

**UNOFFICIAL AS OF
10/09/07**

**HOOKSETT
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
October 9, 2007**

HOOKSETT PUBLIC LIBRARY

I. CALL MEETING TO ORDER AT 7:03 P.M.

II. INTRODUCE MEMBERS OF THE BOARD

Present :Tracy Murphy Roche, Chair; Richard Johnston, Roger Duhaime, Chris Pearson, James Levesque, Alt; Richard Bairam, Alt; Gerald Hyde, Alt.
Absent: Ronald Savoie

OMNIPOINT COMMUNICATION

305 Bicentennial Road, Map 44, Lot 3

Variance

from Article 5.A. to allow for a wireless communications facility in the medium density residential district, and a Variance from Article 28, Section O.5.a for side and rear setbacks.

Omni point -Balloon Test conducted (windy conditions)

Photos of analysis submitted 9-14-2007.

Better survey of site at map

Existing structures right side of spreadsheet

Chair,” not adequate for MDR”

Omni point -FAA determined that the cell tower would not need to be lit

Reference to “Air Space Study” (Tab 3 under applications)

Two structure letters submitted (page 4)

Will meet all criteria for tower

Code Inspector - There has been a code update. The cell tower will have to be able to handle wind speed up to 110mph.

Omni point –we will follow most recent tower codes

Pearson -How will Omni point comply with criteria?

Omni point -The abutter list is not accurate
Therefore, has re-notified abutters of incorrect information
Due to this, the issue was postponed until 10-09-2007
Reference to tab 6 - appraisal study

Pearson- wanted to go back to section 3
Discussed about property value with existing structure
Would like a better survey
Have you looked at surrounding areas? I.e. commercial areas such as Home depot, SNU
Any of these sites would be more suitable

Omni point -Did performance study the results are not as productive as the desired site
Referenced the map for service area (pink area)
Compared to the corner of West Alice and Donati Drive Road by CB Sullivan's
Confused about if that particular area was commercial or residence
Explained that they have to cover 93
Referenced map (pink area)
Discussed how the town owned property near West Alice and Donati Road before crossing 93
The land appeared to be commercial
Complained that the Building and the Assessing Department contradicted each other
Building the cell tower further east would not be adequate for the target area
Pearson – there are spots on the university for the cell tower and Home depot

Omni point -Not sure about that area
Duhaime -Reference to Map 5
Looked at the difference of the pink and red line
Two-mile border of Hooksett
Asked if the sprint tower area would be suitable for the cell tower
Due to that particular area was deemed commercial
Do you have any Maps for the public to see?
What is the feasibility of building another tower in the same area?

Omni point- Referenced again to the existing coverage compared to what it could be if they put their cell tower in the desired site.

Pearson -Did not have enough coverage problem

Omni point- If they were to build in another area they wouldn't have the same coverage as the proposed area
We have some coverage from the sprint tower

Pearson - Issue was about more natural looking pole-150ft in summer 180 ft pole required for required for Hooksett.
A plain pole V.S. a more natural looking pole looks better

Omni point - Monopole (pine) would blend better then a plain pole

Pearson-A monopole pine would look odd due to the height that is required for coverage

Omni point -We can reduce the height by 30ft (127ft roughly) reference to tab 4

Pearson-What about Southern University area

Omni Point -Any tower 130ft would need two towers to make up the difference
Existing coverage very narrow
Wouldn't go to SNU
Major overlapping and would interfere with each site
Hasn't done a lot of research about SNU area

Pearson-What about the proposed value? Will it loose value because of the tower?

Omni point – Fred Gardner – Assessor for the land

Take a look at the maps in Manchester; there have been sales of homes that are in the same value range as the ones that are in Hooksett. The tower did not impact the sales.” I asked a person in Kenny bunk port about the tower” The person’s response was where is the tower. That particular area you had to stand in a certain area to see it. I do see both sides of this. Some towers impact values and others don’t. Some sit out 100 feet
Sometimes you can see through trees and others it is so close that you don’t even see it
Picture of home next to power lines 40% maximum loss
If you need me to I will provide another report

Dunaim -The height of the tower would affect peoples view

Hooksett has ridge protection laws

You are saying that even though it is in the distance there will not be any percent of loss at all?

Omni point – Gardner-The normal market would bid by a home there

Duhaime -What about the neighborhood? Do they want a cell tower? Will that affect the property? What if an abutting neighbor wanted a cell tower on their land?

Omni Point - It is an anomaly

Pearson -What is the formula for “paired sales?”

Omni Point -Compared with physical features (ref page 19)

You can see the tower at the cul-de-sac (ref to page 2)

(Ref to page 36) a property in Chichester
Spoke with real estate in the area about sales are down due to the tower No one seemed to mention the tower according to the real estate person

Duhaime - But the tower is already there. They know that there is a tower prior to purchasing the house. How far is the cell tower from the house?

Omni Point -It is 500 feet from the house

Pearson –That is with in 500 ft of the house. Any paired sales on residence in their zoned area?

Omni point - The land could be used as residential property

Pearson -Neighbor next to commercial zoned property then the home owner could expect that there might be a tower. I.E. like a body shop Wal-Mart.

This is a residential area where people don't expect a body shop or a Wal-Mart to move in the MDR zone.

Omni Point - This is a residential area

Pearson - What are the criteria for a residence?

Omni Point - Residential is less then one acre (100ft) from home

Are allowed one home occupation

The residence goes from single to two family residents

Chair -Reality from 2001-2004 very limited sales from my experience has to be within 6 months. Time is relevant you are using old information

Omni point – Gardner - Financial market time doesn't matter. Well there is a difference between sale rates of a Ranch style home VS a Colonel style

However, when you compare two homes that are the same and move at the same curve that makes a difference

Chair -I have to disagree

A home the was acquired for 199,000 and sold for 280,000 in 2004

Gardner -No comment regarding the question

Chair - You don't know how many people didn't look at the home

The board agrees

Levesque -What kind of tower is it?

Gardner -Radio station

Levesque - The picture on the other side what was there first the power lines or the house?

Gardner -The power lines were there first. That house is relatively new.

Levesque - The radio station was put in there after that other house

Omni Point - actually the radio station tower was expanded. It was a little shorter then it is now. The tower now has more power.

Levesque -So that tower was there before that other house was built.

Gardner -Yes, that tower was there before that other house was built.

Levesque - So, they got a variance for the height of the tower not to put it in.

Gardner -No

Levesque - Then that come into the apples and apples. These people, the abutters, here are having one put in their neighborhood. Whereas, the house was built knowingly that the tower was there already and that the power lines were there and they built a house there knowing that's what you get. (both pictures) in both scenarios they decided to purchased these homes.

Chair - any other questions?

Pearson - Mr. Gralyer I have a quick clarification. Are you saying the proposed inhabitation of the rescue, fire, and danger and natural disaster volume by your communications of events of fire, hazards, and disasters do you have any input or request mostly fire, safety, police, anybod

needing or requiring this criteria or looking for this or any recommendation on this? Do you have a blanket statement?

Omni Point - the quick answer is I cannot. The long answer is this is requesting not only there views and the customers views upon the inc coverage. It's not specific to fire and emergency services using the tower effectively it doesn't really pertain to that. It pertains to the increa coverage its for the fill in gaps in coverage. So that if there is an emergency a customer and or any individual that has a GSM phone then they ca dial 911. Whereas, that there is a possibility that call might not go through because of lack of coverage.

Levesque- I went around that area that you show on the map here Union Street and where it connects up to North River Road and my cell pho works in that area. I really didn't find an area where my phone didn't work. So how come other carriers can have coverage in that area and T-Mobil can't with the existing towers that are already in place?

Omni Point -what I can do because it is a technical question I am going to have Troy answer the question but what I am going to tell you is that each carrier works on a different bandwidth. If you have Verizon, Nextel, both in the same megahertz range (low megahertz) there going to footprint that is greater. Because that's a lower number of bandwidth larger range of frequency wave so it's going to travel further. There licensed to practice and operate in that area. Where as Sprint PCS, and T-Mobil bandwidths are much higher (high megahertz) and those radio frequencies are substantially smaller so they won't travel as far. So what the federal government has allotted carriers to operate on.

Pearson - I have been hearing that the structure its self and the fact that its 180 ft. I know there is knocked out communications. There are 1 proposals that show that if a tower were to drop from 180 ft or not breaking at a certain point it would be a deadly drop for the towers. So, no having adequate information on what would happen to these properties you say that a further proposed study will be done on neighboring However, that doesn't take into consideration the actual tower its self. How far is it from 93?

Omni Point- the distance it is from 93 is from the base of the tower is 134 ft. The current application requests that it be 140 ft. So it would meet the set backs criteria by 6ft. That being said the monopole style design it is created in sections. The whole tower will comply with standards. Eac section is 50ft. Typically will be designed to will withstand high winds. It is designed to fall on its self and typically will fall 50- 100 ft from the base of the tower.

Pearson – Does it meet the setbacks from the highway for a cell tower?

Omni Point - I don't know the answer. I'm not sure.

Omni Point - **Troy White** – engineer for T-Mobile

Pearson- is there any laws from the government for coverage?

Omni Point -T- FCC auctions licenses for all carriers such as Verizon, T-Mobil, etc. when you own a license for DE & C2 block pe communications ban. We own that license and recently bought licenses in the auction. What happens after that I don't know. I don't know v T-Mobil plans are.

Levesque- when you said that the cell towers the way its constructed that it wouldn't completely collapse, the whole length of it. Has a test been done on that to shows that this would happen? Taken with the crazy weather we've had with golf-sized hail and trees that have been standing for 150 years get blown over. I would just think that if we got a 110mph on the new code but maybe that should be changed too. With the crazy weather we've been having around the state.

Omni Point -the intended design of the pole is so the base from the foundation designs so that it would not fall far from its base. If there were winds in excess of a 110-120 mph winds the breaking point would be at somewhere other then its base, typically at 50ft.

Levesque- that's in theory though.

Omni Point - Right, that is the design. I can't say that anything can happen. But anything can happen. Could the tower fall from its base? I possibility but winds would have to be stronger then 110 – 120mph for a prolonged period of time and it probably already fallen from 50 ft up. That is the standard so that this would not happen.

Levesque- what if the tower was to completely collapse? Then there would be a few places that it would cross the property line.

Omni Point - if for some reason that the weakened points on the property don't collapse before the base foundation then yes. What I am suggesting is that the pole is designed to collapse above 50ft. Showing a 911 log. 430 calls came in for the month of September.

Omni Point -Troy- 430 calls were made to 911 using three different cell towers. Out of the 430 calls coming from the highway and those call coming from the adjacent to the proposed coverage. So, as it is now the service is not reliable in this area and there is a high probability that the call will not go through.

Tracy – Opening the forum to the abutters.

Bruce Essic – Manchester - As the appraiser pointed out that there are isn't a negative effect as of 2004. However, a negative perhaps after four five years our streets that are in good visual of that tower maybe our escalation in value isn't what it is eight streets over in Manchester. Where these homes range from 300,000 to a million dollars. The negative could be that we're not going to get the same escalation that they may get in five or eight streets over in the same type of neighborhood. The other thing is the vegetation in January your going to see that real good. As far as the service, in the north end 99% of phones are land lines so that takes care of that problem.

Pam Collies – Hooksett – Can we talk about electromagnetic emissions? What is the impact and how do we know that there won't be any?

Omni Point - Troy- All of our towers in any insulation that T-Mobil does is within the requirements of the occupational and the FCC and people who work on the pipe. So what we do is for every pipe we have an electromagnetic energy plan. For any of our towers that are so low that once you get maybe15ft away from the antenna, which is street level, there is no impact whatsoever.

