

**TOWN OF NEW HAMPTON
PLANNING BOARD
MEETING MINUTES
NEW HAMPTON TOWN OFFICE
NEW HAMPTON, NH 03256**

October 20, 2009

MEMBERS PRESENT

Mr. Kettenring, Mrs. Lynch, Mr. Luciano, Mr. Mertz, Mrs. Gregg, and Mr. Conkling

OTHERS PRESENT

Mrs. Lucas

CALL TO ORDER

Mr. Kettenring called the meeting to order at 7:00 p.m.

MINUTES

Minutes of Sept. 15th

Mr. Mertz made a motion to accept the minutes as presented. Mrs. Gregg seconded. The vote passed.

CORRESPONDENCE

Mr. Kettenring acknowledged receipt of the following correspondence:

1. Copy of a letter to Cease and Desist from the Selectmen to Lawrence Gilpatric, Arnold Cate and Linda Vasill due to excessive noise in a residential area under Article 5, Section G of the Zoning Ordinance. Excessive noise was from a generator providing power to a mobile home placed at 147 Carter Mountain Road.
2. A copy of a letter from the Selectmen to Robert and Judy Ulrich, 191 Dixon Hill Road (the former Christian Campground property) regarding persons staying at the former campground facilities in violation of the Zoning Ordinance.

**CONTINUATION OF
PUBLIC HEARING &
ABUTTERS HEARING**

*Site Plan Review for
construction of a propane
filling station at:
Vacation Camp Resorts
(Jellystone Park)
31 Jellystone Park, off
Route 132 North
Tax Map R20, Lot 1*

Jayne Cohen appeared for this item. The location of the proposed propane fill station would be by their exit, diagonally across from septic dump station, and would be largely obscured by the woods. At her last appearance in August, the Board asked her for a handwritten plan, more detail from Suburban Propane as to the fill station's structure, and letters from Police Chief Salmon and Fire Chief Drake.

Chief Salmon's letter stated he had no safety issues with the plan. Mrs. Lucas advised she spoke with Chief Drake who verbally confirmed he reviewed the site and the construction plans and finds them satisfactory. Mrs. Lucas has asked him for a written letter for the record.

Chairman Kettenring asked the Board for any comments. There were none. He then asked if any abutters had comments. There were none.

Mr. Conkling moved that the plans be accepted and approved. This was seconded by Mr. Luciano. Mr. Kettenring then asked for any discussion. Mrs. Lucas noted that at the August meeting this filling station was discussed as accessory to the campground use and was not to be a retail

operation. Mrs. Cohen confirmed this was the case. The vote passed. Mrs. Cohen advised this addition would be noted on the next Existing Conditions plan. Mrs. Lucas stated this plan would not be registered, but the hand drawn map would be added to the file.

**BOUNDARY LINE
ADJUSTMENT**

*Gene & Winifred Boynton
Boynton Road,
Tax Map R-18, Lot 31 and
Bruce A. Cote,
Tax Map R-18, Lot 30
Adjustment of 1 acre.*

Richard Gowen and Mr. Gene Boynton appeared for this item. At the last meeting Mr. Gowen advised the Board that the boundary adjustment would be changing from 2.5 to a 1 acre lot line adjustment. He presented the Board with a plan showing the adjustment. After review by the Board, Karen Gregg made a motion to accept the plan, with Mr. Mertz seconding. The vote was passed. Mr. Mertz then made a motion to approve the plan, seconded by Mr. Conkling. The vote passed.

**CONTINUATION OF
PUBLIC HEARING &
ABUTTERS HEARING**

*KGI Properties, Inc.
NH Route 104,
Tax Map R-4, Lots 90, 90A,
90J and 90K
57.9 acres
Site Plan Review,
Commercial Development*

Mr. Dougherty appeared for KGI and asked the Board to consider lengthening KGI's Site Plan extension for another 18 months due to the poor economic climate. He advised the Board his rationale was the same as it was a year ago when the Board gave him a 12 months extension. Mr. Dougherty noted that KGI has spent considerable dollars to date and had worked hard to include scaling down their planning to work with the Town's access management efforts on Route 104. He stated if he were to start over now the concessions made regarding access and other issues would not be possible again and that it was in both KGI's and the Town's best interests to keep this site plan going rather than forcing everyone to start over.

