

Planning Board Minutes 9/21/06
approved 10/19/06

**MINUTES
CORNISH PLANNING BOARD
SEPTEMBER 21, 2006**

The Cornish Planning Board met on Thursday, September 21, 2006, at 5:30 p.m. at the site of the proposed Verizon Wireless Telecommunications Facility on Townhouse Road. Members Present were Bill Lipfert and Troy Simino; Larry Dingee, Gwyn Gallagher, and Jim Littlefield, Alternates; Merilynn Bourne, Selectwoman; and Heidi Jaarsma, Secretary.

Keith Jones, Linda Connell, Chuck Webberly, and Todd White also attended the site visit.

Members of the Board discussed earthwork at the site, potential runoff, and the restricted cut zone. The proposed access road was walked.

The Cornish Planning Board then met at 7 p.m. in the Cornish Town Office. Members present were Bill Lipfert, acting Chair, Gail Pillsbury, Troy Simino, and Peter Storrs; Gwyn Gallagher and Jim Littlefield, Alternates; Merilynn Bourne, Selectwoman; and Heidi Jaarsma, Secretary.

Bill Lipfert called the meeting to order and introduced Board members. He requested that the Bladen and Carlock agenda items be moved up as the VWS agenda item might take a significant amount of time. The Board was in agreement.

Robert and Shirley Bladen – Completeness Review re: Lot Line Adjustment, NH Route 120

Mr. Bladen presented a map of the proposed lot line adjustment between the General Store and the Halls. Heidi Jaarsma made a motion to accept the map as complete. Troy Simino seconded the motion, and the vote of the Board was in the affirmative.

Chris Carlock – Discussion re: Parsonage Road Property

Mr. Carlock discussed the possibilities of subdividing his Parsonage Road Property. The change use tax, access, and the special minimum lot size (2-5 acre) provision were also discussed.

Verizon Wireless – Continued Completeness Review and Public Hearing re: Proposed Telecommunications Facility

Linda Connell submitted a new plan set. The following had been requested by the Planning Board at the 8/17 Completeness Review:

Site Plan

1. Correct name on title page.
2. Correct the label *Landscape Buffer* to *Restricted Cut Area* or appropriate label.
3. Page C02 – Correct tower type to tree construction; correct tower height to include additional height due to tree construction.

4. Page C03 – Reads *192' Lattice*. Correct tower type and height.
5. Show light and light spread on the motion sensitive light above the equipment shelter door. *condition to waiver of II.B.5.*
6. Show the metes and bounds of the right of way and encompassing utilities, the metes and bounds of the boundary north of the facility, and the metes and bounds 275' of the boundary east of the facility starting at the northeast corner going south. *condition to waiver of II.A.3.*
7. Inventory of trees 8" dbh and higher in the restricted cut area. *condition to waiver of II.B.9.*
8. Tree protection plan for no restricted cut area during construction. *condition to waiver of II.B.9.*

Additional Submissions

1. Draft notice of lease with the addition of the tree cutting restriction. *II.C*
2. Copy of easement for 30' right of way to site. *II.C*
3. Letter from fire chief re: emergency access to site. *condition to waiver of II.B.7.*
4. Letter from police chief re: emergency access to site. *condition to waiver of II.B.7.*
5. State approval for curb cut on Town House Road. *RSA 236:13*
6. Copy of license from the FCC proving ability to deploy systems in this geographical area. *RSA 12-K:4*

All changes requested by the Board at the 8/17 Completeness Review had been made except for no. 5 under Additional Submissions. Ms. Connell on behalf of VWS had requested that the Board accept a letter from the State Highway department stating that a new State Approval was unnecessary or that the Board accept a new curb cut approval from the state, should one be required.

Bill Lipfert brought up the issue of utilities and pointed out that part of the waiver of *II.A.8* was that the utilities be encompassed entirely within the thirty-foot right of way. He pointed at that Verizon New England, the company which puts up the poles, had final say over where the poles would go. A swath potentially could be cut through the restricted-cut zone in order to get power to the facility should the lines not follow the access road. Heidi Jaarsma suggested burying part of the wires going up to the site. Todd White said that too much ledge would make that impossible. Troy Simino said that it would be possible to install the wires underground with a concrete cap: that would be comparative cost wise to blasting holes for line poles. Mr. Simino said that the only problem was from the hairpin turn in the road on up. Mr. White said that he had misunderstood and had thought the request was to bury the entire line from the road up. Burying the utility lines from the hairpin turn to the facility would not be a problem.