Pam – isn't it true that a lot of cell tower companies can't get insurance? They have trouble getting insurance because you have one expert sayin

that there isn't any exposure and then you have another expert say that there is?

Omni Point - I really don't have the answer to that. Here are the guidelines on that subject. The FCC says the safety regulations guidelines are what all these carriers have as well as emissions. The safety levels come from independent and federally studies. And they create that ceiling. We fall way below that ceiling. In other words, for example if they have safety regulations at 100watts we are well below that regulation. .1 or .2 So, we are many, many, many times below the FCC regulations and state regulations.

Pam- what about the litigated regulations?

Omni Point - The litigated?

Pam – What the regulations that the feds require might be different then what might be litigated in court.

Omni Point - well, if a wireless carrier shows that they emissions are below the FCC regulations then this board doesn't have the jurisdiction to rule.

Carol – Hooksett- Three questions/concerns – They might seem like a joke its not meant to be a one. Quotes, “ its so close you can't see it.” I ho you don't drive. Using enhancing telecommunications is important to remember for your product, your profit, and for the property owner's profit. I have T-Mobil I live on Doniti Drive I make calls and I don't loose a signal. There will not be enough vegetation to cover 140 –180 ft.

Bob Rosenthal – Hooksett – Omni Point representatives how much do one of these towers cost? Ballpark figure?

Omni Point - I am searching for the relevance for that and I don't have a figure at this point.

Bob- you have no idea? Ballpark figure?

Omni Point - We don't have one.

Bob – This office how much are you going to make? Ballpark figure?

Omni Point – If it pleases the board I can answer these questions but it's hard for me to answer these questions.

Bob- the reason why I am asking this is that this people are going to pay out a lot of money to pay for the tower and to pay for this lease over many, many years. Just to address a weakness in coverage. It seems to me that you may have another motive you have mentioned that you intend on having three other carriers on this tower. How much money will you make off of those? Ballpark figures? I think it more about the money the the lack of coverage. In which according to the lady who just spoke there is not weakness in coverage. Thank you.

Ed Petrolia – Manchester – Property values when someone moves or looks at an area they are looking for thing that they are going to see. And

those are the people who are going to see it right away. These are the people who aren't going to want to get used to it. I request of the board consider the fact that a prospective buyer is going to look for things like cell towers, electrical lines and make a decision upon that. You make a beautiful point, which was how many people didn't see it. There are other sites available. Why wasn't the home depot looked at? It's only a mile or so from the area. I drive in that area all the time and I have sprint and I don't lose connection. Thank you.

Nick LaLazas – an attorney in the practice of land use and zoning. In the past worked on a case called Simplex. Going to address the items that haven't been addressed very clearly. Which are the legal standards for a variance. Going to address the hardship first. This is already a single-family area both in Hooksett and in Manchester. It has been so very many, many years. So, this is a mature residence. As the appraiser said that there are no anomalies of uses in this area. The closest anomaly is located at North end plaza, which is two miles South. The real question here is as a hardship the standard of a hardship is reached. There needs to be a showing of the applicant that the zoning restrictions applied interferes with the landowners reasonable use of the property. Considering the unique setting of the property in its environment. Now that isn't the old standard of which was is there something unique about this property. Is there something in the area that would lead the landowner to not be able to use his property for the purposes of the ordinance. The ordinance requires single family residential. There in fact is single family residential property and the abutting properties. Simplex was addressing the situation where there was an area that was previously zoned industrial and where the town of Newington, over a period of years through variances, had a loud commercial uses to be used in the area including the land abutting this property that the variance was being requested for. What happened is the town denied it. Because they wanted Simplex to remain industrial. The question here is, is there anything in this area that would lead you to conclude that is reasonable to allow a different use in what already there and is the landowner denied the reasonable use of the property? The answer in this case is no. Because, cause this is not a neighborhood in transition. This isn't a neighborhood that hasn't been affected by variances in the past. This isn't a neighborhood that has mixed retail and residential uses that existed prior to the zoning ordinances being in effect. In fact, this is one of the few areas frankly both towns both, Hooksett and in Manchester, where the zoning has been kept steady in both boards of adjustment and both governing boards have resisted changing the zoning that is already there. The fact that, this is a high site and is perfect for a cell towers is irrelevant. The real question is this landowner denied the reasonable use of his property. The answer is no. He can use his property for every residential use and every other ancillary use allowed by the ordinance. Cell towers are expressly prohibited, and this board and the town has allowed cell towers to be built in areas that they are appropriate. Like where it is large enough. Lots that are located away from residential areas that are in commercial areas or industrial areas. Lets face it this is industrial use or commercial use. It's a cell tower. It's a big tall metal structure. It is not residential by any stretch by the imagination. In this zone you are allowed structures up to 75 ft., which are very substantial heights. One hundred and forty ft is twice that. That clearly exceeds any reasonable use of this property. Excuse me; I would like the ability to submit my objections in writing because of the two-minute restriction.

