

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

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

Absent:

Staff: Recording Secretary Lemire, JoAnne Carr, Director of Planning and Economic Development, Fire Chief David Chamberlain

MEETING MINUTES APPROVAL

On a motion by Doane, seconded by Kresge the minutes of the April 10, 2012 meeting were approved as submitted. (7-0)

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Merrell called the public hearing to order at 7:00 p.m. Notice of public hearing PB 12-04 and PB 12-05 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen.

APPLICATION ACCEPTANCE

1. PB 12-04 Lovett, Erin and Ruck, Edward, 52 Fitzgerald Dr. (property of 52 Fitzgerald Dr., LLC)
Map 244/ Lot 30, Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved site plan.

On a motion by Doane, seconded by Deschenes the application to amend a previously approved site plan to include a pet crematorium was accepted. (7-0)

2. 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 MacIsaac seconded by Grodin the board determined that the application was one of regional impact. (7-0) Ms. JoAnne Carr, Director of Planning and Economic Development informed the board that notices were sent as directed by regional impact guidelines.

On a motion by Kresge, seconded by McCarthy the request to waive the requirement to show the nature of existing structures within 200 feet of the sites boundary was granted. (7-0)

On a motion by Kresge, seconded by McCarthy the request to waive the requirement to provide soil survey data because there are no wetlands on the property was granted. (7-0)

Member Kresge stated that he feels the application is complete in terms of acceptance however he also feels there will be additional information needed to reach a decision and the hearing will most likely be continued.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

On a motion by Kresge seconded by Doane the application to construct a wireless communications facility was accepted. (7-0)

PUBLIC HEARING – NEW

1. PB 12-04 Lovett, Erin and Ruck, Edward, 52 Fitzgerald Dr. (property of 52 Fitzgerald Dr., LLC)
Map 244/ Lot 30, Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved site plan.

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

Presentation: Erin Lovett and Edward Ruck

Appearance:

The applicant is proposing to establish a pet crematorium at 52 Fitzgerald Dr. in the industrial district. The clientele would be any animal up to two hundred pounds that would be cremated and either returned to the owner or scattered on private property outside of Jaffrey. It will be a quiet business and not obtrusive to the Town.

Chairman Merrell asked if the DES permit had been obtained. Ms. Lovett replied that she has submitted all the paperwork but the permit has not been issued as yet. She has spoken with Mathews Crematory which is where the equipment will be purchased and the DES permit is guaranteed to come with the machine. As was suspected at the preliminary meeting it does take up to two months to receive approval. Ms. Lovett asked the board if they approve the application would they consider doing so with the permit as a condition. This would allow them to continue on their approval path with financing, purchasing the equipment and actually signing the lease. They would not be open for business until they receive the DES permit but it would allow them time to prepare the area.

Chairman Merrell polled the board to see if there were any objections to granting with the DES condition should they grant the application. Members Doane and Deschenes stated that they had no objections.

Mr. Ruck stated that the air permit is absolutely guaranteed with the machine; they could not sell machines without the air permit.

Chairman Merrell asked Ms. Lovett if they would have a freezer on site along with a generator. Ms. Lovett stated that a freezer will be on site. As for the generator, she spoke with the property owner, Mr. Jon Hill, and confirmed that there is not a back-up generator for the building. Based on that information they will have a generator on site to accommodate their business in the event of a power outage. Due to costs the generator will not be automatic however they are only thirty minutes away and in the event of an outage they will respond promptly to start the generator. If the power is presumed to be out for more than a day they will remove anything from the property.

Chairman Merrell asked what their time line is. Ms. Lovett replied that they would like to sign the lease for June allowing time to clean the area, hopefully have the machine installed in July and open for business August 1.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

Chairman Merrell asked if there is any other necessary equipment. Ms. Lovett stated that the only other equipment would be a processor which grinds up any bone that is not entirely burned off.

