

B. Verizon Wireless – Hudson West Side
SP# 02-13

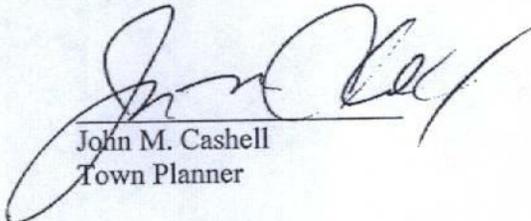
Map 221/Lot 008
19 Sagamore Park Road

Purpose of plan: Verizon Wireless plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support Verizon Wireless's antennas. Application Acceptance & Hearing.

XV. OTHER BUSINESS
XVI. ADJOURNMENT

All plans and applications are available for review in the Planning Office. Comments may be submitted in writing until 10:00 a.m. on the Tuesday prior to the day of the meeting.

The public is invited to attend.



John M. Cashell
Town Planner

POSTED: Town Hall, Library, Post Office – 04-12-13

Verizon Wireless Site Plan & Conditional Use Permit

Staff Report

April 24, 2013

SITE: 19 Sagamore Park Road Map 221/Lot 008 SP# 02-13

ZONING: Industrial --- 30,000 sf with sewer and water and 150 ft. frontage.

PURPOSE OF PLAN: Verizon Wireless plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support Verizon Wireless's antennas. Application Acceptance & Hearing.

PLAN UNDER REVIEW ENTITLED: Verizon Wireless Hudson West – NH 19 Sagamore Park Road, Hudson, New Hampshire, prepared by Hudson Design Group, 1600 Osgood St., Building 20 North, Suite 3090, No. Andover, MA 01845, dated: 10/09/2012, latest revision date 10/30/12, consisting of Sheets T-1, C-1, A-1 & A-2 and no local reference notes (said plans attached hereto).

ATTACHMENTS:

- 1) Site Plan application, date stamped 03/25/13 – “A”.
- 2) Letter (project narrative) from Atty. John Weaver, dated 03/22/13 – “B”.
- 3) Letter of Authorization from Arthur E. Hayes, Colocation Mgr.-East for SBA Communications Corp. – “C”.
- 4) RF Engineering Report for Proposed Hudson W, NH Site – “D”.
- 5) Comment Reports received from and attached hereto: John O'Brien, Deputy Fire Chief, Bill Oleksak, Zoning Admin., Jim Michaud, Asst. Assessor, Patrick Colburn, Town Eng., and Road Agent, Kevin Burns – “E”.
- 6) Development Agreement concerning the original Site Plan Approval for this locus, dated 15th day of November, 2006, HCRD Bk. 7780 Pg. 0539 – “F”.
- 7) Original Approved Site Plan, approved 09/27/06, HCRD Plan #35166 – “G”.

OUTSTANDING ISSUES:

- 1) This Site Plan & Conditional Use Permit Application, calls for adding 12 new antennae and a ground module to a pre-existing telecommunications tower, which was originally approved by the board in 2006. This site is actually located at the northeast corner of the S.G. Torrice facility, located at the corner of Flagstone Dr. and Sagamore Park Rd. The actual Town assigned address for the communications tower and associated ground modules is 19 Sagamore Park Rd., Map 221/Lot 008 – 003, which differs from the original Site Plan address of 24 Flagstone Dr., Map 221/Lot 008.
- 2) Please Note, condition #4 on pg. 2 of 6 of the attached Development Agreement “F”, cites that a Note is to be added to the plan concerning the Town receiving an easement access to place antennae on the tower. This note is on Sheet AO2 of the Site Plan-of-Record, and reads: Note: The Town of Hudson shall have the right to locate Police, Fire and Highway communication antennas to the monopole no higher than 60'- 0" from the base, at the Town's expense.
- 3) There are no other outstanding issues with this application.

APPLICATION TRACKING:

- 03/25/2013 Site Plan/Conditional Use Permit Application submitted.
- 04/24/2013 Initial Public Hearing scheduled.

WAIVERS APPROVED FOR THE SITE IN 2006:

1. HTC 275-9A – Stormwater Management Report
2. HTC 275-9B – Traffic Study
3. HTC 275-9C -- Noise Study
4. HTC 275-9D ---Fiscal and Environmental Impact Study

RECOMMENDED ACTION: For this meeting, staff recommends application acceptance, conduct the hearing and move to approve the Site Plan and Conditional Use Permit applications in accordance with the below DRAFT motions.

DRAFT MOTIONS:

I move to defer further review of this application, date specific, to the May 22, 2013 Planning Board meeting.

Motion by: _____ Second: _____ Carried/Failed: _____

I move to approve the Site Plan and the Conditional Use Permit for the Plan entitled: Verizon Wireless Hudson West – NH 19 Sagamore Park Road, Hudson, New Hampshire, prepared by Hudson Design Group, 1600 Osgood St., Building 20 North, Suite 3090, No. Andover, MA 01845, dated: 10/09/2012, latest revision date 10/30/12, consisting of Sheets T-1, C-1, A-1 & A-2, in accordance with the following terms and conditions:

- 1) All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record (hereinafter referred to as the Plan).
- 2) All improvements shown on the Plan shall be completed in their entirety and at the expense of the Applicant or his assigns.
- 3) Prior to the issuance of a final certificate of occupancy, a L.L.S. certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Plan.
- 4) Prior to Planning Board endorsement of the Pan, it shall be subject to final engineering review.
- 5) The applicant shall schedule a pre-construction meeting with the Town Engineer prior to applying for a building permit.
- 6) All terms and conditions of approval included in the 2006 Site Plan Approval for this site shall remain in effect with the approval of this plan.

Motion by: _____ Second: _____ Carried/Failed: _____

"A"



PRELIMINARY & FINAL SITE PLAN APPLICATION FOR PLAN REVIEW (Also for Wireless) TOWN OF HUDSON, NEW HAMPSHIRE

Date of Application: 3-22-2013 Tax Map # 221 Lot # 8
Name of Project: Verizon Wireless - Hudson West Site
Zoning District: General SP# 02-13
ZBA Action: None

PROPERTY OWNER:

DEVELOPER:

Name: 1987 Tamposi Limited Partnership
Address: 20 Trafalgar Sq., Suite 602
Address: Nashua, NH 03063
Telephone #
Fax #
Email:

Cellco Partnership d/b/a Verizon Wireless ("VzW")
c/o John Weaver, McLane Law Firm
City Hall Plaza, 900 Elm St., Manchester, NH 03101
603-628-1442
john.weaver@gmail.com

PROJECT ENGINEER

SURVEYOR

Name: Hudson Design Group, LLC
Address: 1600 Osgood Street, Building 20 North, Suite 2-101
Address: North Andover, MA 01845
Telephone # 978-551-5559
Fax # 978-336-5586
Email:

N/A

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

Plan Routing Date: 3-25-13 For Town Use PB mtg. Sub/Site Date: 4-24-13
I have no comments I have comments (attach to form)
Title: Date:
DEPT: Zoning Engineering Assessor Police Fire Planning
Consultant Highway Department
Fees Paid:

SITE DATA SHEET

PLAN NAME: Verizon Wireless - Hudson West - NH

PLAN TYPE: SITE PLAN

LEGAL DESCRIPTION: MAP 221 LOT 8

DATE: 3-22-2013

Location by Street 19 Sagamore Park Road

Zoning: Industrial

Proposed Land Use: Telecommunications Facility

Existing Use: Telecommunications Facility

Surrounding Land Use(s): Industrial Warehouses

Number of Lots Occupied: 1

Existing Area Covered by Building: 31,037 sq. ft.

Existing Buildings to be removed: 0

Proposed Area Covered by Building: 31,349 sq. ft.

Open Space Proposed: 0

Open Space Required: 0

Total Area: S.F.: 155,329 Acres: 3.57

Area in Wetland: 0 Area Steep Slopes: 0

Required Lot Size: 30,000 s. ft.

Existing Frontage: 800 ft. +/-

Required Frontage: 150 ft.

Building Setbacks:	<u>Required*</u>	<u>Proposed</u>
Front:	<u>50'</u>	<u>210'</u>
Side:	<u>15'</u>	<u>69'</u>
Rear:	<u>15'</u>	<u>50'</u>

**SITE PLAN DATA SHEET
(Continued)**

Flood Zone Reference: FIRM 33011C0656D, Parcel # 656 of 701

Width of Driveways: N/A

Number of Curb Cuts: N/A

Proposed Parking Spaces: N/A

Required Parking Spaces: N/A

Basis of Required Parking (Use): N/A

Dates/Case #/Description/Stipulations
of ZBA, Conservation Commission,
NH Wetlands Board Actions: _____
(Attach stipulations on separate sheet) _____

<u>Waivers Requested:</u>	<u>Hudson Town Code Reference</u>	<u>Regulation Description</u>
	1. _____	_____
	2. _____	_____
	3. _____	_____
	4. _____	_____
	5. _____	_____
	6. _____	_____
	7. _____	_____
	8. _____	_____

(Left column for Town Use)

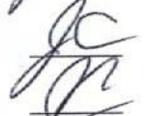
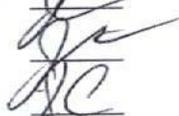
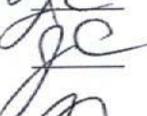
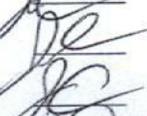
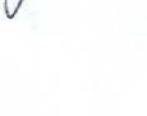
Impact Fees:
C.A.P Fee: _____

Development Agreement
Proposed: _____

<i>For Town Use</i>	
Data Sheet Checked By: _____	Date: _____

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

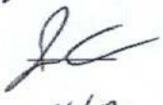
Thirty (30) days prior to Planning Board Meeting, a complete site plan to include all supporting materials/documents must be submitted in final form. The site plan shall comply with the following specifications/requirements:

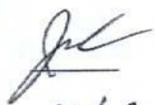
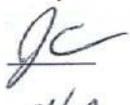
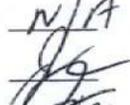
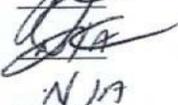
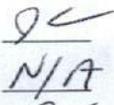
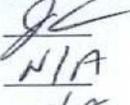
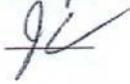
Applicant Initials		Staff Initials
<u>VzW</u>	a) Submission of nine (9) full sets of Site Plans (sheet size: 22" x 34") shall be submitted at the time of application filing, followed by the submission of seventeen (17) 11" X 17" plan sets (revised if applicable) to the Community Development Department no later than 10:00 A.M., Tuesday the week prior to the scheduled public hearing/conceptual review date.	
<u>VzW</u>	b) A Site Plan narrative, describing the purpose, locations, long-range plans, impacts on traffic, schools, and utilities	
<u>VzW</u>	c) Plan scale at not less the one inch equals fifty feet (1" = 50')	
<u>VzW</u>	d) Locus plan with 1,000' minimum radius of site to surrounding area	
<u>VzW</u>	e) Plan date by day/month/year	
<u>VzW</u>	f) Revision block inscribed on the plan	
<u>VzW</u>	g) Planning Board approval block inscribed on the plan	
<u>VzW</u>	h) Title of project inscribed on the plan	
<u>VzW</u>	i) Names and addresses of property owners and their signatures inscribed on the plan	
<u>VzW</u>	j) North point inscribed on the plan	
<u>VzW</u>	k) Property lines: exact locations and dimensions	
<u>VzW</u>	l) Square feet and acreage of site	
<u>VzW</u>	m) Square feet of each building (existing and proposed)	
<u>VzW</u>	n) Names and addresses of bordering abutters, as shown on Tax Assessor's records not more than five (5) days prior to application date to be listed on the plan.	

Applicant
Initials

Staff
Initials

- VzW o) Location of all structures, roads, wetlands, hydrants, wells, septic systems, 4k reserve areas, floodways/floodplains, driveways, travel areas, parking areas and natural features within 200 feet of the tract
- VzW p) Locations of existing and proposed permanent monuments and bench marks within 200 feet of the development tract
- N/A q) Pertinent highway projects
- VzW r) Assessor's Map and Lot number(s)
- VzW s) Waiver application form shall be submitted with the site plan application, note on plan listing waivers requested/granted; and all waivers granted to the site plan regulations shall be listed on the final plan; waivers to checklist shall be reduced to writing and be signed by the Planning Board Chairman and Planning Board Secretary and recorded with the plan
- VzW t) Delineate zoning district on the plan
- N/A u) Storm water drainage plan
- N/A v) Topographical elevations at 2-foot intervals contours: existing and proposed
- VzW w) Utilities: existing and proposed
- N/A x) Parking: existing and proposed
- N/A y) Parking space: length and width
- N/A z) Aisle width/maneuvering space
- N/A aa) Landscaping: existing and proposed
- VzW ab) Building and wetland setback lines
- N/A ac) Curb cuts
- VzW ad) Rights of way: existing and proposed
- N/A ae) Sidewalks: existing and proposed
- VzW af) Exterior lighting plan
- N/A ag) Sign locations: size and design
- N/A ah) Water mains and sewerage lines
- N/A ai) Location of dumpsters on concrete pads
- VzW aj) All notes from plats



N/A


N/A
N/A

N/A
N/A
N/A


N/A

N/A

N/A
N/A


Applicant Initials		Staff Initials
<u>N/A</u>	ak) Buffer as required by site plan regulations	<u>N/A</u>
<u>N/A</u>	al) Green and open space requirements met with both types of spaces inscribed on the plan	<u>N/A</u>
<u>N/A</u>	am) Soil types and boundaries, Note: If site contains marginal or questionable soils, a High Intensity Soil, Survey (HISS) may be deemed necessary to submit as part of the application. Said HISS, if required, shall be performed by a State of New Hampshire Certified Soil Scientist, who shall affix his/her stamp and signature shall be inscribed on the plan.	<u>N/A</u>
<u>N/A</u>	an) Wetlands (and poorly-drained and very poorly-drained soils, also identified as Class 5 and Class 6 High Intensity Soil Survey (HISS soils), and permanent and seasonal wetlands shall be identified on the plan by a New Hampshire certified wetland or soil scientist, who shall affix his/her stamp and signature to the respective plan.	<u>N/A</u>
<u>VzW</u>	ao) "Valid for one year after approval" statement inscribed on the plan.	<u>JC</u>
<u>N/A</u>	ap) Loading bays/docks	<u>N/A</u>
<u>VzW</u>	aq) State of New Hampshire engineer's stamp, signature, surveyor's stamp, and signature	<u>JC</u>
<u>Vzw</u>	ar) Error of closure (1 in 10,000 or better)	<u>JC</u>
<u>VzW</u>	as) Drafting errors/omissions	<u>JC</u>
<u>VzW</u>	at) Developer names, addresses, telephone numbers and signatures	<u>JC</u>
<u>VzW</u>	au) Photographs, electronic/digital display or video of site and area	<u>JC</u>
<u>VzW</u>	av) Attach one (1) copy of the building elevations	<u>JC</u>
<u>N/A</u>	aw) Fiscal impact study	<u>N/A</u>
<u>N/A</u>	ax) Traffic study	<u>N/A</u>
<u>N/A</u>	ay) Noise study	<u>N/A</u>

Applicant
Initials

Staff
Initials

N/A az) Copies of any proposed or existing easements, covenants, deed restrictions,
right of way agreements or other similar documents

N/A

VzW ba) Copy of applicable Town, State, Federal approval/permits to include but
not limited to the following:

JC

- industrial discharge application
- sewer application
- flood plain permit
- wetlands special exception
- variance
- erosion control permit (149:8a)
- septic construction approval
- dredge and fill permit
- curb cut permit
- shore-land protection certification in
in accordance with RSA483-B
- if applicable, review application with Lower Merrimack River Local
Advisory Committee (LMRLAC) and attach LMRLAC project
comments hereto.

N/A bb) Presentation plan (colored, with color-coded bar chart)

N/A

VzW bc) Fees paid to clerk

JC

VzW bd) Five (5) 22" x 34" copies of the plan shall be brought to the Planning
Board meeting and distributed to the Planning Board members at the
meeting. Note: for all subsequent meetings involving revised plans,
five 22" x 34" copies of said plan shall be brought to the meeting for
distribution to the board members.

JC

*Under the purview of the Planning Board, any and all items may be waived.

See transmittal letter.

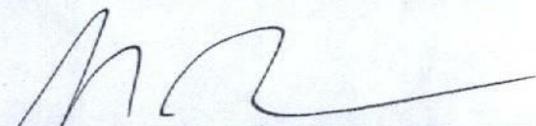
**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

I hereby apply for Site Plan Review and acknowledge I will comply with all of the Ordinances of the Town of Hudson, New Hampshire State Laws, as well as any stipulations of the Planning Board, in development and construction of this project. I understand that if any of the items listed under the Site Plan specifications or application form are incomplete, the application will be considered rejected.

Pursuant to RSA 674:1-IV, the owner(s) by the filing of this application as indicated above, hereby given permission for any member of the Hudson Planning Board, the Town Engineer, the Conservation Commission and such agents or employees of the Town or other persons as the Planning Board may authorize, to enter upon the property which is the subject of this application at all reasonable times for the purpose of such examinations, surveys, tests and inspections as may be appropriate. The owner(s) release(s) any claim to or right he/she (they) may now or hereafter possess against any of the above individuals as a result of any examinations, surveys, tests and/or inspections conducted on his/her (their) property in connection with this applications.

Signature of Owner: See letter of authorization

- ❖ If other than an individual, indicate name of organization and its principal owner, partners, or corporate officers.

Signature of Developer: 
John Weaver, attorney for Cellco Partnership d/b/a Verizon Wireless

- ❖ The developer/individual in charge must have control over all project work and be available to the Code Enforcement Officer/Building Inspector during the construction phase of the project. The Code Enforcement Officer/Building Inspector must be notified within two (2) working days of any change by the individual in charge of the project.

APPLICATION IS DUE AT NOON 21 days prior to the Planning Board Meeting. (The date the Agenda is CLOSED.) Any applications received after that time will be deferred until the next available meeting.

SUBDIVISION/SITE PLAN WAIVER REQUEST FORM

Name of Subdivision/Site Plan: Verizon Wireless - Hudson West Site

Street Address: 19 Sagamore Park Road

I John Weaver, as attorney for Verizon Wireless hereby request that the Planning Board waive the requirements of items listed in the transmittal letter of the Subdivision/Site Plan Checklist in reference to a plan presented by Hudson Design

(name of surveyor and engineer) dated 10/30/2012 for property tax map(s) 221 and lot(s) 8 in the Town of Hudson, NH.

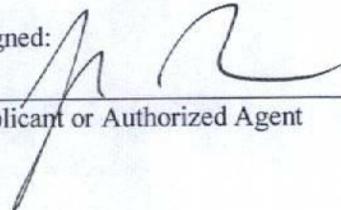
As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and the granting of this waiver would not be contrary to the spirit and intent of the Subdivision/Site Plan regulations.

Hardship reason(s) for granting this waiver (if additional space is needed please attach the appropriate documentation hereto):

See transmittal letter.

Reason(s) for granting this waiver, relative to not being contrary to the Spirit and Intent of the Subdivision/Site Plan regulations: (if additional space is needed please attach the appropriate documentation hereto):

See transmittal letter.

Signed: 
Applicant or Authorized Agent

Planning Board Action:

Waiver Granted: _____

Waiver Not Granted: _____

**APPLICATION FOR SITE PLAN REVIEW
TOWN OF HUDSON, NEW HAMPSHIRE**

FOOTNOTES:

1. In the event of the denial of a plan, the recording fees collected will not be reimbursed, but will instead be used as an additional fee to help defray administrative costs associated with a denial.
2. The "Review Fees" are fees estimated necessary to offset costs incurred to review and/or compile plans, data, or other information relative to the proposal.
3. The "Amount Due" does not include fees for studies or reviews as authorized in Section G-2 of this regulation.
4. Fees must be paid in full prior to the commencement of any formal review by the Town of Hudson.

STATUS:

DATE:

<input type="checkbox"/> 1	Application incomplete	_____
<input checked="" type="checkbox"/> 2	Application complete. Include any applicable requested waivers, fees paid, routing sheet returned	<u>4-10-13</u>
<input type="checkbox"/> 3	Application formally accepted or denied by Planning Board (90-day review clock by RSA 674:43 to start upon acceptance granted)	_____
<input type="checkbox"/> 4	Final approval granted or denied	_____
<input type="checkbox"/> 5	Comments:	_____

McLane

McLane, Graf,
Raulerson & Middleton
Professional Association

900 Elm Street | P.O. Box 326 | Manchester, NH 03105-0326
Tel: 603.625.6464 | Fax: 603.625.5650 | www.mclane.com



OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH
WOBURN, MA

JOHN F. WEAVER
Direct Dial: (603) 628-1442
Email: john.weaver@mclane.com

March 22, 2013

Via Hand Delivery and Electronic Delivery to jcashell@hudsonnh.gov

Planning Board
Town of Hudson
12 School Street
Hudson, NH 03051

Re: Application for Conditional Use Permit and Site Plan Review
Applicant: Cellco Partnership d/b/a Verizon Wireless ("VzW")
Tax Map: Map 221, Lot 008
Street Address: 19 Sagamore Park Road
Zone: Industrial
Proposed Use: Commercial Wireless Telecommunication Facility
Ordinance: Code of the Town of Hudson, NH (the "Ordinance"); and Town of Hudson Planning Board Site Plan Review Regulation (the "Regulations")

Dear Ladies and Gentlemen:

Pursuant to § 334-96.2 of the Ordinance, the purpose of this letter is to deliver the enclosed application for a conditional use permit and site plan review in support of VzW's proposed telecommunications facility (the "Facility") on the existing telecommunications tower (the "Tower") located at the property described above (the "Property") and VzW's proposed supporting equipment shelter (the "Shelter") at the Property. This application is being delivered before the application deadline for such a submission in order to be considered by the Planning Board at its meeting scheduled for April 24, 2013.

