

**WOLFEBORO PLANNING BOARD
REGULAR MEETING
April 6, 2010
MINUTES**

Members Present: Kathy Barnard, Chairman, Stacie Jo Pope, Vice-Chairman, Chuck Storm, Selectman's Representative, Chris Franson, Richard O'Donnell, Jennifer Haskell, Dave DeVries, Members, Steve Buck, Alternate.

Member Absent: Dave Alessandroni, Alternate.

Staff Present: Rob Houseman, Director of Planning & Development, Lee Ann Keathley, Secretary.

Chairman Barnard opened the meeting at 7:00 PM.

Consideration of Minutes

March 2, 2010

It was moved by Chris Franson and seconded by Stacie Jo Pope to approve the March 2, 2010 Wolfeboro Planning Board minutes as submitted. Kathy Barnard, Stacie Jo Pope, Dave DeVries, Chris Franson, Jennifer Haskell voted in favor. Chuck Storm, Richard O'Donnell abstained. The motion passed.

Informational Items

Rob Houseman reviewed such; noting Linda Murray, Chairman, Master Plan Implementation Committee, has requested all boards/committees review and update the matrix. He recommended the Board review the matrix at a work session.

Public Comment

None.

Subcommittee Reports

- **TRC**
3/3/10; nonbinding discussion for 60 School Street relative to permitted uses of the property.
3/10/10; review and approval of two Special Use Permits for 49 Orchards Road and 82 Sewall Road.
- **Master Plan Implementation Committee**
No report.
- **CIPC**
No report.
- **Smart Growth**
No report.

Scheduled Appointments

New Cingular Wireless PCS (AT&T)
Site Plan Review & Special Exception
Agent: Will Dodge, Downs, Richlin, Martin, PLLC
Tax Map #196-6
Case #: 201012

JOINT MEETING OF THE ZBA & PLANNING BOARD

ZBA Members Present: Alan Harding, Chairman, Suzanne Ryan, Vice-Chairman, Steve Maguire, Clerk, David Booth, Kathy Barnard, Members, Charlene Seibel, Mike Hodder, Alternates.

Kathy Barnard stated the ZBA acted upon a Variance request for height on 4/5/10 and granted such with conditions. She stated the applicant has requested a waiver for the balloon tests; noting both the ZBA and Planning Board must act on such. She reviewed the Planning Board's Rules of Procedure.

Steve Maguire read the Notice to Abutters for ZBA Case #01-SE-10.

Alan Harding reviewed the ZBA's Rules of Procedure.

*Suzanne Ryan recused herself, see attached letter.
Kathy Barnard recused herself as ZBA member.*

Chairman Harding appointed Mike Hodder, Alternate, to sit in for Kathy Barnard, Member and appointed Charlene Seibel, Alternate, to sit in for Suzanne Ryan, Member.

Charlene Seibel questioned whether the joint meeting is a pre-application conference.

Kathy Barnard replied no, a public hearing.

Charlene Seibel questioned whether a waiver for such was granted. She referenced 175-168 and read 175-170.B; noting the necessity for a pre-application conference.

Kathy Barnard stated it has not been waived.

Charlene Seibel stated the Board should have acted on a waiver for such.

Rob Houseman stated the application was reviewed by Town Counsel and Staff. He stated a pre-application conference was not scheduled because a pre-application meeting took place on the original application for this tower; noting the thought was that the joint board could, at any time, declare a pre-application conference is necessary. He stated the provision has been raised; noting the tower is an existing structure on the site unlike a new site (no construction in place, undisturbed land) and the site is fully developed. He stated the tower, ground structures, improvements and enclosure already exists and questioned whether there would be any gain in holding the pre-application discussion. He stated the collective body could seek a continuance to get any information the Board feels is necessary to the application.

Will Dodge stated when the original application was filed he was advised to go before the TRC (informal) because the proposal is a modification of an existing facility. Once informed there was no need to go back to the TRC on a formal basis, he stated an application was then submitted to the Planning Board and ZBA.

Rob Houseman stated he did not make the decision in a vacuum and was in communication with both the chairman of the ZBA and chairman of the Planning Board.

Kathy Barnard stated the Boards have the ability to grant the waiver.

