



Town of Hopkinton

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HOPKINTON PLANNING BOARD MINUTES NOVEMBER 10, 2015

Vice Chairman Michael Wilkey opened the Hopkinton Planning Board meeting of Tuesday, November 10, 2015, beginning at 7:00 PM in the Hopkinton Town Hall. Members present: Chairman Bruce Ellsworth (arrived at 7:13 PM), Ex-Officio James O'Brien, Cettie Connolly, Celeste Hemingson, Jane Bradstreet, and Alternates Clarke Kidder and James Fredyma. Members absent: Timothy Britain and Alternate Richard Steele. Staff present: Planning Director Karen Robertson.

Due to the absence of regular members, Mr. Kidder and Mr. Fredyma were designated as voting members. Vice Chairman Wilkey declared a quorum present.

I. Review of the Minutes and Notice of Decision of October 13, 2015.

Cettie Connolly, seconded by Clarke Kidder, moved to APPROVE the Minutes of October 13, 2015 as presented. With seven members voting, five voted in favor (Hemingson, Connolly, Kidder, Fredyma and Wilkey) and two voted in abstention (O'Brien and Bradstreet).

Cettie Connolly, seconded by Clarke Kidder, moved to APPROVE the Notice of Decision of October 13, 2015 as presented. With seven members voting, five voted in favor (Hemingson, Connolly, Kidder, Fredyma and Wilkey) and two voted in abstention (O'Brien and Bradstreet).

II. Conceptual Consultations.

There were no conceptual consultations.

III. Applications. *(Public hearing will immediately follow if the application(s) is/are accepted as complete.)*

At the recommendation of Vice Chairman Wilkey, the Planning Board reviewed the applications out-of-order.

- 1. Site Plan Review/Conditional Use Permit #2015-12, New Cingular Wireless PCS, LLS d/b/a AT&T Mobility and American Tower Corporation, located at 72 Emerson Hill Road, Tax Map 218, Lot 12, R-3 District.** The applicant is proposing a wireless telecommunications facility to include a 115' mono-pine telecommunications tower and related equipment shelter within a 50' x 50' fenced-in compound on leased land owned by Stonynook Farm.

Matthew Burke of Tower Resource Management, Inc. addressed the Board on behalf of AT & T Mobility and American Tower Corporation. Mr. Burke advised of the need for a waiver from the height restriction as the maximum height allowed is 90' or 20' above the average tree canopy (§3.10.6.b, §3.10.9). While the tower being proposed is 115' in height, AT&T's antennae will be at 110'. Mr. Burke presented propagation maps showing the difference in coverage from a height of 90' and 115'.

At this time, Bruce Ellsworth joined the Board as a non-voting member.

Subject to review and approval.

The proposed tower will be located at a much lower elevation, approximately 30' lower, than that of the existing silo. At the lower elevation, the tower will exceed the height of the silo by 20'. To locate the antennae on the tower at the same height of those that are currently on the silo, the antennae will need to be at 106'.

AT&T's cellular equipment is already on the silo; therefore, the Applicant did not believe that property values will be affected by granting the waiver. The additional coverage, as a result of a taller tower, will serve the public's interest and reduce the need for additional telecommunication sites. Furthermore, Mr. Burke stated that the Applicant believes that the proposed use is reasonable "and will alleviate any unnecessary hardships created by literal enforcement of the ordinance." He then indicated that the spirit and intent of the Ordinance is to encourage collocation and to reduce the number of cellular sites.

Mrs. Connolly inquired about the difference in the areas that will be covered with a 90' and 115' tower. In response, Mr. Burke referenced the propagation maps, and indicated that at a centerline of 106' there will be substantial coverage to the north and east of the tower, particularly places to the north of I-89, north of exits 4 and 5.

Mrs. Hemingson questioned whether constructing the tower at the same height of the silo and placement of the antennae at the same height would include coverage of the areas along I-89. Mr. Burke replied no, as AT&T does not currently have coverage in those areas.