Bill Lipfert requested that the water bars not be constructed of rail-road ties as described on the site plan. Almost all railroad ties contain creosote, a hazardous material. Kevin Thatcher of Clough, Harbor, and Associates agreed to use an alternate construction material.

Bill Lipfert asked for comments from the public.

Gwyn Gallagher asked what firm will oversee the tree protection plan. Todd White said that the engineering firm would. Mr. Gallagher asked if a consulting arborist would be hired. Mr. White said that he could get one. Mr. Gallagher suggested the Board make the hiring of a consulting arborist part of the plan.

Heidi Jaarsma made a motion to accept the map as complete on the condition that the waiver conditions listed in the 8/17 minutes are adhered to and that the condition that a state approval for a curb cut be in hand reflect the following change: that either an approval or a letter from the State saying that an approval is unnecessary be submitted. Peter Storrs seconded the motion, and the vote of the Board was in the affirmative.

Bill Lipfert opened the Public Hearing.

Merilynn Bourne asked that the tree stealth begin at the existing tree canopy. Todd White discussed tree construction and said that he uses a reputable monopine manufacturer.

Gwyn Gallagher asked if the State Historic Preservation Office had been contacted. Ms. Connell said that that was in the works.

Heidi Jaarsma noted that the access road was within the 100' buffer zone around the 3500' wetlands noted on the plan. She said that a special exception regarding the expansion of a nonconforming use could be a condition of approval. Ms. Connell questioned whether the activity was raised to the level of expanded or whether the rights were grandfathered. She asked the Board for a sense of whether or not the level of expansion or change met the need to secure a special exception. Ms. Jaarsma said that the facts were the facts and that she would rather have the ZBA decide whether or not a Special Exception was necessary.

Gwyn Gallagher reiterated his statement that a consulting arborist oversee the tree protection plan.

Peter Storrs made a motion to accept the site plan on the following conditions:

1. The applicant shall consult with the ZBA as to whether an application for special exception pursuant Article VII of the Cornish Zoning Ordinance must be filed regarding the use of the access road within the 100-foot wetlands setback as described in Article V.C.2 or whether the use of the road is a matter of right.
2. The separate plan entitled "Existing Conditions, Land Owned by Keith L. Jones" be revised for recording with the Sullivan County Registry of Deeds. Reference shall be made on the Plan to the Notice of Lease of Verizon Wireless also recorded in the Registry and to the detail of the thirty-foot right of way of Verizon

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Wireless under that lease shown on the Site Plan submitted to the Cornish Planning Board on September 21, 2006.

3. All utility wires shall be buried along at least the last (northern-most) 500 feet of the road leading to the site.
4. An alternative to railroad ties shall be used in the construction of the water bars.
5. The notice of lease shall include a reference to the right of way delineation included in the plans submitted to the Cornish Planning Board on August 17, 2006.
6. The applicant shall have a certified arborist oversee the construction of the tree protection fence.
7. Tree-stealth shall extend down at least as far as the tree canopy.
8. Should the Zoning Board of Adjustment's August 14, 2006, decision regarding Case 06-01 be modified as a result of appeal, this approval shall be subject to rehearing.

Gail Pillsbury seconded the motion, and the vote of the Board was in the affirmative.

Approval of Minutes

Troy Simino made a motion to accept the minutes of 9/7/06. Gail Pillsbury seconded the motion, and the vote of the Board was in the affirmative.

Other Business

Heidi Jaarsma presented a request to waive site plan review by Verizon New England for a concrete equipment pad on Townhouse Road. Gwyn Gallagher suggested that it would be fine with landscaping to screen the equipment. Bill Lipfert made a motion to waive site plan review subject to appropriate screening shrubbery that would completely block the view of the unit. Gwyn Gallagher seconded the motion, and the vote of the Board was in the affirmative.

Adjournment

Gail Pillsbury made a motion to adjourn. Troy Simino seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,
Heidi M. Jaarsma