

PLANNING BOARD MINUTES

July 10, 2019

APPROVED as amended & clarified:

See minutes of _7/24/19 jrl_____

AGENDA: 19MSP03 Minor Site Plan: Joe Santamaria, 20 Lake St. #113-046
19CU01 Conditional Use Permit and 19SPR02 Continued Site Plan Review: Vertex
Tower Assets LLC/New Cingular Wireless PCS LLC dba AT&T Mobility,
Off Chestnut Street, #227-037

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

ABSENT: Clay Dingman (excused)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Shawn M. Tanguay
(Town Atty.), Francis D. Parisi (Applicant Atty.), Applicant team and public

The meeting opened at 7:00pm with a quorum.

19MSPR MINOR SITE PLAN REVIEW: JOE SANTAMARIA

The secretary read the application, list of abutters notified, where the hearing was advertised, and that there were no telephone calls, written notices, or Dept. Head comments received.

The Board went through the checklist. Mr. Santamaria explained that it is to be a 24-hour gym, print shop, and office. There will be one new exterior door. He has already met with the Fire Chief.

D. Milbrand made a MOTION, second by P. Barnett, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Ms. DeStefano asked for public comment and only got a thumb's up from a few in the audience.

E. Seeler, made a MOTION, second by E. Hickey, to APPROVE THE APPLICATION AS PRESENTED. The motion CARRIED and the Notice of Decision and plans were signed.

19CU01 Conditional Use Permit & 19SPR02 Cont. Site Plan: Vertex

Ms. DeStefano explained that we shall have a presentation by the applicant, followed by the Conditional Use Permit with public comment and then Site Plan with public comment. She added that, per Federal requirements, the Board can only look at whether or not there is a gap in coverage and if this is the best location. She then turned the meeting over to Atty. Parisi.

Atty. Parisi did an hour power point presentation. He explained that they have met with the Selectmen, the Planning Bd. in Feb. and June, ZBA in July, and the Conservation Commission in July.

VERTEX continued:

He further stated that carriers have come to them. Per the Federal Act of 1996, towers are controlled so as to insure public safety. AT&T is required to come to the towns. Bristol's Town Administrator invited them here. They have been trying to get a tower here for over 10 years. He showed a gap in indoor coverage and explained the access road will be long to accommodate the steep slope and to avoid the wetlands. The tower will be 379' from the nearest boundary line. There is to be a 44' x 73' facility which will be unmanned. There is no noise except for a generator once a week which is no different than any home generator being run. There are back-up batteries. It will have a monopole structure per our Zoning laws. Climbing pegs will start at 20' so as to deter anyone thinking of climbing. Off Chestnut St., there is a 1000' access road.

Tom Johnson, applicant Engineer, stated that the driveway will be 1500' long, 12' wide. The average slope is 15%. The drive will be gravel with a crown in the middle for run-off. There will be a stone swale on the uphill side with culverts and energy dispensers which will spread out any run-off. Maintenance will be at a minimum. There will be no plowing and drainage calculations have been done for up to a 100-year storm event. They have an erosion control plan for during construction.

Atty. Parrisi added that the 12' driveway will have a 20' wide clearance. Everything complies with the FCC.

Martin Latimer (part of the team) stated that it is under 3% emissions and energy dissipates as it travels. The monopole will be 150' tall with a 6' lightning rod on the top. The analysis submitted is for 160'. The antenna will be at the centerline at 140'. Atty. Parisi stated that this is not perfect but better downtown and on route 104 towards Alexandria. He added that the Hemphill tower was designed for cable companies and is old technology. It was built over 30 years ago and doesn't provide enough coverage. The balloon test that was done was at 175'. They engaged a Visibility Analysis Co. to do this test. They are now here for a Conditional Use permit and Site Plan. They have received the Variances needed for the steep drive. As to the cost in case of abandonment, they will need to get a bond.

CONDITIONAL USE PERMIT:

Ms. DeStefano stated that the variances given were for a full-scale hydrology report, the 10% grade, the 25% slope, and extending above the ridgeline. The Conservation Commission has asked for the 100-year flood, which has been submitted) and an expert to look at the drainage and dispersal plans.

