

**PLANNING BOARD
SEPTEMBER 4, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Joan Garipay, Jim Hornig, Michael Mayor

Alternates: Bill Dietrich, Mike Hingston, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The Minutes of August 21, 2012 were approved as amended.

2. **P2012-42 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY, AGENT FOR NH PUBLIC BROADCASTING INC., PROPERTY OWNER OF RECORD, TO CONSTRUCT A 395' REPLACEMENT TOWER, EQUIPMENT SHELTER, BACKUP GENERATOR, AND TEMPORARY "COW" AT THE LOCATION CURRENTLY KNOWN AS 55 MOOSE MOUNTAIN ROAD, TAX MAP 10, LOT 30, IN THE "F" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

Attorney Will Dodge, of Downs Rachlin Martin PLLC, representing New Cingular Wireless PCS LLC d/b/a AT&T Mobility, presented the application. Also present were Pete LaMontagne, of Centerline Communications LLC, Jesse Moreno, of Pro Terra Design Group LLC, and Attorney John Weaver, of McLane Law, representing Verizon Wireless. Dodge said this project is part of an AT&T multi-site build-out in western NH aimed at providing data and 4G LTE services. 2G services are currently provided via a roaming agreement with Verizon. Maps of AT&T's coverage and roaming service areas, as well as projected improvements to the coverage footprint were displayed.

Dodge said the existing 395' tower on Moose Mountain has been in existence since the 1960's and is currently used by multiple parties including Verizon and various State agencies. The tower is at the end of its useful life and needs to be replaced. The tower is located on a reasonably large compound, accessed by Moose Mountain Lodge Road.

The project proposes a permanent facility and a temporary cellular on wheels facility (COW).

The permanent facility will have:

- 6 panelized antennas, about 8' tall, installed at a height of 147'
- a 12'x20' equipment shelter with HVAC units
 - a small exterior light fixture is required by Building Code
 - the light will be down-shielded and motion activated

- no other lighting changes are proposed
- a 4'x11' concrete pad with a propane generator
- 2 500-gallon propane tanks
- an ice bridge (conduit leading from the shelter to the new tower)

The COW facility:

- consists of a 22'x8' trailer, on a 40'x15' pad, with a 120' telescopic lattice tower, and 3-6 panel antennas
- will be positioned next to the access road and be built on a gravel, rubber, and timber crane mat
- requires the clearing of some trees and a little grading
- will be fed by an electrical cable from the tower compound (run on the ground)
- will receive telephone service from an existing telephone pole
- does not require any lighting or markings (per FAA regulations)

There are no proposed changes to the access road. Vehicles needed for this project include a trailer, cement trucks, and cranes.

Dodge explained the site's existing layout, noting the location of the existing tower, a future replacement tower (to be proposed by Verizon and the property owner), existing LP tanks, and AT&T's proposed equipment shelter, ice bridge, generator, propane tanks, temporary staging area, and erosion control areas. Dodge displayed simulations of visual impacts which he characterized as being "pretty limited".

Dodge advised of changes to the application, made in response to concerns expressed at the August 13th Staff Review meeting. He said:

- the combined noise from the HVAC equipment and generator will meet the Town's noise standards when measured at the property line
- the generator will be tested weekly for one-half hour
- propane will be used rather than diesel
- erosion control details have been provided
- all proposed structures meet the 100' setback requirement
- applicant is prepared to post a bond to repair any road damage

Radio frequency emissions from the antennae are governed by the FCC. Results of a maximum permissible exposure study indicate that the proposed installation is calculated to be within FCC exposure limits.

Dodge advised of waivers requested and provided defense thereof (noted in parenthesis):

1. Deed restrictions & covenants – (there are none, other than the requirement that the site be used for the purposes of public television)
2. Valid perimeter survey – (the project does not extend much beyond the access road other than where the COW will be located)
3. 100 year flood elevation – (this is not applicable given the site location)
4. Use of abutting property, roads streets & driveways, trails – (the only abutters are a residence & the US Forestry Service)
5. Rights of ways & easements – (only a few utility easements are missing from the plans)
6. Streets, driveways, parking spaces & sidewalks – (most are shown on the plans)
7. Vehicle & pedestrian circulation – (most are shown on the plans)
8. Fire lanes, hydrants & emergency access – ("not really applicable")

9. Landscape plan – (“not really proposing to make any changes”; reseeding will occur after the COW is removed)
10. Plans for snow removal & storage – (the site will be accessed by snow machine in the winter)
11. Paving, grading & drainage plans – (there “are really none” because mats will be used)
12. Drainage facilities – (none are needed at the permanent facility site; modifications to erosion controls & access to the COW are shown)
13. Road & utility plan acceptable to DPW – (bond posting addresses this)

Dodge confirmed that the proposed work conforms to the Master Plan. He read from Chapter 11, “*Despite the Town’s rural nature and relatively small population, the citizens of Hanover demand access to new and emerging telecommunications infrastructure... Whenever possible, unobtrusive installations and co-location should be implemented*”.

