

THE PLANNING BOARD
Town of Frankestown
Frankestown, New Hampshire 03043

January 7, 2010
MINUTES

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

Members of the Public: Ivan Pagacik, Attorney John Radigan, Mary Frances Carey, H. Robert Carey, Attorney Robert Carey, Drew Lemay, Peter Marchant, Attorney Steve Anderson, Dan Goulet, & Ken Kozyra, Robin Haubrich, Ben Haubrich, Jim Hamilton, Ron Baptiste, Martine Villalard-Bohnsack, Francois Gauthier, Leigh Robinson, Robert Lewis, Laryssa Lewis.

Melissa Stewart is taking the minutes.

Chairman Lindgren brings the Planning board meeting to order at 7:09pm.

REVIEW OF MINUTES

December 15, 2009 – Pyle moves to accept minutes as amended. Lindgren seconds, all in favor.

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

Lindgren states that the goal of this meeting was to hear additional testimony from Ivan Pagacik, an independent consultant hired by the Planning Board. The second item was to discuss the option to send a letter of recommendation to the ZBA in time for their next hearing.

Lindgren advises the board that two new handouts were sent via e-mail to all board members for review prior to the meeting.

The Board also received a letter from Paul Knight dated 1/7/10 withdrawing his interest in exploring the possibility of a tower on his property.

The Board received a letter from Catherine Roehrig dated 1/4/10 which includes documentation from Amoskeag Appraisal Company, LLC providing information about the Roehrig property.

Lindgren passes out a new folder from Orr & Reno.

Watson wants to adjourn the meeting given the amount of data just received by attorneys and members of the public. The Board has not been given the opportunity to read through the material prior to the meeting and therefore can not be expected to provide a list of findings to the ZBA while taking into consideration all the new material presented this evening. Watson feels the Board needs to have a cut off date for submission of information in order for the Board members to review and absorb what is being presented to them.

The Board discusses and decides to hear Pagacik's testimony and a summary from Attorney Steve Anderson, Attorney Robert Carey, and Attorney John Radigan, and then allow for members of the public to provide input should they desire to.

Kunhardt reads Article 7.19.1 A,B,C,D in the Zoning Ordinance. Kunhardt feels that A & B have not been addressed by the applicant to date and that the Board can not even make a recommendation to the ZBA until A & B have been addressed.

Lindgren states that he spoke to Town Counsel and was told that the board must be careful that they do not pre-judge the application while hearing and providing the ZBA with a list of findings.

Watson states that if the board wants to make any findings of fact to the ZBA the board should do it using a pro vs. con method for each site and provide that to the ZBA but in no way pre-judge the application.
The Board agrees.

Lindgren turns the meeting over to Ivan Pagacik.

At the Dec 15, 2009 joint meeting, the ZBA and Planning Board asked Pagacik to provide two summary analyses. The first was for the ATC tower, increasing the antennae height from 165' to 185' and secondly increase the antennae height on the Knight site from 150' to 180'.

Pagacik has provided 3 maps:

Map 1 – shows the prospective site on Oak Hill at 110' along with the ATC tower at 165' which was presented at the last meeting but it did not include an Oak Hill tower site. Pagacik identified a coverage gap along the Eastern part of 136.

Map 2 – Pagacik kept the Oak hill tower at 110', but increased the ATC tower to 185', the coverage gap on 136 decreased but does not eliminate it.

Map 3 – Pagacik left the Oak Hill tower location at 110', he increased the Knight property to 180'. Pagacik found no substantial increase of coverage to the Eastern part of Frankestown when comparing it to the tower height of 150'. Pagacik states the elevation of the Knight property is lower than the elevation of the ATC tower causing there to be a less significant change in coverage.

Pagacik recommends that the Board request the applicant further explore increasing the height of the ATC tower to reduce the coverage gap on Rte 136.

Pyle asks Pagacik if you went higher than 185' does he think it would remove the gap. Pagacik states that 10' does not usually make a difference and does not think you would eliminate the gap by making the tower 195'.

Attorney Carey asks Pagacik is there a way to quantify on map 2 what the gap is. If it is a 1/8 of a mile is that considered a pause? Pagacik believes that at 40 miles hr it would be approx an 8 second break in coverage.

Lindgren now turns the meeting over to Dan Goulet for AT&T.

Goulet reminds the Board that back in August Goulet gave testimony about the drive test that was conducted on Bible Hill Rd at the ATC building. Goulet Hired Riggers and put a antennae on the tower at 165' but the testing was done at the end of March when there was no foliage. Goulet drove 34 miles in Frankestown. The device used collects 50 samples a second to meet the criteria required. Goulet ran a prediction and then overlaid the drive test on top of the prediction to validate the model that they were using was accurate. Goulet explains that the drive test shows better reception than the prediction and that is because the prediction software takes into account foliage and the drive test was conducted when there was no foliage on trees. You see several gaps on Rte 136.

Goulet apologizes to the board and states he must not have heard correctly at the last meeting because he ran his maps with an ATC tower height of 195'. The report was created to in vehicle coverage and even at 195' there are several gaps still. Goulet blew up the Plot to show the gaps on the road even though the large map appears to have no gaps, when blown up you see that in fact there are gaps. Goulet states that he has the Oak hill site turned on as well on these maps.

Goulet also ran the Knight property at 185', with Oak hill turned on. You still see gaps on Rte 136. Goulet also provides a close up of the Knight property showing that there are in fact significant gaps on Rte 136.

Goulet ran the Pettee site on New Boston Rd with antenna height of 110', with Oak hill turned on at 100'. It shows only a 90' gap on Rte 136.

Goulet ran the Dennison Pond Rd site with a tower height of 110'. The only change in coverage is that Scobie Pond Rd loses their in building coverage and Candlewood Hill Rd no longer has any connection.

Goulet states that the map being presented of the Biafore property is not accurate as the coordinates given by Maxson at the last meeting were incorrect. (The coordinates ended up being for the Wilder property not the Biafore property. The Wilder property is located behind the Biafore property) When Peter Marchant went out to physically verify the coordinates he found the coordinates that had been provided were incorrect. The map in the handout is correct. Goulet did not have the correct data in time to get large maps printed with corrected coordinates.

Pyle questions a slight difference in the maps from Pagacik. Goulet states that he has an advantage over Ivan due to the drive test data that he can receive. The models Goulet uses are not a guess. Goulet also wants to make a statement that his maps are being printed directly from the Software. When you save the data to a PDF file and then re-PDF the file the data gets distorted, which is why Goulet prints directly from the Software. He has an advantage over Maxson and Pagacik. Goulet references Maxson's statement at the 12/15/09 meeting that AT&T was over stating the coverage and Goulet states this is not true, because of his software and his ability to generate plots directly from the software his plots will be more accurate.

Watson questions the objective of the Oak Hill site. Is it to cover Rte 47 mainly or to capture the center of Francestown. Goulet says it is to do both. AT&T would like to cover anyone who lives, works and travels in Francestown.

The Board and the applicant discuss how the applicant determines the areas for coverage and alternatives to towers if a carrier has a dead spot. Goulet states he looks at many aerial views to see where the homes are so that the carrier knows where they need to provide coverage.

Watson questions micro-cells and asks if they can be used in an area that has a dead spot. Ken Kozyra states that you don't find micro-cells in rural areas, they are used to handle capacity issues so you mostly find them in cities or areas where there is a concentration of use like colleges.

The Board questions the shades of colors used on the map and the edges of the pink and white (service/non service) Board wonders if it is a gradual loss as you approach the area or does service just drop off? Most of the time it is a gradual loss, Goulet states that in the program you can click on the area in question and the program will actually tell you how weak or strong the signal is at that point.

Francois Gauthier questions what bars on the phone mean vs. signal strength. Goulet states that if you had 3 bars in 1998 it is not the same as 3 bars now. Carriers changed the software and phones to show a stronger signal than you actually have as a marketing ploy because customers kept complaining about not having "bars". You can program some phones to show the signal strength instead of the # of bars.

Attorney Robert Carey Jr. states that AT&T wants to provide as much coverage as possible, but the law says and courts say that there can be gaps and the town does not have to provide the applicant with seamless coverage. Anderson states that he provided the ZBA with a detailed letter regarding this and would be happy to provide it to the Planning Board as well.

Attorney Carey references Map 28 – which shows that the applicant gets better coverage in New Boston than in Francestown. Carey explains that the reason the applicant can not go back to New

Boston for another tower is because they sold New Boston on two towers by telling them they had an approved tower site in Francestown to cover that portion of New Boston.

Carey states that he and Anderson spent over 2 hrs at Division of Historical research as Anderson was challenging the letter provided to the Carey's..

Carey would like to encourage the board to focus on Article 7.19.1 in the Zoning ordinance and continue researching alternative sites.

John Radigan questions Dan Goulet about the map in the handout he created using the correct coordinates and states that it provides seamless coverage in Francestown, however it does not provide seamless coverage into New Boston. Goulet states that is correct.

Radigan provides the board with an appraisal of the Jones property noting a 5-10% reduction in value. Radigan states the Roehrig property is also showing a 6 ½% reduction in value. These are significant and need to be considered by the board.

Watson states that in the past the applicant and the Towns accessing agency stated that it does not necessarily decrease the value of a property, it may take a little longer to sell the property but it does not mean the value of the property is diminished.

Attorney Anderson briefly explains the handout he provided this evening and encourages the Board members to read the e-mail that was sent prior to the meeting.

Anderson turns the Boards attention to Tab 3 & 4 from the Jan 7, 2010 handout with aerial photos of the distance to the sites and also images of what the tower would look like once installed. Anderson discusses the pro's and con's of the sites regarding height, location, abutters.

Anderson mentions a report in the 1/7/10 handout from Peter Marchant regarding the Knight property. Marchant visited the Knight's with AT&T's Wetland Scientist. Anderson states that Peter's job is to respect the Towns ordinance. The location that Knight was willing to put the tower was 40' from the wetland setback. Anderson states that one thing not mentioned previously was that as of Jan 1, 2010 the law has been changed. Area variances are no longer treated differently than use variances. The Legislature declared that area and use variances will need to meet the same set of standards now. AT&T is not subject to the new law based on the two pending applications, however any new site for example the Biafore property would need to meet use variance standards to get any deviation from the fall zone set back that AT&T can currently meet at two other alternative sites.

Ken Kozyra asks if Radigan and Carey can make their independent consultants available so that AT&T can ask them questions, as AT&T has made all their specialists available.

The Board requests that any written response to testimony or handouts/letters received this evening be given to the Board no later than January 26, 2010.

Board continues the hearing for both applications to Feb 2, 2010 at 7:00pm.

Meeting was adjourned at 10:09pm

Respectfully Submitted,
Melissa J. Stewart
Minutes Clerk