



TOWN OF WAKEFIELD, NEW HAMPSHIRE

Planning Board Minutes

December 2, 2021

Approved

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

Others present

Gary Stevens, Bryan Berlind, Charles, Zilch, Philip Emilio, Fran Parisi, John Kenney, Jack Hepburn, Derek Thibodeau and Max Gehring from Clearview Community TV. Via Zoom: Stephen Kelleher, Bob Benson Stephen Kelleher, T Krafton, Don Graves, Dana Margolis, Graham Baker, Kelly Parks, Chris Bennett, Bill Flynn

Pledge of Allegiance & Call to Order

Chairman Dube called the meeting to order at 7:00 and those present joined him in the flag salute.

Seat Alternates as necessary

Mr. Blackwood was seated for Mr. Silcocks

Introduction

Chairman Dube introduced Jen Czysz, AICP, Executive Director, Strafford Regional Planning Commission who will be helping in Mr. Vinagro's absence.

Public Comment

none

Public Hearings

Major Site Plan Application continuation submitted by Francis D. Parisi, Vertex Tower Assets, LLC for property owned by Savannahwood, LLC; located on Province Lake Road, Tax Map 92-34. 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.)

Mr. Parisi said there was a ZBA meeting on Monday where the Zoning Board denied our request for the height variance. Today he sent to the consultant and the town revised studies as requested by the consultant reflecting the fact that the height was reduced by the ZBA. He handed out copies of the data to the Board. He also had copies for Province Line and the two are essentially the same. The consultant asked that they analyze the coverage from all three sights. He explained how they collect data to show coverage at the same threshold and frequency to compare apples to apples. The consultant also asked that they provide data to show the overlap. The paperwork also shows the Vertex sights on top of the proposed Whittier site and also the Whittier site under the Vertex sights.

Mr. Dube said he spoke to the consultant and the consultant said that Mr. Parisi had used a different frequency for the new ones as opposed to the originals. Mr. Parisi said yes, and the reason we did that to line up with the frequencies that were provided by the previous applicant so we could compare apples to apples. He said frequencies are used differently in different markets and he wanted consistency. Mr. Fifield asked Mr. Parisi if he saw much coverage difference between the two heights. Mr. Parisi responded that what it does is reduces the overlap over the Whittier sight. The problem is the south where there would be less coverage. He said he kind of agrees that the Savannahwood site is a little bit close to the Whittier site but by lowering it you do lose coverage to the south.

Mr. DesRoches asked if the consultant will be commenting on this data. Mr. Dube said he will but didn't have time to comment today because he just received the answers from Vertex. Mr. Parisi said that the colors on the map aren't necessarily the only coverage there will be. It's just that outside the colors the coverage is less reliable. He said some of the towers along the route 16 corridor are 180 feet tall. We're proposing 126 feet. The towers will be closer together as technology evolves to 5G. These towers are 4G. Mr. Stewart asked Mr. Parisi, do you see any issues with carriers wanting to lease space on three towers? Mr. Parisi said the Whittier tower was approved ten years ago and the reason no one went on it is because it's an island. We like to look at things regionally and we build networks so carriers can say I'll go on the three plus one in Effingham. That would supply complete coverage all the way to Effingham.

We've reduced the Savannahwood tower down to 100'. He mentioned the sites his company has built throughout the state. He said we don't plan on building these towers until we have a committed carrier. Mr. Fifield questioned the likelihood of carriers going on all three towers. Mr. Parisi said one thing that's changed is FirstNet, AT&T needed more bandwidth so they partnered with the federal government who had bandwidth allocated for public safety said AT&T could use the network 99% of the time but when there's a public safety issue we can flip a switch and public safety has dedicated access to the network but it requires AT&T to build towers in rural New Hampshire. Because of FirstNet they have to build and the other carriers want to go where AT&T is going. Mr. Kelleher, with Vertex said they welcome a condition in the approval that says we will not build our towers until we produce a lease with a wireless carrier. They are ten to

twelve months away from building if they get approval. Mr. Kenney will have his tower built in the Spring which will be way ahead of us. We're not here to compete with him but to compliment him.

Mr. Dube opened the Public Hearing at 7:37.

Mr. Hepburn, representing Mr. Kenney said one of their concerns is that the ordinance states there will not be more than one tower in a four mile radius and both proposed towers are within two miles. Their position is to allow Mr. Kenney to put up the tower and see what the coverage is then. He also questioned the likelihood of all carriers locating on all three towers. He said one of the purposes stated in Article 24 is about maintaining the rural character and they feel this is the perfect example of what the ordinance is trying to do, avoiding multiple towers and we're not sure if they are needed.

Mr. Kenney said he's been through this with two other companies and they both called him and said they wanted to work with him. He has received no communication at all from Vertex so he feels these are competition towers. He said FirstNet can be accessed all over except at Belleau Lake, where some of his coverage will be located. He has been working on coverage for East Wakefield for ten years. He's been in the business for thirty years and he doesn't believe that the carriers will go on three towers. Mr. Fifield asked what criteria will the carriers be looking at. Mr. Kenney responded there's all kind of criteria. On the FCC page Verizon will tell you they cover all of East Wakefield now. He chose the area he did because most people have no coverage there.

Gary Stevens asked about 4G and 5G. Mr. Parisi explained that 5G is a technology and a 5G network has to be built and it will require more towers. Mr. Parisi said it doesn't make sense to say wait and see what the Whittier tower does because we both have provided data that is the same as far as what the towers will cover. Mr. Derek Thibodeau said to wait to see what Mr. Kenney's tower does makes no sense considering the time involved with permitting and building a tower.

Mr. Graham Baker said from Perkins Hill to the New Deal he has reception. Then he doesn't until he gets to Province Lake. And the Whittier tower is slated for that dead zone area where he gets no reception. He agrees that the Whittier tower should be built then look at the coverage. He said one of the clauses in the decision in the Daniels v. Londonderry case says that the Board can deny, with no qualms, permitting unless there is no feasible alternative to the proposed site and that the proposed site is necessarily unique to provide coverage. Until the Whittier site is up and running there is no proof that there are no feasible alternatives.

Mr. Dana Margolis is the president of Belleau Lake Properties Association of four hundred residents and they are in total support of Mr. Kenney's tower and that it be built first. Mr. Chris Bennett would also like to see the first tower up first. Mr. Bob Benson believes waiting for a year doesn't make sense. Mr. Bill Flynn also believes these towers should wait. Mr. Graham Baker said we need coverage in the dead zone and the permitted tower will provide that. Mr. Kenney dropped off a letter today and everyone received a copy. Mr. Kenney said that the letter explained who he is and what he has done for the town. He wanted to provide coverage to the people of Belleau Lake. He said if he had any idea someone would come in and want to put a

tower on either side of his he would never have gotten on board with it but he's beyond that and moving forward. His letter will become part of the record.

Mr. Dube said we do not have a complete report from the consultant. Mr. Parisi asked why he wouldn't be here tonight. Mr. Dube explained that he didn't receive Mr. Parisi's answers in time to prepare his report. Mr. Dube said the Town used a different consultant for the Whittier Tower and that report no longer exists as there were moves and a flood in that department.

Mr. Dube closed the Public Hearing at 9:10.

Mr. Stewart asked, is it premature to make decisions tonight. Mr. Dube said we have to consider the fact that the towers are within four miles of each other. Mr. Dube doesn't feel that we need to have the report to make a decision. Mr. DesRoches said it's clear that there has to be substantial evidence that towers closer than four miles are needed and without the consultants report he's not in the position to vote. We need the report to deal with the four mile prohibition. The burden of proof needs to be met and we need a consultant to help us make that decision. Mr. Fifield said in order for the two towers to go in we need to waive the four mile restriction. His concern, if we go from one to three towers will carriers go on all of them? Will we have full coverage? Mr. DesRoches has the same concern. He also would like the consultant to answer if our four mile restriction is reasonable or obsolete. Mr. Blackwood feels that the Board should hear what the consultant has to say because the applicant is paying and it's only fair. Mr. Dube said the Board should get the consultants report a week before the meeting so they all can read and digest it.

Mr. Dube asked Mr. Parisi if he'd like to request a continuance. Mr. Parisi replied he would not but the Board has the right to continue. He also asked Mr. Dube if the Board would look at the consultants report from the permitted tower. Mr. Dube said that is no longer in our possession, there has been a move, a change in the department and a flood. The original owner of Mr. Kenney's site was Industrial Tower and Wireless and they may have the paperwork and the name of the consultant. He suggested that Mr. Parisi check with them. Mr. Kenny received re-approval of that site.

Mr. Fifield made a motion, seconded by Mr. Stewart to continue the Public Hearing until December 16th. (Vote 5-0)

Major Site Plan Application continuation submitted by Francis D. Parisi, Vertex 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 construction a personal Wireless Service facility consisting of a monopole tower (126' to top of highest appurtenance.)

This got approved for the tower to be 126' by the Zoning Board of Adjustment. Mr. Dube opened up the Public Hearing at 8:29. Having no comments, Mr. Dube closed the Public Hearing at 8:30. Mr. Parisi feels the data for the Province Line site is much more compelling. The map for this site shows minimal overlap and maximum benefit. He believes the Board can make a positive decision in regard to this site. Mr. Fifield feels this one should be done at the next meeting also. The Board wants to see the consultants report before making a decision on either tower. Mr. Dube said that the Effingham tower may cover province lake and said if he had data on that tower, it would help the consultant.

Mr. DesRoches made a motion, seconded by Mr. Blackwood to continue the Public Hearing for this application until December 16th. (Vote 5-0)

Boundary Line Adjustment Plan Application continuation submitted by Bryan Berlind, Land Technical Service Corp., for property owned by Matthew & Gregory Lagan, Tax Map 143 Lot 24, 179 Doc Morrison Road, and Millward Revocable Trust, Joseph & Meredith Millward, Trustees. The applicants are seeking approval of a Boundary Line Adjustment application.

Mr. Berlind submitted the revised plans and the mylar and the pins have been set. He explained that the two properties are on both sides of Doc Morrison Road. The Millwards have a garage on the back lot. This adjustment is all about a 1,706 sq. ft. rectangular parcel of land that Lagan will sell to Millward to allow him to expand his existing garage. This will need a Shoreland Impact Permit. Millwards lot is non-conforming and becomes more conforming. Lagen is a conforming lot. Mr. Dube said the application is complete, the fees have been paid, abutters notified and the notice has run. Mr. Berlind said the addition will conform to setbacks. Ms. Czysz asked about the wetlands stamp. Mr. Stewart said a number of Board members know this area and know there are no wetlands so even though there is no wetlands stamp on the plan he has no problem with it. Mr. Dube opened the Public Hearing at 8:46. Having no comments Mr. Dube closed the Public Hearing at 8:46. Mr. Berlind formally requested a waiver for 4.06 #11 wetland delineation that has previously been done in 2007.

Mr. Stewart made a motion, seconded by Mr. DesRoches, to accept a waiver for 406 #11. (Vote 5-0)

Mr. Stewart made a motion, seconded by Mr. DesRoches, to approve the lot line adjustment for TM143 L24 and L23.

Consolidation & Minor Subdivision Plan Application submitted by Charles Zilch of SEC & Associates Inc. for property owned by Province Lake Road Holdings LLC c/o Philip Emilio III, TM 31-28 and 34-99, Province Lake Road. The applicant is seeking approval of a Minor Subdivision Plan to consolidate lots 31-28 and 34-99 and subdivide into three single family residential lots; proposed lot sizes are 9.88 acres, 34.19 acres and 53.25 acres.

Mr. Zilch said they were before the Board in August for a Conceptual Review. The DOT is only allowing one curb cut and are agreeable to three driveways off the access point for the three properties. He explained how the driveways would be laid out. They added a 50' easement between the two large lots. The DOT permit has been issued. The area is well drained so there are no wetlands. They are not requesting any waivers or variances. He doesn't see any subdividing of the smaller lot because of access to it. The application is complete, the fees have been paid, abutters notified and the notice has run. Ms. Czysz said there are no labels or legends on the plan. She asked about the topo provided that didn't show if any of them are greater than 25%. Mr. Zilch said the driveway is an old access road and there is a slight slop off from there. Ms. Czysz asked about driveway requirements for fire trucks. Mr. Dube said we have no requirement for that in our regs for residential lots.

Mr. Blackwood made a motion, seconded by Mr. DesRoches to accept the application. (Vote 5-0)

Mr. Dube said the buffer setback not on the plan for the wetlands will be added by Mr. Zilch. Mr. Dube opened up the Public Hearing at 9:04. Having no comments he closed the Public Hearing at 9:05.

Mr. Fifield made a motion, seconded by Mr. Blackwood, to approve the plan with one condition, that the buffer label be added on the plan. (Vote 5-0)

Conceptual Review

None

Board Business

Sign Mylar

The Board will stop by the Town Hall to sign the mylar for Anne & Steven Langton, Province Lake Road, Subdivision Map 150 Lot 18 revision [two driveways to a single shared driveway.]

Approval of previous meeting minutes

Mr. DesRoches made a motion, seconded by Mr. Fifield, to approve the minutes of November 18th. (Vote 4-0-1)

Correspondence

The Board received a letter from Gary & Lisa Lauze, 16 Wilson Road about a condition of approval that they would talk to the Town about getting a Dead End/No Outlet sign. The letter stated that they have done that. The letter will become part of the official record.

Public comment

Set next meeting date

The next meeting will be December 16, 2021

Adjourn

Mr. Fifield made a motion, seconded by Mr. Stewart, to adjourn the meeting at 9:15. (Vote 5-0)

Respectfully submitted for approval at the next Planning Board meeting

Priscilla Colbath
Planning Board Secretary