

Haverhill Planning Board Minutes June 23, 2015

Draft Subject to Review, Correction, and Approval at Following Meeting

1. Call to Order

The meeting was called to order at 7:00 by Chairman Don Hammond

Planning Board members present:

Don Hammond

Mike Bonanno

Tom Friel

Tara Krause and Mike Simpson were absent

Clerk Ed Ballam present

Members of the public included: Wayne Fortier, Bob Fagnant, Heidi Lyman, and Bob Gashlin, a representative for T-Mobile

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Mike B. made a motion to approve the agenda, seconded by Tom F. the vote was unanimous.

4. Approve Minutes of Previous Meeting

Mike B. made a motion to approve the minutes of the May 26 meeting. Tom F. seconded the motion. The vote was unanimous.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

Ed B. said the planning board was sent a courtesy notice of work being done on Page Road on the Oliverian Brook crossing. He said there was no action to be taken, but the report was on file with the planning board should anyone want to review it. Tom F. said the plan is to put in a box culvert.

7. Reports of Committees

None

8. Pending Business

Subdivision revision on going. Don H. said that the board should postpone discussion of the revisions until the full board was present and when the board did not have any pending applications.

9. New Business (Applications)

Don H. opened a public hearing on the lot line adjustment application submitted by the estate of Evelyn Bigelow for property on French Pond Road Tax Map 413 and Lot 41, and Map 415, Lot 41 at 7:10 pm. Harry Burgess, a surveyor and representative for the applicant said he had some revised plans that corrected the title to reflect that it was now the estate of Evelyn Bigelow as Mrs. Bigelow died in February.

Ed B. said the application fee has been paid, the meeting has been warned, abutters were notified and the application appears ready to be considered.

Harry B. said the estate would like to transfer two acres to the son, Don Bigelow where his paving operation. He said the lot line was close to his home and his well was over the line. The concept is to move the line to get a shed and the well on the property and provide a little more room around the buildings.

Don H. asked if the two acres were going to be subtracted from one lot and given to the other lot. Harry B. confirmed it was the plan. Harry B. explained that there has been some confusion about the lots. They both have the same number, 41, but one is on Map 413 and the other is on Map 415.

Don H. asked if there were any questions from the public. Hearing none, he closed the public hearing at 7:15 p.m. Mike B. made the motion to accept the application as complete. Tom F. seconded the motion. The vote to accept the application as complete was passed with a unanimous vote.

There being no additional comments or questions by the board, Don H. asked for a motion to approve the lot line adjustment for property at Tax Map 413, Lot 41.1, which was made by Mike B. and seconded by Tom F. The vote was unanimous.

Heidi Lyman asked when the mylar would be signed and recorded. Harry B. said he would drop off the mylar to the town office tomorrow (May 28). Ed B. said it would be up to Don H. when it was available to sign it. Heidi L. said she had a closing scheduled for the remaining acres on June 30. Don H. said he could be at the town office at 7 p.m. on Thursday (May 29). Ed B. said he would have everything ready. Ed B. reminded Harry B. about the recording fees and that the registry of deeds doesn't take personal checks. Ed B. said cash works best.

Don H. opened a public hearing for T-Mobile/American Tower for a site plan review at. The property is identified as Tax Map 406, Lot 31 at 7:20. Bob Gashlin introduced himself and gave an overview of the project.

Bob. G. said T-Mobile is planning to co-locate its equipment on an existing tower off Dartmouth College Highway. He said that means the company will be adding antenna to the tower and some equipment cabinets in the existing compound as well as utilities and ancillary equipment.

Bob G. proceeded to discuss the plan he had previously submitted. He explained that the owner of the property is American Tower and T-Mobile is looking to lease space from American Tower to add the equipment. He explained the compound is a 60-foot by 60-foot fenced area. T-Mobile will use a space that is about 10-feet by 10-feet within that fenced compound area. He said the monopole is existing and T-Mobile is seeking to place antenna array at the top of the tower.

Bob G. said T-Mobile is planning to install six antenna and three of the antenna are going to be five feet tall and three are going to be eight feet tall. He said there are some RRUs which are remote radio units. They are small boxes behind the antenna. He said a few years ago, the radios used to be in cabinets at the base of the towers, but the radios are now smaller and can be mounted right behind the antenna so they don't lose any signal.

Bob G. also said the antenna will have bracketing that will have three 12-foot triangular arrays. He said T-Mobile is proposing microwave service on the pole as well, but they might not use it. He said the microwave is to have telephone land line service at the site. He said T-Mobile sometimes uses fiber for the telephone service, but it is more difficult to install. Ed B. said he didn't think there was much, if any fiber service available in the area.

Don H. asked where the microwave signal would come from. Bob G. said he's not exactly sure, as Woodsville is not his coverage area. Typically, he said, the microwave signal is transmitted to a tower that does have fiber available.

Don H. said his understanding of microwave is that it has to be a line of site signal. Bob G. confirmed that fact. Don H. said he knows the Grafton County dispatch center, which is located just a few thousand feet to the south also uses a microwave system for emergency services dispatching. He was concerned about interference with emergency services, especially if fiber is not available.

Bob G. said it was not his geographic area so he couldn't speak to Grafton County's microwave system.

Ed B. said he thought the FCC would regulate and prevent any interference with emergency communications. Bob G. said he thought Don H. was speaking of an operational issue, but if it is a question of interference, he said definitely T-Mobile would certify it will not interfere with any emergency services.

Don H. said Grafton County uses a microwave system at the courthouse that sends a signal south to another tower on Castle Road, near the Indian Corn Mill stand and then on to Cannon Mountain. Bob G. said T-Mobile also has a site on Cannon Mountain, but regardless of where it sends its signal, T-Mobile will make sure it uses a different frequency and that signals are licensed and they are often issued channel blocks and the company is not allowed to operate outside of the channel block.

Mike B. pointed out in Haverhill's Personal Wireless Device ordinance on page eight, 7.10 states the application needs to meet FCC regulations.

Bob G. said, as Ed B. said, the FCC would regulate all the signals and any interference. Ed B. reminded the board that they have nothing to say about FCC rules and should focus on things like physical equipment and site issues. Ed B. did acknowledge that Don H.'s concern about interference with Grafton County dispatch is valid, but the FCC would handle it.

Bob G. said T-Mobile plans to lease a 12-foot by 12-foot ground space to accommodate a concrete pad that is 6' 6" by 8 feet. On that pad, two radio cabinets will be installed. He said they are 3 to 4 feet tall by 2 to 3 feet wide. On the permit he hopes to have it open as to how many cabinets will be specified because there may be additional need for more cabinets in the future. He said many towns say as long as the applicant gets permission for the concrete pad, they typically don't care how many cabinets are placed on it as long as the footprint doesn't change. He said other carriers typically will install a 10-foot by 20-foot building on a site and all the cabinets inside so the number doesn't matter.

Bob G. said when the site was developed years ago, American Tower brought power right to the site. He said typically 800 amps of power is available at the tower site and T-Mobile will be looking for 200 amps of that available power and the remaining power will be available for others who might locate on the tower. He said there will be a need for a power meter board, if there isn't one already on the site. The power to T-Mobile equipment will be underground, he said.

To recap, Bob G. said T-Mobile is looking to plug in to what is already installed and there and make use of why the tower was installed in the first place.

Mike B. asked if all six antenna being installed were going to be for T-Mobile. Bob G. said yes they will all be used by T-Mobile. Bob G. said that if other carriers want to use the tower in the future, they will install their own equipment 10 feet below T-Mobiles and at 10 foot intervals as other carriers add on.

Mike B. asked if there were a maximum number of antennas that could be mounted on the tower or if it could become overloaded with multiple carriers. Bob G. explained that American Tower, as the tower owner and landlord require a study be done to make sure the tower isn't overstressed. He said that study was done and a structural analysis was done to include all the equipment that is listed in the site plan being placed on the tower. He said an engineer has done the calculations with wind loading for this area and has determined that what T-Mobile proposes will stress the tower at 43 percent of its capacity, which passes, and means there's 57 percent remaining for other carriers. He said as T-Mobile is the first carrier on the tower, there's no issue, but as other carriers are added, it will become an issue.

Ed B. wanted to make sure who did the study. He said it appeared that American Tower, the owner of the monopole, did the study. Bob G. confirmed that was the case. He submitted the structural analysis report as part of the record and said it was done by American Tower and indicates that T-Mobile equipment has a maximum load of 43 percent which was certified by an engineer.

