

THE PLANNING BOARD
Town of Frankestown
Frankestown, New Hampshire 03043

December 15, 2009
APPROVED MINUTES

Planning Board Members Present: Bob Lindgren – Chair, Larry Johnson, Sarah Pyle, Ben Watson, Larry Johnson, Linda Kunhardt, Mike Tartalis.

Zoning Board Members Present: Charles Pyle, Silas Little, Lois Leavitt, Richard Barbalato, Sue Jonas.

Members of the Public: Betsy Hardwick, Robin Haubrich, Ivan Pagacik, Attorney Robert Carey, David Maxson, Attorney John Ratigan, Robert Carey, Mary Frances Carey, Lee Robinson, Min Robinson, Lisa Stewart, B.J. Carbee, Abigail Arnold, Tom Anderson, Paul Knight, Ron Baptiste, Joe Robitaille, Ed Frost, Roon Frost, Helene Harbage, Francois Ceauthier, AT&T representatives - Peter Marchant, Attorney Steve Anderson, Dan Goulet, & Ken Kozyra.

Melissa Stewart is taking the minutes.

Chairman Lindgren brings the Planning board meeting to order at 7:24pm.

REVIEW OF MINUTES

December 15, 2009 – Kunhardt moves to approve as written, Pyle seconds, all in favor.

Announcements and Communications

Board received a letter from Robert Carey and Letter from Historical Resources. Boards have received a copy.

Board received a new memo from John Rattigan requesting a few items from the Planning Board regarding the AT&T case.

Board received a handout from Orr & Reno Law Firm regarding the Cell Tower case.

Board also received a handout from the applicant.

Lindgren reads a Letter from Peter Hopkins dated December 8, 2009 asking the town to change its zoning requirements for a building permit to a minimum 200 sq ft, to be in agreement with the 2009 ICC building codes. Hopkins would also like to recommend the town require a zoning permit for any structure not needing a building permit to ensure setback requirements are met.

Lindgren closes the Planning Board session at 7:35pm

Lindgren opens the Joint Public hearing at 7:36pm.

7:36pm

Joint Public Hearing with ZBA - Continuation Site Plan Review/New Cingular Wireless/AT&T - Case #09-SP-3 located on Dennison Pond Rd, Map 6, Lot 61-2 as well as Case # 09-SP-02 located on Rte 136/New Boston Rd, Map 6, Lot 63-1 both are located in the Rural District

The purpose of this meeting is to hear information from the independent Consultant hired by the board, Ivan Pagacik.

Ivan Pagacik greets the board. Pagacik has reviewed the application and performed an RF analysis of the proposed sites as well as alternative sites.

Coverage Analysis – Pagacik requested additional information from the applicant, and did receive it from the applicant. There were 17 different scenarios reviewed. 5 sites had land or lease issues so he focused analysis on sites with no issues outstanding.

Map 1 – Existing AT&T coverage - spotty coverage throughout town.

Map 2 – Site at Crotched Mtn is planned so they inserted it into the analysis. This site covers mainly the Western part of Francestown.

Map 3 – Looked at existing site at ATC – Microwave tower to see what coverage that would afford to Francestown. Significant coverage in Northeast part of Francestown. Applicant is targeting 136 to provide coverage in Eastern part of Francestown. ATC tower, while providing pretty good coverage in the Northeast portion of Francestown and a portion of the Eastern part of Francestown, still has gaps along 136 in Francestown.

Map 4 – Looked at Mills property in New Boston – afforded coverage on Eastern part of Francestown and into New Boston along 136 but not as much coverage in the Northeastern part of Francestown.

Carey Property - Coverage along 136, not as much in Eastern part of Francestown and limited coverage in New Boston.

Swanson Property – Gaps along 136, did provide coverage in the Eastern part of Francestown.

Frost property – Provided coverage in Eastern part of Francestown along 136, not as much in Northeast part of Francestown; had some gaps in New Boston.

Pettee Property (additional site, not site under review) – provided coverage in Eastern part of Francestown and along 136 but had gaps on 136 in New Boston.

Parr site – Site is not in Francestown and did not provide any substantial coverage in Eastern part of Francestown.

Knight property – Did provide significant coverage in Northeast and Eastern parts of town, some gaps along 136 into New Boston.

Parcels identified after last meeting.

Map 6 parcel 42 – Covered Eastern part of Francestown along 136 until town boundary and then has gaps in New Boston 136 area. Did provide some coverage to the North East part of Francestown as well.

Map 6 parcel 44 – Similar to parcel 42 in the amount of coverage provided. Allowed coverage on the Eastern and Northeastern part of Francestown, however there were some gaps in New Boston along the 136 area.

Map 6 parcel 44-3 – Similar situation to prior two parcels. Coverage in Eastern part of Francestown but lacks coverage in New Boston on 136.

Map 6 parcel 42-4 – Same situation, providing coverage to the Eastern part of Francestown but gaps in New Boston.

Map 6 parcel 51 – Provided the most amount of coverage out of these different parcels. It also provided more coverage in New Boston than other parcels, and in the Northeastern part and Eastern part of Francestown.

All properties were analyzed using a tower height of 110'. Reason for this was to try to compare an apples to apples scenario.

New Boston Rd @ 110' provided coverage on the Eastern part of Francelstown, but not as much in Northeastern part of Francelstown. It did provide coverage in New Boston 136 as well as Francelstown 136.

Dennison Pond Rd @ 110' – Similar results, not as much coverage into New Boston as New Boston Road site. But similar coverage in Francelstown.

Alternative sites that were looked at in the beginning were also analyzed at 150' so board could see the level of coverage and still see that it does not solve the gaps in coverage, in either Francelstown or New Boston.

What Pagacik does recommend is that the applicant evaluates some of these new alternative sites. Pagacik does summarize that there was not one site that duplicated the same coverage in Francelstown and New Boston that either of the proposed sites offers. However there were sites that offered the same amount of coverage to Francelstown, just not both Francelstown and New Boston.

Pagacik states that the one alternative site that provided as close to a similar amount of coverage was Map 6, parcel 51; this site gives the best coverage based on proposed sites. Board notes this is the Jones property and there is a Conservation easement on it.

Pagacik states if you had to look at a combination, he would recommend that the applicant utilize the ATC- Microwave tower to meet New Boston needs and an additional property to meet Francelstown needs. Pagacik recommends the possibility of the Mills property and the ATC - Microwave tower to afford that coverage in Francelstown and the coverage AT&T is trying to get in New Boston.

Charles Pyle asks what current ATC tower height is. It is 165'. Is 165' available? The horns on the tower could be removed allowing for the height. (Anderson states it's about \$90k to remove horns alone). Pagacik says often times if the height is not available they may allow an additional tower to be built on the site.

Sarah Pyle asks about how the theoretical third "village" site would affect the ATC and Mills property. Pagacik says there are too many variables therefore he can't analyze unless applicant provides more information. He doesn't feel there will be an end all site in village to fix Eastern coverage issue.

Sarah Pyle asks two current proposed sites were analyzed and both of them have an "except for" that is in Francelstown so that the New Boston Road site shows good coverage on 136 in Francelstown and New Boston "except for" Candlewood Hill Rd area and falls down in some Francelstown areas. Dennison Pond Road has good coverage in Francelstown and New Boston but your "except for" areas are Candlewood Hill area and Scobie Road area. Pyle is questioning if the two proposed sites are in fact providing for better coverage in New Boston and not as good coverage for Francelstown. Pagacik states it provides coverage to both towns, and helps connection to AT&T's sites in New Boston. Pyle states as discussed at the last meeting it is not this board's job to fix the applicants issues in New Boston. The board is asked to do the best job for Francelstown's needs.

Silas Little questions Map 3 - ATC site and Map 15 and Map 16, it seems each site has significant gap in coverage in valley near Potash Rd. and Ferson Rd. Can Pagacik quantify that in terms of how many linear feet, because if you are talking about gaps in coverage along 136 you would have the same defect with the two proposed sites as the ATC site. Pagacik states the ATC site has gaps along 136 in the Eastern part of Francelstown that the New Boston and Dennison Pond Rd sites do not have. Little asks how many houses are we talking about. Pagacik says it's not the houses; it's traveling along the road that is the issue.

Watson asks if you had coverage in a town and there is a hollow, even with a site in the village area, would it be feasible to have some sort of alternative structure as opposed to having a tower. Yes, Pagacik states if you have a small area its called micro cell. Instead of building a full-blown

tower you would build something called a micro cell. It's a smaller site, with not as much capacity to cover a specific area. Watson asks if it could be something mounted on a utility pole. Yes, you could use something like that. Pagacik says that there is not one configuration that solves all the problems for the town.

Pagacik states that the Boards need to remember that this is one carrier; you are not talking about other carriers, or more carriers that may eventually come into Frankestown as well. What AT&T has for their design isn't necessarily going to work for other carriers.

Lindgren asks applicant to respond. Attorney Anderson turns meeting over to Dan Goulet. Goulet asks board, to review handout dated Dec 15, 2009, tab #4. ATC site is the first site that the applicant looked at. AT&T did a dry test at 165' with a transmitter on it and drove all the roads. Prediction and drive models are very similar, but the drive looked better than predicted due to the time at which the drive was taken. The drive was in March and there is not foliage in March. Goulet explains the type of tools and systems they use in order to collect the data and maps.

Goulet turns to site location aerial views on pages 21 & 22. Looking at view 2, the problem on 136 is the hill the original Pettee site (New Boston Rd) is on is 824' and the other sites are in the 700' range; they need to get over the terrain and trees onto 136 which sits in and around the 632' range. So you have a shadowing affect. Two sites that seem to work getting the line of sight going to views on pages 23 & 24

proposed locations are mapped out behind homes on New Boston Rd. Problem with AT&T tuned models do not cover 136. Goulet wants to point out that when you are building out a network the objective is coverage to residents, and coverage on the main corridors. 136 serves just from the East to the West 1600 to 1900 average daily traffic counts. Then out towards New Boston it went from 1400 – 1600 average annual daily traffic. A carrier needs interconnectivity to make handoffs, this is a wireless network not just patches. FCC wants carriers to provide competitive service to keep prices down. Nobody will buy service if carrier can't provide continuity and they can get service with continuity from another carrier.

Goulet discusses the building on the Mills property instead of New Boston Rd or Dennison Pond Rd. Goulet states the Mills property doesn't do badly, however AT&T has 3 sites in New Boston already.

If they built Mills and then use the ATC site and turn on the Crotched Mtn site at 97' there are Lots of gaps on Rte 47, and then again near Scobie Pond Rd. AT&T would still need an additional site in Frankestown to cover the gaps. Ken Kozyra with AT&T asks Goulet to show additional map that would show an Oak hill location and how it would change coverage. (This is not in the handbook as it was requested by Kozyra late in the day after Goulet had send the handout to the printer)

AT&T would need to build 4 towers now, one being in New Boston at the Mills property, one in the Oak Hill Rd area, one at Crotched Mtn and the one at the ATC- Microwave tower. Instead of just Oak Hill, Crotched Mountain and either Dennison Pond or New Boston Rd.

Anderson states that if height is the issue AT&T could build a tower on the Pettee property at 100', another tower in the center of town at 100' with each tower allowing for co-location. How many could co-locate he can't determine because he does not have engineering data for other carriers. It depends on height, frequency etc. But two towers at 100' would suit AT&T's needs. The town just needs to determine the co-location factor.

Anderson references information received by the board this evening regarding seminal cases and 1st Circuit cases. Little mentions that the 2009 cases are newer than the 1st circuit 2002 case. Anderson references a 1st Circuit case about a month ago and reads from it.

Anderson agrees with Pagacik in that the Jones property is the best site but it has a Conservation easement on it, therefore it is not an option.

Anderson also states that he reviewed David Maxson's report of alternative sites and Maxson has the Pyles property, listed as a possible alternative, Anderson has to question Maxson's motive. Is this for purposes of an appeal?

Watson states that the board members have not had enough time to review the data and paperwork provided. Watson feels that this meeting should be limited to just the information that Pagacik has provided as that was the purpose of the meeting. The board should go home, review the information, and then can come back and hear other sides.

Watson asks Pagacik as to why there is such a divergence between the maps. Pagacik states that the software is different and AT&T has the advantage of better data due to their drive testing software and data.

Pyle asks if any of the New Boston sites cover any of Frankestown. Goulet says you may get blotches on hilltops but not continuous coverage.

Attorney Robert Carey states that the town does not need to provide coverage for New Boston it needs to be concerned with Frankestown. Knight and Biafore locations provide coverage in Frankestown. Knight Map #7 in Pagacik report states that he is willing to consider a tower on his property. Carey provides a letter to the Board signed by Knight that he would be willing to consider this. Anderson requests a copy of the letter from the board. Carey states that Camille Biafore located at Map 6 – parcel 42 is also willing to consider a tower on her property. These two properties provide coverage to Frankestown. Carey turns the hearing over to Attorney Rattigan and David Maxson.

