

PLANNING BOARD MINUTES
June 12, 2019

APPROVED:

See the minutes of _____

AGENDA: 19SPR02, SITE PLAN REVIEW: VERTEX TOWER ASSETS LLC & NEW CINGULAR WIRELESS PCS, LLC dba AT&T MOBILITY, Chestnut Street, #227-037

ATTENDING: Denice DeStefano (Chair), Don Milbrand (Sel. Rep.), Paul Barnett, Evan Hickey, Betty Seeler

ABSENT: Clay Dingman (away)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Attorney Christine Filmore, public

The meeting opened at 7:00p.m. with a quorum. Ms. DeStefano thanked everyone for coming and then explained that we are under a 150 day clock from the time of submission of the application, which means we have until October 14, 2019 to complete the hearing unless further items are needed from the applicant. In that case, the clock stops until the material is submitted. Tonight, Ms. DeStefano will direct the Board to determine if a Variance and a Conditional Use permit is needed and then go over the Site Plan checklist as well as the Wireless checklist to be sure we have all that is needed. She will close the hearing and continue it to July if we get to 9:00pm as the Board has other issues to go over and it gets too late.

19SPR02, VERTEX TOWER ASSETS LLC & NEW CINGULAR WIRELESS PCS LLC dba AT&T MOBILITY/ATTORNEY FRANCIS D. PARISI

Ms. Laferriere read the application, list of abutters notified, where the hearing was advertised, and that there were no telephone calls or input from Department Heads. There was one correspondence received.

Ms. DeStefano read the Zoning Ordinance pertaining to Steep Slopes and percentage of disturbance and the Board determined that they would need both a Variance (some of the road is 16 to 26% grade) and a Conditional Use permit (the Planner had calculated disturbance of 40,000 sq. ft.). It was noted that the applicant has applied for both in anticipation of the Board's decision. Ms. Goodwin mentioned that the Variance will be held on July 2, 2019 at 6:00pm at the Town Office on Lake Street. She will be meeting with the Conservation Commission before July 10th and will have their input by our next meeting for the Conditional Use portion.

The Wireless checklist was then gone through. A Landscaping plan was not included as the applicant felt that it is all woods and, to take down trees and then replant seemed unnecessary. The Board will discuss this later. The applicant expressed that they feel that adequate other locations have been addressed and this is the best area for this. The Chair made the applicant aware that they will need a building permit and need to be in compliance with the Zoning Ordinance and Site Plan Review. It was explained that the monopole will be galvanized steel which blends into a grey sky and maintenance is

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VERTEX SITE PLAN continued:

much less. As to lighting, the Board will need something from the FAA as we have a small airstrip in town. The security barrier will be a fence. The Board felt that they shall need the FCC requirements, will need a security letter of credit or a bond, and proof of adequate insurance. Mr. Barnett wants an insurance agency with a rating of A Invest.

There were some interruptions from the public in a few places and Ms. DeStefano had to explain that we are only accepted the material that the applicant has provided. That the full hearing shall be opened up when the Board is certain that they have all the material needed to continue. No final approvals will be made until everyone has had a chance to speak.

Someone questioned the areas looked at and suggested that they should consider the Hemphill Road tower. Mr. Simonds stated that they did and Atty. Parisi stated that there were no existing areas to provide the coverage. This is explained in tab #9. As to signs, Ms. Goodwin stated that he would only need a permit for a business name. As to it being a secured area, Atty. Parisi stated that they plan on a 6' fence with barbed wire on top. Mr. Barnett asked if the access will be controlled and was told that there will be a padlocked gate at the entrance. Ms. DeStefano asked the diameter and was told that the facility will be out about 12' beyond the pole. She then asked about a maintenance agreement and Atty. Parisi felt that it could be a condition. Mr. Milbrand felt that they will need to provide this and Ms. Seeler agreed. Mr. Barnett felt that they need to include a third party if that is done and Mr. Hickey agreed. Ms. DeStefano brought up the letter of credit and Mr. Barnett added that it should be an investment grade credit bank. Atty. Parisi felt it could be a condition and they prefer a bond. Ms. DeStefano asked about an engineer to determine the cost for removal and Atty. Parisi stated that this is typically done with a building permit. With nothing more added, Ms. DeStefano stated that we will need a maintenance agreement, security deposit, and adequate insurance.

To summarize, #30 Landscape plan was being asked to be waived. Atty. Parisi stated that they will be going through the FAA. As to historical/cultural, he stated that this is not in the Historic District. They are working on the Environmental study, he added.

Ms. Seeler asked if they are doing a balloon test. Atty. Parisi assured her that this is on 54+ acres with 100s of feet and setbacks between them and anyone else but they did do one. Ms. Seeler asked why the public was not notified and he answered that it is not required to do so.

Beth Croxon, abutter, spoke up to say that no photos were taken from Inspiration Point and the addresses on the properties shown during the balloon test are incorrect.

The Site Plan checklist was then gone through. The sq. ft. figure was missing but the acreage was given. The Planner stated that it is 44,000 sq. ft. per acre. Mr. Barnett questioned the wetlands delineation. Atty. Parisi answered that it is where the construction is happening or where land is disturbed. #33 is to be a condition (lighting). It was noted that only the concrete pad will be impervious. #45 Easements: Ms. Goodwin explained that the access point is the only area as the main easement is not on this parcel.

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VERTEX SITE PLAN continued:

#46 Snow removal – not planning on any. ZBA decisions: this is pending their July 2nd hearing with the ZBA.

Nigel Croxon, abutter, stated that they only recommended one site and that isn't right. They are asking one monopole with one carrier and then they will add more once they have approval. The data does not add up for the balloon test; addresses are wrong. They should look at DAS alternatives; this does not fit on this mountain.

Mr. Ford, resident, stated that he sympathizes with Ms. Croxon but someone benefitted from the sale of the land. The reality is there is a need here. He questioned if it is in current use and was told that it is in Forestry and the taxes are less than \$40.00 a year. Mr. Ford went on to say that galvanized is better than paint with no maintenance. Mr. Ford is originally from Pittsburg NH and even they have a tower. We need to get into the 21st century.

Atty. Parisi stated that he has a presentation that will explain a lot of this if he can show it. Ms. DeStefano stated that we only have another 20 minutes. Atty. Parisi said it is an hour long and Ms. DeStefano continued it to July 10th as we have other items to take care of tonight.

Jim Nyberg, resident, stated that he doesn't care what the applicant wants. The waiver of a detailed landscape was mentioned and Mr. Milbrand questioned that need but we would need drainage calculations. Mr. Barnett thought that the driveway side areas would have a bearing on a landscape plan. Ms. DeStefano stated that this could be a condition of approval.

D. Milbrand made a MOTION, second by P. Barnett, to WAIVE THE DETAILED LANDSCAPING PLAN. The motion CARRIED.

As to the drainage plan, Mr. Milbrand stated that the applicant has considered this. Mr. Barnett stated that they engineered the drainage calculations and he does not feel that it would be difficult to do the drainage plan. Mr. Hickey agreed. Atty. Parisi said that the problem is the length of the road and an analysis might cause the need to clear more. This is not a public road. Sufficient buffers will be in place. Mr. Barnett asked their engineer to speak to this. Tom Johnson, engineer, stated that they did a detailed driveway design, culverts and drainage ditch. Mr. Barnett said that it seems to him this is not drainage for the whole property but just for the driveway. Mr. Johnson said that he could provide what has been done and Mr. Milbrand suggested a summary report.

D. Milbrand made a MOTION, second by E. Seeler, to DENY THE WAIVER ON DRAINAGE AND ASK THAT THEY PROVIDE A SUMMARY DRAINAGE REPORT. The motion CARRIED.

Beth Croxon, abutter, stated that they said that they do maintenance twice a month but if they don't plow in the winter, how will they do that? Atty. Parisi answered that they will use a snowmobile. Ms. DeStefano stated that maintenance can be a conditional. With continued interruptions, Ms. DeStefano again explained that the Board is only trying to determine if the applicant has provided enough for us to continue. We are not approving anything at this point.

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VERTEX SITE PLAN continued:

Steve Moore, abutter, asked for a point of order. He asked, once they get through the checklist process, if the Board cannot ask for anything else and Ms. DeStefano answered that we can ask for additional material that may come up. S. Croxon asked why the license number is not filled in. Ms. Goodwin and Ms. DeStefano stated that the number is on the plan.

Mr. Milbrand stated that maintenance, security and insurance can be conditions of approval.

