

Hopkinton Planning Board
Minutes
March 12, 2009

Chairman Bruce Ellsworth opened the Hopkinton Planning Board meeting/hearing of Thursday, March 12, 2009, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Edwin Taylor, Jane Bradstreet, and Celeste Hemingson. Members absent: Vice Chairman Timothy Britain, Michael Wilkey, James O'Brien, Bethann McCarthy, Cettie Connolly, and Clarke Kidder.

I. Review of the Minutes and Notice of Decision of February 10, 2009.

Motion made by Mr. Taylor, seconded by Mrs. Bradstreet, to approve the minutes of February 10, 2009 as written. With four members voting, two voted (Bradstreet and Taylor) in favor and two voted (Ellsworth and Hemingson) in abstention.

Motion made by Mrs. Bradstreet, seconded by Mr. Taylor, to approve the Notice of Decision of February 10, 2009 as written. With four members voting, two voted (Bradstreet and Taylor) in favor and two voted (Ellsworth and Hemingson) in abstention.

II. Conceptual(s).

There were no conceptual consultations.

III. Application(s).

#2009-3 Omnipoint Communications Inc.— Jonathan McNeal, Real Estate Manager for T-Mobile, addressed the Planning Board to request Site Plan Review and a Conditional Use Permit pursuant to Section 3.10 of the Hopkinton Zoning Ordinance. The proposal is to co-locate nine (9) panel antennas on the existing monopine tower owned by Verizon Wireless and the installation of associated cabling and base equipment. The property is owned by George H. Brown and Sheila Phillips, located at 845 Upper Straw Road in the R-4 district, Tax Map 265, Lot 16.

The Tower sits on a lot of approximately 113 acres with an equipment compound of approximately 75' x 75'. There is currently one existing Personal Wireless Service Facility on the Tower, with the highest existing antennas at eighty-seven feet. The existing compound is naturally screened by vegetation from abutting properties. The Applicant's proposed equipment cabinets will be located in the compound.

The existing Tower is ninety feet in height. The Applicant proposes to install nine (9) panel antennas that measure approximately 72" x 12.5" each. The antennas will be attached to the Tower at a height of seventy-seven feet. Additionally, eighteen co-axial cables, which will connect the antenna to the equipment cabinets will be installed.

Mr. McNeal advised that installation will also include three (3) radio and power cabinets that each measure approximately 83" high, 52" wide, and 28" deep. The cabinets will be located on a concrete pad within a 15' x 15' lease area located in the rear of the existing compound.

Mr. McNeal noted that most new towers are designed to allow for four to five carriers. Verizon did complete a structural analysis as part of their original approval process and a copy of that analysis can be provided to the Board, if necessary. Chairman Ellsworth then specifically

requested that the Planning Board be provided with a copy of the analysis so that it may be included as part of the application.

Mrs. Hemingson inquired as to any changes proposed in camouflaging or screening of the facility. In response, Mr. McNeal explained how the existing tower was designed to look like a mono-pine and that the proposed antennas will be camouflaged by the tree branches. There is no ground disturbance proposed outside of the existing equipment compound. All utilities are being serviced from within the compound and the Applicant will utilize the existing access and parking areas for the site.

Mr. McNeal, on behalf of Omnipoint Communications Inc., requested waivers to specific provisions of the Personal Wireless Service Facilities Ordinance that are believed to not be applicable based on the fact that the Tower is existing and/or the owner of the Tower, Verizon Wireless, had already reviewed site plan information with the Board. Following review of the requested waivers and brief discussion, waivers were approved as requested.

Chairman Ellsworth inquired about any changes in noise associated with the equipment compound. In response, Mr. McNeal explained how small the various equipment cabinets will be and the fact that the units will not need air conditioning. He estimated the noise associated with the equipment to be similar to that of a computer and estimated less than 65 db.

Chairman Ellsworth noted that the Board was in receipt of a letter from abutter Nancy Needham of 902 Upper Straw Road. Mrs. Needham expressed concerns with respect to property values, potential adverse effects on residents health, and the potential for future development of the Brown/Philips property. In response, Mrs. Bradstreet noted that the Board has discussed and is aware that people have health concerns associated with these facilities. She believed that it is valid to be concerned with the unknown. The town's ability to consider health as a factor when reviewing these applications is limited. Mr. McNeal noted that there are a number of studies that involve these facilities and hand-sets and their effects, if any. The Federal Communications Commission has guidelines for emission limits that need to be adhered to in order to be licensed to operate a wireless telecommunications network.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to accept Application #2009-4 as complete and for consideration. Motion carried unanimously.

There was no one present wishing to provide public testimony.

Mrs. Hemingson expressed concern as to whether the actual mono-pine constructed looks like that which was approved by the Planning Board. She noted that in the future the Board needs to be very careful that the design approved is what is constructed.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to approve Application #2009-4 with the following conditions:

1. Receipt of a non-lapsing bond for the removal of all equipment, including antennas (section 3.10.9);
2. Receipt of proof of appropriate liability insurance (section 3.10.9), and
3. Receipt of certification from a Structural Engineer certifying that the structural design is adequate to support the antennae.

Motion carried unanimously (Taylor, Bradstreet, Hemingson and Ellsworth).

III. Other Business.

- a) Public Hearing – Indicators of Growth Impact (section 13.4) – Due to scheduling conflicts, the public hearing scheduled for Tuesday, March 17, 2009 had been rescheduled for Tuesday, April 14, 2009, 7:00 PM, Town Hall.
- b) Municipal Law Update – Due to scheduling conflicts, presentation by Attorney Bernie Waugh was rescheduled to a time and date to be determined.

IV. Adjournment.

With no other business to come before the meeting, Chairman Ellsworth declared the meeting adjourned at 7:45 PM. The next regular scheduled meeting of the Planning Board is Tuesday, April 14, 2009, at 7:00 PM in the Town Hall.

Karen L. Robertson
Planning Director

Upon finding that an application meets the submission requirements, the Planning Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, the application will remain on the Planning Board agenda until such time as it is either approved or disapproved.

The Planning Board reserves the right to adjourn the public hearing at 11:00 PM. All remaining applications that have not been reviewed will be rescheduled for review at the Planning Board's next scheduled public hearing.

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.