

PLANNING BOARD MINUTES
December 8, 2010

APPROVED as AMENDED & CLARIFIED:
12/22/10__jrl_____

AGENDA: CONTINUED COMPLIANCE: PAUL & TAMI ZAREAS, 77 Ravine Dr.,
111-084
CONT. SITE PLAN: MAXTON TECHNOLOGIES INC., Chestnut St.,
#115-026
CONT. SUBDIVISION/MERGER: PEMI-VALLEY HABITAT FOR
HUMANITY, South Main Street, #115-008 & -009
SITE PLAN REVIEW: CRAIL HOLDINGS LLC, 481 Lake St.,
#224-048

ATTENDING: Dan Paradis (Chairman), Phil Dion (Sel. Rep.), Murray Campbell, Denice
DeStefano, Clay Dingman

ABSENT: Elizabeth Seeler (Vice Chair), Janice DellaCroce (work), Steve Favorite
(Alternate - work)

OTHER: Michael Capone (Town Administrator), public

The meeting opened at 7:00 p.m.

CONTINUED COMPLIANCE: PAUL & TAMI ZAREAS

No representative was in attendance.

M. Campbell made a MOTION, second by C. Dingman, to CONTINUE THE ZAREAS
COMPLIANCE HEARING TO JANUARY 12TH, 7:00 P.M. The motion CARRIED.

CONTINUED SITE PLAN: MAXTON TECHNOLOGIES INC.

Mr. Paradis addressed the missing items of the wireless checklist:

#1. Service area - This is to be found in the affidavit. Mr. Paradis read this under affidavit #3. He explained that what is needed is the types and which ones would work and which ones do not. Mr. Paradis then read the e-mail received from Michael Capsalis, which states his concern about CDMA and GSM not being included on the tower. Otherwise, he is in favor of the proposal.

Steven Kelleher, Maxton Technologies Inc., felt that it is unfair to require this technology. That Verizon, etc. may want to be included but should not be a requirement. Peter Demarco, representative for Maxton, stated that it will be GSM certified.

Jim Nyberg, Slim Baker Vice Chairman, stated that, technologically talking, they have Maine PCF which is a booster for the cell phone carrier. Coverage will only continue to whatever tower you have as an individual. It will not cover U.S. Cellular or Verizon unless they put their antennas on. Mr.

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SITE PLAN: MAXTON continued:

Kelleher answered that you have to allow for competition. It will fill the plot as seen on the map supplied which is based on GSM.

David Gallagher, abutter, asked what advantage it would be for a carrier to want to hook on. Mr. Paradis stated that some are already interested. He continued by saying that the Board needs further detail of the need and in terms that a layman can understand.

Mr. Paradis addressed the photo simulations received tonight and said that they should be re-labeled and described as Inspiration Point NW for the first 2 and via telephoto lens for the last 2.

Susie Putnam, Bristol, stated that she went up to Inspiration Point and took pictures of the balloon test. She feels that it is very visible from there. She submitted photos that show the town and the balloon there, along with Cardigan Mountain. Also, photos taken from the sliding door of her home in which it is very visible. Mr. Gallagher added that the balloon can be seen from his living room window. He feels that the tower will show more than a 3' balloon.

Going back to the checklist, Mr. Paradis addressed #7. Written evidence demonstrating that no existing structure within 2 miles of the Town borders can accommodate the applicant's needs – Mr. Paradis stated that the requirement is to try to find existing structures but does not say that they need to look for alternate locations. He then read the letter from the applicant which explains that they looked at Peaked Hill (did not meet coverage objectives), North Main St. Water Tank area (significant blockage from Sugar Hill), Hemp Hill where the town's existing tower is located (okay for Downtown but failed to provide far enough up Route 104). At the latter site, Maxton did try to negotiate with the landowner but this did not materialize. It is located on a Scenic Highway and there is a conservation easement over the land. There was a great deal of opposition from the Bristol Conservation Board as well. Maxton also drove to the Slim Baker area but, due to the nature of the area, this location was ruled out. The present location meets all of their coverage objectives. Mr. Paradis added that Steve Yannuzzi, Fire Chief, testified before the Zoning Board that this site does not fulfill the need, also. Maxton has made a sincere effort. He would like this plotted, however.

Mr. Kelleher again stated that the Conservation Commission would not allow the tower to go up on Hemp Hill. Mr. Nyberg suggested that they look into the tower across the road which is in Alexandria. It has been abandoned for about two years and could be for sale. It is owned by Cablevision. Mr. Dion explained that this tower is across from the tower that Bristol is using, when folks seemed to be confused. Mr. Paradis felt that Maxton should plot the Alexandria tower as it is within the 2 miles of Bristol's border. The defined area is very broad, he added. Mr. Kelleher stated that both the Police Chief and the Fire Chief went with him to see the present tower and feel that it is inadequate.

Mr. Paradis stated that, if both areas work, he supposes that the Board will need to balance the site in Alexandria versus the public's feelings. Mr. Dion asked Maxton to look for the RF as well. Mr. Kelleher added that this tower may not meet the town's needs. Mr. Paradis said that the Board needs to know that. As it stands, this may be the one alternate location that might serve the need. We would like Maxton to run some signal plots for it.

Victor Labonte, abutter, asked if Bristol's equipment would still be moved if the Alexandria tower is used. Mr. Kelleher explained that Maxton would have no obligation to move Bristol's

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MAXTON SITE PLAN continued:

equipment and they would need to negotiate with the owner and pay rent. Mr. Labonte suggested that they increase the height of the tower if the RF signal is not working. Mr. Dion explained that the present tower that Bristol uses will need replacement. If it serves the area, Bristol would have to pay to move the equipment also. Mr. Labonte asked why the Board has not brought in a consultant. Mr. Paradis stated that the Board has not decided on this need as yet.

Checklist #10. List of contacts, inquiries, rejections, etc. has been addressed already.

#16. (Visual impacts), 17. (Enhancements), and 18. (Visibility) are to be considered with the Site Plan.

#32. Ground-mounted facilities - Mr. Paradis read the letter received from the Slim Baker directors in which they feel that Zoning Ordinance Section 10.8.6 and 10.1 should have been addressed as a Variance along with addressing Value. Mr. Paradis felt that one must read Section 10.8.6 carefully; what is "Open area"? Is it a meadow, field, swamp, etc.? As to clearly visible, the tower is ½ mile away from Slim Baker and is located against a backdrop of trees. Mr. Paradis stated that, if the Board feels a variance is needed, it would be recommended. He added that any cell tower will show above the trees.

Ms. DeStefano stated that she has reviewed this Section and feels that a variance is not needed as this is a wooded area. She added that she can see two towers from her own house and can understand. Mr. Gallagher stated that a tower is needed but asked why not place it in an area where it would not bother anyone. Ms. DeStefano answered that this is what the Board is trying to determine. Mr. Labonte felt that they might be better to build two smaller towers instead of one. Mr. Dingman mentioned #33 in which a buffered tree growth is required. Mr. Keller said that they addressed the amount of tree growth. Mr. Paradis stated that the ZBA allowed a variance to modify this. Mr. Nyberg said that it says dense tree growth and this area is all small growth. It was a field when he was growing up. To him, it is an open area. Mr. Paradis wanted to take a straw vote as to whether or not this requires a variance.

Mr. Dion mentioned that an open recreational area usually refers to sports such as skiing, etc. Inspiration Point covers a large area. No matter where a tower is located, it will be seen. Mr. Paradis felt that "clearly visible" puts a little difficulty to this. Mr. Dingman said that he feels that this refers to the area where the tower is located is clearly visible.

Mr. Campbell asked how far north of Route 3A did they go. Was this area looked at also? Mr. Kelleher stated that they tried to stay out of Bridgewater due to it's being in the flight path for the airstrip. Dick Tapply, Chairman of Slim Baker, wondered if legal advice is needed as to whether a variance to 10.8.6 is needed or not. They are taking a risk by an obstructing cell tower. He is not saying that the entire area would be free but feels that this area should be preserved. Mr. Paradis stated if it is an eyesore or blends in with the landscape. He personally feels that it would not be the most focused item in the view. There are other towers in Bridgewater and Alexandria and proposed in New Hampton, which is within 5 miles. Mr. Nyberg stated that they clear that area of trees about every 5 years to sustain the view and this is slated to be done next year.

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MAXTON SITE PLAN continued:

Roger Prive, abutter, stated that the Board can regulate where a tower can be located and he cited Meredith's ordinance. Mr. Paradis answered that we have to follow Bristol's ordinance and cannot change the rules mid-game. Mr. Dion asked about ground mounted facilities; whether this refers to the facilities or the tower. Mr. Paradis felt that it addresses the whole thing.

At this time, a straw vote was taken as to the need of a variance for 10.8.6. The result was 2 for a variance and 3 against.

#35. Driveway – Mr. Paradis asked if they will modify the driveway and Mr. Kelleher stated that it is shown on the new plans, pages C3 and C5.

#40. Equipment fully compliant with 10.8 – This is in the affidavit.

It was then asked if there is something in writing for the removal of the tower and for insurance. Mr. Demarco stated that there will be a bond and can be made a condition of approval.

Site Plan checklist: The approval block is okay. Soil types, drainage and storm water are on page 1. Wetlands and the seal are needed on the plan. Mr. Kelleher said that this is pending and will take time to get. As to impervious areas, this is in note #6 on C2 of the plan and fences is also on C2. When asked what the current plan is, Mr. Demarco stated that they intend on a chain link fence with privacy slats.