Member Grodin expressed three concerns; noise, smoke and other pollution. Ms. Lovett replied that the industrial building they are renting will be more than sufficient to hold the noise in. As for smoke, the machine has two chambers and once the ashes reach the second chamber it is considered a smokeless and odorless machine. Member Grodin asked if there were any concerns from DPW. Ms. Carr interjected that comments submitted by the DPW stated that the applicant had submitted the industrial waste survey questionnaire and that a DES air quality permit would be required which is pending at this time.

Chairman Merrell asked Chief Chamberlain if he had any concerns. Chief Chamberlain replied that he had reviewed the specs submitted and he did not have any concerns. The portion of the building they will be occupying is properly constructed and the only thing he will want to inspect will be the machines once they are installed. Chairman Merrell asked if the machine will use propane and where are the tanks located. Ms. Lovett replied that it will use propane and there are existing tanks behind the building on the same side of the building. Chief Chamberlain confirmed that there is an existing propane tank farm that was used when Monadnock Screen Plate was there.

Selectmen's Representative MacIsaac asked about fluids. Ms. Lovett explained that 99% of the time they will receive an animal frozen and any fluids will be frozen as well. Once it is removed from the freezer it will be cremated. No water is used during the process and there isn't any waste at all; it will get burned off.

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

2. 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

Appearance: Attorney Lisa Fearon, Downs Rachlin Martin, Attorney David Tower, Tower and Crocker, Peter LaMontagne, Centerline Communications, Deepak Rathore, AT&T Mobility

During the power point presentation Attorney Dodge stated that the purpose for the Facility is to significantly improve AT&T's wireless coverage in Jaffrey and along NH Route 124 to the east and west of Mount Monadnock and extending into Troy by offering their customers 4G LTE service. There is presently a gap in service within the Town and along the stretch of Route 124 extending from Jaffrey west into Troy and the proposed tower will help to close that gap.

The Jeffries property consists of 155.4 acres with the highest point being 1,620 feet above sea level. The property will meet all of the dimensional requirements and only three trees will have to be removed in preparation for the tower. The proposed equipment will include the following and will have space to accommodate two co-locators below AT&T.

- 125 foot tall monopole located at a ground elevation of 1,552 feet
- up to twelve panel antennas, each measuring 96" x 12" x 6"

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

- an 11' 5" x 20" equipment shelter equipped with an HVAC unit to house AT&T's antenna operating equipment
- 50' x 50' compound area to contain the tower and equipment shelter and other equipment surrounded by an 8' tall chain-link fence
- 12' wide driveway extension running approximately 600' from the existing 10' wide driveway off of Mountain Rd. to the compound
- 12' x 20' turnaround area immediately adjacent to the compound
- 50 kW diesel emergency back-up generator on a 4' x 11' concrete pad
- underground power and telco to service the facility extending from existing utility pole #7
- an ice bridge, GPS antennas, meter bank, transformer telco cabinet and other associated equipment and appurtenances necessary for operation of the Facility.

Impacts of the project include visual, noise attenuation, environmental impacts, property values and fuel containment. A view shed map was displayed and it documented where two balloons could be visible from, based on the April 11, 2012 balloon test. The map identifies the areas where the balloons could be seen and not seen. Attorney Dodge pointed out that the duration of visibility on most roads will be very little. Due to the number of trees no landscaping is being proposed.

Member McCarthy asked if the tower would need to be lit. Attorney Dodge stated that a TOWAIR report was submitted and based on where the tower is located and because it is lower than two hundred feet in height it will not be required to be lit or marked in any way. The only lights being proposed are within the compound and that will be a motion activated light on the equipment shelter.

The only noise associated with the project will be the operation of the outdoor emergency generator that will have an attenuator on it and an HVAC unit. A noise meter was placed on the property boundary of Ms. Emerson and after six days the average noise level was 43.6 dba. With both the generator and the HVAC running the average was 47.1 dba at the property line.

Member McCarthy asked how often the generator will run. Attorney Dodge stated that the general rule is that it will run for about one half hour a week. It is set to a timer to activate mid day during the middle of the week. The generator will hold enough fuel to run for a forty-eight hour period of time.

With respect to environmental impacts there is a consultant, A & D Clumb Environmental, LLC who reviewed the area and is in the process of completing the NEPA report which is required by the FCC. There were no threatened or endangered species or critical wildlife habitat. A copy of the report will be submitted to the town prior to applying for a building permit.

As for property values Attorney Dodge stated that in 2009 an appraisal report was done by polling several municipalities, Town Clerks and other Appraisers and what was found was that according to municipal records there was no affect on property values nor was there any indication in which the presence of a cell tower prevented a sale.

The fuel system for the generator has a tank that is located under the generator on it's pad with an overflow containment system. Fuel capacity is approximately 210 gallons.

Member Grodin asked for confirmation that the proposed site was outside of the Mountain Zone. Member Kresge identified the site location on the map.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

Member Kresge pointed out the proximity of the proposed tower to the property line of the three closest abutters and asked why this location was selected. In terms of visual impacts none of the photographic work done has been from neighbors views. He feels the board needs to see a vicinity map at a 2,000 foot radius showing the location of nearby residences and topography. Mr. LaMontagne of Satellite Communications answered that the reason for the location is elevation, it is relatively flat and there are not a lot of trees. It is also a site approved by AT&T's Landlord. Chairman Merrell asked what Mr. Jeffries argument was for choosing the present location over AT&T's desire for a higher elevation. Mr. LaMontagne stated that his reason was because of the view of the surrounding areas. The residence has many windows but from the proposed site the tower will not be visible. Member Moore requested that the vicinity map include contours; Member Kresge agreed.

Selectmen's Representative MacIsaac asked if there is any hum associated with the generator. Attorney Dodge replied that the equipment shelter itself has a lot of insulation so there will be no noise from within; you will only hear the HVAC unit when it starts. Selectmen's Representative MacIsaac asked if there could be any interference with satellite. Attorney Dodge replied no. Attorney Dodge added that if there are emergency services / First Responders within the Town that would like space on the tower AT&T is more than willing to try to accommodate; which is not usually an issue. They would need to know the type of equipment needed to put on so that an appropriate spot can be determined to ensure no interference.

Chairman Merrell mentioned that the power line crosses over the Emerson property and according to Ms. Emerson there is no easement. The Planning Board would like to see that matter cleaned up. Attorney David Tower replied that Mr. Jeffries has spoken with Ms. Emerson and he has been instructed by Mr. Jeffries to prepare the easement.

Mr. William Matson, Troy Planning Board Chair, mentioned that AT&T was before the Troy Planning Board last week. His question to Mr. Deepak Rathore was why wasn't the board informed of the proposed Jaffrey project. Mr. Rathore stated it was not mentioned as they are still in the process of completing the application. Mr. Matson replied that the last hearing was to allow AT&T to update the Town of Troy with any current changes in their application and they're using the information on their coverage maps assuming that the tower is already in place, in Troy; it has not been approved yet. Mr. Matson added that the proposal in Troy puts a cell phone tower directly in the back of three residences. The landowner where the tower will be placed has no view of the tower. Mr. Matson would like a copy of the Jaffrey application so they can compare notes.

For the record, Mr. Rathore referred to the proposed coverage map and pointed out that there is no coverage showing up in Troy.

Member Doane asked Mr. Matson what was the feeling of the abutters; did anyone complain? Mr. Matson stated that this process began in 2009. They requested AT&T to try to site it somewhere else but have been told that technically it can't go anywhere else. It is being reheard because the abutters are quite upset and fighting it. Attorney Dodge replied that the Jaffrey property is working out well despite the fact that they would put it up higher if they could. The site is desirable because they can use so much existing infrastructure.

Mr. Simmons owns property in Jaffrey and was not aware that a balloon test was going to take place. We're abutters not notified?

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

Mr. Sandy Isaacs would like to know if the project is approved how soon would the 4G be available and since he missed the balloon test is there anyway, via software, that they could say whether or not the tower would be visible from his house. Attorney Dodge explained they need permission from the property owner in order to take photos. If that's something that should be coordinated on a second test it's something that can reasonably be done now that they have names of people in the record. As for the 4G portion, the plan is to get the 3G up and running and the 4G would be sometime within the next 18 months.

