capital Improvements Plan for the years 2008-2017. Motion carried unanimously (Bradstreet, Connolly, Britain, Hemingson, Flood, Wilkey and Ellsworth). A full-text of the CIP is available at the Hopkinton Town Hall.

IV. Other business to legally come before the meeting.

Motion made by Mr. Wilkey, Seconded by Mrs. Connolly, to approve the merger of two pre-existing lots owned by The Trust of Rita O. Gerrard, located off Cressy Brook Road, shown on Tax Map 228 as Lots 26 and 27. Review in accordance with RSA 674:39-a.

V. Adjournment.

There being no further business, Chairman Ellsworth declared the meeting adjourned at 9:40 PM. The next scheduled meeting of the Planning Board is Tuesday, October 9, 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.