I. Enclosed Materials

1. Original and duplicate of the Site Plan Review Application;
2. Original and duplicate of the Conditional Use Permit Application;
3. Nine (9) 22" by 34" copies and seventeen (17) 11" x 17" copies of the site plan (the "Site Plan") showing the proposed work;
4. Eleven (11) copies of this transmittal letter, which contains the project narrative, to accompany the nine plans in #3 and the two Conditional Use Permit Applications;

5. Letter of Authorization;
6. List of all abutters and three (3) sets of mailing labels for abutter notifications;
7. A list of RSA 12-K:7 towns and three sets of mailing labels;
8. Zoning Determination form (as sent electronically to Mr. John Cashell);
9. RF affidavit, including coverage maps;
10. FCC Licenses; and
11. One check totaling \$636.06, calculated as follows:
 - a. \$157.00 – Square footage review fee (\$157/1,000 sq. ft.), which equals \$157 for the 312 sq. ft. equipment shelter;
 - b. \$100.00 – Conditional Use Permit fee;
 - c. \$32.04 – Abutter notification fee, which is calculated as \$3.56 x 9 (number of abutters);
 - d. \$17.02 - RSA 12-K:7 town notification fee, which is calculated as \$.46 x 37 (number of towns)
 - e. \$15.00 – On site sign fee;
 - f. \$40.00 – Advertising (Public Notice) Fee
 - g. \$275.00 – Tax Map Updating Fee

II. Company Information

VzW, the result of a joint venture between Verizon Communications and Vodafone, is one of the nation's leading providers of wireless communications providing coverage in almost all of the top 100 markets in the United States. VzW has developed one of the largest and most reliable national wireless networks to provide wireless voice and data services to an ever-growing customer base, last counted at over 100 million.

VzW continuously works to enhance and improve its network. One of the key design objectives of VzW's system is to provide seamless coverage without significant gaps or dead spots. VzW's radio transmitting and receiving facilities operate on a line-of-sight basis, requiring a clear path from the facility to the remote user. This dynamic requires antennas to be located in a location where the radio frequency signal is not obstructed or degraded by buildings or topographical features.

III. Project Narrative

The Facility will consist of Twelve (12) panel antennas at the 70' height of the existing Tower. The Facility will be supported by the Shelter, which will measure Twelve foot by Twenty-six foot (12' x 26'). The existing fenced-in compound will be expanded to permit the installation of the Shelter.

The purpose of the Facility is to improve VzW's network and coverage in Hudson. VzW's long-range plans in the Hudson area are to continue to improve its service to residents and businesses in Hudson. Because this is an unmanned facility, VzW is able to provide improved service with no impact on utilities, schools, or traffic. Technicians will visit the Property 1-2 times a month for maintenance

purposes. No water, sewer, or other municipal services are required. The equipment will comply with all applicable FCC standards and regulations.

VzW is confident that the proposed Facility will enhance its wireless service in Hudson, and it looks forward to continuing to provide superior wireless communications service to the businesses and residents of the community, as well as to visitors to Hudson.

IV. Conditional Use Permit Application

Section 334-96.2 of the Ordinance governs applications for conditional use permits related to telecommunications facilities. It requires that applicants satisfy the general requirements of Section 334-92 and the siting standards of Section 334-95. VzW satisfies the relevant criteria, as explained below.

1. § 334-92 – Purpose: Commercial wireless telecommunication facilities

- A. Preserve the authority of Hudson to regulate and to provide for reasonable opportunity for the siting of commercial wireless telecommunications facilities by enhancing the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;

Sprint, T-Mobile, and AT&T are already present on the Tower. Through this application, VzW recognizes the Town's authority to regulate the placement of telecommunications facilities within Hudson while also ensuring that the company enhances its service to Hudson residents and businesses quickly, effectively, and efficiently.

- B. Reduce adverse impacts such facilities may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values;

The proposed Facility will not impact the existing aesthetics, environmentally sensitive areas, historically significant areas, flight corridors, or property values. The Facility will not create accidents that injure person or property, but will promote health and safety by improving wireless communications in Hudson, which is particularly important during times of inclement weather and emergency.

- C. Provide for co-location and minimal impact siting options through assessment of technology, current location options, future available locations and innovating siting techniques;

The Facility will be a collocation.

- D. Permit the construction of new towers only where all other reasonable opportunities have been exhausted; and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

Not applicable, as this is a collocation on an existing Tower.

- E. Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce cumulative negative visual and property value impacts upon the Town;

This application proposes a collocation where other carriers are already located, demonstrating cooperation among VzW and those carriers.

- F. Provide maintenance and safety inspections for any and all facilities;

VzW will properly maintain the Facility and provide adequate safety inspections.

- G. Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and Building code compliance; provide a mechanism for the Town to remove these abandoned facilities to protect the citizens from imminent harm and danger;

VzW will comply with this provision and will provide a removal bond upon request.

- H. Provide for the removal or upgrade of facilities which are technologically outdated; and

VzW will upgrade the antennas at this Facility as necessary to reflect current technology.

- I. Provide for the protection of the environment and open space; and preserve community character, scenic vistas and historical heritage.

The proposed Facility will not impact the environment, open space, community character, scenic vistas or historic heritage.

2. **§ 334-95 – Siting Standards**

- A. Commercial wireless telecommunication facilities may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a commercial wireless telecommunication facility on such a lot.

The proposed Facility will become part of the existing Tower on the Property, where telecommunication facilities are a secondary use.

- B. For purposes of determining whether the installation of a commercial wireless telecommunication facility complies with district development standards, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots.

As the enclosed plans demonstrate, the proposed Facility and Shelter comply with Industrial district standards.

- C. A commercial wireless telecommunication facility which is constructed in accordance with the provisions of this article on a nonconforming lot, or in conjunction with a nonconforming use, shall not be deemed to constitute the expansion of a nonconforming use or structure.

Not Applicable.

- D. Towers shall not exceed 180 feet in height above the ground. In all cases, a tower's maximum height shall be the minimum height above the ground necessary to perform or achieve the desired communication(s) or telecommunication services(s). Co-location is considered to be within the definition of a desired communication or telecommunication service.

The proposed Facility will comply with this requirement.

- E. An RF Engineering/Facilities Master Plan shall be submitted for review to include present and future network infrastructure in both Hudson and abutting communities. The lay person shall be able to easily understand the Master Plan and supporting documentation. It shall explain sufficiently why the tower must be in this location. With the exceptions of alternative facilities/technologies, which do not have visible outdoor equipment, and telecommunication facilities placed on existing utility poles, site plan approval is required for all commercial wireless telecommunication facilities, including any such facilities situated on residential site.

The enclosed RF affidavit satisfies this requirement.

- F. The FCC regulates radio frequency (RF) emissions, and local jurisdictions are preempted from prohibiting the construction of commercial wireless telecommunication facilities on the basis of exposure to RF emissions. Owners/operators of commercial wireless telecommunication facilities shall construct such facilities in accordance with FCC regulations pertaining to RF emission.

The proposed Facility will comply with all relevant FCC regulations.

V. Site Plan Review Application

Pursuant to the Regulations, VzW submits this letter and the enclosed materials as its application for site plan review by the Planning Board.

A. Regulations § 275-6 – General Requirements for Site Plan Approval

Section 275-6 of the Regulations states the general requirements for site plan approval. This application complies with all applicable requirements.

B. Regulations § 275-8 – Application Submission

Section 275-8 governs submission requirements for applications for site plan review. Except as noted below in §V.C, this application complies with all applicable requirements.

C. Waivers from Requirements of Regulations

Under Section 275-15 of the Regulations, any requirements of the Regulations may be waived when the Planning Board determines that:

- 1) Said requirements are unnecessary for the application;
- 2) Granting of the waiver will not violate the purposes or general standards of the Regulations; and
- 3) Granting of the waiver will result in a general benefit to the Town.

For the reasons stated below, VzW requests waivers from the following provisions of the Regulations:

Section 275-8(B)(17) – Existing Topography
Section 275-8(B)(18) – Proposed Topography
Section 275-8(B)(20) – Location of Existing Features on Property (to the extent that such features are not relevant to the Facility or Shelter)
Section 275-8(B)(22) – Green Area
Section 275-8(B)(23) – Highway Projects
Section 275-8(B)(24) – Open Space
Sections 275-8(B)(25-31) – Governing Parking
Section 275-8(B)(34) – Entrance Design
Section 275-9A – Storm Water Management Report
Section 275-9B – Traffic Study
Section 275-9C – Noise Study
Section 275-9D – Fiscal and Environmental Impact Study
Section 275-9E – Utilities Plan
Section 275-9F – Easements

The Facility and Shelter are minor installations on the Property that do not: propose changes to the grade or drainage patterns; implicate green, buffer, or open space; affect wetlands or soils; alter the existing streets, driveway, aisles, maneuvering space, or pedestrian and vehicular traffic patterns; require parking spaces, water or sewage lines, curb cuts, landscaping, dumpsters, or loading docks; or necessitate a utilities plan, copies of easements, or fiscal impact, noise, or traffic studies. The requirements in the Regulations that apply to those issues, listed above, are not necessary for or relevant to the application. Further, because those requirements are not at issue here, granting a waiver from them will not violate the purposes or general standards of the Regulations. Rather, permitting VzW to provide improved coverage to the residents and businesses in Hudson will result in a general benefit.

D. Waivers from Requirements Site Plan Application Checklist

Under the criteria of the Site Plan Waiver Request Form in the Application, the Planning Board may grant waivers from the requirements of the Application's checklist if a) such requirements would pose an unnecessary hardship; and b) such requirements are not contrary

to the spirit and intent of the Regulations. VzW requests a waiver from the following items in the Application checklist:

- u) Storm water drainage plan
- v) Topographical elevations at 2-foot intervals contours: existing and proposed
- x) Parking: existing and proposed
- y) Parking space: length and width
- z) Aisle width/maneuvering space
- aa) Landscaping: existing and proposed
- ac) Curb cuts
- ag) Sign locations: size and design
- ah) Water mains and sewerage lines
- ai) Location of dumpsters on concrete pads
- ak) Buffer as required by site plan regulations
- al) Green and open space requirements met with both types of spaces inscribed on the plan
- am) Soil types and boundaries
- an) Wetlands
- ap) Loading bays/docks
- aw) Fiscal impact study
- ax) Traffic study
- ay) Noise study
- az) Copies of any proposed or existing easements, covenants, deed restrictions, right of way agreements or other similar documents
- bb) Presentation plan (colored, with color-coded bar chart)

The Facility is a collocation and as such is a minor project on the Property. It will not alter storm water, topography, parking, landscaping, curbs, sidewalks, signs, water, sewage, dumpsters, buffers, green space, open space, wetlands, or loading bays. It will not disturb the soil, create new traffic patterns, or introduce noticeable noise. The enclosed site plan is a simple design, consistent with the existing Tower, making a color-coded plan unnecessary. There are no relevant deed restrictions. As such, requiring VzW to pay for studies, plans, materials, etc. addressing the checklist items above poses an unnecessary hardship because VzW could not produce such documents without experiencing unnecessary expense.

Under Section 275-3 of the Regulations, the intent of the Regulations is to provide for and protect the public health, safety, and general well-being of the Town. Granting these waivers is not contrary to the Spirit and Intent of the Regulations because the Planning Board does need require the information and materials required in those checklist items to identify and realize the contributions the Facility will make to the public health, safety, and general welfare of the Town. The Facility will improve the wireless infrastructure in Hudson, promoting the public health, safety, and general welfare of the residents and business in

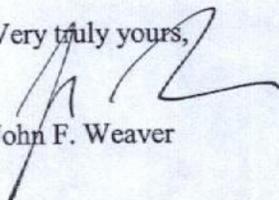
Hudson, particularly in times of inclement weather when land line communications are not functioning.

VI. Conclusion

In light of the foregoing discussion, VzW requests that the Planning Board consider its request for a conditional use permit and for site plan review at the Planning Board's public hearing on April 24, 2013.

We look forward to meeting with the Planning Board to discuss the Facility and Compound. In the meantime, please let us know if you have any questions about this letter or the accompanying materials.

Very truly yours,



John F. Weaver

Enclosures

ec: G. Evsuk (w/o enclosures)
T. Hildreth (w/o enclosures)



HUDSON WEST - NH

19 SAGAMORE PARK ROAD
HUDSON, NH 03051



VICINITY MAP SCALE: 1" = 1000'

DIRECTIONS TO SITE:
FROM WESTBOROUGH, MA: HEAD NORTHEAST ON GROVE ST TOWARD UNDERWOOD CT 443 FT. TURN RIGHT ONTO MILK ST 397 FT. AT THE TRAFFIC CIRCLE, TAKE THE 4TH EXIT ONTO MA-30 E/E MAIN ST 1.3 MI. SLIGHT LEFT TOWARD MA-9 E/BOSTON WORCESTER TURNPIKE/TURNPIKE RD 0.1 MI. CONTINUE STRAIGHT ONTO MA-9 E/BOSTON WORCESTER TURNPIKE/TURNPIKE RD 1.7 MI. MERGE ONTO I-495 N VIA THE RAMP TO LOWELL 29.4 MI. TAKE EXIT 35A-35B-35C FOR US-3/LOWELL CONNECTOR TOWARD BURLINGTON/NASHUA N H 0.2 MI. KEEP LEFT AT THE FORK TO CONTINUE TOWARD US-3 N 0.3 MI. TAKE EXIT 35B FOR US-3 N TOWARD NASHUA N H 0.5 MI. CONTINUE ON THE RAMP AND MERGE ONTO US-3 N ENTERING NEW HAMPSHIRE 10.9 MI. TAKE EXIT 2 TOWARD NEW HAMPSHIRE 3A/D.W.HIGHWAY/HUDSON 0.8 MI. MERGE ONTO CIRCUMFERENTIAL HWY 1.1 MI. TURN LEFT ONTO NEW HAMPSHIRE 3A N/LOWELL RD 0.2 MI. TURN LEFT ONTO FLAGSTONE DR 0.5 MI. TURN LEFT ONTO SAGAMORE PARK RD DESTINATION WILL BE ON THE LEFT.

CONSULTANT TEAM	
PROJECT ENGINEER	HUDSON DESIGN GROUP LLC 1600 OSGOOD STREET BUILDING 20 NORTH, SUITE 3090 N. ANDOVER, MA 01845 TEL: (978) 557-5553 FAX: (978) 336-5586
MEP ENGINEER	HUDSON DESIGN GROUP LLC 1600 OSGOOD STREET BUILDING 20 NORTH, SUITE 3090 N. ANDOVER, MA 01845 TEL: (978) 557-5553 FAX: (978) 336-5586

PROJECT SUMMARY	
SITE NAME:	HUDSON WEST - NH
SITE ADDRESS:	19 SAGAMORE PARK ROAD HUDSON, NH 03051
OWNER:	1987 TAMPOSI LIMITED PARTNERSHIP 20 TRAFALGAR SQUARE, SUITE 602 NASHUA, NH 03063
APPLICANT:	VERIZON WIRELESS 400 FRIBERG PARKWAY WESTBOROUGH, MA 01581
PARCEL ID:	221-008
LATITUDE:	N42° 43' 45.30"
LONGITUDE:	W71° 25' 47.01"

SHEET INDEX	
SHT. NO.	DESCRIPTION
T-1	TITLE SHEET
C-1	SITE PLAN
A-1	COMPOUND LAYOUT PLAN & ELEVATION
A-2	DETAILS

TITLE SHEET			
BY	CHK APP'D	DATE	DESCRIPTION
MAP	JX	10/09/12	ISSUED FOR ZONING REVIEW
MAP	JX	10/30/12	REVISED PER COMMENTS

DANIEL P. HAMM
No. 11013
LICENSED PROFESSIONAL ENGINEER
STATE OF NEW HAMPSHIRE

HUDSON WEST - NH
19 SAGAMORE PARK RD
HUDSON, NH 03051

PLANNING BOARD USE ONLY

APPROVED BY THE HUDSON, NH PLANNING BOARD

MEETING DATE: _____

CHAIRMAN: _____ SIGNATURE DATE: _____

SECRETARY: _____ SIGNATURE DATE: _____

NOTE: SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.

DIG SAFE
3 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 888-DIG-SAFE
UNDERGROUND SERVICE ALERT

T-1

PREPARED FOR:
verizon wireless
400 FRIBERG PARKWAY
WESTBOROUGH, MA 01581
(508) 350-3330 TEL

PREPARED BY:
Hudson Design Group LLC
1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N. ANDOVER, MA 01845
TEL: (978) 557-5553
FAX: (978) 336-5586

ABUTTERS INFORMATION

ADJACENT PROPERTY OWNERS

MAP/LOT 227-001-000
SUZANNE T. TOUPIN
T. F. ASSOCIATES
145 BROADWAY
DRACUT, MA 01826

MAP/LOT 221-001-000
ATRIUM MEDICAL CORPORATION
5 WENTWORTH DR.
HUDSON, NH 03051

MAP/LOT 221-007-000
SPRAYING SYSTEMS CO.
22 FLAGSTONE DRIVE
HUDSON, NH 03051

MAP/LOT 221-002-000
DANVILLE REALTY, LLC
32 EXECUTIVE DR.
HUDSON, NH 03051

MAP/LOT 222-001-000
SOUTHWEST TECH COMMA DOT, LLC
P.O. BOX 1911
602 LAKESHORE DR.
ZEPHYR COVE, NV 89448

SAGAMORE BRIDGE ROAD CIRCUMFERENTIAL HWY.
STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
CHRISTOPHER CLEMENT, COMMISSIONER
P.O. BOX 483
CONCORD, NH 03302-0483

LEGEND

- PROPERTY LINE - SUBJECT PARCEL
- - - PROPERTY LINE - ABUTTERS
- - - ZONING BOUNDARY LINE
- - - ROAD

SITE SPECIFIC NOTES:

1. SITE SURVEY HAS NOT BEEN CONDUCTED BY HUDSON DESIGN GROUP, LLC FOR THIS PROJECT. ALL SETBACKS SHOWN ON THIS PLAN ARE BASED OFF OF ONLINE PLAT MAPS FROM THE TOWN OF HUDSON.
2. VERIFY AZIMUTHS W/ RF ENGINEER.
3. PROPERTY LINE INFORMATION IS COMPILED FROM ASSESSORS PLAN AND RECORD DOCUMENTS AND IS NOT TO BE CONSTRUED AS HAVING BEEN OBTAINED AS THE RESULT OF A FIELD BOUNDARY SURVEY, AND IS SUBJECT TO CHANGE AS AN ACCURATE FIELD SURVEY MAY DISCLOSE. A FULL BOUNDARY SURVEY WAS NOT PERFORMED.
4. SURVEY DATA IS BASED ON PREVIOUSLY APPROVED PLANS THAT HAVE BEEN COMPLETED WITH AN ERROR OF CLOSURE AT 1 IN 10,000 OR BETTER.

