

**TOWN OF HOLDERNESS  
PLANNING BOARD  
Tuesday,  
November 19, 2019 6:30 P.M.**

**MINUTES**

**CALL TO ORDER:** R. Snelling called the meeting to order at 6:30 P.M.

**ROLL CALL OF MEMBERS:**

*Members Present:* Robert Snelling, Chairman; Carl Lehner, Vice Chairman; Donna Bunnell, Secretary; Angi Francesco, Member; Ronald Huntoon, Member; Louis Pare, Member; Peter Francesco, Ex-Officio

*Alternate Not Present:* Janet Cocchiaro

*Staff Present:* Linda Levy, Land Use Board Assistant

*Others Present:* Philip Bennett, Lisa Bennett, Francis Parisi, Peter Webster, Timothy Britain, Susan Webster, Carol Snelling, William Nesheim, Desmond Butler, Frank Yerkes, Lisa Lovett, Rob Haskell, David Moore, Suzanne Riehs-Moore, Stephen Morss, Joan Griffith, Meagan Fontaine, Gemini Meeh

**APPROVAL OF MINUTES:** The draft of the minutes of the October 15 was reviewed and edited.

**Motion: "To accept the minutes as edited."**

Motion: P. Francesco

Second: D. Bunnell

Discussion: None

Motion Passes: 7-yes 0-no 0-abstention 0-absent

**NEW APPLICATIONS:**

**Case #19-10-20:** Application submitted by Frank Yerkes as agent for Desmond O. Butler of NH Rt. 113, tax map 217-015-000, request a boundary line adjustment to transfer 1.96 acres from 217-016-000 to 217-015-000 to make lot 217-015-000 less non-conforming on the shorefront, located in the General Residential District, in accordance with the Town of Holderness Boundary Line Adjustment Regulations.

F. Yerkes introduced the case.

**Motion: "To accept the application."**

Motion: R. Snelling

Second: D. Bunnell

Discussion: One question was asked; is the property in current use? Answer; yes, a small part of the property will come out of current use.

Motion Passes: 7-yes 0-no 0-abstention 0-absent

The public hearing was opened at 6:37.

One question was asked about lake frontage on 217-015-000 (there will be 156' of lake frontage).

The public hearing was closed at 6:37.

**Motion: “To approve the application as presented.”**

Motion: P. Francesco

Second: A. Francesco

Discussion: No further discussion

Motion Passes: 7-yes 0-no 0-abstention 0-absent

**Case #19-10-21:** Application submitted by Frank Yerkes as agent for George W. Noyes of 71 Solstad Dr., tax map 245-012-000, request a boundary line adjustment to transfer .76 acres from 245-012-000 to 242-006-000 to make lot 242-006-000 less non-conforming, located in the General Residential District, in accordance with the Town of Holderness Boundary Line Adjustment Regulations.

F. Yerkes introduced the case.

**Motion: “To accept the application.”**

Motion: R. Snelling

Second: R. Huntoon

Discussion: None

Motion Passes: 7-yes 0-no 0-abstention 0-absent

The public hearing opened at 7:41.

One question was asked about waterfrontage on both lots (245-012-00 will have 256’; 242-006-000 will have 270’)

The public hearing was closed at 7:42.

**Motion: “To approve the application as presented.”**

Motion: C. Lehner

Second: A. Francesco

Discussion: No further discussion

Motion Passes: 7-yes 0-no 0-abstention 0-absent

**CONTINUED APPLICATIONS:**

**Case #19-08-18:** Application submitted by Fran Parisi as agent for Revocable Trustees Peter W. Harry, Harriet R. Harris and Henry Pratt Upham Harris III of Old Mountain Rd., tax map 220-004-000, request a site plan review to install a cell tower by Vertex Tower Assets, LLC, located in the Rural Residential District, in accordance with the Town of Holderness Site Plan Regulations.

The public hearing was opened at 7:44 with R. Snelling reviewing the reason for the continuation.

F. Parisi shared a number of items

- the balloon test was completed on 11/2/19 as scheduled
- they are in the process of compiling the photos and the simulations
- they are exploring alternate sites and that is taking significant time
- wondered when he would be getting the Board's recommended consultant's information so that he could start working with them (R. Snelling: the hiring is on hold until the requested data is submitted to the Board)
- they are not withdrawing the application
- they are going to ask for another continuance
- he cautioned that by moving the cell tower to another location, the people in that location would be affected so he is looking for a site that would be amenable to people

R. Snelling comments:

- it appears that the alternate sites on the original plan were clustered around chosen sites along Rt. 113, an area that already has cell phone service
- the village area is on the edge of that potential service
- questioned whether the tower placement on Rt. 113 is optimum for the need of cell service in the village
- he would like analysis of potential sites for service in the village

F. Parisi: We are looking for sites closer to the village, but that will negatively affect the northern sites (Rattlesnake area); more than one site may be required; topography is a challenge in Holderness to find the perfect site. He reiterated that he is not backing off the Harris site, but is looking for alternate sites.

R. Snelling: Have you looked at the transfer station?

F. Parisi: Yes, Shepard Hill would block the village

R. Snelling: Mr. Harris notified us that they want to pull out of the lease agreement. This puts the Board in an awkward position.

F. Parisi: I'm in an awkward position as well, but we have a contract with the Harris'. We're not sure if there is an alternative site, but we are looking for one to find a solution for everyone.

R. Snelling talked about the question that was raised via email before this meeting regarding the status of Old Highway. In the 1940's the town voted "no" to discontinue the road, and a document dated 2002 reiterated that vote. The road is a Class VI road, our tax maps are incorrect (they show it as a Discontinued Road).

F. Parisi acknowledged that he would have to go before the Select Board for permission to use the road and to make minor fixes to the road.

R. Snelling cited the FCC Act of 1996 saying that there is a 150 day "shot clock" to make a decision from the date the application was submitted. The clock was stopped after the October meeting so that Mr. Parisi could get more information. He asked Mr. Parisi if he would be open to signing a Tolling Agreement to stop the 150-day clock.

F. Parisi: I am reluctant to sign a Tolling Agreement.

R. Snelling: I was advised by Counsel to not agree to a continuance without a signed Tolling Agreement. He gave Mr. Parisi three choices (withdraw the application, the Board could vote and would have to disapprove because of the Harris lease agreement issue, or continue with a Tolling Agreement).

F. Parisi explained his reasoning for not wanting to sign the agreement. He wants to start the process now and come before the Board every month. He said that after 150 days, the board could deny the application and he would go to court on an appeal. He would rather be working on finding alternative

sites. He requested a continuance for when he would have a better understanding of the alternate sites.

D. Bunnell pointed out that the Tolling Agreement could work the other way; that Vertex could delay their work by not doing anything during the 150-day clock and go to court for an appeal.

R. Snelling summarized the proposed placement of the tower would provide service on Rt. 113 and other areas in Holderness. He stated that that is not our goal; our goal is to have service in the village.

L. Pare asked for a cost breakdown since the October meeting.

F. Parisi: I think that is irrelevant, you need to decide if I've done my due diligence. We've talked with a lot of people.

Questions and comments from the Board and the public (replies/comments in parenthesis):

- Mr. Parisi didn't do the analysis that the zoning ordinance requires
- If the continuance is granted, will the discussion be substantive or procedural
- What is the type of monopine that is being proposed (F. Parisi: That is provided later in the process)
- Could more towers that are shorter in height have the same effect so that more people would buy in to the project (F. Parisi: It is not economical)
- It seems like the Harris property is being used as leverage
- To continue without a Tolling Agreement could mean that you run out of time
- Can we set a time limit on the continuance? (R. Snelling: There is concern about being caught at the tail end and not having the info we need)
- Have sites on Rt. 3 been looked at? (F. Parisi: It is hard to find a site that meets the tower setback requirements)
- When will you get the information to the Board? (Mr. Parisi: 1 week before the meeting)
- Would you be willing to sign a Tolling Agreement that contained a 30-day statement so that only 30 days are eliminated from the 150-day clock? (F. Parisi: No)

The public hearing was closed at 8:02.

R. Snelling reiterated the 3 options adding that he would be willing to add a 30-day statement in the Tolling Agreement.

P. Francesco suggested modifying any continuation motion wording from "December 17<sup>th</sup>" to "the next regularly scheduled meeting" in case there is bad weather on December 17<sup>th</sup>.

F. Parisi agreed to sign a Tolling Agreement if, after the next continued meeting, there is need for another continuance.

R. Snelling reminded Mr. Parisi that he needed to get the lease agreement with the Harris' solved.

F. Parisi: I need to see the consultant agreement and the cost of hiring them.

R. Snelling: We need to find out the stop and start 150-day clock requirements. Does the clock stop for each granted continuance or only the first granted continuance? Does the clock stop when additional information is asked for? No data from the October continuance was given to the Board.

**Motion:** "To approve Mr. Parisi's request for a continuance to the next regularly scheduled meeting."

Motion: A. Francesco

Second: R. Huntoon

Discussion: No further discussion  
Motion Passes: 5-yes 2-no 0-abstention 0-absent

**OTHER BUSINESS:**

1. Public hearing on the proposed changes to Zoning Ordinance Sections 550, 575, and 600 that were distributed at the September meeting

The public hearing postponed to December 17, 2019

2. Discussion at 5:30 P.M. on the proposed changes to Zoning Ordinance Sections 300, 400 (Signs), 700, 900, and 1300 that were distributed at the October meeting

**Motion: "To accept the changes to the 300 and 550 zoning ordinances."**

Motion: A. Francesco

Second: D. Bunnell

Discussion: Discussion included asking L. Levy to check with M. Capone regarding language in the ordinances so that the language is consistent throughout the ordinances. Which is the better phrase to use: "permit approved by Select Board" or "permit approved by Select Board or their designated representative"

Motion Passes: 7-yes 0-no 0-abstention 0-absent

3. Discussion of the Conservation Commission Master Plan (delayed)
4. Next Meeting - Tuesday, December 17, 2019 at 6:30 P.M.

**CORRESPONDENCE:** None

**ADJOURNMENT:** At 8:35 P.M. the following motion was made.

**Motion: "To adjourn."**

Motion: D. Bunnell

Second: R. Huntoon

Discussion: None

Motion Passes: 7-yes 0-no 0-abstention 0-absent

Respectfully submitted,

Linda S. Levy  
Land Use Boards Assistant