

DRAFT—NO LEGAL VALUE

Minutes

Planning Board Meeting

January 2, 2020

Members of the Planning Board in attendance were Charles Moreno, Chairman, Phil Auger, Terry Hyland, and Donald Coker, Alternate member. The Chairman called the work session to order at 6:30 PM. Scott Whitehouse and David Copeland were present. Board members discussed several possible amendments to the zoning ordinances to put forward for a vote at this year's town meeting. Scott Whitehouse was present to suggest some additions to the zoning or building codes regarding driveways, shared driveways and bridges, based on sections of the NFPA regulations from 2015 that have been adopted at the state level. It was agreed that further discussion would take place after the consideration of formal business or at a work session. The Chairman then called the formal meeting to order at 7:35 PM and announced the members present. The Chairman noted that Scott Young and Steve Leighton are absent this evening, and he designated Donald Coker as a voting member for this meeting. The Chairman advised the audience that the meeting is being audiorecorded for town records. The closing date for applications to appear on the agenda for the February 2020 regular meeting will be 5 P.M. Tuesday, January 14, 2020; revised materials for continuing applications must be submitted by Tuesday, January 28th. The Chairman advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM and that the meeting will adjourn by 11:00 PM. Board members agreed to postpone consideration of the minutes until after formal business.

There were no items of new business. The first item of continuing business was the application of MANDY YOUNG for two-lot subdivision of her property located at 633 First Crown Point Road (Tax Map 19, Lot 70). It was noted that Rick Turner, the surveyor for the project, was not present, nor were the property owners. The Chairman advised that further consideration of the application would be continued to the next regular meeting.

The next item of business was to call on Francis Parisi, Esq. representing VERTEX TOWER ASSETS LLC for Non-Residential Site Plan Review for the construction of a telecommunications tower to be located on the land of the Bertha Huckins Revocable Trust, 22 Hillside Drive, off Huckins Road (Tax Map 11, Lot 4). The Chairman noted that the application had been first presented at the last meeting and that the application has been accepted as complete for consideration. He also noted that Vertex has asked for two variances and will be going to the Zoning Board of Adjustment on those requests. Francis Parisi addressed the Board, accompanied by Tom Johnson, the engineer who prepared the site plan, and Steve Kelleher, the real estate specialist. Mr. Parisi noted that since the last meeting, they have conducted the balloon test, which took place on December 7th and 8th. They have taken photographs that show where the tower would be visible and where it would not. He said that he believes that they have picked a good location because the balloons were really not visible. They have brought full-size copies of the revised plans submitted for tonight's meeting, which included soils data and a current use note. It was agreed that the land for the tower will need to be taken out of current use assessment. He said that there are no technical changes to the plans. He noted that Vertex works primarily in the rural and northern parts of the state. He said that they have been well received, and he noted that they have submitted an extensive application package. They are now submitting more extensive data on the various sites that were considered in Strafford. He then went to the photographs from the balloon test, saying that they have picked the least visible site. The Chairman noted for the audience that the Board had requested that Vertex take photographs during the balloon test from certain places and also that they provide a list of towers in neighboring areas with their heights so that people can compare existing towers to the current proposal.

Mr. Parisi noted that several of the towers on the list in surrounding towns are lit due to their height, so those are more visually intrusive. The proposed tower would be 140 feet, and above that would be a lightning rod, which would bring the height to 146 feet. The highest mounting bracket would be at 135 feet; the antenna arrays project up and down about 2 to 3 feet from the bracket. The panels measure about 6 inches by 4 feet and the separation between the antennas is about 10 feet. Radio wave measures were taken from 135 feet in height; trees are an impediment to the signal. They have designed for four antenna arrays because they are designing for the future and for collocation on one tower. He said that they are trying to improve the signal strength on Roller Coaster Road. Charles Moreno noted that 140 feet is equivalent to a 14 story building. Mr. Parisi again noted that they think they have found a good location based on the lack of visibility. He said that they were looking for sites in a very finite area because of existing towers