David Booth stated the ZBA discussed the issue informally last night without granting the waiver; noting the Board felt the waiver made sense however, did not follow a particular procedure to grant the waiver.

Charlene Seibel stated she has no objections however, where there is no provision for Staff to make decisions with the two chairs of land use boards without bringing the issue to the boards, it makes her nervous to streamline a process that is in conflict with the ordinance.

Mike Hodder stated the point is moot; noting it's within the power of the boards to grant the waiver. He stated the ZBA visited the site and feels that 175-168 has been satisfied and the Boards should grant the waiver.

Alan Harding stated Mr. Houseman was in communication with he and Kathy Barnard and it was their inherent feeling that it's an existing tower with a request to elevate the tower an additional 10'. He stated the ZBA had jurisdiction last night and approved the application unanimously.

It was moved by Jennifer Haskell and seconded by Mike Hodder to waive the pre-application process. All members voted in favor. The motion passed.

Rob Houseman reviewed the Planner Review for April 6, 2010; noting the applicant proposes to increase the height of the existing 82' tower so that the top of the antennae array would be 92' above grade. He stated the proposal includes the increase in height of the stealth tower, a tree, by 10', the installation antennae for personal wireless communications facility for AT&T and the installation of an 11'6"X20 single story equipment shelter and pad mount generator within the 50'x50' enclosure. He stated the facility would be accessed via an existing restricted woods road. He stated the ZBA granted a Variance relative to the height requirement on 4/5/10. He requested the applicant submit a cost estimate of the proposed site work and noted the following waiver requests; balloon test and Section 7.03-4(D) of the Site Plan Review Regulations.

Will Dodge stated the purpose of the procedure is for better coverage in the Town of Wolfeboro and to replicate and ideally exceed other providers in the Town; noting that in order to do such, the ordinance states that areas of collocation should be sought. He stated the proposal includes a 10' height extension; noting that an antennae could not be put at the same height or below Verizon's antennae. He stated they would keep within 10' of the center line of the other antennae. He stated a 12'x20' shelter and generator is proposed in addition to a new gate. He stated it is difficult to see the site from public right-of-ways and there would be no expansion of the existing compound or fence. He stated the following waivers are being requested; Section 7.03-4(D); noting the Site Plan Review Regulations is designed for a brand new tower and the proposal is an extension of an existing tower site. He requested a waiver from the balloon tests; noting that such is normally used to create a point of reference where a new tower or support structure would be located however, the tower currently exists and therefore, there is no need for such. He stated a waiver of the regional notice is also being requested; noting that because the tower exists there is no need to send such.

Referencing location filing requirements #'s 5 & 6 (Town and region wide map showing other existing personal wireless facilities and the map of the proposed location of all existing and future personal wireless facilities in the Town), Charlene Seibel stated she could not find such in the Board's packet.

Will Dodge stated the region wide map is designed to show what carrier presently has that is capable of providing coverage within Wolfeboro. He submitted the map that shows existing and proposed sites in the Town.

Charlene Seibel questioned where the Bennett Hill site is located.

Steve Buck stated the site is not on the map.

Will Dodge stated the maps show the personal wireless facility sites that they have looked at in order to evaluate whether coverage could be provided at this particular location.

Charlene Seibel stated that is not what #5 & #6 require; noting a waiver could be requested for such. She stated that if the ordinance requires such to be done, then a waiver is required.

Will Dodge disagreed with Ms. Seibel; noting that when reviewing the criteria by which the Planning Board it needs to decide upon, it talks about the applicant showing its coverage and other coverage that it has looked at to provide coverage within the Town. He stated the reason why they only look at some sites is because they are trying to provide a specific coverage objective.

Steve Buck stated the application that has been presented to the Board is incomplete; noting a tower 1 ½ miles from the library is not on any of the charts.

Kevin Brewer, AT&T, reviewed the maps that depict sites in Wolfeboro that they are aware of and towers within 20 miles of Wolfeboro.

Will Dodge reviewed the ZBA criteria noting he believes the site is suitable because it is an existing unobtrusive site with no impact or environmental constraints or issues with access. He stated following construction tech visits will occur at the site once a month during business hours. He stated a noise study was done; noting such would be within the requirement of the Town. He stated there is no dust creation or glare from the antennae and odors and fumes are not applicable as it is an unmanned facility. Referencing undue nuisance, he stated there is limited access and there are no plans to expand the width of the access road and based on existing use there is no pressing need for public facilities. He stated the design is appropriate as it consists of a monopole design with dense vegetation in the location of the existing tower; noting lights are not proposed. He stated criteria #5 is not applicable as the applicant is trying to provide coverage to a site that already exists. He stated there is no impact to property values as determined by a study conducted. He stated they believe the ordinance was trying to strike a balance against is a presumption that normally a facility should only go 10' above the trees and to go beyond such a variance is required due to the possibility of having an eye sore from the extension.

Richard O'Donnell questioned what currently exists for the facility building.

Will Dodge stated there is an existing 10'X12' stick built shelter. He stated the proposal includes the construction of a 12'X20' to the immediate right of the tower. He stated Verizon is permitted to put in a new shelter for operating equipment.

Richard O'Donnell questioned whether the roof would be pitched.

Will Dodge replied no, because the roof will not be seen.

Richard O'Donnell questioned the type of construction and equipment color.

Will Dodge replied pre-fab concrete and beige in color.

Alan Harding verified the structure would be located behind the fence.

Charlene Seibel expressed concern for continued requests to increase the height of the tower by 10' for every request.

Will Dodge stated Verizon purchased RCC Atlantic therefore, there is currently only one carrier at the site.

Chris Franson stated what she found missing from the application a photograph or simulation from directly across the lake and from where the trees were taken down by the tornado.

Andre Tsikanovsky stated a person would have a difficult time locating the site from different areas throughout the Town and from different points from the lake because the tower is so well concealed.

Rod Cooley, Property Manager, Pierce Camp Birchmont, stated when the tower was originally being erected he was instructed by Mr. Pierce to take pictures from out on the lake; noting the tower could not be seen however, noted the tower could be seen from Martin Hill Road and an area in Brookfield.

Will Dodge reviewed the Site Plan criteria, including 175-168 and 175-163. He stated there is no proposed lighting, signage would comply and the design of the extension and antennae would match those existing on the site. He stated regional notice was not done as it was agreed that regional notice had been given at the time of the original application.

Kathy Barnard stated the Planning Board and ZBA need to consider the waiver for the balloon tests.

Charlene Seibel stated in the past, the Planning Board has required balloon tests for proposed new towers and read 175-159. She stated not having a sense of an additional 10' she would be more comfortable having a balloon test to determine the environmental or view shed impact.

Jennifer Haskell stated the ZBA granted a variance for such and feels the balloon tests are not necessary due to that and the testimony of Mr. Cooley and his accounts of visibility.

Stacie Jo Pope agreed with Ms. Haskell.

Mike Hodder stated he is in favor of waiving the balloon tests; noting the photo simulation pictures speak for themselves and an additional 10' does not make a material difference in the impact to the view shed. He stated 175-159 specifically calls for minimizing environmental visual impact but at the same time providing quality cell phone service.

David Booth stated the ZBA discussed the issue last night and it was near unanimous if not unanimous that the balloon test was not necessary.

It was moved by Jennifer Haskell and seconded by Steve Maguire to grant a waiver request for Section 175-168.C.(1).(d).[6] (balloon test). Kathy Barnard, Stacie Jo Pope, Chris Franson, Jennifer Haskell, Richard O'Donnell, Chuck Storm, David DeVries, David Booth, Steve Maguire, Alan Harding, Mike Hodder voted in favor. Charlene Seibel opposed. The motion passed.

It was moved by Stacie Jo Pope and seconded by Chuck Storm to grant waiver Section 7.03.4.d from the Site Plan Review Regulations. All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Jennifer Haskell to grant a waiver request for Section 175-168.(c).(1).(a).[5] (regional notice).

Discussion of the motion:

Charlene Seibel questioned the purpose of not notifying towns within 20 mile radius of the facility.

Stacie Jo Pope stated the applicant stated regional notice was given at the time of the original tower application.

Jennifer Haskell stated the purpose has been satisfied; noting giving regional notice for this application would be duplicative.

Mike Hodder stated the requirement for notification is in the case of new installation and the present application is being treated as an extension of the tower. He stated the notification clause is to inform local towns that a 72' tower is being constructed however, such was already reviewed in the original application.

