

**THE PLANNING BOARD**  
**Town of Francestown**  
**Francestown, New Hampshire 03043**

Sept 1, 2009  
**PROPOSED MINUTES**

Planning Board Members Present: Bob Lindgren – Chair, Lisa Stewart, Mike Tartalis, Bill McNeil, Sarah Pyle, Ben Watson, Larry Johnson

Members of the Public: Donna Rafdal, Mr. Jones, Elizabeth Jones, Stella Jones, Tania Grady, Charles H. Thompson, Maureen VonRosenvinge, Kathy Boire, Mark Limbert, Matt Lewis, Bob & Laryssa Lewis, Francelle Carapetyan, Marcy Tripp, Dave Schell, Vic Hyman, Susan Cooke, Francois Ceauthier, Polly Freese, Ben Haubrich, Abigail Arnold, Betsy Hardwick, Tony Grady, Catherine Merig(Sp?), Min Robinson, Lee Robinson, Tony Grady, Peter Morin.

Melissa Stewart is taking the minutes.

Chairman Lindgren brought the meeting to order at 7:05pm.

**Site Plan Review/New Cingular wireless/AT&T - Case #09-SP-3 located on Dennison Pond Rd, Map 6, Lot 61-2 in the Rural District.**

Chairman Lindgren opens the meeting stating the board has an application before them from New Cingular wireless/AT&T for a new Wireless Facility proposed on Tax Map 6, Lot 61-2, located on 48.2 acres on Dennison Pond Rd in the Rural District. The applicant had initially proposed the wireless site on a different property (Case#09-SP-2) in January 09', a hearing was held in March and April and at that point the applicant requested to continue the hearing indefinitely while an alternative site was researched.

The Completeness review committee met on August 4<sup>th</sup>, 7pm, a letter was sent to the applicant. The committee found 14 items to be deficient.

From the packet received from the applicant dated August 28<sup>th</sup> the board found the following items to be deficient.

A1- was deficient now complete  
A2 - type of survey - note 6 satisfies deficiency  
A4 - plan scale - **waiver requested** - letter found on Tab 9  
A5 - Bar Scale - Satisfied on new plan  
A17 - Set Back Lines - Satisfied on new plan  
A22 - Show transformer and generator location - satisfied on plan sheet C5 dated 8/27/09.  
B4 - Storm water drainage plan - Satisfied in tab 7 & 8  
B11 - Sediment and Erosion control Plan - Satisfied on Tab 8  
C4 - written request provided for waiver - Satisfied  
C5 - Copy of all local permits and approvals - **Deficient until ZBA renders decision**  
C8 - Statement from the Fire Chief - Satisfied  
C9 - Opinion of Road agent - Satisfied  
C12 - Statement on future plans of undeveloped portion - Satisfied under Tab 5  
Fees Due \$84.76 - Received

**Waiver Requests**

B2 - Soils Data waiver request on HISS maps. Lindgren moves to grant the waiver with the understanding that if at any time during the hearing the board feels it is necessary it can be required. Pyle seconds. Lindgren, Tartalis, McNeil, Pyle, Watson, Johnson in favor. Stewart abstains.

B3 - Landscape Plan waiver requested. Pyle moves to deny the waiver and move it into deficiency status. Watson seconds. Lindgren, Tartalis, McNeil, Pyle, Watson, Johnson in favor. Stewart abstains.

B10 - Solid waste Plan - Applicant will remove the request for a waiver as it is currently in the plan.

C9 - The applicant requested a waiver, however it was a deficiency and has been satisfied. No waiver needed.

A4 - Plan Scale Waiver Requested - Lindgren moves to approve the waiver request. Pyle seconds. Lindgren, Tartalis, McNeil, Pyle, Watson, Johnson in favor. Stewart abstains.

Pyle moves to approve application as complete with the exception of C5 - Copy of all local permits & B3 -Landscape Plan for hearing purposes only. Johnson seconds motion. Lindgren, Tartalis, McNeil, Pyle, Watson, Johnson in favor. Stewart abstains.

Lindgren hands the meeting over to Peter Marchant who gives a brief history of how this application has come to pass.

Peter Marchant is with KJK Wireless, he is here along with Attorney Steve Anderson, and AT&T engineer Dan Goolay.

In June 2008 AT&T requested to come to town, due to lack of service. Marchant first looked into the existing tower located on Bible Hill Rd. However because of topography and location of tower it would not work.

Marchant then approached the Swanson's, the Carrie's and the Petty's. The coordinates on the Petty property were the most desirable so Marchant approached the Petty's. The Petty's agreed to a lease and in August 08' a lease was completed.

In October 08' AT&T filed for a hearing. On November 13, 2008, AT&T met with the ZBA to discuss the access Rd. A Site walk was conducted on November 16<sup>th</sup>. Several people were there including a few Planning Board members. On November 18<sup>th</sup> AT&T met with the Planning Board. At that time the PB stated that the site proposed was in a very sensitive area based on the master plan and could they find any alternative sites.

In December the Planning Board provided Marchant with the Mill's site in New Boston. Mr. Mills stated he would discuss the option but when Marchant took the coordinates, they would not work because of the topography.

A Hearing was scheduled for December, but due to the Ice storm the hearing was pushed back to January. In January 09' AT&T had a hearing with the ZBA and again discussed the access road and details of plan.

Because of site walks, regulations and noticing issues the next hearing with the Planning Board was March 17, 2009. At this time the board reviewed plans and the Planning Board again asked if there was an alternative site.

On March 31<sup>st</sup> AT&T met with the Historical society and abutters at the original proposed site. The site was reviewed and walked and it was suggested to go over to the Sanderson and Campbell property on Dennison Pond Rd. At this site walk Marchant took coordinates and the engineer said yes this site would work, however Mrs. Sanderson was interested in discussing the possibility, but the land is in a trust and her daughter Mrs. Campbell was not interested in the tower being on either of their properties.

Marchant then visited 339 Dennison Pond Rd. at that time owned by the Hersey's and they were interested in a potential site, however they were selling their property and the land was in conservation, so it could not be used for Wireless Communication purposes.

Jeff & Chris Petty (who currently had a lease with AT&T for the initial site) said their father may be interested in putting a tower on his land on Dennison Pond Rd. Marchant met with Mr. Petty and he agreed and two months later a lease was signed.

On July 21, 2009, a preliminary consult was held with the Planning Board for the new proposed site. A Balloon test was scheduled for August 29<sup>th</sup>, with a rain date of August 30<sup>th</sup>. A Site walk was conducted in the rain and the balloon test was flown at 110', 130', and 150'. Pictures were taken and have been provided to the board. AT&T is proposing a 456' access Rd. off of Dennison Pond Rd with a 50'x50' compound and 150' monopole.

Marchont hands that meeting over to his associate Dan Goolay the engineer for AT&T. Goolay says AT&T is trying to provide several different services like Voice, Broadband, data, wireless not just mobile service. The plan for Frankestown is 3 sites. Site 1 co-located on Crotched Mountain Site, and a 3<sup>rd</sup> site to cover the center of town. AT&T is operating with a 1900MHZ license. Goolay also gives an overview of the plan and how each proposed site would affect coverage in Frankestown.

Steve Anderson states that at the time of the original site, many people present suggested Dennison Pond Rd so AT&T researched a few sites, however only one site worked. The parcel is over 40 acres, and has great tree coverage. Setbacks conform to the ordinance. Proposed driveway comes in straight off of Dennison pond, does not involve wetlands or many steep slopes. It has a turn therefore the compound is sheltered from the road, not a straight shot. AT&T does not feel it is cutting a swath like the original proposal. Anderson presents a color coded plan of the slopes. The greatest existing slope is 17%. Slopes over 15% are no longer than 70ft. 87' of the driveway has slopes from 10-14%. At the prior meeting there were questions about wetlands, and all wetlands are flagged on the property and they are on the south of the driveway. The driveway is 56' to the wetland boundary and several more feet to the actual stream. The length from Rte 136 to the monopole is over 1/3 of a mile. There is minimal visibility from Rte 136. Anderson states that images have been provided to the board of the view from Rte 136. This site will not be visible from miles around because it is on the side of the hill not the top of the hill. Anderson states they visited house #404 on Dennison Pond Rd and you could see 2 balloons from the garage and 3 balloons from the door and 3 balloons from the dining room. At the Jones property there is a panoramic view and therefore when you pan all the way to the left of the view you would see the tower.

This road is a scenic road, so they considered the scenic road ordinance. There is 21' of wall needing to be removed and 1 tree that appears to be dead that they would want to remove.

Site line distance to the north is less than 200', and the regulations require 200' of site line distance. There is 617' of frontage on the property. The road agent asked if the driveway could be moved to provide better site line, it can, however if the driveway is moved it will cause issues with steep slopes and wetlands. Topography wise this is the best site for the driveway.

Lindgren asks the board if they have questions. Sarah Pyle reads Section 5A of General Requirement of the Site Development Regulations. Watson reads the Site Development Regulations Section 5P1 - General purpose for wireless communications.

Ben Watson asks about Scenic Road provisions, and regarding the Road agent request of moving the driveway. He advises Anderson that they will need to bring their appeal request to the Board of Selectmen. If the Board of Selectmen says no then Anderson would need to appeal the Selectmen's decision to the Zoning Board of Adjustment.

Pyle states that there was discussion at the site walk regarding the height of the monopole at 100', 130' and 150', has AT&T found the answer as to the height needed not necessarily the desired height. AT&T has not, they will have this information for the next meeting.

Pyle asks about the 1900Mhz license and the 800Mhz, what does this mean for coverage. Goolay states that the overall footprint for 1900Mhz is about half what 800Mhz gets. Goolay states that Sprint, T-Mobile, & AT&T are 1900Mhz and Verizon and US Cellular are 800Mhz. AT&T does own some 800Mhz however not in this market, it is in MA.

Watson states that in the letter received from the Fire Chief's, he is not requiring a turnout because this is a non residential site.

Tartalis asks about the present height of the trees. AT&T is averaging the height of the trees to be approx 60 - 80', and the balloon test was done during full foliage, how will visibility be affected in the winter? Marchant states there are so many species of trees, he would not be able to guesstimate the change to visibility. Marchant does not believe the compound would ever be visible but that the tower would most likely be visible.

Watson states that he drove around, Candlewood Hill in Frankestown, Weare and New Boston and he did not see the balloons visible. Would a tree design be a better solution based on Rte 136 visibility as the balloon did not come up much over the tree line. Anderson states he would like to review that along with the height question at the next meeting.

Watson asks about the number of carriers that can co-locate on a 150' monopole. Anderson states that this is completely up to the board, however it may be in the best interest of the town to provide a height that the optimal number can co-locate to discourage additional tower sites. Goolay states that each locator has to have 10 vertical feet between the two. If you have 5 carriers on a 150' monopole, the 5<sup>th</sup> carrier would be located at about 110', which is about 30' from the treeline. Goolay states that would be his limit because of tree growth etc.

Lindgren opens the hearing to the public for questions.

Maureen VonRosinvinge asks what the difference of the balloon size and the pole itself. Balloon is approx 4.5' in diameter. The antennae is a metal panel approx 4-5' long and 2' wide.

Poly Freese - questions tree growth. What is the estimated tree growth in height. Goolay states that although he does not have data on Frankestown, in Keene a forester reported that Pine would grow approx one foot per year.

Catherine Merrig(?), long time summer resident states that the view from the Jones property is not a clear cut it is a field and has been a field forever. Catherine states that she can see the balloons very well from her entire parcel, including inside the house. The value of her property is the site not necessarily her house, the house is an antique and requires a great deal of maintenance. She just spent a considerable amount of money to purchase a parcel from her brother so that he would not develop it. If this tower comes in, there is no question that the value of her property will be significantly decreased. Cathy also states that her driveway is above the curb and that there will be an issue at the curb because of visibility. It is a terrible corner and the visibility and not safe. Catherine also states that she and Pam Avery are having their properties evaluated for value and will provide it to the board. Watson states that it is probably more appropriate to provide this information to the Zoning Board as property value is one of the conditions they base their approvals on. The PB will certainly look at it but it won't be a condition of their approval.

Francois Couthier - 462 Dennison Pond Rd. States that this is immoral and the tree line will affect Rte 136. Doesn't feel that the Jones and Cathy should have the burden of having a butt ugly tower in their back yard.

Bob Lewis on Dennison Pond Rd – Question for Board, has the town been approached by any other carriers? Board states they have not had any other applications from other carriers before them. Have they built any other structures at 150'? Board states a structure can't be that large, however a tower has its own regulations. Lewis states that this may be more of a precedent that Frankestown is setting, and where do you draw the line? Lindgren states that the Telecommunications act grants this right solely to the FCC. The town can't, not allow telecommunication facilities into the town. There are certain zoning ordinances that can be passed in which the town has some jurisdiction over the wireless application. In the policy making for the town regarding wireless communications the PB may help to develop the policies written and the board did do this in a major way in 2001. Watson states the spirit of the ordinance states you can't say you don't want towers in town, it states you have to exercise reasonable regulations. The ordinance was written carefully to ensure it was not in violation of federal law, town counsel reviewed it and the town approved it. Anderson states that just because Verizon has coverage AT&T shouldn't be allowed in town, the law is just the opposite. The act was meant to encourage competition and decided by the first circuit.

Tony Grady – Scenic Road issue, Zoning board Issue – Slope issue, Site distance issue. Grady feels the Scenic Road issue decision lies within the Planning Board. Grady states she is extremely disappointed and feels the board should deny the application based on the Scenic Road issue alone. Lindgren states that the PB can approve as site plan application. Scenic Road issue – he does not believe it has a Scenic road issue. That is for cutting trees on a Scenic Road. However a land owner can cut any tree they want on their property. The Planning Board will however look at the Stone wall boundaries. PSNH will have to come before the board for utility poles. Regarding the slopes they have requested a slope variance. Grady states that Dennison Pond Road residents are taxed 20% higher than other areas in town because it is considered a desirable area to live. With a tower site in the middle of it, that 20% tax increase will no longer apply.

Lisa Stewart – Stewart does not negate anyone's view but wants everyone to be aware that when an application comes before the board, many things need to be taken into consideration. As far as the disturbance of land this site is the best site because there is less disturbance that will occur. You need to look at what the development ability is of the land, potential tax on septic, roads, school systems etc. Both parcels need to be considered like this. Yes, it is going to severely impact a few residents but the Board's responsibility is to way **ALL** aspects of the applications, not just the effect it will have on the abutters.

Bob Lewis – Notes that there are quite a few more people here then at the last application, that should tell the board something regarding the impact it will have on the surrounding neighborhood. This is not the site for a tower.

Mr. Jones – 339 Dennison Pond Rd. Jones states that he closed on his property on July 27<sup>th</sup> and a few weeks later they received a notice about the tower. This tower will be a devastating to the view scape, and will change it forever. He has studied the site and feels there are a variety of sites in town that would work, and would like to help be a part of the solution. Jones asks the board, town and AT&T to come together and exhaust all possibilities of alternative sites. Lindgren states that the board has to act upon the current applications in front of them.

Dave Schell on Candlewood Hill Rd – States he probably won't see the tower from his site, however he moved here in 1982 and build his house in 1984. Schell states he has a real problem with people saying up front that they put a hold on the other site because of the length of

the road and because of the opposition. Watson states that the first application was put on hold based on a request from the applicant, not in any way from a request from the planning board. The Board did ask if there were any alternative sites, and AT&T found one.

Pyle states at the last set of hearings one of the things brought up was an independent consultant paid for by the applicant to advise the board about what is best. Pyle will collect names of independent consultants and research them. Anderson will provide a list of names as well for the board to research.

Anderson states that the original site proposed is AT&T's preferred site. It is certainly not the fastest to build or the most cost effective, however it performs the best. AT&T researched an alternative site (Dennison Pond Rd) because they were trying to be sensitive to the needs of the town. Anderson feels that in all hearings moving forward the Board will need to hear both applications together and make a decision on the application that best suits the town.

Peter Morin - Candlewood Hill Rd. Morin reminds everyone that the planners that are here are volunteers, they don't get paid to do this and we need to appreciate the job they are doing for the town. Morin feels an Independent Consultant is logical and should be reviewed. Morin states that some residents have been in town many years, some a few, some will leave and some will die here. Please take the time to ensure this is the best suited site for the community.

Lee Robinson - 462 Dennison Pond Rd. Robinson states the impact of this tower site is solely on a few people. The site changes the spirit of the town and the neighborhood. Robinson really wants to look at all options before the neighborhood has to settle for this site.

Min Robinson - From Lyndeborough states that she is upset that the land and people are being separated, and the neighborhood or people are being put second and the land first, this shouldn't be the case.

Polly Freese wants to know if Conservation Commission will have an opportunity to review and state their opinion. Lindgren states that yes, they will and they will be reviewing the plans at their Monday, Sept 14<sup>th</sup> meeting.

Anderson makes a formal request that both applications be referenced from now on and continued and heard together.

Board continues the Public Hearing to September 15<sup>th</sup> to determine the independent consultant at 7:15pm, there will be no discussion regarding either case at this meeting, it is to determine a independent consultant only. The board will continue both applications to Sept 22, @ 7pm.

Lee Robinson provided the board with images from the balloon flight.

Minutes are moved to September 15<sup>th</sup>.

### **Announcements & Communications**

Watson received a call from Sherry in the Town Office. Tom Anderson wanted someone with the PB to meet with Jim Rice the Town Assessor to review what had been going on with Schell property. Also the Board should be receiving a call from Henry Cameron regarding a car repair service in town.

Pyle moves to adjourn and Lindgren seconds the motion. Meeting is adjourned without objection @ 10:38pm.

Respectfully Submitted,  
Melissa J. Stewart

Minutes Clerk