

TOWN OF SUTTON
Zoning Board of Adjustment
Pillsbury Memorial Hall
Meeting Minutes
April 17, 2013

Present: Zoning Board of Adjustment Members: Bill Hallahan, Chair, Dane Headley, Derek Lick, Ed Canane, and Doug Sweet; alternate, Sue Reel (alternate, Carla Krajewski was absent); Laurie Hayward, Land Use Coordinator; Kevin Fadden, Kevin Delaney, Rick Poci and Steve Grill, all representing Industrial Towers and Wireless(ITW); Ivan Pagacik of IDK Consultants; and interested members of the public.

The meeting was called to order at 7:00 PM, by Bill Hallahan.

Bill Hallahan read the Article from the Sutton Zoning Ordinance regarding height.

Article XI.F.1.b. New ground-mounted PWSF shall not project higher than 20 feet above the top height of the main canopy of trees within 200 feet of the proposed tower location. The top height of the main canopy of trees must be certified by a professional forester licensed by the State of New Hampshire. The professional forester shall prepare and stamp a report attesting to the height of the main canopy of trees within the said 200 foot area. In preparing his or her report, the professional forester shall provide the heights of a fair and representative sampling of the dominant and co-dominant trees which contribute to or make up the top of the tree canopy, but shall not need to measure every tree within the said 200 foot area. ll Hallahan read the Article from the Sutton Zoning Ordinance regarding height.

He asked Laurie Hayward, the Land Use Coordinator(LUC) to read the notice of public hearing.

You are hereby notified of a Public Hearing to be held on **April 17, 2013** at or around 7:00 p.m. at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH, concerning a request:

By Industrial Tower and Wireless, LLC, 40 Lone Street, Marshfield, MA 02050, Tax Map # 01-406,090 for a Variance to Article XI:F.1.b (was Article III:O) which limits the height of wireless antenna towers.

ITW proposes to construct a 165 foot wireless telecommunications tower along with accompanying equipment area. The proposed site is located on Route 103 in a rural-agricultural district.

Bill Hallahan explained that this meeting the ZBA will take up a request for variance. There is a Special Exception requirement which is not being heard tonight. Mr. Hallahan said that he would first like applicant to explain their proposal. He also explained that the Board has a specialist in cell towers present at the meeting and that specialist has provided a quote of his services and ITW will need to approve and pay for those fees. Also, the Board is looking for a balloon test. Kevin Fadden, Industrial Communications Site Acquisition Specialist, was called forward to describe the ITW proposal. Also present and representing ITW are Kevin Delaney, Engineering & Regulatory Compliance Manager and Steve Grill, an attorney from Devine Millimet

and Rick Pico, an ITW engineer. Kevin Delaney came forward to present. He stated that they use primarily their own crews to do the work. He showed the Board a power point presentation. Mr. Hallahan stated that he was at the site yesterday and spoke with the owner and she could not explain where the tower was to be placed.

The tower proposed is a 165 foot latticed tower. A fenced compound is planned and will include the tower and equipment shelters. Kevin Delaney stated that the tower will not require lighting according to the FAA. He went on to review a map which identified the closest cell towers. He then reviewed the cell coverage based on current towers and then with the proposed tower showing coverage if within vehicle and if outside of vehicles. He showed a topographic map of the area. He pointed out that there is a hill more than 700 feet tall and they will need an at least 115 foot tower in order to get high enough to provide a signal beyond that hill. The Chair asked about commitments from carriers like Verizon. Kevin Delaney said that they do not yet have any commitments from major carriers. He also said that it is not unusual for carriers to not commit until a tower is actually in place. Ed Canane asked if the topographic map was in the package provided with the application. Kevin said it was not; but he could get it to the board. There was a question about the structure, whether monopole or lattice. It is planned as a lattice tower. And, ITW explained that would be less conspicuous. Derek Lick asked about the difference between a 165 foot tower as opposed to say 115 feet or 105 or 95. Kevin Delaney said that they did look at that and they determined that if below 115 feet, the tower would not allow for the coverage to the east because the hill prevents it. Asked whether there were other possible locations, Rick Poci, engineer for ITW, addressed this by saying that the distance to bring utilities up to say a higher location on the hill would create excessive costs.

Steve Grill of Devine Millimet of Manchester, NH continued the ITW presentation covering historical precedent and law. He explained a bit about the process of determining site. He explained further that cost was a valid issue. He asked whether the ordinance change was enacted and what ordinance we were under. Mr. Hallahan said that this hearing is conducted under the new ordinance which Sutton voters approved in March of this year. Attorney Grill said that his main position is that the often voiced concept of "more towers at lower height" doesn't really work. He said that from a cost, construction, zoning point for view ITW feels this concept of a single tall tower is better. He stated that studies do not support the idea that there would be a decrease in value of property is incorrect and that towers do not affect property value one way or the other. He stated that he felt there was a benefit to the public in having service were there was not service previously. And, people do want cell service. He stated that the usual application of the notion of hardship does not apply here; but, that he feels this is the only site that would provide a suitable spot for this tower. He said that he understands that the goal of the voters and the Ordinances is to not give the town towers that are very visible. He feels that the applicant, ITW/Industrial Communications has done the research and found the site that best provides a location that is least visible.

Derek Lick addressed a question to Kevin Fadden regarding the process of determining the site. Mr. Fadden explained his process which included considerations of setbacks or difficulty of access and specific issues of terrain, wetlands or ledge whether they seemed workable for each

location considered. In his opinion, this is by far the best site. Mr. Hallahan noted that when on the site, he could not see Route 103 and wondered how far from the tower to the closest point on 103. Kevin Delaney said that Route 103 is approximately 900 feet from the closest point to the cell tower site proposed. Derek asked about a secondary easement on the plan ITW answered that it was not for equipment access, simply an electric easement. Derek asked regarding using current route to/from the house for electrical service. The answer was that it is preferred not to use that route on the basis of costs and underground service does not seem right due to wetlands issues.

Dane Headley asked a question regarding carrier sign-up. Kevin Delaney answered that they are confident carriers will come and that traffic studies support that. Dane asked about building in segments based on finding customers. Kevin Delaney said that the cost would be prohibitive and customers would all want the highest locations. The ITW Engineer mentioned that carriers are recently expanding due to newer 4G networks. The Chair asked how many towers have already been placed in this general area and how many are currently operative. Kevin Delaney says that at least half a dozen towers are in the area and listed towers throughout New Hampshire. Bill asked for a list of towers and their heights and carriers. Kevin Delaney said that some towers may be old and no longer have active carriers. Kevin noted that he feels the balloon test will show that there is not much visibility. He feels that placing the tower there will bring the carriers because there is nothing else there. Kevin Fadden spoke about his visit with Ms. Wendy Grimes, of the Sutton Rescue Service, and the individual who drove off the road right near the property in questions just a day or so before his meeting. In that incident, the driver could not call via cell for assistance. Derek explained his concern about the lack of a carrier interested in that site. He further stated that ITW's towers in larger towns may not really provide a good example and using a tower in Derry is different from a tower in Sutton. Ed Canane, referring to the yellow and green highlighted maps in the presentation, asked regarding current versus proposed coverage on Rte. 103 and whether there is really significant improvement over a large area of Route 103 for someone driving. Kevin Delaney said that perhaps green does not mean that signal would be dropped for someone in an automobile.

Ivan Pagacik came forward and asked questions. Regarding the color yellow in the maps he was presenting. He asked regarding frequency and explained that lower frequencies propagate further. The question came up whether it was ITW's intent to build without carrier letters of intention. It was explained that providing contracts or letters of intent from subscribers is ordinarily a requirement for a cell Tower Variance/Special Exception. Ivan asked regarding Verizon and the Bradford site. It was stated that ITW did not yet have a major carrier signed up for that site. Ivan asked why maps only show coverage at 1900 MHz and not

coverage at 800 MHz. Kevin said AT&T, Sprint and T-Mobile run at 1900 MHz. There was a brief discussion regarding the balloon test. The LUC asked for enough time before the schedule date to notice towns and abutters. Ivan Pagacik asked for more information and Kevin Delaney agreed to provide information. Ed Canane asked about the balloon test and whether there was any other suitable test. It was suggested that they could do the balloon test and then do a photo simulation overlay to show what it might look like. It was agreed by the Board members that was a good idea. Derek Lick asked if modeling a tower to cover just the gap in coverage, how high the tower should be. Also requested was a radio frequency propagation study (RF) covering 800 mg rather than just 1900 MHz. Derek also asked about the Bradford tower and its coverage and modeling.

The Chair then called for public input. Chris Stotler spoke and stated that the previous owner of his property had investigated and from him he understood that in 2004 there was a hearing where a request for a cell tower was struck down for American Tower. He noted that his well, his drinking water comes from the lot proposed for the tower. He stated further that, if one checks the internet, there are some questions about health issues. Dennis Charest spoke he asked that the topographic map be shown again. He pointed out the site is at about 570 feet; he then pointed out his property and explained that you can see his house from Rte 103 and he believes that the tower will be seen from his house and he feels that will hurt the value of his property. He described that he was approached about a tower on his property and did not want a tower right in front of his house. He says he knows the site well because his daughter used to own it. Mr. Charest stepped forward and explained that he had built his house by hand and that the beauty of the site and the view from the house would be seriously harmed. He said they turned down a similar request to use their land. Dane Headley suggested that Mr. Charest be there for the balloon test and photograph the test from his house. Mrs. Charest spoke and also explained how important the view is from their house which they built by hand. Mr. Hallahan explained that the Board would take that into consideration. He further stated how important the results of the balloon test are to understanding the likely impact. Sue Reel asked a couple of questions. She pointed out that one of the representations was not to scale and really didn't accurately show what it would look like. Derek asked for a map that just showed what area of coverage is going to be filled with this tower. Kevin Delaney said there was no way he could show only the new coverage, claiming software limitations. David Stotler who lives with Chris, his brother, asked regarding the small stream and whether there would be construction on that. It was explained that access to the site was via the driveway already existing on the Blaney property. Evelyn Davis spoke. She asked whether there would be noise from the communications compound. Bill described the noise as being not so very noisy and like a refrigeration unit. Kevin Delaney agreed with that assessment. Ed Canane asked how many subscribers they have on their networks. Kevin stated that there were thousands of subscribers; but, that ITW is not like Verizon or AT&T with millions of subscribers. Bill Hallahan asked again for a map isolating only the change in coverage from the new proposed tower. Kevin Delaney said that he could not produce such a map. Mrs. Charest asked regarding other facilities that ITW has done and how close to house and

residential areas. Rick, the ITW Engineer said there is an over 400 foot tower in a residential area in one of their installations. Bill Hallahan went through items needed for next meeting, including that the Board needs Ivan's proposal accepted by ITW locations, heights and carriers of other installations, the total number of subscribers that ITW currently has, and the balloon tests completed. Derek repeated his request for RF chart using 800 MHz and asked how the number of subscribers relates to other Carriers Verizon, AT&T etc. Kevin Delaney stated that ITW only has a license valid in New England. It was explained that the Zoning Board of Adjustment will notice the next meeting, both as a continuance of the Variance Public Hearing and to include the Public Hearing for a Special Variance. There was a discussion regarding Saturday, April 27th for the balloon test. The LUC stated that she will send notices to the towns and abutters and will plan to be there on the 27th for the test. The test would be started at 8 am and run through 11 AM and it was agreed that there would be a rain date (not a wind date) of Tuesday, April 30th. There was a discussion regarding using two balloons at different heights the engineer said that is difficult. It was further agreed to hold the continuance and Special Variance Public Hearing on the next regular meeting, scheduled for May 15th and this will be the second meeting for that evening. The LUC stated that she has Ivan's proposal and will give it to ITW representatives.

Bill Hallahan moved to close the public hearing and continue the case to the next regular meeting. Dane seconded the motion and it was unanimously voted to schedule a continuance of the hearing on May 15, 2013.

Next meeting is to be held Wednesday May 15th, 2013 at 7pm.

There being no further business, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Laurie Hayward

Land Use Coordinator