It was moved by Stacie Jo Pope and seconded by Jennifer Haskell to grant a waiver request for Section 175-168.(c).(1).(a).[5] (regional notice). All members voted in favor. The motion passed.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Steve Buck stated he is speaking as a resident and not a Board member. He stated the PWF regulations are complicated and needs to be cleaned up; questioning the intent of the regulations. He stated he is in favor of the expansion of service on the Pierce Camp Birchmont site. He reviewed the history of the original application; noting improper procedures occurred.

There being no further questions or comments, Chairman Barnard closed the public hearing.

Charlene Seibel stated the applicant indicated they would be willing to include the maps as part of the application to satisfy #'s 5 & 6.

Alan Harding stated such could be made a condition of approval.

Referencing site suitability, Steve Maguire stated he believes the site is suitable given an existing tower exists at the site with adequate access. He stated the environmental impact to construct a new tower would be exaggerated.

David Booth agreed with Mr. Maguire.

Mike Hodder agreed as well and stated there is adequate access and no steep slope or flood plain concerns.

Alan Harding agreed and stated there is no neighborhood impact.

Referencing immediate neighborhood impact, Steve Maguire questioned the noise and vibration of the generator since there is no noise in the area.

Charlene Seibel stated depending upon weather conditions, people may hear it; verifying the generator would run at 50 dB.

Mike Hodder stated the generator would only turn on when there is a power failure. He stated according to a decibel chart a whisper quiet library is at 30dB and a normal conversation is between 60-70dB.

Referencing undue nuisance or serious hazard to pedestrian or vehicular traffic, Steve Maguire stated he doesn't believe there will be such due to site location.

Mike Hodder and David Booth agreed.

Referencing availability of public services, Steve Maguire stated such doesn't exist therefore it is a moot point.

Mike Hodder stated he votes in the affirmative for such.

Referencing storm water drainage, Charlene Seibel questioned whether storm water has to be managed when impervious surfaces are created.

Mike Hodder noted that during the site visit he observed the ground was relatively dry and not appearing to be wet or soggy.

Steve Maguire stated there were no ruts in the road approaching the site.

Referencing appropriateness of site plan, David Booth stated site plan is the pervue of the Panning Board and the Board has reviewed such and voted that the application is complete.

Referencing neighborhood integrity, Steve Maguire stated the established use patterns are the same as they are now except for one more trip per month.

Referencing impact on property values, Steve Maguire stated such was considered at the ZBA meeting on 4/5/10 and doesn't think there will be an impact on property values.

Referencing the proposed use or structure is consistent with the spirit and intent of Part 1 of the Master Plan, David Booth stated the fact that cell towers are allowed anywhere in town by Special Exception speaks of consistency; noting the Master Plan speaks often and intensely of the provision of cell phone and internet services for the community.

Alan Harding and Mike Hodder concurred.

It was moved by David Booth and seconded by Mike Hodder to grant the Special Exception for Case #01-SE-10 having met each of the eight criteria, as discussed, resulting in a vote on each criteria with unanimous approval with the following conditions; this approval is subject to Planning Board Site Plan approval and this approval is based upon the submitted documents on April 6, 2010 representing the town and region wide map, as noted in Section 175-168.C.(1).(b).[5] & [6]. All members voted in favor. The motion passed.

Rob Houseman reviewed the following recommended conditions of approval;

1. The following plans, as amended to the date of approval, are hereby incorporated into this approval:
Plan 1: Title T-1, Title Sheet, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 2: C-1, Sheet 2-7, Key Plan & Site Plan, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 3: C-1A, Sheet 3-7, Boundary, AT&T, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 4: C-1B, Sheet 4-7, Boundary, AT&T, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 5: C-1C, Sheet 2-7, Boundary, AT&T, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 6: A-1, Sheet 6-7, Compound Plan and Elevation, AT&T, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
Plan 7: A-2, Sheet 7-7, Details, AT&T, AT&T, Wolfeboro, 693 Governor Wentworth Highway, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverill, MA 01830, January 28, 2010.
2. This approval is subject to the receipt of approvals for a Variance and a Special Exception and any conditions attached thereto.
3. A Construction Observation Agreement shall be executed between the applicant and the Town's consulting engineer, HE Bergeron Engineering.
4. The applicant shall bear all inspection costs related to the Construction Observation Agreement.
5. The applicant shall post a financial surety to cover the cost of all site work, plus 10%.
6. No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town Staff has taken place and the financial guaranty is in place with the Town.
7. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
8. This approval incorporates by reference the ZBA approval and all conditions attached thereto.
9. The applicant shall be responsible for the payment of all recording fees.

