

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
June 12, 2012

Present: Chairman Merrell, Members, Deschenes, Despres, Doane, Kresge, McCarthy, Moore and Selectmen's Representative MacIsaac

Absent: Member Grodin

Staff: Recording Secretary Lemire, JoAnne Carr, Director of Planning and Economic Development,

MEETING MINUTES APPROVAL

On a motion by MacIsaac, seconded by Doane the minutes of the May 8, 2012 meeting were approved as amended. (7-0)

PRELIMINARY HEARING

Tom Hildreth – McLane Law Firm (Potential cell tower, Conant Way)

Mr. Hildreth is representing Verizon Wireless and is before the board to make them aware that there has been a meeting with the School Board about the possibility of constructing a cell tower at the high school property on Conant Way. The preliminary proposal is for a 120 foot tower with a 40 x 50 foot compound. There are presently three towers in Jaffrey.

Two potential sites have been identified on the property; number one is on the Turnpike Road side of the property and number two is to the back side of the parking lot. At this time the school board feels that site number one would work better for them because they fear the second location may interfere with any future plans for expansion. Mr. Hildreth stated that they will meet again next week with the school board and continue the conversation. In either location the compound would be the same. To illustrate the compound and tower Mr. Hildreth distributed photos of a 135 foot monopole and compound recently constructed in Bedford.

When they meet again with the school board one of the things to be discussed is scheduling an informational meeting with the neighbors of the school. It is hopeful that the meeting will lead up to a balloon test at the site and that it will not only serving the land owners but the Planning Board as well. Mr. Hildreth would like to see input from the board as to any specific locations that they would like to have pictures taken during the balloon test.

Member Kresge asked if there is the potential for several co-locators. Mr. Hildreth assumes there is however he explained that they will only build to the lowest achievable height and Verizon will assume the top tier. If others can be served below that then they are welcome to them but they are not building for co-location purposes.

Chairman Merrell asked for the dimensions of the antenna. Mr. Hildreth explained that they are called panel antennas and are between 48 – 72 inches in length, 6 – 14 inches in width and between 4 – 9 inches in depth. Overall width is a 12 foot triangle. Chairman Merrell asked if there would be space provided for the community. Mr. Hildreth stated that depending on what they need and how high they need it space could be available; they generally make that a standard offer at no rental cost. To date there has been no conversation with anyone in Jaffrey.

Selectmen's Representative MacIsaac asked if any radiation studies have been done. Mr. Hildreth stated that there are no site specific studies however their application will come with an affidavit from a Radio Frequency Engineer that will say that the site will operate in compliance with FCC requirements. There

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are towers in many very populated locations such as Dartmouth Hitchcock Medical Center in Lebanon. All the science behind the Federal Regulations indicates there are no affects from radiation.

Chairman Merrell pointed out that this tower would be in close proximity to the airport. Mr. Hildreth is aware; the FAA analysis, which in part determines if there is a cap on the height, is to be done and he will be contacting the airport manager.

Member McCarthy asked if there are other options. Mr. Hildreth believes there are always options but this location was chosen in part because of the elevation, the proximity to downtown and the potential to intercept with a site in Rindge. As a landowner, the school has the largest footprint of property in that area and it's a municipal entity.

Jaffrey resident, Mr. Marc Winiacki asked what the school board would earn in the lease. Mr. Hildreth estimated \$14,600 annually.

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public hearing PB 12-05 and PB 12-07 through PB 12-08 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Member Moore would vote.

APPLICATION ACCEPTANCE

1. PB 12-07 Belletete, John, 573 Thorndike Pond Rd.(property of Horton) Map 234/ Lot 25 Zone: Rural (WOTW)

Technical Sub-division - The applicant proposes a lot line adjustment.

On a motion by Doane, seconded by Deschenes the application proposing a lot line adjustment was accepted. (7-0)

On a motion by Doane seconded by MacIsaac the board determined that the application was not one of regional impact. (7-0)

2. PB 12-08 Maurer, Virginia, 587 Thorndike Pond Rd.(Wa-klo Inc.) Map 234/ Lot 29 Zone: Rural (WOTW)

Minor Sub-division - The applicant proposes a one lot subdivision.

On a motion by MacIsaac seconded by Doane the application proposing a one lot subdivision was accepted. (7-0)

On a motion by Doane, seconded by MacIsaac the board determined that the application was not one of regional impact. (7-0)

PUBLIC HEARING – NEW

1. PB 12-07 Belletete, John, 573 Thorndike Pond Rd.(property of Horton) Map 234/ Lot 25 Zone: Rural (WOTW)

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Presentation: Jack Belletete

Appearance:

Mr. Belletete explained that this is a two step project. A seven acre lot line adjustment is being proposed. The acreage will be taken from a fourteen acre lot on Thorndike Pond Road owned by Horton and transferred to Camp Wa-klo. Subsequently Camp Wa-klo will propose a single lot subdivision consisting of twelve acres.

There being no further questions Chairman Merrell closed the public hearing.

2. PB 12-08 Maurer, Virginia, 587 Thorndike Pond Rd.(Wa-klo Inc.) Map 234/ Lot 29 Zone: Rural (WOTW)

Minor Sub-division - The applicant proposes a one lot subdivision.

Presentation: Attorney Bentley

Appearance:

Attorney Bentley explained that the Horton parcel is fourteen acres. If the technical subdivision is approved there will be one new parcel created consisting of twelve acres with frontage on Thorndike Pond Road and owned by Wa-klo; the Horton lot will be reduced to seven and a half acres and their means of access will not change. There is presently an easement that travels over the proposed twelve acre parcel which serves Wa-klo. As long as ownership remains with Wa-klo there will be no issue however; if the twelve acres are sold to someone not related to Wa-klo then there would most likely be a new access road off from Thorndike Pond Rd.

Member Doane asked what the twelve acre parcel will be used for. Attorney Bentley stated that the future plan would be a single family use. The whole idea of creating a twelve acre lot was so that ten acres could go into current use and the remaining two acres would be used as a potential building site.

Abutter Robert Chamberlain asked for clarification on how the twelve acre parcel will be accessed. Attorney Bentley stated that it will have access via the existing ten foot wide gravel road that services Wa-klo. It will not be accessed off of the existing right of way

There being no further questions Chairman Merrell closed the public hearing.

PUBLIC HEARING – CONTINUED

3. PB 12-05 New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, 617 Mountain Rd. (property of Jeffries), Map 205 / Lot 14, Zone: Rural (without town water)

Site Plan – The applicant proposes a wireless communications facility.

Presentation: Attorney Will Dodge, Downs Rachlin Martin

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Appearances: Ben Caron, John Lawrence, Center Line Communications, Attorney David Tower representing Mr. Jeffries.

Chairman Merrell reminded the audience that this is a continued item. There was considerable discussion last month with a few items brought up that the board wanted to have clarified.

Attorney Dodge reviewed the outstanding issues:

1) Address the utility access on the Emerson property

Due to the high winds in that area PSNH advised burying as much of the wiring as possible. What will be done is an initial overhead line to avoid the wetlands then the power and telephone will be run underground all the way up to the top.

Chairman Merrell asked if an existing power line would be abandoned. Attorney Dodge replied that it would and he believes PSNH will also remove it.

2) Ensure against any lighting and marking of the new tower.

A formal obstruction analysis was done by Airspace and based on the findings Attorney Dodge feels very positive that lighting will not be required. In addition to the report a letter from Mr. Jeffries was read aloud stating that the lease he is negotiating with AT&T will include a specific provision prohibiting a light from being placed anywhere on the proposed cell tower under construction.

3) Review an alternate location on the Jeffries property to determine what the affect was on the radio frequency propagation or how the performance of the site will work.

A couple of locations were looked at with focus on the tennis court. A map produced by OEP showing coverage (Jaffrey, Troy and Rindge) was displayed From an antenna performance perspective it was clear that placing the tower at the tennis court versus the proposed location would reduce the area of coverage.

4) Assess the visual impact from neighboring property owners.

Information for the LeMay report was gathered from several different Town Clerks, Realtors and Appraisers with a focus on Maine and New Hampshire. The information showed that property values and sales weren't directly affected. Sales weren't lost because of the proximity to a cell tower nor was there a reduction in value in property.

5) Depict what the tower looks like with three carriers.