Board Comments/Questions:

- How long will the COW be utilized?
 - Dodge said one year.
- It is assumed there are FAA warning systems on the current, larger tower. What, if any, changes will there be to those systems?
 - Dodge said no changes are anticipated.
 - Weaver said he has not looked into that but agreed, no changes are anticipated. His understanding is that the lights on the tower right now are consistent with FAA requirements. Assuming that is true, lights on the replacement tower will be the same.
- Given that AT&T voice coverage in Hanover has a number of blank spots, are there other technologies to provide signals with much less visual impact?
 - Dodge said no, due to costs.
- Will voice coverage improve when moving from roaming coverage to AT&T direct-provided services?
 - Dodge said yes, in certain areas. The goal is to build these key systems, and fill in the holes as a secondary task, understanding that there are multiple priorities throughout the state.
- Why is AT&T’s equipment going to be so low on the tower?
 - Dodge said the height does not matter. The top portion of the tower already houses a large amount of equipment.
- There is no problem with trees growing nearby?
 - Dodge said no, not for the area AT&T is trying to provide coverage for. The goal is not to cut down trees. Trees do place a role in the location of the COW.
- How often are the propane tanks filled?
 - Dodge suggested every 3 months.

Staff Comments/Questions:

- Edwards asked if existing concrete cradles for tanks will be used.
 - Dodge said no, due to their enormous size.
- Edwards noted the lack of consistent, widespread internet coverage and broadband internet service in Hanover. He asked if a 4G system can provide internet service to a home computer.
 - Dodge said absolutely.
- Edwards noted the need for more competition between available carriers in the area.

- Dodge said eliminating the roaming arrangement, between AT&T and Verizon, will enable both company's antenna systems to provide more broadband LTE services.

Public Comments/Questions:

- MK Beach, of 33 Moose Mountain Rd, asked of the timing for replacement of the tower.
 - Weaver suggested sometime during calendar year 2013.

Waivers Requested (list compiled by Vicki Smith):

Submissions

1. A(4)(a)(3) Deed restrictions and covenants
2. B(2)(a) Valid perimeter survey
3. B(2)(d) 100 year flood elevation
4. B(2)(e) Use of abutting property, roads streets and driveways, trails
5. B(2)(f) Rights of ways and easements
6. B(2)(i) Streets, driveways, parking spaces and sidewalks
7. B(2)(j) Vehicle and pedestrian circulation
8. B(2)(k) Loading and delivery areas
9. B(2)(l) Fire lanes, hydrants and emergency access
10. B(2)(q) Landscape plan
11. B(2)(t) Plans for snow removal and storage
12. B(2)(u) Paving, grading and drainage plans
13. B(2)(v) Drainage facilities
14. B(2)(z)(2) Road and utility plan acceptable to DPW

Standards

15. No requirement for trash enclosure
16. Lighting- a cut off fixture is proposed, not a full cut off fixture
17. Landscaping for reclamation of COW area
18. Provisions for snow removal and storage

It was moved by CONNOLLY, seconded by MAYOR, to find the application complete with the above listed waivers. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. The vote did not require participation from Alternate members.

Staff's recommended Conditions of Approval:

1. A video of the road(s) be made and submitted to the Town prior to the start of construction or installation of the COW.
2. A road restoration bond (\$35/LF of the road length), satisfactory to the Director of the Department of Public Works be submitted prior to the start of construction or installation of the COW.
3. The applicant will be required to restore the road(s) to original condition as determined by the Director of the Public Works Department, if, in his estimation, any damage occurs.
4. If the Director of the Department of Public Works determines that the Class VI road has been damaged, the applicant shall be responsible for preparing documents and permitting as required by Town Ordinance #4 process for improvement of a Class VI road.

Dodge acknowledged his understanding of the above proposed conditions.

Edwards asked whether existing fencing would be fixed. Dodge said no, there is a camera on the tower so there is some monitoring that is occurring. Weaver (?) added that if the fencing is a safety issue, it will be addressed as part of the tower replacement application. ESMAY noted assurance from the applicant that the fence would be fixed.

It was moved by CONNOLLY, seconded by MAYOR, to approve the application with the recommendations of staff. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. The vote did not require participation from Alternate members.

3. PASTURE RD IMPROVEMENTS REQUESTED UNDER TOWN ORDINANCE #4

Attorney Brad Atwood appeared on behalf of Dana & John Robes who are proposing road improvements to Pasture Rd, a Class VI Rd, in order to provide driveway access to a proposed seasonal home. Atwood noted the complexity of the application, as the land is jointly owned by the Robes and the Town of Hanover, and the road is flooded due to a beaver dam. Atwood & his clients have sought other options to gain access to the parcel, but to no avail.

A plan, submitted to Peter Kulbacki, Hanover Public Works Director, is to install a driveway approximately 400' up Pasture Rd. Atwood said the farther up the road the driveway is located, the greater the wetland impacts will be. He reiterated that if there was any other way into the property, his clients would not be seeking construction on a submerged road.

Comments/Questions (relative to the preservation of Class VI Rds):

- SIM said turning Class VI Rds into highways that will allow access to more property in the rural area for development of any nature goes against what the citizens value in terms of the rural aspect, and against a condition of the deed when the land was conveyed to the Town.
 - Smith said the wheeled vehicle deed restriction relates solely to the Town's conservation land. Pasture Rd is a public right-of-way.
 - Atwood said that covenant did not exist when the land was conveyed to his clients.
- HORNIG said the Master Plan is unequivocal in its attitude toward Class VI Rds. He said he does not see how the Planning Board could recommend otherwise.
 - ESMAY & HINGSTON agreed.
- CONNOLLY said after visiting the site, her opinion is to do the least amount of harm and that if any part of Class VI Rd is to be used, it should be the minimal amount. She referenced Corey Rd and said the reason the Selectmen granted access on Corey Rd was because it is basically an open field.
 - DIETRICH said the choice is to grant access either using shortest portion of the road, crossing more wetlands, or allow more use of the road with less wetland impacts.
 - CONNOLLY said wetlands are for another board to consider.

Public Comments/Questions:

- MK Beach said statements within the Master Plan should be honored.

It was moved by HORNIG, seconded by MAYOR, to instruct the Chair to draft a statement to the Selectboard setting forth the concurrence of the Planning Board that it stands by its statements regarding Class VI Roads as articulated in the Master Plan

which took 10 yrs and 101 meetings to draft. CONNOLLY suggested referencing the present condition of Pasture Rd. Atwood said it would be helpful to his clients for the Planning Board to state its preference relative to wetland impacts vs the use of the Class VI Rd. SIM said the course of Pasture Rd needs further study & resolution. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** The vote did not require participation from Alternate members.

4. Continuation of P2011-40 VOLUNTARY MERGER OF 1 & 7 RENNIE RD BY DONALD & ALINDA ROBERTS, TAX MAP 13, LOTS 16 & 17 [Previously heard 12/06/2011, 01/10/2012, 03/06/2012, 05/01/2012, 06/05/2012, 07/17/2012]

Smith announced that the demolition is complete and has been inspected by Jeff Andrews, Assistant Building Inspector. That was the last item needed to merge the lots without creating 2 possible principle structures on one lot.

It was again questioned whether the Zoning Administrator had reviewed and approved the proposed merger. Said approval was provided to the Board at the January 10th hearing.

It was moved by MAYOR, seconded by HORNIG, to find the application complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. The vote did not require participation from Alternate members.

It was moved by MAYOR, seconded by HORNIG, to approve the merger of Tax Map 13, Lots 17 and 16. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. The vote did not require participation from Alternate members.

5. PLANNING BOARD MEMBER ORIENTATION AND TUTORIAL

ESMAY reminded Board members to submit their Municipal Law Lecture Series registration forms to the P&Z Office. She asked staff to distribute copies of the materials from Lecture 1 - Procedural Basics for Planning and Zoning Boards to the Board.

ESMAY also asked staff to distribute copies of The Planning Board in New Hampshire – A Handbook for Local Officials, November 2010, available on the State's Office of Energy Planning website. The Board will then conduct tutorials, one chapter at a time.

6. OTHER BUSINESS

Next meetings: 09/11 @ 7:30 PM - to include discussion of the residential zoning project
09/18 @ 1:00 PM – the kick-off meeting with the rezoning consultants

7. ADJOURN: The meeting adjourned at 9:35 PM

Respectfully submitted,
Beth Rivard