It was moved by Jennifer Haskell and seconded by Chris Franson to approve the New Cingular Wireless PCS (AT&T) Site Plan Review application, Case #201012, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Wolfeboro Congregation of Jehovah's Witnesses
Pre-application Discussion – Site Plan Review
Agent: Ralph Randall
Tax Map #2638-5
Case #201011

Ralph Randall, Project Development Director, stated the proposal includes demolishing the existing building including the foundation, raise the level of the land and rebuild on a slab; noting it is economically more feasible and energy efficient to do such.

Rob Houseman stated it is a permitted use in the Residential District permitted by Special Exception; noting such runs with the land. He stated the Board needs to determine whether the proposed change to the site plan in any way changes the original approval and recommended the applicant address outdoor lighting, signage and any other improvements the Site Plan Review Regulations speak to.

Stacie Jo Pope questioned whether the building would be situated in the same location.

Ralph Randall replied yes, noting the building would look the same as it does now however, be slightly lower.

Richard O'Donnell stated he is having difficulty with the concept that the motivating factor of removing the building is due to energy efficiency; noting a waste of materials from tearing down and rebuilding and additional carbon to be expended.

Ralph Randall stated the structure was originally built allowed no capability in the ceiling area for air exchange units to be able to make it comfortable and have a breathable space. He stated certain light fixtures that could save energy cannot be installed because they have to be surface mount; noting the area is enclosed and light fixtures that would conserve energy cannot be installed. He stated the intent is to update the construction, make the building more green and ADA accessible. He stated the lighting would comply with the ordinance with a possible need for one additional pole.

Dave DeVries verified the capacity of the building would remain unchanged and questioned the timeframe of the construction.

Ralph Randall replied 8 weeks for construction. He stated the intent is to install a granite sign for visibility; size and configuration to be determined.

Jennifer Haskell questioned landscaping.

Ralph Randall stated a landscaping plan would be provided; noting one neighbor has asked for privacy.

Steve Buck questioned whether the demolition of the building triggers the landscape ordinance.

Rob Houseman stated the proposal triggers the streetscape and buffering provision.

Jennifer Haskell questioned whether the rebuild would be uniform to other Kingdom Hall structures.

Ralph Randall replied yes, noting there are 1600 volunteers from two states, both men and women, in various trades who would construct the building. He stated the gable ends are proposed to be clapboard with brick for the side of the building.

Richard O'Donnell verified a brick veneer.

SAI for New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility and Green Mountain Realty Corp.

Site Plan Review

Agent: William Dodge, Downs, Richlin, Martin PLLC

Tax Map #244-63

Case #201008

Steve Buck recused himself.

Steve Buck stated he does not believe the Board can proceed with the application because the Board is dealing with the wrong section of the ordinance; noting height is being added to the structure and the proposal fails on every section of the ordinance and needs a Special Exception and possibly treated as a new application.

Jennifer Haskell stated in terms of order, if a Board member has recused himself then the Board should hear the testimony as part of the public hearing.

Steve Buck stated he is suggesting the Board should not start the process.

Rob Houseman reviewed the Planner Review for April 6, 2010; noting the applicant is seeking approval to mount three pair of antenna arrays, for a total of six antenna. He stated the proposal includes the installation of antennas for personal wireless communications facility for SAI for New Cingular Wireless PCS, LLC and convert the former RCC single story equipment shelter for use by SAI for New Cingular Wireless PCS, LLC within the 60'X60' enclosure. He stated a cost estimate has been submitted and requested the issue of height be addressed by the applicant (Section 175-164.A.(4)). In regard to lighting, he stated an access / safety light on a motion is proposed.

