



Town of Hopkinton

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HOPKINTON PLANNING BOARD NOTICE OF DECISION JANUARY 12, 2016

Notice is hereby given that the Hopkinton Planning Board met on **Tuesday, January 12, 2016, at 6:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Review of the Minutes and Notice of Decision of December 8, 2015 was deferred to the February 17, 2016 meeting.

II. Applications.

Lot line Adjustment Application #2016-01, Arthur F. Siciliano on behalf of Gary Rondeau and Deborah Samodai, located at 392 and 432 East Penacook Road, Tax Map 243, Lots 25 and 26, R-4 District.

Michael Wilkey, seconded by Cettie Connolly, moved to **ACCEPT** application #2016-1 as complete and for consideration. Motion carried unanimously in favor (O'Brien, Connolly, Hemingson, Kidder, Fredyma and Wilkey).

Michael Wilkey, seconded by Cettie Connolly, moved to **APPROVE** application #2016-1 as presented with a correction to the address as noted by the Applicant's representative. Motion carried unanimously in favor (O'Brien, Connolly, Hemingson, Kidder, Fredyma and Wilkey).

Site Plan Review/Conditional Use Permit Application #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 – Continuation of the November 10th and December 8th hearings. The applicant is proposing a wireless telecommunications facility to include a mono-pine telecommunications tower and related equipment shelter within a fenced-in compound on leased land owned by Stonynook Farm.

Clarke Kidder, seconded by Cettie Connolly, moved to **WAIVE** the provisions of section 3.10.6.b, maximum height limitations, of the Zoning Ordinance. With six members voting, four voted in favor (O'Brien, Connolly, Kidder and Fredyma) and two voted in opposition (Hemingson and Wilkey).

Cettie Connolly, seconded by James O'Brien, moved to **WAIVE** the provisions of section 3.10.6.d, minimum leased areas, of the Zoning Ordinance. Motion carried unanimously in favor (O'Brien, Connolly, Hemingson, Kidder, Fredyma and Wilkey).

Reasons for granting waivers:

- 1) There was no evidence that surrounding property values would diminish as a result of granting the waivers. Certified notice was provided to the abutters. Public notice of the proceedings, including the balloon test, was published in the Concord Monitor.

Subsequently, there was no member of the public present at the Planning Board's November 10th, December 8th and January 12th public hearings.

The elevation of the existing silo, in which AT&T's cellular equipment is currently located on, is 488 feet with the centerline of AT&T's antennae located at 85 feet. The elevation of the monopine will be 468 feet with the centerline of AT&T's antennae at 106 feet. When taking into consideration the difference in elevation, AT&T's antennae on the monopine will be located at the same height as it is currently on the silo.

- 2) There was no evidence that the public's interest will be adversely impacted as a result of the increased height of the monopine or reduced leased area. Based on the balloon test and the photo simulations presented, the monopine will be most visible from Emerson Hill Road (dead-end), I-89 northbound, Franklin Pierce Highway Bridge, and from an area along Putney Hill Road. For the most part, these areas are not heavily populated. Other locations that it may be visible are locations in which the monopine will be in the foreground or background of existing tree lines.

The increased height of the monopine tower will allow for additional coverage to the north and east of the tower, particularly places to the north of I-89, north of Exits 4 and 5. Additionally, the height of the monopine will allow for accommodation of three (3) carriers, while a shorter monopine will only accommodate two (2) carriers.

The reduction in the leased area will have no impact on the public, including abutting properties, as the minimum distance of the monopine from the property lines will be met. The impact, if any, will be to the property owner as the monopine will be less than the required distance of 145 feet to two (2) accessory farm buildings that are on the property. The owner of the property consented to the application and plans that reflect the monopine less than the required distance.

- 3) Substantial Justice: Granting the height waiver will have little to no impact on the public. In other words, the public would realize no appreciable gain from denial of the Variance.

The centerline of AT&T's antennae on the existing silo is 85 feet. The silo cannot support future equipment needs and therefore, a new monopine tower will be constructed. The centerline of AT&T's antennae on the monopine will be 106 feet, which will also allow for additional cellular coverage to the north and east of the monopine. Furthermore, it the monopine will be able accommodate three (3) carriers. The difference in elevation of the silo and tower will be 20 feet.

Granting the waiver for the required leased area will have no impact on the public as the monopine will meet the setback requirements from property lines.

- 4) The spirit and intent of the Ordinance will not be broken by granting the Variance (Waiver) as it is anticipated that the monopine will not change the character of the surrounding area. A goal of the Personal Wireless Service Facilities Ordinance is to provide for reasonable opportunity for the siting of personal wireless service facilities, including their ability to provide "services to the community quickly, effectively, and efficiently." The existing silo already contains AT&T's cellular equipment and that equipment is currently visible from surrounding properties. The silo cannot support future equipment. Erecting the tower will provide the carrier with the opportunity to provide cellular service in areas that there is currently no coverage.

There will be a 20 foot elevation difference between the location of the tower and the surrounding properties. Due to the elevation difference, the tower should appear shorter than it actually is.

Furthermore, designing the tower using stealth technology, such as a monopine, will make the tower less obtrusive; thereby, reducing the aesthetic impact.

- 5) The height and lease requirement is not necessary in order to give full effect to the purpose of the Zoning Ordinance (health, safety, convenience, general welfare, property values, efficiency and economy) and the goals of the Personal Wireless Service Facilities Ordinance, which is to preserve the Town's authority, provide for reasonable opportunities for siting personal wireless service facilities quickly, effectively, and efficiently, to reduce adverse impacts, and to provide for collocations. Stealth technology will be employed as the tower will be erected as a monopine with all antennae camouflaged by branches.

Again, the property is unique in that it is located at the end of a dead-end road that is at a lower elevation than surrounding properties; thus, requiring the tower to be constructed at a height that exceeds the requirements of the Ordinance in order for AT&T's antennae to be located at the same height of that of the silo.

Mr. Kidder, seconded by Mrs. Connolly, moved to **APPROVE** application #2015-12 as presented with the following conditions:

- 1) The height of the monopine is not to exceed 115 feet;
- 2) The branches of the monopine shall begin no higher than 20 feet above the base of the tower;
- 3) All cables shall be located within the trunk of the monopine;
- 4) The trunk of the monopine shall be brown and all antennae shall be green;
- 5) Arborvitaes shall be planted along the north and east sides of the compound;
- 6) Camouflaging techniques for the monopine shall be maintained at all times, so to reduce the aesthetic impact;
- 7) Prior to issuance of the Building Permit, the Applicant shall provide the Town of Hopkinton with a non-lapsing \$50,000 bond representing the cost of removal of the monopine, antennae and associated equipment. Bond is to cover expenses for removal of the facility in the event that the facility is abandoned;
- 8) Prior to issuance of the Building Permit, the Applicant shall provide the Town of Hopkinton with proof of appropriate liability insurance with respect to the monopine, antennae and associated equipment;
- 9) Once construction is completed, the Applicant shall provide the Town of Hopkinton with an as-built plan, certified by a professional engineer, verifying the overall height – measured from the average finished grade to the highest point, including all attachments, and

10) All successors assume the same conditions and responsibilities, including but not limited to, bonding and liability insurance.

With six members voting, five voted in favor (O'Brien, Connolly, Wilkey, Kidder and Fredyma) and one voted in opposition (Hemingson).

III. Adjournment.

Chairman Bruce Ellsworth declared the meeting **ADJOURNED** at 8:25 PM. The next regular scheduled meeting of the Hopkinton Planning Board is at 6:30 PM on Wednesday, February 17, 2016 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.