



Planning Board
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Desiree Tumas, Administrator
Mark Fougere, Certif. Planner
Nancy Girard, Chair
John Funk, Vice-chair
Rachel Hatch, Select-Rep
Dan Hudson, Member
Marty Martindale, Member
Dave Russell, Member
John Weston, Member
Jacqueline Heath, Alternate

Planning Board and Zoning Board of Adjustment
Joint Meeting Minutes
June 16, 2011

Attending Members: David Russell, Acting Chair., in the absence of N. Girard, Chair and J. Funk, Vice-chair; Rachel Hatch, Select Rep.; Jackie Heath, Alternate seated in the absence of J. Weston, Member; Dan Hudson, Member; Marty Martindale, Member; Mark Fougere, Town Planner; Desiree Tumas, Planning Administrator.

Attending Public: (As signed in) Peter Cooke, Ralph Lavin, Carol & Sylvain Goulet, Tom Varney, Bob (illegible last name), Andrea Muses, Lucien & Cindy Trudeau, Jeff Farris.

Open Meeting

Call to Order at 7:03 pm
Introduction of Board Members
Explanation of Meeting Procedures

Acting Chair, David Russell announced that the Planning Board did not have a full board available, however a quorum had been established with a 5-Member Board.

ZBA Chair Betty Hackett announced that the ZBA did not have a full board available, however a quorum had been established with a 4-Member Board.

Public Hearing (Continued Joint Hearing from May 12, 2011)

Joint Public Hearing – ZBA Case # 03-2011 Planning Case# 0511 GMR Holding of NH LLC, applicant, Christopher Hotel, owner (Tax Map 411, Lots 27 & 28) - have applied to the Planning Board for Site Plan Review in which they seek approval to construct a 120' multi-tenant monopole wireless telecommunications facility within a 60' x 60' fenced compound area. Proposed accessed by an approximately 700' long and 10' wide gravel driveway. A Special Exception from ZBA is required by Gilmanton Zoning Article III-K4c(2)(b) to be able to erect a Class 2 Cell Tower in area 4. Property located at the end of Copp Road in Gilmanton, in the Rural Zone, Map/Lot # 411-27.

D. Russell, Acting Chair recognized P. Cooke who explained he and Fire Chief Hempel had discussed the life and safety requirements as they relate to the driveway access. Discussions concluded that the driveway was to be 10' in width with 2.5' of clearance on both sides creating a 15' access for fire apparatus. Also discussed was the hammerhead turn-around that will be created at the compound entrance.

P. Cooke went on to explain that a stub area was going to be created at the gate entrance that would be the driveway access to a future home.

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Board Members questioned if the stub would be designed in such a way to accommodate stray vehicles that may venture unknowingly up to the security gate.

P. Cooke explained they would make the stub wide enough and to a depth that would allow a vehicle to turn around at the security gate.

P. Cooke went on to address the ZBA Special Exception Criteria:

1. The site is an appropriate location for such a use because:

The facility is to be located within the overlay district outlined within the ordinance as the preferred location for a wireless telecommunication facilities and the proposed site meets all dimensional and screening requirements.

2. The use as developed will not adversely affect the neighborhood because:

Due to the setbacks provided, the overall size and heavily wooded nature of the underlying property, the proposed facility will have little visual or other impact to surrounding properties in the Coop Road area.

3. The following adequate & appropriate facilities will be provided for the proper operation of the proposed use:

The tower will be engineered to meet all applicable structural standards required of such a structure and AT&T has provided evidence that the operation of their equipment will comply with the RF emissions required and all other terms of the FCC licenses.

Per section K.6.f. Criteria for Special Exceptions, the Zoning Board of Adjustment must also find the following:

4. The proposal is in harmony with purposes and goals set forth in Section K.2:

The proposed multi-tenant facility provides for improved wireless telecommunications opportunities within the Town of Gilmanton within an overlay zone specifically designated for such facilities by the Ordinance. The proposal meets all required setbacks, screening requirements, height limitations and other facility design requirements. In fact, the proposed facility is located on the only property that can provide adequate service coverage to this area of Gilmanton and comply with all requirements and stated sitting objectives provided for within the Ordinance.

5. The proposal is in accordance with the general and specific provisions of this Ordinance, particularly the district regulations in Section K.4 and the performance standards in Section K.5 of the ordinance.

Section K.4 District Regulations-

The proposed new tower would not exceed the 140' height limitations for Class 2 Facility (K.4.a) and is located within Sensitivity Zone 1 (K.4.b (1)) as required by the Ordinance.

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There are no other existing structures or towers within the service area of this proposed facility that would provide adequate coverage. AT&T is already located on the two existing towers located closest to this site and no other existing structure available is higher than the existing tree line in its immediate proximity or is located in such a way that reasonable coverage of this area of Gilmanton can be expected (K.4.c(1)(a)). The development would maintain the dense tree growth and slatted fencing for screening and proposes painting the tower with non-reflective paint above (gray) and below (brown) the tree line to minimize visual impact to surrounding properties. (K.4.c(1)(b))

The proposed tower meets the required 1000' setback from any State Highway and is 500' from any town-maintained road (K.4.c(2)(b) and is located within the fourth Class 2 Facility described in K.4.c(2)(c).

The tower is proposed at 120' in height, rather than the allowed 140' per the ordinance (K.4.c(6)(a)(2)), and that is the minimum height at which AT&T can provide adequate service levels to its customers. The tower will be constructed to allow for vertical expansion in the future subject to the requirements of the Ordinance. (K.4.c(6)(c)(b))

(K.4.c(6)(a)(2)): RF testimony was previously presented and is within the FCC limits. The present location is within the 125% of its height required in (K.4.c(6)(c)(1)). The actual setback is 121' and 25% reduction of the requirement is requested.

If the tower were to be relocated to meet the 125% of the fall zone, the result would be the tower being located closer to the residents of Copp Road and closer to the proposed location of the property owners future home.

K.6(i): Where the Planning Board or the Zoning Board of Adjustment finds that a particular application of these regulations would serve no valid purpose in relation to the purposes and goals set forth in Section K.2 of the Ordinance, it may approve waivers to these regulations provided that the result of the waiver would create a benefit in relation to Purposes and Goals of the Ordinance.

K.5 Performance Standards-

Tree and under story vegetation is being maintained (150' radius) as required by Section (K.5.b) and the tower will not require lighting per the federal Aviation Administration (K.5.e).

The AT&T equipment shelter, as well as all other future shelters or equipment pads shown will comply with Section K.5.g(3) due to substantial vegetative and fencing buffers. The site is not within the or near historic buildings or districts that would require Gilmanton Historic District Commission approval nor within open areas visible to roads, surrounding recreational areas or residential development.

P. Cooke went on to explain that they are in the process of acquiring additional carriers to locate on the tower and currently are in negotiations. P. Cooke is not at liberty to discuss the possible carrier they are in talks with.

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D. Russell redirected discussions to the Planning Board Members; it was questioned why the applicant did not seek approval for the 140' height and wanted to make sure the applicant understood that if at a later time additional height was needed, application to both the Planning Board and Zoning Board of Adjustment would be required.

P. Cooke stated he understood the requirements and is confident that the property owner is not interested in raising the height above 120'. When the balloon test was initially done, two balloons were floated and the visual aspect of 140' from the property owner's perspective was too high.

D. Russell called for further Board discussion from the Planning Board and Zoning Board Members, hearing none; opened the public discussion, hearing none; entertained a motion to close the public hearing; ***M. Martindale moved to close the public hearing, D. Hudson seconded the motion as stated; the motion carried with a 5-0 favorable vote.***

D. Russell thanked P. Cooke for the presentation and explained the Planning Board would deliberate following the second hearing and a decision would be available at the end of the meeting.

Public Hearing (Joint ZBA Hearing)

PB Case #0611 – Property Owners, Carolyn & Sylvain Goulet and Kurt & Tracy Rague (Tax Map 415, Lot 29) – have applied for subdivision approval in which they seek to subdivide the 38 +/- acre parcel into two lots separated by the existing driveway, in the Rural Zoning District. Said property is located at 117 Crystal Lake Road, Gilmanton Iron Works in Gilmanton.

