



**Town of Gilmanton, New Hampshire
Planning Board**

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Roy Buttrick, Chair
William Mahoney, Vice Chair
Brett Currier, Member
Vincenzo Sisti, Member
Jacob Dalzell, Member
Shane Bruneau, Member
Marty Martindale, Alt. Member
Mark Warren, Selectmen Rep
Mark Fougere, Certified Planner
Bre Daigneault, Planning Admin

PLANNING BOARD MEETING

Minutes of October 8, 2020

APPROVED

A. CALL TO ORDER- Chairman Buttrick opened the meeting of October 8, 2020.

B. ROLL CALL

Member Jake Dalzell, Chair Roy Buttrick, Member Brett Currier, Member Vincenzo Sisti, Selectmen's Representative Mark Warren, Planner Mark Fougere, and Planning Administrator Bre Daigneault were present at this meeting. Vice Chair Bill Mahoney had an excused absence. There were eleven members of the public present.

C. SALUTE TO THE FLAG

Admin. Daigneault stated she had received a resignation letter from Member Shane Bruneau earlier in the day.

D. Public Hearings-

a. New-

I. PB CASE #CC2020-302- The property owner was not present, Chair Buttrick requested to start the following case and return when the owner arrives.

II. PB CASE #SPR2020-403- Applicant Kurt Rague, on behalf of Crystal Lake Farms, LLC, is applying for a site plan review to place 108 panel commercial solar system on land located at 117 Crystal Lake Road. The property is known as tax map and lot 415-29, consisting of 15.37 acres located in the rural zone.

Member Sisti recused himself from this case, as a co-owner of SunFlower, LLC.

Connor Sanborn, co-owner of SunFlower LLC presented on behalf of the property owner. They are the system designers and project managers for Crystal Lake Farms solar project. The purpose of the group net meter is to save residents money on their electricity. The current property owner would be the sole owner of the solar array; the solar would be exported to the grid to NH Electric Coop; the owner will be compensated for the energy produced; members would join a group to receive a voucher, of sorts, back from NHEC. The only requirements for joining the group are to be on NHEC lines and to be in good standing with NHEC. They would be utilizing 108 panels of 34.2 KW AC in order to stay under 36.5 KW AC which would keep them from going into different State requirements, as well as to keep the footprint small. The 108 panels would be in two 50' rows with 30' of spacing. The Christmas trees that are located in that area will be transplanted to another location on the property. They would be planting pollinator plants under the panels that would root the soil to reduce erosion. The solar project

can offer a model to the town going forward. This allows the owner to receive income and for residents to save money as members. Chair Buttrick inquired if the panels caused any glare. Mr. Sanborn stated typically the panels now come with an anti-glare coating to reduce that. Additionally, these panels would be facing away from the lake, angling towards the forest. Chair Buttrick opened the case to public hearing. There were no comments.

Member Currier made the motion to accept the application as complete. Chair Buttrick seconded. **Motion passed 4-0**

Selectmen Rep. Warren confirmed with Mr. Sanborn the size of the solar would be 34.2 KW. Planner Fougere commented the current site plan regulations require the site plan be produced by a licensed surveyor. A waiver would need to be requested. Member Currier would be fine with the waiver. Chair Buttrick inquired if anyone on the board would like a site walk. Members did not. The setbacks were discussed. One spot would be close to the setback at 22'. Chair Buttrick asked why it was so close to that setback. Mr. Sanborn explained this location was ideal for solar exposure, they did not need to have any trees removed or alter the landscape at all.

Member Currier made the motion to grant the waiver of section VI:A, to not require a professional land surveyor create the site plan. Selectman Rep. Warren seconded. **Motion passed 4-0**

Member Currier made the motion to grant the application as submitted. Chairman Buttrick seconded. **Motion passed 4-0**

Chair Buttrick requested the board return to the first case on the agenda. Member Sisti rejoined the board.

I. PB CASE #CC2020-302: Property owner Van E Hertel, Sr, Trustee of the RAED Hertel Family Trust, requests a preliminary discussion for subdividing land located on Middle Route, more specifically described as map and lot 410-049.3. The owner seeks a discussion to subdivide the 28.765 acres lot into three lots. The land is located in the rural zone. Mr. Hertel described proposing a 28-acre parcel into 3 lots, being 5, 11, and 12.25 acres. Test pits have been done on each lot. He did not have the test pit data available for the discussion. Mr. Hertel has met with the road agent and found the lots suitable for driveway permits. Chair Buttrick inquired as to the meaning of a dotted line on the plan. Mr. Hertel was unsure and would need to consult with the surveyor. Members did not see any issues with the proposal moving forward.

III. PB CASE #SUBMIN2020-505: Property owners Brett & Brenda Currier are applying for an addendum to their conditionally approved Minor Subdivision to property located at 545 NH Rt 140, identified as map 413, lot 3, consisting of 24.4 acres in the rural zone. The proposal will create a 11.493 acre lot with 1,083 feet of road frontage; leaving the remaining 12.905 acres with existing structure(s).

Member Currier recused himself from this case, as the property owner.

Land Agent Jeffrey Green presented the reason for the amendment to the previously approved subdivision. In August, the Planning Board had issued a conditional approval for a subdivision of the property. Soon after, Mr. Green realized he had erred in the placement of the newly created boundary line. Where the original plan had not been finalized nor recorded with the registry of deeds, the planning staff felt an addendum could be requested versus a lot line

adjustment. Mr. Green explained that without moving the lot line, the driveway to the new lot would have been across the existing lot. The change affected approximately half an acre and 137' of road frontage. Mr. Green is requesting re-approval of the application.

Chair Buttrick made the motion to accept the application. SR Warren seconded. **Motion passed 4-0.**

Chair Buttrick opened to public hearing. There were no comments. Chair closed the public hearing.

SR Warren made the motion to approve the application. Chair Buttrick seconded. **Motion passed 4-0.**

b. Old-

Member Dalzell recused himself from this case, as he had not been on the board for previous hearings.

PB CASE #WT2020-602: Kevin Fadden representing Industrial Tower and Wireless introduced himself, Kevin Delaney, Rick Vocci, and Shayna Gallant. Mr. Fadden overviewed the process since the first presentation at the June 11, 2020 meeting. The balloon date was set and executed on June 23rd. The results were reviewed on July 9th, which was attended by residents and abutters. Questions arose as to how the tower would look. ITW chose to run additional balloon tests in the area and would be presenting the results today. Mr. Fadden described the location. The site would be accessed by a town owned class VI road which they would be wanting to upgrade. The location is approximately 850' off from Upper City Rd. A typical compound is 80' X 80' fenced area with the 140' tower in the center. The fencing would be 8' high, unclimbable chain link. The carriers would be separated on the pole in 10' increments. Mr. Fadden described the balloon float held on June 23rd. Abutters Mr. & Mrs. Tonnesen shared their concern with the tower location at the July 9th meeting. ITW contacted the Tonnesens to look at alternative sites and redo the balloon test. Though there is close to 325 acres of land, there are a lot of areas that would not work for the frequency. They chose areas that would work and flew 4 balloons. Two of the balloons were located in the fields and quite visible. The other two, along with the original site, could be seen above the tree line. Mr. Delaney reviewed the coverage studies. The most recent approved site off what is formerly known as Bean Rd, is approximately 3 ½ miles north from the proposed site. There is another site approximately 4 miles in the south-westerly direction in Loudon, as well as a tower approximately 4 miles away in the easterly direction in Barnstead. These sites are carefully chosen. They look at the location of the site, the ground elevation, the height of existing trees, vegetation, and surrounding terrain. They also look at site constructability. Currently the gap in coverage extends along Route 107 about 3 ½ miles in length and Route 129 approximately 2.4 miles in length. Chair Buttrick inquired as to how much further the coverage would extend and if other towns are benefitting more than Gilmanton. Mr. Delaney had measured the coverage on the map and felt Gilmanton was the benefitting approximately 2 miles of coverage. They had looked at alternative sites, however, the hilly terrain in the area would cause shadows in the coverage. In August, Admin. Daigneault had presented a fire tower disguise to ITW. They had visited the site of the tower in Hollis. The first carrier would be disguised within the fire tower, however the second, third, and fourth carriers would be below the structure and remain visible. Mr. Delaney showed a photo sim of a fire tower at the proposed site. There are certain criteria