Mrs. Bradstreet inquired about mapping the trees in the area of the proposed tower and then questioned whether there are trees in the area. Mr. Burke suggested that a balloon test would be more appropriate before mapping trees. The area in question has very few trees and is more of an open field.

Bruce Ellsworth, seconded by Jane Bradstreet, moved to ACCEPT application #2015-12 for consideration and as complete. Motion carried unanimously in favor (Hemingson, Connolly, O'Brien, Bradstreet, Wilkey, Fredyma and Kidder).

Members briefly discussed the fact that the tower is being proposed as a monopine within an area with limited tree canopy. Mr. Burke assumed that a monopine would be the preference of the Planning Board. Additionally, there was discussion concerning the process by which a balloon test will occur and the completion of a view shed analysis (§3.10.6.f). The Board requested that the test be at a centerline height of 95' and 106'. Mr. Burke agreed, indicating that when the test is completed he will provide photo simulations of the proposed tower.

In response to a question concerning the number of carriers that a 115' tower will be able to accommodate, Mr. Burke stated three (3) carriers. A shorter tower will be able to accommodate two (2) carriers.

Due to the location of the property, Mr. Kidder questioned whether other carriers would be interested in collocating on the tower.

Discussion ensued concerning section 3.10.6.d of the Zoning Ordinance, requiring a minimum easement or leased area "equal to an area having a radius of 125% of the tower's height plus additional area for accessory structures and access". While the 100' x 100' proposed lease area will not be in compliance, any increase in the area may include portions of the existing farm buildings. Members expressed concern with the proximity of the buildings as the size of the lease area required in the Ordinance takes into consideration a fall zone. In response, Mr. Burke agreed to provide the Planning Board with a detailed map showing the distance from the existing

structures to the center of proposed tower. The Board agreed to hold off on scheduling the balloon test, until such time as they have an opportunity to review the revised map, as the location of the proposed tower may change.

Cettie Connolly, seconded by Bruce Ellsworth, moved to CONTINUE application #2015-12 to the December 8, 2015 hearing, so that the Applicant will have an opportunity to provide additional information. Motion carried unanimously in favor (Hemingson, Connolly, O'Brien, Bradstreet, Wilkey, Fredyma and Kidder).

At this time, Vice Chairman Wilkey turned the meeting over to Chairman Ellsworth, who became a voting member. At the same time, Mr. Fredyma became a non-voting member.

- 2. Subdivision Application #2015-08, Lewis Hoffner, located at 1222 Sugar Hill Road, Tax Map 233, Lot 10, R-4 District – Continuation of the August 11th, September 15th and October 13, 2015 public hearings.** The owner, Lewis Hoffner, is proposing a two (2) lot subdivision. One lot will include the existing house on 5.00 acres with 485.87 feet of frontage (Sugar Hill Road) and the second lot will consist of 2.99 acres with 300.22 feet of frontage (Old Holmes Road).

Chairman Ellsworth explained that, at the October 13th hearing, the Planning Board erred when it interpreted the tie vote of the Board as a denial of the application; when in fact, the tie vote only negated the motion. The Planning Board should have continued its deliberations until such time as a new motion was made and a majority of the Board voted to approve, deny or continue the application.

At this point in time, the Planning Board continued to deliberate on the application as this was where they had left off at the October 13th meeting.

Chairman Ellsworth noted receipt of a letter, plans and a Drainage Report prepared by Anthony Costello in an effort to address the impact, if any, of the development of Mr. Hoffner's new lot on the existing drainage system on Old Holmes Road. Board members were asked if they were satisfied by the information submitted.

Mrs. Hemingson offered to recuse herself as she was not present at the previous meeting. Chairman Ellsworth disagreed, stating that it would not be necessary as she had been at prior meetings concerning the matter and had the minutes of the previous meeting for review.

