

**MINUTES
CHARLESTOWN PLANNING BOARD
DECEMBER 1, 2015**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Steve Neill (Ex-Officio); Richard Lincourt, Roger Thibodeau

Alternates Present: James Jenkins, Doug Neill

Staff Present: David Edkins – Planning & Zoning Administrator

CALL TO ORDER & SEATING OF ALTERNATES: Mr. Frizzell called the meeting to order at 7:00 PM. He noted that meetings are tape recorded and asked that anyone wishing to speak identify themselves for the record. He advised that regular members, John Bruno and Rose Smith-Hull were absent therefore he called upon alternate members James Jenkins and Doug Neill to sit on the Board for them.

APPROVAL OF MINUTES OF NOVEMBER 17, 2015:

Mrs. Francis moved to approve the Minutes of the November 17, 2015, meeting, as presented. Mr. Thibodeau seconded the motion. With all in favor, the minutes were approved.

DAVID GERMAIN, cont'd – Low Power FM Radio Station w/ 70' Transmission Tower – 44 Northwest Street – Map 118, Lot 53 – Zone E (Mixed Use): Mr. Edkins passed out copies of the letter from R & R Communications, Inc. that he received late yesterday afternoon and an email received this morning from Mr. Victor Pohle. Police Chief Patrick Connors advised that when this first began the Police Department noticed interference with their radar units right away within about a third-of-a-mile radius from the radio tower. He talked to R & R Communications about the static that occurred at times. Mr. Jeff Barden from R & R visited the site but was not allowed inside to check the connections, etc. He suspected the signal was fragmented and putting out 250 watts as opposed to 100 watts which the FCC gave him the license for. Without going inside Mr. Barden suspected there was a series of things he had issues with such as the design of the tower, fall zone with the houses and roads, he suspected the guy wires might be in the Town's rights-of-way, two guy wires were mounted on tree stumps but they should be mounted to concrete pads and there should be a reflective markings on the guy wire at the corner of Northwest Street due to its proximity to the road. Mr. Frizzell pointed out that the PB has no control over the FCC license but this letter is informational and of interest to the PB. The items they do have control over are the installation of the tower and fall zone. Mr. Lincourt felt if there is interference with the police radios that falls under public safety. Mr. Edkins learned quite recently that a complaint was registered with FCC and they opened a case so they are looking into it. Chief Connors talked to the FCC as they were here today; they looked at it and Mr. Germain will not operate it for now. Mr. Edkins sent them a letter that they needed to shut it down until they have PB approval. Chief Connors noted that the FCC representative could not gain access to the building. He was not going to give an opinion on the structure itself. Mr. Germain stated he was home all day. Chief Connors said the transmission of 260-watts is

blasting about 1-1/2 times more than it is supposed to. Pastor Nickerson noted that the license is for 270-watts. Mr. Frizzell asked if they are still getting interference when the station is not operating. Chief Connors replied that things have straightened out. A radio signal has clear lines; Jeff suspected that this station does not have clean lines. Maybe the engineering is not properly done. Something is going on to make it outside the narrow band where it is supposed to be. There was discussion relative to the police frequency; there are also issues with the Highway Department frequencies. Mr. Barden has an instrument that he can hook-on to the wire to test but without him having access to the building he can only suspect there is an issue and the actual structure itself being in a residential area is almost unheard of in the radio world. Some ham radio operators have smaller equipment. Mr. Barden had issues with the tower and strong winds, etc. so it might not be structurally sound. Mr. Frizzell pointed out that is why they were asking for an engineer's report. Mr. Edkins pointed out that Mr. Barden's letter does not state all of this. Mr. Germain received pricing on well casing pipe for use as bollards; he could have this done tomorrow and have cement in the holes on Thursday but he was told by Mr. Edkins to hold off doing anything. He could have had the work done last month. Pastor Nickerson was on the site with Mr. Barden and asked if he wanted to go inside but he did not; during the first visit he did not want to go inside either. They are meeting the frequency and the power requirements as proposed by the FCC. Mr. Barden called him and wanted the information on the transmitter. Pastor Nickerson could meet Mr. Barden there so he could check to see if there is any leakage on the inside. Chief Connors said that Mr. Barden was unable to do every test; he could only speculate because he did not have access to the shed. The bigger issue is the placement of the antenna in a neighborhood where children are running around, the tower will be easily climbable, the wires do not have reflective markers on them and they are close to the road, When Chief Connors talked to the FCC today, the representative said he did not have access to the office. Pastor Nickerson talked to the FCC representative after he had been to the site and he was told he could have access.

Mrs. Francis thanked everyone as this has been a lengthy process. She had the impression that Mr. Barden was the applicants' consultant; was that correct. Pastor Nickerson confirmed that R & R Communications was invited by him and considered as their consultant. Mrs. Francis noted that Mr. Barden has worked with Chief Connors on other issues. Chief Connors clarified that the Town is a customer of R & R as he does other projects for them. Mr. Frizzell pointed out that they have to determine what they can, they asked for an engineer's study of it so they have to decide if they will accept what they have or still explore issues. Mr. Edkins mentioned there have been some questions through this process about what the right-of-way width of Huntley Avenue is and while doing a search he came across a survey of several lots on the far end of Huntley Avenue on both sides of the road. This survey shows the right-of-way as being 30-feet in width; 15-feet on either side of center line. They can make an assumption that it is the same the entire length of Huntley Avenue. The survey was done in 1979. He is not 100% sure of what it does to these guy wires. He does not know when this development was first done. Members looked at the survey. Mr. Edkins scaled the right-of-way but not the roadway. Mrs. Francis stated that guy wires are stretched out but these are close to the tower. What affect does it have on the stability of the tower to have the guy wires at such an angle, if any? Mr. Frizzell said it depends on what the requirements are for this tower. Pastor Nickerson responded that originally they came into the Town office to see what the requirements were for an antenna tower; they were told none unless it was a cell phone tower so they spent close to \$40,000.00 on

the Town's go-ahead. Mr. Edkins pointed out that he was the one they talked to but at that time they did not indicate the tower was for a non-residential FM radio station. When he discovered that it was that is when it triggered a Site Plan Review by the PB. Mr. Frizzell mentioned that a ham radio operator does not require this review.

Keith Johnson was a ham radio operator. He questioned if the other two towers in Town have a letter on file stating they are structurally sound. Mr. Edkins said they are the Police and Fire towers. Mr. Johnson asked if they were required to have a licensed engineer review the towers to see if they were stable or is it unique to their tower. Mr. Frizzell replied that they are not commercial like this tower. Mr. Edkins clarified that the new Police station required Site Plan Review and the tower was shown on the Site Plan but there was no discussion about the tower itself. If you look at the tower you will see if it falls it will not damage anything except the Police Station itself; likewise with the Fire Station. This applicant is in a residential neighborhood so if the tower were to fall it would not fall entirely on their own property; it could also take down wires.

Mr. Edkins is puzzled because the R & R letter does not raise the concerns about the tower. It states that "his only concern with the tower installation is the 2 guy wires that are mounted to tree stumps". Plus the second statement "These should be mounted to concrete pads similar to the other guy wire at the site". Mr. Germain said he could split those tree stumps right now. Mr. Edkins said they are now mounted to concrete. They will put in permanent bollards when they get to that point. The other concern is the guy wire at the corner of Northwest Street should have reflective markings due to its proximity to the road. Mr. Germain said reflective markings can be done easily. Mr. Lincourt does not believe reflective markings are necessary if the bollards are installed. If the PB works with the applicant to make this as safe as possible it will probably be the best solution if they can resolve the interference issue, put in bollards and have fencing around it. Mr. Germain would be agreeable to putting a fence in back of the building and putting a chain around the tower so nobody could climb it. Mr. Lincourt felt it should be a 6-foot fence. There was discussion relative to Mr. Barden at R & R not being a licensed engineer as originally requested. Pastor Nickerson did contact an engineer but he does not yet know what kind of license he has or in what state. He would be willing to continue with R & R but tomorrow he will check with the other engineer. There was additional discussion on the interference issue. Chief Connors only other concern beside the interference is the sign being knocked down.

Mrs. Francis is concerned that there are still problems that have not been resolved. It seems essential that a structural engineer be used to be sure the guy wires do not interfere with the right-of-way of the road, safe as far as passing traffic is concerned, safety of the neighborhood children, and the interference. These issues need to be resolved before the PB can grant approval. A qualified engineer will tell the PB what they need. Mr. Jenkins agrees with Mrs. Francis; his concern is the interference issue especially with the emergency service providers. Pastor Nickerson noted that the FCC will want to resolve this. Mr. Thibodeau confirmed that the request was for a NH licensed Professional Engineer. Mr. Edkins offered to meet Mr. Germain on the property to do some measurements and look at the picket fence.

Mr. Lincourt moved to continue the Germain application until the next Planning Board meeting on December 15, 2015. Mrs. Francis seconded the motion. With all in favor, the motion was approved.

PLANNING & POLICY ISSUES:

Drinking Water Protection Ordinance: Mr. Edkins pointed out that they have been talking about amending the Drinking Water Protection Ordinance. He plans to have Mr. David Duquette attend the next meeting to explain what they need to do. They will draft amendments to this ordinance to reflect the new Bull Run Well area. Mr. Duquette feels it is not necessary to ban any new uses in that area in both his and the DES's judgment. Businesses with any potential contamination would have to be inspected on a regular basis and follow Best Management Practices. He suggested that Prohibited Uses should be listed. The PB usually handles the Conditional Use Permit with the Site Plan Review process. One concern Mr. Duquette has is that the new Drinking Water Protection area is going to expand so much that it will place a hardship on some businesses. Mr. Duquette and Mr. Edkins are going to work on the proposed amendments and they will be ready for the next PB meeting on December 15th. Time is short; they will have to take care of this during that meeting. They need to allow enough time for two Public Hearings; the first and second meetings in January 2016. It is a tight schedule.

Next Meeting: There are no new applications for the next meeting on December 15, 2015 but there may be a Sign Permit application. There is a second business moving into Dr. Caloras' building.

Enforcement Issues: Ms. Chaffee, Code Enforcement Officer, answered enforcement questions; some issues raised at this meeting have been taken care of and a letter has been sent to another property owner who has not yet responded. She continues to work on them.

Dollar General Store: Mr. Edkins continues to work on resolving their violations. He will take another letter to the local store manager tomorrow.

Signs: A PB member asked if the "Lost Cat" signs fall under the Town's regulations. Mr. Edkins felt most of them were on telephone poles which is a violation of state law that the pole owners usually address.

ADMINISTRATION & CORRESPONDENCE: There were no new correspondence or administration issues.

ADJOURNMENT:

There being no other business, Mr. Jenkins moved to adjourn this meeting. Mr. Thibodeau seconded the motion. With all in favor, the meeting was adjourned at 8:08 PM.

Respectfully submitted,
Regina Borden, Recording Secretary
(Transcribed from Recorder)

Minutes Filed: 12-09-15

(Note: These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the December 15, 2015, Planning Board meeting.)