



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

October 21, 2021

Approved

MEMBERS		ALTERNATES		OTHERS	
Tom Dube Chairman	✓	Robert DeColfmacker Alternate		Victor Vinagro, Building Inspector/Code Enforcement Officer Shoreland Officer	
Dick DesRoches Vice Chairman		Johnny Blackwood Alternate		Peter Gosselin, Building Inspector	
Ken Fifield Selectmen's Representative	✓	Stephen Leroux Alternate	✓		
David Silcocks, Member				Richard Sager, Town Counsel	✓
Doug Stewart Member	✓			Public Hearing	✓

Others present: ZBA Chairman George Frothingham, Don Stewart by Zoom, Annie Robinson, John Crowell, Amy and Chuck Anderson, Jack Hepburn, John Kenney, Ron and Kathy McKay, Thomas Johnson, Jen Libby, Patty Philbrook, William Flynn, David Stewart, Barbara Hartman, Ken Marks, Nora Marks, Isa Cann, Howie Knight, Elizabeth Conner, Mr. and Mrs. Joe Moreschi, Charlie Edwards, Mark McRobbie, Tom Johnson, Francis Parisi and Jim Miller and Max gearing from Clearview Community TV. On Zoom: Don Frechette, Bob Benson. Ralph McKenna and Francis Parisi

Pledge of Allegiance & Call the meeting to order

Chairman Dube opened the meeting at 7:00 and led those present in the flag salute.

Seat Alternates as necessary

Stephen Leroux was seated for Mr. DesRoches

Public Comment

None

Public Hearings

Major Site Plan Application: submitted by Francis D. Parisi, Veflex Tower Assets, LLC for property owned by Province Line Associates Trust, Adam & Christiane Benzing co-trustees, located on 4870 Province Lake Road, Tax Map 9-113. The Applicant is seeking an approval for a Major Site Plan Application in order to construct a personal Wireless Service facility consisting

of a 120' tall monopole tower (126' to top of highest appurtenance.) Site walk at 6:00pm on Perkins Hill Road.

Mr. Parisi and Mr. Tom Johnson the civil engineer who designed the project were introduced. Mr. Parisi thanked the Planning Board and Zoning Board for meeting jointly. He proceeded to show a power point presentation. He said they do not provide cell phone service. They provide the structure for telecommunications companies like AT&T and Verizon. They have been very active in New Hampshire building towers in numerous places. They plan two in Wakefield and one in Effingham then plan to go to Wolfeboro. This property is 136 acres. He said all setbacks, wetlands and other requirements have been met. They need a height variance from the ZBA as the Town's height limit for telecommunications is thirty feet above the average tree canopy.

He doesn't believe he has to "sell" this tower in a town like Wakefield as there is no or spotty coverage in some areas. Fifty percent of the state is wireless and seventy percent of 911 calls come from wireless phones. More people are working from home. The lack of telecommunication is a public safety hazard. He said going towards the north and Effingham that the existing infrastructure doesn't supply any telecommunications signal. He said there is a tower that has been permitted but not yet constructed. He said the area around Province Lake and Perkins Hill is in need of better coverage.

He showed maps with detailed modeling showing where the signals are now and where the gaps are and also what they will cover when their tower is built. The property abuts Perkins Hill Road and Province Lake Road. The base of the facility is 60' x 60'. There will be no visibility to the compound. After constructed there will be no noise, smoke, odor. It will be remotely monitored. He described how the tower will be built and what it will contain. He said they have proposed another facility also on Perkins Hill Road with the required height and location. He said the site that already has Board approval will fill in the gaps from his two sites. He said they are very low powered facilities. They have built hundreds of these in New Hampshire.

He said they put up a balloon on Tuesday October 12th and notified the abutters so they could see if the structure would be visible from their vantage point. He stated it was not that visible. He showed pictures taken from consults they engage that do this professionally to accurately depict the visibility from certain vantage points. He said the balloon was actually three to four feet taller than the 120' string holding it. He showed pictures that they took from twenty five different locations and said they really didn't see that balloon. He said from the twenty five locations there really was no visibility. He also rode around and only could see it off of Cove Road so the tower would be minimal to no visibility. There will be no lighting on the tower.

Mr. Parisi read the criteria for a variance in Wakefield. He said it's clearly in the public interest that this facility be built. He feels they have done a great job of limiting the visibility. He said there are other facilities in town exactly like this and there is no impact on property values. He said according to the Telecommunications Act of 1996 any denials have to be based on substantial evidence. He asked that the Zoning Board grant a variance and the Planning Board approve the site plan and the project so they can move forward.

Mr. Dube said the application is complete, the fees have been paid, abutters have been notified and the notice has run.

Mr. Stewart made a motion, seconded by Mr. Fifield, to accept the application. (Vote 4-0)

Mr. Stewart asked if they would like to proceed with four members of the five member board present. Mr. Parisi chose to move forward.

Mr. Fifield said coming from a public safety background he understands the desperate need for cell service. He said we recently granted an application for a different cell site. It was anticipated that that cell site would meet the public safety and resident's needs. The town has experience with that person who is a staple in town and has another tower in Wakefield. He went on to say that this person will do what they say. Even though the tower has not been built he takes the position that this is an existing cell tower as there is no reason for the Town to believe that tower won't be completed. That means the new tower will be within the four mile limit.

He asked Mr. Parisi if his towers would be duplicating the service of the tower that already got approval? If we consider this an existing cell site that changes the position of your towers. Mr. Parisi said he believes the permitted tower will be constructed. He said that existing tower is designed to cover a short area along rt.153 because topographically. Mr. Parisi said the permitted tower is in the bottom of a bowl. He said that signal will not get above Perkins Hill. His two towers will be located on hills. He showed a map of what he believes the coverage will be of the three towers. He said there will be some overlap, which he doesn't consider duplication.

Mr. Stewart said there is an existing tower on the west side of route 16 that is 2.91 miles away from your proposed site. He said I live very close to the area that you are depicting that there is no coverage. I have coverage all along the area where you're depicting there is no coverage. He said he was standing at the site walk tonight and had four bars on his cell phone. He agrees that we need coverage in town but that needed coverage is much closer to the existing site that is being built. Mr. Parisi said you get a better signal when you're outside rather than in a home or building. They are trying to provide reliable coverage in all structures. He said cell phones are evolving and where you got coverage last year you won't get coverage next year.

Mr. Stewart questioned Mr. Parisi's coverage maps not believing they are accurate. Mr. Stewart believes the person that took pictures and didn't see the balloon on October 12th should have looked harder because on some of the roads where you say there is no visibility there is visibility. Mr. Stewart has pictures where you can clearly see the balloon from different roads. He understands that visibility isn't the only issue but when your testimony says little or no visibility he respectfully disagrees. Mr. Stewart listed a dozen roads where the balloon was visible by him on October 12th and he could see both balloons tonight.

Out of our seven lakes the balloon was visible on four of them. He questions whether cell carriers would lease space on all three towers so close together. Mr. Leroux asked about the visibility of the top of the tower. Mr. Parsis said that each platform is twelve feet. He is surprised by the number of places Mr. Stewart said he could see the balloon. He said they did not go on private property. Mr. Stewart said private roads and they were on private roads. He said whoever they hire should look harder.

Mr. Fifield asked if the studies for coverage were their studies or independent studies? He then said that the person that is currently putting up a tower is here and he should weigh in. Mr. Dube said when the hearing is open to the public Mr. Kenney can speak. He asked if the market was better now getting carriers to go on these towers? Mr. Parisi said AT&T is charged with building a safety network and they have to go to rural areas as well as cities. Mr. Parsis feels that companies will want to come to all three towers to have full coverage by building a network. Mr. Dube said public safety is a major concern, He said that when the current tower is built maybe that would be a better time to look and see if we need more towers.

Mr. Dube opened the Public Hearing at 8:00. Mr. Knight said that the picture taken on Sparhawk was way at the end of the road in a channel so there would be no visibility but the first six houses on that road the tower would definitely be visible.

Attorney Jack Hepburn representing Mr. John Kenney; Whittier Communication, the owner of the permitted facility stated that the Board has raised some of the same concerns that they have with the application. He said the ordinance is clear that the public does not want multiple cell towers in a four mile radius and there is a request for two, one less than two miles and one less than three miles from the existing permitted site. He said that they have not supplied the substantial evidence required to build these towers. They question their maps of the existing coverage not being an accurate reflection of what's going on on the ground. It's also a good idea to look at the purposes in Article 24 which covers cell towers. One being to ensure that personal wireless service facilities are compatible with the rural setting and character of Wakefield including its aesthetics and visual features. This application clearly violates the spirit of the ordinance.

Mr. Kenney said he had spoken to carriers today and they are anxious for him to build his tower. He said his opinion would be to let him build his tower and get carriers there and if more coverage is needed then look at other towers. Mr. Fifield asked Mr. Kenney to explain the comment that his tower is in a hole and won't do much for coverage. Mr. Kenney responded that the coverage maps they presented aren't very accurate. As a resident of this town working with police and fire utilizing his existing tower, he knows what the coverage of this town is. The elevation of Mr. Kenney's tower site is about 700ft. which is about the same elevation as this proposed tower site.

Patty Philbrook, President of the Pine River Pond Association representing 300 property owners said 100-200 properties will see this tower and will be visible from three quarters of the lake. She questions whether this would be substantial justice. They recognize the need for coverage but questions if this is the best location. William Flynn said the information provided by Veflex is incomplete. He questioned properties not losing value. He believes that the permitted tower should be put up and then see about coverage. He said this company has put up a tower in Dover and have no carriers.

Nora Marks does not believe, by looking at the maps, she'll get much coverage. She agrees with Mr. Kenney's putting up his tower and then seeing if more coverage is needed. Ron and Kathy McKay agree with erecting the permitted tower first. Joe Moreschi reiterated what the last two speakers said. Jennifer Libby said she could see the balloons from her property and being a

realtor there is no way that the tower will not affect the real estate values on the properties with visibility. Isa Cann asked about visibility of the bottom of the tower and Mr. Dube said you will not see the bottom of this tower at all.

Eileen Shaw asked if the owner of the property can lumber. Elizabeth Conner lives on Camp Road and the balloon was clearly visible to her today. She said that the company did not get good visuals and perhaps should do an independent study where they can go onto properties and get a clear view of the balloon.

Industrial Tower and Wire got approved for a tower in 2006. Mr. Kenney purchased the property and reapplied and the Board had him go through the application process even though it had been approved before. This tower was approved in November of last year. Mr. Sagar asked when he would have the tower built, Mr. Kenney said by Spring.

Mr. Dube said we will hire an independent engineer to review this application as we have done before and they will review the RF studies and it will be paid for by the applicant. Bob Benson said he owns the land this tower will be built on. He said he's been an excellent landowner in Wakefield owning several properties and he always allows the snowmobile club to use it and allows people to hunt and walk on these parcels at no charge. He said Wakefield needs cell coverage. Don Stewart supports that John Kenney's tower be built prior to the approval of this tower.

Don Frechette feels there is a question of credibility as far as the visibility of the tower. He suggested taking pictures from the lakes. He offered the use of his party boat. Ralph McKenna agrees that we should wait and see what happens with John Kenney's tower. He asked about the hardship requirement in granting the variance. He wonders what hardship there would be on the applicant. Mr. Dube thanked Mr. Benson for allowing the town to use his property. Isa Cann asked how the town would benefit from this tower. Mr. Kenney said it is taxed as a business not just property.

Mr. Dube closed the public hearing at 8:38.

Mr. Fifield said he has some concerns. He sees a credibility issue as far as the stark difference of visibility with what they presented and what the public actually sees. He also questions credibility when Mr. Parisi said the Mr. Kenney's tower is in a hole and it's actually the same elevation as the one that's proposed. Also, there is a credibility issue with the maps provided. He said we all know we need cell service in parts of town but the maps disagreed with the statements from the public as far as their own coverage. He said the citizens painted a more accurate picture than Mr. Parisi did. He feels that anything going forward has to be independent from what Mr. Parisi presented. He wants to see more accuracy. He said if Mr. Kenney says he's going to build a tower than he's going to build a tower. He has worked with the town for years and has credibility.

Mr. Dube said moving forward we need an independent third party engineer look at this. A variance for the height is necessary and he feels they will need a variance for the location. The Board concurred that they would need this additional variance under Procedure under E in our ordinance under Article 24 number 5 states: **If the applicant is proposing a new personal**

wireless service facility, written evidence demonstrating that no existing facility within four miles of the proposed personal wire service facility can accommodate the applicant's needs. This evidence can consist of: Mr. Dube said there are other criteria (*a. Substantial evidence that no existing structures are located within the geographic area. b. Substantial evidence that existing facilities are not of sufficient height to meet the applicant's engineering requirements or do not have sufficient structural strength to support applicant's proposed equipment. c. Substantial evidence that existing facilities have no additional capacity. d. Substantial evidence that co-location on an existing facility would cause electromagnetic interference at the existing facility, or vice-versa. e. Other substantial evidence as may reasonably be required from the applicant. 6. Balloon test may be required.*)

Mr. Parisi agrees that this Board needs independent review but he respectfully disagrees with the location variance because the requirement is that he produce substantial evidence. It doesn't say that no towers will be built within four miles. It says that we need to provide evidence that a tower within four miles doesn't provide the required coverage. He said we have affidavits and reports and the Board disagrees and wants an independent study. He does not believe he needs to request a separate variance. He said at the end if the Board does not believe he provided the evidence they can deny the application. Mr. Stewart asked if Mr. Sager could weigh in on this and Mr. Dube felt that he should be given time to look at it as he feels it's a little convoluted.

Mr. Parisi said they do the best they can with respect to the visibility photos as they do not go on private property or private roads. He asks what the Board suggests. Mr. Dube said any tower will be visible to some people but it needs to work. Mr. Stewart said the current zoning which allows 30 feet above tree height minimizes the visual impact. He went on to say you can and did go on private roads and can go on lakes to take pictures. The Board agrees that public safety is a huge part of this but there are credibility issues going on here. You are saying there is no coverage in some areas that do get coverage. In Mr. Stewart's opinion, they may have an issue with the ZBA around the visibility.

Mr. Parisi said they would like a continuance. Mr. Dube asked that it be in writing and would be heard on November 18th. Mr. Parisi agreed. The applicant will decide if they want the second tower public hearing to be heard in two weeks or also be continued until the independent study is completed.

Mr. Stewart made a motion, seconded by Mr. Fifield, to continue the Public Hearing until November 18th. (Vote 4-0)

Mr. Parisi said they are putting up a balloon this coming Tuesday for the other site and if there are specific places the Board wants them to go, he will try to accommodate them. They usually drive all the public roads within a mile. Mr. Fifield feels that the person Mr. Parisi hired put them in a bad position. He believes that he drove by places where he could see the balloon. Mr. Dube suggested taking photos from Province Lake and the Province Lake roads.

Mr. Parisi requested that the Zoning Board meeting be continued to the 18th also.

Mr. Dube recessed the Planning Board meeting at 9:00 and will reconvene after the ZBA meeting.

Mr. Dube reconvened the Planning Board meeting at 9:05

Board Business

Approval of Previous Minutes October 7th

Mr. Stewart made a motion, seconded by Mr. Fifield, to approve the minutes of October 7th (Vote 3-0-1)

Public Comment

None

Mr. Stewart said that some of the paperwork they were handed is boilerplate. The named a town that isn't even in New Hampshire and the height of the tower was stated as 140ft.

Set next meeting date

November 18, 2021 (Joint ZBA/PB Meeting)

Adjournment

Mr. Fifield made a motion, seconded by Mr. Stewart, to adjourn the meeting at 9:12. (Vote 4-0)

Respectfully submitted for approval at the next Planning Board meeting,

Priscilla Colbath
Planning Board Secretary