D. Russell recognized Carol Goulet who came forward to present the subdivision proposal to the Planning Board and ZBA presentation for a Variance from Article IV, Table 2; Minimum Frontage on a Class V road.

ZBA Members Wayne Gray and Israel Willard stated they had just received the meeting information and were not prepared to hear the presentation until they had time to review the material and conduct a site walk.

The Planning Board and Zoning Board Chairs discussed what action to take and the Planning Board unanimously decided to move forward with the hearing and the ZBA decided to postpone the hearing until July 21, 2011.

Having no further hearings under the joint meeting, the ZBA Members resumed their meeting in the conference room.

D. Russell, Acting Chair recalled C. Goulet to resume the subdivision plan presentation.

C. Goulet explained the property owner's would like to subdivide the 38-acre parcel into two lots creating a 15.37-acre and 20.61-acre parcel.

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After several failed attempts to subdivide the property in other ways, the partners have decided to dissolve the partnership and the proposed subdivision would allow the partners to sever the partnership with an agreed division of the property.

There are currently no plans to develop the parcels at this time. Due to the overall topography and documented wetland, development is limited.

There is a 400' driveway access that was designed and built to town road specification, less the pavement as was required with a previous subdivision proposal that was withdrawn. The driveway will be maintained equally by both parties and would serve as a shared access to the 92-acre parcel that abuts the subject property.

D. Russell called for Board discussion, hearing none; opened the public discussion.

Abutters Richard and Anne Kirby were in attendance and stated they had no issue with the proposed 2-lot subdivision.

D. Russell called for further public discussion, hearing none; called for further Board discussion, hearing none; closed the public discussion and entertained a motion to close the public hearing.

D. Hudson moved to close the public hearing, M. Martindale seconded the motion as stated; the motion carried with a 5-0 favorable vote.

D. Russell explained that the Board would now deliberate on the two cases and render their decision.

Deliberations

Joint Public Hearing – ZBA Case # 03-2011 Planning Case# 0511 GMR Holding of NH LLC, applicant, Christopher Hottel, owner (Tax Map 411, Lots 27 & 28) - have applied to the Planning Board for Site Plan Review in which they seek approval to construct a 120' multi-tenant monopole wireless telecommunications facility within a 60' x 60' fenced compound area. Proposed accessed by an approximately 700' long and 10' wide gravel driveway. A Special Exception from ZBA is required by Gilmanton Zoning Article III-K4c(2)(b) to be able to erect a Class 2 Cell Tower in area 4. Property located at the end of Copp Road in Gilmanton, in the Rural Zone, Map/Lot # 411-27.

Following discussion on the overall proposal and site walk results; all agreed the proposal was suitable for the proposed location.

Board Members reviewed Article III K-6.i Waivers of the Zoning Ordinance. Following additional discussion pertaining to the fall zone reduction, D. Russell entertained a motion to act on the Fall Zone Waiver.

D. Hudson moved to accept and approve the waiver seeking to reduce the fall zone as required by Article III K-4.(e).[1] as it would serve no valid purpose in relation to the purpose and goals set forth in Section K.2:

- ***The Applicant owns both subject properties***
- ***Both subject properties are undeveloped***
- ***411-27 = 61 +/- acres***
- ***411-28 = 52.23 +/- acres***
- ***The tower design is such that in the event of damage, the tower will not fall over as a single pole but would collapse by design at varying locations on the pole***

M. Martindale seconded the motion as stated; the motion carried with a 5-0 favorable vote.

Board Members discussed the following conditions:

- Adding a “stub” at the security gate to allow a vehicle to turn around
- 150’ “no cut” easement w/tree demarcation
- Additional plan note: AT&T has offered space at the top of the tower for EMS antenna as well as facility space and generator access at no additional charge to the Town of Gilmanton
- Approved Fall Zone Waiver

D. Russell called for further discussion, hearing none; entertained a motion to conditionally approve the proposed Telecommunication Tower.

D. Hudson moved that the application be granted final approval as it appears to meet all the technical requirements of the Ordinance and regulations of the Town of Gilmanton.

The conditions to be complied with or secured (as appropriate) prior to the final plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the final plan is signed and recorded.