Mike B. asked when a full application could be expected from T-Mobile. Ed B. said what T-Mobile has supplied is all the town is going to get and all that is required. There's no application and no form for antenna in the ordinances. He said the site planning review is to make a recommendation on whether the building permit be issued. Ed B. said if the board has any issues with the plan and what T-Mobile is proposing, it should voice them now so they can be passed along to those who will make the decision on the building permit.

Mike B. said he had an issue, but not with the plan itself. Referring to the ordinance, Mike B. said on page 8, section 8, he said before the planning board makes any recommendation on the application, that it, as prescribed in section 8.1, that in the planning board's discretion hire an expert of its choice to review applications and the expenses borne by the applicant. Mike B. said that before the planning board make any recommendations, it enforce 8.1 and hire an expert.

Bob G. asked what exactly would he like an expert to review. Bob G. said the facility and equipment is already in place and the structural integrity of the pole works and any signals coming from the tower are governed by the FCC. He said he understands the position, but questions the value.

Mike B. said no one on the planning board is an expert on cell phone towers. Tom F. said nor is anyone an expert on electromagnetic radiation. Mike B. said the planning board ought to know what it's doing before making any recommendation on the application. Mike B. said he wants to make sure the board is following and enforcing the ordinances of the town. Mike B. said it's been a goal of the planning board to follow the ordinances to the letter and the personal wireless communications ordinance is among them. Mike B. said he would like to make the recommendation an expert be hired. He also said he was only one vote.

Ed B. said the pole upon which the equipment is to be mounted has been standing for a number of years. He added an engineer's report has been submitted saying the antennas are not going to cause any more stress to the pole than what it was designed to accommodate. Ed B. said the antenna are not going to exceed the maximum height of the existing pole, which is important.

Tom F. said he was not talking about height issues, he's talking about EMR and radio frequency emissions.

Mike B. said he would like to make a motion to have the board hire an expert. Before there was a second, Bob G. interjected that there's a federal act called the communications act of 1996 that specifically states that municipalities cannot deny applications on any radio frequency or health issues. Bob G. said that would be T-Mobile's answer if the town required any kind of study. He said if the planning board decided to stick to its guns and ask for a study, T-Mobile would likely go straight to the selectboard and say the planning board may be making a negative recommendation based on radio frequency and here's our answer.

Tom F. said he wasn't making a negative statement and Mike B. repeated Tom's sentiment. Tom F. said it's not a negative recommendation. He said EMR and radio frequency emissions are concerns the selectboard might want to consider.

Don H. asked the board to look at section 7.10 on page eight of the ordinance addresses radio frequency emissions, so he doesn't know what a study would prove. He said that section of the ordinance spells out that all equipment shall be compliant with all FCC regulations regarding radio frequency emissions.

Tom F. said that was only one issue that he was concerned with which is why he wanted an expert study. He said there may be other issues the board would not be attuned to or aware of. Don H. asked what issues he has concerns with that are not addressed. Tom F. said that's the problem, he is not an expert so therefore he doesn't know the questions to ask. He said an expert might be able to give some guidance. He said the board is just making recommendations. He said whatever the board does is not "engraved in New Hampshire granite." He said the selectboard, of which he is a member, might have its own questions.

Bob G. said personal wireless service facilities ordinance is drafted for the construction of the entire facility and it doesn't have a separate section for co-locating which most of the ordinance are broken into two sections. One is a more stringent section for the siting, locating and construction of the tower then there's a separate section for co-location which is basically an extension of what is already there.

Tom F. said perhaps the board could recommend the selectboard have an expert review the application.

Don H. said T-Mobile already has had an expert look at the structural engineering component. Tom F. and Mike B. said it was their expert. Tom F. said often these situations result in experts fighting with experts.

Mike B. said he thought having the cell tower installed was a great idea. Tom F. said absolutely. Mike B. said the town needs one and it might help improve service, but he wanted to make sure the planning board is following, to the letter, the ordinance before making any recommendations. Mike B. said there might be some time to talk more about the application under the comments of the board portion of the agenda.

Ed B. said the board ought to make any comments it wants regarding the T-Mobile application now, during the hearing and to spell them out as to exactly what the board expects.

