

CANDIA PLANNING BOARD
MINUTES of September 21, 2011
APPROVED

Present: Mary Girard, Chair; Sean James, Vice Chair; Judi Lindsey; Kim Byrd; Ginny Clifford; Steven Bradley Alt; ; Carlton Robie, Board of Selectmen Rep; Dennis Lewis, Road Agent

Absent: Albert Hall III

Chair Girard called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance.

Minutes August 3, 2011 & August 17, 2011

J. Lindsey **motioned** to accept the September 7, 2011 minutes as amended. K. Byrd **seconded. All were in favor.** G. Clifford abstained. Page 1, 6th paragraph, change "At" to "AT".

Continuance 7:00 pm – Major Site Plan Application: New Cingular Wireless PCS, LLC ("AT & T") c/o Susan M Roberts, Anderson & Kreiger, LLP One Canal Park, Suite 200, Cambridge, MA 02141; Owner: Paul Hunter 606 North Road, Candia NH 03034, Map 402 Lot 10: To permit construction of a 100' monopole cell tower, gravel access road and a 75' x 75' compound with a generator. ZBA case #567 granted special exception to allow 100' monopole cell tower.

Susan Roberts, Anderson & Kreiger, Shannon McManus, KJK Wireless and Jonathan McNeal, SAI Communications were present for the applicant. Abutter Dennis Orzechowski, 55 Halls Mill Road was present. Town Engineer Aaron Lachance P.E. from Stantec, was present.

Chair Girard said the Planning Board had received a review letter from A. Lachance yesterday and it appears most everything is addressed. S. Roberts said there were 3 issues from the last meeting. She said one of them pertained to a tree survey. She said Stantec wanted them to survey the vegetation and trees that were going to be affected in the work area and more. She said they had the survey done. The surveyor said the area surveyed included the work area plus 20' beyond and one tree was found that exceeded 24" in diameter, a 36" maple tree. She said the tree was mapped per the regulations. She said the survey noted there was 60% pine, 40% maple in area around the tower area. Located 100 feet south of the tower there was existing vegetation and trees that included 70% maple, 25% pine, 5% other birch and ash. There was a note on the plan the inspection was completed August 25 by Colonial Surveying. Also shown on pages CO2, CO2a and CO2b are depictions of the site with the landscape plan and grading. S. Roberts said note 8 was added that discusses the tree survey on each of the pages.

S. Roberts said the second issue was to have the boundary survey stamped by a NH Licensed Land Surveyor which is required in the regulations. She said they had a NH L.L.S. review the boundary survey. She said page CO1 has been renamed from "abutters plan" to "lot survey plan". She said the L.L.S. did a field certification and previous plans were referenced. She said a 1980 survey was done when the parcel was bought by Mr. Hunter and a 1985 survey was done when a portion was subdivided out. These two surveys were referenced on the plan on pages CO1 and CO1A.

S. Roberts said the third issue related to an easement. She said Stantec had asked for an easement for the purpose of access and utilities to match the recorded plans. She said they have drafted an easement. She said the easement refers to a legal description that is attached; exhibit A, on plans A1 and CO1A. S. Roberts said the easement needs to be reviewed by AT & T and Paul Hunter before it is completely executed.

S. Roberts said they are formally requesting the waiver 8.03(A) to allow a gravel access road and not bituminous asphalt. D. Lewis said other cell towers in town are accessed via a gravel road and he said it is acceptable. S. Roberts said the only other issue is the removal bond.

A. LaChance said he heard from the Planning Board, that they do not like receiving letters last minute. He said the draft easement from AT & T was received Monday night, September 19, 2011 and once they received the last document, their review letter was done the next day. He said they take no objection to the waiver to allow the applicant to use a gravel access road instead of a bituminous asphalt access. He said requesting waiver is to stay consistent with the regulations.

A. LaChance said one final comment was once the easement is final and is executed, he will take a quick look to make sure it has not changed too much from the draft.

C. Robie **motioned** to grant waiver 8.03 (A) Driveway and Parking Areas: All driveway and parking areas shall be topped with bituminous asphalt on an engineered sub-base to allow a gravel access road. J. Lindsey **seconded. All were in favor.** D. Lewis said he had no issue with a gravel access road as all of the other cell towers in town have gravel access roads.

A. LaChance said the applicant has addressed the landscaping issue in accordance with the regulations and the abutters plans are now stamped by a Licensed Land Surveyor.

K. Byrd said Halls Mill Road was requested to be added to the plan. S. Roberts said it was added to the page it was requested on. K. Byrd asked when the draft easement would be finalized. S. Roberts said her hope was it would be signed before any expiration appeal or rehearing period. K. Byrd suggested making the finalized easement a condition on a Notice of Decision. S. Roberts said she would ask that not be a condition because the easement is not required by the regulations, it is something that Stantec has recommended. S. Roberts said she is going to submit the draft easement to AT & T and she assumes the draft will be reviewed next week. She said Mr. Hunter or his lawyer will also have to review the draft easement.

K. Byrd said without an easement in place there cannot be any construction. S. Roberts said their current lease would allow them to go forward. S. Roberts said she does not personally see a problem with the draft easement being finalized. Chair Girard said the easement is a recommendation and is not in the regulations and her opinion it does not need to be a condition on the NOD. S. James said a recorded easement sounds like good practice. S. Roberts does not see the easement taking very long to finalize. C. Robie suggested a condition that before AT & T receives their final approval to operate the cell tower they have the easement finalized. S. Roberts said that sounded reasonable and asked again that the word conditional not be used for the easement on the NOD. C. Robie said the applicant does not have to do an easement but they are having an easement done for the Town.

D. Orzechowski said on plan CO3 of the updated drawings he said the numbers of antennas were reduced on the drawings and the co-location spots in the compound were removed. He said he feels now the compound is oversized for a single carrier. Chair Girard said they have reduced the compound already. S. Roberts said they reduced the compound from 75 feet by 75 feet to 50 feet by 50 feet and have added trees that will be planted around the compound. C. Robie said the compound was reduced by 1/3. He said they need the remaining area to get in with the trucks and for construction. D. Orzechowski said, as an abutter, to remove 60' to 70' trees in the area is unnecessary for one carrier. S. James said the applicant has done what they said they would and reduced the area to accommodate one carrier.

S. James said an outstanding issue is the removal bond amount. A. Lachance said the original quote included the removal of the tower and compound. He said the revised removal bond was submitted on August 23, 2011 and is for the removal of the monopole cell tower only. He said the revised amount is \$33,522.50. Chair Girard asked if S. Roberts had to talk to their client on the bond amount or if she could accept the amount. S. Roberts said the bond amount is acceptable.

Chair Girard said there are still conditions from the ZBA's NOD such as removing the existing radio antenna before construction of the new tower, etc.

S. Roberts spoke with her clients and she said whether the Town of Candia has the authority to ask for the fully executed lease or not, they will provide the fully executed lease prior to completion or sooner.

S. James **motioned** to approve the Major Site Plan to permit construction of a 100' monopole cell tower with a gravel access road, a 50' x 50' compound and a generator, in accordance with the Zoning Board of Adjustment Notice of Decisions dated 9/28/2010 and 12/28/2010 as modified by the courts with a removal bond in the amount of \$33,522.50 to be provided before construction starts. J. Lindsey **seconded**. M. Girard, C. Robie, S. James, J. Lindsey, G. Clifford and S. Bradley **were in favor**. K. Byrd **was opposed**. (Motion carried 6-1) S. Roberts thanked the Board.

Other Business

Zoning Review and Revision Committee

S. James said there is a Zoning Review Revision Committee (ZRRC) meeting on Thursday, September 29th, 6pm at the Smyth Library. A. Lachance said he had some suggestions for proposed changes to the Zoning Regulations. S. James said A. Lachance could email his suggestions.

Michael Thompson, 564 Old Candia Road, Preliminary Major Subdivision

Chair Girard said the 7 lot Preliminary Major Subdivision for Michael Thompson, 564 Old Candia Road is scheduled to be heard at the October 5th Planning Board meeting. S. James said the revised FEMA map used by the applicant shows the flooding on Brown Road on a much smaller scale. He said the previous FEMA map showed flooding going across Brown Road.

Capital Improvement Plan (CIP)

Chair Girard discussed a warrant article for funding the CIP. She said she has tried to get funding for the CIP but doesn't look good. She said she did not want to go ahead with a warrant article without the approval of the Board. J. Lindsey said that was a good idea. K. Byrd asked how much was needed and Chair Girard said they would ask for \$10,000. Chair Girard said Stantec had provided a quote for around \$8,000 to update the CIP. She said Stantec had worked on the original CIP and said that sounded reasonable. She said would have the original amount researched. She said the current CIP will expire before funding is available through a warrant article which they will have to address. Other funding was discussed.

SNHPC Energy Chapter for Master Plan

Chair Girard said Southern NH Planning Commission contacted her and the Board of Selectmen about doing an Energy Chapter for the Master Plan. She said this is at no cost to the Town of Candia and it wouldn't start until winter. It is funded through the state Office of Energy and Planning. She wanted to know what the Board felt about entering into an agreement with the SNHPC to undertake the work. She said all the town would most likely have to do is have a public hearing and provide some information to them. Chair Girard believes they energy audit will be conducted on town buildings. J. Lindsey like the idea. Chair Girard was in favor. G. Clifford was in favor. She asked if it would be similar to the Master Plan where there would be a description, vision, goals and issues concerning specific implementation, strategies and recommendations to make Candia more energy independent. Chair Girard said it would be.

Chair Girard said SNHPC needs to know right away if Candia would like to have the study done. C. Robie said this study sounds like one that was just recently completed. C. Robie said an energy audit was recently done on the Old Smyth Library at no cost. He said the study gave recommendations to replace the furnace and to add more insulation.

S. James said the last study SNHPC did for the Town was at no cost and was never finished. He said the Open Space Study they did wasn't great to begin with and when the Planning Board

asked for revisions, they said they didn't have any money left. He said the Study is about 80% finished and no one is really happy with it. S. James said because of that he is not interested in this study even if it is free. He said SNHPC should finish what they committed to already. Chair Girard said Betsy Kruse sent a letter with the final recommendations and edits for the Open Space Study, but they have not heard back. She said she will follow up.

S. James **motioned** to cancel the Planning Board meeting on October 18, 2011 to allow the Planning Board members to attend the Law Lecture for continuing education. J. Lindsey **seconded**. **All were in favor.**

Chair Girard said there is a Preliminary 7-lot Major Subdivision for Michael Thompson Old Candia Road Map 413 lot 046 on the agenda for the next meeting October 5, 2011.

The next Planning Board meeting is October 5, 2011 at 7pm at the Town Hall.

J. Lindsey **motioned** to adjourn at 8:50 pm. C. Robie **seconded**. **All were in favor.**

Respectfully submitted,
Sharon Robichaud
Land Use Secretary