It was noted that with #41. Statement of completion date – The waiver is misstated. The waiver is asking to waive the starting date in stead of the completion date. Mr. Demarco corrected this. #48. The waivers are to be listed on the plan and this was agreed to. Ms. DeStefano asked if the demolition bond and insurance information should be added and Mr. Paradis said that it should and felt that it could go under "Other Restrictions".

D. DeStefano made a MOTION, second by C. Dingman, to ACCEPT THE SITE PLAN AS COMPLETE WITH THE FOLLOWING CONDITIONS: THE WETLAND SEAL ON THE PLAN, THE WAIVER FOR THE COMPLETION DATE ON THE PLAN, AND THE POSTING OF THE REMOVAL BOND AND INSURANCE. Mr. Kelleher stated that the last shall be done with the building permit. The motion CARRIED. The hearing was then closed and the Board was about to set a motion when some of the public asked to speak again.

Mr. Gallagher felt that the delineation has to be done by a certified wetlands scientist. He added that the presence of wetlands has only shown up now; that these used to be buildable lots. Mr. Dion explained that the town does not change this. The properties were taken for taxes. It was noted that only a wetlands scientist could determine this. Mr. Labonte stated that, at the last meeting, the Board said that they would discuss hiring a consultant. Mr. Paradis explained that we have closed the meeting for tonight and will wait to see the need of one.

D. DeStefano made a MOTION, second by C. Dingman, to CONTINUE THE MAXTON TECHNOLOGIES INC. HEARING TO JANUARY 12, 2011 AT 7:00 P.M. The motion CARRIED.

CONTINUED SUBDIVISION/MERGER: PEMI-VALLEY HABITAT FOR HUMANITY

Alan Barnard, representative, presented copies of the 4 test pits done on the property. He pointed out that he has moved the buildings so as to leave all setbacks free. The wetlands are shown and 2' grade intervals are shown. He has placed a proposed drive for the 3 sites on the plan but shall need to go to the Fire Chief to be sure that this is okay with him. Part of the property where the drive is to be will be above 10% grade level. They will need a variance for that. Mr. Paradis pointed out page 29 of the Zoning Ordinance on Applicability and also #5 of that section and said that they may not need a variance based on this. Mr. Barnard added that the slope grade is 15%. Mr. Paradis asked if this is in the area of the houses and Mr. Barnard answered that it is in part and also the access road.

The checklist was then looked at. The soil types are listed on the test pit sheets. Mr. Barnard has shown where the culverts will be but the size will be up to the State. He added that he has met the building setbacks, that these are cluster lots and no further building will be done to the property. He will need construction drawings for the road.

C. Dingman made a MOTION, second by P. Dion, to ACCEPT THE SITE PLAN AS COMPLETE WITH THE CONDITIONS THAT THE CONSTRUCTION DRAWINGS BE DONE, THE DRAINAGE CALCULATIONS DONE, AND THEY GET A DES SUBDIVISION APPROVAL.

Mr. Barnard continued by saying that this will be a private road. The driveway will be less than 10%. He added that, when the State widened the road, they built the property up higher than it was. Mr. Barnard will get access approval from the State. He is hoping that they will approve it from Route 3AS. The alternative plan would be from Green Acres but would need to cross the wetlands. As to the septic systems, they hope to put in one system each for two houses to share for a total of two systems. Mr. Barnard pointed out the areas around each house. Also, at the top end of the property, he is leaving a 50' buffer and there will be no building and limited cutting in that area. There is a dug well that he intends on having checked. When the two lots are combined, they will be within the 90 sq. ft. Again he mentioned that they could come in from Green Acres but would need to cross a wetlands. Mr. Paradis mentioned that they do not want to have a steep area coming out onto the main road. Mr. Barnard stated that there is a good area off 3A S, which the State used when they were working there. He also mentioned that test pit #4 has a high water table. Mr. Paradis stated that they need input from the Fire Dept. Mr. Barnard said that their engineer will work with the Fire Chief. If the Fire Chief is okay with everything, will it be okay to go on with the engineer plans. Mr. Barnard pointed out that the private road is now shown as 20' wide but will be adjusted as needed. He asked about a soil stamp. Mr. Paradis stated that it is #29 on the Site Plan checklist and we can talk about that later. Tom Keegan, Bristol, recommended that the town support this project.

C. Dingman made a MOTION, second by D. DeStefano, to CONTINUE THE HABITAT FOR HUMANITY HEARING TO JANUARY 12, 2010 AT 7:00 P.M. The motion CARRIED.

