

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

December 15, 2009

MEMBERS PRESENT

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

OTHERS PRESENT

Mrs. Lucas, Town Administrator

CALL TO ORDER

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

MINUTES

Minutes of November 17, 2009

Mr. Mertz made a motion, seconded by Mr. Luciano, to accept the minutes with the following changes. The vote passed.

- Pg 3, last paragraph - " The application was ... and other details are " Add the word "completed."
- Pg. 8, 2nd paragraph – "Mr. Drake stated he would be sure that other ten " Add "tenants did not have any objections."

CORRESPONDENCE

Mr. Kettenring acknowledged receipt of the following correspondence:

1. Driveway Permit Application for Jerry Busby on NH Route 132N

**2010 ZONING AMENDMENT
DISCUSSION/SCHEDULING
OF HEARING**

Proposed Zoning Amendment #1, Article VIII - Administration and Enforcement

Mr. Mertz advised the Board that this section in the Ordinance is rewritten. He stated that this newest revision adds B.6. a requirement for a building permit for installation of heating systems and their inspection and approval by the Fire Chief.

Mrs. Gregg was concerned with this added workload for the Fire Chief and Mr. Mertz advised that this was already required by State law.

Mr. Mertz advised that C.1 was changed from "substantial renovation" to "substantial improvement."

Mrs. Lucas advised that C.2.f clarified that the driveway must be "in accordance with" as opposed to "driveway permit" which ensures that driveway was installed as required.

There was some discussion relative to D.2 & B.7 and the requirement to renew sign permits every 5 years and unfinished building permits every year. Mrs. Lucas advised that building and sign permit applications would note these expirations.

Relative to the Substantial Improvement definition, Mrs. Lynch asked for clarification of structures incurring substantial damage, regardless

of actual repair work performed. Mrs. Lucas stated that the purpose for this inclusion was if a home incurred this type of damage a new certificate of occupancy would be needed before someone could reoccupy the premises.

There was some discussion relative to the requirement for a permit based on the estimated value of labor and materials being \$5,000 or more. Mr. Mertz and Mrs. Lucas explained that this number was a result of consideration on how an improvement affects the assessment and how much cost is involved having an assessor inspect the property.

It was moved by Mr. Mertz, seconded by Mr. Conkling, to move proposed Amendment #1 forward to Public Hearing.

Mr. Kettenring asked for any further discussion. Mr. Conkling asked for clarification on the process of hearings and putting these proposed changes on the warrant. It was pointed out that a hearing would take place to call for input from residents. If substantial changes were made then a 2nd hearing would be required. Once the proposed amendments are finalized then the Planning Board votes whether to place it on the ballot. These changes are proposed by the Board of Selectmen.

Vote passed.

Proposed Zoning Amendment #2, Article V – General Provisions, Signs

Mr. Mertz advised that signage requirement was changed to include a total of any signage to be up to 5% of the building face, in addition to the allowed free standing sign. It was previously written so only one additional sign would be allowed to meet the 5% requirement. The BOS felt this is more appropriate for signage. Mrs. Lucas gave the example of Mobil On the Run having 2 signs on the building face, one for “Mobil on the Run” and one for “Amato’s” but together they meet the maximum 5% requirement. This is the way the ordinance has been applied over several years. Mr. Kettenring suggested that proposed Article V., Section E.6.ii.a should just be added to Section E.6.ii.

It was moved by Mr. Mertz, seconded by Mr. Luciano, to move proposed Amendment #2 forward to Public Hearing as amended.

Vote passed.

Proposed Zoning Amendment #3, Article V.K – General Provisions, Personal Wireless Service Facilities

Mrs. Lucas advised that she has a proposed Amendment #3 relative to how the ordinance is applied. Better clarification is needed regarding cell towers, which came to light after legal discussion and a future application. Initially the town thought that this applicant would need to come to the ZBA for a Variance, but after careful review of the ordinance it was decided that the appeal would be for a special exception. For this reason town counsel suggested that the ordinance be modified to improve clarification. Mrs. Lucas pointed out current wording regarding height, that “in the absence of tree or

vegetation, regardless of the type of mount, personal wireless service facilities shall not exceed 35 feet.” She said this does not address a height limitation when there *are* trees or vegetation. Town counsel is advising that the Board put in some language to address this. She distributed language given as an example by counsel, which stated that “in the presence of trees or vegetation... shall be no taller than 10 feet above the average tree line within a 100 foot radius of the facility. Counsel also advised that there be language added relative to definitions on tree lines.

Mr. Mertz advised that the proposed wording which allows only an additional 10 feet seems minimal in making the tower more effective.

Mr. Kettenring questioned whether the wording “tree canopy” height be used instead of “tree line” in keeping with existing definitions.

There was discussion of camouflage by vegetation and whether the existing tower site had some trees removed recently.

Mr. Kettenring suggested that the height limitation be no taller than 30 feet above the tree canopy in keeping with what is allowed for wind towers.

Mr. Conkling advised that the Board needs to know what the existing facility height is currently in reference to the tree canopy. Mr. Kettenring asked what the ZBA had previously approved for height on this tower. Mrs. Lucas advised that they gave a limit of 80 feet and restricted the clearance of trees within 300 feet of the tower. Mr. Conkling said he would like to know how high the current tower is above tree line.

Mrs. Gregg made a motion, seconded by Mr. Conkling, to use the proposed wording that the height shall “be no taller than 10 feet above the average tree line within a 100 foot radius of the facility.” Mr. Conkling said he would prefer to see the limit at 20 feet. Vote did not pass.

Mr. Conkling made a motion, seconded by Mr. Mertz, to use the proposed wording that the height shall “be no taller than 20 feet above the average tree line within a 100 foot radius of the facility.” Vote passed.

Mr. Mertz advised he would like to include the change from “average tree line” to “average tree canopy”. Mrs. Lucas advised that the current wording relative to the definition of Average Tree Canopy Height states “within a 150 foot radius” of the facility.

It was moved by Mr. Mertz, seconded by Mr. Luciano, to amend proposed Amendment #3 to include the change from “average tree line” to “average tree canopy” and from “100 foot radius” to “150 foot radius”. Vote passed.

It was moved by Mr. Mertz, seconded by Mr. Luciano, to move proposed Amendment #3 forward to Public Hearing as amended. Vote passed.

It was moved by Mr. Mertz, seconded by Mr. Luciano, to hold a Public Hearing for the proposed amendments to the Zoning Ordinance on January 4, 2010 with a snow date of the 5th.

Mrs. Lucas advised the Board that there were no submissions of any petitions for changes to the Zoning Ordinance.

PUBLIC HEARING/ ABUTTER'S HEARING

*Carol & Amanda Huckins
205 Straits Road
Tax Map R-10, Lot 34
2 Lot Subdivision*

Bryan Bailey presented on behalf of the Huckins. He reminded the Board that the application was accepted at the hearing in November and he has submitted the 2 items previously requested:

- An approved driveway permit
- Copy of the septic design plan for the future home site, which showed the proposed contours and grading of the site.

Mr. Bailey advised that Mr. Boucher wanted 3 trees removed in the vicinity of the new driveway. Mr. Bailey said he obtained permission from the abutter that those trees could be removed and left for the abutting property owner, as the trees were on their property.

It was moved by Mr. Mertz, seconded by Mr. Conkling, to approve the application. The motion passed.

INFORMATIONAL/CONCEPTUAL MEETING

*US Cellular re: SBA Towers
Ridge Road Cell Tower
Tax Map R-4, Lot 27*

No one was present to represent this item.

Mrs. Lucas advised that a formal application is forthcoming. Mrs. Lucas submitted a letter that the future applicant presented to see if it was suitable to allow them to legally represent the application. Mr. Kettinger stated that he thought the letter was satisfactory to allow the applicant to represent SBA Towers. It was the consensus of the Board that the property owners of the leased land also submit a letter stating that US Cellular could represent the application.

OTHER BUSINESS

Mr. Mertz advised that the Board of Selectmen would like to see the Master Plan be updated next year. Mrs. Lucas advised the Board that the last time a full update was done it was 2002 but one chapter was updated more recently. Mr. Mertz advised that Selectmen Tierney had someone in mind who might chair a Master Plan Committee. Mrs. Lucas advised that LRPC could assist with the process. There was some discussion relative to getting interest from residents to serve on this committee.

Mrs. Lucas clarified for the Board that there will be a joint meeting with the Zoning Board of Adjustment on January 19, 2010. The hearing will start with a ZBA hearing at 6 PM, on a Special Exception, at which time the Planning Board will sit in. She advised that it will be appropriate for the Planning Board to ask questions during this hearing. This will be followed by a Planning Board hearing of a Site Plan Review application by this same applicant.

ADJOURNMENT

Motion to adjourn was made by Mr. Conkling and seconded by Mrs. Gregg. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Pamela Vose