ZONING INFORMATION

JURISDICTION: TOWN OF HUDSON, NH - HILLSBOROUGH COUNTY

ZONING DISTRICT TYPE: I - INDUSTRIAL

DIMENSION REQUIREMENTS:	REQUIRED	PROPOSED±
MINIMUM LOT AREA:	30,000 S.F.	N/A
MINIMUM ROAD FRONTAGE:	150	N/A
FRONT YARD SETBACK:	50	387 & 210
SIDE YARD SETBACK:	15	69 & 50
REAR YARD SETBACK:	15	N/A
MAXIMUM BUILDING HEIGHT:	35	11
MINIMUM OPEN SPACE:	40%	N/A

(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)
(SETBACKS TO PROPOSED FENCE UNLESS OTHERWISE NOTED)

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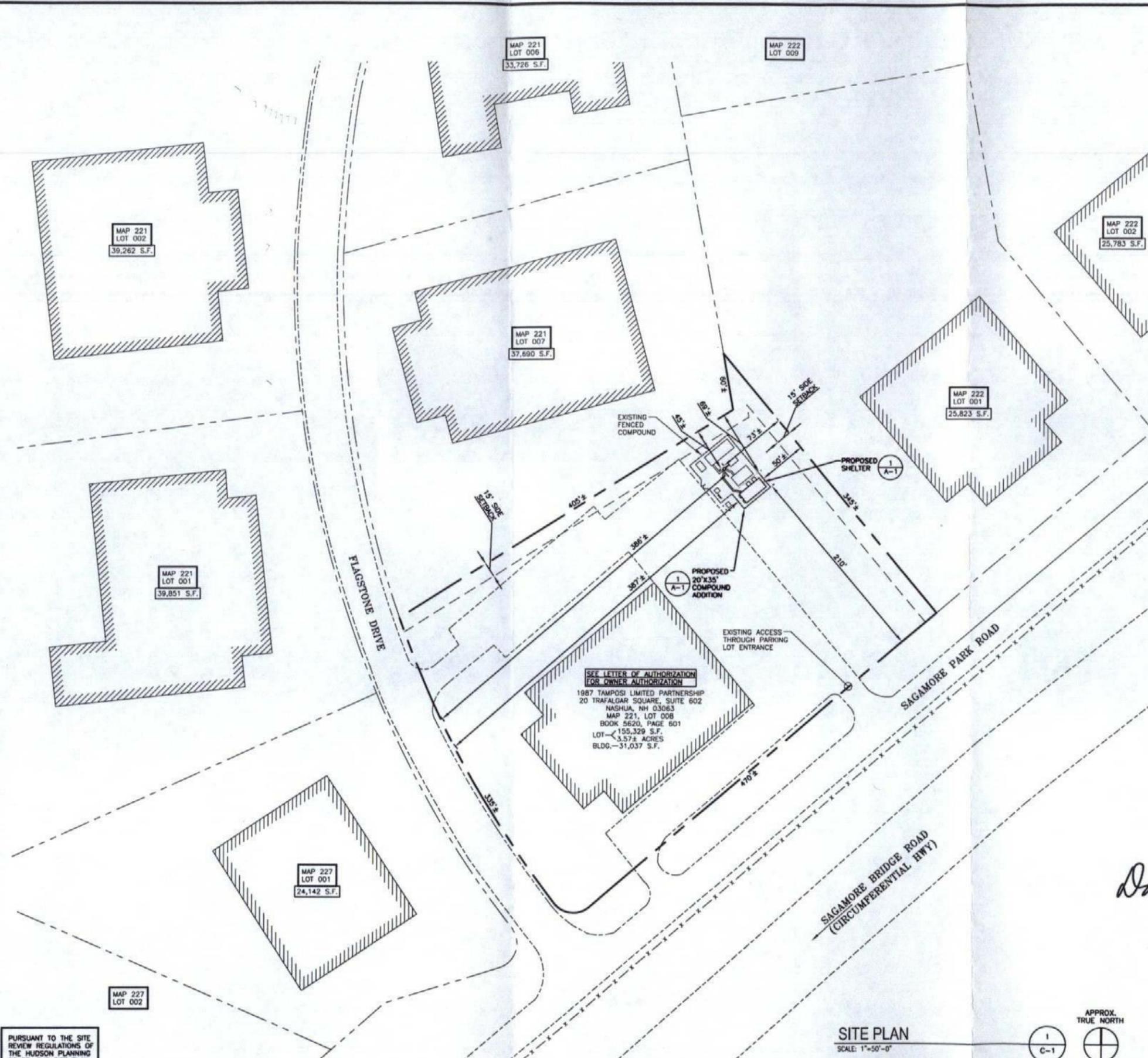
MEETING DATE: _____

CHAIRMAN: _____ SIGNATURE DATE: _____

SECRETARY: _____ SIGNATURE DATE: _____

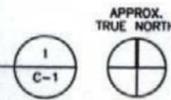
NOTE: SITE PLANS ARE VALID FOR ONE YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE HUDSON PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE YEAR FROM DATE OF APPROVAL.



SITE PLAN

SCALE: 1"=50'-0"
GRAPHIC SCALE
0 25 50 100 150 FEET



PREPARED FOR:



PREPARED BY:

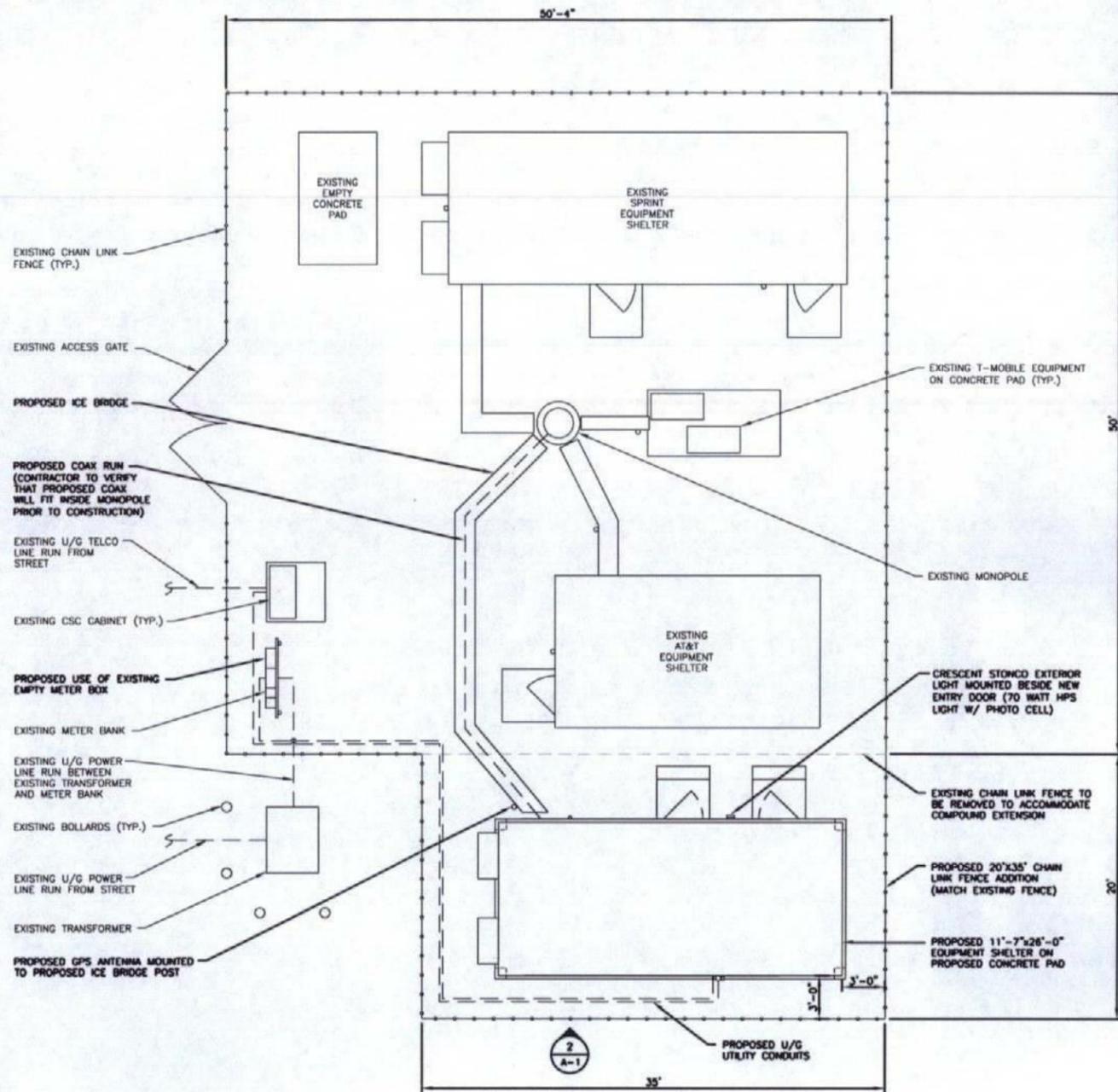
SITE PLAN

DATE	DESCRIPTION	BY	CHK	APP'D
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10/30/12	REVISED PER COMMENTS	MAP	JR	DPH

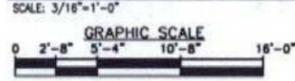
DANIEL P. HAMM
NO. 1013
LICENSED ENGINEER
Daniel P. Hamm

HUDSON WEST - NH
19 SAGAMORE PARK RD
HUDSON, NH 03051

C-1



COMPOUND LAYOUT PLAN



NOTE:

- VERIFY AZIMUTHS W/ RF ENGINEER.
- EQUIPMENT SHELTER DESIGN PROVIDED BY OTHERS.

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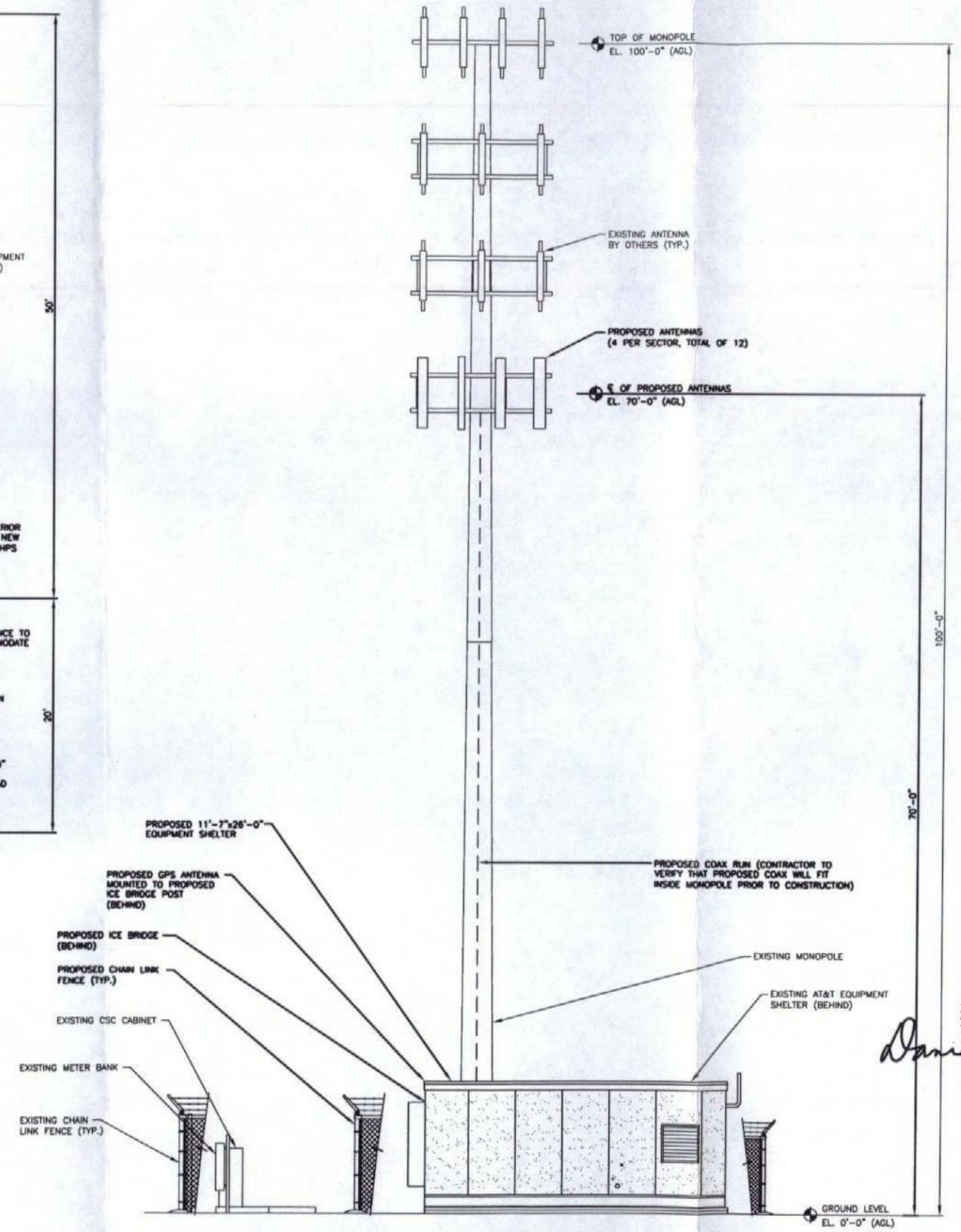
MEETING DATE: _____

CHAIRMAN: _____ SIGNATURE DATE: _____

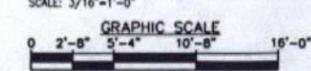
SECRETARY: _____ SIGNATURE DATE: _____

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SOUTHEAST ELEVATION



PREPARED FOR:

verizon wireless

400 FRIEBERG PARKWAY
WESTBOROUGH, MA 01581
(508) 350-3300 TEL

PREPARED BY:

Hudson Design Group, LLC

180 OSBORN STREET
BUILDING 20 NORTH LURE 3090
N. ANDOVER, MA 01845
TEL: (978) 557-5553
FAX: (978) 334-5594

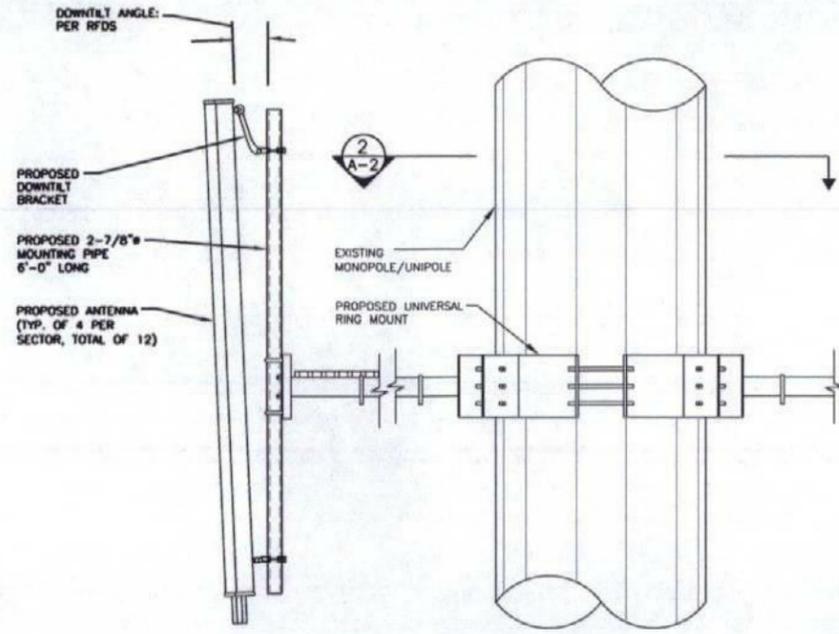
COMPOUND LAYOUT PLAN & ELEVATION

DATE	DESCRIPTION	BY	CHK APP'D
10/08/12	ISSUED FOR ZONING REVIEW	MAP JK	DPH
10/20/12	REVISED PER COMMENTS	MAP JK	DPH

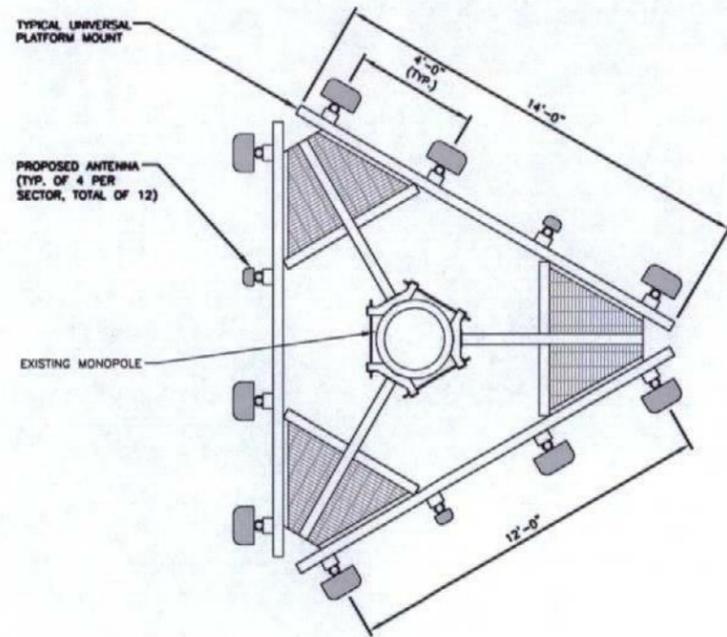
DANIEL P. HAMM
No. 11013
LICENSE
REGISTERED ENGINEER

HUDSON WEST - NH
19 SAGAMORE PARK RD
HUDSON, NH 03051

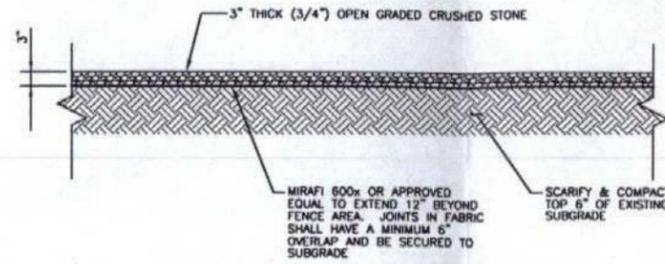
A-1



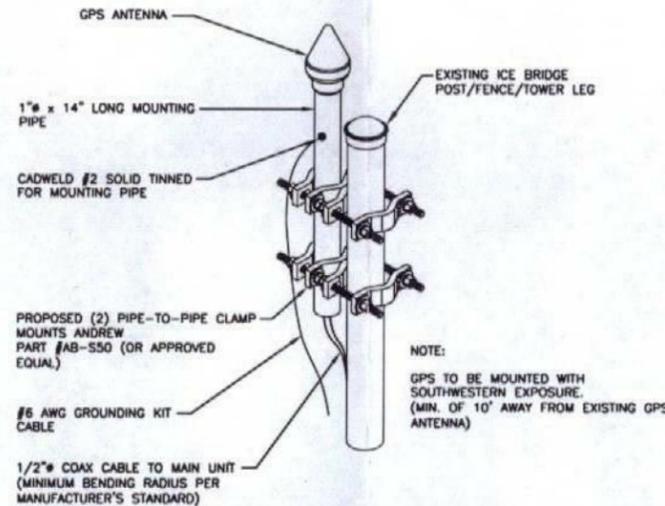
ANTENNA ELEVATION DETAIL
SCALE: N.T.S.



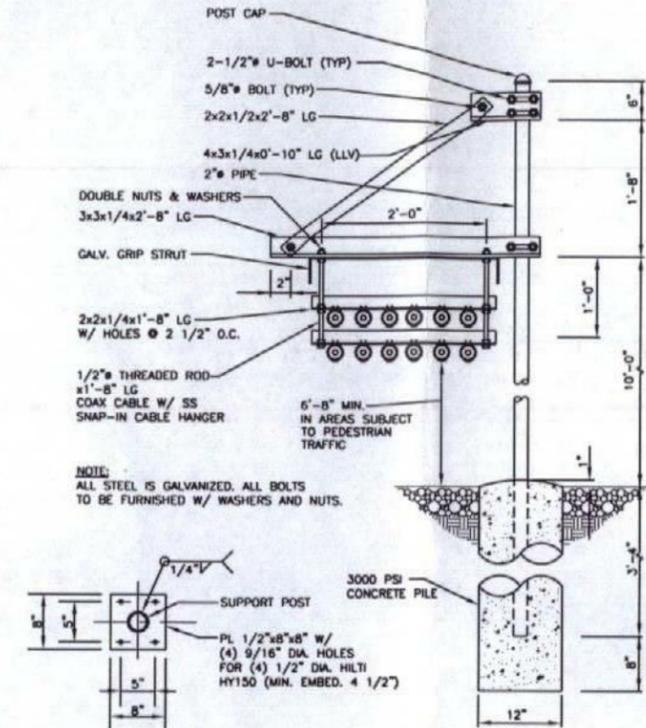
ANTENNA PLAN DETAIL
SCALE: N.T.S.



GRAVEL COMPOUND DETAIL
SCALE: N.T.S.



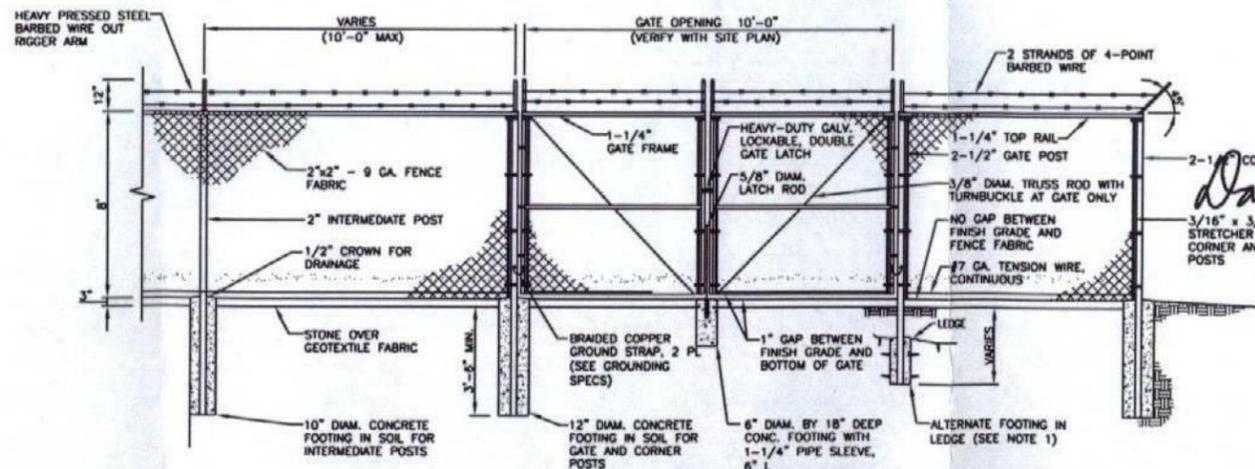
GPS ANTENNA MOUNTING DETAIL
SCALE: N.T.S.



