

MINUTES
PLANNING BOARD
September 18, 2019

Present: John Schaumloffel, Chair, Liz Freeman-Vice Chair, Bert Hamill, Lou Alvarez, Deirdre Daly, Craig Smeeth, Lou Guarino and Debbie Deaton

The meeting was called to order at 7:30 p.m.

John asked Craig to fill the vacancy of Nate Sikkila and Lou G. to fill the vacancy of Paul Termin.

The Board reviewed the minutes of September 4, 2019. Liz requested the following changes be made:

2nd page, 4th paragraph- "historically, road acceptance"

3rd page, potential alternates- change Interest to "interested"

3rd page, last paragraph- move motion above adjourned.

Bert made a motion to accept the minutes as amended. Deirdre seconded the motion and it passed unanimously.

Selectmen's Report:

Bert told the Board Scott Butcher has accepted the position of Town Administrator and will be starting on September 23, 2019. He also mentioned Autumnfest will be held on October 5th. John mentioned the quarantine of cord wood had been lifted and cord wood can be moved within the state but can't be moved across state lines.

Chairman/Land Use Clerk Report:

Debbie said she sent another email to Steve Griffin asking about accompanying Board members doing site visits for gravel pits. Steve responded saying he would coordinate with Deirdre. John told the Board there is a draft copy of the proposed budget for everyone to look at. We will discuss the budget at the October 2, 2019 meeting.

Debbie stated she had talked to SWRPC regarding updating the Master Plan to include a Commercial Zone. Lisa Murphy, SWRPC, said they could assist with writing an addition to the Master Plan regarding a Commercial Zone, outreach campaign and refine the Zoning Ordinance for approximately \$2,000.

Deirdre asked Debbie to get a quote in writing stating what will be done.

Debbie informed the Board the ZBA has two decision letters. One was for Prime Roofing, granting their request for a new building and warehouse. Liz and Bert asked Debbie to send a letter to Prime Roofing to remind them they need a Site Plan Review. The other was approving the operation of a small retail store for Robert and Susan Evon on Ashby Road.

Jacqueline Drive/Green Farm Road:

John recused himself as the Chairman and asked Liz to preside over the conversation. Liz read the email from Bert into the record as follows:

Dear Liz,

At approximately 2:25 PM on 5 Sept. 2019, I spoke with Mr. Gary Litchfield.

He acknowledged receipt of the PB letter and indicated that he had left a message with the PB office as to why he could not attend the PB meeting on the evening of 4 Sept. 2019. Apparently, he had a scheduling conflict.

We discussed the outstanding work to be performed on the project. The status is as follows:

1. He paid Holden Engineering \$12,000 in Aug. 2018 to place the stone bounds and provide an as-built for the work. Mr. Litchfield acknowledged that the work has not been done, but has been told by Peter Holden that the setting of the bounds will be done next week with an as-built survey to be performed the following week.

2. He has ordered the stop sign. It is scheduled to be installed by the end of the month.

3. Mr. Litchfield has a quote from JDK Pavement (Jaffrey) to install the aprons. However, a quote is not the same as a contract. He did re-state his intention to perform the work this year.

Since we have a "firm assurance" that the bounds will be installed by the end of next week, I believe that should be our basis of proof that Mr. Litchfield intends to perform the work. However, in my experience, developers are often at the mercy of the contractor's schedule.

Unless you give instructions otherwise, Debbie intends to transmit the previous letter by certified mail. While not absolutely necessary, I think it is best to document everything in the construction industry . . . particularly when you are considering litigation. If you need to discuss the matter with me, I will be available all afternoon.

Sincerely,

Bert

Bert stated he had gone to Jacqueline Road last week and yesterday. It appears there has been no work done. The residents in attendance agreed.

Liz stated we need to have Mr. Litchfield come in front of the Board. Bert agreed and stated it is required by RSA 676:4 I (d) if the Board is going to take action. Bert and Liz agreed we should have Town Counsel present also.

Bob McArthur, 45 Jacqueline Drive, asked to explain the revocation of a bond. Bert responded saying is first, Mr. Litchfield should be called in to ask him if he intends to finish the project to discuss the matter for a final time. If he doesn't show up, or the Board doesn't believe the project will be completed, the Board will set a date and notice a public hearing and invite our attorney in to help manage the meeting. The attorney will then file to sue the surety company for the bonds and leave it in the hands of the court. If the Town wins the case, the surety company will cut a check in the amount of the bonds to the Town for implementation of the final punch list. The Board will see if part of the bond can be used to cover the legal costs incurred by the Town to bring this to court.

Bert stated, if this goes the legal route, Mr. Litchfield would have no incentive to continue plowing and maintaining the road during the winter and the HOA would have to make other arrangements if that occurs. John Schaumlöffel, 55 Jacqueline Drive, said there was no negotiated "drop dead" date for litigation and added Mr. Litchfield had agreed to finish the driveway aprons. Deirdre stated the Board would like to hear from the HOA on which way they would like the Board to proceed (call of the bond now or wait until the spring). Bert and Liz agreed. John said the residents will bring that to the HOA and get back to the Board. Debbie will email the residents when Mr. Litchfield is on the agenda.

Liz asked Debbie to call Mr. Litchfield asking which meeting in October would work for him and send a certified letter confirming the date.

Liz said she had spent approximately 3 hours looking at the files for the entire subdivision and concluded it was a phased project. The remainder of Kennybeck Court has yet to be finished and a bond has not been secured for that phase. Deirdre asked Debbie to get the date when the last occupancy permit was issued.

Liz returned the chair to John.

Public Hearing-Glavey Cell Tower:

John opened the public hearing and stated the Board had asked Mr. Parisi to do another balloon test so the Board could effectively vote on the waiver for the height limit in the Zoning Ordinance. Mr. Parisi stated he left the meeting last month with three action items: 1) do another balloon test, 2) generate a new height analysis and 3) update the landscape easement of 175' no cut zone around the site. Mr. Parisi gave Debbie the paper copies of the new items. Debbie asked Mr. Parisi for the updates in a PDF format.

Mr. Parisi stated the balloon test was redone on Saturday, September 14th from 8am until 10am. He stated there were very few places the balloon was visible from. One was the overnight parking lot at Windblown through a break in the trees (barely visible). Another spot was on the Wapack Trail where there was a clearing in the trees (a possible old ski area). The balloon was visible for approximately 240' in that specific area but not visible from the remainder of the trail. Lou asked where the closest point of the tower will be on the Wapack Trail. Mr. Parisi responded it would be approximately 1000'. Mr. Parisi stated the photographer went to a resident's home (with permission) on Wapack Road and took a picture from his porch, again, the balloon was barely visible due to the fact his view is to the east, away from the direction of the tower. Liz asked if it could be viewed from Barrett Mountain, Kidder Mountain, etc. Mr. Parisi responded the orientation of the view from those locations would prohibit a view.

Mr. Parisi showed a coverage slide of the new height analysis. He stated the analysis was done at 195', 165', 129' which would be the lowest point for an antenna and at 90' which would be the coverage of the height limit according to the Zoning Ordinance without the waiver. The coverage at 90' is substantially reduced and would not allow multiple antennas making it economically unfeasible.

John asked what the frequency range would be. Mr. Parisi responded it would be in the 700 range and some companies use the 1700 range, explaining the higher bandwidth is better for data but doesn't go as far as the lower frequencies. Craig asked if the map represents all four antennas operating simultaneously or if it represents the highest antenna. Mr. Parisi responded it represented an analysis for antennas at varying heights. Liz asked for clarification. Mr. Parisi stated they need the tower to be a certain height because the lowest antenna needs to be as valuable as the highest antenna.

Craig also asked if we are reaching the population of New Ipswich. Mr. Parisi said no tower will reach the entire population. This tower will fill in the northwest corridor gap that exists now. He showed a coverage map representing coverage from existing towers (Greenville, Temple, etc.) in other towns. Liz asked which carriers his map represented. Mr. Parisi replied it is not a representation of carriers, it represents coverage based on frequency.

Bert asked how many antennae the tower can accommodate. Fran replied the tower is structurally constructed to accommodate a minimum of four carriers, each carrier deploys six to twelve antennas. Bert mentioned the Board needs to have the capability of attaching the Police/Fire and Public Safety antennas. Mr. Parisi responded it was an expected accommodation. Vertex will provide space on the tower free of charge and will provide access to power. Bert said we would like to see the agreement as soon as possible to be able to review it prior to the next meeting. Deirdre had questions regarding bonding. Bert said the Town requests a bond with a 10-15% increase in the case of deconstruction of the tower. Bert said he would like to see a sample of the bond. Mr. Parisi stated that is also a typical request. Tom stated they do a removal bond estimate which is generally around \$25,000. Bert asked what the cost to construct the tower will be. Tom estimated it will be approximately \$400,000 to build including the road upgrades.

Liz asked about a federal law stating cell towers can increase the height of the tower by 20' without Planning Board approval. Mr. Parisi replied there is a law. Liz quoted our Zoning Ordinance which says "in no case" shall a tower be higher than 25 feet above the tree canopy. She has reservations about granting a height waiver because it could set a precedent. She stated the Board should have very site specific reasons if we are granting the height waiver.

Bert said this comes down to how impaired the natural beauty will be. He went on to say we have established by the balloon testing, the tower will not impair the natural beauty of the Town to any great extent. Lou said the ordinance is outdated and needs to be updated. Liz stated she thinks the visual impact is the biggest issue and it doesn't affect it to any great degree. Mr. Parisi stated we all agree the unique aspect of the location of this tower is the lack of visibility. He said Vertex builds the towers so the major carriers will come.

Liz asked if it is possible to put antennae on church steeples or other high places. Mr. Parisi responded they have done that in the past but New Ipswich lacks any high structures.

Bert made a motion to approve the waiver request for a 170' tower. Liz amended the motion to add the appearance of proximity does not exist except for 240' on the Wapack Trail, there is no negative visual impact, there is no negative duration of view, there is very minimal natural impact, it doesn't affect any unique scenic resources and the view is not directly overhead for any extended distance. Deirdre seconded the motion and the amendment.

John called the motion and the amended motion and it passed unanimously.

John recapped some conditions of approval:

Placement and connection of antennae for Police, DPW

Automatic obstruction lighting system if, in the future, the FAA requires lighting on the tower

175' No Cut zone around the tower site

Deconstruction performance bond

Bert asked for technical discussion of the site plan from Tom Johnson (Engineer, ProTerra). Tom stated the tower will be a 170' tall lattice constructed tower with 3 legs. Each carrier will have space for antenna on the tower, radio equipment, electrical and phone. The radio equipment will be connected at the base of the tower. The ground infrastructure will be upgraded (approximately 400' of Old Peterborough Road). From Old Peterborough Road, a new 12' wide gravel driveway will be installed which won't be used a lot. To protect the driveway from washout, stone lined Stormwater swales will be installed at the end of which will be plunge pools which will allow dissipation. There will be catch water basins. Bert stated permission will be needed from the Selectmen to do any work on a Class VI road. The compound will be a leased 75' x 75' square. Inside of that, a 60' x 60' square will be lined with a chain link fence. Space will be provided on a concrete pad for ground equipment and radio cabinets which will be around the tower. There is a proposed turn around and parking area. This would be visited approximately once per month at most. Most of the traffic will be during construction.

Bert stated the calculations include a small runoff amount. Tom replied they have balanced the rainwater runoff in order to avoid cutting any more trees by adding more basins. He said the runoff is .2 CFS. Bert stated our regulation say it should be 0. Tom replied he went over this extensively with Kent Brown and updated the drainage plans. Kent concurred this was the best scenario for drainage. The drainage ditch to the south will be reinforced to ensure minimal runoff. The water that is being impacted by the driveway is being captured. Bert said the catch basin is not a capture. Tom insisted it is. Tom said there will be a culvert going under the road. Liz mentioned a citizen was concerned about a culvert being crushed at the top of Old Rindge Road. John stated he went there and the culvert is collapsed. Tom said the intent is to walk the road prior to any construction and decide what needs to be done to make the road able to withstand the traffic.

Debbie asked if the electrical and phone lines would be underground. Tom stated it will be underground from the last pole to the pad. John asked if any additional poles would be installed. Tom said they will be installing approximately 4-6 poles. Liz asked about generators being installed and being a noise problem for residents. Tom replied some carriers install generators and some bring them in if needed, so the noise should be very minimal and probably not heard by neighbors because of the barrier of trees.

Deirdre mentioned the Police/Fire asked for space for the cabinet and Tom said it will be covered in the agreement. She also mentioned she & Bert spoke with the Emergency Management Director last year

regarding the existing pole for the Police/Fire and he said he was very concerned about the current location and security of the pole so having it on the new tower would be excellent.

Bert stated a recharge mechanism or detention pond should be installed. He will speak to Kent regarding the drainage plan and will get back to Mr. Parisi regarding the outcome of the conversation.

Tim stated the area of development is not sending storm water toward the road, also more trees would have to be cut down to accommodate a detention pond. Bert disagreed stating by creating a driveway, it changes the imperviousness of the surface.

Liz mentioned there are items which would need to be reviewed by Town Counsel prior to making a decision on the project such as an irrevocable letter of credit or deconstruction bond, lease agreement for Police/Fire antenna, sample deed and plan for "No-Cut Zone".

Lou G. asked what the grade of the road is leading up to the site. Tom responded it varies between 2% and 10%. Tom stated they were using fine graded stone in response to Lou's question of what type of stone will be used. Lou suggested using poorly graded stone to hopefully avoid wash-out.

Mr. Parisi will provide a letter from ProTerra with cost of removal of abandoned or deconstructed tower, an unexecuted bond letter and the Municipal Co-Location Agreement. John asked if the Board could have a copy of these items prior to the continuation of the hearing. Bert said the Planning Board will approve the off-site improvement of the Class VI road and the Select Board will authorize the use of the Class VI road. Bert asked what the time frame for construction will be. Mr. Parisi said they are planning on spring.

Bert made a motion to continue the Public Hearing to October 16, 2019 at 8:00pm. Deirdre seconded the motion and it passed unanimously.

Lou made a motion to adjourn at 9:50 pm. Bert seconded the motion and it passed unanimously.

Respectfully submitted,

Debbie Deaton
Land Use Clerk