

GROTON PLANNING BOARD
September 28, 2011

Meeting called to order at 7:06 pm.

Present: Russ Carruth, Jenny Burnett, Deb Johnson, Chair Steve(Slim) Spafford, Clerk Sharon Nelson, Celine Richer, Select Board liaison Miles Sinclair.

Audience: Peter Phipps, Jiri Hajek, Chuck Stata

Minutes of 8/31/11 accepted as read.

Without dissent Board members moved to New Business.

ZBA Vice Chair Jiri Hajek reported on his site visit to SBA tower. As background Jiri reminded those present that last year both the ZBA and PLBD had decided that no special exception was needed by NHEC when Peter Phipps and Engineer Jennifer McCord came before both Boards with a request to add to existing SBA tower. NHEC's plan was/is to control and improve communication during power outages. McCourt and Phipps explained that no physical or human impact would be put on the site. Work (tower additive and 10' by 20' panelized structure) would be done within existing "compound", they had assured us. Now US Cellular wants to use this same site so ZBA members Jiri and Glenn Hansen decided to climb Tenney Mountain to visit the site. All plans on file with Groton show an existing access road, starting from Ski Area parking lot and continuing into Groton on private land. The men found that Hurricane Irene had blown culverts, downed trees and destroyed that access road. Worse still, they saw that someone had attempted to make a new access road, messing up wetlands in the process. Glenn and Jiri matched the vehicle's width and tire tread, visible in mud, to an old vehicle now parked in the parking lot of the Ski Area. After bushwhacking to the top of the mountain they found the fencing, once believed to be enclosing the compound, completely destroyed. No markers could be found for the easement. Anyone can access propane and diesel fuels. Configuration of the compound was changed. "Who, in addition to Irene, is responsible for this destruction?" they wondered. "Can we have yet another body make use of a location already in disarray?" Jiri and Glenn saw diesel cans left open and half full. After viewing this mess Jiri called Jennifer McCourt, subcontracting engineer for NHEC. She told him they plan to place an equipment building on the existing cement pad. When Jiri asked "How?" she replied "Perhaps by air." Tonight Mr. Phipps attested to the fact that vehicle seen by Glenn and Jiri does not belong to McCourt Engineering. Also Mr. Phipps told us that work done atop mountain for NHEC – pier foundations for shelter and slab for generator- was completed before Irene, when access road was in good shape, and he explained that any fencing seen on paper with their plan seen last year by us, was SBA Tower Co. fencing, not NHEC's. At this point Miles made clear that our town counsel has examined the NHEC request of last year and finds that both the ZBA and PLBD were mistaken in deciding that no exception was needed. Attorney Spector reminds us that our Zoning Ordinance says any structure to be built needs a ZBA exception.

Jenny pointed out that two towers exist on Tenney Mountain. Verizon's, which cannot be seen, is not active.

Deb stressed that we must find out who made the attempts to make a new road. Chair will research ownership of the property.

On our agenda this evening, but not in attendance (notified Administrative Assistant) is Peter Cooke of Skyline Co. He has been hired by State Police to update communications by adding a dish and replacing another dish on same SBA tower NHEC is using. Chair has talked with Mr. Cooke who claims that State Police project does not require Site Plan Review. Deb asked us to determine if indeed State Police get exemption or exception to Site Plan Review. Chair, having heard Jiri's report on his site visit, will ask Mr. Cooke if Skyline has already tried to access the top. At Jiri's request Chair will also ask Mr. Cooke to fix lock on State Police propane storage area. He will also ask if Skyline owns the vehicle parked in Ski Area parking lot.

On new topic, Chair asked Jiri to describe private road being built to access Spectacle Pond dike. He not only described the increased width but had a picture on his cell phone. The dike and wetlands crossing are both in Hebron, but excavation is in Groton. Jiri suggested we modify our Excavation Regs to read "When any movement of soil up to ____ cubic yards involves wetlands crossing, the excavator should speak with the PLBD." Abutters to this dike access road were not informed in advance. Our Regs allow a one time removal of less than 1,000 cubic yards. Chair agreed to call Mary Pinkham-Langer outlining problem and seeking advice.

Chair informed members of a one day, Sat. Oct 29th workshop and a two day conference, Nov. 16 & 17 concerning fundamentals for PL and Zoning Boards.

Old Business

Lot Line Adjustment for May/Cole: no one in attendance. Surveyor Barnard is still waiting for Mr. May's signature.

Ethier Excavation: Laura Spector wrote letter to Mr. Ethier, expressing board's feelings. Date was omitted so we will use date of Mr. Ethier's signed receipt, 9/21 to count 30 days allowed for Mr. Ethier is to apply for permit to excavate.

Victoria's Mt. Way Subdivisions: Victoria Collin's lawyer, Quentin Blaine, had requested that the PB revoke the two subdivisions off Victoria's Mountain Way.

1. We reviewed, over past two months, the three sets of Town Subdivision Regulations (1987, 2003 and present) and found no substantial changes.
2. Revocation of subdivisions is discretionary and we have not seen enough evidence to revoke.
3. Groton has never before revoked subdivisions
4. At time of approval of said subdivisions town was not intending to take over road so Class VI road is treated as private.

The Board agreed to send a letter to Attorney Blaine informing him of their decision to decline his request for revocation of the Brown and Arpino Subdivisions.

Last on our agenda were Subdivision Regulations. It being after nine o'clock, little energy was left to tackle their continued revision. Chair asked if Board members were open to meeting more than once a month in order to complete this work. All were open to putting in more time. It was agreed to hold the regular October meeting as scheduled on the 26th, then an additional meeting on November 9 to discuss Subdivision Regulations. Regularly scheduled November meeting will remain the same: last Wednesday of the month.

Both Chuck Stata and Chair informed members of House and Senate bills currently being considered which could affect Town business.

Adjournment was unanimously agreed to at 9:15.

Sharon Nelson
Clerk