David Maxson provides a map labeled Exhibit 2 provided to the town in August by AT&T. Maxson had a independent drive test company do a drive test and he tuned his plots. Maxson feels that Pagacik plots are closer than the applicants as to what the coverage is.

Maxson states that with a 100' tower on Oak Hill Rd there is substantial coverage on 136 toward Potash Rd. It also shows coverage Easterly along 136' extending East along Bible Hill Rd. Maxson states that any green on the map does not matter from a vehicle, Orange means a vehicle will carry the signal well and significant white means it will drop the call.

In regards to the Knight property mostly green and provides coverage easterly toward Town boundary. Maxson questions the gaps as a map can't really show that detail. Maxson believes that the few areas that are slightly white on 136 will still carry the call while in a vehicle. Maxson states there would be pretty much continuous coverage on 136 from the town line to Bible Hill Rd. If you add Oak Hill into the scenario then you have pretty much continuous vehicle coverage along Rte 136.

Maxson asks Pagacik looking at plots prepared by him, color is green and brown/orange are they same signal levels. -92 is edge between orange and white and anything above that -82 is represented by the green. Pagacik confirms this to be correct.

Maxson questions Goulet in regards to ATC tower and the drive testing. How was the equipment set up? Goulet states it was a CW drive test with an antenna on the tower and equipment set up for specific output power and then they drove the roads with a laptop and measured collecting RSSI data. Receiving antenna is on the vehicle, not in the vehicle.

Maxson states that he's had experience with ATC towers as one was in Wendell, MA and Frankestown's ATC tower horns should come down anyway, as they are a potential hazard.

Maxson discusses proposed alternatives and states that the Biafore property would also provide coverage to Frankestown.

Maxson also references a facility proposed along Millers River in MA and that there was difficulty carrying a signal around the corner so they discussed putting a Micro cell on the corner to carry the traffic. Those options are viable ones.

Attorney Rattigan states that the boards need more data on the towers. They need to see different height scenarios and need to explore the alternative sites being mentioned. Rattigan feels this information would be helpful to the Board. Rattigan asks the board to consider his requests.

Joe Robitaille states that although he does not have AT&T he currently has great cell phone coverage through another carrier. Robitaille travels to Hudson daily and may drop a call for 2 minutes traveling through town but that is it. He can live with that.

Ron Baptiste asks when will the abutters on Oak Hill be notified of these meetings and individuals be notified so they can voice their opinion regarding Oak Hill. It sounds like Oak Hill is very real now, not just a possibility.

Anderson would like to remind the board on FCC shot clock ruling and would like to know if the board could meet in January.

Anderson wants to clarify that Maxson stated in his report that New Boston coverage was spotty and another site may still be needed to cover New Boston. Anderson states that when Maxson did his drive test in New Boston the reason there were gaps in coverage is because the towers have not been turned on yet, therefore they will not be showing up. Once turned on the coverage is seamless.

Anderson and Kozyra both request that the Boards and their Firm receive the Maxson report and drive test data as well as the specifics on how what program was used, what company conducted the test and when the test was conducted.

Boards would like Pagacik to provide the Boards with an analysis and maps adding 10' to the ATC tower, and report on what if any coverage this would provide the town. Boards would also like to see the Knight site with a tower @ 165'.

Goulet to provide the Board with most likely server maps with the following:

Dennison Pond Rd – 110'
New Boston Rd – 110'
ATC Tower – 165' & 185'
Knight – 180'
Oak Hill – 100'

Charlie Pyle states that Anderson needs to look at whether the ATC tower can be modified to handle the additional height, or if a new tower would need to be created and if so what is the height needed to accomplish AT&T needs.

Watson asks if given the number of maps being requested, Is it possible to have the maps in hand for the Boards review by the 1st of January. Goulet and Pagacik agree.

Mary Frances Carey states that they are discussing tower height but please remember what is happening to the land based on driveway and disturbance of the land on the proposed sites.

ZBA to continue their meeting to January 14th at 7:30pm.

Planning board will continue their meeting to January 7, 2009 at 7:00pm.

ZBA adjourned meeting at 10:59pm
Planning board adjourned meeting at 10:59pm

Respectfully Submitted,
Melissa J. Stewart
Minutes Clerk