Mr. Ben Caron was the person conducting the balloon test. He stated that the weather was good and the balloons were up from 7:26 am to 1:03 pm. Mr. Caron pointed out that visibility of the balloon from some locations was brief because the surrounding trees would block the view.

New photos were taken from areas that had been identified as overlooked or problem sites. The areas ranged from 773 Gilmore Pond Rd to 580 Mountain Rd., 693 Mountain Rd., Red Gate Rd. and Perkins Pond. Visibility of the balloon from 773 Gilmore Pond Rd. was distant and it was not visible at all from the abutting property at 580 Mountain Rd. Three photos (mid-field, the driveway and a ledge at the far corner of the field) and were taken at 693 Mountain Road, which

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is the Emerson property. Ms. Emerson stated that it was a little startling to see the tower right over her house but she cannot see it from her house.

Attorney Dodge stated that the next step is completing the NEPA report and it should be done later this month. There are no NHDES or NHDOT permits required for this project. If approved the following step would be to obtain a building permit.

Member Doane asked if this will be Wi-fi as well as cell. Attorney Dodge explained that you will be able to access the internet at the beginning of the 3G speed which will be followed by 4G.

Selectmen's Representative MacIsaac asked if the previous easement issue has been resolved. Attorney Dodge explained that because the lines will now be overhead and underground on Mr. Jeffries property there is no need for the easement.

Mr. Sid Bixler of Gilmore Pond Rd. feels the issue of no lights on the tower has not been wrapped up. Chairman Merrell replied that the letter from Mr. Jeffries states that he will not sign a contract with AT&T if lights are necessary.

Ms. Emerson asked that she be notified should PSNH come in to remove the poles. As for the tower, she is not looking forward to it but on the other hand she is not greatly affected by it. She is hopeful that her property assessment will be reduced given the visibility and close proximity to the tower.

Mr. Charles Royce feels that the board should negotiate with AT&T to reduce the height to just below the tree line and there should also be provisions made to ensure that if the tower is mandated to be lit that it will be dismantled.

Mr. Hal Danser agreed with Mr. Royce and urged the board to limit the impact on the community by restricting the height to just above the tree line, insuring that there are no aircraft warning lights.

Ms. Ann Webb who resides on Thorndike Pond Rd. is concerned that the photos recently taken show the trees with leaves. What will the visibility be like when the leaves are gone? What about carriers who want to co-locate on this tower; do they come before the board? Chairman Merrell explained that if they approve the tower they are approving the use of the tower which might include other users, such as the Town for example. Attorney Dodge responded that any other equipment shelters will be within the compound. He also reminded the board that the first set of photos was taken on April 11 and you could see slightly through the trees where as now you could not see through them at all.

Ms. JoAnne Carr asked what the expected timing is for the NEPA review. Attorney Dodge replied this month. There are no findings or any adverse affect on historic or archeological properties and no natural resources impacted and no threatened or endangered species. The NEPA is required prior to construction and a copy will be supplied as soon as it is received.

There being no further questions Chairman Merrell closed the public hearing.

DECISIONS

1. PB 12-07 Belletete, John, 573 Thorndike Pond Rd.(property of Horton) Map 234/ Lot 25 Zone: Rural (WOTW)

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On a motion by McCarthy, seconded by Kresge the application proposing a lot line adjustment was approved as presented and per testimony given. (7-0)

2. PB 12-08 Maurer, Virginia, 587 Thorndike Pond Rd.(Wa-klo Inc.) Map 234/ Lot 29 Zone: Rural (WOTW)

Minor Sub-division - The applicant proposes a one lot subdivision.

On a motion by McCarthy, seconded by Deschenes the application proposing a one lot subdivision was approved as presented and per testimony given. (7-0)

3. PB 12-05 New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, 617 Mountain Rd. (property of Jeffries), Map 205 / Lot 14, Zone: Rural (without town water)

Site Plan – The applicant proposes a wireless communications facility.

On a motion by Doane, seconded by Moore the application to construct a wireless communications facility was approved as presented and per testimony given subject to the following conditions. (7-0)

Conditions:

1. Receipt of NEPA report approval
2. No lighting on the tower
3. Provisions for Town to have space on the tower at no expense to the town except of installation and equipment.

OTHER BUSINESS

None

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board