Chairman Ellsworth reminded the Board that the abutters have expressed concern that the residential development of a new lot will further negatively impact the current drainage situation along Old Holmes Road. As a result of those concerns, the Road Committee and Director of Public Works had previously reviewed the drainage and proposed subdivision. Both agreed that the drainage along Old Holmes Road is very poor, but that the residential development of one (1) additional lot would not make the situation worse.

Brief discussion ensued concerning the condition of Old Holmes Road and its drainage system with Mrs. Connolly noting that the Costello report provides pre and post development drainage calculations. Furthermore, Mr. Costello addresses the construction of a detention pond, if necessary, as a method to address any increase in runoff.

Motion made by Cettie Connolly, seconded by Jane Bradstreet, to APPROVE application #2015-08 as presented with the following condition: If, at any point, it is determined that there is an increase in peak runoff from the proposed development, a detention pond, as outlined in the drainage report prepared for Lewis Hoffner, by A.C. Engineering & Consulting, dated October 29, 2015, or other method of controlling on-site drainage, shall

be constructed. All costs associated with installation and maintenance shall be the responsibility of the property owner. Motion carried unanimously in favor (Hemingson, Connolly, Bradstreet, O'Brien, Kidder, Wilkey and Ellsworth).

Abutter Paul Preve of 406 Old Holmes Road informed the Board that he owed Dan Blanchette an apology as he didn't realize, when speaking to Mr. Blanchette, that he was not the Public Works Director at the time the department had worked on the drainage along Old Holmes Road. Mr. Preve intends to contact Mr. Blanchette to apologize.

Abutter Tom Congoran of 362 Old Holmes Road expressed disappointment with the Board's decision and further noted the poor condition of Old Holmes Road and its drainage system.

The Board thanked those present for being patient and participating in the hearing process.

IV. Other Business.

- a. Notice of Voluntary Merger – W. John Nesbitt, Trustee of the W. John Nesbitt Revocable Trust. Merger of two pre-existing lots, in accordance with the provisions of NH RSA 674:30-a, located off Rolfe Pond Road in the R-2 district, Tax Map 209, Lots 17 and 18.

Clarke Kidder, seconded by Celeste Hemingson, moved to APPROVE the merger as submitted. Motion carried unanimously (Hemingson, Connolly, Bradstreet, O'Brien, Kidder, Wilkey and Ellsworth).

- b. Meeting Schedule Changes. The Planning Board decided to change their meeting start time from 7:00 PM to 6:30 PM, beginning in December 2015.

Elections and scheduling conflicts in 2016 will impact the Planning Board's ability to meet on the second Tuesday of every month. For those months, the Board will hold their meeting on the next available Tuesday.

V. Zoning Amendments

The Planning Board did not hold a public hearing, but rather a brief work session concerning the following proposed amendments.

- a. Amend Section III Table of Uses 3.6 inserting 3.6.F.20 Self-Service Storage Facility as a use prohibited in all residential districts and permitted by Special Exception in all commercial and industrial districts.

Mrs. Robertson suggested that the proposed amendment be further revised to prohibit self-service storage facilities in the VB-1 (village commercial) district. The language would then read as follows: Amend Section III Table of Uses 3.6 inserting 3.6.F.20 Self-Service Storage Facility as a use prohibited in the residential and village commercial districts and permitted by Special Exception in the commercial and all industrial districts. The Board unanimously agreed.

- b. Amend Section XIII Growth Management and Innovative Land Use Control revising the information in 13.3 Findings utilizing the 2010 decennial Census, and other local, regional and state resources.

Mrs. Robertson was unable to complete revisions of subsection 13.3 in time for the meeting. However, once completed, Vice Chairman Wilkey will review the statistical data for accuracy.

The proposed amendments will be posted for public hearing.

VI. Adjournment.

Chairman Ellsworth declared the meeting **ADJOURNED** at 8:45 PM. The next regularly scheduled meeting of the Hopkinton Planning Board is at 6:30 PM on Tuesday, December 8, 2015 at the Hopkinton Town Hall.

Karen Robertson
Planning Director

In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Planning 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.