



MEETING MINUTES

NORTH HAMPTON PLANNING BOARD

Work Session

Tuesday, March 7, 2006 at 6:30pm

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Members present: (1) Shep Kroner, Vice-Chair, (2) Dr. Joseph Arena, (3) Laurel Pohl (4) Craig Salomon, (5) Ms. Emily Creighton, Selectmen's Representative, (6) Phil Wilson, Chair.

Others present: Mr. Robert Ciandella, Esq., Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

Alternates present: Rich Goeselt

Mr. Kroner convened the meeting at 6:34pm. He suggested that Mr. Wilson should lead discussion of proposed amendments to Section 415 "wireless Communications Facilities" of the Zoning Ordinance.

Mr. Wilson explained that Attorney Daniel Klasnick, representing Verizon Wireless, had submitted suggestions for revising proposed amendments to Section 415 of the Zoning Ordinance and that he had forwarded them to the Chair by email at 5:42pm the prior evening.

Mr. Wilson said that he understood that it was unlikely that members of the Board had sufficient time to review the suggested revisions as carefully as necessary fully to deal with them in this meeting. However, he said that he, Attorney Ciandella and Attorney Kate Miller had spent a good bit of the day working through the redline document Attorney Klasnick had submitted.

Consequently, Mr. Wilson proposed that the Board focus attention on five substantive issues that he and Attorney Ciandella had identified, rather than to proceed to go through the document line-by-line, page-by-page.

Mr. Wilson said that, if it were the Board's pleasure, the objectives of the meeting would be two:

1. To reach consensus about how the Board wants to handle each of the five substantive issues, and
2. To direct the Chair and Attorney Ciandella to work through the non-substantive issues and prepare a draft of the proposed amendments for the Board's next work session on this matter.

Mr. Wilson asked whether there was any objection to this process for the meeting. There being none, he read the five substantive issues that he proposed to discuss:

1. Verizon's proposed changes provide more flexibility to wireless communications services providers who propose Alternative Antenna Structures (AATs) in two ways: (a) by listing types of structures that qualify as AATs and (2) by giving the Planning Board authority to increase the maximum Overall Height of AATs, under certain conditions, to 100 feet, rather than 80 feet.
2. Verizon's proposed changes introduce the concept of "extended" utility poles, (a) which would allow base station equipment on or near the site of the extended poles, (b) which would permit the erection of extended poles on land that was not owned by the town, and (c) which would allow the Height of utility poles to be extended up to an additional 20 feet above the 80 feet limit in the prior version of the proposed amendments. Mr. Wilson called the conjunction of these proposed changes the introduction of the concept of permitting "mini-towers" anywhere in Town, so long as certain conditions were met with respect to their environs.
3. Verizon's cover letter claims that DAS technology is "unproven", "unrealistic" as a solution to the Town's needs and Verizon's needs, and "wishful thinking" on the part of DAS proponents.
4. Verizon, based on comments in the cover letter, appears to be under the mistaken illusion that the Planning Board believes that traditional antenna arrays, such as those typically seen on towers near major highways, can be shared by multiple personal wireless communications service providers. Mr. Wilson stated that he does not believe the Board believes that traditional antenna arrays can be shared by multiple providers and that limitation on them, in view of the Town's interests in promoting co-location of WCFs, was one of the main attractions of distributed antenna systems, whose antennas can be shared by multiple providers.
5. Verizon pointed out several process issues and suggested revisions to remedy them in the latter portion of the proposed amendments. These issues generally related to specific provisions in the amendments that had not "kept up" with revisions that had been introduced in prior version and that were intended to "level the playing field" for the various technologies that might be applied to solve the Town's personal wireless communications needs.

Issue 3: Viability of DAS

Dr. Arena noted that he and other planned to leave the meeting temporarily to attend candidates' night and said that he wanted to address the question of the viability of DAS. He elaborated on scientific reasons that he is persuaded that DAS will work in North Hampton and strongly declared that the burden is on Verizon or any other applicant to prove that the approved DAS WCF is not capable of filling the Town's gap in service on the side of Town east of Lafayette Road. Dr. Arena particularly noted the bandwidth and speed of fiber optic systems, and the scalability and extensibility of DAS technology, and the potential for multiple providers sharing antennas used in DAS.

At 6:55pm Messrs. Arena, Goeselt, and Kroner left the meeting to attend candidates' night at North Hampton School. Because a quorum continued to be present, Mr. Wilson proposed to continue the discussion of issue of whether DAS technology is, in fact, a viable technology in general and for North Hampton. Among topics discussed were:

1. The fact that because DAS is operating in several locations in the US, it appears to be a viable technology.
2. The implication in a number of comments from Verizon's correspondence with the Board that the company appeared not to want to use DAS for policy reasons or economic reasons.