Chair- sure

Nick- Thank you.

John President – there are three towers in the general area and I don't know why they cannot be put on Granite Hill, 3A, 101 exit 1. Why can't they go on those towers?

While they are thinking of it I have some pictures of towers. Sometimes it doesn't look like its there and other times big as day. I have good shot and bad shots depending on the sun. So, that pole that they have shown us could be very deceptive. Thank you.

Mark Roy – alderman from ward 1- Nick hit upon the hardship issues so I won't go to those. All that they have stated is that it shows is that there is a hardship for T-mobile not for to anyone in the surrounding area. First of all, and I pardon my outburst madam chairman, but I hate when elected officials or Boards are lied to. The E911 system which is so much of their application is required by the FCC is to be put on every tower that is constructed. That area does have coverage by any GSM phone or CEMA phone, which is built in. It's a standard every company has to have it. Everyone who gets a phone call in that area can dial 911 or if their phone is newer or have a GPS locator. That if there is an accident it can be traced back to your phone on the E911 system. So, the fact that they based such a large issue of that being such a great feature for the town Hooksett. It is not. It is required from the FCC that every tower has it. Looking at the appraiser report and being a real-estate professional myself. I love the fact the towers have stood for 10, 20, 30 years and had subdivision built around them and is looked at not causing a change in value. When the appraiser said to me its not big money I looked at some of my constituencies and added up some if their values. A 400,000-dollar home takes a 40,000-dollar hit may not sound like much. However, to that homeowner it's a very large hit. But when you are representing a board of 7,200 people you see that 10,20, 30,000 dollars on each of these homes. My side of the boarder and your side of the boarder could multimillion-dollar hits. That to a city is a very big deal. A 10% loss can't happen. We may get that in a bad economy but a 40% loss the homes that these people own are their biggest investment. If there is a value change by all of a sudden by putting in a cell tower in a residential neighborhood when the owner can go ahead and use that land for the highest, best use for zoning, which is a single family. Potentially sub-divide and still use it for single family. Or come up with a lesser use for more of a profit, which is a small multifamily. Those things that wouldn't have value changes to my side of the boarder and your side of the boarder. To Two things I would like to quickly address: The day that the balloons went up I was unable to be there because of work commitment but I was told that no one was allowed on the property. I was under the understanding that it was a public meeting and I did take offence that some of my constituencies were not able view the site except from being offsite where the balloons could be visible. The other part in the subsequence application many of the picture directions have changed. Very few of the pictures came from the Manchester side of the border except in the areas Chad Williams Drive. Then again because it is a hill have screening and buffers. When you look towards the Paquette and Vasiors side of the original pictures you would have been looking directly up at the balloons even with the maximum amount of vegetation that August allows. If we were standing here in February I think we would be having a much different conversation. From not only the Manchester side but on the Hooksett side as well. So I thank you for your due diligence on this and I can't protest this anymore. Thank you.

Pearson- just to clarify with what Mr. Roy said the homeowner did not allow residence on to the property. The Zoning Board did in fact get onto the property.

Chair- any other questions?

Gerald – Feedback from buyers it wouldn't necessarily come back from a broker. It would come from offers. Knowing how a offer is put together I would think that would there be some kind of feedback would be that would be in a form of a contingency to get some of their money back for lower offer. The next thing is the market fluctuation. I think his point is that markets do fluctuate up and down. Whether there is a time line in there. It doesn't really matter. The prices are going to go up and there going to go down. What his point was to show that whether or not tower was there that price went up. From 99 to 2004 that price went from 199,000 to 289,000 so it didn't matter how long it was. It really doesn't matter how long it's going to be. Because that value either going to go down or up whether that tower is there. Disregard the buyers vs. sellers market. Would like to address the hardship of a landowner. This is his land. What happened to life, liberty and property? He has the right to do what he wants with his property. Yes, I understand that, he has some limitations. Back to reasonable use. Reasonable use, I think we would say would be if maybe

didn't have enough land to subdivide to another use. I think that a cell tower would be reasonable use because it is his property and it is reasonable to let him do what he wants with his property within the set backs. Which I think the company has done a reasonable job of meeting. With the safety of the tower and with reducing the height of the tower. I do think that Mr. Rosenthal is correct. The other thing I had was 40,000 hit o 400,000 house our appraiser said that really on the outside that the 1% interest is 4,000 dollars.

Chair - First of all the property owner doesn't have the right to do whatever they want. Whatever their use has to fall within the parameters of zoning. A wireless communications structure is not an allowed use in a MDR. The other concern I have and again I mean no disrespect to appraiser. He was asked by the applicant for the report. This board asked for the applicant to provide the names of three appraisers and we we decide which appraiser we thought was best suited. So to avoid the image of impropriety. That didn't happen. It was very clear in our last meeting that we had. Also, we had wanted a list of other more appropriate sites for a cell tower. I understand that way, you didn't understand it that way but we did ask specifically for other alternatives for you to look into. Which wasn't worth coming either. So, in terms of my concerns for what they are worth the use of the property there is no unique setting here for the landowner. It's more for the cell company to put something there that make sense for them. I don't personally believe that it's a reasonable use of the property. That's my opinion and the board will decide.

Pearson - Motion – to deny

Dunaim - seconded it

Board Denies application

Norman Leeds. Jr.; 217 Hackett Hill Road,
Map 22, Lot 44 & Map 23 Lot 13. A request for special exception from Article 18, E.a. to permit the crossing of a wetland area to create access to a back lot.

Don Leeds – we were here for the special exception. We met last month.

Chair – the same people are voting the members and Jim Levesque. Michelle?

Code inspector – Yes?

Chair - did he go through the whole application the last time?

Gorton – I think he did.

Chair – do you have the minutes?

Code inspector – here they are. Took incorrect folder for the minutes.

Leeds - Based on the quality of the site-specific sites mostly due to the location. It is existing woodland that has been there for a long time. Accessing the parcel no evidence of the property that it has been reduced. And the site is already accessed the woodland for the lot line adjustment and to legalize the access to it. Purchased in the 1980's. The access is what we will use. It's the lot line adjustment due to the land lock parcel.

Pearson – can you point out exactly what you are going to do?

Leeds – what we are going to do is put a 15-inch culvert. The application has been made already to PBS wetlands board. The only thing we are waiting on is the notification is, is if its within a 20ft of the abutter then the abutter has to sign off that he doesn't have any objections. The abutter is out of the country Roscoe Blaisdell and he is out of the country hunting someplace. He doesn't exactly know. So as soon as he gets back I will tell him.

Pearson – He was properly notified though?

Don – Yeah he was, that was part of the application process for the DES. DES said if I was within 20ft of my property then I don't have a problem. I don't anticipate Roscoe he doesn't live on this land. He said if we need his signature, so we can't complete it until dots the I and crosses the T.