Mr. Conkling asked why KGI was asking for 18 months instead of 12. Mr. Dougherty stated he could make it 12 if the Board so wished, but he was not sure that improvement in the market would be that quick. He noted the market for smaller commercial interests is anticipated to get worse in coming months, not better.

Mr. Kettenring asked for abutters comments. There were none. Mrs. Nancy O'Callaghan was present.

Mr. Conkling offered a motion to grant an extension of the application 12 months for this Site Plan Review. This was seconded by Mr. Luciano. Mr. Kettenring asked for any discussion.

Mrs. Gregg, an abutter to the KGI property, asked if the work done to date could be considered under a new application. Mr. Kettenring noted that the current grandfathered plans would have to be considered under the new zoning regulations. Mr. Mertz noted that the project as revised had been reviewed by the Board under the newer regulations. His memory was that the Board had found everything could be considered under the newer rules, with the caveat that the larger building of the two would have to be considered under Conditional Use regulations. Mr. Dougherty responded that he was hoping to avoid re-doing the consultant studies done to date at the request of the Board or duplicating expenses already incurred.

Discussion ensued as to whether the view impact study requested by the

Board was based on the original larger scale plan, or if it had been done after the project had been scaled down. Mrs. Lucas stated she would have to pull the plans to be sure, but she believed they were done while the plan was at the larger scale. Mr. Doherty stated that if the plans remained as they were now, the slopes and soils plans would not have to be done again. He stated that if it is determined by the Board that studies have to be done again, he would comply.

The Traffic Study and Groundwater Study have not been done as yet, but other studies have been completed.

Mrs. Lucas suggested that if KGI was amenable to a written commitment to the current plans, some agreement might be drawn up by the Town Attorney. If the Board wanted to consider that option, Mrs. Lucas suggested a shorter period for the extension – sufficient to cover the time it would take to confer with consultants and attorneys. The question for the consultants would be to consider the time that has passed since they issued their reports and advise the Board as to whether any studies might need to be re-done. Mr. Kettenring stated that as this was a project grandfathered under the old Ordinances, and much sweat and blood has been invested on both sides, Mrs. Lucas's suggestion made a great deal of sense. He asked for comments. Mrs. Gregg said this would address her concerns.

Mr. Mertz made a motion to grant an extension for 3 months to allow the Board to contact its advisors on this project, develop a proposed agreement with the attorneys and to allow discussion of any further extension. This was seconded by Mr. Conkling. The vote passed. Mr. Dougherty said he would confer with Mrs. Lucas as to commitment and text for the agreement by attorneys.

**INFORMATIONAL &
CONCEPTIONAL
MEETING**

*White Mountain Pizza LLC
(property owned by
Route 104 LLC – part of
KGI Properties, Inc.)
345 NH Route 104
Tax Map R4, Lot 90K
2.46 acres*

Co-Owners Eric Mac Arthur and Josh Ell came to speak to the Board regarding their plans to open a pizza and sub shop next to Franklin Savings in a portion of what was formerly the Black Bear Café.

Mrs. Lucas noted that Mr. MacArthur was on the agenda last month and was asked to come later because of the lengthy agenda. Through no fault of his, he arrived too late and the meeting had adjourned. Mrs. Lucas advised the Board they were appearing to seek advice as to whether their project required Site Plan Review.

Mr. Kettenring asked if they planned to install any equipment significantly different from the previous owners. Mr. Ell stated they would be installing a pizza oven. They have been in touch with the Fire and Police Chiefs, DES, septic planning, State Plumbing Board, local plumbers and electricians. They planned to install a hood over the pizza oven, sinks that had been removed, a double-decker conveyor pizza oven, and two refrigerators. Their plans were to reduce the facility size back to what it had been when Middleonowhere Café originally opened. They would reconstruct a wall to replace the one removed when Middleonowhere expanded, but would be extending the wall into the attic area to act as a fire block. They would have only the oven – no grill or fryers. Their

anticipated menu consists of pizza, subs, a few appetizers, pasta items and salads.

Mr. Mertz asked about signage and was advised they would be utilizing the kiosk and sign under the eaves used by the Black Bear Café but would also have an “open” sign in their window, similar to that used by Franklin Savings Bank.

They advised the Board hours of operation would be 11 a.m. to 9 p.m., and based on sales, might extend to 10 p.m. on a Friday or Saturday night.

The Board was advised the Fire Chief had some concerns regarding the walls, which they intended to address and they would be putting in an Ansel fire suppression system in the hood which exceeded code requirements. The Fire Chief was scheduled to do another walk through. Asked if they planned to add another bathroom, the Board was advised that when there were fewer than 25 seats only one bathroom is required.

Mr. Kettenring stated he did not see a need for site plan review and entertained a motion. Mr. Mertz made a motion that no site plan was required, seconded by Mr. Luciano. The vote passed. When asked by a Board member, the owners stated they were hoping for a December opening date.

OTHER BUSINESS

*Conceptional/Informational Meeting
US Cellular Proposal for Additional Height on a Communications Tower
SBA Communications
Ridge Road*

Jaclyn Swenson on behalf of JS Consulting (Site acquisition services), to discuss the SBA telecommunications town on Ridge Road, Tax Map R-4, Lot 27, came before the Board with a Conceptual/Informational presentation regarding the 80 foot communications tower. Currently the “pine” mono-pole hosts antenna arrays for T-Mobile, Verizon, AT&T, and Sprint. Her client, US Cellular, would like to add 10 feet more height to accommodate their 6-antennae array at 90 feet of height. She showed the Board plans of the location at this time.

She noted that while T-Mobile has their antenna arrays installed on the pole, they have not installed their ground equipment within the compound as yet.

US Cellular intends to build its own ground equipment enclosure measuring 11 x 20 feet. It would be a closed-in structure with their equipment, a generator, and an air conditioner built in.

Mr. Kettenring asked what the height was of the surrounding tree line. If the top of the tower has already hit the 30 foot limit above the tree line, there could be a problem. Ms. Swenson did not have that information available. She was pretty sure the tower was higher than the surrounding tree line. Mr. Mertz noted that since the tower was erected it seems like some of the trees around it have been removed. Mrs. Swenson stated she was not aware of that. Mr. Mertz has not been to the location, but he finds that the tower is more visible or evident lately. Mrs. Gregg concurred with Mr. Mertz.

Mrs. Lynch asked if there was anything in the existing plan that showed more trees removed within the compound. Mrs. Lucas said that all the trees in the compound have been removed.

Ms. Swenson said in order to maintain clarity of signal, ten feet of separation between carriers is required. She noted that US Cellular is looking to expand their coverage in the area and requires placement at 90 feet of height. In response to a question from Mrs. Gregg, she stated that another company could possibly ask for additional height above 90 feet, but US Cellular's intent was to place their equipment at 90 feet of height.

Mr. Kettenring advised Ms. Swenson he wanted to review the Ordinance, but he was fairly confident in advising this project would probably require site plan review. Further, he noted, if this proposal exceeds any height requirement in the Ordinance, it would probably need to go to the ZBA for a variance.

Ms. Swenson thanked the Board.

Clarification for the Board

As an aside, Mrs. Lucas wanted to clarify for the Board comments made earlier by Mr. Boynton (thanking the Board for the work on the road in his subdivision.) She advised the Board that he was referring to FEMA work done on his road, and that was not a Town project in a subdivision. Mr. Kettenring stated he was aware at the time Mr. Boynton was referring to a matter not germane to this Board.

ADJOURNMENT

Motion to adjourn was made by Mr. Conkling and seconded by Mrs. Mertz. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Kristin Harmon