

HENNIKER PLANNING BOARD

August 26, 2009

Approved Minutes

Members Present: Kristin Claire, Chairwoman; Ed Miner, Vice-Chairman; Kellie Dyjak; Rick Patenaude; Terry Stamps; Scott Osgood; Ron Taylor, Selectman, ex-officio; Leon Parker, Alternate Selectman, ex-officio; Jeff Roach, Alternate

Others Present: Mark Fougere, Town Planner; Atty. Edward D. Pare, Jr., Riki Humboldt; Bill Coviello; Jennifer Astholz, Recording Secretary

Board Discussion

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Potential AT&T cell tower, Old Hillsborough Road/Morrison Road

Mark Fougere, Town Planner, introduced Atty. Pare as the individual presenting a conceptual consultation for an AT&T cell tower on Old Hillsborough Road. Mr. Fougere stated that the Town Ordinance requires visual photo shots taken of the area where the tower may be located. He stated that the applicant would like the Board's input as to where the Town would like to have the shots taken from.

Atty. Edward Pare, Jr, from AT&T Mobility, stated that he would like to describe the concept of this project and get feedback from the Board members. He described a 135' tall, monopine tower to be constructed off of Old Hillsborough Road. He stated that the preliminary plans are designed for the tower to be in a wooded area, and they plan to request a heighth variance from the ZBA. Atty. Pare stated that he would like to describe the overall project but does not want to provide any evidence since that will be done formally at a public hearing.

Chairwoman Claire asked for the number of feet that the tower will be above the trees. There was discussion about the Town Ordinance allowing a tower 20' above the average tree height. Mr. Pare stated that some of the trees in the area are 85' – 90' feet tall, but the average is about 57' if it is calculated on all of the trees in that area; therefore, the maximum tower height would be 77' tall.

Atty. Pare stated that they can fly two balloons at once and can provide visual shots from various positions. Chairwoman Claire suggested flying a balloon at 77' since that is what is allowed. She stated that the applicant will have to provide evidence as to why they need a tower of 135' to adequately provide service.

Atty. Pare stated that they will show where the tower would be visible from at 135' tall, but he wanted to know if the Board members had any particular areas they would definitely want to see.

Leon Parker stated that Fairpoint Communication is listed on the plans, though he believes that is still in TDS territory. Atty. Pare said that he would check that and make the correction on the plans if needed.

Mr. Parker stated that the Town Ordinance states that a cell tower must be a “monopine” design; however, he believes there are times when a plain gray pole is less obtrusive to the surroundings.

There was discussion about the Planning Board’s and Zoning Board of Adjustment’s roles in reviewing cell tower applications. Currently, the ZBA must rule in requests for height variances, and the Planning Board requires the viewshed analysis as part of the site plan review. Rick Patenaude asked what place the Planning Board plays if the applicant is granted a variance from the ZBA. Mr. Fougere stated that one thing the Planning Board will review is evidence from the applicant showing that a new tower is necessary as opposed to using existing towers or a series of smaller towers hidden in steeples, barns, etc.

Board members suggested that following locations as places to take photos from: 1) west of the intersection of Old Hillsborough Road and Colby Hill Road; 2) from Patterson Hill; 3) past 618 Bear Hill, east of Peasley Road from an open space; 4) east from Hillsborough toward Henniker on Rte. 202/9 about ¼ mile from the Hillsborough town line; 5) from Freeman Colby Road; from the open fields at the top of Depot Hill Road. Ron Taylor gave Mr. Pare a map indicating the areas that had been discussed.

Atty. Pare stated that they will notify the Planning and ZBA Boards when they schedule to fly the balloons and thanked the Board for their time.

July 8, 2009 Meeting Minutes: Review and Approve

Minutes of the July 8, 2009 meeting were reviewed and amended. Terry Stamps **MOVED** to approve the amended minutes; Kellie Dyjak **SECONDED** the motion. Motion **PASSED, 5** (Mr. Parker, Ms. Dyjak, Ms. Claire, Mr. Patenaude & Ms. Stamps in favor) – **0** – **3** (Mr. Miner, Mr. Taylor & Mr. Osgood abstained).

Board Discussion

- *Workforce Housing:* Mr. Fougere stated that there is nothing to report at this time.