Ms. Nancy Beiter lives on Gilmore Pond Rd. and they could see the balloons very clearly. Their concern is that the tower will have flashing lights which will shine into their bedroom windows all night. It was also noted that there were no pictures from Gilmore Pond Rd.

Mr. Clay Hollister is a Jaffrey resident and spoke in favor of the project stating that it is very important for everyone.

Gilmore Pond Rd. resident, Mr. Hal Danser stated that he has done a substantial amount of research on the subject of cell towers; a copy of his findings was supplied for the record. In light of maintaining the community character Mr. Danser urged the board to limit the total height of the proposed tower to no more than five feet above the level of trees where it is proposed to be built, and to insure that such height would not require the use of any daytime or nighttime lighting devices because of FAA requirements.

Jaffrey resident Mr. Charles Royce stated that regarding the view shed proposed from the top of South Hill (or Gilmore Pond Rd.) it's very visible. What about the other roads in town such as Cutter Hill? It is just outside of Jaffrey Center and looks directly in that direction and every house up there would see it. It was also asked if the FAA requires lights on this tower and if so would this come back to the board for approval? Will there be guy wires? Mr. Royce is in favor of some of the suggestions made by Mr. Danser.

Fire Chief Chamberlain stated that he, as one who deals with emergencies on a day to day basis, is in favor of the project. That end of town, especially for the Police Department, is a very poor area for not only normal radio, fire department, police department, radio communications, but also cellular phone service. We rely on radio communications. As for lighting, Chief Chamberlain reminded the board that there is a tower on Old Sharon Rd. that is at least 125 feet tall and there is no requirement from FAA that it be lit.

Ms. Barbara Danser of Gilmore Pond Rd. asked how big, high and wide is a cluster of antenna. Mr. Rathore replied approximately ten to twelve feet wide and probably six to eight feet tall. It's not the whole 10 x 6 or 10 x 8, it would be three panel antenna with just one foot wide and probably six or eight feet tall. The diameter of the balloon is seven feet; Ms. Danser pointed out that the balloon is being used to represent something that will end up about ten feet wide by twenty-five feet deep. Attorney Dodge stated that the balloon is for location of the height. Once to scale they can use the location of each set of arrays to plug in exactly what it will look like.

Addressing the issue of lights, Attorney Dodge stated they are confident that the Towair report provided is correct and that it won't need to be lit however they are willing to provide an aeronautical study.

Mr. Doug Clayton is the Care Taker of the Jeffries property and he feels the proposed tower is minimally intrusive and actually is not really any taller than the tallest trees on the property. Mr. Clayton feels

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

certain that if it were to have a light on it that Mr. Jeffries would not sign the contract. As for the Emerson property, it will be visible as you go into her driveway, but as you get to the house, it is behind the trees.

Ms. Pat Weiner of the Jaffrey Conservation Commission stated that the wetlands report was done during a very dry time of year. How can we be sure there are no wetlands there? Mr Clayton replied that he was there when the Geologist came and dug around looking at the soil conditions. He feels that he knows the property very well and it's not a wetland, it's a rocky mountain top.

Ms. Tina Cummings, Vice Chair of the Rindge Planning Board stated that she had not seen the notice for the balloon test and asked if, in lieu of another balloon test, she could have a set of photos to take back to her board. Ms. Cummings also asked about the overlay with the existing providers and could that cause any difficulties for those that are on the fringes of the coverage areas where there might be overlap. Mr. Rathore explained that each operator is allowed to operate in one particular band so it depends on the partner roaming agreement between the two companies. Once AT&T gets coverage there will no longer be partner coverage and you will have AT&T Expedient all the way to Jaffrey. In his opinion there would be minimum to no interference; there won't be any interference with other providers.