in neighboring areas. Other sites considered would be more visible, he said, and based on Strafford's zoning, he knows that it cannot be in the viewshed of Parker Mountain. The coverage objective of the current site is Parker Mountain Road going down to the Route 126/Route 202A split and going toward Rochester. They did their initial analysis regarding possible site locations based on topography. Mr. Parisi said that they believe the chosen site meets the coverage objective and the radio frequency engineer's concerns and is the least visible location. He noted that the Police Chief had said that they need cell phone coverage, and he noted that the lack of cell phone coverage is a public safety issue. You need better coverage in order to be able to locate emergency calls from cell phones, he noted. There are no towers within 5 miles of the center of Strafford. He noted that topography is a significant impediment as you go down Roller Coaster Road from Center Strafford. He then turned to the radio frequency analysis/propagation maps and noted that structures themselves are impediments to phone signals. He said that this tower is not designed to satisfy all of Strafford, but other locations would be more visible. He said again that they feel that this location is a good compromise of coverage and visibility. Noting the zoning requirement for a disguised tower, he said that they maintain that the tower will be disguised because of the location, as it has been designed for minimal visibility. It is a technical impossibility to meet the zoning requirements for height because of the tree line. He said that the tower will not be invasive because there will be no noise or lighting, and construction will only take about a month. In response to questions from Board members regarding the tower construction, the engineer said that they have not yet designed the foundation because they are waiting for site specific approvals. The pad will be 20 feet by 20 feet at most, they said, and will be amply set back from property lines, so there will be nothing to impact abutting properties. He said that they feel that they easily meet the criteria for variance, and he noted that the federal government also gets involved and that you must have substantial reasons to deny an application for a tower. He also said that under federal rules, you cannot review the towers for safety, as that is a federal issue.

The Chairman then turned to the Board for comments. Board members noted the minor plan revisions requested have been provided. Mr. Parisi noted that the Road Agent has said that review for a driveway permit for this project is premature. Board members asked about moving parts and asked if a generator should be added to the plan for power outages. Mr. Parisi said that they do not know who and when their clients might be, so it has not been decided. Mr. Moreno suggested that they should plan ahead, and the engineer noted that details on Sheet A-1 of the plan set. The Chairman then opened the public hearing. Charles Burnham asked about the maturity of the trees in the area around the proposed site, and how the average height of the tree canopy had been measured. The engineer directed the audience to the plan set and noted that there is a built-in buffer from the trees to the bottom of the lowest proposed antenna. He said that some depends on the direction of the antennas, which are not yet known as they do not yet have any contracted carriers. There were no other questions. The Chairman then advised that the Board has reached out to consultants, as the application is beyond the technical expertise of the Board. The Board looked into finding consultants in various areas; they felt that wetlands did not apply but engineering, both structural and siting should be sent out for review. The Board identified a couple of consultants, one of which is Isotope Wireless LLC, who specializes in consulting on wireless. There is a list of the communities they have worked with in New England, which includes Alton, Durham, Candia, etc. Mr. Moreno advised that there is also the legal side, and said that the Board had found Drummond and Woodsum, a practice with offices in Manchester, and who have attorneys who specialize in wireless technology. Fran Parisi said it would be premature to have a review for structural engineering as they do not intend to do structural engineering until after receiving approval, at which point they will do site studies and engineering. He will give the design information to the Building Inspector as part of the building permit application, he said. Mr. Parisi said that he has worked with Isotope before, but said that he does not think that the Board can pass off legal expenditures, although he agreed that legal review would be helpful. The Chairman and Donald Coker both said that they feel that legal expenses are one of the allowable categories for expert review. Donald Coker said that the Board needs the assistance in order to understand the federal communications act and how this impacts the community. It was agreed that the town will establish an escrow account for this project. Mr. Parisi said that he would need to know a specific amount, as he does not want to give a carte blanche.

Continuing discussion on the proposal, Phil Auger said that he does not want to appear negative or two positive, but that it is important to site a tower to benefit the town as much as possible, and the question is whether this is the sweet spot that minimizes impact while maximizing coverage. Yes, this location seems well hidden, but there are coverage gaps around the population centers of the community. Donald Coker asked about collocation, and Mr. Parisi said it is about tenancy on the tower, and said that the government is requiring collocation in order to reduce the duplication of infrastructure. Vertex facilitates collocation because they are independent of the carriers. Noting an article he has seen about Conway, NH, Mr. Coker asked about the process. Mr. Parisi said takes about a year to get to this point, and said that they are working in about 75 locations in NH. In most of the towns, Vertex is ahead of the wireless companies, he said. Mr. Coker asked about the process for considering sites, and if it was based on

topography. Mr. Parisi said that they start with a search area and then apply their criteria and look for a willing landowner. In this case, one of the criteria was visibility, he said. Mr. Coker asked how it would affect coverage if they dropped the height to 120 feet. The Chairman agreed that this is important information to know, and part of the due diligence for the town. Mr. Parisi said that they do that analysis and that they have the data but have not provided it, and that the consultant will ask. Mr. Moreno noted that Isotrope recommends an escrow of \$3500 and he said that it is important to have enough in escrow so things do not get behind. Fran Parisi said that he will agree to that amount. Regarding the attorneys, Mr. Parisi was advised that Drummond and Woodsum have indicated an hourly rate of \$215, and Board members asked if Mr. Parisi would be comfortable if the Board got an estimate from the attorneys. Mr. Parisi said that the attorneys at Drummond and Woodsum should be asked if the applicant can be charged.