D. Milbrand made a MOTION, second by E. Hickey, that THE WIRELESS CHECKLIST IS COMPLETE WHEN A BETTER DEFINED MAINTENANCE AGREEMENT, A SECURITY BOND, AND PROOF OF INSURANCE IS PROVIDED. Atty. Parisi stated that he cannot get the insurance until the application is approved. This was AMENDED TO SAY THAT THE PROOF OF INSURANCE WOULD BE PROVIDED LATER. The motion CARRIED.

As to the Site Plan checklist: we waived the detailed landscape plan. Will need lighting requirements from the FAA, applicant shall provide a summary drainage plan and maintenance of the driveway. The impervious surface is not large enough to be concerned with. When Mr. Barnett questioned this, Atty. Parisi stated that it is a 75' x 75' access (1500' x 20') and the impervious area is 20' x 20'. Other things needed and mentioned were an environmental impact study, permits and approvals, ZBA decision, bond, and a letter from the FAA.

D. Milbrand made a MOTION, second by E. Seeler, that the CHECKLISTS ARE COMPLETE WITH A WAIVER OF THE LANDSCAPE PLAN. STILL NEEDED: THE FAA REQUIREMENT, A DRAINAGE SUMMARY, AN ENVIRONMENTAL IMPACT STUDY, THE FCC REQUIREMENT, A ZBA AND CONDITIONAL USE PERMIT APPROVAL. The motion CARRIED.

It was 9:15, so Ms. DeStefano continued the hearing to July 10th at 7:00pm at Historic Town Hall, Summer St.

Susie Putnam, resident, stated that she has a lot to say. One being the right-of-way to get up there. She felt that the Board might consider what were concerned about. Ms. DeStefano again stated that the Board has not approved anything. That is when we need the public input. She added that we should hear the Conditional Use hearing on July 10 and have the ZBA result for the variance after July 2nd.

MINUTES OF MAY 22, 2019: The following amendments and clarifications were made: Page 2, PCC: BETTY SEELER, 3rd line, following "noted that" replace "he" with "Newfound Wrench and Wax". 4th line, replace "needed" with "on the original site plan". 8th line, before "Folks" insert "Some" and replace "them" with "the tenant at 66B". 9th line, following "court" insert "on the parking". Page 3, last line, 1st paragraph, last line, replace "a full" with "an amended" and following "Plan" add "of the entire property". 2nd paragraph, last line, add "and the approved parking area". WORKSHOP: LAND Use, 3RD Line, replace "coup" with "could". MINOR SITE PLAN FORMS, change "MIINOR" to "MINOR". Page 4, SELECTMEN:, 2ND Line, replace "dealing" with "working". 3rd line following "This" insert "road use". LAND USE, 3rd paragraph, 1st line, delete "first due to an abutter". 2nd line, replace "will be" with "are". Page 5, OTHER, last line, delete "This is not allowed by law."

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MINUTES continued:

D. Milbrand made a motion, second by P. Barnett, to amend the minutes as presented. The motion carried with one abstention.

COMMUNICATIONS: The DES, The Source was received..

REPORTS:

HDC – Did not meet; no quorum.

SELECTMEN – The transfer Station change of hours will not go into effect as yet. They decided not to let the Garden Club plant a Christmas tree in the Square but will work on a new place for it

CIP – Do not meet again until August.

LAND USE – Mr. Simonds met with LRPC and they suggested that they look at how sewer to the Lake will affect Zoning. Ms. Goodwin mentioned the State Conference and, in one of her classes, they stated that if many Variances are sought on a particular issue, we should look at it. She also mentioned that she has found a discrepancy in our Ordinance: a print shop is listed under the definition of Personal Service as an allowed use and is also listed under the definition of Print Shop and needing a Special Exception. The Board felt that perhaps a small print shop is okay with the Personal Service definition but a larger one would need Special Exception.

NEW BUSINESS: None.

NEXT MEETING: The next Planning Board meeting will be held June 26, 2019 at 7:00pm at the Town Office, Lake Street. It is a workshop meeting and we shall have a question and answer period about Planning Board requirements in hopes of recruiting new members. Jan will not be in attendance (vacation) so Christina and Tyler will be doing the minutes.

With no other business before the Board, D. Milbrand moved to adjourn at 9:45pm.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant