

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
February 23, 2017

The Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Selectmen Representative William McDevitt, Alternate Paddy Culbert, Alternate Mike Sherman, Alternate Richard Olsen, Planning Director Jeff Gowan

ABSENT: Joseph Passamonte, Tim Doherty, Jason Croteau, Alternate Robert Molloy

Mr. Culbert, Mr. Sherman and Mr. Olsen were appointed to vote.

JOINT HEARING OF PLANNING BOARD and ZONING BOARD OF ADJUSTMENT

PB Case # PL2017-00002

ZBA Case # ZO2017-00002

Map 20 Lot 3-137

RAYTHEON COMPANY – 50 Bush Hill Road - Applicant is seeking from the Board of Adjustment a Variance concerning Article III Section 307-8 (C) (BOA Case #ZO2017-00002) of the Zoning Ordinance to permit removal of several temporary office trailers, a new 3800 sq. ft. office/test building and a new 3800 sq. ft. office building to replace them; install a 6500 sq. ft. paved parking area and access to serve the building; construct two additions to an existing one story building, one a 2800 sq. ft. office addition and the other a 2000 sq.ft. equipment storage shed and test support structure; an additional enclosure devise, called a clamshell, over one of the existing test pads, a proposed 6000 sq. ft. low bay section of an existing building and it's replacement with a 5000 sq. ft. building addition, primarily for consolidation of office space; a 27 ft. high fire storage tank; landscaping improvements on driveway entrance; and upgrades to existing utilities, roads and test pads.

Applicant is also seeking from the Planning Board a Site Plan Review of Phase 1 Master Development Plan which includes the following: proposed 62'x62' (3800sf) test / office building, septic system and well, site lighting replacement, emergency generator replacement (PB Case #PL2017-00002)

Mr. McNamara opened the joint meeting.

It was announced, and the applicant had no objection, that the reading of the abutter's list and meeting minutes for both the Planning Board and Zoning Board of Adjustment would be incorporated into both hearings.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. McNamara asked that the applicant give a brief overview of their request, as he understood they were requesting a variance from the Zoning Board to cover all the items in their master plan; however the request in front of the Planning Board would only cover some of the items.

Mr. Dan Thompson, Civil Engineer-Raytheon and Mr. Michael Phillips of GMA Architects (Engineer of Record for project) came forward to discuss the proposed plan. Mr. Thompson thanked the Planning and Zoning Boards

for conducting a joint hearing. He also thanked Mr. Gowan and Ms. Hovey for assisting in the process. He then explained that their Master Development Plan was really a modernization plan for the facility. They were replacing outdated trailers, test pads and crushed stone parking areas with more permanent office buildings with an architectural style that would blend naturally with the culture in Pelham. They were also creating safe accessible roadways for employees and first responders. Mr. Thompson noted most of their infrastructure dated back to the late 1970's/early 1980's and they were reaching a critical point of needing to upgrade existing infrastructure and provide modern water power, sanitary and fire protection. He displayed a plan sheet and provided an overview of the existing site. He explained the goal of the modernization was to eliminate temporary trailers and storage containers by consolidating them into modern office facilities that have proper lighting, power, sanitary and water facilities. In addition, it will allow them to modernize their testing capabilities, although most testing is at a limited (sporadic) nature. The three main goals in all of the designs is: 1) no additional noise (mitigated to the neighbors), 2) no additional light to be emitted to neighbors, and 3) no additional traffic.

Mr. Thompson then reviewed a plan depicting the proposed modernization being requested at the present hearing. Mr. McNamara understood that the master plan proposal of later phases would occur in the next 3-5 years. He confirmed that once phase I was completed that the applicant would come back to the Board. Mr. Thompson stated that was correct.

The Planning Board stepped down to allow the Zoning Board members to come forward.

Zoning Board of Adjustment Chairman David Hennessey called the meeting to Zoning Board meeting to order at approximately 7:22 pm.

The Vice Chairwoman Svetlana Paliy called roll:

PRESENT: David Hennessey, Svetlana Paliy, Peter McNamara, Chris LaFrance,
Alternate Darlene Culbert, Alternate Lance Ouellette, Planner/Zoning
Administrator Jennifer Hovey

ABSENT: Bill Kearney, Alternate Thomas Kenney, Alternate Pauline Guay,
Alternate Kevin O'Sullivan

Mr. Hennessey appointed Mr. Ouellette to vote.

Mr. Hennessey stated the Board would take the abutter's list as read. He then explained the Zoning Board's role and how the hearing would be conducted.

Attorney Jonathan Boutin of Boutin Altieri, PLLC, representing Raytheon Company, came forward along with Mr. Dan Thompson, Civil Engineer-Raytheon and Mr. Michael Phillips of GMA Architects (Engineer of Record for project). Attorney Boutin explained part of the reason for doing a master plan was to be completely transparent and offer an explanation for why they were making such changes. He noted they felt the site plan required more detail to do this far in advance and believed it made more sense to come back each year for that review and discussion. He stated Raytheon was presenting the information to continue the cooperation they've had with the Town, dating back to 1968 when they first obtained a variance. He commented that the site conditions have not changed since that time. Attorney Boutin told the Board Raytheon had come in for a variance at least five times, each variance was anticipated because of the nature of their work and the site. Raytheon and the Town has always worked together. He stated the current master plan would eliminate the temporary structures. A critical element for the Board to consider was the size of the site being 50 acres with a 20 acre buffer on the northern side. None of the buffer would be affected. The site would not be expanding closer to setbacks or neighbors. Work would be done on sites that have already been given variances and permeated.

Attorney Boutin told the Board that the variance granted in 2013 was appealed and went to Superior Court. He entered the finding into the Board's record, as he felt the court went through a very good analysis of why the Board acted reasonably and lawfully in approving the variance. He stated they would follow the same 'roadmap' in the present hearing to why the requested variance should be granted. Attorney Boutin reviewed information contained in a memo to the Board that provided a summary of the prior variances granted to Raytheon:

- 1) December, 1968 – original variance for the site that included two buildings, two test pads and associated roadways;
- 2) August, 1980 – additional structures, building construction;
- 3) March, 2001 – 20ftx25ft building and 40ftx85ft. concrete pad, each located on Hawk Hill;
- 4) November, 2007 – construction of a new radar program, concrete pads and additional electrical infrastructure on Hawk Hill;
- 5) February, 2013 – new mechanical and electrical buildings, retaining wall, concrete pads, additional underground power service and paved/unpaved roads.

Attorney Boutin reviewed the responses to the variance criteria as submitted with the application for variance (*Complete application can be reviewed by contacting Planning Department*). He called attention to the fact that the proposed lighting would be Dark Sky compliant. Mr. Thompson stated that the lighting in the area of the Merrimack Building has been replaced with Dark Sky compliant motion sensed LED 'down' lighting. This was done as a gesture to the neighbors. He noted as each site is improved, the lighting will be upgraded to the latest technology to make sure there isn't an impact to the neighbors. Attorney Boutin completed his review of the variance criteria.

Attorney Boutin displayed and reviewed the plan set with the Board and provided an overview of the existing site conditions. Along the rear property line there are eight separate storage sheds that will be removed and consolidated into the proposed new 3800SF array/test building in phase I, and second building contained in phase II. Additional parking will be included. Also the roadway between Hawk Hill and the rest of the site will be widened for safe access. The 'clamshell' (existing radar site) on Merrimack Hill will be enclosed and two other buildings on the same hill will be enclosed to reduce/mitigate noise. Mr. Thompson discussed the Hillsborough site and showed there were eight storage containers; five would be eliminated and three would remain. A fire suppression tank and electrical enclosure will be added when the power on-site is upgraded. There will be an additional landscape screen and retaining wall will be installed to shield the new improvements from Bush Hill Road. Also, a lot of the overhead electrical services will be removed and buried underground; some located on steep slopes will remain since it wouldn't be safe to do so and it would cause a lot of site work to be performed.

Mr. Hennessey questioned if the new paved parking area would increase runoff off the site. Mr. Thompson replied they submitted a Storm Drainage Report with the Planning Board application that showed there would be no net increase off the Hillsborough site. The Hawk Hill site would have a minor increase (1/2 CFS in a 100 year storm) which would discharge into the existing Town wetland system and would not cross Bush Hill Road.

Mr. Ouellette asked for clarification for the site's total number of acres. Attorney Boutin stated 47.960 (listed on the plan) was accurate. Mr. Ouellette wanted it to be clear if a variance was granted it would be for 47.960 acres.

Mr. McNamara understood the test results for the radio frequency was based on the existing facility and its uses. He assumed one of the reason for the upgrade was to incorporate new technologies and be more efficient. He questioned if at the end of the process the intensity would be increased from the present. Mr. Thompson replied there would be no increase. He stated there would be several different programs operating at the site; however, there was no benefit for them to have two operating at the same time because they would interfere with each other. Mr. McNamara asked if testing was required to be performed yearly or periodically. Mr. Thompson replied they tested specific systems for set intervals after which the units generally left the site. Mr. McNamara noticed in the submitted that there had been noise complaints back in the 1990's and asked if Raytheon had received recent complaints regarding noise or light. Mr. Thompson stated they hadn't received complaints but

understood it had been in issue in the past. He said they wanted to be good neighbors and understood they had to be extremely sensitive with anything they did, so noise levels weren't increased. He believed they had done a tremendous amount of work to get them to this point and didn't want to move backwards.

Mr. McNamara believed that the proposed buildings would increase the height of the existing facilities. Mr. Thompson stated that was correct; there was one in particular that would be increased from a one-story to a two-story building. He noted it wouldn't be any higher than the existing structures currently on-site. Mr. McNamara wanted to know if it would be visible to Bush Hill Road or any of the abutters. Mr. Thompson replied based on their analysis, it would not be visible directly from Bush Hill Road. He pointed out if there was a site with a higher elevation/vantage point, they would be able to look down and see the buildings. Mr. McNamara asked if the Dark Sky compliant lighting replacement would be done for the whole facility. Mr. Thompson replied yes, it would be for the entire facility. He said they had already begun making upgrades and would continue doing so during the various phases of site upgrading. Mr. McNamara inquired if they anticipated any increase in noise levels after everything was completed. Mr. Thompson answered no; their key design was to make sure everything they did would mitigate any noise heard by neighbors. The site has been designed for no increase/impact in noise, light or traffic. Mr. McNamara heard mention about an air conditioning unit that would be self-contained in the attic space of one of the buildings. Mr. Thompson displayed the architectural renderings. He showed that the upper attic space of one of the 'barn' structures would contain mechanical equipment. He explained the setup of the new array building to be constructed on Hawk Hill.

Mr. Hennessey read aloud an email sent to Ms. Hovey by Bill and Connie Coleman, 51 Bear Hill Road dated February 23, 2017 expressing concern about noise and light pollution. Based on their concerns, Mr. Hennessey asked if the operation would increase in size. Mr. Thompson stated their plan was for a modernization so new technology could be brought to the site. There will be an additional 10-15 people on site, which would be sporadic in nature and generally for short duration given the units were transient. He said there would be an increase in activity but strongly felt that it would not impact, or be noticeable to the neighbors. Mr. Hennessey questioned if there were any plans to abate increased noise during construction. Mr. Thompson answered yes. Construction would not occur 24/7; most of the construction hours would be between 8am-5pm. With regard to construction noise, he believed the only part that would cause noise was hammering of bedrock when foundations were put in. During the previous construction, they selected a quieter (than normal) unit. He couldn't hear it when he stood on Bush Hill Road. He believed the other noise from construction would be mitigated by the 20+ acre natural vegetation buffer and given that work would be done in the Summer with full foliage on the leaves.

Mr. Hennessey asked if they were comfortable stipulating that construction would only take place during specific working hours. Mr. Thompson answered yes; 8am-5pm. Mr. Ouellette questioned if they would work Monday-Friday, or Monday-Sunday. Mr. Thompson replied Monday thru Saturday. Mr. Ouellette was concerned that the project would last 3-5 years and suggested reducing the hours on Saturday to be 8am-2pm. Mr. Thompson felt 8am-2pm was acceptable. Attorney Boutin pointed out that each phase of the site plan would come back in front of the Board. From a contractor's point of view, Mr. LaFrance was hesitant to limit the Saturday hours as doing so may prolong the project.

Mr. Hennessey addressed the abutter's concern regarding light pollution. Mr. Thompson replied they had recently completed upgrades at the Merrimack facility. He said when the project was completed, there would be no increase in any light. Mr. Phillips spoke relative to noise and told the Board that the 'barn' structure would have the greatest amount of rock excavation (done with a ram hoe) and the period of time was estimated to be a maximum of three months. He noted phase III (2019) would also have some rock excavation, phase IV is the Merrimack building/road construction, with no rock excavation planned, and phase V was the roadway expansion. With regard to the equipment, Mr. Phillips told the Board that every effort had been made to enclose, limit, shield and shelter any noise producing equipment to the best that they could. Mr. Hennessey questioned if any rock/granite removal was necessary for the septic system construction in phase I. Mr. Phillips answered no, it was a buildup process. They specifically located it so they wouldn't do it on top of ledge outcroppings, in

accordance with NH Department of Environmental Services requirements. Mr. Thompson displayed a typical cross-section showing they would be filling above the existing grade and not excavating the area.

Mr. McNamara questioned if the array building would contain the testing and radar equipment. Mr. Thompson answered yes; everything would be contained inside the facility. Mr. Phillips described the building construction and how it would have a rolling door that would open during testing. Mr. Thompson stated another reason for constructing the buildings was so they could put a mechanical and electrical system in the basement level. The units wouldn't have noisy components or sound generators.

PUBLIC INPUT

Mr. Gary Ross, 24 Tenney Road came forward and spoke in favor of the proposal. He's resided in Town 34 years and told the Board he was a principal fellow engineer at Raytheon Company (for 40 years). He said he could bear personal witness to the light pollution of the 1990's and believed they had come a long way. He was confident with the presented proposal. He's looked at the plans, noise, RF studies and was very confident that there was no expense being spared to make the project the best it possibly could and for Raytheon to continue being good neighbors with the Town.

Mr. Paul DeCarolis of 148 Bush Hill Road told the Board he was opposed to the project. He provided a summary description of the site. He referred to meeting minutes and began by saying that the project was initially proposed in 1968; at that time it was basically a small electrical building. In 1980 the site was expanded. At that time the applicant was represented by Attorney Ed Boutin and requested two test pads (a total of two buildings) and considered to be a passive radar facility (receiving station with no transmissions). There was testimony by the representative that the land had been in low density industrial use as an electronic test site and that fact alone made the land unsuitable for development. Mr. DeCarolis said that argument was made over and over again in the minutes. He said they (Raytheon) consistently argue that because the Town let them develop the property as an industrial site, a hardship had been created and therefore they ought to be able to expand. He said they've also used the same argument that they would like to expand the site because it's not much more than they already had. Many years ago testimony was also given by the applicant that public policy of the Town was served because property in the area was low density; however, that factor no longer applied. Mr. DeCarolis pointed out that the property was surrounded by residential structures. In 1980 the applicant reiterated that there would be no transmission and it was a passive antennae facility and not visible from the surrounding property. He said the applicant had made that representation nearly every time they've been in front of the Board and Raytheon lies. In 2013 the Board members asked the same question as Mr. McNamara asked this evening: "Will the new project be visible from Bush Hill Road?" and the answer by the Raytheon representative was, no. Shortly after permits were issued/approved and construction began. In addition to what was visible near their entrance (big green clamshells), further north on Bush Hill Road (beyond the Hinds Road intersection) as a result of the 2013 proposal the buildings from that project are visible (clear as day), which directly contradicts what they said at that 2013 hearing. In the meeting minutes from 1980, the applicant represented there would be 15 employees and no further plan for expansion.

Mr. DeCarolis felt in 1968 and 1980 it was reasonable for the Zoning Board to approve the variance being that the proposal was for a passive, quiet operation with only 15 employees. In the minutes, they reiterate that the property, due to the topography and heavy forestation would not be visible for any surrounding property, which has not turned out to be the case. In 2001, the applicant came in for a variance for a low level use of the property. Then in 2007 they came in for another application. Mr. DeCarolis noted the minutes indicate the representative saying that the construction was relatively minor and consisted mainly of electrical work. The application in 2013 was substantial and didn't represent that they would be back a few years later for an additional substantial increase for additional buildings. Mr. DeCarolis stated the applicant indicated this evening that they were not substantially increasing the property because they were taking temporary trailers and converting them into permanent space. He noted after 2013 the Town issued permits for temporary trailers. Now those trailers are being used to support the argument that the applicant isn't expanding the project greatly because they are converting temporary trailers to permanent space. In reference to the 2001 application, the minutes indicate it

was for a (25ftx50ft) storage building, which he said at the time was a small increase and granting the variance was probably reasonable based upon the representations. He said the justification used was that they needed a variance because they had been granted variances in the past; it's a circuitous route with no end.

With respect to the variance criteria and if granting the variance would change the character of the locality, Mr. DeCarolis said he'd have to admit that the present request was the most substantial change in all the years, including 2013. He said when viewing the change in the locality/location, he felt the Board should look at everything that had been approved over the years. What they had in time was a site that substantially changed the character of the neighborhood, which is what he felt they had with the new substantial condition. With respect to health, safety and welfare, Raytheon indicated they had radio frequency studies. Mr. DeCarolis said the Town had no way of confirming it, although the Planning Board could consider hiring (at the developer's cost) an engineer to review the data. He pointed out the evolution of the site and discussed the changes that had occurred in the past and questioned what systems they would have on site in ten years. He didn't feel the spirit of the Ordinance was being followed. He reviewed the general purposes of the Zoning Ordinance as identified in Section 307-16, and noted the applicant was proposing an industrial use, which was completely different. He felt there was nothing in the applicant's argument that the spirit and intent would be preserved. Mr. DeCarolis understood the applicant saying the property was unique. They were arguing that their use and needs of the property were unique. He agreed their use was unique, but that's not the criteria for a zoning variance. He stated they had to prove all five criteria, which included how the property is unique and that uniqueness prevents them from using their property in a reasonable way. One significant change from the 1968, 1980, 2001 and 2007 variances was that the Town adopted the Conservation Subdivision Ordinance, which doesn't require a variance. One thing the Conservation Ordinance specifically looked for was a way a site could be consolidated on parcels that were otherwise tough to develop; the Ordinance specifically speaks to steep slopes and outcrops. He believed the parcel could be used to build single-family homes under a residential subdivision. He stated the applicant had not introduced any evidence that their property was unique, or a uniqueness that prevented compliance with the Zoning Ordinance. Mr. DeCarolis felt the Board could take judicial notice of what the surrounding area was by looking at Jeremy Hill Road, Bear Hill Road, and new development (steep and rocky) Longview Circle. He pointed out that the applicant hadn't offered any discussion regarding surrounding property.

Mr. DeCarolis reiterated unless the applicant satisfied all five criteria the case was not a Telecommunications Act Ordinance, or Cell Phone Ordinance; the Board is not obligated to grant the variance. He noted if the Board was to grant the variance they were entitled to say 'No further Expansion', and felt at some point that would have to occur. He stated the request was not for a minor expansion. There are more homes in the area since Raytheon first came to the site. For the record, he submitted copies of the meeting minutes he referenced. Mr. DeCarolis told the Board he didn't think the applicant satisfied the criteria and the request was not within the Spirit and Intent of the Ordinance. He said the applicant had not proven any uniqueness of the site. Because they haven't satisfied the criteria, he felt the Board should deny the variance.

Mr. Hennessey heard Mr. DeCarolis' point about the visibility of the applicant's site. He questioned if Mr. DeCarolis felt the visibility would diminish values. Mr. DeCarolis felt the particular proposed expansion would diminish values and also the Spirit and Intent of the Ordinance; the intent was to preserve residential neighborhoods. He said a visible industrial use and buildings within a residential neighborhood didn't satisfy the criteria and would affect property values. Mr. Hennessey was not sure that he'd seen a diminution of home values in the general area.

Ms. Paliy understood the facility had been on the site for over forty years and over the forty years there have been variances given to the property to be industrial. She asked what law would allow the Board to turn the property residential. Mr. DeCarolis replied he wasn't suggesting the property be turned to residential. He stated the Board had the authority to deny the variance. They could vote no; the applicant didn't meet the criteria and didn't prove hardship, show uniqueness, spirit and intent, or that property values wouldn't be affected. He wasn't asking to shut Raytheon down. He didn't feel they should expand in a residential neighborhood.

Mr. Ouellette said for nearly fifty years the Town had granted a variance for the site to be industrial/commercial. There had been multiple variances granted for improvements. He noted that the improvement was a 3-5 year plan. They were taking 40+ years of temporary structures and turning them into permanent structures. Mr. Ouellette felt if the variance was granted it would behoove Planning to look at the site and consider additional buffering. He wanted to know from Mr. DeCarolis if there was additional buffering or different positioning if it would change his mindset. Mr. DeCarolis replied it would help. From what he understood in the hearing of 2013, one of the problems they had was needed to crop down and reduce the height of some of the trees for the radar. He said there continue to be representations that the site won't be seen from Bush Hill Road, and felt if there was a way for the applicant to guarantee it, it would help.

Attorney Boutin spoke to the special characteristics of the land and felt they pointed out in the application and testimony that there was granite, ledge and drainage problems that made the site not suitable for residential development. In addition he said they focused on the topography and a number of site conditions that made it difficult to turn the site into a residential development. He stated the Board found the same fact patterns in 2013 and the court found the Board was lawful and reasonable. With regard to hardship, Attorney Boutin believed they had established such. He said he read the Spirit and Intent of the Ordinance from the General Purpose. He noted that the General Purpose framed the Town's Zoning Ordinance, not the specific purpose of the residential zone. He stated they were keeping a nearly seventy acre lot, wooded by almost 90%. They were taking substantial steps to make any visible buildings have a rural appearance and be more consistent with an agricultural neighborhood.

Mr. Thompson told the Board they took inspiration for the array building from one of the buildings on Mammoth Road. They weren't proposing industrial style or big warehouse buildings. He spoke to the notion about being visible from Bush Hill Road, which extended into Hudson. He said if someone was in an increased elevation, they would be able to see the structures. The intention was not to be seen along their boundary that abuts Bush Hill Road or by any of the abutters. In addition, the new structure would be at the tallest part of the site and they have taken additional measures, so if it was noticeable from points down Bush Hill Road (or otherwise), that it would look as if it was a barn. Attorney Boutin addressed Mr. Ouellette's point about landscaping and noted during phase V or VI there was a substantial landscape buffer that would go on the front of the site for mitigation. Mr. Ouellette was concerned with an abutter saying there were pockets of the site that could be seen. He hoped if the variance was approved that the Planning Board would address it. Mr. Thompson replied it would be. He explained one of the problems in Pelham was the natural occurrence of bedrock which stunts tree growth. Any landscaping requires them to import additional soil and have additional disturbance area in order to create a buffer. He noted they were adding a retaining wall so they could add additional soil and construct the landscape buffer. Mr. Hennessey stated the heard testimony from Mr. DeCarolis that the site had gone through a transformation over a number of years. He understood each increment had not changed much from the previous one; however, in a series, it was hard to see that the site had not changed the nature of the locality. Attorney Boutin felt the best argument was to point out that the parcel was a 47.96 acre lot that is 93% wooded. He pointed out that the lot had not been clear cut and the nature of the location has not been changed. He also noted that there was a 20 acre wooded buffer Raytheon leased on the back of the lot. Attorney Boutin stated that the footprint areas where development already existed were not expanding further into the wooded buffer zone. Mr. Hennessey questioned if the buffer was under Raytheon's control for the foreseeable future. Mr. Thompson answered yes and believed they had at least a ten year lease. Attorney Boutin believed in 2013, they had a twenty year lease. Mr. Thompson stated they leased the property with the Hirsch family and had a great relationship with them. He didn't see any reason why the lease wouldn't be renewed.

Attorney Boutin wanted to be clear that the site was a radar testing facility and was not a missile silo or anything of that nature.

Mr. Hennessey left the public input portion open, but brought discussion back to the Board to review the variance criteria. He began with public interest, which he felt was the crux of the discussion. He found it hard to see how a residential use (i.e. senior housing) wouldn't alter the nature of the locality more than what they were seeing on the site given that over 90% has remained untouched. He said the Town had seen intensive

development on large sites, which he felt altered the nature of the Town more than the Raytheon facility. Mr. LaFrance and Ms. Paliy voiced agreement. Mr. McNamara was sympathetic to Mr. DeCarolis' argument because of the 'creeping' expansion. However, he said they couldn't go back to the property that existed twenty years ago, the Board had to review what was currently on site. He believed the counter argument was that they weren't expanding beyond the existing developed footprint. Mr. LaFrance stated that was the point he had studied the most while reviewing the plans. He pointed out it was consistent that any further development done to the parcel has always remained in the existing developed areas. He said he would be concerned if the applicant was requesting to clear additional areas. In looking at elevations, he understood they would only be able to work within the limits they had.

In review of if the proposal would threaten the public health, safety or welfare, Mr. Hennessey believed the public benefit would be to keep vehicles/traffic off the road. Mr. McNamara called attention to the physical characteristics of the proposed buildings would make the site more in tune with the surrounding area. Mr. Hennessey would be interested in hearing what the increase in traffic would be for the anticipated employees. Mr. Thompson said over the net average of the construction there would be no noticeable traffic or demand on the Town's services, given the manner of the testing. Employee hours are spread sporadically throughout the day.

With regard to substantial justice, Mr. Hennessey believed the proposal didn't have a lot of negative impact to the public. Ms. Paliy added that the applicant had come in front of the Board over the years, but there had been quite a bit of time between each hearing. She said it was normal for any lot to change over the years and grow with a project. She didn't see the request as an expansion of use, but rather they were coming in with changing projects and changing times. She felt substantial justice had been done. Where the proposal stayed within the footprint of what already existed, Ms. Culbert felt new buildings would be much more aesthetically pleasing than the existing storage containers or temporary trailers. Mr. Ouellette heard the term 'unique' used and felt given the company the uniqueness was technology and the fact that technology changes daily. He saw in the plans that the upgrades were technology based. Mr. McNamara stated at some point there would come a 'tipping point', but didn't think that time was now based on the limitations discussed. Mr. Hennessey felt it was a good argument; however, he agreed with Mr. McNamara and didn't think it had yet reached that point. Mr. LaFrance agreed.

Mr. Hennessey spoke to the value of surrounding properties and based on what had been built in the general area the last few years he didn't see a diminution of value and didn't feel the proposal would change that fact. Mr. McNamara said the Board didn't have evidence that property values were decreasing or that people were leaving because of Raytheon. Mr. Hennessey said the applicant had attempted to diminish their impacts on noise, lighting etc.

As to hardship, Mr. Hennessey knew the land and the area and felt it would be a tremendous hardship (for the land) to deny the variance. He believed the applicant addressed the unique setting. Mr. McNamara said the Board heard testimony that there was no other suitable location. Mr. Hennessey noted the testimony was to the land, granite and topography.

Mr. Hennessey reviewed the final criteria and stated the purpose of the Zoning Ordinance was for the general welfare of the community, to have proper spacing with property, preserve the rural nature of the community, etc. It was hard for him to see how denying the application would enhance the general purpose of the Zoning Ordinance. Mr. McNamara agreed.

Mr. Hennessey asked the applicant if they anything else to add. They did not. He then closed the public hearing.

Mr. Ouellette spoke about stipulating specific construction months and hours. Mr. Thompson said the intention was that the noisiest part of construction (rock hammering) would most likely occur during summer months. Mr. Hennessey was reluctant to place a restriction for when a project can be finished. He felt stipulating days and times would address abutter concerns.

Mr. Ouellette made a motion to stipulate construction hours as Monday through Friday 8am to 5pm, Saturday 8am to 2pm and no work on Sunday. Mr. Thompson confirmed the stipulation would be for construction hours. Mr. Hennessey answered yes. Mr. LaFrance felt the hours were fair and just, but was hesitant.

MOTION: (Ouellette/LaFrance) To stipulate construction hours as Monday through Friday 8am to 5pm, Saturday 8am to 2pm and no work on Sunday.

VOTE: (5-0-0) The motion carried.

BALLOT VOTE Mr. Hennessey – Yes to all criteria with stipulation
#ZO2017-00002: Mr. McNamara – Yes to all criteria with stipulation
Mr. LaFrance – Yes to all criteria with stipulation
Ms. Paliy - Yes to all criteria
Mr. Ouellette- Yes to all criteria

(5-0-0) The Variance was Granted.

VARIANCE GRANTED

Mr. Hennessey informed the applicant that there was a thirty day appeal time period.

MOTION: (LaFrance/Paliy) To adjourn the Zoning Board portion of the joint meeting.

VOTE: (5-0-0) The motion carried.

Zoning Board adjourned at approximately 9pm.