Gravel Inspection Update: Mr. Fougere stated that he has been to Henniker Crushed Stone. He stated that they are running out of stone in that area, and material is getting soft on one side. He commended them for having a very clean operation. They have recently submitted erosion control plans to the State, and their recycling system is operating well. Mr. Fougere stated that he has 7 more visits to make to complete the gravel inspections.

Miscellaneous: Riki Humboldt, audience member, stated that he was prepared to show evidence that the conditions of approval of a case in which he was the applicant have been met. Mr. Fougere stated that he would accept the paperwork from Mr. Humboldt and would review the plans first thing the following morning. He explained that Mr. Humboldt would receive a signed set of mylars upon completion of the review. Mr. Humboldt did not want to leave his paperwork with Mr. Fougere without getting a receipt that night, so he withdrew his papers and stated that he would return to the office on Thursday morning to meet with Mr. Fougere.

Application from Thomas Howard for Alternate Planning Board member and CIP member: Scott Osgood stated that he knows Mr. Howard as a long-time resident of Henniker and as a representative of business developers. Mr. Osgood stated that he supports and recommends Mr. Howard for the positions for which he has applied. Mr. Osgood **MOVED** to accept Mr. Howard as an Alternate member of the Planning Board. Ms. Stamps **SECONDED** the motion. Motions **PASSED, 7-0.**

2009-2010 Work List

Mr. Fougere asked the Planning Board to begin prioritizing the items they want to work on for Town Meeting in March 2010.

Chairwoman Claire stated that she wants to separate the issues where an applicant has to appear before both the ZBA and the Planning Board (ie, the cell phone tower situation). She stated that the height of a cell tower is a detail, not a “use” question to be judged by the ZBA. Mr. Fougere suggested that a Conditional Use Permitting process could be helpful to the Planning Board.

The Board discussed the history of the cell tower regulations, the various technology needs and the requirement of “average tree height of the remaining trees.” Mr. Parker stated that the requirement means the “average tree canopy height,” not the individual trees.

*While Workforce Housing is still an issue, Mr. Fougere stated that HUD published new income figures which increase the number of homes in Henniker that meet the criteria. He believes that there are enough available homes in Town that Henniker meets the criteria for workforce housing. There was discussion about rural zoning with 10-acre minimum lot size possibly being a problem in the future.

*The Board agreed that the one principal use per lot requirement be amended for condos in the RV areas, not Town-wide.

*There was discussion about the public’s perception of the Planning Board throughout the Town Meeting process. Chairwoman Claire stated that there are a lot of good planning ideas that can be done for the future of the Town.

*The Educational District (ED) was discussed. Mr. Osgood stated that he believes that the schools could move along with their plans if they weren't so restricted. He stated that an overlay district would be an effective planning measure. Mr. Osgood volunteered to research this idea more thoroughly.

*Special Exceptions, Allowed Uses and possible Conditional Use Permit criteria were discussed. The Board would like to review which ones should be reviewed by the Planning Board instead of the ZBA.

*Child Care Regulations were discussed. Zoning states that if a use is not expressly stated, then it is prohibited. There have not been any problems with child care thus far, and it is currently regulated by the State.

*Growth Management Ordinance will lapse this year and will be removed.

*Home Business Regulations – It was stated that there are problems with this section and difficulties with enforcement of the policies. The Board decided to tackle this section another year.

(Mr. Osgood left at 8:30 pm.)

*Wetlands Buffer – Mr. Patenaude stated that this is another item that sounds good at first; however, it can create more problems. He stated that someone may currently be able to plan something that makes sense with the attributes of their property; however, once confined by this type of regulation, they may be forced to create something less than desirable.

Chairwoman Claire asked Mr. Fougere to present the timeline of preparing for Town Meeting hearings.

Conservation Commission Update: Ms. Stamps stated that there have been a couple of presentations from land trusts about land owners who want to put their property into easements. Also, a piece of property is for sale that the Conservation Commission is looking at. There was some discussion about a road issue where they were waiting for comments from Town Counsel.

It is noted that Scott Osgood and Kellie Dyjak are up for re-election this year.

Ms. Stamps **MOVED** to adjourn at 8:42 pm. Ms. Dyjak **SECONDED** the motion, and the motion **PASSED, 7-0** (Alternate Jeff Roach voting in place of Mr. Osgood).

Respectfully submitted,

Jennifer Astholz
Recording Secretary