Chair – any more questions board members? We're going to open it up to the general public and abutters. Do we have any abutters here? Any questions or comments from the general public? We are going to close the public session.

Closed to the public and abutters at 9:25pm

Dick Johnson – makes a motion to grant a special exception

James Levesque – seconds it

Chair – all those in favor – all – opposed – none- motion carries

Pennichuck East Utility, Inc.; 16 Springer Road, map 5 Lot 116 W. A special exception from Article 12.B.1. to permit the replacement of a water pump station in the MUD1, Mixed Use District 1.

Chair – does this plan, first page of 14, shows where the current system is?

Pennichuck – that's correct

Chair – I see there's the footprint of the building and then this thing here. What is that?

Pennichuck - that's the underground storage tank the atmospheric tank.

Chair – Are there anymore tanks underground that are not shown on this plan

Pennichuck - there is two 4,000-gallon tanks that are underground towards the right hand side

Chair- why wasn't it identified on this plan?

Pennichuck – I honestly don't know why. Typically, they only put on aboveground structures. The reason why they put this one up is the fact that its actually exposed from people riding their dirt bikes over the tank.

Chair – Are there any underground tanks that are underneath that?

Pennichuck - there are two underground tanks which are shown on the existing plan.

Chair – how big where the other two?

Pennichuck –you have two 4,000- gallon tanks and have one atmospheric tank, which is 20,000 gallons

Chair – I don't think that well identifies for board or the abutters.

Pennichuck – I guess I can go back and have them put that on there and go from there if it please the board

Chair – I think the bases of this application was that you don't have enough area were it currently is to do what you need to

Penn- the basis of this application is to construct a new structure in the exact same place. The location and the footprint that currently exists th which is a 14x14x12 which is in adequate for us to complete the station

Chair – but with the underground storage of 4,000 each incorporate in the footprint if it was shown on here?

Pennichuck – No, because if you read the easement restricts the footprint to the building. The storage tanks are not part of the footprint. Even if they were you have to keep service going while you put in the replacements. Say if they were part of the footprint and expand the building because of that. You would need to take out of service in order to construct the building. You would need to construct the building then you could switch over service. The fact that the building is there that makes it impossible to build in the same location because you need to keep the service going. You have go one-way or the other.

Chair – Can we get a copy of how that ordinance reads?

Pennichuck - It's in with the easement. It would be much easier to move over and build right next-door. There is no question about it.

Chair – Right next-door in the same area the same current easement?

Pennichuck - No, right in this area (pointing to map) there seems to be enough area here. Its not prime wetlands and there is a 25ft set back. (Points to map) We could build in here but we don't have that as far as the existing easement goes. So, that's why again Mr. Acris wanted to relocate building and he showed us where he wanted to rebuild. Which is the location identified on the plan.

Johnson – you state that you can't build another station right there because.

Pennichuck – because there is already one there

Johnson – what about a portable station

Pennichuck - well you literally have to bring in a truck, would have to have some kind of temporary power. Is it possible anything is potent possible. I guess but at what cost?

Pearson – does the homeowner want you to relocate? Or do you not want a structure on the same site?

Pennichuck - He wants us to relocate down to that location. He had originally talked about moving the station over in there (pointing to the map).

Chair – do you have any more questions?

Levesque – what's the abutter, Surge Croteau, he's built on ledge we saw pictures of that. What will happen to the property if there is some blasting?

Pennichuck - this will not be doing this on a lump some basis. We will be doing it on a time and materials basis. So, that there is no rush h Describes the blasting technique. It is our liability.

Levesque – what is the history of this whole area?

Pennichuck – The original subdivision was built with this community water supply.

Levesque – who built it?

Pennichuck - Marcel. He operated this system until 1999. At which time the system he was facing fines and penalties from the New Hampshire Public Utilities Commission for providing service that did not meet the requirements. It was either pay the fines or hand over the system to

someone else.

Levesque - So is it now hooked up to the Hooksett water system?

Pennichuck - Yes

Levesque – Currently?

Pennichuck – Yes

Johnson – You said something about bow being connected?