Mike B. started to make a motion and Bob G. interjected and asked if he could make a comment before any motion was made. Bob G. asked that if the board was inclined to make a motion to ask for an expert study that it be specific to what it wanted to focus on rather than all items in the 25-page plus ordinance. Mike B. said he would make specific reference to page 8, 8.1 of the town ordinance, which is the section giving the board the authority to hire an expert of its choice to look at the application at the applicant's expense.

Ed B. asked what specific areas would the board like the expert to look at and to put them in writing.

Mike B. said he wanted the expert to look at everything. Ed B. reminded the board, there are many things in the ordinance that T-Mobile are not doing. Ed B. said there are things like collapse zones and physical attributes to the site which has already been developed by another agency. Mike B. said an expert would know what parts to look at. Ed B. said there are many things American Tower would be responsible for, not T-Mobile. Ed B. said there's a pole that stands on the site now that belongs to American Tower and anything that exists, T-Mobile can't be held responsible for because they're only adding equipment to what's there. Ed B. said that's why it's important for the board to go through the ordinance and spell out which areas the board needs help with and what it want the expert to review regarding the T-Mobile application. Ed B. said he wanted that list from the board so when T-Mobile asks what they have to do to fulfill the planning board's request, he'll have the answers.

Bob G. a list will help T-Mobile prepare for any discussions the board might want to have and answer any questions, the planning board or the selectboard have, rather than looking at the entire ordinance.

Mike B. said he was just concerned with the T-Mobile part, the structure itself. Ed B. said there's a structural engineering report submitted as part of the application. Mike B. said seeing the chairman of the selectboard was present maybe he should comment. Ed B. said it might be a good idea to let Don H. be the chairman of the meeting and direct questions and comments through him. Don H. said it's OK for Mike B. to ask a question of Wayne F. Mike B. asked Wayne F. if the study was something the selectboard might want to have recommended by the planning board.

Wayne F. said he understands and appreciates the board's desire to adhere to the letter of the ordinance. He said he also understands the need to be specific with questions and areas of concerns. Wayne F. said he wanted to make sure he understand the arrangement with American Tower. He said he understands that T-Mobile will be leasing space from American Tower which owns the site and the tower. Bob G. said T-Mobile is leasing three things from American Tower, a little space at the top of the tower, space for the cabinets at the base and the ability to drive up and down the road to access the property.

Wayne F. told Mike B. the tower exists and it's not loaded with equipment and there's been a study that takes into consideration wind velocity and structural items. Wayne F. said if that structural study passes muster, he doesn't know what else the planning board could possibly want. Mike B. said he was concerned about the whole thing and the ramifications of the equipment going on the tower.

Ed B. said the owners of the tower, American Tower, not T-Mobile, has done a study and said they don't have any issue with what T-Mobile plans to put on their tower. Ed B. said American Tower has made a big investment to locate the tower, to put it up and it doesn't want to lose that investment because a lessor put something on it that shouldn't be there and wreck the tower.

Tom F. said that was a good point and Mike B. agreed. Ed B. said if the engineering study said T-Mobile on the letter head and was commissioned by T-Mobile, it could be suspect. Whereas it

was commissioned and done by the actual owner of the tower, it lends significant credibility, Ed B. said.

Tom F. said his concern was to have an independent evaluation and if it was done by American Tower, it's OK. Ed B. said that's why he asked who did the study because it does make a difference. Tom F. said he does not like studies that are presented in favor of themselves without a check on it. Tom F. said he got it and is OK.

Mike B. said he withdraws his motion.

Wayne F. asked if American Tower knows what kind of equipment is going on the tower and are they in agreement with it. Bob G. said indeed American Tower was aware of it and it's proven by their engineering study which they've signed off on.

Don H. asked where the next closest T-Mobile tower is located. Bob G. said, again it's not his territory and he's not sure. Bob G. said T-Mobile is currently in the area doing a couple of dozen different sites. He said the American Tower site is designed to bolster what T-Mobile already has. Bob G. said there's a tower being built in Rumney for T-Mobile. Bob G. said towers are usually erected every six to seven miles and T-Mobile is planning to locate towers up Route 25.

Tom F. said in marketing, you have to have the service before you can sell the phones. He said it's the push-pull principal.

Don H. said he thinks it's great that the tower is finally going to be used. The town needs the service.

Ed B. said the appropriate motion would be to recommend, or not recommend a building permit be issued for this application.

Mike B. made a motion that the planning board recommend the application submitted by T-Mobile for cell phone equipment to be installed on American Tower's pole off Dartmouth College Highway be issued a building permit.

