

**MINUTES  
CHARLESTOWN PLANNING BOARD  
SEPTEMBER 15, 2015**

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

Alternates Present: Duane Wetherby

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 noted that all regular members were present, thus there was no need to seat alternates. He pointed out that alternate members, James Jenkins, Douglas Neill and Patricia Chaffee were not present.

**APPROVAL OF MINUTES OF JULY 21, 2015:**

**Mrs. Francis moved to approve the Minutes of the July 21, 2015 meeting, as printed. Mr. Thibodeau seconded the motion. With Mr. Frizzell, Mrs. Francis, Mr. Neill, Mr. Lincourt, and Mr. Thibodeau in favor, the Minutes were approved. Mrs. Smith-Hull and Mr. Bruno abstained as they were not present at this meeting.**

**APPROVAL OF MINUTES OF AUGUST 4, 2015:**

**Mrs. Smith Hull moved to approve the Minutes of the August 4, 2015 meeting, as printed. Mr. Neill seconded the motion. With Mr. Frizzell, Mr. Neill, Mrs. Smith-Hull, Mr. Bruno and Mr. Thibodeau in favor, the Minutes were approved. Mrs. Francis and Mr. Lincourt abstained as they were not present at this meeting.**

**DAVID GERMAIN – Low Power FM Radio Station w/ 70’ Transmission Tower – 44 Northwest Street – Map 118, Lot 53 – Zone E (Mixed Use):**

Mr. Victor Pohle was present representing the applicant. He explained that he is a member of Living Word Ministries, a registered not for profit corporation. His organization felt the need for a low power FM radio station serving the Charlestown area. They applied for an FCC license and received construction approval. The broadcast tower is complete and the station is ready to go live. Thus far they have only turned it on for testing purposes. Mr. Edkins explained that the Town does have a Personal Wireless Facilities Ordinance which applies to cell towers but not to FM radio stations. He added that the applicants had come to him several months ago and asked if any permits were required to erect a 70’ antenna. They did not specify the purpose of the antenna at that time but he later found out that it was for a radio station which is a non-residential use requiring Site Plan approval. A letter was sent to Mr. Germain explaining that Site Plan Review was required and he promptly replied by submitting an application. There was a brief discussion regarding Planning Board jurisdiction in such matters.

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Mrs. Smith-Hull asked if there was any chance that the radio signal could bleed over into other media such as TV or telephone. Mr. Germain replied that he did not believe there should be any interference with other media. Mr. Edkins noted that the land use issues raised by the application are within the Town's jurisdiction; however the communications effects of this project are the exclusive jurisdiction of the Federal Communications Commission (FCC).

With respect to the tower, Mr. Edkins stated that the primary concern he has heard on this project is the potential "fall zone". The fall zone is specifically addressed in the Personal Wireless Facilities Ordinance or "Cell Tower" Ordinance. There are no regulations on the books concerning the fall zone for other types of towers. Mr. Thibodeau felt that this distinction is a matter of semantics and that the Cell Tower regulations should apply. A lengthy discussion ensued on the fall zone issue. Mr. Germain pointed that there are no buildings in the tower's fall zone. It was pointed out that there are electric and telephone lines that could be affected if the tower were to fall. Mr. Pohle noted that the tower was designed by a Professional Engineer. Mr. Germain explained the construction details of the tower noting that it sits on a one cubic yard base of concrete and it is guyed in three directions. It is similar to the antennas at the police and fire stations but those antennae are not guyed. Mrs. Francis suggested that the applicant provide a letter from the engineer attesting to the fact that the tower was designed and constructed in accordance with commonly accepted engineering standards. Mr. Germain said that he could provide such a letter.

Mr. Bruno asked if the guy anchors were located within the Huntley Avenue right-of-way. Mr. Edkins noted that the width of the Huntley Ave. right-of-way is unclear at this time. Mr. Pohle noted that this installation is no different from what might be used for a personal ham radio tower over which the Board has no jurisdiction. Mrs. Smith-Hull asked if the tower would be inspected by the FCC when it is completed. Mr. Germain replied "No". Mr. Bruno would like some kind of documentation as to whether the guy anchors are in the right-of-way. Mr. Neill note that the Town usually assumes that most Town rights-of-way are two rods or 16 ½ feet from centerline. He suggested that a site visit would be appropriate.

Mr. Neill also suggested that the Board be provided with a copy of the FCC Form 302-FM application. Mr. Lincourt asked if the Town Attorney should be consulted as to the applicability of the Cell Tower Ordinance with regard to an FM broadcast radio installation. Mrs. Francis commented that she would like information from the Engineer as to what wind speed the tower was designed to withstand.

Mr. Frizzell opened the floor to abutters. Ms. Lorraine Bertrand of Huntley Avenue commented that the guy wires are anchored very close to the STOP and DEAD END sign at the intersection with Northwest Street. She also noted that during the construction of the tower Huntley Avenue was blocked off by vehicles and that there should be no parking on the street. She asked where vehicles would park if the equipment required maintenance. Mr. Germain replied that there is room in his driveway if the need arises. Mr. Pohle stated that the station is largely operated remotely and is not manned. On the rare occasion that they do need access parking would be in Mr. Germain's driveway. Mr. Craig Richardson commented that his only concern is the power lines but he did note that the large tree that was removed during the construction of the facility posed at least as great a danger as the tower. Ms. Joan Kuncik asked about the hours of

operation and expressed concern about possible interference with TV and other over-the-air signals. Mr. Pohle stated that it would be visited occasionally during the daytime but would be operational 24/7. Mr. Pohle offered to test for possible interference by turning the equipment on so that residents can see if there is any interference. He added that they certainly do not want to be detrimental to the neighborhood. Mrs. Smith-Hull asked why the equipment is built on a portable trailer. Mr. Pohle replied that they want to be able to move it to special events on occasion. Mrs. Smith-Hull asked if the trailer would be alarmed, noting that a similar Comcast trailer in her neighborhood is alarmed and it is extremely loud when it goes off. Mr. Germain replied that the trailer would have a silent alarm that would inform him electronically if there was an incident but that there is no audible alarm.

Mr. Bruno stated that he would like to see the dimensions of the driveway and parking spaces shown on the site plan. He also asked how high the guy wire is over the driveway. Mr. Germain replied approximately 17 feet, adding that this guy wire terminates in a 10-12 foot high schedule 80 pipe that is anchored in concrete. Noting that the facility is owned by a non-profit, Mr. Thibodeau asked if this would make the property tax exempt. Mr. Edkins replied that it would not; it is still a residential property that is fully taxable. Mr. Lincourt asked who would actually own the property. Mr. Germain replied that the ministry owns the tower and the trailer and he owns everything else. The ministry pays for the insurance on the tower and trailer and he pays the insurance on everything else on the property. Mr. Pohle affirmed that the ministry carries liability insurance on its equipment.

Mrs. Francis asked why, if the applicants came to Mr. Edkins before erecting the tower, did they build it before getting Planning Board approval. Mr. Edkins replied that the applicants came to him several months ago inquiring as to what permit would be required to construct a tower/antenna. It was not made clear at that time what the purpose of the antenna would be. Mr. Edkins replied that if the tower were for the personal use of the property owner, no permits would be required. It was not made clear at the time that it would be for a radio station which is a non-residential use. When it was determined that the tower would be for a radio station the applicants were informed that Site Plan Review would be required for the non-residential use. The applicants promptly submitted an application.

A discussion ensued as to what information the Board would need to consider this a complete application. During the course of this discussion it was agreed that the following information would be needed:

- Certificate of Liability Insurance with the provision that the Town be notified should the coverage ever be cancelled.
- The location and dimensions of the existing driveway should be shown on the Site Plan.
- A letter from a licensed professional engineer certifying that the tower was designed and constructed in accordance with generally accepted engineering standards. This letter should include the engineer's stamp.
- Applicable electrical permits/inspections.
- The FCC Form 302-FM that was filed to apply for the FCC license.

The Board agreed that a site visit by the Planning Board would be scheduled for Tuesday October 6 at 6:15 PM.

In response to a question from Mr. Neill, Mr. Germain described the process used to mix and pour the concrete base that the tower sits on.

In addition to the information requested from the applicant the Board directed Mr. Edkins to get an opinion from the Town Attorney as to the applicability of the Personal Wireless Facilities Ordinance to this particular case. The Board also requested that Mr. Edkins consult with the Highway Superintendent regarding the placement of the guy wire anchors with respect to the Town right-of-way.

**Mr. Thibodeau moved that this application be considered incomplete at this time and that it be continued to the next regular meeting on Tuesday October 6, 2015. Mr. Lincourt seconded the motion and with all in favor the motion was approved.**

**WALPOLE CABINETRY, LLC – 46’ X 48’ Addition to Existing Cabinet Manufacturing Facility – 35 Fling Road – Map 116, Lot 37-1 – Zone E (Mixed Use)**

Mr. Travis Royce was present representing the applicant. Mr. Bruno noted that he had worked with Mr. Royce on a number of projects in the past but that he had no involvement with this application. The Board agreed that there is no conflict of interest in this instance. Mr. Royce distributed revised plans. In response to a question from Mr. Edkins, Mr. Royce explained that the revised plans differ from the original plan in the following ways:

- George Moulton Way is labeled
- The roof overhang on the loading dock is labeled
- A note has been added regarding relocation of the existing exterior light
- The parking lot was previously labeled “Gravel”. This was corrected to “Paved”

Mr. Royce noted that the paved parking lot would remain unchanged. In response to a question from Mr. Frizzell, Mr. Edkins explained that there is a previously approved site plan for this site therefore this application could be handled as an amendment to the previously approved plan if the Board so chooses.

Mrs. Francis asked if the same type of work would be done in the addition or are there new activities. Mr. Royce replied that the same type of work would be done but the addition would provide additional space in which to work making the operation more efficient. Mrs. Smith-Hull asked if there would be additional employees added. Mr. Royce responded that the facility has already expanded its work force but was unsure if additional employees would be hired. Mrs. Francis asked if there would be an increase in the volume of solvents and other potentially hazardous materials at the facility. Mr. Royce replied that there probably would be but that these materials would be handled in the same area and same manner as they always have.

**Mr. Thibodeau moved that the application be accepted as complete. Mrs. Smith-Hull seconded the motion and with all in favor the application was accepted as complete.**

Mr. Neill asked if all abutters had been notified. Mr. Edkins replied that they have, adding that there are only two abutters, the Town and CEDA.

**Mrs. Francis moved that the application be granted final approval. Mrs. Smith-Hull seconded the motion and with all in favor the application was approved.**

## **PLANNING & POLICY ISSUES**

Mr. Edkins asked if anyone is planning on attending the Municipal Law Lecture series. The first one is scheduled for tomorrow at Antioch in Keene.

Mrs. Francis asked if Mr. Neill and Mr. Edkins were still planning to attend the Road Law Seminar. Mr. Neill replied that they both attended last Friday along with Highway Superintendent Keith Weed. In response to question from Mr. Thibodeau, Mr. Edkins noted that the public hearing on the NH DOT's Ten-Year Plan is scheduled for this Friday the 18<sup>th</sup> at 3:00 PM in the Town Hall.

In response to a question from Mr. Bruno, Mr. Edkins reported that he has heard nothing from Dollar General regarding possible violations of their Site Plan approval.

Mr. Edkins reported that the new edition of the NH Planning & Land Use Regulations statute book is now available for pre-order and asked if anyone on the Board wished to order one. Mrs. Francis asked that a book be ordered for her.

Mr. Thibodeau commented that the hot dog cart on Sullivan Street has affixed signs to a utility pole and asked if that was permitted. Mr. Edkins replied that the placement of signs on utility poles is prohibited by state statute but the utility is more likely to take action in such cases.

Mrs. Smith-Hull reported that there are four or five vehicles displayed for sale at the Dean Hill Pet Center.

## **ADJOURNMENT:**

**There being no other business, Mrs. Francis moved to adjourn this meeting. Mr. Bruno seconded the motion. With seven members in favor, the meeting was adjourned at 8:25 PM.**

Respectfully submitted,  
David M. Edkins, Administrator

Minutes Filed: 09-22-15

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