This discussion continued until Messrs. Arena, Goeselt, and Kroner returned at 7:38pm.

The sense of the Board at the conclusion of the discussion of the viability of DAS technology was that no changes should be made in the proposed amendments to section 415, and that any applicant for a WCF who proposed not to co-locate on the DAS would have the burden of proving to the satisfaction of the Board that the DAS could not fill a demonstrated gap in their service. This conclusion was based on the Board's first preference for siting WCFs – i.e., that they co-locate on existing WCFs.

Issue 1: Alternative Antenna Structures

The Board then turned to a discussion of the Verizon's proposals to change provisions related to AASs (issue 1 above). The discussion focused on section 415.2.A, the definition of "Alternative Antenna Structure."

The Board, without objection, agreed to accept Mr. Wilson's proposal to change the wording of the first sentence to "A building or other structure, including Antennas and their supporting apparatus, . . ."

The Board, without objection, agreed to Verizon's proposed changes to the definition, specifically to the proposal to add specific examples of types of structures that may be used for AASs.

After lengthy discussion about whether to exclude faux pines and other types of disguised monopoles from the definition, **Mr. Salomon moved, and Dr. Arena seconded the motion, to add the following sentence to the end of the definition of AASs in 415.2.A: "Monopole Towers disguised as trees shall not be considered Alternative Antenna Structures."**

The vote was five (5) in favor, one (1) opposed. The motion carried.

The Board discussed the Verizon's proposal to allow the Overall Height of AASs to be increased to 100 feet, rather than 80 feet as previously provided, if certain conditions were met, such as compatibility with surrounding environs and consistent with the height of the surrounding tree canopy.

After extensive discussion of this issue, **Mr. Salomon moved, and Dr. Arena seconded the motion, to exclude Verizon's proposed revisions to the "Antenna Height Requirements Table" in 415.3.B.2 that would have permitted the Board, under certain conditions, to extend the maximum Overall Height of Alternative Antenna Structures to 100 feet.**

The vote was three (3) in favor, one (1) opposed, and two (2) abstentions. The motion carried.

Issue 2: Extended Utility Poles

The Board discussed Verizon's proposals to introduce the concept of "extended utility pole" into the Ordinance, including the provisions to increase the Overall Height permitted, the siting on non-Town-owned land, and the location of base station equipment on or near the site of the extended utility pole.

After extensive discussion of this issue, the sense of the Board was that this collection of proposed changes in the amendments to section 415 of the Ordinance ran counter to the three guiding principles that the Board accepted for the amendments – that is, (1) facilities that are as unobtrusive as possible, (2) facilities that provide seamless service, and (3) an Ordinance that meets the letter and spirit of applicable laws and regulations.

Issue 4: sharing of Conventional Antenna Arrays

The Board briefly discussed this matter. Only Mr. Goeselt appeared to have been under the impression that multiple providers could share conventional antenna arrays. It was explained that multiple providers *cannot* share the kinds of antenna arrays that are typically found on towers and that co-location of multiple providers on towers using conventional antenna arrays requires an array for each provider, typically separated by 10 feet. The Board noted that this was one of the main aspects of DAS that is attractive, given the Town's preference for co-location on existing WCFs before new WCFs are proposed or approved.

Issue 5: Process issues "to level the playing field" among proposals for competing technologies

The Board directed the Chair and Attorney Ciandella to catalogue and propose ways to address the process issues.

The Board directed the Chair and Attorney Ciandella to refine language related to WCF District 3 to ensure that Utility Poles or Equivalents used for Antennas must be compatible with their environs and that base station equipment for such antennas must be remotely located, even if it is on Town-owned land and is screened from view. The sense of the Board was that "mini-towers" should not be permitted in residential areas.

The Board directed the Chair and Attorney Ciandella to refine language about the sharing of antennas to ensure that there is no confusion about the fact that "sharing" refers only to antennas capable of supporting multiple providers, not conventional antenna arrays.

Review of Minutes

Mr. Kroner asked whether there was a motion to accept minutes for meetings held on 6 January, 17 January, 15 February, and 20 February.

Dr. Arena moved to accept the minutes for the referenced meetings, as presented. Mr. Salomon seconded the motion.

The vote was unanimous (6-0) in favor of the motion. The motion carried.

Dr. Arena moved and Mr. Salomon seconded the motion to adjourn at 5:00pm.

The vote was unanimous in favor of the motion.

Mr. Kroner adjourned the meeting at 9:25pm.

Respectfully submitted,

Phil Wilson, Chair