Tom F. seconded the motion and it passed unanimously.

Bob G. asked a procedural question about the next steps. Don H. said Ed B., the clerk, would write a letter of recommendation that a building permit be issued to the selectboard. The selectboard is scheduled to meet on Monday, June 29. Wayne F. said if everything is ready to go, he thought the selectboard might discuss it on Monday night. Ed B. asked Wayne F. if he thought Bob G., who travels from Falmouth, Maine to attend meetings, needed to be present for the selectboard meeting. Wayne F. said his attendance is not required. However if there were questions that arose during the selectboard's discussion that couldn't be answered, the application would be moved to the next meeting where a T-Mobile representative would be invited to attend.

Tom F. said a point in T-Mobile's favor is that they're going to be installing equipment on an existing tower and not erecting a new one.

Wayne F. said the American Tower structural engineering report answered a lot of questions. Wayne F. said he thought it was a T-Mobile study, but since it was done by the people who own the tower, it gives it greater legitimacy.

Ed B. said he would make sure the American Tower structural engineering study is available.

Bob G. said he would send copies of all the material for the selectboard and others who might need it.

Bob Fagnant, who was present for most of the T-Mobile application, asked if Woodsville authorities would be asked to look at the application and sign any building permit as it is located in Woodsville. He also asked how long it would take to install the equipment and when would it be installed.

Bob G. said it would be installed this summer after the building permit has been issued. Bob G. asked if there was a process this was going to follow.

Ed B. said based on his discussions with Town Manager Glenn English, after the planning board had reviewed the application, which it had just completed. It would make a recommendation to the selectboard as to whether or not the building permit should be issued. The selectboard itself would then look at the application and decide whether or not to issue the building permit. (Clerk's note: The clerk may have misinterpreted the process. Town Manager English has the authority to issue the building permit and the selectboard's involvement is not necessary.)

Ed B. also mentioned that there is an application fee for the site plan review and abutter notification which has not been paid. Ed B. he has made T-Mobile aware of it and has communicated with a Bob G's colleague. Ed B. said the fees should be paid before the building permit is issued and he would make a note of that. Ed B. said the base application fee for a site plan review is \$150. Tom F. found in the personal wireless ordinance a section that prescribed a \$100 fee for a review of a personal wireless facility application. Ed B. said the fee amount would be corrected. Ed B. said that whoever signs the building permit, the selectboard or the town manager, the fee would be collected as well as the fee for the permit itself.

Bob F. asked if Woodsville Fire District commissioners would have to sign off on the building permit application. No one at the meeting was certain. Bob G. said he would send the commissioners information, just in case, so they'll be prepared when the application arrives. Bob F. provided Bob G. with the address.

As Bob G. was leaving, Mike B. asked about whether there would be a blinking light on the top of the tower for air traffic. Bob G. said towers less than 200 feet tall don't require a light. The American Tower one is 186 feet. Mike B. said Haverhill has an airport in town and he was just concerned about having the tower interfere with flights. Bob G. said the tower was in compliance with FAA rules.

10. Other New Business

None

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

None

13. Comments of the Planning Board

Mike B. said there was a comment made by Selectman Rick Ladd at a selectboard meeting a couple of weeks prior, about another mistake the planning board made and planning board management should have caught the mistake and it was in regards to Benedict's Way and he wondered what Rick L. was talking about.

Tom F. said without the minutes he was drawing a blank. Wayne F. said he thought it was in regards to the junction of Benedict's Way and Brushwood Road. Tom F. said he remembered and it was in regards to site distance looking north on Brushwood Road. Tom F. said he commented that he didn't know where the snow ended and where the road began, therefore, the issue he thought he had with site distance was no longer valid because the road edge was not where he thought it was when he made the comment.

Tom F. and Wayne F. both said it was a non-issue and the comment had been withdrawn.

Don H. asked if he could be sworn in as a re-appointed planning board member at the Monday night's selectboard meeting. Wayne F. said that would be acceptable.

14. Other

15. Adjournment/Next Regular Meeting

Mike B. made the motion to adjourn the meeting at 8:25 p.m., seconded by Tom F. The vote was unanimous.

The next meeting is on July 28, 2015.

Respectfully submitted,
Ed Ballam, Planning Board Clerk