SITE PLAN REVIEW: CRAIL HOLDINGS LLC

The secretary read the application, abutters' notified list, where the hearing was advertised, and said that no written response or telephone calls were received. Colin Brown, surveyor, represented Crail Holdings. He explained that the property is next door to Century 21. The existing conditions are on sheet 1 and the actual proposal is on sheet 2.

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CRAIL SITE PLAN continued:

The checklist was addressed. #12 is listed as 10,000 sq. ft. and the board felt that they should use the full amount of 24, 500 sq. ft. as they have the space. Mr. Brown will check on this. #37. Mr. Paradis explained that we favor parking behind the building and he read 8.5.E.2, page 36 of the Site Plan regulations. Mr. Brown explained that, by bringing the building forward, they couldn't provide the parking in back. Mr. Paradis stated that they will need to ask for a waiver on this. #42. Mr. Paradis explained that they will need to go to the State for a Shoreland Protection permit. Mr. Campbell, owner, stated that he has applied for this.

Mr. Paradis then read Mr. Martin's e-mail concerning this case. Mr. Martin is for the proposed plan as long as it gets Shoreland Protection approval. Mr. Paradis stated that they need to have the #37 waiver on parking written.

C. Dingman made a MOTION, second by D. DeStefano, to ACCEPT THE APPLICATION AS COMPLETED WITH THE CORRECTION OF #12 BUILDING HEIGHT (AS IS IN THE ZONING ORDINANCE ON PAGE 11) AND THE WAIVER REQUEST. The motion CARRIED.

Mr. Paradis felt that this seems like a straight forward plan. The biggest hurdle will be with DES. Mr. Dion asked about signs and Mr. Paradis explained that up to 32 sq. ft. per façade is allowed. Mr. Dingman asked what the building will look like and Mrs. Campbell, co-owner, stated that it will be Colonial with a Farmer's Porch.

D. DeStefano made a MOTION, second by M. Campbell, to APPROVE THE SITE PLAN FOR CRAIL HOLDING LLC WITH THE CONDITION OF THE CORRECTIONS AND A SHORELAND PROTECTION APPROVED PERMIT. The motion CARRIED and a compliance hearing was set for January 12, 2010 at 7:00 p.m. It was explained that, if they do not have the approval at that time, they can e-mail or call us for a continuation. The applicants were thanked for coming in.

All of the hearings for that date will again be held at the Old Town Hall. Mr. Dion felt that he should recuse himself from the cell tower hearings as the TTCC is a direct beneficiary from the Slim Baker Lodge and Mr. Dion's wife is in charge of the TTCC. He will get Don Milbrand to take his place. Ms. DeStefano mentioned that she will be unable to attend the Jan. 12th meeting as she will be out of the country.

MINUTES OF NOVEMBER 22, 2010:

The following amendments and clarifications were made:

Page 1, Other, second line, replace "Commission/NLRC" with "Association/NLRA". 2nd paragraph 1st line, replace "NLRC" with "Newfound Watershed". 4th line, before "Mr. Whitman" insert "Mr. Paradis suggested that a co-occurrence map might be even more useful." Also, replace "gave them" with "gave the maps". 3rd paragraph, 6th line, insert "could" after "He stated that we".

Page 2, 2nd paragraph, 5th line, replace "advise" with "advice". 3rd paragraph, 7th line, delete "and have them supply a performance formation."

C. Dingman made a motion, second by D. DeStefano, to approve the minutes as amended. The motion carried.

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COMMUNICATIONS:

A cease and desist memo was received. It was sent to Paul Morrisette from Michelle Bonsteel (Code Enforcement Officer) in regard to the neon signs on his building.

REPORTS:

Historic District Commission: Mr. Dingman stated that the Commission will be meeting next week. Mr. Dion mentioned that they may have to meet in another area as Water/Sewer may need the downstairs room.

Selectmen: Mr. Dion stated that they are dealing with Budget issues. He suspected that the Board had received Ms. Bonsteel's e-mail explaining that she is being changed to part-time after the first of the year. The Selectmen's budget will go to the Budget Committee showing this change. Mr. Paradis expressed his disappointment with this decision, stating that the Land Use Boards were not even asked their opinion on this. He realizes that there are budget concerns but he is afraid that we may lose the professional assistance that we have had. Mr. Dion said that he does not disagree with her ability and the benefit of her position but they have had complaints that this used to be a part-time position. Ms. DeStefano stated that we shall probably have more litigation going on if she leaves. Mr. Dingman agreed.

Capital Improvements Plan: Mr. Campbell reported that he has done his annual report and it is on the web as of today.

NEXT MEETING: Our next meeting will be held Dec. 22nd, 7:00 p.m. at the Town Office and we shall be holding a Public Hearing on the proposed Zoning changes.

With no other business, C. Dingman made a motion, second by M. Campbell, to adjourn at 10:10 p.m.

Respectfully submitted,
Jan Laferriere, secretary