

APPROVED 02-01-07

**Call to Order** 7:00 p.m.

**Members Present:** Marcella Perry-Chairman, Timothy Kinnon, Angela Bystrack, Timothy Morgan, Paul Monziona-Alternate. Kathy Menici-Town Planner, and Carolyn Schaeffner-Recording Secretary

**Applications:**

<b>Case #Z05-34</b>	<b>Map 14, Lot 21</b>	<b>Area Variance</b>
<b>New England Nominee Trust</b>		<b>486 East Side Drive (NH 28A)</b>
<b>David J. Fenton Jr. Trustee</b>		

Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located in the Lakeshore Residential Zone. Continued from the April 25, 2006 hearing.

<b>Case #Z05-32</b>	<b>Map 19, Lot 8-2</b>	<b>Area Variance</b>
<b>Robert's Knoll Campground, LLC</b>		<b>1439 Wolfeboro Highway (NH 28)</b>

Area Variance from Article 200, Section 228 to construct a telecommunication tower 120' in height. The property is located in the Rural zone. Continued from the April 25, 2006 hearing.

**Statement from Chairman:** a joint meeting will be planned with the Planning Board and Zoning Board of Adjustments. Time and date have not been established. A meeting with the applicant, its agents, Town Counsel and the Chairmen from the Planning Board and Zoning Board have met agree that a joint meeting would be beneficial for the Town of Alton and the applicant. This is being done to the new telecommunication ordinance voted in this spring.

K. Menici noted that a date has not been set but the Planning Board has voted to join with the ZBA for a joint meeting. The ZBA needs to vote on this as well.

T. Morgan question about mailing notification for this next meeting for the abutters.

K. Menici stated staff will be sending out the abutter notice via certified mail.

M. Perry asked the Town Planner to explain why the Board is taking this direction.

K. Menici the new cell tower ordinance allows more access for placement of cell towers however this is a more rigorous process. There are a number of site plan issues that the Planning Board needs to go through. Balloon tests, applicant looking at other available locations to place towers. Felt the circumstances of this case have put both boards in each other's territory. So the meeting that occurred as stated by the chairman took place.

**Motion** by T. Kinnon to have a joint meeting between the ZBA and the Planning Board. Second by T. Morgan.

Discussion T. Kinnon concern with having a joint meeting who will have the authority in this meeting? K. Menici stated she sent distributed the RSA dealing with this. T. Kinnon referred to another RSA that feels the ZBA would have authority in this case. The Planning Board will have jurisdiction on the Site Plan Review and what will happen (referring to page 54 in the Zoning Ordinance) for the process is they will look at existing locations, ie. Church steeples, flag poles, etc. This review has already begun by the Town engineers. Once this is done with a determination for the location of an antenna, the next step is

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looking at the proposed sites. This has been completed and will be included in the package. The ordinance guides that the tower cannot extend 10 ft above the average tree height. The engineers will review the sites in question to see if the height would provide adequate service.

M. Perry noted that listening to the applicants presentation and the public input that the ZBA would be voting on it's own.

T. Kinnon asked if the ZBA would still have authority over the height variance.

K. Menici confirmed yes.

T. Kinnon noted that this is all changing because of the vote of the public and these meeting are taking place to benefit the public and the future applications coming in for this type of application.

K. Menici added that combining the two board this new process will benefit the public the most.

Meeting opened to public for procedural questions only.

Martha Jane Patt – Alton resident  
Asked what type of coverage will they be seeking?

M. Perry stated this question bears on the case itself and cannot be addressed tonight.

David Slade abutter asked for a procedural question.  
Should there be a step in between where there does need to be a balloon test witnessed by an engineer.

K. Menici stated that is all part of site plan review.

Ernest Luttig question on ordinance regarding testing for area coverage.

M. Perry noted this is also case specific and cannot address this question.

Christine Whalen asked after the application goes through the site plan process and not approved by the planning board would this go to the ZBA

M. Perry it depends on the reason for the denial.

K. Menici stated if the planning board denies this the applicant can appeal to the ZBA for a separate meeting.

Connell Dockerty stated he would like an engineer report.

M. Perry and K. Menici confirmed it is public record and it will be provided to him.

Ruben Wentworth with new ordinance are there provisions that the planning board can excuse with the site plan vs. where the old ordinance they could not make any certain exceptions.

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K. Menici informed that an applicant was unhappy with their decision by the planning board. The ordinance is written in such a way that there is flexibility on issues, such as camouflage. If the planning board and applicant cannot come to an agreement the issue is appealable to the ZBA

Ruben Wentworth stated it seems this new Ordinance is easier where the old one made it more difficult.

T. Morgan new ordinance removed overlay district and this new ordinance makes it a little more difficult for the applicant to prove this a better site.

Russ Wilson question doesn't the application have to prove this is the best type of facility as well as being the best location.

K. Menici the board can only deal with the application as presented.

Closed public input.

A. Bystrack asked if in the new Zoning Ordinance is dominative value still bearing on the planning board or is the zoning board issue or not an issue at all?

K. Menici still within the purview of the Zoning Board.

No further discussion. Vote unanimous.

K. Menici will schedule with the planning board and the zoning board the best time for both boards to meet. Due to the regional notification this is an extensive notification process.

Agreed that ZBA Board members will email Kathy Menici the dates they are not available during the week of June 19 and June 26.

**Other Business:**

1. Any other business that comes before the Board.

Non-public meeting with attorney Sessler at 6:00 p.m.

Confirmed the regular meeting will begin at 7:00 p.m.

**Motion** by M. Perry to adjourn. Second by T. Kinnon. No discussion. Vote unanimous.

Respectfully submitted,  
Carolyn Schaeffner, Recording Secretary