Mr. Barnett asked how many projects like this that Vertex has done. He was told 6 to 8 though some have been involved for over 20 years. Mr. Barnett asked about the private access road and was told that they have leased the land from the homeowner. Mr. Barnett asked if they are a stand-alone LLC and was told that they are not. He then asked about the AT&T contract and was told 35 years. Mr. Barnett asked what happens if Vertex sells.

At this point, Ms. DeStefano stopped the questioning as it pertains to Site Plan. She stated that the Conditional Use is for steep slopes and ridgeline and she read the description. She added that they have supplied a drainage and flooding analysis. She then opened the hearing up to public comments and questions.

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VERTEX CONDITIONAL USE PERMIT continued:

Beth Croxon, abutter, stated that she would like an expert of look at this. Steve Moore, abutter with house closest, questioned the 100-year storm report and if the road can handle it. Mr. Johnson answered that there can be multiple storms and they will maintain the road. He couldn't promise the same for the roads leading up to their driveway. Mr. Moore added that we have had 100-year storms often and a lot of water comes off Round Top now. It comes down and brings sediment so he is worried about maintenance. Mr. Moore also questioned the no practical alternative issue. There will be a large structure on top of a monopole. He mentioned that High Speed will be coming to town. Which will cover.

William Dowey, resident and Chairman of the Bristol Economic Development Committee, asked about the Utility Fee and was told that it belongs with Site Plan. Ms. Croxon stated that she is concerned about a Fire Truck being able to get up there, the longevity of the road, and fires. Ms. DeStefano stated that there will not be a fire truck, but the Forestry Truck will be used in case of fire. Mr. Milbrand added that it is a 1-ton pick-up with 4-wheel drive and the bed holds any utility equipment needed. Mr. Dowey asked if AT&T responded and was told that we have no control if the applicant follows the FCC requirements. Mr. Milbrand went on to say that the Zoning Ordinance Steep Slopes was put in mostly for safety for residences. This is not a residence and, as for clear cutting, this won't be a big clear cut. He feels that they have met this criteria.

When questioned, Atty. Parisi explained that the variances were done after the Conservation Commission requests. Mr. Milbrand added that they complied with the 100-year event which deals with the amount of water. He feels that the Engineer stamp is valuable as it could cost this engineer their livelihood.

Nigel Croxon, abutter, felt that the Zoning Board had just received the 100-year plan that evening and hadn't read them when they made their decisions on drainage and hydrology. Ms. DeStefano asked what changes were made from the 50-year plan to the 100-year and Mr. Johnson added that the only change was from a 15" pipe to an 18" pipe.

Mr. Barnett stated that he agrees with Mr. Milbrand in regard to the engineer stamp. Ms. Goodwin adde3d that the variance itself was not to have a drainage expert review.

Mr. Beauregard mentioned that there is a tax issue though it also amounts to safety for Police and Fire. People complain about where these folks park, but it is where they can get communication. He comes from Pittsburg, NH and even they have towers. Businesses can't communicate, even with their employees sometimes.

D. Milbrand made a MOTION, second by E. Hickey, to APPROVE THE CONDITIONAL USE PERMIT. The motion CARRIED and the Notice of Decision was signed.

SITE PLAN REVIEW:

Ms. DeStefano explained that, per the FCC, we cannot address radiation or health issues. Also, the Board has no authority to limit this plan due to 5G Cellular.

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VERTEX SITE PLAN REVIEW continued:

Beth Croxon, abutter, asked if she can ask the expert about her concerns and how many antennas will be on one side. She is concerned as to whether or not her house is safe. Mr. Latimer stated that their calculations are for the maximum use of the facility. It is 1300' with less than 1%; worse case at 1.6%. Ms. DeStefano asked what the worse would be and Mr. Latimer answered that it would be about 4 times, if everything is on at the same time. Ms. Croxon asked if this would be 9 total and was told that if it did double, they still must meet the FCC requirement (2.9%).

Mr. Beauregard stated that radio signals began with the am radio so exposure of Wi-Fi is greater and the FCC regulates all of this. Steve Moore mentioned that radio energy has been around for a long time (microwaves, radios, etc.). Wireless is lower power. This will be higher. New research is now re-thinking this. Previously, these towers were thought to be a useful eyesore. Inspiration Point and Slim Baker overlook the place for this tower. Mr. Moore's family has been here 150 years and have been stewards of Bristol's natural beauty. He feels they should do a balloon test with public notice and check from Round Top. He would prefer something with low power. Ms. DeStefano stated that the Board can only look at this application and she asked counsel if she is correct on that and Atty Tanguay agreed.

Mr. Barnett asked about a maintenance agreement and Atty. Parisi stated that it is an unmanned facility and maintenance is not needed or required. It is not a public right-of-way. Mr. Barnett then asked about the case of removal and no money has been cited. Something is needed for both surety and bond for removal. Atty. Parisi stated that it has been provided and the mechanism is in place. They cannot do the bond as yet.

Mr. Dowe asked if it is inground for service utility and was told that this will be above ground. Ms. Croxon asked how many carriers and Atty. Parisi answered that it is designed for multiple carriers. Steve Kelleher, part of Vertex team, said 45 and 55. Mr. Croxon mentioned burden of proof that there are no other locations as they have said that there are no water towers, which we do have. Ms. Goodwin questioned the generator and if it will be run only in the daytime. She was told that it is programmable. Mr. Dowe asked if the calculation is available for service and Atty. Parisi answered that the first is the same frequency as AT&T. Mr. Dowe then asked about an ice storm if the utilities are above ground and was told that this would be no different than any other communication. Steve Favorite, resident, stated that statements on 5G are somewhat true and somewhat false.

Ms. DeStefano closed the public portion of the hearing and asked the Board about a second balloon test. Mr. Milbrand asked if we have time and Ms. Goodwin stated that we have until Oct. 17th. Mr. Parisi stated that they did a balloon test. They cannot go on private property and asked what the point would be. It is going to be visible to some. Mr. Kelleher has been working on this for 10 years. If there was a better location, they would do it. As to 5G, Bristol doesn't have 1G. There is a public safety issue (911 coverage). It will be a long time before 5G will come here. The Board determined not to do another balloon test.

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VERTEX SITE PLAN continued:

Ms. DeStefano closed deliberations so that the Board can go over everything again before making a final decision, so we shall continue this hearing as we have other things yet to do this evening. Atty. Parisi stated that he has a conflict with a 4-week date, but he could send a representative. He would rather it be 2 weeks.. Mr. Barnett stated that he will be out of town in 2 weeks.

E. Seeler made a MOTION, second by P. Barnett, to CONTINUE THE VERTEX SITE PLAN TO AUGUST 14, 2019 AT 7:00pm AND AT THE TOWN OFFICE MEETING ROOM. The motion CARRIED.

COMMUNICATIONS:

Received were a Wetlands permit for Hydroelectric (Ms. Goodwin stated that the Conservation Commission agreed that this is a maintenance project and does not need anything else from us), a survey for Thomas McGovern property on Birch Rd., and a notice from the NHDHR on Sewer to the Lake. Mr. Milbrand took the latter for the Selectboard.

MINUTES OF JUNE 24, 2019:

Ms. Goodwin apologized and said that she has not had time to get these off her phone as yet..

REPORTS:

HDC – The Commission met and elected officers: Richard LaFlamme as Chairman and Clay Dingman as Vice Chair. There is to be a CLG workshop at the Library on Saturday. Ms. DeStefano stated that Mr. Dingman and Ms. Heaney are having some family issues and Mr. Dingman had asked the Commission if they wish him to resign, step down, or stay as an alternate. At the meeting, they asked him to stay as Vice Chair for now and he agreed.

Selectmen – They are to have a workshop on Sewer to the Lake. The new Transfer Station is open,.

CIP – Don't meet again until August.

Land Use -Ms. Goodwin will be on vacation beginning tomorrow and through July 22nd. She stated that Turner's has applied for their building permit. There has been a culvert change (asked by the Highway Dept.) and may have a slight change to the drainage plan as the garages are to be on slabs and may interfere. If it is major, Ms. Goodwin will send them to the Board for an adjustment to the plan. There has been a change on Arrowhead Point as they have made it a rock wall There are issues with the neighbor.

OTHER: Ms. DeStefano will work on drafting a motion for Vertex with counsel. Ms. Goodwin stated that she is also gone on vacation and should be back the same time.

NEXT MEETING: The next Planning Board meeting will be held on Wed., July 24, 2019 at 7:00pm. We shall be meeting with the Economic Development Committee and Melissa Levy.

Respectfully submitted,
Jan Laferriere, Land Use Admin. Assistant