

**Lancaster Planning Board
Minutes of Meeting**

Meeting held upstairs in Town Hall

Wednesday July 13, 2016

The meeting was called to order by Chairman Mark M. St. Pierre at 6:30 P.M. Followed by the Pledge of Allegiance.

Initial Business:

Roll Call:

Regular members:

Present: Chairman Mark M. St. Pierre, Vice Chairman Mark Frank, Selectmen's Representative Leo Enos, Andy Nadeau, Rusty Scott and Justin Carter.

Absent: Ben Southworth.

Alternate members:

Present: Don Doolan, Greg Westcott and Rick McCarten.

Absent: Barbara Pealsee-Smith and Penny Noyes.

Others attending: Planning/Zoning Coordinator Benjamin Gaetjens-Oleson, Mary Benkert, Darin Wiperman, Bob Fink, Gretchen Fink, Pan Vanderlaan, Lowri Vanderlaan, Fletcher Manley, Gerri Tobin, Joel Sanford, Don Fredette, Fire Chief Randy Flynn, Mitch Penny, Peter Camann, Judy Garfinkel, Brian Orlandi of Varsity Wireless and Francis Parisi of Varsity Wireless.

To review and approve the minutes of the June 8, 2016 meeting.

A motion was made by Andy Nadeau and seconded by Leo Enos to accept the minutes as written.

A vote was called for and the motion carried.

Appointment(s): None

Submission of Application(s): None

Public Hearing(s):

Major Site Plan Review:

Case #787 – Varsity Wireless, LLC (Applicant) & Beverly J. Nash Esson (Owner) - Applicant requests approval to construct a wireless telecommunications facility consisting of a 180 foot wireless telecommunications tower and accessory equipment on Owner's land off Portland Street. Said facility will utilize an existing access off Portland Street for vehicular as well as utility access. Land zoned Agricultural. (Tax Map R17 – Lot 040 (60.15 acres), Portland Street). **Vote on Final Approval.**

Chairman St. Pierre opened the Public Hearing at 6:05 PM. He asked if the applicant had anything to present. Fran Parisi or Varsity Wireless (VW) introduced himself as well as Brian Orlandi, also of Varsity, and began to present the proposal. He displayed a PowerPoint presentation explaining their business, the need for the additional tower, how they came to choose this site and photos from the balloon test. He explained VW has already placed one tower in Jefferson behind the Water Wheel and recently received approval to place another one in Jefferson off North Road. In addition to this proposal and the other two they are beginning the process to place one in Groveton off Route 2 behind the Potato Barn antique store. All four towers would create a backbone for carriers to provide coverage in the areas identified as having none or very little. He stated for Lancaster they looked at several sites

that would fill the gap in service along Route 2 while still creating the overlap with existing towers so coverage wouldn't drop. Each site was also evaluated for its compliance to Lancaster's Telecommunications Ordinance. They feel the proposed location is the best place for their network that also complies with the ordinance and has a very minimal visibility.

He explained they the existing road servicing the sugar bush will be utilized. Some improvements will be required to accommodate the construction equipment and some minor tree removal will be necessary to accommodate the fenced in equipment area. The fenced area will be locked and traffic will be minimal with one or two vehicle trips a month for regular maintenance. Lighting will be minimal with none bleeding onto other properties. The backup generator will require weekly exercising that can be scheduled for a convenient time.

It was asked if the Fire Department would have equipment on the tower. Mr. Parisi explained he met with the Fire Chief and they have incorporated the necessary equipment into their plans and there would be no cost for their presence on the tower. Mr. Parisi continued by saying the pole will be galvanized steel with a non-reflective finish. This will enable the tower to blend into the surrounding landscape and skyline as much as possible. He highlighted the propagation study on the PowerPoint to show the areas where the signals at different heights would reach and overlap others.

Mr. Parisi was asked how big the fenced in equipment area would be. He explained the fenced area would be 60' X 60'. Concern for the tower falling was mentioned. Mr. Parisi explained the towers is constructed with internal support wires that press the tower down on itself. Because of the downward pressure the towers may bend towards the top but they do not fall from the base. He could not state a time where a monopole has fallen, only bend slightly but stay together due to the compression of the internal cables.

Noting the applicant had nothing further to add Chairman St. Pierre asked if there were any abutters who wished to speak to the case.

Fletcher Manley introduced himself as an abutter at 41 Reed Road and stated that from his house he could not see the tower. He did explain that he also owns the hill behind his house and during the balloon test he did walk up it and could see it. He submitted a picture to the Board to illustrate the view. He continued and said he is not opposed to the tower itself but opposes the height. He said he came into the Town Office and viewed the submittal and felt based on the propagation studies he didn't feel a larger tower was needed to overlap with the eventual towers in Jefferson and Groveton. He expressed concern with the potential devaluation of the properties in the area with the addition of a taller tower. He feels that 160 feet will be tall enough.

Mark Frank asked if Mr. Manley got cell reception at this house and he answered yes.

Greg Westcott asked what other towers the town had. He was told the only current tower within Lancaster was Dr. Beattie's on Mount Orne.

Mr. Parisi Responded to Mr. Manley's concern for the height by explaining the tower is designed for the lowest carrier which would be the emergency services equipment and by lowering the height it reduces the coverage area for not only them but the other commercial carriers.

Mary Benkert explained she was an abutter from 223 Portland Street. It is the Esson home that she bought from Beverly Esson. She agreed that the area did need more cell coverage but also felt the tower height should be reduced to 160 feet. She stated that Ms. Esson was turned down by other tower developers for placement on this site. She continued to say the current tower at Mount Orne had 4 carriers plus the Town's emergency services system and it took 9 years to get them. She questioned whether this tower would be built out faster or at all. She asked why there was no mention on the application that the site was rejected by others. She also stated other concerns not addressed in the application such as liability if abutting property is damaged by issues such as fire that starts at the tower site and no mention of limits on logging the land that may make the tower more visible. She stated of only one abutter that supports the tower's construction. She stated again that she doesn't feel it is

necessary to be so high as it will not get all 4 carriers proposed. She further stated she feels VW is asking for too much and felt holding the balloon test during leaf on conditions doesn't give a true picture of the impact. She asked if there was actually a need for the emergency services equipment to be on the tower.

Fire Chief Randy Flynn stated the area the tower will cover has dead areas that would improve with equipment on the tower. He confirmed his request to Mr. Parisi about placing equipment on the tower with no lease payment expected.

Rusty Scott explained he understands the concerns of the abutters as he can see the Mount Orne tower from his house. He recalled the same arguments against that tower that led to its height reducing from 185 to 155. He feels town wide coverage was reduced when tower height was dropped and does not want to short change the Town again leading to the necessity for another tower.

Mr. Manley stated that he is afraid that this is only the beginning and you will begin to see more and more towers.

Mary Benkert asked if the decision had to be made tonight. She was told that it would be up to the Planning Board to make that decision.

Mitch Penny identified himself as a resident from Dalton and stated he would not see the tower from his home but had some concerns about "megatrons". Chairman St. Pierre stated that as there is no direct impact to Mr. Penny he does not have the right to comment but if a resident wanted to ask his question they could.

Pan Vanderlaan offered to ask Mr. Penny's question after he made his statements and agreed the balloon test was done at the wrong time of year with leaves on. He also stated that the tallest tree would probably be about 90 feet tall and this tower proposed is 180 feet, feeling it is too tall. He said although he won't be able to see it from his home he will see it while biking North Road. He then asked Mr. Penny to clarify his question. Mr. Penny responded by stating he wanted to know if the tower would be weaponized.

Judi Garfinkel stated she would see the tower from her home and also felt the balloon test during leaf on was wrong. She agreed with the abutters that there is a need but feels the height is out of line. She continued to explain that it is the responsibility of the Planning Board to take care of the residents, not someone who is out to make money.

Don Freddette introduced himself as a resident living on Portland Street but not an abutter to the case. He explained he did not have any cell service at his house and supports the placement of the tower. He explained that cell service is a necessity and the town needs to come up with the times whether they like it or not.

Joel Sanford an abutter on Portland Street stated that there is a need for it as he does not have service at his house. He did not feel that it was unreasonable to have 4 carriers on the tower but if the tower could be shorter that would be better.

Noting there no other abutters or members of the public who wished to add more the hearing was closed to the public and opened to only the Planning Board at 7:40.

Don Doolan asked if VW had gotten a driveway permit. Mr. Parisi stated he did not believe they would need one. Both Mr. Doolan and Andy Nadeau felt one would be required for a change of use. Mr. Parisi agreed to contact DOT to address it. Mr. Doolan also requested that the vote on Case# 787 be a role call vote.

Leo Enos asked what kind of liability would VW have for damage to abutters' properties caused from the tower's presence. Mr. Parisi explained VW has insurance just as neighboring properties that would cover damage to the tower caused by other properties. He continued to state the tower's presence makes other properties safer as they attract lightening from neighboring areas and have

extensive grounding systems.

Greg Westcott asked about provisions for the tower's removal when it is no longer needed. He was told that these issues could be addressed in the conditions of approval. Mr. Gaetjens-Oleson clarified this by explaining no condition would be necessary as it is a requirement of the Zoning Ordinance.

Andy Nadeau stated that a lot of concern about the tower's height is causing him to question if 180 feet is required. He stated that a third party review of the propagation study may be needed. He asked Mr. Gaetjens-Oleson who would pay for the review. Mr. Gaetjens-Oleson explained the third party reviewer would be chosen by the Town and paid for by the applicant.

Mr. Scott stated that a taller tower would allow for wider spread and therefore more overlapping and consistent coverage.

Mr. Frank asked Mr. Parisi if he was an engineer that could comment on the height. Mr. Parisi stated he was an attorney but did state the tower height is designed with the lowest carrier in mind as coverage diminishes the lower you go. He continued by saying that it may appear that 180 feet is excessive but it is actually the minimum for the last carrier and Town who will be 30 or 40 feet lower. He deferred to Mr. Orlandi to clarify the statement.

Brian Orlandi VP of Varsity Wireless explained he is not an engineer either but had over 20 years of experience in the cellular business. He agreed with Mr. Parisi's statement and continued by saying to accommodate 4 carriers and the emergency services equipment 180 feet was the minimum.

Ms. Benkert stated she felt the height was a business decision and not for public service. Chairman St. Pierre reminded Ms. Benkert the hearing was closed to the public.

Mr. Enos said he would like the Board, by a show of hands, to indicate whether they would support approving a 170 foot tower. Mr. Gaetjens-Oleson explained you could not poll the Board before a vote. You needed to vote on motions.

Mr. Frank read sections of NH RSA 12K concerning telecommunications towers and how the Board is not allowed to question the business decisions for the tower.

Andy Nadeau asked that it be noted in the minutes that the abutters and members of the public that spoke on the proposal left the meeting at 8:00 P.M. before a final decision was done.

With no further discussion a vote was called for to accept the plan for final approval. Mr. Gaetjens-Oleson did request consideration of 2 conditions he felt would better clarify the applicant's proposal.

1. Exercising of on-site, backup generator shall be scheduled to minimize any disturbance to abutting properties.

Mr. Gaetjens-Oleson requested assistance from Mr. Parisi to word the second condition appropriately to confirm the wishes of the Town and intentions of Varsity Wireless to accommodate emergency services radio equipment. The condition was finally settled as:

2. Reasonable tower and cabinet space shall be provided free of charge to the Town of Lancaster to place regional, emergency services telecommunications equipment for the safety and well-being of the community, subject to the execution of a lease agreement satisfactory to Applicant and the Town of Lancaster.

A member of the public, Gretchen Fink of Prospect Street, announced that Mary Benkert, one of the abutters noticed leaving the meeting early, had only stepped out for a moment and was back. She only

wanted that noted.

Mr. Gaetjens-Oleson recommended to Chairman St. Pierre that the voting members for tonight's case be identified before the role call vote is held. It was noticed that regular member Ben Southworth was not in attendance and as an alternate was not moved up before the public hearing there would only be 6 voting members instead of the full 7 member Board. At that point Chairman St. Pierre recognized Rusty Scott, Andy Nadeau, Leo Enos, Justin Carter, Mark Frank and himself as the voting members for tonight's hearing.

With no further discussion a motion was made by Rusty Scott and seconded by Justin Carter to accept the plan as presented for a 180 foot tower with the proposed conditions. A role call vote was held:

Rusty Scott	Yes
Andy Nadeau	Abstained
Leo Enos	No
Justin Carter	Yes
Mark Frank	Yes
Mark St. Pierre	Yes

The motion carried with 4-Yes, 1-No and 1 Abstention.

Other Business:

Commercial Building Permit(s): None

Voluntary Merger(s): None

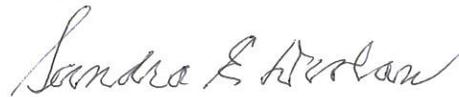
Recent Zoning Decision(s): None

Announcement(s)/Correspondence(s): None

Noting that there was nothing further to come before the meeting a motion was called for to adjourn.

A motion was made by Leo Enos and seconded by Mark Frank to adjourn. A vote was taken and the meeting adjourned at 8:10 P.M. The next meeting will be Wednesday, August 10, 2016.

Respectfully,



Sandra E. Doolan – Clerk

Approved:

8/10/16



Mark M. St. Pierre - Chairman