- 1. Submission of plans in accordance with Town Ordinances and Regulations.***
- 2. Any required State or other agency permits shall be filed with the Town prior to the recording of the plat or issuance of a Building Permit.***
- 3. The Board shall hold a compliance hearing prior to signing the plans, and prior to the approval becoming final, if any conditions of approval are beyond Administrative in nature or would require discretion on the part of the Board to determine if the conditions had been complied with.***
- 4. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording of the Mylar and/or conditions of approval.***

General conditions to be complied with subsequent to the final plan being signed and recorded:

5. *Copies of all deeds conveying the compound area of the lot and containing the approved language must be provided to the Board at the time of recording the decision letter and/or plan.*
6. *All conditions of approval must be noted on the final plan.*
7. *No changes shall be made to the approved plans unless an application is made in writing to the Town. The Planning Board may allow minor changes following review. The Planning Board at a public hearing may allow major changes after review and abutters shall be notified. The applicant is responsible for the payment of any fees for notification of the public hearing.*
8. *Approval is subject to expiration, revocation and changes in the Ordinance under Town Regulations and the State RSA's.*

Additional Conditions of Approval as set forth by the Planning Board:

- *ZBA approval of a Special Exception.*
- *Driveway stub at the location of the security gate that will be designed in a manner that would provide adequate turn around for vehicles.*
- *150' no cut zone to be maintained and depicted on the plan and any easement language to be provided.*
- *Additional plan note to reflect AT&T has available space at the top of the tower for EMS antennas as well as access to an equipment shelter and generator at no additional cost to the Town of Gilmanton.*
- *Article III-6.i: Fall Zone Waiver was approved by a 5-0 favorable vote.*

D. Russell called for further discussion, hearing none; deliberations were concluded.

Deliberation

PB Case #0611 – Property Owners, Carolyn & Sylvain Goulet and Kurt & Tracy Rague (Tax Map 415, Lot 29) – have applied for subdivision approval in which they seek to subdivide the 38 +/- acre parcel into two lots separated by the existing driveway, in the Rural Zoning District. Said property is located at 117 Crystal Lake Road, Gilmanton Iron Works in Gilmanton.

Board Members discussed the proposed 2-lot subdivision and conclude that the proposal meets the requirements of the Subdivision Regulations with the exception of the somewhat irregular shape of the resulting lots.

Special consideration is given to the amount of wetlands and the topography as a contributing factor in the lot configuration and consideration with regard to precedent being set was discussed.

D. Russell called for further discussion, hearing none; entertained a motion granting conditional approval.

M. Martindale moved that the application be granted Conditional Approval, as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Gilmanton.

Conditions to be complied with or secured (as appropriate) prior to the final plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the final plan is signed and recorded.

- 1. Submission of plans in accordance with Town Ordinances and Regulations.*
- 2. Any required State or other agency permits shall be filed with the Town prior to recording the plat or issuance of a building permit.*
- 3. The Board shall hold a compliance hearing prior to signing the plans, and prior to the approval becoming final, if any conditions of approval are beyond Administrative in nature or require discretion on the part of the Board to determine if the conditions had been complied with.*
- 4. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for the recording of the Mylar and/or conditions of approval.*

General conditions to be complied with subsequent to the final plan being signed and recorded:

- 5. Copies of all deeds conveying the lots and containing the approved language must be provided to the Board at the time of recording the plan.*
- 6. All conditions of approval must be noted on the final plan for recording.*
- 7. No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board may allow minor changes following review. The Planning Board at a public hearing may allow major changes after review and abutters shall be notified. The applicant is responsible for the payment of any fees for notification of the public hearing.*
- 8. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.*

Additional Conditions of approval as set forth by the Planning Board:

- ZBA Approval of the Variance*
- Added note on the final plan addressing the ZBA approval if the Variance is approved.*

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D. Hudson seconded the motion as stated; the motion carried with a 5-0 favorable vote.

Having nothing further to come before the Board, D. Russell entertains a motion to adjourn the meeting.

Adjournment

D. Hudson moved to adjourn the meeting, M. Martindale seconded the motion as stated; the motion carried with a 5-0 favorable vote.

Respectfully submitted,

Desiree Tumas
Planning Administrator