Pennichuck - there are 42 homes proposed in bow that will be feed by this station.

Johnson – If you weren't going to feed the homes in Bow would you still need to replace the station?

Pennichuck – Yes

Chair – Any other questions from the board? –None- Okay, We are going to open it up abutters and to the general public.

Phil Nepvue – 8 Springer road – Is there a max on the water that you are taking from the Town?

Pennichuck – Yes. There is.

Phil – do you know where it is?

Pennichuck - yes, 50 gallons a minute or 57, 600gallons a day max

Phil – and that would be sufficient for all those homes?

Pennichuck - yes

Phil- how long is this contract good for?

Pennichuck – 20 years

Phil- and its in three stages

Pennichuck - yes

Phil- has the town expressed the willingness to renew the contract?

Pennichuck -beyond the 20 years we have not discussed it at this point in time.

Phil – the pump house that exists has three tanks

Pennichuck - yes

Phil- my main point is water supply. We went dry once and I don't want to go dry again.

Pennichuck – Understood. The reason why is because there is no ground water available in the area

Surge Croteau – 14 Springer road – direct abutter

Surge – has issue with size of tanks and building. Three tanks not mentioned in the easement. His house is built on solid rock. Is worried about blasting, if it will destroy his chimney, safety hazards for the local children, and sound barriers. States that the pump house is fine just the way it is.

Pennichuck – Surge we just want to rebuild the station. We would be happy to rebuild it. Would you object if we built it right next to the existing station?

Surge – I object to giving up the easement and moving it. It was already made in place we already made agreements with you. I don't want to change anything. This needs to stay the way it is. You can build exactly where you are.

Pennichuck – We would like to build right next-door to the existing station. Rebuilding in the footprints of the existing station is out of the question.

Pearson – Surge so you are saying you believe that the trees are your screens to the highway? Cause you are saying that if these trees get cut down you can see the highway? So are you saying that he should maintain your screen?

Surge – No, its not his responsibility to maintain a screen.

Pearson – That's all I wanted to know. Explains that if you need or want to have screen the process.

Dan Mailin – 17 Springer road- is abutter to an abutter

Dan- my main concern is the blasting They say that they will do small blasting and its Murphy's law if anything is going to happen it will happen to me. Explains that they built some homes on Pine Street and did some blasting. That following winter I had a leak. I tore open a wall and it's :

crack from the top to the bottom. Can only assume that it was due to the blasting.

Mr. And Mrs. Croteau – is reiterating what their son, Surge, had said about the size of the land and the pump station is fine the way it is.

Pearson – The big concern is the blasting. Asks Surge if they had blasted for his home.

Surge – it was not permitted. My house structure is using pins in the ground to hold it up.

Pearson – Michelle would Pennichuck be able to blast when the homeowner weren't allowed.

Code enforcement officer – Blasting permits are through the fire dept. as far as I know. You have to understand that part of the blasting process pre-blast surveys of neighboring properties. It's not a guarantee. But it certainly establishes liability if there are any issues in the road.

Pearson – so then the blasting company would be held responsible for any damages?

Code enforcement officer – oh yes

Pearson – would like an independent water expert to say that the current location is insufficient and that they would have to move the water pump station.

Code enforcement officer – we have a geo technical engineer on staff. Are you relying on geo technical data? Or did you do actually boring tests?

Pennichuck – when we took that over we did some geo physical work. It would be cheaper to have our own supply.

Code enforcement officer – Excuse me if I am wrong but didn't you, in prior testimony, that there was not any water available in adequate quantities in its current location.

Pennichuck – that is true

Code enforcement officer – so how did you arrive that information by way of?

Pennichuck – From geo physical information

Code enforcement officer - and you have all that information?

Pennichuck – yes, I can submit it to you.

Code enforcement officer – you submit it to me and I'll make sure it gets to Stantec

Pennichuck - would like to withdraw application without prejudice

Closed at 10:20 pm

Meeting Adjourned at 10:26pm