they would need to meet to be in compliance with NEPA (National Environmental Policy Act). The tower cannot be constructed in a wilderness area or wildlife preserve. The tower cannot affect endangered species. This site complies with these. The historic area was also reviewed and there were no findings the tower would affect a historical building or cemetery. They are also in compliance with the FAA and FCC. Mr. Delaney reviewed pictures of a recently built site in Gilmanton. He wanted the board to know they do not hire subcontractors to do any of the work. All aspects are done by employees; including their own electricians, landscapers, tower erections, and repairs. Their main office is in Massachusetts; however, they do have a station in NH in case any problems arise. Members reviewed the findings from PAL (Public Archeology Laboratory). Member Sisti inquired if there is an end of life plan for the towers. Mr. Delaney stated if the tower is dilapidated, they would replace it. If the tower was no longer being used, they would remove it if they had an agreement with the town.

Chair Buttrick opened the meeting to public comment. Resident Meredith Tonnesen requests the Board deny the Bosiak tower application. She fears the basic character of lower Gilmanton, which is rural, agricultural, historic, and unspoiled will now be degraded with the unsightly look of the cell tower. The tower will be 60' above the trees and she did not feel the photographs were an accurate representation. She had viewed the other towers around Gilmanton and found the other towers are either in an industrial area or placed out of sight. This tower would be easily seen from multiple areas. Mrs. Tonnesen does not feel the applicant has shown the burden of proof to meet the CUP criteria; more specifically the specific site is not in an appropriate location and it will adversely affect the character of the neighborhood. She also did not feel the PAL report gave an accurate representation on how the tower would affect the historic nature of the area. As stated in the PAL report, Mrs. Tonnesen's house sits at the same elevation as the proposed tower. The tree line surrounding the tower sits 120' below the site, making the tower more visible. Chair Buttrick asked for review of the site elevations. He reviewed the list of Mrs. Tonnesen's concerns. Mrs. Tonnesen reiterated, she felt the PAL report accurately described the historic buildings, but did not feel it came to accurate conclusions on how the tower would affect the area. She also stated there are many deciduous trees in the area and the tower would be more visible certain times of year. Resident Sue Kelley-LeClerc inquired of the location of the site in comparison to the cemetery, the Bosiak house, and the snowmobile trail. Mr. Fadden showed the aerial photograph of the property and explained the location. Resident Paula Gilman stated Meredith had said it all. This is a historic area of Gilmanton. The tower does not belong there and will stick out like a sore thumb. Chair Buttrick asked if Ms. Gilman was saying it did not fit the character of the neighborhood. Ms. Gilman stated it does not fit the character. Ms. LeClerc wished to add that she lives at the intersection of 129 and 107. She has limited cell service, but has coverage. She inquired why there is the need for more coverage and if people had been requesting this. Chair Buttrick stated he has driven 107 and watched his cell service. At high points, he has five bars, lower points it goes down to one bar. Mr. Delaney confirmed that is the unreliable coverage they have spoken of. Admin. Daigneault read aloud letters from concerned residents (which can be found in the case file). The first from John Dickey, stated he did not feel the site is an appropriate location and it would adversely affect the character of the neighborhood. The second from Stephen & Judy Hopkins, felt the tower at 60' above the tree line and its visibility from the different viewpoints, Rt 107 by the Parson historic home and Rt 129 by Rollins Pond, does not satisfy the criterion of "will not adversely affect the character of the area". Thomas Howe's letter reiterated these concerns. The tower at 60' above the tree line would diminish the amazing views enjoyed by the public from two vantage points- Rt 107 looking westerly across the ridgeline of Upper City Rd and Rt 129 looking southerly across Rollins Pond. Additionally, he feels the claim the tower is needed to improve cell service and 911 service is not supported. It is based only on modeling, not actual cell service. Resident Ron O'Connor, Jr felt the location of the tower would ruin the expansive view of Upper Ridge, one