COAX ICE BRIDGE
SCALE: 1\"/>

FENCE NOTES

1. ALTERNATE FOOTINGS FOR ALL FENCE POSTS IN LEDGE: IF LEDGE IS ENCOUNTERED AT GRADE, OR AT A DEPTH SHALLOWER THAN 3'-6", CORE DRILL AN 8" DIA HOLE 18" INTO THE LEDGE. CENTER POST IN THE HOLE AND FILL WITH CONCRETE OR GROUT. IF LEDGE IS BELOW FINISH GRADE, COAT BACKFILLED SECTION OF POST WITH COAL TAR, AND BACKFILL WITH WELL-DRAINING GRAVEL.
2. ATTACH EACH GATE WITH 1-1/2" PAIR OF NON-LIFT-OFF TYPE, MALLEABLE IRON OR FORGING, PIN-TYPE HINGES. ASSEMBLIES SHALL ALLOW FOR 180° OF GATE TRAVEL.



CHAIN LINK FENCE DETAIL
SCALE: N.T.S.

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CHAIRMAN: _____ SIGNATURE DATE: _____

SECRETARY: _____ SIGNATURE DATE: _____

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400 FRIBERG PARKWAY
WESTBOROUGH, MA 01581
(508) 330-3300 TEL

PREPARED FOR:



180 OSCEOLA STREET
BUILDING 20 NORTH LURE 5090
N. ANDOVER, MA 01845
TEL: (978) 557-5533
FAX: (978) 334-5564

PREPARED BY:

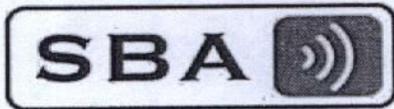
DATE	DESCRIPTION	BY	CHK	APP'D
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10/20/12	REVISED PER COMMENTS	MAP	JK	DPH

DANIEL P. HAMM
NO. 11013
LICENSED ENGINEER
STATE OF NEW HAMPSHIRE

HUDSON WEST - NH
19 SAGAMORE PARK RD
HUDSON, NH 03051

A-2

112



SBA Communications Corporation
5900 Broken Sound Pkwy.
Boca Raton, FL 33487
800-799-4722

LETTER OF AUTHORIZATION



Date: October 16, 2012

SBA Site ID: NH41423-T / GREEN MEADOW

Property Located at: 24 Flagstone Rd., Hudson, NH 03051

THE CITY/COUNTY OF: Town of Hudson / Hillsborough County

APPLICATION FOR ZONING/USE/BUILDING PERMIT

To Whom It May Concern:

This letter authorizes Verizon Wireless and its authorized agents to file for all necessary zoning, planning and building permits (local, state and federal) for the purposes of installing, operating and maintaining a telecommunications facility at the site/property referenced above on behalf of The Tamposi Company.

All approval conditions that may be granted to Verizon in connection with this facility relating to this specific application are the sole responsibility of Verizon.

Thank you,

SBA Monarch Towers

Arthur E. Hayes

Digitally signed by Arthur E. Hayes
DN: dc=com, dc=sbasite, ou=Domestic Offices,
ou=RemoteUsers, cn=Arthur E. Hayes,
email=aehayes@sbasite.com
Date: 2012.10.16 12:11:51 -0400

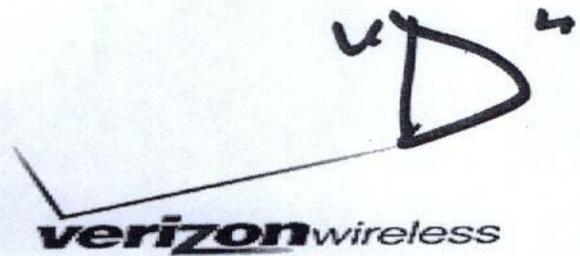
By: _____

Name: Arthur Hayes

Its: Colocation Manager-East

Date: October 16, 2012

Verizon Wireless
RF System Design
400 Friberg Pkwy.
Westborough, MA 01581-3956



RF Engineering Report for Proposed Hudson W, NH Site

Introduction - Verizon Wireless currently lacks capacity in critical areas of Hudson, NH, along local and major routes including NH Route 3a/Lowell Road and the Circumferential Highway. To address these capacity deficiencies Verizon Wireless is proposing to build a new site located at 19 Sagamore Road in Hudson, NH. Verizon Wireless proposes to locate at the antenna centerline height of 70 feet. The following table details the site specifications:

Site Name:	Site Address:	Latitude:	Longitude:	Antenna Height:
Hudson W, NH	19 Sagamore Road, Hudson, NH 03051	42° 43' 45.2" N	71° 25' 47.1" W	70 ft

Site Need - The purpose of the proposed site is to provide acceptable service capacity in the western portion of the town of Hudson and along local roads and along NH Route 3a/Lowell Road and the Circumferential Highway. Verizon Wireless does not currently provide acceptable capacity on its network in this area. Attachment A depicts coverage provided from existing Verizon Wireless sites in the vicinity of Hudson, NH, without the proposed Hudson W, NH site. As can be seen from this attachment, there is no significant coverage gap. Rather, despite adequate outdoor coverage, Verizon Wireless has a need for additional capacity in the area.

Attachment B shows the coverage obtained from the proposed Hudson W, NH site to be located at 19 Sagamore Road in Hudson, NH. This site provides additional capacity to the western part of the Town of Hudson, including coverage of about 1.3 miles along the Circumferential Highway and 1.4 miles along NH Route 3a/Lowell Road.

Attachment C shows the composite coverage obtained with the proposed site in conjunction with the surrounding existing sites in the vicinity. This plot has been shaded blue to identify the primary area where capacity will be improved by the proposed Hudson W, NH site. As can be seen from these attachments, there is a significant area in the western part of the Town of Hudson that will be primarily served by the proposed Hudson W, NH site. This will improve capacity to the area, as well as providing capacity relief to the neighboring Verizon Wireless sites.

The coverage plots were produced using computer modeling based on drive tests of the region. The plots show coverage based on an acceptable Reference Signal Received Power (RSRP) of -100 dBm for 700 MHz LTE service. The following table details site specific information used to generate the coverage plots.

Information for Neighbor Sites Used in Coverage Plots

Cell Name	Sector	Latitude (NAD83)	Longitude (NAD83)	Antenna Center Line (feet)	Antenna Model	Azimuth (deg)
TYNGSBORO_NORTH_MA	D1	42-40-18.00 N	71-26-40.20 W	130	BXA-70063-6CF-EDIN-6	20
TYNGSBORO_NORTH_MA	D2	42-40-18.00 N	71-26-40.20 W	130	BXA-70063-6CF-EDIN-6	150
TYNGSBORO_NORTH_MA	D3	42-40-18.00 N	71-26-40.20 W	130	BXA-70063-6CF-EDIN-0	270
TYNGSBORO_MA_HD	D1	42-39-03.33 N	71-25-48.23 W	178	BXA-70063-6CF-EDIN-0	27
TYNGSBORO_MA_HD	D2	42-39-03.33 N	71-25-48.23 W	178	BXA-70063-6CF-EDIN-6	147
TYNGSBORO_MA_HD	D3	42-39-03.33 N	71-25-48.23 W	178	BXA-70063-6CF-EDIN-0	267
NASHUA_S_NH	D1	42-42-02.00 N	71-26-36.00 W	128	BXA-70063-8CF-EDIN-4	0
NASHUA_S_NH	D2	42-42-02.00 N	71-26-36.00 W	128	BXA-70063-8CF-EDIN-0	120
NASHUA_S_NH	D3	42-42-02.00 N	71-26-36.00 W	128	BXA-70063-8CF-EDIN-0	240
HUDSON_N_NH	D1	42-49-25.80 N	71-24-48.30 W	148	X7C-FRO-460-0	27
HUDSON_N_NH	D2	42-49-25.80 N	71-24-48.30 W	148	X7C-FRO-460-0	147
HUDSON_N_NH	D3	42-49-25.80 N	71-24-48.30 W	148	X7C-FRO-460-0	267
HUDSON_2_NH	D1	42-46-48.62 N	71-22-49.63 W	125	BXA-70063-6CF	27
HUDSON_2_NH	D2	42-46-48.62 N	71-22-49.63 W	125	BXA-70063-6CF	147
HUDSON_2_NH	D3	42-46-48.62 N	71-22-49.63 W	125	BXA-70063-6CF	267
NASHUA_DT_2_NH	D1	42-44-28.50 N	71-27-13.90 W	110	SWCP 2X5515	50
NASHUA_DT_2_NH	D2	42-44-28.50 N	71-27-13.90 W	110	SWCP 2X5515	170
NASHUA_DT_2_NH	D3	42-44-28.50 N	71-27-13.90 W	110	SWCP 2X5515	290
MERRIMACK_S_NH	D1	42-47-51.78 N	71-31-24.24 W	110	LNx-6515DS-VTM	10
MERRIMACK_S_NH	D2	42-47-51.78 N	71-31-24.24 W	110	LNx-6515DS-VTM	130
MERRIMACK_S_NH	D3	42-47-51.78 N	71-31-24.24 W	110	LNx-6515DS-VTM	250
HUDSON_NH	D1	42-44-07.00 N	71-23-34.00 W	188	LNx-6515DS-VTM	20
HUDSON_NH	D2	42-44-07.00 N	71-23-34.00 W	188	LNx-6515DS-VTM	140
HUDSON_NH	D3	42-44-07.00 N	71-23-34.00 W	188	LNx-6515DS-VTM	260
NASHUA_SOUTH_2_NH	D1	42-43-25.99 N	71-32-00.79 W	133	BXA-70063-8CF-EDIN-2	30
NASHUA_SOUTH_2_NH	D2	42-43-25.99 N	71-32-00.79 W	133	BXA-70063-8CF-EDIN-2	120
NASHUA_SOUTH_2_NH	D3	42-43-25.99 N	71-32-00.79 W	133	BXA-70063-8CF-EDIN-2	230
NASHUA_3_NH	D1	42-42-32.59 N	71-29-12.69 W	165	BXA-70063-8CF-EDIN-0	60
NASHUA_3_NH	D2	42-42-32.59 N	71-29-12.69 W	165	BXA-70063-8CF-EDIN-0	180
NASHUA_3_NH	D3	42-42-32.59 N	71-29-12.69 W	165	BXA-70063-8CF-EDIN-0	300
NASHUA_2_NH	D1	42-44-36.29 N	71-29-39.90 W	125	BXA-70063-8CF-EDIN-0	10
NASHUA_2_NH	D2	42-44-36.29 N	71-29-39.90 W	125	BXA-70063-8CF-EDIN-0	130
NASHUA_2_NH	D3	42-44-36.29 N	71-29-39.90 W	125	BXA-70063-8CF-EDIN-0	250
NASHUA_DT_NH	D1	42-45-27.05 N	71-27-30.42 W	100	X7C-665-0	50
NASHUA_DT_NH	D2	42-45-27.05 N	71-27-30.42 W	100	X7C-665-4	170
NASHUA_DT_NH	D3	42-45-27.05 N	71-27-30.42 W	100	X7C-665-4	290
W_NASHUA_NH_HD	D1	42-47-14.49 N	71-30-14.70 W	94	BXA-70063-6CF	10
W_NASHUA_NH_HD	D2	42-47-14.49 N	71-30-14.70 W	94	BXA-70063-6CF	130
W_NASHUA_NH_HD	D3	42-47-14.49 N	71-30-14.70 W	94	BXA-70063-6CF	250
MERRIMACK_NH	D1	42-49-36.79 N	71-30-07.90 W	110	LNx-6514DS-T4M	0
MERRIMACK_NH	D2	42-49-36.79 N	71-30-07.90 W	110	LNx-6514DS-T4M	120
MERRIMACK_NH	D3	42-49-36.79 N	71-30-07.90 W	110	LNx-6514DS-T6M	240

Site Search and Selection Process - To find a site that provides acceptable capacity relief, the Verizon Wireless RF Design Group utilizes computer modeling to define a search area. The search area is designed such that a site located within the area and at a given height would have a high probability of offloading capacity from surrounding sites in the target areas. The RF Design Group develops the network by working off existing towers from which to build out the network design.

Once the search ring is designated, the Verizon Wireless Real Estate Group searches within the defined area for existing buildings, towers and other structures of sufficient height that would fill the coverage gaps in the network. After exhausting the existing structures, raw land candidates for new towers are investigated.

Rejected Candidates

Candidate Name	Address	Latitude	Longitude	Type	Antenna Height	Reason for Rejection
Spire Semiconductors	25 Sagamore Park Road, Hudson, NH	42-43-37.7 N	71-26-03.3 W	Raw Land	N/A	Close to current location and required raw land build as opposed to tower collocation.

The table above lists the alternative site the RF Design Group has explored to provide capacity relief along NH Route 3a/Lowell Road and the Circumferential Highway in the western part of the Town of Hudson. As stated in the table, the Spire Semiconductors candidate was rejected because it was located very close to the current location of the proposed Hudson W, NH site and would have been a raw land build as opposed to an existing tower collocation.

Proposed Facility - Verizon Wireless proposes to install Lucent base station equipment in a proposed shelter located next to the base of the existing tower. The base station transmits in the 746-757 MHz frequency range. The maximum power generated by the RF amplifiers is 80 watts per channel in the 746-757 MHz range with a maximum of 1 channels per sector. Verizon will mount panel antennas, three per sector, in a three-sector configuration with the centerline of the antennas at a height of 70 feet AGL. The panel antennas are approximately 4 to 8 feet in length. The Maximum Effective Radiated Power (ERP) is 1560 watts per channel for a fully loaded channel in the 746-757 MHz range.

Compliance with Federal Emission Standards - Verizon Wireless certifies this site is in compliance with all Federal radio frequency standards and guidelines. The Personal Communications Services (PCS) transmitting systems to be used at the site operate in the Upper C Block of 700 MHz frequencies and are subject to FCC Regulation. The FCC radio frequency (RF) exposure guidelines require wireless operators to comply with the exposure criteria established by the National Council on Radiation Protection and Measurements (NCRP). The following calculations are made relative to the NCRP criteria. Calculations have been made using conservative methods consistent with the FCC's OET Bulletin 65 and use 0.497 mW/cm^2 , which is the maximum permissible exposure as specified by NCRP for 700 MHz carriers.

The following table shows the calculated power density and the percent of the Maximum Permissible Exposure (MPE) for the proposed site. In this type of analysis, the highest power density is at the base of the tower. In a typical wireless site such as this, the antennas used are highly directional in the way they focus and direct the RF energy they transmit. The analysis below assumes the antennas are pointed such that maximum ERP is directed at the base of the tower (the closest publicly accessible point). With the lowest part of the antennas at the 66 foot level on tower located at 19 Sagamore Road in Hudson, NH, the power density at the base of the tower for the Verizon Wireless antennas is 0.1288 mW/cm^2 and the MPE is 25.90% at 700 MHz frequencies, which is very low compared to the NCRP standard. This is also the total MPE. These calculations clearly show that Verizon RF levels will be approximately 4 times lower than the FCC-mandated limits in all locations at ground level around the proposed site, even with extremely conservative assumptions and therefore in complete compliance with all FCC standards and requirements.

Site Name: Hudson W, NH

Power Density Table

Operator	Operating Frequency	Number of Channels	ERP Per Chnl	Total ERP	Distance to Target	Calculated Power Density	Maximum Permissible Exposure*	Fraction of MPE
	(MHz)		(watts)	(watts)	(feet)	(mW/cm ²)	(mW/cm ²)	(%)
Verizon	746	1	1560	1560	66	0.1288	0.497	25.90%
Total Percentage of Maximum Permissible Exposure								25.90%

*Guidelines adopted by the FCC on August 1, 1996, 47 CFR Part 1 based on NCRP Report 86, 1986 and generally on ANSI/IEEE C95.1-1992

MHz = Megahertz

mW/cm² = milliwatts per square centimeter

ERP = Effective Radiated Power

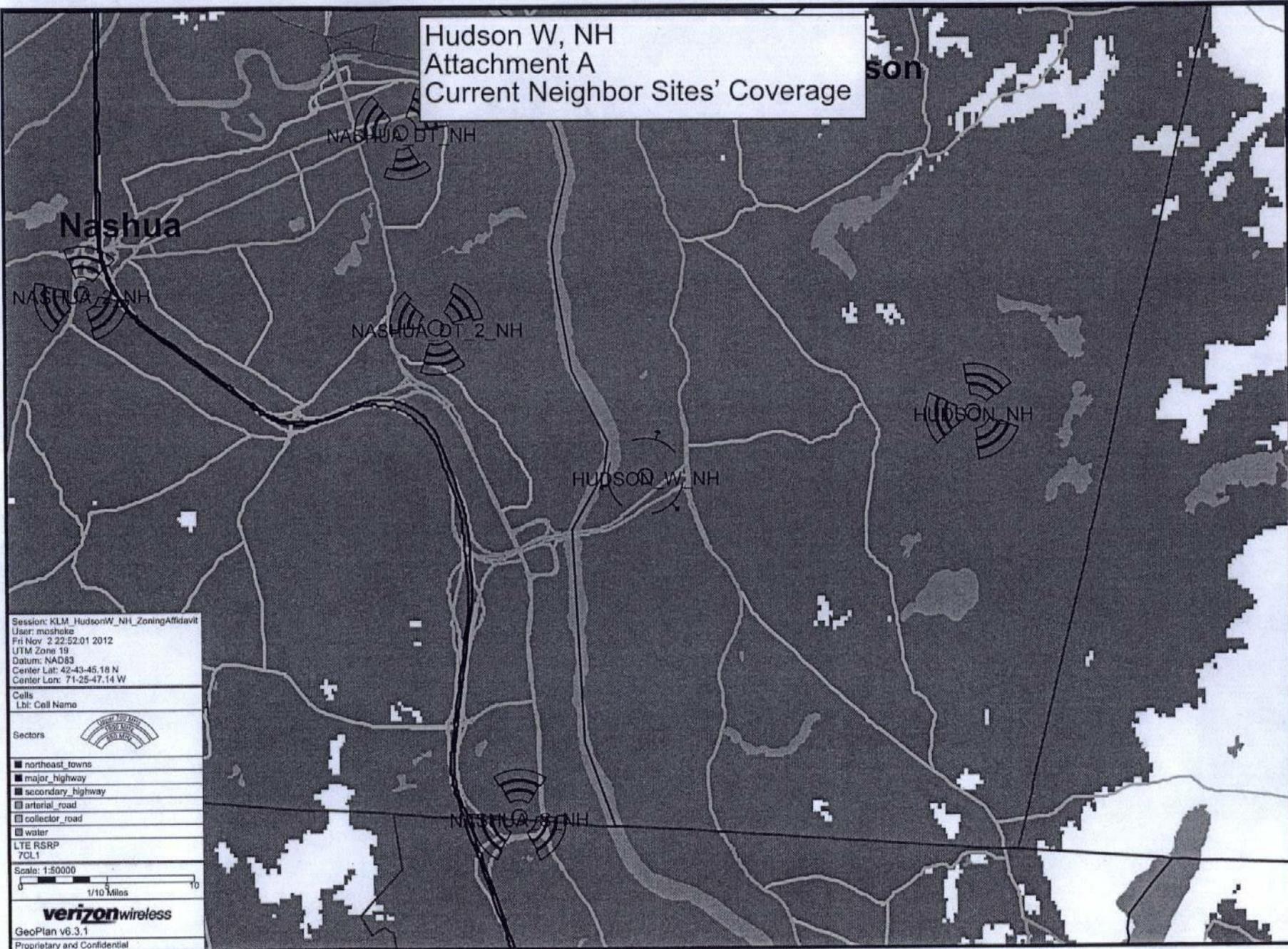
Certification of Non-Interference - Verizon Wireless certifies that the Facility will not cause interference to any lawfully operating emergency communication system, television, telephone or radio, in the surrounding area. The FCC has licensed Verizon Wireless to transmit in the 746-757 MHz band, as well as to receive within the 776-787 MHz band of the frequency spectrum. No emergency communication system, television, telephone, or radio is licensed to operate on these frequencies, and therefore no interference can be caused.

Summary - Verizon Wireless requires capacity relief in the western part of the Town of Hudson. As part of the Verizon Wireless build-out of 4G LTE service in Hillsborough County, collocation on the tower at 24 Fieldstone Drive in Hudson, NH, at an antenna centerline height of 70 feet will provide the required capacity relief in the western part of the Town of Hudson, including along local roads and major routes. The site was chosen in conjunction with the existing neighboring sites in the vicinity to try and take advantage of existing structures, and to achieve a balance between meeting capacity objectives and minimizing the impact on the surrounding neighborhoods. Without a site in this area a significant deficiency in capacity will exist; as usage on the Verizon Wireless network increases this deficiency in the network will only increase.

Kevin Mosher
RF Engineer
For Verizon Wireless

3/22/2013

Hudson W, NH
Attachment A
Current Neighbor Sites' Coverage



Session: KLM_HudsonW_NH_ZoningAffidavit
User: mosheke
Fri Nov 2 22:52:01 2012
UTM Zone: 19
Datum: NAD83
Center Lat: 42-43-45.18 N
Center Lon: 71-25-47.14 W

Cells
Lbl: Cell Name

Sectors



- northeast_towne
- major_highway
- secondary_highway
- arterial_road
- collector_road
- water
- LTE RSRP
- 7CL1

Scale: 1:50000
0 1/10 Miles 10

verizonwireless
GeoPlan v6.3.1
Proprietary and Confidential

Hudson W, NH
Attachment B
Proposed Site Coverage

Hudson

NASHUA DT_NH

Nashua

NASHUA 2_NH

NASHUA DT 2_NH

HUDSON NH

HUDSON W_NH

NASHUA 3_NH

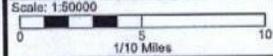
Session: KLM_HudsonW_NH_ZoningAffidavit
User: mosheka
Fri Nov 2 22:47:44 2012
UTM Zone 19
Datum: NAD83
Center Lat: 42-43-45.18 N
Center Lon: 71-25-47.14 W

Calls
Lbl: Cell Name

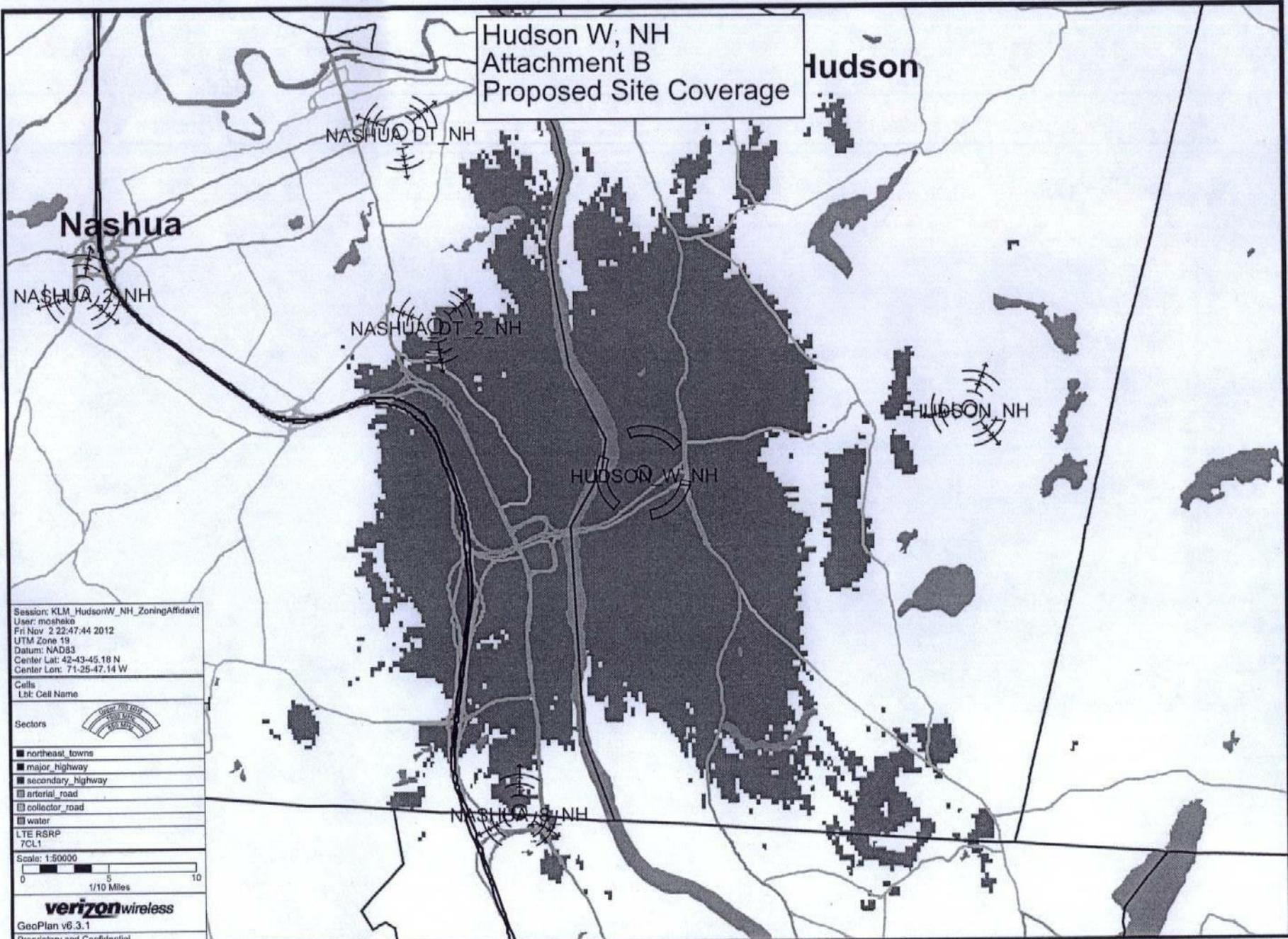
Sectors

- northeast_towns
- major_highway
- secondary_highway
- arterial_road
- collector_road
- water

LTE RSRP
7CL1



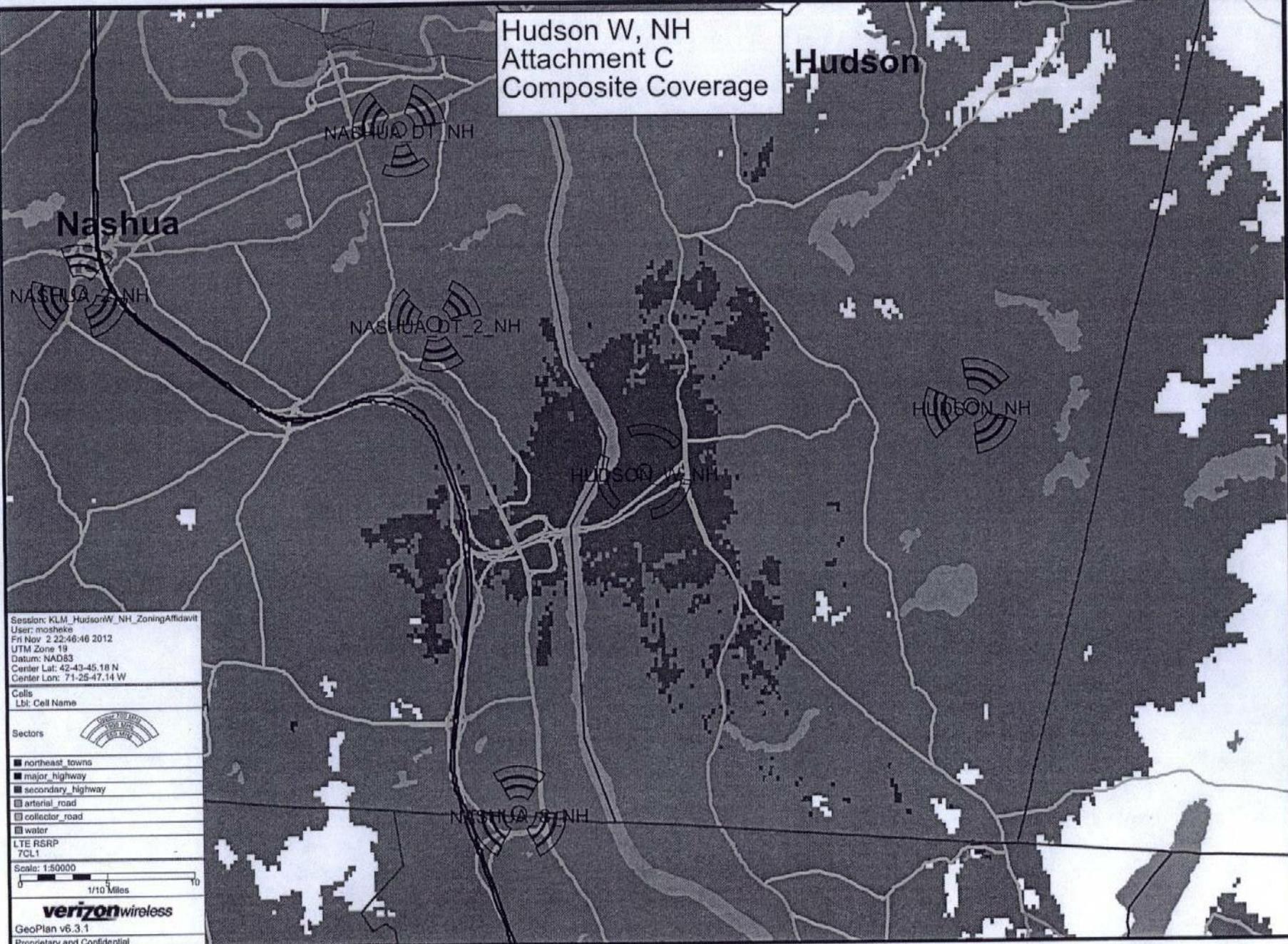
verizon wireless
GeoPlan v6.3.1
Proprietary and Confidential



Hudson W, NH
Attachment C
Composite Coverage

Hudson

Nashua



Session: KLM_HudsonW_NH_ZoningAffidavit
User: mosheke
Fri Nov 2 22:46:46 2012
UTM Zone 19
Datum: NAD83
Center Lat: 42-43-45.18 N
Center Lon: 71-25-47.14 W

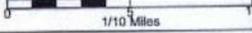
Cells
Lbl: Cell Name

Sectors



- northeast_towns
 - major_highway
 - secondary_highway
 - arterial_road
 - collector_road
 - water
- LTE RSRP
7CL1

Scale: 1:50000



verizonwireless
GeoPlan v6.3.1
Proprietary and Confidential

ULS License

700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership



Call Sign	WQJQ689	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular
Market			
Market	REA001 - Northeast	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000-000776.00000000-000787.00000000
Dates			
Grant	11/26/2008	Expiration	06/13/2019
Effective	06/11/2009	Cancellation	
Buildout Deadlines			
1st	06/13/2013	2nd	06/13/2019
Notification Dates			
1st		2nd	
Licensee			
FRN	0003290673	Type	General Partnership
Licensee			
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:network.regulatory@verizonwireless.com	
Contact			
Verizon Wireless Sonya R Dutton 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
Is the applicant a foreign government or the representative of any foreign government?			No
Is the applicant an alien or the representative of an alien?			No

Is the applicant a corporation organized under the laws of any foreign government?	No
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	Yes
If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?	
Basic Qualifications	
The Applicant answered "No" to each of the Basic Qualification questions.	
Tribal Land Bidding Credits	
This license did not have tribal land bidding credits.	
Demographics	
Race	
Ethnicity	Gender

Cellular License - KNKA582 - Cellco Partnership

Call Sign	KNKA582	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
Market			
Market	CMA133 - Manchester-Nashua, NH	Channel Block	B
Submarket	0	Phase	2
Dates			
Grant	02/05/2008	Expiration	01/22/2018
Effective	02/05/2008	Cancellation	
Five Year Buildout Date			
Control Points			
1	50 W. Dove Road, TARRANT, Southlake, TX P: (800)264-6620		
Licensee			
FRN	0003290673	Type	General Partnership
Licensee			
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30004 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Contact			
Verizon Wireless Sonya R Dutton 1120 Sanctuary Pkwy #150 GASA5REG Alpharetta, GA 30004 ATTN Network Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
Is the applicant a foreign government or the representative of any foreign government?		No	
Is the applicant an alien or the representative of an alien?		No	
Is the applicant a corporation organized under the laws of any foreign government?		No	
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?		No	
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a		Yes	

PCS Broadband License - WQCS431 - Cellco Partnership

Call Sign	WQCS431	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	BTA274 - Manchester-Nashua-Concord, NH	Channel Block	C
Submarket	6	Associated Frequencies (MHz)	001895.00000000-001910.00000000 001975.00000000-001990.00000000
Dates			
Grant	05/13/2005	Expiration	05/13/2015
Effective	06/11/2009	Cancellation	
Buildout Deadlines			
1st	05/13/2010	2nd	
Notification Dates			
1st	03/26/2010	2nd	
Licensee			
FRN	0003290673	Type	Partnership
Licensee			
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASASREG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Contact			
Verizon Wireless Sonya R Dutton III 1120 Sanctuary Pkwy, #150 GASASREG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Fixed, Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
Is the applicant a foreign government or the representative of any foreign government?		No	
Is the applicant an alien or the representative of an alien?		No	
Is the applicant a corporation organized under the laws of any foreign government?		No	
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?		No	
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?		Yes	
If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?			
Basic Qualifications			
The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits			
This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity			Gender

PCS Broadband License - KNLF937 - RCC Minnesota, Inc.

Call Sign	KNLF937	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	BTA274 - Manchester-Nashua-Concord, NH	Channel Block	F
Submarket	0	Associated Frequencies (MHz)	001890.00000000- 001895.00000000- 001970.00000000- 001975.00000000
Dates			
Grant	04/09/2007	Expiration	04/28/2017
Effective	10/02/2008	Cancellation	
Buildout Deadlines			
1st	04/28/2002	2nd	
Notification Dates			
1st	04/15/2002	2nd	
Licensee			
FRN	0018087619	Type	Corporation
Licensee			
RCC Minnesota, Inc. 1120 Sanctuary Pkwy, #150 GASAS5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Contact			
Verizon Wireless Sonya R Dutton 1120 Sanctuary Pkwy, #150 GASAS5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications			
The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits			
This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity		Gender	

AWS, 1710-1755/2110-2155 MHz bands License - WQGA715 - Cellco Partnership

Call Sign	WQGA715	Radio Service	AW - AWS, 1710-1755/2110-2155 MHz bands
Status	Active	Auth Type	Regular
Market			
Market	REA001 - Northeast	Channel Block	F
Submarket	0	Associated Frequencies (MHz)	001745.00000000-001755.00000000 002145.00000000-002155.00000000
Dates			
Grant	11/29/2006	Expiration	11/29/2021
Effective	03/21/2007	Cancellation	
Buildout Deadlines			
1st		2nd	
Notification Dates			
1st		2nd	
Licensee			
FRN	0003290673	Type	General Partnership
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASASREG Alpharetta, GA 30004 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:network.regulatory@verizonwireless.com	
Contact			
Verizon Wireless Sonya R Dutton 1120 Sanctuary Pkwy, #150 GASASREG Alpharetta, GA 30004 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:Network.Regulatory@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
Is the applicant a foreign government or the representative of any foreign government?	No		
Is the applicant an alien or the representative of an alien?	No		
Is the applicant a corporation organized under the laws of any foreign government?	No		
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No		
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	Yes		
If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?			
Basic Qualifications			
The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits			
This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity			Gender

"E"

PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE

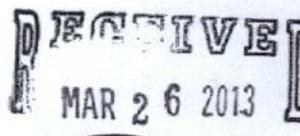


Date of Application: 3-22-2013 Tax Map # 221 Lot # 8

Name of Project: Verizon Wireless - Hudson West Site

Zoning District: _____ General SP# 02-13
(For Town Use) (For Town Use)

ZBA Action: None



BY: [Signature]

PROPERTY OWNER:

DEVELOPER:

Name: 1987 Tamposi Limited Partnership

Cellco Partnership d/b/a Verizon Wireless ("VzW")

Address: 20 Trafalgar Sq., Suite 602

c/o John Weaver, McLane Law Firm

Address: Nashua, NH 03063

City Hall Plaza, 900 Elm St., Manchester, NH 03101

Telephone # _____

603-628-1442

Fax # _____

Email: _____

john.weaver@gmail.com



PROJECT ENGINEER

SURVEYOR

Name: Hudson Design Group, LLC

N/A

Address: 1600 Osgood Street, Building 20 North, Suite 2-101

Address: North Andover, MA 01845

Telephone # 978-551-5559

Fax # 978-336-5586

Email: _____

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

For Town Use P.B Mtg

Plan Routing Date: 3-25-13 Sub/Site Date: 4-24-13

I have no comments I have comments (attach to form)

JSB Title: Deputy Fire Chief Date: 3/28/2013
(Initials)

DEPT: _____ Zoning _____ Engineering _____ Assessor _____ Police Fire Planning
_____ Consultant _____ Highway Department

Fees Paid: _____

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**



Date of Application: 3-22-2013 Tax Map # 221 Lot # 8
 Name of Project: Verizon Wireless - Hudson West Site
 Zoning District: _____ General SP# 02-131
 (For Town Use) (For Town Use)
 ZBA Action: None

PROPERTY OWNER:

DEVELOPER:

Name: <u>1987 Tamposi Limited Partnership</u>	<u>Cellco Partnership d/b/a Verizon Wireless ("VzW")</u>
Address: <u>20 Trafalgar Sq., Suite 602</u>	<u>c/o John Weaver, McLane Law Firm</u>
Address: <u>Nashua, NH 03063</u>	<u>City Hall Plaza, 900 Elm St., Manchester, NH 03101</u>
Telephone # _____	<u>603-628-1442</u>
Fax # _____	_____
Email: _____	<u>john.weaver@gmail.com</u>

PROJECT ENGINEER

SURVEYOR

Name: <u>Hudson Design Group, LLC</u>	<u>N/A</u>
Address: <u>1600 Osgood Street, Building 20 North, Suite 2-101</u>	_____
Address: <u>North Andover, MA 01845</u>	_____
Telephone # <u>978-551-5559</u>	_____
Fax # <u>978-336-5586</u>	_____
Email: _____	_____

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

For Town Use <u>PR Mtg</u>	
Plan Routing Date: <u>3-25-13</u>	Sub/Site Date: <u>4-24-13</u>
<input checked="" type="checkbox"/> I have no comments <input type="checkbox"/> I have comments (attach to form)	
<u>WAD</u> Title: <u>Z.A.</u> Date: <u>4-1-13</u>	
(Initials)	<u>Already a.m. approved -</u>
DEPT: <input type="checkbox"/> Zoning <input type="checkbox"/> Engineering <input type="checkbox"/> Assessor <input type="checkbox"/> Police <input type="checkbox"/> Fire <input type="checkbox"/> Planning <input type="checkbox"/> Consultant <input type="checkbox"/> Highway Department	
Fees Paid: _____	

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**



Date of Application: 3-22-2013 Tax Map # 221 Lot # 8

Name of Project: Verizon Wireless - Hudson West Site

Zoning District: _____ General SP# 02-137
(For Town Use) (For Town Use)

ZBA Action: None

PROPERTY OWNER:

DEVELOPER:

Name: 1987 Tamposi Limited Partnership

Cellco Partnership d/b/a Verizon Wireless ("VzW")

Address: 20 Trafalgar Sq., Suite 602

c/o John Weaver, McLane Law Firm

Address: Nashua, NH 03063

City Hall Plaza, 900 Elm St., Manchester, NH 03101

Telephone # _____

603-628-1442

Fax # _____

Email: _____

john.weaver@gmail.com

PROJECT ENGINEER

SURVEYOR

Name: Hudson Design Group, LLC

N/A

Address: 1600 Osgood Street, Building 20 North, Suite 2-101

Address: North Andover, MA 01845

Telephone # 978-551-5559

Fax # 978-336-5586

Email: _____

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

For Town Use P.B. Mtg.

Plan Routing Date: 3-25-13 Sub/Site Date: 4-24-13

I have no comments I have comments (attach to form)

(Initials) Jm Title: Asst. Assessor Date: 3-26-13

DEPT: _____ Zoning _____ Engineering _____ Assessor _____ Police _____ Fire _____ Planning _____
 _____ Consultant _____ Highway Department

Fees Paid: _____

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**



Date of Application: 3-22-2013 Tax Map # 221 Lot # 8
 Name of Project: Verizon Wireless - Hudson West Site
 Zoning District: _____ General SP# 02-131
 (For Town Use) (For Town Use)
 ZBA Action: None

PROPERTY OWNER:

DEVELOPER:

Name: 1987 Tamposi Limited Partnership
 Address: 20 Trafalgar Sq., Suite 602
 Address: Nashua, NH 03063
 Telephone # _____
 Fax # _____
 Email: _____

Cellco Partnership d/b/a Verizon Wireless ("VzW")
 c/o John Weaver, McLane Law Firm
 City Hall Plaza, 900 Elm St., Manchester, NH 03101
 603-628-1442
 john.weaver@gmail.com

PROJECT ENGINEER

SURVEYOR

Name: Hudson Design Group, LLC
 Address: 1600 Osgood Street, Building 20 North, Suite 2-101
 Address: North Andover, MA 01845
 Telephone # 978-551-5559
 Fax # 978-336-5586
 Email: _____

N/A
RECEIVED
MAR 26 2013
 TOWN OF HUDSON
 ENGINEERING DEPARTMENT

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

For Town Use PK Mtg.

Plan Routing Date: 3-25-13 Sub/Site Date: 4-24-13

I have no comments _____ I have comments (attach to form)

PK Title: Town Engineer Date: 3/27/2013
 (Initials)

DEPT: _____ Zoning Engineering _____ Assessor _____ Police _____ Fire _____ Planning
 _____ Consultant _____ Highway Department

Fees Paid: _____

**PRELIMINARY & FINAL SITE PLAN APPLICATION
FOR PLAN REVIEW (Also for Wireless)
TOWN OF HUDSON, NEW HAMPSHIRE**



Date of Application: 3-22-2013 Tax Map # 221 Lot # 8
 Name of Project: Verizon Wireless - Hudson West Site
 Zoning District: _____ General SP# 02-13
 (For Town Use) (For Town Use)
 ZBA Action: None

PROPERTY OWNER:

DEVELOPER:

Name: 1987 Tamposi Limited Partnership
 Address: 20 Trafalgar Sq., Suite 602
 Address: Nashua, NH 03063
 Telephone # _____
 Fax # _____
 Email: _____

Cellco Partnership d/b/a Verizon Wireless ("VzW")
 c/o John Weaver, McLane Law Firm
 City Hall Plaza, 900 Elm St., Manchester, NH 03101
 603-628-1442
 john.weaver@gmail.com

PROJECT ENGINEER

SURVEYOR

Name: Hudson Design Group, LLC
 Address: 1600 Osgood Street, Building 20 North, Suite 2-101
 Address: North Andover, MA 01845
 Telephone # 978-551-5559
 Fax # 978-336-5586
 Email: _____

N/A

PURPOSE OF PLAN:

VzW plans to collocate on the property by installing 12 panel antennas on the existing telecommunications tower. An equipment shelter will be installed on the ground to support VzW's antennas. See transmittal letter for more detailed description.

For Town Use RB Mtg

Plan Routing Date: 3-25-13 Sub/Site Date: 4-24-13

I have no comments I have comments (attach to form)

RB Title: ROAD AGENT Date: 3/26/13
 (Initials)

DEPT:
 Zoning Engineering Assessor Police Fire Planning
 Consultant Highway Department

Fees Paid: _____

Handwritten mark resembling a stylized 'F' with a double quote above it and a checkmark to the right.

FEES:	30.63
SURCHARGE:	2-
CASH:	0

546
Hudson
Planning

SITE PLAN DEVELOPMENT AGREEMENT

This Agreement is entered into this 15th day of November 2006, between 1987 Tamposi Limited Partnership, Owner, Nextel Communications of the Mid-Atlantic, Inc., Developer, and the **Town of Hudson**, a municipal corporation, at 12 School Street, Hudson, New Hampshire. It represents the understanding of the parties regarding the granting by the Hudson Planning Board of site plan approval in accordance with the ordinances of the Town of Hudson, and to contain improvements pursuant to the plans and conditions referenced below.

WHEREAS, the Applicant is proposing to construct a personal wire service facility.

WHEREAS, the Hudson Planning Board has been duly authorized to regulate the subdivision of land and to approve and disapprove site plans for multifamily dwelling units and nonresidential developments pursuant to RSA 674 et seq.

WHEREAS, Applicant has applied for approval for the above described project in compliance with Town zoning ordinances and the rules and regulations of Hudson Planning Board.

WHEREAS, site plan approval is conditioned upon the execution of a Development Agreement.

In consideration for the Hudson Planning Board granting site plan approval, the parties hereby agree as follows:

Final site plan approval is granted for the Site Plan-of-Record entitled: **Nextel Communications of the Mid-Atlantic, Inc.**, 24 Flagstone Drive, Hudson, NH, (Map 221, Lot 008) prepared by: Chappell Engineering Associates, LLC 2352 Main Street, Concord, NH, dated: April 26, 2006, revised thru August 16, 2006, consisting of Sheets T01, C01, C02, A01 – A06, General Notes 1 – 24 are inscribed on Sheet C02, Hillsborough County Registry of Deeds Plan No. HCRD# 35166, in accordance with the following terms and conditions:

BK 7780PG0538

1. All stipulations of approval shall be incorporated into the Development Agreement, which shall be recorded at the HCRD, together with the Site Plan-of-Record.
2. All improvements shown on the Site Plan-of-Record, including Notes 1-24, shown on Sheet C02, shall be completed in their entirety and at the expense of the Applicant or his assigns.
3. Prior to the issuance of a final certificate of occupancy, a L.L.S. Certified "As-Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.
4. Note shall be added to plan stipulating that the Town shall have an easement access for placement of antennae no more than 60 ft. from the base to service Town Police/Fire/Highway services at Town expense.
5. All references on plan shall be changed to reflect that the address is 24 Flagstone Drive (any reference that it is 19 Flagstone, shall be stricken).

I

All conditions contained in the notes of the plan are incorporated herein by reference as approved by the Planning Board. Furthermore, all representations of fact or intention made by the applicant or any of applicant's representatives during testimony before the Planning Board relative to the obtaining of approval of this plan, shall be considered conditions of this approval regardless of the fact that such fact or intentions were not specifically stated as part of the motion to grant.

II

Applicant shall comply with all subdivision, site review and zoning regulations which have been promulgated by the Town and which are in effect as of the date of this Agreement. If this Agreement contains terms, including but not limited to variance and special exception stipulations granted by the Hudson Zoning Board of Adjustment, which are stricter or impose higher standards than the above-mentioned regulations, the stricter or higher standards shall control. All improvements shall meet the standards of workmanship as required by the Town, as required by the New Hampshire Water Supply and Pollution Control Commission, as required by the New Hampshire Department of Transportation, and as required by the New Hampshire Wetlands Board.

III

Applicant shall obtain all necessary local, state and federal permits prior to commencing work and shall comply fully with their terms.

IV

Applicant shall comply with the plan as submitted to, reviewed by and approved by the Planning Board, including but not limited to, notations set forth on the plan. Deviation from or amendments to the plan may only be made with the written approval of the Planning Board, or the Town Engineer, as appropriate.

V

Applicant acknowledges that it will have sole responsibility for ensuring the quality of the construction and that Applicant will not hold the Town, building inspector or other officers, employees, agents or assigns of the Town responsible for any claims, damages, fees or costs alleged to be incurred on account of the Town's negligent inspection of the improvements to be constructed. Similarly, Applicant agrees to hold harmless and indemnify the Town for any claims, damages, fees or costs sought or asserted by third parties against the Town on the grounds of negligent or improper inspection of the construction of the improvements called for herein.

VI

Applicant shall provide and install erosion and sedimentation control measures as required by the plan, by RSA 149-M, and as deemed necessary by the Town Engineer or his designated agent.

VII

The Applicant shall be responsible for any off-site problems, which arise from this construction. This includes, but is not limited to, erosion, runoff, sedimentation, drainage, and property damage by construction equipment, including damage to existing streets, sewers and drainage systems. Upon notification by the Town in writing, the developer must submit a plan within one week to remedy the problem. The Town Engineer division shall then set a construction schedule in consultation with the developer so that the problem can be corrected as soon as practical.

VIII

It is the intent of the signatories to the Agreement that only they can sue to enforce the Agreement's terms. The Agreement confers no rights on third parties.

IX

The Applicant's promise to perform improvements incorporated herein is an obligation independent from any alleged breach by the Town, once the Planning Board has given the developer site plan/subdivision approval and work on the site has begun.

X

Applicant shall notify the Town Engineer at least sixty (60) days prior to anticipated construction. A pre-construction meeting shall be held at least thirty (30) days prior to commencement of construction. A three-party inspection agreement and any other pertinent documents shall be finalized prior to the pre-construction meeting.

XI

The Agreement to complete bonded or otherwise secured improvements is not contingent upon the commencement of work on the site or on the sale of any of the lots or property contained in the approved plan.

XII

When Applicant completes the subdivision improvements, Applicant shall notify the Town Planner in writing of such completion. Promptly after receiving such notification, the Town Planner, or the Planner's designated agent, shall inspect the improvements to determine whether they are in compliance with the Agreement and the site plan in all material respects. If the improvements do not comply, the Town Planner shall notify Applicant of disapproval and grounds therefor. This written notice shall specify in reasonable detail the deficiencies, which need to be corrected. If the improvements are in conformity with the Agreement and the building otherwise meets all code requirements, the Town Planner shall issue Applicant a Certificate of Completion within ten (10) working days. Applicant shall then apply to the Building Inspector for a Certificate of Occupancy.

XIII

If the Town shall fail to notify Applicant in writing of its approval or rejection of the completed improvements within forty (40) days of the receipt of any such notice of completion, the improvement shall be deemed to be approved by the Town as completed in accordance with this Agreement. This period may be extended for thirty (30) days upon the Town's showing that the forty (40) day period is insufficient to enable the Town to reach such a determination despite using due diligence due to factors beyond the control of the Town.

XIV

At the time of plan recording, Applicant shall also execute and deliver to the Town easements for sewer, drainage, water, utilities as may be specified by the Hudson Planning Board, or otherwise specified on the plan.

XV

The Applicant shall remove all waste from the particular site prior to the issuance of any Certificate of Completion or occupancy permit. All waste will be removed in compliance with applicable Town, State and Federal regulations.

XVI

Prior to commencing construction, Applicant agrees to pay all fees as required by all ordinances and regulations of the Town in effect at the time of this Agreement, as well as any other fees imposed by the Hudson Planning Board, upon application for a building permit, unless phased payments are provided for. Applicant shall have an affirmative obligation to supplement this fee schedule, as information about the number of dwelling units per lot becomes available.

XVII

Applicant agrees that if in the future the Town determines that Applicant has committed a material breach of this Agreement or has violated any Town zoning, subdivision, site plan or any State land use or environmental law or regulation or building code, and said material breach or violation is decided against Applicant by a court of competent jurisdiction in a legal action by the Town against Applicant, Applicant agrees to pay, on demand, all reasonable attorney fees, court costs, sheriff charges and related costs incurred by the Town in connection with the breach or violation to the extent that said fees, costs and charges would not have been incurred had the breach or violation not occurred.

XVIII

A note shall be added to the recorded plan. This note shall state the existence of this Development Agreement, and that a copy of it is on file with the Planning Department or other designated Town department. This Agreement shall be recorded with the plan.

XIX

This agreement shall run with the land and shall be binding on any subsequent purchaser of the proposed development on applicant's heirs and assigns, and on any successor entity.

XX

Severability: If any section, clause, provision, article or portion of this contract shall be invalidated by any court of competent jurisdiction, such holding shall not invalidate any other section of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

RECEIVED AND FILED IN THE TOWN OF HUDSON, NEW HAMPSHIRE, ON 11/14/06 AT 10:00 AM. BY THE TOWN CLERK.

1987 TAMPOSI LIMITED PARTNERSHIP,
By It's General Partner: Ballinjer Properties, LLC

[Signature]
Witness

By: [Signature] 11/14/06
Samuel N. Tamposi, Jr. Manager

NEXTEL COMMUNICATIONS OF THE
MID-ATLANTIC, INC.

[Signature]
Witness

By: [Signature]
Thomas Kincaid
Authorized Agent

TOWN OF HUDSON, NH

[Signature]
Witness

[Signature]
James Barnes, Chairman
Hudson Planning Board

BK 7780PG0543

Sparkling River LLC Request to Amend School Impact Fees

Staff Report

April 24, 2013

Russell W. Thibeault's peer review report is attached, including all reference documents cited in the report. Staff's first comment on his report involves the advice Russ provides on page 1, re: parameters of his expertise, and advice to seek legal counsel, relative to the legal issues concerning the collection of School Impact Fees for 55+ housing. To this effect, and in preparation for Wednesday night's meeting, staff forwarded the below communication to Atty. Steve Buckley.

Steve:

Attached you will find a copy of Russ Thibeault's recently authored peer review report on Hudson's School Impact Fee, as same relates to the Sparkling River 55+ Older Persons Housing Development, Webster St., Hudson, NH. On the first page of the report, Russ cites his parameters of expertise, and advises the Planning Board to seek legal advice, relative to the legal issues concerning the collection of said fees for 55+ housing. For example, in his report, among many issues addressed, Russ cites various ways NH municipalities impose and waive School Impact Fees for 55+ housing, with Hudson cited as not including a waiver provision.

This coming Wednesday night, April 24th, Russ Thibeault will present to the Planning Board the findings of his report. If your schedule permits, and you would like to attend this meeting, you are more than welcome to do so. Otherwise, if you would like to attend a separate meeting, e.g., the not-yet-scheduled Corridor Impact Fee Update Analysis, please let me know.

Also, if your schedule permits and you would like to provide your legal opinion regarding the legal issues raised by Russ in his report, again, please feel free to do so. Taking into account the tight timeframe, and not to push it on my end, but if you can provide your legal opinion on the legal issues at-hand in time for next Wednesday night's meeting that would be great.

Sincerely,

John

RECOMMENDATION: For Wednesday night, please take the time to read Russ' report and attached documents. If Atty. Buckley attends the meeting and/or provides his legal opinion, as prescribed above, the board may be in a position to take action on this matter at the meeting. That is, vote on whether to stop collecting School Impact Fees for Sparkling River. This assumption is based on Russ verifying in his report that Mark Fougere's calculation on already collected Sparkling River School Impact Fees is valid. Further possible action for Wednesday night, again, based on Russ' findings could be:

- 1) For the board to propose adopting a waiver (or partial waiver) provision appropriate to the impact 55+ housing has on grades 1 – 8 of the public school system. Note: grades K

and 9 – 12 were not included in Bruce Mayberry's 1996 School Impact Analysis, nor his 2000 update thereof.

- 2) Propose a provision requiring all inhabitants of 55+ housing to be at least 55 and/or one inhabitant to be at least 55 and no one under 21 years of age residing in such housing.
- 3) The board vote to request staff to produce an RFP, relative to updating the 2000 School Impact Fee Schedule, to include analysis of: present and projected school enrollment, the town's Kindergarten enrollment policy, school generation per unit, space requirements per student, state funding, and cost of new construction.

NOTE: action items 1 and 2 above maybe premature to undertake if the board moves to update the 2000 School Impact Fee Schedule.

DRAFT MOTIONS:

I move to defer further review on the request to amend the Sparkling River School Impact Fees date specific to the May 8, 2013 Planning Board meeting.

Motion by: _____ Second: _____ Carried/Failed: _____.

I move for staff to draft for the May 8, 2013 meeting, a proposed Zoning Amendment that provides for waiving or partial waiving of the School Impact Fee for 55+ housing units.

Motion by: _____ Second: _____ Carried/Failed: _____.

I move for staff to draft for the May 8, 2013 meeting, a proposed Zoning Amendment to provide that all inhabitants of 55+ housing be at least 55 years of age and for no one under 21 years of age to reside in such housing.

Motion by: _____ Second: _____ Carried/Failed: _____.

I move, based on the findings included in Russ Thibeault's peer review report, dated April 15, 2013, for staff to prepare an RFP, relative to updating Hudson's 2000 School Impact Fee Schedule, and for this RFP to include the following analysis and updating elements: present and projected school enrollment, the town's Kindergarten enrollment policy, school generation per unit, space requirements per student, state funding, and cost of new construction.

Motion by: _____ Second: _____ Carried/Failed: _____.



**Economic and
Real Estate
Advisory
Services**

109 Court Street
Laconia NH 03246-3232

Tel 603.524.1484
Fax 603.528.6848

April 15, 2013

John Cashell
Town Planner
Town of Hudson
Town Offices
12 School Street
Hudson NH 03051

RE: Sparkling River Condominiums Request for Impact Fee Waiver

Dear Mr. Cashell:

Pursuant to the request of the Hudson Planning Board I offer this letter report setting forth a peer review of materials provided to the Board by Mark Fougere. I have also examined the December and February Planning Board minutes and supplemental materials you provided that have been prepared by Morgan Hollis, Esq. and Bruce Mayberry.

I understand that the developers of Sparkling River intend to build additional units. Those units will require that at least one member of the household be age 55 or greater. The developers have requested a waiver from the school impact fee, maintaining that the age restrictions imposed by the condominium documents justify a waiver from the school impact fees, under the town's impact fee ordinance.

To some degree the issues in this matter fall into the legal domain, as well as the planning/economic realm. My expertise and experience is in the latter, so I defer on the legal issues to town council and the developer's attorneys.

I have examined the following:

- Impact Fee Needs Analysis and System Design for Public School, Library and Recreation Facilities, Hudson New Hampshire, By Bruce C. Mayberry, dated April 1, 1996.
- Impact Fee Development for New Hampshire Communities, By Bruce C. Mayberry, and Published by the Southern New Hampshire Planning Commission dated July 1999.
- Letter dated October 23, 2000 from Bruce C. Mayberry to George Hall, Hudson Planning Board Chairman—updating Mayberry's April 1, 1996 impact fee schedule for Hudson.
- A copy of the December 12, 2012 Hudson Planning Board minutes, wherein the Sparkling River request for a waiver was discussed.

- Letter dated February 13, 2013 from Mark Fougere to John Cashell presenting data on school generation in age restricted, age 55+ housing communities and presenting an "...independent impact fee calculation study", per Section 334-74.6 of the Hudson Impact Fee section of the zoning ordinance.
- The draft minutes of the planning board's February 13, 2013 meeting.
- Letter dated March 1, 2013 from Mark Fougere to John Cashell, responding to questions raised "At the last Planning Board meeting." This letter is an addendum to Fougere's February 13, 2013 report.
- Letter dated March 12, 2013 from Morgan Hollis, Esq. to John Cashell setting forth the sections of the Sparkling River condominium documents, the Hudson zoning ordinance and the NH statutes addressing elderly/age restricted housing and indicating that all units in Sparkling River must be occupied by at least one person age 55+.
- A letter dated March 22, 2013 to me from Mark Fougere setting forth email correspondence which formed the basis of his inventory of school age children in age 55+ communities. (See Addendum to this letter review).
- A letter dated March 25 from Mark Fougere to me. Mr. Fougere prepared this letter at my request. It reviews the age-restricted provisions of other southern New Hampshire impact fee ordinances. (See Addendum to this letter review).

Background: School Impact Fees and Age Restricted Housing

New Hampshire communities are empowered to impose impact fees on new development under NH RSA 674:21 V. Impact fees are imposed on new development as a means to pay for new facility capacity to service that new development. Some of the operational implications of the NH statute are that impact fees¹:

- Can only be assessed against new construction;
- Can only be used to pay for new capacity expanded to accommodate growth, as opposed to operating costs or facility upgrades;
- Fees must be proportionate to the demand new construction places on facility capacity;
- Fees must provide a reasonable benefit to the new construction;
- Fees not utilized within 6 years must be refunded.

¹ See, for example, <http://www.nh.gov/oep/programs/MRPA/conferences/documents/ImpactFeeApril9.pdf>

Impact fees are widely utilized in southern New Hampshire communities. Hudson adopted impact fees in 1996, following the preparation of Bruce Mayberry's 1996 report. The initial school impact fee was set at \$1,951 for a single family unit. The fees were updated in a second Mayberry report in the year 2000, with the fee for a single family home rising to \$3,578, with provisions for other unit types. There has been no recalculation of Hudson's school impact fees since 2000.

It is relevant to note that the initial 1996 Mayberry report for Hudson, upon which Hudson's impact fee schedule is based, did distinguish the issue of school impact fees in age restricted developments (although apparently referring to developments wherein all occupants must be age 62 and over):

*"(1) The school impact fee schedule is not intended to be applied to new dwelling units which are legally restricted under state and federal law to persons age 62 and over, and where such restrictions on occupancy will be maintained for a period of at least 20 years."*²

Mayberry goes on to note:

*"The fee schedule for schools provides an exemption for housing units that are lawfully age-restricted to long-term occupancy by retired or elderly persons and households. Such housing should have no enrollment impact on the school system, provided that a lawful age restriction which complies with state and federal law is maintained for a substantial period of time (20 years or more) and that the lawful age restriction can be verified by the town."*³

In 1999 Mayberry, who has conducted most of the impact fee calculations for New Hampshire communities, reviewed impact fee ordinances on behalf of the Southern New Hampshire Planning Commission. In that report Mayberry noted:

*"3. Waivers. In some cases, IFOs (Impact Fee Ordinances) contain built-in waivers for properties of a certain class. For example, school impact fees are not normally charged to housing developments in which occupancy is limited to senior citizens. Such a practice would be disproportionate since there would be no reasonable relationship between the fee charged and a likely future benefit to the subject development."*⁴

In light of the above it appears that from the outset of the formulation of school impact fees in Hudson, a distinction was made between age-restricted and conventional housing. From the outset

² Impact Fee Needs Analysis and System Design for Public School, Library and Recreation Facilities, Hudson New Hampshire. By Bruce C. Mayberry, dated April 1, 1996, page 2.

³ Ibid., page 26

⁴ Impact Fee Development for New Hampshire Communities. By Bruce C. Mayberry, Published by the Southern New Hampshire Planning Commission dated July 1999, page 10.

of the analysis of Hudson impact fees there has been a recognition that age restricted developments are *potentially* eligible for a waiver. If there is a clear and permanent mandate restricting occupancy to non-school age occupants, the link between the development and school capacity would be broken. In that instance the collection of impact fees would be inappropriate.

In the case of Sparkling River, the restriction does not completely eliminate potential school age occupancy. Rather, at least one member of the household must be age 55 or over. As such, there is a possibility that school age children could reside in these units. Mr. Fougere references this by virtue of his analysis of school enrollment in other New Hampshire communities with a requirement that at least one resident of the unit be age 55 or over.

School Enrollment in Age 55+ Communities

There are two provisions in the Federal Housing of Older Persons Act of 1995 which permit age restricted housing, which might otherwise be considered age discrimination. Age restricted housing is allowed if:

1. All of the occupants of the community must be over the age of 62, or
2. At least 80 percent of the occupied units include at least one resident who is verified to be over the age of 55, and the community follows a policy that demonstrates intent to provide housing for those aged 55 or older.

In the case of Sparkling River, all of the units must have at least one resident that is age 55 or over.⁵ The provision does not mandate that *all* household members be age 55 or over. Thus, there is a possibility that Sparkling River would generate school age children in Hudson.