The Chairman then took another question from the audience. Jean Ewen, looking at the propagation maps, asked how many homes would be served. Mr. Parisi said that they have that data. Charles Burnham noted the trade off between visibility and coverage. Charles Moreno said that the town will probably end up with a tower so we want to do the best. Mr. Kelleher from Vertex said that this tower will never get to the Bow Lake area, and that they are going for areas where people congregate, like the town hall and schools, and that this is what drove the search ring in the town center. He noted that with each evolution of phone signal (4G, 5G, etc.) the coverage area gets smaller. The town will probably need a three tower solution, he said, and going higher here will not help. They are going for the height needed for collation for four tenants, which would be the major companies. Given the search area, the Huckins family would be the most visually impacted and they are also the willing landowner. Other nearby properties are in conservation. Board members returned to the question of consulting attorney fees. Mr. Parisi said that he would need a scope of work if he is being asked to pay. Donald Coker said that he would talk to the attorneys and get the scope of work. Mr. Parisi said that he agrees that the town is entitled to representation, he just has a question about paying. The time schedule was noted, and Mr. Parisi encouraged the town to engage consultants now. Mr. Parisi said that if Drummond and Woodsum says that the town can bill the applicant for legal representation for review of this project, he will not fight with them; he wants to get going so that they have reports for the next meeting. Fran Parisi said that he agrees to Isotrope LLC and will give the town a check for \$3500 for escrow. He said that he is not agreeing to open-ended legal costs, and asked to continue the application forward to the Board's next regular meeting. The Chairman announced that discussion will be continued forward to the February 6th meeting.

There being no further formal business, the Board then called on Marc Belair and Douglas Dimes, who were attending the meeting in response to a letter from the Board. Board members had contacted Mr. Belair regarding a possible expansion of use of his carpentry shop located at 168 Roller Coaster Road (Tax Map 11, Lot 63A) as Mr. Dimes has recently established a small shop in one area of the larger existing shop building. Mr. Belair completed site plan review in 2001 and again in 2006 and received a Special Exception for commercial use for the establishment of his carpentry shop making windows. Mr. Belair advised Board members that he now produces most of his windows based on custom orders over the internet. The space upstairs was empty. Douglas Dimes had closed his large reproduction furniture business formerly located in Northwood, but was looking for shop space to begin producing custom Windsor chairs. Mr. Belair noted that his business was originally restricted to 3 employees on the basis of septic restrictions, but he put in a separate well and septic system for the shop years ago. Mr. Dimes has put in wiring and a dust system for the loft area. He is only cutting wood at the shop; no finishing chemicals are being used there. Mr. Belair said that they feel that Douglas Dimes fits in perfectly with the original approvals, as they have not exceed the number of employees (Mr. Belair and his wife run the window business with one other part-time employee) and the business is still carpentry. The Belairs run four 10-hour days, and Fedex out their finished windows. Phil Auger asked Scott Whitehouse, the Fire Chief, if he had inspected the shop for fire safety. Mr. Whitehouse asked about exits and Mr. Belair said that they have added an exit from the second floor. Phil Auger suggested that Mr. Whitehouse visit the shop to make sure that there are no issues. Board members briefly discussed the original approval and agreed that this is a pleasant growth of the business in keeping with the original approval. Mr. Whitehouse was asked to tell the Board if he has any concerns.

Board members then turned to the minutes of the previous regular meeting. Phil Auger made a motion to approve the minutes as presented. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Phil Auger then made a motion to approve the minutes of the December 17th work session as presented. Donald Coker seconded the motion, there was no further discussion, and the vote was again unanimous in the affirmative.

Phil Auger then moved to adjourn the formal meeting. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The formal meeting adjourned at 9:30 PM.

The Chairman then reopened the work session, and Board members worked with Scott Whitehouse, the Fire Chief, regarding the Chief's proposals for improved wording in the regulations regarding bridges and driveways so that access for fire and safety vehicles will be assured. There was some discussion of the proposal for adopting the NFPA in totality. Scott Whitehouse indicated that his biggest concerns are the private bridges and shared driveways. It was agreed that agricultural and forestry roads should not be included in any new regulations. Phil Auger made a motion to adjourn the work session and meet again on Tuesday, January 7th at 6:30 PM. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The work session adjourned at 10:20 PM.

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