of the only man-made structure-free views left. Mr. Delaney asked the board if he could address some of the complaints. With affirmation, Mr. Delaney stated they had submitted a tree report which found the majority of the trees being 100-105 feet in height consisting mainly of eastern white pine and red maple. The affect the tower has on the historic value of the area should be left to the professionals. It has been proven the tower would not affect the area by the historians and historic architects who reviewed the site. Alternate sites had been looked at with the abutters and it was found the original site was the best site for the tower. Chair Buttrick questioned how the historians had a better idea of the historic value as opposed to the property owners. Member Currier inquired if the tower could be situated to only provide service to Gilmanton. Mr. Delaney stated it would still need to be in the same location. SR Warren asked of the town owned land near-by. Mr. Delaney stated the land is highly sloping and not level enough to construct on. They would be more than happy to look at additional locations if the town had any suggestions. Chair Buttrick asked if the sheep farm heading into Loudon could be utilized. Mr. Delaney stated Sanborn Hill would shadow the Route 107 coverage. Chair questioned the distance between the towers. It was stated they would be 3 ½ miles apart, which is typical. Chair Buttrick closed the public hearing. He requested members to review the conditional use criteria on page 17-1. Planner Fougere requested the board review Article XVII-B, as well as the cell tower ordinance itself under section K-2, K-4, and K-5. Section K-6 requires "the burden of the applicant to provide sufficient evidence to persuade the Planning Board that all applicable criteria have been met". Chair Buttrick inquired if members had any comments. SR Warren is concerned with the visibility of the tower, as expressed by residents. He understands why this location was picked, but feels it unfortunate so much of the tower will be exposed. SR Warren cited section 3 (of Article XVII-B:3); the area would be adversely affected. It would affect the historic nature but more to him it would affect the character of the neighborhood. Member Sisti inquired if the historic district commission been consulted on this. It was clarified the property was not located in the historic district. Member Currier feels bad for the property owner but does have a problem with 60 feet of tower showing in front of historic homes. Chair Buttrick felt they (ITW) have a done a beautiful job putting up towers and their work has been outstanding. However, if there is already 60 feet sticking out above the trees, there may be more when the leaves fall. He agrees this is not a good location for the tower. He inquired of Planner Fougere if they could request additional studies. Planner Fougere responded they could. The board had received some reports today. Member Currier said it would be a different story if the was a silo to attach the tower to. Chair Buttrick asked members if they would like more time to review the information they had received today. Member Currier did not feel additional time would change the location of the tower. Member Currier wished to proceed with a motion. Planner Fougere suggested Member Currier specify the articles in which he was to make the motion. Member Currier cited Article XVII-B:3, it would adversely affect the character of the area. Planner Fougere felt B:2 was also not being met; the specific site is not appropriate. He also suggested citing section K-6(d)- the conditions for the conditional use permit must meet the purposes and goals as set forth in K-2; be in accordance with the general and specific provisions as set forth in K-4; meet the performance standards in K-5; the criteria for conditional use permit under K-6:d(2) it shall be the burden of the applicant to provide sufficient evidence to persuade the Planning Board that all applicable criteria have been met and that proposal does not represent unreasonable adverse impacts. An applicant's failure to satisfy the burden of proof shall result in the denial of an application. Member Currier felt it will adversely affect the character of the area.

Member Currier made the motion to deny the application on Article XVII, section B, paragraphs 2 and 3, as well as Article III, section K-6(d), incorporating sections K-2, K-4, and K-5. Chair Buttrick seconded. **Motion to deny passed 4-0.** Chair Buttrick stated the application is denied.

PB CASE #SPR2020-402: Continuance requested until November 12, 2020.

E. Minutes-

September 10, 2020- Joint Meeting with ZBA. Member Currier was the only member present at the meeting. He did not request any changes be made.

September 10, 2020- Regularly scheduled PB meeting- Chair Buttrick wanted it on record, he had described the drainage issues on Allens Mill Rd incorrectly. He had meant to refer to a drainage easement, not a culvert.

Chair Buttrick made the motion to accept as written. Member Sisti seconded. **Motion passed 5-0**

F. UNFINISHED BUSINESS

G. CORRESPONDENCE

H. OTHER BUSINESS/PUBLIC COMMENT

a. **Review Private Road Agreement-** Admin. Daigneault described the request is to make a recommendation to the Selectmen. The property is located on Rose Ave, map and lot 120-040. Member Currier said he did not see a problem with the request; there are other houses in the area and it has already been approved by ZBA. It was the consensus of the board to recommend the Selectmen approve the private road agreement.

b. Zoning Ordinance Discussion-

- Solar- Planner Fougere reviewed a proposed solar ordinance. It would require conditional use permit approval for any ground mounted solar arrays, it does not affect roof mounted. Member Sisti inquired if there should be a differential for size. Criteria could be added for size or for private use. Solar panels can be assessed, but the property owner can apply for the solar exemption. Member Sisti mentioned they could specify grid tied systems versus non-grid tied systems. He also asked if the fire chief should be consulted. Units could have a lock box for fire department use. Member Dalzell felt ground mounted systems should go through the board. Member Sisti would be in favor of capping the size of the systems. Member Dalzell did not feel there should be a cap on the size.
- Chair Buttrick inquired as to the progress of the Capital Improvement Plan. Admin. Daigneault had emailed department heads and has heard back from one. Chair Buttrick wished to start inviting one department head to each meeting, starting in November.
- Outdoor venue- Planner Fougere stated it would be made up of two parts. An article would be added for commercial outdoor venues, for items such as weddings. The zones allowed would need to be decided. There could be site plan regulations adopted if the ordinance becomes approved on the ballot. There could be major and minor categories depending on the size of the event.

- 55+ Community- Admin. Daigneault stated this was the original ordinance, not the one that went on the ballot. She recommended reviewing it along with the minutes from last year to see what aspects residents did not agree with.
- Sign regulations- The ZBA chair had provided suggested changes to the current sign ordinance. Members would review.
- Trailer Coach permits- Admin. Daigneault had received a recommendation from the town's attorney to update the requirement in Article VI:D-1 that storage of a recreational vehicle can only be on one's residential property. It may be difficult to enforce.
- Campground- This could be added to the table of uses. There is already a definition, it was discussed to propose changes to the table to allow campgrounds in the rural zone.

SR Warren recommended limiting the ordinance changes to just a few to avoid confusion. Chair Buttrick inquired if someone could put up a barn on vacant land. Currently this is not allowed in the ordinances. Member Currier agreed he would like to see this changed.

I. ADJOURNMENT

Member Dalzell made the motion to adjourn. Chair Buttrick seconded. **Motion passed 5-0**

Respectfully Submitted,
Bre Daigneault, Planning Administrator

Authorized by


Chairman C. Roy Buttrick

Date:

11/12/2020



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ATTENDANCE SIGN-IN

Thursday, Oct. 8, 2020

PRINT

ADDRESS

Connor Sanborn

Kevin Fadden - ITW

Kevin Delaney - ITW

Sue ~~Hertel~~ LeClerc

Van Hertel

Kurt Rague

Jeff Green

Glenn & Meredith Tonneson

Paula Gilman

Rick Vocci - ITW

Shanna Gallant - ITW

Steve Bosich