In both his February 13 letter, which he updates in a March 1 letter, Mr. Fougere gathers data on a sample of New Hampshire developments requiring that at least one adult be age 55 or over. In his February 13th letter he concludes that based on his inventory of developments with the age 55+ provision, 1,065 surveyed units generated only 10 students, or a ratio of less than 1 student per 100 units (.009 students per unit). He did include some developments in which all residents had to be age 55 or over in that inventory. In his March 1 letter, based on a more accurate inventory of comparable developments, the ratio fell to .005 students per unit for developments wherein at least one resident had to be age 55 or over. There were 773 units in the 15 developments surveyed in his March 1 analysis.

I believe the sample of age 55+ developments inventoried by Mr. Fougere is broad enough to provide convincing evidence that school generation in developments wherein at least one resident must be age 55+ is minimal and significantly less than school generation in developments without such an age restriction.

As you know, I have completed three school generation studies on behalf of the New Hampshire Housing Finance Authority.⁶ In conducting these studies I performed demographic analysis and

⁵ See letter from Morgan Hollis to John Cashell dated March 12, 2013.

⁶ See: http://www.nhhfa.org/rl_hses.cfm

case studies of enrollment in new housing units in New Hampshire. I excluded age restricted developments from the sample data in those studies, because the uniquely low school generation in age restricted developments would have biased the school generation per housing unit figures for *conventional* housing downward. In this sense, Mr. Fougere's findings, although based on a sample of age restricted developments, are consistent with my view: age restricted developments generate far fewer school children per unit than conventional housing.

As part of my peer review I did verify Mr. Fougere's data with the Hudson SAU for the Hudson age 55+ developments, including Abbies Landing, Hudson Meadows, Reeds Brook, Lexington Place and Sparkling River. These age 55+ developments have generated a total of 3 students from their combined 133 units—for an average of about 2 students for every 100 units. This is in contrast to the community-wide school generation figure in Mr. Mayberry's 2000 study (the basis for current impact fees in Hudson) in which the town-wide generation figure was 61 students per 100 single family units and 50 students per 100 duplex students.⁷

In his March 1, 2003 letter report Mr. Fougere calculates that before an allowance for credits for past and future tax payments, per Mayberry's year 2000 analysis, a modest impact fee of \$59 per unit would be appropriate. He then subtracts the credits for past and future tax payments per the Mayberry year 2000 analysis and concludes that after allowing for those credits, no fee is justified. This math accurately reflects the impact fee approach and calculation factors in Mayberry's year 2000 report for the town of Hudson.

Waiver Practices in New Hampshire Communities

At my request, Mark Fougere examined a sample of current impact fee ordinances in New Hampshire addressing developments with at least one member over age 55.⁸ His analysis is not a complete inventory of school impact fee ordinances in the State. He examined ordinances in seven communities and his letter (with supporting ordinance excerpts) notes:

- 1) *"Bow, Londonderry and Goffstown allow for waivers if a 20 year deed restriction is in place. Plaistow allowed for waivers for elderly developments when the ordinance was in effect. (The elderly provision was repealed in 2007). The Nashua ordinance provides for a waiver process for elderly housing.*
- 2) *The Bedford impact fee ordinance has a general waiver provision stating that where it can be shown "no new impact will be created due to mitigating circumstances" a waiver will be considered. The Town's elderly ordinance has been repealed.*
- 3) *The town of Henniker no longer charges school impact fees, but when Mr. Mayberry wrote his impact Fee Report in 2005, he specifically noted that age restricted developments, included 55 plus developments; "should not be assessed" school impact fees."*

• ⁷ Letter dated October 23, 2000 from Bruce C. Mayberry to George Hall, Hudson Planning Board Chairman—updating Mayberry's April 1, 1996 impact fee schedule for Hudson; Table 4, page I-8.

⁸ See letter from Mark Fougere to Russell Thibeault dated March 25, 2013 appended to this peer review.

I note that Londonderry is not currently collecting impact fees due to legal issues with their impact fee ordinance.

I am aware that age restricted developments have been built under the ordinance in Bow. As part of my peer review I contacted the planning staff in Bow to identify how Bow has dealt with the waiver provisions of its impact fee ordinance as applied to new age restricted housing. In the case of the Pines development, the developer restricted 80% of the units to age 55+. The developer applied for a waiver and the Bow selectmen reduced the impact fee to 30% of the going rate. A second age restricted project, Stone Sled, committed to an age profile under which no one under age 21 would be permitted to live in the development. In that case a 100% waiver was granted.

I also contacted the town of Bedford. In that community the impact fee ordinance specifies that if there is an outright prohibition of people under age 21, the school impact fee is waived in its entirety. If there is an age 55+ development without such a provision, (this is the case with Sparkling River) the impact is set at 20% of the unit-type specific fee.

Conclusions

The conclusions of my review are:

- Mr. Fougere adequately supports the observations that most, if not all, school impact fee ordinances do provide a procedure (but not a mandate) to waive all or part of the school impact fee for age-restricted housing.
- Mr. Fougere adequately supports the school generation per age restricted housing unit figures in his analysis. He examines the experience of 15 southern NH age 55+ restricted developments. Although his inventory of age restricted developments is not a 100% inventory, the sample is adequate and the finding of minimal school generation is consistent with my experience.
- Mr. Fougere's re-calculation of Mayberry's 2000 impact fee figures, indicating Sparkling River should not be assessed a school impact fee, accurately draw on Mr. Mayberry's year 2000 analysis. They provide a mathematical basis, should the town so desire, to completely waive the school impact fee for Sparkling River units. His analysis, however, did find some school age children in the existing Sparkling River units, confirming that the restriction does not completely preclude school age children in Sparkling River.
- Bruce Mayberry's first analysis of impact fees in Hudson (1996) did draw a distinction between conventional and age restricted units. He specifically pointed to waivers for age-restricted housing (apparently all residents age 62+), as has Mayberry's research in other New Hampshire communities.
- Some New Hampshire communities have provided *partial* waivers of school impact fees in those cases where there is an age restriction imposed (at least one member age 55+), but not an outright ban on school age children. This appears to be the age restriction provision in the Sparkling River condominiums documents. Bow and Bedford have reduced the school impact fee to 20-30% (a 70- 80% reduction) of the standard school impact fee for comparable unit types in those instances.

4/15/2013

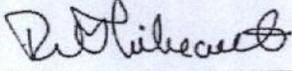
Page 7

- Hudson's current impact fee schedule was developed in a year 2000 report by Bruce Mayberry. An update of the fee schedule is overdue—school enrollment, the town's Kindergarten enrollment policy, school generation per unit, space requirements per student, state funding, and cost of new construction have all changed markedly since then.

I believe the latter point is important given work that I previously performed for the Hudson SAU, indicating significant changes in school enrollment in the town.⁹

Thank you for requesting this peer review. I stand ready to respond to any questions the from you, the planning board and the public

Respectfully yours,



Russell W. Thibeault
President

⁹ Applied Economic Research, Economic Demographic and Enrollment Analysis, SAU 81, April 2011.

Addendum: Mark Fougere Supplemental Impact Fee Reports

FOUGERE PLANNING & DEVELOPMENT Inc.

Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288 fax: 603-249-9314

email: Fougereplanning@comcast.net

March 22, 2013

Mr. Russell Thibeault
AER Services
109 Court Street
Laconia, NH 03246-3232

Dear Mr. Thebeault,

As requested, please find below the source information you requested relative to determining school enrollment figures from the list of over 55 projects cited in my March 1, 20123 Report.

School Department Outreach

Sparkling River Impact Fee Analysis

Bedford:

Hi Mark,

We don't have any students enrolled with these addresses.

Anne

From: "Mark Fougere" <fougereplanning@comcast.net>

To: "Anne Wiggin" <wiggina@sau25.net>

Sent: Monday, February 18, 2013 3:39:01 PM

Subject: RE: school age data

Anne,

Sorry to bother you again, but I have found another project in Bedford I need data on.

65 Hawthorne Drive, Riverwalk Great Home

Metea Lane, Riverwalk Cottages

School date on this project would also be very helpful.

Thank You

Mark Fougere

From: Anne Wiggin [mailto:wiggina@sau25.net]
Sent: Tuesday, September 25, 2012 9:32 AM
To: Mark Fougere
Subject: Re: school age data

Hello Mark,
These are the numbers as of yesterday.
BHS - 3 Grade 9, 2 Grade 10 & 1 Grade 12
PWS - 1 Grade 2
Anne

From: "Mark Fougere" <fougereplanning@comcast.net>
To: wiggina@sau25.net
Sent: Friday, September 21, 2012 12:55:25 PM
Subject: school age data

Anne,

Trying to update some school data that you gave me some years ago for The Mews, an age restricted condo in town. I am interested to know the total number of school age students reside there, all I need is the total number. Streets in that project are: Bedmin Moore Court, Privet Hedge Lane, Old Coventry Lane, Chipping Norton Way, Hammersmith Way and Kensington Way.

Please call if you have any questions.

Thank you again.

Mark Fougere

Hudson:

February 12, 2013

Hi, Mark.

Correction to December response: There are three students living on Taunton Lane in the Sparkling River Subdivision.

Gail

Gail L. Porter
Admin. Asst. to the Supt. of Schools
SAU 81
Hudson School District
20 Library Street
Hudson, NH 03051
603 886-1235
gporter@sau81.org

December 19, 2012

Good morning, Mark.

There are no students in those areas.

Merry Christmas!
Gail

From: Mark Fougere [<mailto:fougereplanning@comcast.net>]
Sent: Monday, December 17, 2012 11:02 AM
To: Porter, Gail
Subject: RE: Student Population data

Gail,
Sorry to bother you again, but I have discovered a few more Hudson adult community projects in town that I am trying to obtain information on. These projects are:

- 1) Sparkling River: Leybridge Drive, Doveton Lane, Bracket Lane and Taunton Lane.
- 2) Hudson Meadows: Nicolls Circle
- 3) Abbie's Landing: Bowes Circle

Thank you again for your assistance. If you should have any questions, please feel free to let me know.
Mark Fougere

From: Porter, Gail [<mailto:gporter@sau81.org>]
Sent: Thursday, September 27, 2012 10:28 AM
To: Mark Fougere
Subject: RE: Student Population data

Hi, Mark.

I think you'll be pleased to know that there are no students living on any of the streets in the adult communities you asked about.

Gail

From: Mark Fougere [<mailto:fougereplanning@comcast.net>]
Sent: Wednesday, September 26, 2012 9:25 AM
To: Porter, Gail
Subject: FW: Student Population data

Gail,

As discussed, I am a planning consultant updating school data for some research I am conducting on age restricted projects, where at least one person must be the age 55 or older. These types of projects typically have very few children, as can be seen on the attached document which shows the information I have gathered to date. I last updated Hudson data in 2004 working with Superintendent Bell. I am trying to find data on two projects: Reeds Brook (Amanda Drive, Madeleine Court and Katherine Court) and Lexington Place (Lexington Court). All I need to know is how many school children may live in these projects; I do not need names, addresses, grades, etc. All I need to know is that "x" school children live here.

I obtain this type of information all the time, as noted on the attached document, confirming figures in Bedford, Windham, and Londonderry. If you should have any questions, please feel free to call. In speaking with other school department personnel in the past, this data is usually found in data bases or from the school bus company.

Thank You
Mark Fougere, AICP

Londonderry:

Mark,

I checked our records and the bus route and we do not have any children attending school that live on Sugar Plum Lane.

Regards,

Elaine Allen

Londonderry School District
268C Mammoth Road
Londonderry, NH 03053
Phone: 603-432-6920, Ext. 1103
Fax: 603-425-1049

From: Mark Fougere [<mailto:fougereplanning@comcast.net>]

Sent: Monday, February 25, 2013 9:57 AM

To: Elaine Allen

Subject: RE: School Age Children

Elaine,

I know I am become a pest, the Planning Department provided me with another over 55 project called Sugarplum,

The project street is **Sugarplum Lane** and is located off of Gilcreast Road.

Any information on this project would be appreciated and I hope this is the last time I bother you for a while.

Thank You again for all your assistance.

Mark Fougere

From: Elaine Allen [<mailto:eallen@londonderry.org>]

Sent: Monday, September 24, 2012 10:49 AM

To: 'Mark Fougere'

Subject: RE: School Age Children

Hi,

I checked with the bus company as well as our records and found that these streets do not have any children that reside there. If you have any questions, please contact me.

Regards,

Elaine Allen

Londonderry School District
268C Mammoth Road
Londonderry, NH 03053
Phone: 603-432-6920, Ext. 1103
Fax: 603-425-1049

From: Mark Fougere [<mailto:fougereplanning@comcast.net>]
Sent: Friday, September 21, 2012 2:27 PM
To: Elaine Allen
Subject: School Age Children

Elaine,

Thank you for calling. As noted, I would like to know the number of K – 12 students that may reside in the following projects. All I need to know is the total number of kids.

Parish Hills – South Parish Drive

Buttrick Village – Lincoln Drive

Harvest Village – Rainbow Drive

Forest Hills – Sawgrass Circle & Saint Andrews Way.

I have also attached emails from my last inquiry in 2003. If you have any questions, please feel free to call.

Mark Fougere
315-1288

Merrimack:

Spoke with Ms. Michelle Hart; 424-7880 of S.T.A. Transportation: Merrimack; bus company for the school district.

Nashua:

Hi Mark,

I have checked all of our bus routes and currently we do not have any students coming from the Colliston Yard.

Barbie Clark

Administrative Assistant
Transportation Office
Nashua School District
603-966-1055
603-594-4350 fax

From: Mark Fougere [<mailto:fougereplanning@comcast.net>]

Sent: Friday, February 01, 2013 10:43 AM

To: Barbie Clark

Subject: School age data

Barbie,

As discussed, I am conducting research into age restricted housing projects, specifically 55 years and older. I need to determine if any school age children live at this project. All I need to know is the total number of school kids. Although the project is age restricted, only one person has to be 55 years old or older, so legally children you live in these types of projects, although it is rare.

Colliston Yard: 160 Daniel Webster Highway

If you should have any questions, please feel free to call.

Thank you for your assistance.

Mark Fougere

FOUGERE PLANNING & DEVELOPMENT Inc.

Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288 fax: 603-249-9314

email: Fougereplanning@comcast.net

March 25, 2013

Mr. Russell Thibeault
AER Services
109 Court Street
Laconia, NH 03246-3232

Dear Mr. Thebeault,

As requested, I have researched how other communities in New Hampshire that charge school impacts address the matter of waivers for age restricted housing developments. Attached please find excerpts from seven impact fee ordinances; all of these communities define elderly housing consistent with statutory requirements with at least one person in the household being 55 years or older, which is consistent with the Town of Hudson's ordinance.

The specific communities include:

- 1) Bow, Londonderry and Goffstown allow for waivers if a 20 year deed restriction is in place. Plaistow allowed for waivers for elderly developments when their ordinance was in effect. (The elderly housing provision was repealed in 2007). The Nashua ordinance also provides for a waiver process for elderly housing.
- 2) The Bedford impact fee ordinance has a general waiver provision stating that where it can be shown "no new impact will be created due to mitigating circumstances" a waiver will be considered. The Town's elderly ordinance has been repealed.
- 3) The Town of Henniker no longer charges school impact fees, but when Mr. Mayberry wrote his Impact Fee Report in 2005, he specifically noted that age restricted developments, included 55 plus developments; "should not be assessed" school impact fees.

If you should have any further questions relative to these documents or any other questions with my Report, please do not hesitate to call.

Sincerely,

Mark J. Fougere

Mark J. Fougere, AICP

Article 16
Impact Fee Ordinance and Methodology Reports

ZONING ORDINANCE

TOWN of BOW, NEW HAMPSHIRE

ADOPTED AND REVISED THROUGH MARCH, 2011

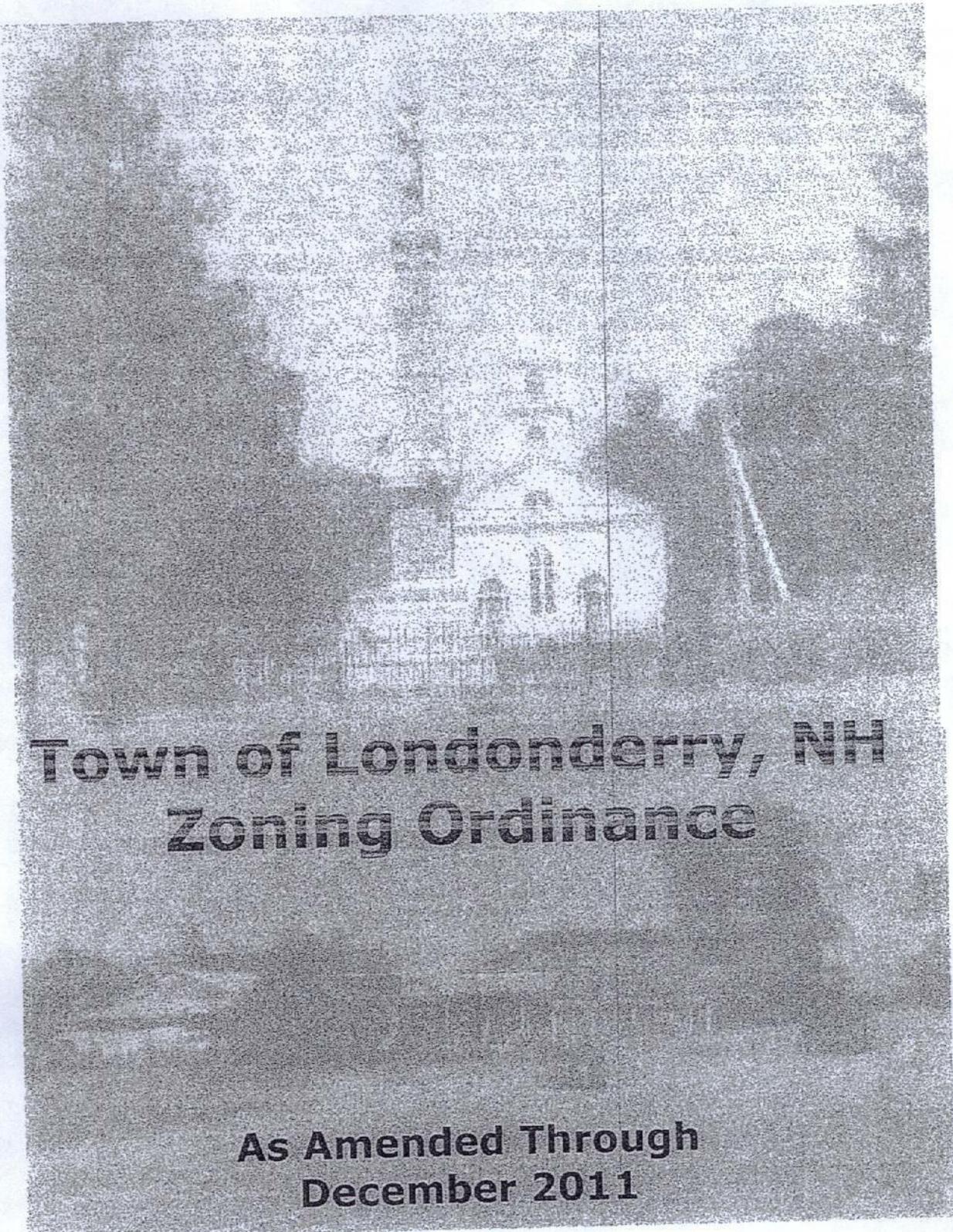
d. Subdivisions and site plans.

Capital Facilities. Any equipment, structures, and related durable items used to deliver or support public services including water treatment and distribution; wastewater collection, treatment, and disposal; storm water, drainage, and flood control; public road systems, rights of way; municipal administrative or maintenance services; public schools; public safety services; solid waste collection, transfer, recycling, processing, and disposal; public libraries; public recreation; and a proportionate share of cooperative or regional services. Initial training of personnel may be included in capital facilities, but public open space may not be included.

D. Assessment of Impact Fees

1. Impact fees shall be assessed to new development to compensate the Town of Bow for the proportional share of the capital facility costs of the District or Town generated by new development in Bow, including public school or other capital facilities to be constructed, or which were constructed in anticipation of new development.
2. Any person who seeks a building permit for new development is hereby required to pay a public school capital facility impact fee upon adoption of this article in the manner set forth herein.
3. Any person who seeks a building permit for other new development is hereby required to pay a public capital facility impact fee upon adoption of this article in the manner set forth herein.
4. Any person who pays an impact fee based on a school exaction fee imposed prior to the adoption of this Ordinance pursuant to a condition of approval that appears on the plat of record for a subdivision or site plan shall be entitled to request and receive an exemption from the impact fee imposed by this Ordinance upon payment of said fee. Such requests for exemption shall be made to the building inspector.
5. A person may request a full or partial waiver of school facility impact fees for the number of residential units that are lawfully restricted to occupancy by senior citizens age 62 or over, or to households with at least one person age 55 and over, as applicable, where such units are maintained in compliance with the provisions of RSA 354-A:15, Housing For Older Persons. School impact fees may, in the discretion of the Board of Selectmen, be partially or fully waived for such units within a complying development where the units are restricted by age for a period of at least 20 years.

A person may request a full or partial waiver of school facility impact fees for the number of subsidized, affordable residential units that are lawfully restricted to occupancy by persons of limited income and qualify as affordable housing.



**Town of Londonderry, NH
Zoning Ordinance**

**As Amended Through
December 2011**

2. A net increase in the gross floor area of any nonresidential building or in the habitable portion of a residential building;
3. The conversion of a legally existing use to another permitted use if such change of use would create a net increase in the demand for additional public capital facilities, as defined by this ordinance.

Gross Floor Area - The entire square footage of a building calculated from the dimensional perimeter measurements of the first floor of the building with adjustments to the useable area of the other floors made in a manner consistent with Londonderry property tax assessment procedures. For residential structures, gross floor area shall not include portions of residential structure or accessory structure which is not available for human habitation.

Public Capital Facilities - Facilities and equipment owned, maintained or operated by the Town of Londonderry as defined in the Capital Improvement Program and which are listed in the adopted impact fee schedule.

1.2.5 Imposition of Public Capital Facilities Impact Fee

- 1.2.5.1 Any person who, after March 9, 1994 seeks approval of new development within the Town of Londonderry, New Hampshire, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 1.2.6.
- 1.2.5.2 A person may request, from the Planning Board, a full or partial waiver of impact fee payments required in this ordinance. The amount of such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver or credit under Section 1.2.11 of this Ordinance.
- * 1.2.5.3 A person undertaking new development for residential use in which all or a portion of its occupancy will be restricted to persons age fifty five (55) and over, and where it can be shown to the satisfaction of the Planning Board that such restricted occupancy will be maintained for a period of at least twenty (20) years, may apply for a waiver of the school impact fees for the said restricted occupancy units.
- 1.2.5.4 A person undertaking new development for residential use in which all or a portion of its occupancy will meet the requirements of "workforce housing" as defined by RSA 674:58, and where it can be shown to the satisfaction of the Planning Board that such "workforce housing" will be maintained with appropriate restrictions for a period of at least forty (40) years, may apply for a waiver of impact fees for said workforce units.
- 1.2.5.5 No building permit for new development requiring payment of an impact fee pursuant to Section 1.2.6 of this Ordinance shall be issued until the public facilities impact fee has been determined and assessed by the Planning Board or its authorized agent.
- 1.2.5.6 A person undertaking new development for residential use in which all or a portion of its occupancy will be assisted living facilities restricted to persons who are age fifty five (55) and over and/or disabled, may apply for a waiver of Recreation Impact Fees for said restricted units where it can be shown to the satisfaction of the Planning Board that internal private recreation programs will be provided to the occupants by the developer and provisions to that effect will be maintained with appropriate restrictions for a period of at least twenty (20) years.

**ZONING ORDINANCE
FOR
GOFFSTOWN, NEW HAMPSHIRE**

As Amended March 13, 2012



2011 - 2012	2011 - 2012
PLANNING BOARD MEMBERS:	ZONING BOARD OF ADJUSTMENT:
<p>Alan Yeaton, <i>Chairman</i> Tim Redmond, <i>Vice Chairman</i> Collis Adams Barbara Griffin John Hikel Mark Warden Phil D'Avanza, <i>Selectmen Rep.</i></p>	<p>Kevin Reigstad, <i>Chairman</i> Catherine Whooten, <i>Vice Chairman</i> Gail Labrecque Edward Luppi, II Jo Ann Duffy</p>
<p>ALTERNATES: Simone Duhamel Steven J. Dutton Carl D. Foley</p>	<p>ALTERNATES: Vivian Blondeau Leonard Stuart</p>

16.6 Waivers

16.6.1 The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed.

X 16.6.2 A person may request a full or partial waiver of school facility impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over or to households with at least one person age 55 and over as applicable, in a development that is maintained in compliance with the provisions of RSA 354-A:15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20 years.

16.6.3 The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers may not be based on the value of exactions for on-site or off-site improvements required by the Planning Board as a result of Subdivision or Site Plan review, and which would be required of the developer regardless of the impact fee assessments authorized by this Article.

16.6.4 The Planning Board may waive an impact fee assessment for a particular capital facility where it finds that the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments or constructed capital facility capacity improvements equivalent in value to the dollar amount of the fee(s) waived.

16.6.5 The Planning Board may waive an impact fee assessment where it finds that, due to conditions specific to a development agreement, or other written conditions or lawful restrictions applicable to the subject property, the development will not increase the demand on the capacity of the capital facility or system for which the impact fee is being assessed.

16.6.6 A fee payer may request a full or partial waiver of the amount of the impact fee for a particular development based on the results of an independent study of the demand on capital facility capacity and related costs attributable to that development. In support of such request, the fee payer shall prepare and submit to the Planning Board an independent fee calculation or other relevant study and supporting documentation of the capital facility impact of the proposed development. The independent calculation or study shall set forth the specific reasons for departing from the methodologies and schedules adopted by the Town. The Planning Board shall review such study and render its decision. All costs incurred by the Town for the review of such study, including consultant and counsel fees, shall be paid by the fee payer.

§ 220-99. Review of fee schedules.

The impact fee assessment schedules shall be reviewed periodically by the Planning Board using the methodology for each fee as described in § 220-100 of this article. The Planning Board may, at its discretion, update the Plaistow Impact Fee Schedule at a Public Hearing. If approved at the Public Hearing, any changes in impact fee amounts take effect immediately.

§ 220-100. Impact fees.

A. (Reserved)⁴⁶

B. Imposition of school district impact fee.

(1) Any person who seeks new residential development in any zone is hereby required to pay a school district impact fee. For the purposes of this article only, new residential development shall mean a new dwelling unit. This shall also include expanding a single-family home to a duplex unit or expanding a multifamily dwelling unit to include more dwelling units. Credit will be given for the existing dwelling units.

X (2) Credits to offset the impact fee will be given for those dwelling units that are used to provide dwelling units for the elderly. Expanded developments shall qualify for credit only for those cases where the original dwelling unit(s) would have qualified for this credit. Credits obtained from this impact fee may not be used to offset any other impact fee.

(3) The school district impact fee shall be assessed in a manner consistent with the methodology described in the study called "Methodology for the Calculation of School Impact Fees in the Towns of the Timberlane Regional School District" as authorized by the Timberlane Regional School District, dated September 22, 1997, and prepared by Bruce C. Mayberry. The resultant impact fees shall be collected in the Plaistow Impact Fee Schedule and maintained by the Planning Board.

C. Imposition of recreational facility impact fee.

(1) Any person who seeks new residential development, as defined in Subsection B(1) above, is hereby required to pay a recreational facility impact fee.

(2) No credits will be given to offset this impact fee.

(3) The recreation facility impact fee shall be assessed in a manner consistent with the methodology described by the Recreation Director and as authorized by a subcommittee of members from the Board of Selectmen, Recreation Department, and Planning Board, prepared by the authorized subcommittee, and adopted at Town Meeting in March 1999. The resultant impact fees shall be collected in the Plaistow Impact Fee Schedule and maintained by the Planning Board.

D. Imposition of public safety complex impact fee.

(1) Any person who seeks new or expanded commercial development, new or expanded

46. Editor's Note: Former Subsection A, Imposition of Route 125 improvement impact fee, was repealed 3-14-2006 ATM by Art. P-2.

Nashua
LAND USE

§ 190-84

§ 190-84. Additional requirements.

Payment of impact fees does not restrict the City to require a feepayer to pay for or provide other municipal public improvements, fees, assessments or charges that are allowed by law in accommodating new development such as road improvements, sewer fees and charges, sidewalks, government service fees, easements, of other reasonable requirements.

X § 190-85. Waiver of impact fee.

An applicant may petition the Board of Aldermen for a full or partial waiver of the fee imposed by this article if the proposed new development consists of low- or moderate-income housing or elderly housing which can be reasonably expected not to require additional educational facilities. For purposes of this section, "low-income housing" is housing considered low-income housing by federal legislation and regulations governing eligibility for housing assistance. The Planning Board and Administrative Officer shall evaluate the request and forward written findings and recommendations to the Mayor and Board of Aldermen for consideration. The amount of the impact fee waived shall be proportional to the amount of the new development which is dedicated to low-income or elderly housing.

§ 190-86. Planning Board authority.

Nothing in this article shall be construed so as to limit the existing authority of the Planning Board to provide against development which is scattered or premature, requires an excessive expenditure of public funds for capital facilities or improvements that are not public capital facilities, or otherwise violates the City of Nashua's site plan review regulations, subdivision regulations, or Zoning Ordinance.

§ 190-87. Appeals.

Any application or administration decision of this article shall be appealed to the Planning Board.

ARTICLE IX
Lighting

Purpose and findings. The benefits of good outdoor lighting are increased safety, energy efficiency, enhancement of the City's evening character and improved security. New technologies have created extremely powerful lights which can inadvertently lead to excessive glare, light trespass and higher energy use. Concerns resulting from excessive glare and light trespass include safety issues, loss of privacy and increased energy costs for everyone. The goal of this lighting section of the chapter is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed outdoor lighting will maintain and complement the City's character and contribute to the safety and welfare of the residents of the City.

made prior to the adoption of this section, impact fees shall be assessed prior to, or as a condition for the issuance of a building permit or other appropriate permission to proceed with development. [Amended 3-8-2005]

- (3) Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. [Amended 3-8-2005]
- (4) The Town of Bedford and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees in effect at the time of subdivision plat or site plan approval by the Planning Board. [Amended 3-8-2005]
- (5) If an alternate schedule of payment is established, the Town of Bedford may require developers to post bonds, letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of the assessed impact fees. [Amended 3-8-2005]
- (6) In the event that bonds or other debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this chapter, capital facilities fees may be used to pay debt service on such bonds or similar debt instruments.

F. Waiver and appeal of fees.

- 
- (1) Any person may request from the Planning Board, a full or partial waiver of capital facilities fee payments required by this section where it can be shown that reduced impact or no new impact will be created due to mitigating circumstances.
 - (2) On-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, including but not limited to extension of water and sewer mains or the construction of roads or other infrastructure, which would have to be completed by the developer regardless of the capital facilities fee provisions, shall not be considered eligible for waiver under this section. Any aggrieved party may appeal any decision under this § 275-20 to the Superior Court as provided for in RSA 677:15.¹⁰

G. Refund of fees paid. Any fee payer shall be entitled to a refund of that fee, plus accrued interest where:

- (1) The capital facilities fee has not been encumbered or legally bound by the Town Council to be spent for the purpose for which it was collected within a period of six years from the date of the final payment of the fee; or
- (2) The Town Council has failed, within the period of six years from the date of the final payment of such fee, to appropriate the nonfee share of related capital improvement costs.

H. Credits.

¹⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

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email: bmayber1@maine.rr.com

Date:

April 5, 2005

To:

Henniker Planning Board
c/o Rebecca Voegele

Re:

Final Report - School Impact Fee

This memo transmits a final report on school impact fees for the Town of Henniker. At my last meeting with the Planning Board to review the draft impact fee study, we discussed the following items as steps in preparing the final report:

1. Submitting the draft to Jim Crane, Business Administrator for the SAU for review and comment;
2. Adding guidelines for application of the school impact fee in the case of age-restricted housing developments; and
3. Adding some guidelines to the report regarding eligible uses of school impact fee funds.

Since my meeting with the Board, Jim Crane has reviewed the report and we have discussed over the phone the content of the report, the intent of fees, and their application to capital projects of the school districts. No changes were indicated as a result of this review.

Regarding # 2 above, I have added language to the final report regarding age-restricted housing developments, as the current Henniker impact fee ordinance does not include waiver criteria for school impact fee assessment to age-restricted or elderly housing.

In response to item #3, I've incorporated additional language into the report that enumerates various possible uses of school impact fee funds, and a few things that I recommend not to do.

To effect a school impact fee schedule, the Board should adopt the report and one of its fee schedules (A or B), or a discounted version of a schedule as its basis of assessment. Generally, such adoption would take place following a public hearing on the subject, in the same manner as the Board might adopt a subdivision regulation. The fee would then be applicable to new development under the terms of the impact fee ordinance, subject to the vesting rules that may

EXECUTIVE SUMMARY

This report provides a detailed methodology for the calculation of proportionate impact fees to offset the school capital cost impacts of new residential development in Henniker. Detailed research was conducted as part of that study to: (1) document the average enrollment impact of housing development in Henniker using actual public school enrollment and property assessment data; and (2) provide documentation of the basis for school impact fee assessment amounts.

These impact fees may be assessed to new residential development under the terms of the town's impact fee ordinance. The resulting revenues and interest on impact fee accounts may be used to construct school facility capacity, or to recoup capital expenditures made in the past to create sufficient capacity to accommodate enrollment generated by new development.

The primary determinants of the school impact fee schedules developed in the study are: (1) enrollment generated per housing unit; (2) quantity of school floor area required per pupil; (3) cost of school development per square foot less state building aid; and (4) credit allowances in the formula for past and future property tax payments by the assessed property to provide adequate capacity to serve existing enrollment. The school impact fee schedule supported by this study is based on the average enrollment characteristics of housing in Henniker. Supportable impact fees per dwelling unit for standard structure types are summarized below:

Henniker School Impact Fee Alternative Schedules

Type of Structure	School Impact Fee Per Dwelling Unit (Model A)	School Impact Fee Per Dwelling Unit (Model B)
Single Family Detached	\$5,518	\$4,848
Single Attached (Townhouse)	\$2,737	\$2,386
Duplex/ 2- Unit Structure	\$3,048	\$2,686
Multifamily 3+ Unit Structure	\$1,922	\$1,697
Manufactured Housing	\$4,376	\$3,826

* Unless there are specific waiver criteria incorporated into the Henniker Impact Fee Ordinance to the contrary, school impact fees should not be assessed to housing units in developments that are governed by lawful, long-term restrictions on the property that limit unit occupancy to seniors. School impact fee assessments should not be applied to developments in which all units are limited to occupancy by seniors age 62 or older, nor to those units in developments comprising housing for older persons¹ that are restricted to occupancy by households having at least one person who is age 55 or older.

¹ See New Hampshire RSA 354-A: 15, Housing for Older Persons.

Addendum: Bedford Impact Fee Ordinance

BEDFORD IMPACT FEE ORDINANCE

ARTICLE 120 - IMPACT FEES

Section 121 - Authority

Pursuant to RSA 674:21, Innovative Land Use Controls, the Town of Bedford has adopted provision 45-4-1 (j) Capital Facilities Fees of the Bedford Zoning Ordinance to allow for the assessing of School, Recreation and Kilton Road Intersection Impact Fees. Impact Fees for public schools and recreation shall be collected at the time of building permit application. Impact Fees for Kilton Road intersection improvement may be: a) paid at the time of site plan approval; or b) payment secured by providing financial assurity posted with the Town to guarantee payment of such fees at the time of building permit issuance.

Section 122 - Capital Facilities Fees Findings

- 122.1 The Bedford Planning Board adopted a Master Plan on October 22, 2000.
- 122.2 The Town of Bedford, in conformance with the Bedford Town Charter, has prepared and regularly updated a Capital Improvements Program and Budget as authorized by the voters of the Town of Bedford on December 8, 1987.
- 122.3 The Master Plan and the Capital Improvements Program demonstrate that significant new growth and development is anticipated in residential and nonresidential sectors which necessitate increased public expenditures to provide adequate public facilities.
- 122.4 The Town of Bedford is responsible for and committed to the provision of public facilities and services at standards determined to be necessary by the Town to support residential and nonresidential growth and development in a manner which protects and promotes the public health, safety, and welfare.
- 122.5 The cost of providing public capital facility capacity to serve new growth will be disproportionately borne by existing taxpayers in the absence of certain capital facilities fee assessments.
- 122.6 The calculation methodology for capital facilities fees, as established in the following schedules, represents a fair and rational method for the allocation of growth related capital facility costs to new development. Based on this methodology, capital facilities fees will not exceed the costs of:
- Providing additional public capital facilities necessitated by the new developments; or
 - Compensating the Town of Bedford for expenditures made for existing public facilities which are constructed in anticipation of new growth and development.

These public school and recreation fees are based upon reports prepared by Bruce C. Mayberry, Planning Consultant. They are entitled Impact Fees for Public Recreation Facilities 2006 Update - Town of Bedford, NH, originally prepared in 2001, and Public School Impact Fees: Basis of Assessment 2006 Update - Town of Bedford, NH originally prepared in 2001. Both documents are on file at the Planning Department Office.

Section 123 - Impact Fee Amounts

Type of Structure	School Impact Fee (1)	Recreation Impact Fee (2)
Single Family Detached	\$6,120	\$1,466
Townhouse	\$2,358	\$1,099
Duplex	\$3,652	\$840
Multifamily 3+ units	\$1,948	\$770
Manufactured Housing	\$3,457	\$726
Age 55+ units w/o restrictive covenants	20% of above fees	same as above
Age 55+ units w/ "no children" covenants	\$0	same as above
Age 62 & over housing, Assisted Living, Nursing homes	\$0	\$0

- (1) School impact fee based on the report entitled Public School Impact Fees: Basis of Assessment, updated 2006 by Bruce C. Mayberry, Planning Consultant. Adopted by Planning Board on June 19, 2006.
- (2) Recreation impact fee based on report entitled Impact Fees for Public Recreation Facilities - 2006 Update, prepared by Bruce C. Mayberry, Planning Consultant. Adopted by Planning Board on June 19, 2006.

For conversion from one unit type to another:

Calculate the fee for the new use (and number of units) and subtract from that amount the fee that would have pertained to the existing use and number of units. The net positive difference is the impact fee to be assessed. If the result is zero or less, no fee is assessed.

Example: school impact fee for single family converted to duplex:

New use (Duplex): Two Units @ \$3,652 per unit = \$7,304 less

Prior Use (Single Family) One @ \$6,120 per unit = \$6,120

Equals Fee for conversion: \$7,304-\$6,120 = \$1,184 assessed for school impact fee

Section 124 - Bedford School Impact Fee Derivation:

IMPACT FEE = LOCAL CAPITAL COST IMPACT PER DWELLING UNIT LESS CREDITS PER DWELLING UNIT

1. CAPITAL COST IMPACT =

- [Public school pupils per new dwelling unit (Pre K to Grade 6)
- X Gross floor area needed per pupil capacity (Pre K to Grade 6)
- X Total facility development cost per square foot for Pre K to Grade 6 facilities
- (-) 30% (local district share of capital cost assuming 30% state building aid)]

PLUS

- [Public school pupils per new dwelling unit (Grades 7-12)
 - X Gross floor area needed per pupil capacity (Grades 7-12)
 - X Total facility development cost per square foot for Grade 7-12 facilities
 - (-) 30% (local district share of capital cost assuming 30% state building aid)]
- = Local capital cost impact of new housing development on school capacity

LESS CREDITS

2. CREDITS are computed based on the present value of estimated local property taxes paid by a typical dwelling unit to fund that part of school district debt service costs (net of 30% state building aid on principal for bonded debt) to fund existing facilities that serve base year (2001) enrollment, and the cost to fund additional space needed for base year (2001) enrollment. Total credits include allowances for past payments by vacant land (pre-development) from 1990 to 2005, plus future payments by newly constructed homes from 2006-2030. The credit amounts are standardized for each structural type based on average assessed values.

Section 125 - Bedford Recreation Impact Fee Derivation:

IMPACT FEE PER DWELLING UNIT = CAPITAL COST IMPACT PER CAPITA X PERSONS PER OCCUPIED DWELLING UNIT, LESS CREDITS FOR COST TO MEET EXISTING FACILITY NEEDS.

1. CAPITAL COST IMPACT PER DWELLING UNIT =

[Number of recreation facilities of each type required per capita,
x Estimated cost per facility for each facility type, summed for all facilities]
(-) Less adjustment for growth-related facilities to be provided on School District sites

PLUS

x Acres of land required per capita supporting active recreation facilities
Raw land cost per acre

= Total recreation capital cost per capita
x Persons per occupied dwelling unit by type of structure (2000 Census)
= Local capital cost per dwelling unit by type of structure

2. CREDITS =

Number of facilities of each type and supporting acreage needed per capita
X Base year population (2005 estimate)
= Number of recreation facilities required to serve the base year population
(-) Actual number of existing (2006) facilities of each type and supporting acreage
(-) Additional facilities needed for 2005 population to be provided on School District sites
= Net surplus or deficiency of facilities of each type and supporting land required
x Cost per facility for each type, or land cost per acre, summed for all facilities and land area
= Total capital cost to fund existing deficiencies in base year facility inventory
/ Net local assessed valuation in Bedford in thousands of dollars
= Present value of existing deficiencies expressed as dollars per thousand assessed valuation
x Prototype value per housing unit by type of structure in thousands of dollars
= Credit for each structure type for cost of existing (base year) recreation facility deficiencies

The credit amounts are standardized for each structural type based on average assessed values.

The base year (2005) population of Bedford is estimated at 20,760. The population used to calculate future needs is based on an anticipated future population of 25,700. Per capita ratios in the detailed methodology are expressed as facility needs per 1000 population.

Section 126 - Impact Assessment Formula Us Route 3 And Kilton Road
Intersection July 2, 1991 - Deleted November 6, 2006

Section 127 - 1991 Cost Per Trip Calculations Us Route 3 And Kilton Road
Intersection - July 2, 1991 - Deleted October 9, 2006