

Francetown Zoning Board
Proposed Minutes
April 16, 2009

Members Present: Silas Little (Chair), Richard Barbalato, Sue Jonas and Charles Pyle

Mr. Little opens the meeting at 7:35 P.M by stating that the purpose of tonight's public hearing is to consider the continuation two cases: New Cingular Wireless and SBA. This meeting is still an open public meeting. Mr. Little notes that the Board has received a new set of plans and materials from New Cingular Wireless, which he distributes to the Board members present. He also notes that Lois Leavitt will not be present and ask if anyone has an objection to continuing the hearings with four members sitting. Hearing no objections and following introductions of the Board members, Mr. Little asks Mr. Anderson to begin his presentation.

Continuation of Public Hearing: New Cingular Wireless Application for Variance and Special Exception

Continuation of public hearing from February 5, 2009. Mr. Anderson reviews materials presented to the Board and revised plans. A Planning Board site walk and balloon test will be held Saturday at 10:00 a.m. Information provided to the Board includes: NH DOT driveway permit, two photo-simulations of the proposed tower at 150' and 135', a Storm Water Management Report, certified plot plan, sample removal bond and estimated construction plan timetable.

Roberto Alvarado, Dewberry Engineering, reviews current plans and minor changes from previous plans. He explains color coded driveway plan showing various slopes. Retaining walls or gabions have been added along a portion of the road.

Mr. Pyle asks about two notes that refer to Todd Plan (site plan Notes 1 & 5). One is a reference to wetlands and the other referring to prior approvals. Mr. Pyle asks if the assumption is now being made that the bottom portion of the proposed driveway plan will follow what was originally proposed by Robert Todd and previously granted by the Zoning Board. Mr. Anderson states that the Mr. Alvarado was instructed to lay one plan on top of the other and make it match. Mr. Little further questions the appropriateness Note 5, since prior approval was for access to a single-family residence. Mr. Anderson responds that information had been previously provided to the Board from Mr. Pettee about the use of the driveway and that the intent was to use it solely as access to the tower. Note was in reference to prior approvals that run with the land. Mr. Little suggests that note be removed. Mr. Anderson responds that the note will be amended to reflect that road is for sole access to tower and is not for dual use.

Mr. Alvarado concluded his presentation that the plans now include reference to sentiment control plans as requested by the Planning Board.

Mr. Anderson reviews the photo simulation/renderings of the balloons and proposed tower at 130' and 150'. Application was for a 150' tower, but 130' would allow for co-location of antennae also. He discusses the existing ATC tower on Bible Hill. Dan Goulet, RF engineer, discussed the drive test. An antenna was placed on the ATC tower and a car drove around the area to test coverage. He displays a map showing where coverage is and is not, and explains that the drive test shows stronger coverage this time of year due to lack of foliage. Site is far from Rte 136 and was originally built for point-to-point microwave transmission, probably long-distance phone calls and not built for broadband mobile coverage. Coverage gaps appear on Rte 136 and 2nd NH Turnpike.

Mr. Little asks about coverage overlap from the proposed tower on Crotched Mt and where is other tower's coverage going to hit this one. Mr. Goulet indicates where on map there would be gaps. Mr. Little also notes that the map has wrong road identifications. Roads noted are not in Francestown. Brief discussion follows on the incorrect identification of roads. Mr. Little suggests that they might want to redo Map for correct road identification. Mr. Anderson notes that they will redo map with correct names. Mr. Little asks if they have the actual data readings. Mr. Goulet states that they do, but it represents approximately 45,000 data points and he is not sure of its use. Information can be provided in longitude and latitude and Mr. Little asks if this information can be provided on a chart so that Board can see how the information was plotted. He also asks about increasing the Bible Hill ATC tower height. Only height of 165' was considered. Mr. Anderson states that they can provide information on different heights, but they will not provide coverage on Rte 136 the same as Pettee property tower.

Mr. Anderson notes that representatives from the NH State Historic Preservation Office (SHPO) visited the site. Alternative sites have been considered with one on the other side of Route 136. Peter Marchand on behalf of AT&T has contacted the Campbells about locating a tower on their property, but has not received a reply. Mr. Campbell's mother-in-law, Natalie Sanderson, in attendance, was not aware of the request.

Mr. Anderson remarked that the site visit was planned for coming Saturday, April 18, and asks about the date for the next hearing. He adds that he hopes that public hearing will conclude and the Board will move to its deliberations at that time. Mr. Pyle asks if the road has been identified for the site walk; Mr. Anderson responds that they have requested that it be properly marked. Mr. Pyle also asks about identification of steep slope as indicated on the map, which Mr. Alvarado indicates on the colored map. Mr. Little also asks about the addition of a third culvert and the expected life of the gabions, which Mr. Alvarado notes that the gabions are filled with rocks and will have to be inspected. Mr. Little asks about their height, which Mr. Alvarado believes to be about five or six feet, but he will have to check. Mr. Little asks if site of proposed monopole has been located. Mr. Anderson indicates it has been and will be shown at the site walk.

Pierre Morin, Candlewood Hill Road resident, asks about other towers. Mr. Anderson replies that they have settled on the Pettee property and Crotched Mountain. Third site has not been determined. Mr. Morin also asks about revenue impact on Town. Mr. Little notes that would be a matter for the Town and its assessor.

Robert Carey Jr., Atty. Orr & Reno, representing abutters Bob and MaryFrances Carey, provides a letter to the Board. He notes that in minutes from previous hearings Mr. Anderson suggested that the federal telecommunications act implied seamless coverage and that a tower was inevitable. Mr. Carey notes that NH courts have upheld local zoning boards authority over proposed cell tower. Looking through minutes it does not appear that the feasibility of other sites has been fully explored. No submission by AT&T over cost and other technologies. Finally, what has been proposed is major surgery. He suggests that the Board obtain a second opinion and check AT&T's math. A resume for a consultant has been submitted with Mr. Carey's letter.

Steve Griffin asks if an engineering study has been done on the road and wonders whether that is a Planning Board or Zoning Board function. He also asks about a removal bond and proof of insurance. Mr. Griffin says he would encourage whatever site is ultimately picked to have the option for co-location

Sarah Pyle asks for clarification from Mr. Little about his earlier comment concerning the prior Zoning Board decision for residence use only. Mrs. Pyle also wonders about the impact of the road and proposed utility poles on the viewshed. Bob Carey Sr. agrees with Mrs. Pyle and

her concern about view of road and poles, which will be on the edge of his property. Mr. Carey had previously asked about the possibility of underground utilities.

Matt Lewis, Dennison Pond Road resident, asks about other carriers and their towers and how they are working. AT&T is proposing multiple towers due to bandwidth.

In response to these public comments, Mr. Anderson states that the Planning Board has indicated they would like to hire an outside consultant to review R.F. study, coverage data, etc. Alternative sites have been previously reviewed. An example of a removal Bond has been provided and that town has no interest in insurance for the tower. He notes that AT&T will have adequate insurance and co-location will be encouraged.

Mr. Anderson also asks for clarification about the prior decisions. Mr. Little notes that the Board previously decided that the applicant did not need to reapply for previously granted variances and special exception if the proposed road followed was previously granted. Mr. Pyle notes the Board will have to address the change from accessing a dwelling site to tower site. Driveway will no longer access dwelling site. Discussion on the road, Mr. Anderson also notes that it will be difficult to create a simulation of road similar to what was done for the tower. Mr. Little expresses the concern of many that at some point as enter or leave Frankestown you will see up the corridor of the road on the hill. Mr. Pyle asks about width of road to get construction equipment up. Road is 12'. Easement is 30', but they may up to 40' for equipment. Mr. Pyle wonders about how much clearing will have to be done. Mr. Pyle also asks about the height of the utility poles, which will be telephone pole height.

Mr. Anderson discusses AT&T's bandwidth, general issue of current telecommunications and challenge of topography in Frankestown and NH area. He refers to Pelham court case, which concerned whether a town that had coverage from one carrier was sufficient. Court determined it was not.

Mrs. Jonas refers to the Town's ordinances that protect Town's rural character, natural beauty etc. Mrs. Jonas wonders whether in the near future there will be alternative technologies available to AT&T. She is concerned about the rural character of the town and the value of surrounding properties. Mr. Anderson states that have tried to identify alternative sites. ATC Tower on Bible Hill does not provide the same coverage on Route 136 as the Pettee property. They have not been able to identify any other location. They are working to determine that proper height that would allow for co-location. Lower height of tower will compromise ability for co-location. Regarding alternative technologies, Mr. Anderson says that Mr. Carey's letter refers to a DAS (Distributive Antenna System). This system is used in tunnels and Mr. Anderson mentions an example of its use in a Boston tunnel. Mr. Anderson believes that wireless communications are this generation's technology and are being built across the country. Cannot predict next generation of wireless technology which may make tower obsolete. Mr. Anderson notes that he has previously provided information that Tower will have no effect on property values.

Follow-up by Mrs. Jonas on the issue of plowing during the winter. Mr. Anderson notes they have many sites around NH and New England. Normally would not be plowed. Generator at site will have a back-up system and generator. Should the area be without power as it was last year, they will get to the site via snowmobiles. Site and generator will be tested on a routine schedule. Mrs. Jonas asks about the decibel level of a diesel generator, which Mr. Anderson will check.

Maureen von Rosenvinge asks about the effect if no approval for 3rd site. Mr. Anderson states that the objective is for seamless coverage.

Mr. Little asks is Planning Board's review by an independent engineer will include propagation study and that the Board should have information from the Planning Board's review before the next hearing.

Bob Carey Sr. asks about the process of picking the Pettee property site and notes the area is historical site. He believes that poles will be exposed and wonders about underground utilities, which he was told were too expensive. He also questions the different proposed tower heights. He does not feel that other possible locations have been analyzed and does not believe that AT&T has been empathetic to the concerns of the Carey's. Mr. Anderson responds that the process for selecting a site is complicated and involves radio frequency studies, property availability, zoning concerns and SHIPO issues. Pettee site is good site because of its coverage, linkage to other possible sites and property is owned by someone serving in the US armed forces. It meets the set back requirements and has no sensitive environmental issues. They have been in touch with the State historic preservation office about alternative locations and the tower height. They applied for a tower with a height of 150', but suggested lowering the height tower to 130' and would be content with 110' maybe even 100', but would lose co-location opportunities at lower heights.

Mr. Little requests that the next time the Board is given a set of revised plans the engineer notate any changes from earlier plans. No indication on any of the plans that they were changed from ones. Mr. Anderson states that he has provided information on changes in letters to the Board. Mr. Little again asks that the notations be made on updated plans and Mr. Anderson agrees to provide notations.

Mr. Morin asks if there were conditions where AT&T would not cover Francestown. Mr. Anderson notes that Francestown does not currently have AT&T coverage. AT&T will not go away without providing coverage. Mr. Limber raises issue of necessity of cell coverage. Three towers are being proposed for a limited number of users. Goal appears to be to provide coverage to people passing through Francestown. He notes that people move to Francestown for its rural character. Mr. Anderson states that they are trying to address the concerns of the residents and the people driving through the area. Notes that examples can cited of where coverage provided along roads is the difference between life and death.

Mr. Lewis follows-up on Mr. Anderson's quote regarding a court case in Londonderry. Londonderry could not be more different from Francestown. Francestown is a long way from anything like Londonderry. People move to Francestown for that very reason.

Mr. Little asks if a consultant has been chosen by the Planning Board, which has not done. He suggests that a consultant's report might not be available under June and that there is reason to have a June hearing unless the consultant's report is available. Mr. Little understands that consultant will be reviewing propagation reports and the Bible Hill site.

Mrs. Jonas asks if the fee for a tower is public record, which Mr. Anderson responds is not.

Mr. Little proposes that the public hearing be adjourned until June 4th. All in favor
Hearing continued to June 4th, 2009, meeting to begin at 7:30 p.m

SBA Network Services & AT&T Wireless application for Variance, Case #09-VA-1

Continuation of public hearing from February 5, 2009. John Springer, attorney, is representing applicant SBA and is joined by Russell Putnam, SBA, Dan Goulet, RF Engineer, and Daniel Hamm, civil engineer. Mr. Springer opens with a discussion of wetlands issue from the prior meeting. Possible wetlands have been confirmed by a wetlands scientist. Mr. Springer understands that they will have to supplement their application with a request for a special exception. However, an application cannot be submitted until the wetlands scientist completes her work and provides a plan. Mr. Springer is also aware that such an application will need to go before the conservation Commission.

Mr. Springer also notes that there are steep slope issues. He provides revised plans to the Board. Plan c-2 shows a proposed access drive and removal current stairs to access the site. Current slope vary between 60% and 67%. Proposed access road will have with a maximum grade of between 25% and 29%. Daniel Hamm, licensed engineer, discusses proposal for road. Solid ledge will be knocked down for a road to access the top with equipment. Mr. Pyle asks if will be accomplished via blasting; Mr., Hamm says yes. Mr. Pyle asks how far the road will go and about water runoff. The distance is about 100' to 125' and water would be directed away from the wetlands. They will add a water bar to keep water from the wetlands. Alternative to road would be to bring in a helicopter and there is no place to legally bring one in, according to Mr. Hamm. Road will provides more access to site for safety purposes and will be a gravel surface road.

Mr. Springer asks if the Board wants to conduct a site walk. Board agrees and a site walk is proposed for Monday, April 20th at 5:30 p.m. Mr. Little and Mr. Pyle will attend; Mr. Barbalato will try to attend. Mrs. Jonas will be away. Mr. Pyle will let Mrs. Leavitt know about the site walk.

Mr. Pyle asks for clarification on the proposed expansion. Mr. Springer refers the Board to plan Z-1. Mr. Pyle also asks if area of expansion has been marked; it has not. But area should be apparent during site walk. Proposed Tower height will be 100". Mr. Springer introduces Mr. Goulet. Last meeting the Board had raised issue of different tower heights: 60', 80' and 100'. Mr. Goulet ran isolation plots at those different heights. He discusses the RF studies for tower at 80' and indicates where coverage is lost at lower height. Mrs. Jonas asks about coverage of proposed Pettee Tower and the proposed Crotched Mt. Tower. Mr. Goulet reviews with the Board the maps showing coverage of Crotched Tower at different heights. Mr. Springer expresses his desire that the Board consider the proposed Crotched Mt. Tower separate from the Pettee case. He hopes that the height of this Tower will be considered separately. Discussion followed on co-location opportunities.

Mr. Goulet notes that there are currently 20' whips on tower. Proposed extension in height is actually 40' above the whips. Whips will be moved over to new tower and placed on side arms, approximately at same height as currently positioned.

Discussion on life safety issue and the Fire Department. Mr. Springer offers to cc information to the Fire Department. Board asks for either a letter or a notation on the plans that the Fire Department has reviewed the proposed plan and whether they have any comments or input.

Discussion on continuation of hearing and next date. Applicant is waiting for the wetlands report in order to apply for a special exception. Also a formal application dealing with the slopes for the tower will be needed. Public notification will be necessary for the new, additional applications(s). Next Board meeting date is May 7th with the Palmer case already scheduled. Board and applicant agree to continue hearing to May 7th. Mr. Springer will notify Mr. Little if they are unable to meet that deadline with their applications. New applications for wetlands and slopes will have to be received in time for proper noticing of abutters and in the Ledger.

Hearing continued to May 7th, 2009, starting at 7:30 p.m. SBA application will follow the Palmer case.

Meeting adjourned at approximately 10:31 p.m.

Respectfully submitted,
Charles M. Pyle III
Vice Chairman

April 21, 2009