

TOWN OF NORTHUMBERLAND
PLANNING BOARD Minutes
Weds., April 6, 2016
Groveton PD/Ambulance Bldg. - Meeting Room
10 Station Square
Groveton, NH
7:00 P.M.

Board Members Present: Gloria Brisson, Jim Weagle, Al Rossetto, Addy Hall
Others present: Arthur York, Elaine Gray, Rebecca St. Cyr - Recorder

J. Weagle, Acting Chairman opened the meeting at 7:05 pm.

1. Swearing in of Reappointed Officials -

Al Rossetto and Tim Sutherland were reappointed to the Planning Board.
E. Gray swore in Rossetto as a Planning Board member. Tim Sutherland wasn't present and will be sworn in another time.

2. MINUTES of the March 2, 2016 Meeting

Motion to approve the March 2, 2016 minutes by: A. Rossetto
2nd by: A. Hall, All in Favor 4-0

3. PUBLIC HEARING: Art York for Steven Collins-Lot Line Adjustment

J. Weagle opened the Public Hearing.

<p>FILE # P16-01: Steven Collins is seeking a Lot Line Adjustment between the parcel where his dwelling is located (Map 230 Lot 7 consisting of 5.3 Ac.) and his own abutting parcel (Map 229 Lot 21 consisting of 6.9 Ac.). The proposed acreages after the lot line adjustments would be 9.3 and 2.9, respectively. Both parcels are zoned Timber Management and are located on Twisted Oak Rd. off Wheelock Drive.</p>

Art York was present to review the lot line adjustment, which was also reviewed at a previous meeting. Steve Collins wants to add the upper piece of Map 229, Lot 21 to his house lot - Map 230, Lot 7. Pat Wheelock is interested in buying the remainder of the lot. Twisted Oak Rd. is only driveway width and right now it's just a driveway. A. Rossetto said it might be best if Collins would bring it up to Town specs.

York said Collins is going back to the State to try and get the access off Route 3 driveway permit approved. J. Weagle said he believes the State originally objected to where it's location is on Route 3 – something about the corner.

Rossetto thought this (upgrading Twisted Oak Rd.) should be suggested to Collins.

J. Weagle closed the Public Meeting

The lot has frontage on Wheelock Drive, there is no reason why S. Collin's driveway would be accessed. A. Hall asked who owns Wheelock Drive, York said technically the people on either side of it, own it. Unless there is something in the deed that says they have nothing to do with the road. Fregeau has access (right of way) to get to his lot in the back. Mr. Fregeau didn't pick up his abutter notice. Wheelock Drive is a private road, it's not a Town road; it can be posted with no trespassing. Fregeau definitely has the right to use the road.

There were no other comments.

Motion to approve the Lot Line Adjustment for Steve Collins by: G. Brisson
2nd by: Al Rossetto, 3 in Favor, 1 Abstained.

York mentioned we put a note on the plan, that there needs to be a deed prepared within 6 months, but in this case Collins already owns it. If he was to sell it, then he would need to get the deed recorded. J. Weagle said he's fine with it as long as it's in his (Collins) name. Collins will need to prepare a deed if/when he conveys the remainder of Lot 21 (Map 229) to Pat Wheelock.

4. Cell Tower Post Construction Follow-up on As-Built Plan

J. Weagle said this came up before, because they never gave us an as-built plan, we thought we would have some leverage. With an as-built plan, before they got it constructed, we might have had a case against them, now we don't. We can try to enforce it, but they would basically come back and say it's not enforceable. Weagle said part of the condition was an as-built plan, but we didn't enforce it. Per LGC, we needed to enforce it sooner than we did. A. Rossetto asked what the statute of limitation is, Weagle said basically it's within the first month or two.

Al Rossetto said the cell tower is not operational, it's not complete. Weagle said they are saying because the tower is already up there; it doesn't have to be operational to be an as-built count. Rossetto asked why we put the stipulations in then. He suggested sending the issue to the FCC for review. E. Gray checked into it and we don't have anything over them. A. Hall asked if they understood the conditions when they came in. J. Weagle said we thought they did, we gave them the conditions. The one's that originally built it are not the one's over it now. J. Weagle further discussed.

E. Gray sent an email to the T-Mobile Rep and GNW Wireless because the building permits have expired. T-Mobile said they will likely start by April 1st and be done by May 1st, and GNW Wireless said they are 90% complete. It looks like something might be going on up there now, because we are getting signals. E. Gray received a call asking if they need an electrical permit. She wasn't sure if it was T-Mobile or GNW, as the person did not identify himself. J. Weagle said we have tried to take steps to do something about it without any luck.

Al Rossetto went back to as-built, the Chairman of the Planning Board, Tim Sutherland is a surveyor and he knows the regulations. Now these people are telling us that the reasonable stipulations we put on the approval are null and void. J. Weagle said we needed to enforce it quicker. The Board further discussed. Since they are looking for permits, they agreed that it's not complete. Rossetto feels we should contact an attorney for review.

Bernie Waugh is coming up and we can bring it up to him without any cost. A. Hall said

there is no time limit on the plan. LGC has given us bad info before, Rossetto feels that we should look into it further.

NCIC owns the tower and it's run by Eversource (Northern Pass). J. Weagle discussed an opportunity the Town had for a potential business that went to Vermont. NCIC was the broker behind it. We are trying not to get into a fight without having some skin in it.

Motion to send a letter to NCIC asking for compliance of the stipulations of the original approval for the cell tower on Morse Mtn. by: A. Rossetto
2nd by: A. Hall, All in Favor 4-0

Rossetto suggested that J. Weagle prepare a draft letter. He can sign it as acting chairman.

5. Any Other Business to Come Before the Board

- a. Docket 15-463 PSNH (Eversource) petitioned to cross State lands. Nash Stream State Forest and Percy State Forest in Stark; Cape Horn State Forest in Groveton and the Groveton branch of the State owned railroad in Lancaster and Dalton.

The Board further reviewed the information on the Docket. This is a petition to the court; the Planning Board doesn't have jurisdiction because the State took that over.

- b. J. Weagle said he spoke with Bob Chapman and Mike Sterling and they will let the Planning Board know when anything is planned, that can be public. We just want to be sure that everything is done right.

Motion to adjourn by: A. Rossetto
2nd by: G. Brisson

Adjourned at 7:40 pm

TOWN OF NORTHUMBERLAND
Planning Board

NOTICE OF DECISION

8/1/2012
Date

You are hereby notified that a decision has been made for your application for
Case # 12-05-SP Name Morse Mountain Cell Tower
By the affirmative vote of at least three members of the Planning Board.

The decision has been :

APPROVED

DENIED

For a

Minor Subdivision Major Subdivision Lot Line Adjustment
 Site Plan Review Conditional Permit

Comments or Conditions to be Met:

PLANNING BOARD REQUESTS AS-BUILT PLAN
POST CONSTRUCTION.

Tim Smith
Chairman

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within twenty days of this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the board for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal.