

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
October 8, 2013

Present: Planning Board Members: Carrie Thomas and David Burnham, Co-Chairpersons; Peter Blakeman, Julie McCarthy, Roger Wells, members; and Dan Sundquist, Ex-Officio; (Bob DeFelice, member was absent); Carole O'Connell, Alternate; and Laurie Hayward, Land Use Coordinator (LUC) also present and representing ITW were Kevin Fadden, ITW Site Acquisition Specialist; Kevin Delaney, ITW Engineering & Regulatory Compliance Manager; Richard Voci, Engineer, and there were no members of the public in attendance.

The meeting was called to order at 7:00 PM, by Carrie Thomas, Co-Chairman.

Administrative:

The chair asked the alternate, Carole O'Connell, to step forward, standing in for Bob DeFelice.

Minutes of previous meetings: Wells moved to approve the minutes of September 24, 2013. Burnham seconded and it was unanimously voted to approve the minutes of September 24, 2013 as written.

Correspondence:

Alan Pike letter requesting the Falvey Subdivision be revoked:

The LUC read the letter of Alan Pike, Trustee for Baker Hill Annex LLC which has purchased the Falvey Subdivision:

"I recently purchased the property on Baker Hill Road that borders the Sutton/Newbury town line. The land was previously owned by Mr. Falvey, who subdivided the land in building lots. The property in question is 944-525, 938- 502, 937-478, 937-450, 939-422, and 936-403. I have attached a map for your convenience.

I have no interest in the property being subdivided. My long term plan is to put a driveway across a section of the property to gain access to holdings we have on the Newbury side. I request you rescinding your earlier decision to subdivide the land and return it to one single lot."

The Chair explained that this would be a request for revocation of Subdivision titled "Subdivision Plat of the Land of Matthew Falvey, Sutton, NH", approved by the Sutton Planning Board on November 7, 2011 and recorded at the Merrimack County Registry of Deeds as Plan #19868. The applicant is Alan Pike. The current owner is Baker Hill Annex, LLC. The subject property was identified on the town's tax maps as Map 08, Lots 944,525; 938,502; 937,478; 937,450; 939,422 and 936,403 on Baker Hill Road.

Wells moved that the Planning Board approve the request to rescind the Falvey Subdivision decision; Burnham seconded the motion and it was voted unanimously to approve the rescission of the subdivision.

Thomas explained that notices will be sent giving 30 days for any request for public hearing and that, at the end of the thirty day period, if there are no requests for public hearing, then the revocation will be final.

Emails from abutters regarding the Kuhlman sign and possible business change: Thomas took up the question of sign size at the Kuhlman property on Penacook Road. It was explained that members had before them a photo and copies of emails from abutters expressing concerns regarding the sign. Thomas also read the Order of Conditions that was issued with the approval in April 2012 of the Kuhlman site plan:

- The business will provide off-street parking for two cars and staff parking in the front garage.
- The septic system will be upgraded to State standards for home and office use, if necessary.

- The office use is approved for one doctor, two patients and staff.
- The office hours will be between 8 a.m. and 6 p.m., Monday through Friday.”

The LUC stated, for the minutes, that there have been a number of emails from abutters and other property owners in the area around Kezar Lake regarding the Kuhlman business and specifically about the sign that has been erected and the apparent addition of a second Doctor. She further noted that copies of the several emails were provided to Board members and that this is an administrative question – whether the Planning Board and/or Zoning Board of Adjustment should take up this matter and request that the owner apply for either a Zoning Variance and/or Site Plan Review. The basic question is does the sign conform to ordinances and Regulations.

Sundquist stated that he has just measured the sign and, at the very least, the sign is 33.3 sq. ft. which exceeds the Zoning Ordinance limit of 25 sq. ft. Therefore Dr. Kuhlman would need to go back to the ZBA for a Variance for sign size if she wishes to keep the same sign with two shingles. Thomas noted that there is also a question regarding the second doctor. Wells pointed out that having two doctors working at the property could change everything. There would be more cars parking and more traffic. There was a question whether the Planning Board would need to take any action and what board’s jurisdiction the issue really is. Wells questioned whether it was a situation for a “cease and desist”. Sundquist said that the Board could consider a recommendation for cease and desist to the BOS who would handle that. Another question was asked whether Penacook being a scenic road has an impact on the sign question or business use. Sundquist said that Penacook being a scenic road had no bearing. Sundquist said that before that there is a fine point that needs to be researched about the condition that there only be one doctor, one staff, no more than.

There was a discussion about what Board and in what order issues should be addressed including the Planning Board recommending to the Board of Selectmen that they send a cease and desist order. Burnham suggested that perhaps that would be premature and the Planning **Board** should instead get more information about exactly what she is doing with the business in terms of numbers of doctors, patients, staff, and hours. Select Board could send a letter that the sign is significantly oversize and does not comply with the Zoning Ordinance and give thirty days for a response. The Planning Board could contact Dr. Kuhlman regarding the size and possible changes in the business.

The Board agreed that, as a first step, the LUC should write a letter to Dr. Kuhlman regarding sign that doesn’t meet code and ask for her to meet with the Board to explain what business changes have been made as the sign shows two doctors and where one of the conditions of the original Planning Board approval was for one doctor only.

Wells suggested that the Board consider changing the Zoning Ordinance to reduce the sign size. He explained that he thought that twenty-five sq. ft. was a bit excessive for a sign in a residential area. It was agreed that this could be taken up in the next Planning Board Work Session.

Other Business:

Peter Blakeman, member, joined the meeting at this point.

Preliminary Consultation: with Dan Bruzga- re: Commercial use of Route 114 property TML#09-840,471 (Briar Hill Sign) Mr. Bruzga was asked to address the Board. He explained that he is currently considering the possibility of purchasing a property on Route 114 to order to have his office and business in one place. He explained he has a landscaping business that has 2 full and 1 part time employee. He would expect to use the barn as office space and for some equipment storage. He would expect to increase the parking lot size somewhat. He explained he has 4 trucks and some trailers.

He says the property seems large enough at 4.3 acres to handle the equipment. He did note that there are some wet areas in the middle of the lot; however, there is plenty of useable land. He noted that the property drops off going back from the road and he would be willing to consider low-level screening measures if abutters wish.

McCarthy asked regarding storage of loam and mulch and other materials. Bruzga said that he does not generally store that sort of material; rather he orders that by project. Blakeman asked what Bruzga is looking for this evening. Bruzga explained that he is making a decision and wanted the Board's input before he finalizes his decision. Blakeman spoke regarding the site and the landscaping business, indicating that he didn't think it was a bad spot. The access is good there. Bruzga should plan to get in touch with the state, with DOT for driveway permit on state road; but first he should apply to the Sutton Zoning Board.

Sundquist explained that Bruzga should not expect to get any sort of advance indication of whether something is approved or not – there is a process. The Planning Board can give an idea of the process. In this case, the ZBA and the PB would separately review what amounts to a change in business as the property was approved for a sign business. The ZBA would need to give a Special Exception to have a landscaping business on this property and the Planning Board would do a Site Plan Review.

Determination of Application Completeness, ITW: The Chair asked the LUC whether the Application for Site Plan Review made by Industrial Tower and Wireless, LLC was complete. The LUC stated that the application had not yet been determined to be complete. The Board took up the question of the completeness of the application. The Chair asked whether the maps in front of the Board were the same ones that were reviewed at the prior Board meeting and whether there were any additional documents or maps presented for review before this meeting. The LUC answered that there were no additional maps or documents provided by the applicant.

Wells took up the Site Plan Regulation Submission Requirements and pointed out that the question is does the Board want to accept the application as complete and simply specify that there are or may be additional pieces of information required in order for the board to make a decision. Wells suggested that perhaps it would be most useful to accept the application and then let the applicant know the specific places where the Board needs more information. Blakeman suggested that Wells note what he feels needs to be provided. Wells questioned whether there was enough information about proposed grading and proposed final topography. Wells also questioned how ITW would deal with drainage and visuals when they, ITW went in and disturbed the site. Wells specified that at this point he does not feel that Articles m. and n. have been properly addressed.

“m. A storm water drainage plan showing:

- (1) The existing and proposed methods of handling storm water run-off.
 - (2) The direction of flow of the run-off through the use of arrows.
 - (3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - (4) Engineering calculations used to determine drainage requirements based upon a ten (10) year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as pavement and building areas) being proposed.
- n. Existing and proposed topography of the site at two (2) foot contour intervals.”

Burnham added that there are wetlands off to the side and it's not clear that they have addressed possible issues with that.

Thomas asked if the Board wished to take up the vote on completeness. Blakeman indicated that he felt that the applicant had provided the Board with the items he was most concerned with at this time. **Blakeman moved to accept the Site Plan Review Application submitted by Industrial Tower and Wireless, LLC as complete; Wells seconded the motion. It was voted to accept the Application for Site Plan Review as complete with one**

abstention, Sundquist.

Public Hearings:

Thomas opened the Public Hearing for:

Industrial tower and Wireless, LLC, Case: PB 2013-05, Tax Map Lot# 01-406,086 & 01-408,090:

“You are hereby notified of a Public Hearing to be held on **Tuesday, October 8, 2013** at or around 7:00 p.m. at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH, concerning a request:

By Industrial Tower and Wireless, LLC, 40 Lone Street, Marshfield, MA 02050, Tax Maps Lots # 01-406,086 and 01-408,090 for Site Plan Review of the proposed plan for the construction of a 135 foot monopole wireless antenna tower in a rural-agricultural district.

The proposed site is located on Route 103.”

