

PLANNING BOARD
TOWN OF PETERBOROUGH, NH

Minutes of December 21, 2015

Members Present: Chair Ivy Vann, Tom Weeks, Bob Holt, Jerry Galus, Alan Zeller and Matt Waitkins.

Staff Present: Peter Throop, Director, and Laura Norton, Administrative Assistant, Office of Community Development

Vice Chairman Weeks called the meeting to order at 6:35 p.m. “This is the regularly scheduled Planning Board meeting for December” he said and introduced the members and staff. Mr. Weeks noted that while awaiting the arrival of the Planning Board Chairman “we can get a few other things done.”

Minutes:

A motion was made/seconded (Galus/Zeller) to approve the Minutes of December 14, 2015 as written with all in favor.

Proposed Amendment to the Master Plan:

Mr. Throop noted the Master Plan Steering Committee had unanimously voted to refer an update of the Vision Chapter of the Master Plan to the Planning Board for Public Hearing. He went on to say that upon conclusion of the hearing the Planning Board may vote to adopt the amendment as a part of the Master Plan (a Town Meeting vote is *not* necessary for this amendment) or if they feel the chapter is not ready for adoption, they may send the chapter back to the Master Plan Steering committee with recommendations. Mr. Throop distributed the draft noting “there are basically three sections” adding “The *Vision* (a clear set of statements representing the core elements of how community members want to see the town evolve over the coming decades), the *Guiding Principles* (principles that the community members and leaders will need to keep in mind as they develop plans, set policies and make decisions to move toward its vision goals), and *Priorities* (to be addressed to move the town toward the vision).” “This chapter sets the tone and focus for updating or writing future Master Plan Chapters and is especially important for the Board of Selectmen, Planning Board, and Zoning Board when they are looking for guidance in decision making” he said.

Mr. Throop briefly reviewed sections on positive growth, community assets, opportunities to strengthen vitality, challenges to potential and the list of priorities.

He noted the Master Plan Steering Committee's public comment forum held several weeks ago at Bass Hall. "It was to get the public's final comments and the member's final edits on the draft, we had a very good discussion" he said adding "we also got input directly from the town committees and boards as well as some responses via email."

Vice Chair Weeks indicated that this is a public hearing prior to the adoption of the chapter and opened the floor for public comment. There being no one at the hearing who wished to make comment, Vice Chair weeks closed the public hearing and said "I will entertain a motion." A motion was made/seconded (Zeller/Galus) to adopt the updated Vision Chapter as presented for inclusion in the Town of Peterborough Master Plan, with all in favor.

Mr. Throop noted "I have one more thing" as he distributed a plan set to the members. "It is a request for administrative approval of a proposed modification to the Peterborough Plaza site plan by its owner, Ocean State Job Lots" he said. Mr. Throop explained the purpose of the modification was to redevelop the anchor store at the north west end of the plaza including restriping an existing parking area, adding a drive-up window, creating a new door on the corner of the building, and replacing the canopy over the side walk in front of the store and wrapping it around the north façade, to update the appearance of the building. "This will fill the unused portion of the space next to the state liquor store" he said, adding "the drive through window will be on the back corner and they intend to repave the western most driveway access to the plaza." Mr. Throop concluded the tenant has not signed the lease as of yet "and the plaza owner is not prepared to share the identity of the tenant until that lease is signed."

A brief discussion about the striping followed with Mr. Waitkins expressing his concern over the increased use of the westerly most entrance/exit to the plaza. "I have never seen people use that road, this would be generating traffic and it is a free-for-all going in and coming out of the main plaza entrance now" he said. Mr. Throop indicated that the curb cut is pre-existing and under the jurisdiction of New Hampshire DOT. He suggested that if this is an area of concern, the Board could ask that the applicant demonstrate NHDOT satisfaction that the existing driveway permit was sufficient for the proposed use. Mr. Waitkins replied "well I am concerned, I think that would be a good idea."

Mr. Zeller asked if the new tenant was going to be a chain store. Mr. Throop reiterated the applicant is not prepared to share the identity of the tenant, "but there is no reason why it couldn't be."

The members then took a short recess while awaiting the arrival of the Chairman.

Design Review:

Chair Vann noted the next application. “It is a preliminary consultation and design review for a proposed cell tower” she said. She went on to read the request for a special permit to construct and operate a wireless telecommunications facility with a single 125-foot high monopole tower to be located on property located at 96 Old Dublin Road.” It was noted that direct access and utilities to the facility would be from Old Dublin Road using an existing PSNH (Eversource) right of way. It was also noted the applicant was requesting waivers of several submission items on the application checklist. Chair Vann reviewed town ordinance 245-24-3 *Wireless Communications Regulations* and noted “the maximum height of a new wireless communication facility shall not exceed 20 feet above the average surrounding tree canopy height as measured within 200 foot radius of the facility location” adding “nor shall the height exceed 90 feet.” Chair Vann continued “on a case by case basis the Board may allow an increase in height of wireless telecommunication facilities to an upper limit of 125 feet with restrictions.” She looked up and said “that is available under special circumstances and the Board will not normally allow the greater height.” She then asked the applicant to proceed.

Jon Springer stood and introduced himself as the representative for Green Mountain Power Company (GMR Holdings of NH, LLC) and T-Mobile. “I do a lot of telecommunication work” he said adding “and I can give you the 10-minute talk, the half-hour talk or just talk you into the ground.” Chair Vann opted for the 10-minute talk and reminded the room “this is a design review, nothing is binding. We are here to hear what you are asking for, why you are asking for it and see where we go from there.”

Mr. Springer introduced Sandy Eneguess (the property owner) as he pointed out the 125 +/- acre lot, the location on the lot for the wireless facility and an existing Eversource (PSNH) power line utility easement (cleared with existing curb cut and direct access off Old Dublin Road). “I have done a site walk myself” he said as he pointed out the 20-foot wide easement with a 20-foot wide driveway. He went on to note the centrally located area was chosen for its access, good tree cover and topography. He noted the compound would be 100 by 100 feet with a buffer of 50 by 50 feet with Green Mountain Power erecting the tower and T-Mobile being the service provider. Mr. Springer noted the tower would have the capacity to hold four telecommunication providers.

Mr. Springer proceeded to review the plan page by page showing the compound and access, a safety zone (125 feet circumference) for the protection of the public

and adjacent properties, the underground power, a side view of the monopole single shaft, self-supporting tower with T-Mobile's antennas (and room for three others at a spacing height of 125, 115, 105 and 95 feet), an eight-foot security fence and the areas where the carrier's equipment would be stored.

Mr. Springer spoke briefly about the wireless technology and the RF Spectrum. Using hand quotes he noted the tower and user must "see" each other to communicate. "This means the antenna and handheld must be able to see each other without the blockages of buildings, heavy tree cover, man-made structures or topography. "Things like that" he said.

Mr. Springer then addressed the concerns about the tree canopy (the maximum height of a new wireless facility shall not exceed 20 feet above the average surrounding tree canopy height as measured within a 200-foot radius of the proposed facility location nor shall the height exceed 90 feet with a case by case basis of an upper limit of 125 feet with restrictions) and the problem that "the ordinance does not define how to configure that." He looked to the members and said "by federal law you have the right to do it, but even a height of 125 feet is low in my opinion."

Mr. Springer noted that he and Green Mountain's Peter Cooke had met with Mr. Throop and discussed access to the site as well as alternative routes that may enable the project to avoid encroachment into the Wetlands Protection Overlay District. He pointed out a potential route off Cornish Road and said "we are looking at that, we are happy to investigate it." He noted that the PSNH (Eversource) right of way was already clear, had a curb cut and could be legally used by GMR with Mr. Eneguess's permission.

Mr. Throop stated "PSNH contacted the town and indicated that GMR does not have permission from PSNH to use the access and that they would like to convene a meeting with GMR to discuss the issue." He continued, "That is between you and them, the Town will not be involved with this issue, it is not an issue before the Board." Chair Vann interjected "the greater questions involve the steep slope and wetlands and making sure there is not an issue with them" adding "and there is the issue of potential erosion."

Mr. Weeks noted the wetland crossing, Wetlands Protection District and the relief of a Conditional Use Permit. He noted the area was 10,740 square feet in size meeting the criteria as within the overlay district (wetland any size over 10,000 square feet) "and if the criteria is not met, including demonstrating that encroachment into the district is essential to the productive use of land not within

the district, GMR would have to go before the Zoning Board of Adjustment for a Variance. I just want to raise that” he said.

Chair Vann told the members “we need to talk about what our ordinance says” adding “**Section 245-15.3 Dimensional Requirements** quite plainly lays out the intent.” She went on to read the ordinance: “It is the intent of these regulations that wireless communication facilities shall not have an urbanizing effect upon the rural visual character of Peterborough.” She went on to read “The Board may also, on a case by case basis, allow an increase in height of wireless telecommunication facilities to an upper limit of 125 feet with restrictions.” Chair Vann continued “the Board must make written finding of the fact as to why the increase in height is in the best interest of the community and why the increased height will not harm the visual quality and character of adjacent properties or the community as a whole.”

Mr. Throop added that the ordinance further states “It is the presumption of this ordinance that heights greater than 90 feet tend to be a disruptive visual element in the Peterborough landscape, and that the Board will not normally allow a greater height.” Chair Vann concluded with “we need to see another balloon test to observe the effect.”

Mr. Springer noted the submission of a visual study about which he opined “it pretty well shows there is not an urbanizing effect.” Mr. Springer further noted the applicant would be happy to do another balloon test and have it publically noticed. When Chair Vann asked if the balloon could be the same size as the array at the top of the tower Mr. Cooke explained how the test and photo simulation are conducted (with a “to scale” cellular tower superimposed over the balloon photo *after* the flight) and a brief discussion followed. The members also discussed the benefit of seeing two balloons flown – one at 86 feet and one at 125 feet. “That way we can see the visual impact of the relief you are asking for” said Mr. Weeks.

Mr. Weeks continued “and while we are talking about height I would like to ask you the total height of the tower with the antenna array. Is it 130 feet?” “No” replied Mr. Springer adding “it is probably 128 feet.” Mr. Weeks asked that when the applicant comes back they have the actual height of the telecommunication tower shown on the plan.

Mr. Springer interjected “if the goal is to make the tower invisible “it is my humble opinion that that is not allowed by law.” Chair Vann replied “that is not the intent. We do not want the tower to be intrusive, we said *nothing* about invisible.” She went on to say “it is your job to make the case and our job to enact the will of the

people. This ordinance was adopted at Town Meeting, it is not something we cooked up here.” Mr. Holt added “the regulation states negligible, not invisible.”

Mr. Weeks suggested investigating the coverage area of the tower located at the Monadnock Country Club. “I would be interested to know what coverage that site could provide you” he said. Chair Vann noted towers on at Miller State Park and Temple Mountain as well. Mr. Weeks looked to Mr. Springer and said “the question *is* does the Board find it in the best interest of the town to allow an 86 foot tower to become a 125 foot tower. He went on to read the ordinance “the Board must make in writing findings of fact as to why the increase in height is in the best interest of the community and why the increased height will not harm the visual quality and character of adjacent properties and the community as a whole.” Chair Vann agreed noting the Board would like to see what areas of town are improved and how much they are improved. “We would very much like to see that” she said. Another brief discussion about how to portray that information (two balloons, on same page, and different colors) as a visual for the Board as well as steep slopes, town contours and alternative access routes followed.

Chair Vann concluded by asking “so what are you looking for from us tonight?” adding “I presume there is something you would like to know.” Mr. Springer replied “feedback.” Chair Vann noted “what you can take away is *what is the visual impact* of a higher tower. Given the clarity of the ordinance we would have to see a real benefit to grant it.” She also noted the questions surrounding the access and identifying the least disruptive way to get to the site.

Mr. Zeller asked if the landscaping could be added to the plan for the next meeting and that the entire facility be shown. Chair Vann agreed adding “that is important to me as well.” Mr. Weeks also agreed noting “we will need to see it all on a single page to make a finding.” Mr. Holt reiterated the facility must be surrounded by a buffer of dense tree growth extending continuously for a minimum distance of 150 feet from the mount, security barrier or designated clear area for access to equipment (whichever is greatest) in all directions. He also reiterated that the antenna array must not have a greater diameter than four feet. Mr. Throop also recommended they review his staff report for any other findings.

Chair Vann opened the hearing to the public.

Kristen Levesque introduced herself as an abutter residing on Noone Avenue. She asked “if Public Service is allowed to drive over the wetland, why not them?” A brief discussion about the access being dry and the potential for a 10-12 foot trail/road being construction by Green Mountain Power followed. Mr. Eneguess

interjected “the push to use that area for access makes sense to us as it is already being used. It is a perfect access up the hill and lends very well to these gentlemen.” He went on to note that Public Service must get his permission to use the access road by his barn.

Chair Vann asked if the construction of a new road by Green Mountain would benefit Eversource as well with Mr. Eneguess replying “absolutely.” “This is a point well taken” interjected Mr. Springer and continued by saying “keep in mind you may end up with two accesses. It is a conundrum, we play by the rules and Eversource can access the site any time they want.” Mr. Cooke added “the Conservation Commission has reviewed our request and we received the State wetland permit earlier today.” When asked, Mr. Cooke replied the state permit did not indicate another potential access. “The current access is already being used and we would make it better” he said. Chair Vann replied “27% grade is steep to construct a road.”

Ms. Levesque asked for clarification about average tree heights. She concluded by noting “I don’t know where the other access may be but I am guessing you will decide on the best way to get there. The rumble strips on Route 101 have already forever disturbed the quiet of the neighborhood.”

George Sterling introduced himself as an abutter and remarked “the last time a cell tower case was held in this room it was packed with people with concerns” adding “I am not sure if there are no longer concerns or people know our ordinance and know they don’t have to be concerned.”

Lynn Roman introduced herself as a Goyette Drive resident and asked about the visual impact of Mt. Monadnock to the neighborhoods of Orchard Hill or Lookout Hill Road. Chair Vann replied “we will see.”

Mr. Zeller asked for confirmation that the T-Mobile would be the carrier on the Green Mountain tower. Chair Vann noted in the state of Vermont cell phone transmitters were mounted on telephone poles “and (tall) things like church steeples” and asked “is that at all applicable to New Hampshire?” In a word Mr. Springer replied “no” adding “it gives coverage of 35-40 feet to get to a house and that is it.”

Mr. Throop noted the new (tall) steeple on the recently constructed Catholic Church. Mr. Weeks noted the hose drying tower of the old fire station on Main Street as another alternative. The towers at Miller State Park and the Monadnock Country Club were also mentioned and a brief discussion about co-location of

antennas followed (Peterborough's ordinance does *not* require co-location). Chair Vann brought up the issue of camouflage. "It is my sense something will be needed" she said. Mr. Zeller interjected his thought about camouflage noting he did not find it attractive. Chair Vann replied it would all depend on "what is settled on in the end." With that, Chair Vann closed the Design Review hearing

Mr. Throop reminded the members January's meeting would be the continuance of the Site Plan Review application for Stabile Company "and maybe these guys."

Next Meeting:

January 11, 2016 at 6:30 p.m.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant