

Raymond Planning Board Minutes

June 03, 2010

Approved 06/17/2010

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Members Present: Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Bill Hoitt, Selectmen's Ex officio; Gretchen Gott; Jim Kent; Bill Cantwell.

Staff Present: Ernest Cartier Creveling; Community Development Director; Robert Price, Planning Technician.

Pledge of Allegiance

Approval of Minutes

Members Sitting for Approval of Minutes: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Bill Cantwell; Jim Kent.

MOTION: Ms. Matthews made a motion, seconded by Mr. Cantwell, to approve the minutes of May 06, 2010 as amended. The motion carried with a unanimous vote of 6-0-0.

MOTION: Mr. Cantwell made a motion, seconded by Ms. Matthews, to approve the minutes of May 13, 2010 as amended. The motion carried with a unanimous vote of 6-0-0.

MOTION: Mr. Cantwell made a motion, seconded by Ms. Matthews, to table the approval of the May 20, 2010 minutes until the tape of the meeting can be reviewed so the accuracy of some sections could be verified. The motion carried with a unanimous vote of 6-0-0.

Public Hearing – MetroPCS Site Plan – Lane Road

Chairman Wood opened the hearings for both applications together.

Application #2010-006 – *An application for site plan review has been submitted by MetroPCS for placement and operation of a wireless communications facility within an existing mono-pole structure. Supporting equipment and structures will be located within an existing enclosed fenced area. The property is shown on Raymond Tax Map 15, Lot 8; Lane Road.*

Application #2010-007 – *An application for site plan review has been submitted by MetroPCS for co-location of a wireless communications antenna onto an existing lattice tower. Supporting equipment and structures will be located within an existing enclosed fenced area. The property is shown on Raymond Tax Map 28-4, Lot 7; Main Street.*

Members Sitting for these Hearings: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Gretchen Gott; Bill Cantwell; Jim Kent.

Applicant/Agents Present: Ray Fournier & Kate Rugman of MetroPCS.

Public in Attendance: Curtis Pelletier, 39 Lane Road, Property Owner.

Mr. Cartier Creveling stated that both applications can be accepted as complete for review purposes.

MOTION: Ms. Gott made a motion, seconded by Mr. Kent, to accept Applications #2010-006 and #2010-007 as complete for review purposes. The motion carried with a unanimous vote of 6-0-0.

Mr. Cartier Creveling noted that both applications are for additions of equipment to towers that are already existing, adding that there is very little to be done. He then turned over the presentation to the applicants.

Mr. Fournier stated on Main Street, they are adding an antenna to the existing lattice tower. On Lane Road, he noted that the tower is a monopole, so antennas are being added to the inside of the tower.

Mr. Fournier also explained that the concrete pad and equipment shelter at the Main Street site are already of sufficient size, so nothing will need to be done, however the concrete pad at the Lane Road site needs to be expanded.

Ms. Rugman noted that a backup generator is not being sought in either location, as MetroPCS relies on battery backups during power failures.

Mr. Wood asked if the cell phone coverage gaps in the downtown area will be relieved with the installation of the new antennas. Mr. Fournier replied only for MetroPCS customers.

Ms. Gott asked if MetroPCS is currently located on either tower at the present time. Mr. Fournier replied no, they are new to both locations.

Mr. Kent asked how much growth space will be left on each tower after MetroPCS installs their antennas. Mr. Fournier replied they conducted a structural analysis on both sites. He stated if he recalls correctly, the Main Street tower is currently at 85% capacity, and the Lane Road tower is currently vacant. Ms. Rugman noted that both compounds will have space to add after MetroPCS installs their equipment.

Mr. Hoitt asked if the towers are able to sustain a heavy wind or ice storm. Ms. Rugman explained that the towers were originally engineered to account for such events.

PUBLIC COMMENT

There was no public comment.

REGIONAL IMPACT CRITERIA – LANE ROAD

1. *Could the proposal be construed as having the potential for regional impact based upon:*

a. *Relative size or number of dwelling units as compared with existing stock;*

Ms. Rugman replied NO because their application does not involve any dwelling units.

b. *Proximity to the borders of a neighboring community;*

Ms. Rugman replied NO because their application is not visible from a neighboring community and any visual impact would be no greater than the tower itself.

c. *Transportation networks;*

Ms. Rugman replied NO because their application does not involve any transportation networks as this is an unmanned facility.

d. *Anticipated emissions such as light, noise, smoke, odors or particles;*

Ms. Rugman replied NO because their application does not emit any light, noise, smoke odors or particles.

e. *Proximity to aquifers or surface waters which transcend municipal boundaries;*

Ms. Rugman replied NO because their application does not impact or transcend any aquifers or surface waters.

f. *Shared facilities such as schools and solid waste disposal facilities.*

Ms. Rugman replied NO because their application does not impact any schools or solid waste disposal facilities.

Ms. Rugman also noted that the proposed addition of antennas to the existing tower will not impact any previous FAA or FCC approvals as their proposed addition of antennas will not change the height of the tower and MetroPCS is a licensed FCC wireless carrier and its proposed installation of a wireless facility would be FCC compliant.

MOTION: Ms. Gott made a motion, seconded by Mr. Cantwell, that Application #2010-006 does not have regional impact. The motion carried with a unanimous vote of 6-0-0.

REGIONAL IMPACT CRITERIA – MAIN STREET

1. *Could the proposal be construed as having the potential for regional impact based upon:*

a. *Relative size or number of dwelling units as compared with existing stock;*

Ms. Rugman replied NO because their application does not involve any dwelling units.

b. *Proximity to the borders of a neighboring community;*

Ms. Rugman replied this is an existing tower that in a distance may be viewed above the tree line from Epping, but the impact is very minimal as there is no change to the height of overall footprint of the tower and Metro's antennas are no worse visually than the previously approved existing tower.

c. *Transportation networks;*

Ms. Rugman replied NO because their application does not involve any transportation networks as this is an unmanned facility.

d. *Anticipated emissions such as light, noise, smoke, odors or particles;*

Ms. Rugman replied NO because their application does not emit any light, noise, smoke odors or particles.

e. *Proximity to aquifers or surface waters which transcend municipal boundaries;*

Ms. Rugman replied NO because their application does not impact or transcend any aquifers or surface waters.

f. *Shared facilities such as schools and solid waste disposal facilities.*

Ms. Rugman replied NO because their application does not impact any schools or solid waste disposal facilities.

Ms. Rugman made the same note as with the Lane Road tower; that the proposed addition of antennas to the existing tower will not impact any previous FAA or FCC approvals as their proposed addition of antennas will not change the height of the tower and MetroPCS is a licensed FCC wireless carrier and its proposed installation of a wireless facility would be FCC compliant.

MOTION: Ms. Gott made a motion, seconded by Mr. Cantwell, that Application #2010-007 does not have regional impact. The motion carried with a unanimous vote of 6-0-0.

Next, the Planning Board dealt with several waiver requests. The applicant requested the same 21 waivers for each application for a total of 42 waiver requests. The applicant sought waivers from each of the following:

- a. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 3.
- b. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 4.
- c. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 7.
- d. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 9.
- e. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 10.
- f. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 11.
- g. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 12.
- h. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 13.
- i. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 1.
- j. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 2.
- k. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 3.
- l. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 4.
- m. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 5.
- n. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 6.
- o. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 7.
- p. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 8.
- q. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 9.
- r. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 10.
- s. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 11.
- t. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 12.
- u. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 13.

The Board reviewed the applicant's request for the aforementioned waivers. The applicant filed one blanket waiver request to cover each of the waivers. A copy of the waiver request form is on file in the Community Development Department.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Kent, to grant all of the requested waivers for Application #2010-006 and Application #2010-007. The motion carried with a unanimous vote of 6-0-0.

MOTION: Mr. Cantwell made a motion, seconded by Ms. Gott, to approve Application #2010-006 as presented by MetroPCS for property shown on Raymond Tax Map 15, Lot 8; Lane Road.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
 - b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
 - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
 - d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
 - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan approval date of June 03, 2010. **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twelve (12) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
 - a. Expansion of the existing concrete pad.
 3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
 - a. Installation of the three (3) proposed panel antennas mounted within the existing monopole structure, and completion of all other improvements as represented on the approved site plan.

4. Estimates for all improvements shall be provided by the Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to the start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by the Applicant in favor of the Town of Raymond prior to the issuance of a building permit by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of the issuance of a Certificate of Occupancy, plus a 10% contingency.
5. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 3.
 - b. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 4.
 - c. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 7.
 - d. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 9.
 - e. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 10.
 - f. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 11.
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 - k. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 3.
 - l. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 4.
 - m. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 5.
 - n. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 6.
 - o. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 7.
 - p. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 8.
 - q. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 9.
 - r. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 10.
 - s. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 11.
 - t. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 12.
 - u. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 13.
6. Other Conditions imposed by the Planning Board:
 - a. N/A

The motion carried with a unanimous vote of 6-0-0.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Hoitt, to approve Application #2010-007 as presented by MetroPCS for property shown on Raymond Tax Map 28-4, Lot 7; Main Street.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
 - b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
 - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
 - d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
 - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan approval date of June 03, 2010. **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twelve (12) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
 - a. Installation of proposed MetroPCS antenna onto existing lattice tower structure, and completion of all other improvements as represented on the approved site plan.
 3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
 - a. Installation of proposed MetroPCS antenna onto existing lattice tower structure, and completion of all other improvements as represented on the approved site plan.
 4. Estimates for all improvements shall be provided by the Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to the start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by the Applicant in favor of the Town of Raymond prior to the issuance of a building permit by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of the issuance of a Certificate of Occupancy, plus a 10% contingency.

5. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 3.
 - b. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section I, Paragraph 4.
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 - t. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 12.
 - u. Town of Raymond Site Plan Review Regulations (2001), Article VI, Section II, Paragraph 13.

6. Other Conditions imposed by the Planning Board:
 - a. N/A

The motion carried with a unanimous vote of 6-0-0.

Work Session – Goals and Objectives

The Board reviewed the list of Goals and Objectives they established during the March 18, 2010 meeting. It was noted that some of the items on the list have been addressed. The following items were suggested as additions to the list:

- Find a way to push harder to obtain Alternates.
- Work on the Zone A water line zoning plan issue, per March 2010 vote.
- Annual review and update of Master Plan to commence in Summer 2011.
- Get the updated Impact Fee Schedule placed on the Board of Selectmen agenda.
- Buffers Ordinance
- Sourcewater Protection Plan
- Community Rating System

MOTION: Ms. Matthews made a motion, seconded by Ms. Gott, that the Planning Board send a letter directly to the Chair of the Board of Selectmen requesting that the Selectmen take up the issue of the new impact fee schedule. The motion carried with a vote of 5-0-1, with Mr. Hoitt abstaining.

Topics for Training Session with Legal Counsel

The Planning Board next discussed a list of topics for Legal Counsel to review during an upcoming training session. The following is the list of topics:

- Expansion of innovative land uses and a broad overview of their meaning
- Zoning solutions for water and sewer lines – not related to funding. What creative zoning solutions have been entertained in other Towns, and what are some successes.
- US Supreme Court decisions on land use
- Update on Town legal battles, both old and recent.
- How to address enforcement issues in Town for businesses operating and/or expanding without a site plan

Other Business

Mr. Cartier Creveling gave an update on the status of the Exit 5 Special Advisory Council, and informed the Board that Public Works Director McCarthy has resigned to accept a position in the Town of Rye.

The Board heard reports from its members serving on other Boards and Committees.

Adjournment

MOTION: Mr. Cantwell made a motion, seconded by Mr. Hoitt, to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Robert Price
Planning Technician