Mountain Rd. resident Ms. Holly Alderman suggested that the simulation of the photograph of how it's going to look from a certain place be the final tower with all the potential antenna's rather than the initial tower which would not be a true depiction. Member Doane asked if she saw the balloon test. Ms. Alderman stated that she was aware of it but did not see it. The Emerson property will be affected by it and Ms. Alderman feels it would be fair to have a landscaper plant some mature trees.

Selectmen's Representative MacIsaac asked for the difference between what is proposed and the tower on Old Sharon Rd. Mr. Rathore explained that the Jeffries property will be a monopole with external antennas. Old Sharon Rd. is a unipole where everything is inside the pole.

Chief Chamberlain stated that a unipole would be difficult for us as emergency responders to be able to add equipment for our use.

Member McCarthy asked how many sets of antennas can be put on the tower. Attorney Dodge replied two sets of array in addition to AT&T. Three sets all separated ten feet and whatever the emergency services, we can accommodate that in addition to the extra.

Member Doane asked if the color would be a silvery aluminum type color. Attorney Dodge said it's a matte finish and non-reflective.

Selectmen's Representative MacIsaac asked if this is the only alternative. Mr. LaMontagne explained that due to the topography and terrain of the area and search ring there is one other location that could potentially work located on Bigalow Hill in Troy. It's a privately owned parcel and the owner is not interested in leasing a portion of the property.

Member McCarthy asked if there are any other locations on this property that could potentially work. Mr. Rathore replied that they would prefer to go on the top of the hill but Mr. Jeffries has pointed out that the proposed site is the only location.

Member Doane asked if a larger balloon is possible should they do a second balloon test. Attorney Dodge stated that there are a lot of factors involved such as wind, the right access and making sure it's up and flying steady. He can ask but cannot guarantee it.

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

Member Kresge feels the most useful product is the photographic model that he produces again rather than the direct viewing of the balloon. Wide-spread distribution of the visual representations on a website might go a long way for giving people a better idea of what the impact might be.

Mr. Royce asked if the Jeffries property is in current use and if so, would it be calculated to come out of current use and pay the release tax.

Chairman Merrell stated that from the comments it appears that a second balloon test is in order and they need to get it as widely publicized as possible. Mr. Clayton reminded the board that if someone wants a photo taken at their property they will need to file the proper paperwork giving AT&T permission to do so.

Member Grodin stated that he wants to ensure that there will be no lights on the tower. Attorney Dodge understood and stated that it's something he could have for the next meeting.

In summary the board will be looking for the following at the next meeting to be held on Tuesday, June 12, 2012 at 7:00 p.m.

Re-scheduled balloon test with photographic modeling
Aeronautical study for lighting requirements
Statement on PSNH easement

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

DECISIONS

1. PB 12-04 Lovett, Erin and Ruck, Edward, 52 Fitzgerald Dr. (property of 52 Fitzgerald Dr., LLC)
Map 244/ Lot 30, Zone: Industrial

Site Plan - The applicant proposes to amend a previously approved site plan.

On a motion by Doane, seconded by Deschenes the application to amend a previously approved site plan to include a pet crematorium was approved as presented and per testimony given subject to the following condition. (7-0)

Condition:

DES permit must be issued.

2. 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.

The public hearing was continued to June 12, 2012

OTHER BUSINESS

- Annual Review – Master Plan

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
May 8, 2012

On a motion by Doane, seconded by Moore the board accepted the Master Plan review.

- Class VI Roads
No Discussion

- Noise and Odor ordinance
Chairman Merrell relayed his findings to the board regarding noise measurements at various businesses in town (ie: Johnson Abrasive, DD Bean, New England Wood Pellet) and it does not appear that the proposed noise ordinance would be an issue to any of the companies. Based on that information the board was comfortable with moving forward in adopting the proposed ordinance for all industrial districts.

On a motion by Doane, seconded by Deschenes the board voted to proceed to public hearing on June 12, 2012.

ADJOURNMENT

The meeting adjourned at 9:46 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Edward Merrell
Chairman, Jaffrey Planning Board