Will Dodge stated the ordinance directs an applicant to look at an existing permitted structure; noting the following issues related to the site; interference with other antennae located at the water tank presently, specifically the Town's antenna, structural capacity of the water tank to enable the installation of the stealth wall to hide the antennae and height. He stated a SCADA antenna is currently located on the edge of the tank and a concern was noted regarding the risk of interference. He stated there is no risk of such because the equipment is operating at different frequencies however, to ensure there is no interference, the whip antenna will be placed on top of the stealth wall (noting the TRC was satisfied with such). In regard to structural capacity, he stated a concern arose relative to wind loading. He stated the new design of the reinforced stealth wall with a circle symbol addresses the issue. In regard to height, he stated the ordinance talks about being exempt from the height restrictions of this article on the effective date of the article; noting the effective date was 3/13/01. He stated it is their understanding that on that date there was a 20' whip antenna used by the Town that extended from the 80' height of the top of the tower to 100'. He stated the wall is being added (8') and the SCADA antenna is 10' (for a total of 18') therefore, there is no need for a variance.

Victor Drouin, Green Mountain Realty Corp., stated that when they did the original collocation agreement with the Town in 2005 there was an existing 20' whip antenna. He stated at the time of the agreement there were

structural concerns with the roof of the tank and measurements and an inspection was done. He stated Hudson Design did the interior fence layout and the compound layout to show three shelters; noting the intent of the lease with the Town was to have 3 wireless carriers (2 on the side, 1 on the top). He stated the structural review for the 3 carriers were done at that time. He noted the height of the tank is 80' tall and 84' to the tip of the structure. He stated Huggins Hospital had a 20' whip on the tower however, has subsequently removed the whip following the Town's placement of the SCADA antenna (noting such is 10'). He stated the stealth wall will be physically more dimensional in width however, the height would not exceed what has previously been on the tower.

Referencing water and snowmelt, Will Dodge stated the wall is designed so there is space between the wall and the bracket so that precipitation would run off and not accumulate onto the tank.

Chris Franson questioned the purpose of the solar panel.

Victor Drouin stated such belongs to the Town; noting the panel is part of the circulator for the tank.

Will Dodge stated two waivers are requested; balloon tests and topographical maps.

It was moved by Jennifer Haskell and seconded by Chuck Storm to waive the balloon tests and topographical maps. All members voted in favor. The motion passed.

Referencing 175-164, Kathy Barnard questioned what is the height limitation associated with such.

Will Dodge stated the whip antenna is 10' and meets the requirement. He stated the SCADA antenna can be placed on the stealth wall and still meet the requirement because the original antenna on the water tower was 20'.

Kathy Barnard verified the SCADA is a Town owned antenna and exempt from the regulations.

Will Dodge stated the SCADA antenna was moved to address the interference concerns.

Richard O'Donnell questioned whether the calculations relative to the weight/load of the apparatus on top of the tower part of the submittal.

Will Dodge replied yes.

Jennifer Haskell stated the existing SCADA antenna increases the height of the tower regardless that its exempt; noting it can't be denied that it exists.

Will Dodge stated per 175-163.a the water tank was identified as an appropriate existing structure and recommended a condition of approval include submittal of the maps that include all the sites within 20 miles. He stated the proposal complies with setback requirements, design standards include a cylindrical design and no lighting or signs are proposed. He stated there are underground storage units for the generator; noting no risk of contamination. He stated a power density study was provided and the lease is being finalized. He stated there is no adverse impact to scenic areas and historic features in the area. He stated there is no increase in impervious surface therefore, no risk of storm water drainage.

Chris Franson questioned what surrounds the service building.

Andre Tsikanovsky stated there is an existing chain link fence around the compound.

Chris Franson questioned screening of such.

Rob Houseman stated the Town does not want the fence screened or camouflaged because it would provide an opportunity for vandalism.

Kathy Barnard read 175-164.a.(4) and questioned Board input regarding the height issue.

David DeVries stated he has no issues with the height; noting the proposal is an improvement to the site and within the spirit of the ordinance.

Chris Franson stated the height of the water tower is not being added upon because the structure is the water tower.

Kathy Barnard reviewed the definition of structure.

Richard O'Donnell questioned the alternatives and noted the Board should make a decision as to whether the whip antenna satisfies the definitions and regulations.

Kathy Barnard stated the ordinance recommends collocation.

Jennifer Haskell stated the responsibility of the Board is to determine based on what the ordinance says what the existing structure is; noting the chairman has pointed out to the Board the definition that the existing structure is from the base to the top of the SCADA. She stated that if such is the case then the proposal does not increase the height therefore the Board has the authority to accept the application as complete.

The Board concurred with Ms. Haskell.

It was moved by Jennifer Haskell and seconded by Stacie Jo Pope to accept the application as complete. All members voted in favor. The motion passed.

Chairman Barnard opened the public hearing.

Steve Buck stated he is not opposed to improvements to cell tower service. He read 175-70, Modifications to a Personal Wireless Facility; noting such requires a Special Exception and Site Plan Review. He requested the process be followed properly. He stated the applicant has omitted Bennett Hill as a location site. He stated there were no antennae at the top of the water tank at the original time of filing and argued that new technology is being placed on the tower. He expressed concern for the structural review of the structure and stated the applicant has not submitted snow calculations; noting the application is not complete. Referencing structural stability, he stated the structure is 60 years old and no one has visited the site since 2005.

Suzanne Ryan stated she looks down on the tower as it stands now and objects to the color of the structure. She stated she would rather see the antennae mounted on the belly of the water tank; noting she is opposed to the proposed configuration and color and such will be visibly impacting.

Steve Buck questioned the number of carriers on the tower.

Will Dodge replied one.

Steve Buck stated it is his understanding there was not enough space to put a second carrier.

Will Dodge stated there is a band around the tower and the space is already reserved for T-Mobile (reserved the space however, permits have not been sought) therefore, the only space available is to go up.

Suzanne Ryan stated it is her understanding the Board deals with the application presented and the Board should not deal with what is possibly reserved.

Victor Drouin stated the site was originally designed and intended to accommodate 3 carriers. He stated such was part of the original site plan approval; noting 3 compounds were laid out. He stated Verizon is on the tower and two applicants approached him, one being AT&T, who requested the top spot.

Dave DeVries questioned whether T-Mobile is paying rent on the site.

Victor Drouin replied no.

Dave DeVries questioned whether a collocation application has been submitted.

Victor Drouin replied no.

Kevin Brewer stated during the initial site selection, propagation studies were conducted at a lower height (72') however, the results were not favorable; noting a drive test was also conducted relative to such. He stated the other applicant is going 10' below Verizon. He stated there is not enough horizontal space on the tower to mount two different carriers at once.

Kathy Barnard questioned why Bennett Hill was not included on the maps.

Kevin Brewer replied because AT&T is not located on that site.

Jennifer Haskell expressed concern for the direction of the analysis and stated the Board needs to review whether the application satisfies the criteria.

Steve Buck disagreed with Ms. Haskell's interpretation noting the PWF regulations specifically address modifications to an existing structure.

Jennifer Haskell stated it is not a modification.

Steve Buck disagreed and stated the applicant did not meet the criteria of c.

Rob Houseman stated the provision of the ordinance (175-170) speaks specifically to the PWF and not water towers (unlike the previous application on 693 Governor Wentworth Highway). He reviewed the distinction between 175-170 and 175-164; noting his explanation was also reviewed by Town Counsel.

Steve Buck read the definition of PWF.

Will Dodge stated reviewed modifications to PWF and definition of a PWF which includes antennae, operating equipment for those antennae and the wires that connect them; noting it does not speak to the support

structures. He stated there is not a personal wireless service facility on the site yet. He stated there is ambiguity regarding the change in the number of facilities at a site.

There being no further questions or comments, Chairman Barnard closed the public hearing.

Rob Houseman reviewed the following recommended conditions of approval:

1. The following plans, as amended to the date of approval, are hereby incorporated into this approval:
Plan 1: T-1, Title Sheet, Wolfeboro WT, SAI for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T), 16 McManus Road, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverhill, MA 010830, August 18, 2009.
Plan 2: Existing Site Features and Boundary Line Adjustment between Lands of Town of Wolfeboro and Governor Wentworth Regional School District, located in Wolfeboro, NH, prepared for the Hudson Design Group, LLC, Prepared by HE Bergeron Engineers, Inc., PO Box 440, North Conway, NH 03860, Dated May 13, 2009.
Plan 3: C-1, Site Plan, Wolfeboro WT, SAI for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T), 16 McManus Road, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverhill, MA 010830, August 18, 2009.
Plan 4: Z-1, Compound Plan and Elevation, Wolfeboro WT, SAI for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T), 16 McManus Road, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverhill, MA 010830, August 18, 2009.
Plan 5: Z-2, Details, Wolfeboro WT, SAI for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T), 16 McManus Road, Wolfeboro, NH, Plan prepared by Daniel Hamm, NH PE, Hudson Design Group, LLC, 3 Windsor Street, Haverhill, MA 010830, August 18, 2009.
2. A Construction Observation Agreement shall be executed between the applicant and the Town's consulting engineer, HE Bergeron Engineering.
3. The applicant shall bear all inspection costs related to the Construction Observation Agreement.
4. The applicant shall post a financial security.
5. The applicant shall pay for all recording fees.
6. No construction or site work for the amended site plan may be undertaken until the pre-construction meeting with Town Staff has taken place and the financial guaranty is in place with the Town.
7. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
8. This approval is based upon the submitted documents on April 6, 2010 representing the town and region wide map, as noted in Section 175-168.C.(1).(b).[5] & [6].
9. Zoning Ordinance Section 175-165.B.(3).(c); deferring to the Public Works Department the standards to be used.

Finding of Fact: The Planning Board believes this application complies with Zoning Ordinance Sections 175-162 and 175-164 and that determination was based on the height of the structure including the SCADA antenna. The finding of fact is based on that the application complies with the ordinance because the ordinance defines the existing structure as base to the top of the SCADA and therefore, the application complies with what the ordinance defines as existing structure.

It was moved by Chuck Storm and seconded by Jennifer Haskell to approve the SAI for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility / Green Mountain Realty Corp. Site Plan Review application.

Case #201008, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

Chris Franson questioned whether the color of the water tank could be changed.

Rob Houseman stated he would forward the message to Dave Ford.

WORK SESSION

- Appointment of Chairman and Vice-Chairman

It was moved by Chris Franson and seconded by Dave DeVries to appoint Kathy Barnard as Chairman and appoint Stacie Jo Pope as Vice-Chairman to the Wolfeboro Planning Board. All members voted in favor. The motion passed.

It was moved by Stacie Jo Pope and seconded by Jennifer Haskell to adjourn the April 6, 2010 Wolfeboro Planning Board meeting. All members voted in favor.

There being no further business, the meeting adjourned at 10:55 PM.

Respectfully Submitted,
Lee Ann Keathley
Lee Ann Keathley

Chairman Alan Harding
Zoning Board of Adjustments
Wolfeboro, N.H.

4/6/10

Chairman Harding:

Please let this letter be understood that I am not in opposition to the applications proposal, but rather the administration of it.

I feel that the application "process" per the Town of Wolfeboro Personal Wireless Service Facilities Ordinance was at best flawed as I tried to point out at the hearing last night of 4/5/10.

And further that the meeting this evening for a special exception furthers the, what I view as, an incomplete administration process of the application for new expansion.

Section: 175:170 Modification

Modification such as presented falls under this section and may be considered equivalent to a application for new proposal.

Section 175-173 Special Exception/site plan approval

A NEW special exception /site plan approval shall be required if changes are required that create a change in height

Section 175-169 Collocation

Shall indicate how many facilities of what type shall be permitted...however, the addition of any facilities not specified in the approved special exception and site plan approval shall require a NEW special exception....

175-168 Application process

(6) Applicant SHALL arrange a balloon test....

175-168 A & B Application process....

Pre application conference...the applicant **shall** meet with the ZBA and PL BD at a public meeting to discuss the proposal...

The applicant has not submitted any waiver requests to the ZBA and under 175-168 (2) ONLY the ZBA and the PL BD may waive one or more of the application filing requirements of this section if IT finds such information is not needed.

The town of Wolfeboro specifically passed a comprehensive bylaw (ordinance) that specifically deals with ALL personal wireless service facilities. I feel that the board if not following the above for expansion of new service or new facilities is setting a president.

With that said, I have given this great thought and have decided it is in the best interest of all parties for me to step down.

Thank you

Suzanne Ryan, member