The Chair asked who would speak for the applicant. Kevin Fadden stepped forward and explained that he was the Site Acquisition Specialist and familiar with the proposal. He explained that he was here with Kevin Delaney and Rick Voci. He explained his roll, to find appropriate sites, and their purpose, to obtain approval for a site on the corridor routes 89 and 103. Fadden noted that they do not plan to cut into the hillside so much as to build up the site. They do propose to improve the road in preparation for equipment that will have to go in to make site improvements. Wells asked questions about the grading and drainage.

Rick Voci came forward to address the questions. He noted an area in the drive where they would place stone riprap and a stone check dam. He noted that there currently is a lot of vegetation that is tying the area in and if they disturb the vegetation, they will replant. Blakeman addressed Voci indicating that he, Blakeman, is concerned about the steep grades and that the plans do not show any proposed changes. Voci said that he has changed the grades and he has the documents with him. Blakeman noted that the Board could not take up a revision that they have not had in advance. Voci was asked to submit those drawings after the meeting.

Voci addressed the stone in the compound stating that the crushed stone will take up and absorb a certain amount of the water. Sundquist asked about drainage and where the water is likely to flow. Voci stated that the drainage calculations show no net change. **Sundquist asked about the plan that shows an “upgraded section” and what the upgrades are comprised. Voci explained it might be gravel or reclaimed asphalt. Sundquist indicated a very strong preference for reclaimed asphalt. Voci agreed that they would use reclaimed asphalt.** Wells asked about the plans for the disturbed area around the compound. Voci said it would be re-seeded and/or mulched. Blakeman asked if they are not anticipating problems with cutting a 2 to 1 slope with a 30 foot rise. Blakeman and Wells agreed that it is tough to know what the applicant will run into. Wells suggested it would be good to know what they would do in several different possible situations. Voci asked Wells if he would be OK with them agreeing to place riprap at the base of the slope.

Blakeman asked if ITW had an agreement with the land owner that includes how they will handle anything that comes up outside of the compound as a consequence of the compound; and, that includes maintaining the road. Sundquist reminded the Board that one of the first towers the town authorized was on King Hill and that there have been many problems with run-off.

Wells put forth that this lay Board might wish to hire a specialist to address this and that the Board would require an escrow account to cover the cost. **Wells moved that the Board get professional advice, Sundquist seconded, and it was voted unanimously.** ITW said they would like a list of three proposals for consultant services and they, the applicant, will choose. The question came from ITW whether ITW would then be communicating with and through the chosen consultant. Sundquist answered that the Board would continue to take the lead and would make its own

decision as it is the Planning Board that has the responsibility. The LUC reiterated to the ITW representatives that although the ZBA had not requested a prepaid escrow account for consultant services; the Planning Board would expect that. It was agreed that the LUC would put together the RFP and the review responses with members to develop the list of three acceptable engineers and get that list to ITW.

Blakeman mentioned again that he does have some concerns that he would like to state for the record regarding the overall drainage areas that are used as compared to the small site. He is especially concerned knowing that the neighbor also has concerns. He further stated that the drainage area extends 1500 – 2000 ft. up slope and there is only a small culvert below it. Blakeman stated that he did not find that situation adequately addressed in the documents provided. He further noted if it is all ledges under the stone and it may not have the same filtration ability. Blakeman feels there is an error in the modeling of one pipe which seems undersized.

Burnham asked about how ITW deals with issues as they arise. Voci said they constantly visit sites. Burnham says he is really looking to understand what the agreement is with the landowner. Burnham again pointed out that they are concerned about erosion. Voci stated again that he is looking at an already standing road.

Wells pointed out that there is a difference between a small road used by a farmer and travelled by tractors periodically and a cell tower site. Delaney indicated that ITW expects Blaney, the landowner, to maintain the road and plow it. Blakeman noted that there have been issues on other towers including that tower company employees were parking on private property. Voci said that they do have a 25 foot wide easement for vehicles and another utility easement.

Sundquist asked of the Board, do they wish to close the current hearing and agree to a continuance of the case to another meeting. Wells recommended that the hearing be held open. Kevin Delaney said that they would like to submit the new materials now and have the continuance meeting on October 22nd. **Wells moved, Sundquist seconded that the meeting be held open and continued to the meeting on October 22, 2013. It was voted unanimously.**

This ended this Public Hearing on Planning Board Case PB 2013-05 to be continued at the next meeting.

Sundquist asked to return to the Kuhlman question and the calculation of the sign now on site. He told Board members that he had re-done the calculation on the sign size and came up with roughly 37 sq. ft. He also said that if Dr. Kuhlman takes the shingles off, she could get the sign size to exactly 25 sq. ft.

Regarding the RFP and possible engineering firms, he suggested that Mark Moser in Henniker be on the list and that the LUC call other Towns to see if they can suggest engineers that they use.

Next regular meeting is scheduled to be the continuance of the ITW cell tower Site Plan Review Public Hearing on October 22, 2013 at 7:00 PM.

There being no further business, the meeting was adjourned at 8: 55 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator