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## **HOOKSETT ZONING BOARD OF ADJUSTMENT MINUTES**

Tuesday, February 19, 2008

**The Zoning Board of Adjustment met with counsel at 6:00 PM in Executive Session.**

### **CALL TO ORDER**

Chair T. Murphy Roche called the meeting to order at 7:00 PM.

### **ATTENDANCE**

Chair T. Murphy Roche, Vice Chair C. Pearson, R. Duhaime, R. Savoie, D. Johnston, J. Levesque (alt.), and R. Bairam (alt).

Council Rep. J. Gorton arrived at 7:15 PM

### **NEW BUSINESS**

**OmniPoint Communications/T-Mobile, 305 Bicentennial Drive**, Map 44 Lot 3.

Rehearing the decision of the Zoning Board of Adjustment for the erection of a 180' tall structure to provide telecommunications. A variance was denied from Article 5.b.1 to allow a wireless communications structure in the MDR, Medium Density Residential District AND a variance denied from Article 28 O.5.a. to allow the structure not to meet the required rear and side setbacks for same.

Brian Grossman, representing OmniPoint Communication: With regard to the rehearing there are two issues, the first issue is with regard to alternatives. To reiterate what was said at the original hearing, this is the only feasible alternative. We layed out, in the written material, why we meet the State standards.

T. Murphy Roche: We agreed to a rehearing and we would like to look at the substantial and alleged gaps in the proposal for the tower. We would like to retain an independent radio frequency engineer to review the data and generate a report. We request the applicant submit the sum of \$10,000 to establish an escrow account to cover the cost of an engineer to study this site.

Brian Grossman: Does the board already have engineers in mind?

T. Murphy Roche: We have a few in mind, but have not selected anyone yet. They will be chosen by the Town, at your expense.

Brian Grossman: I will discuss this with OmniPoint, however, I think \$10,000 is extremely high. We see a number of experts on a regular basis, which cost much less.

T. Murphy Roche: Regardless, this is the direction we would like to take. Any amount, placed in escrow, and unused, will be returned to OminiPoint. We will not take public comment tonight. We cannot make any decision until we have the opinion of this engineer and establish if there is a legitimate gap in coverage or not. We will not move forward with the public hearing or take any public comment tonight. Rather, we will discuss the selection of the engineer and the escrow amount. Any abutters, who would like to add any new evidence, may do so in writing in advance of the next meeting. We may consider doing another site walk and balloon test, and that decision will be made at a later time.

B. Grossman: If the purpose of the site walk is for public access, that will be an issue. There are legitimate concerns with unfettered access with a balloon test.

T. Murphy Roche: If there is a site walk, it is a public meeting and the public has the right to be there. Possibly, abutters would like to arrange for a representative to attend. The general public and abutters have a right to be there.

***C. Pearson motioned that the applicant submit into escrow the amount of \$10,000 to the Town of Hooksett for a Radio Frequency Engineer who shall be appointed by the Town of Hooksett. Seconded by R. Savoie.***

***R. Savoie motioned to amend the motion to add for the purpose of obtaining any and all expert testimony deemed necessary. Seconded by D. Johnston.***

***Vote to approve amendment.***

***Vote unanimously in favor.***

***Vote on amended motion.***

***Vote unanimously in favor.***

T. Murphy Roche: Our next meeting is scheduled for March 11, 2008, but the continuation of this hearing will depend on the timeframe of the engineer.

B. Grossman: I can't say that OmniPoint will agree to whatever engineer or consultant that the Town sees fit. My concern is with the amendment.

M. Bonsteel: My issue is with the breakaway type tower. I think it would be a good idea to have a structural engineer review this, since one of the variances is for setbacks.

T. Murphy Roche: We are talking about a structural engineer and a radio frequency engineer.

M. Bonsteel: That may be down the road, but I would hate for us to be unable to get the testimony we need without the structural engineer and I think it is a responsible request.

***R. Savoie motioned to continue the meeting to be a date undetermined. Abutters will be renoticed. Seconded by R. Duhaime.  
Vote unanimously in favor.***

Three (3) letters were submitted to the board.

- Jack Resnick, 94 Aspen Way
- Nicholas Lazos, 364 Paquette Avenue
- Lyndsee D. Paskalis, representing Margaret Straw

### **OLD BUSINESS**

M. Bonsteel: Changes for rules and regulations will be discussed in March.

M. Bonsteel: We need to review our application fees, particularly for Commercial. We will also review our building permit fees.

***C. Pearson motioned to review the rules and regulations for Zoning at the March 11<sup>th</sup> meeting. Seconded by D. Johnston.  
Vote unanimously in favor***

### **APPROVAL OF MINUTES**

**January 8<sup>th</sup>, 2008**

***R. Savoie motioned to accept the minutes of January 8, 2008 as presented. Seconded by R. Duhaime.  
Vote unanimously in favor.***

### **OTHER BUSINESS**

There is a Zoning and Planning Conference sponsored by the Office of Energy and Planning on Saturday, April 26<sup>th</sup> at the Radisson, Manchester.

### **ADJOURNMENT**

***C. Pearson motioned to adjourn. Seconded by D. Johnston.  
Vote unanimously in favor.***

Respectfully submitted,

Lee Ann Moynihan