

***Rye Planning Board and Zoning Board of Adjustment
Site Walk***

***120 Brackett Road, Tax Map 22, Lot 95-A
Property owned by Dolores F. Lintz on
Wednesday, May 2, 2018 at 5:30***

Planning Board Members Present: Chairman Bill Epperson, Vice-Chair Patricia Losik, J.M. Lord, Jerry Gittlein, Steve Carter and Selectmen's Rep Priscilla Jenness.

ZBA Members Present: Burt Dibble, Patrick Driscoll and Tim Durkin

Conservation Commission Members Present: Chair Sally King, Jaci Grote, Jeff Gardner and Susan Shepcaro.

I. Call to order

Planning Board Chairman Epperson called the site walk to order at 5:30 p.m.

II. Site Walk for the following application that is currently before the Boards:

- Conditional Use Permit and Major Site Development Application by Cellco Partnership d/b/a Verizon Wireless for property owned by Dolores F. Lintz and located at 120 Brackett Road, Tax Map 22, Lot 95-A to install at 125' monopine wireless telecommunications facility which shall include twelve (12) panel antennas, six (6) remote radio heads, one (1) junction box, and ground based equipment to be housed within a 30' x 40' fenced enclosure. Property is in the Single Residence District. Case #03-2018.

Variance from Section 301.8 B (1) and 301.8 B(7) for impacts within 100' of Berry's Brook Watershed and Section 203.1; from Section 505.3 to install at 125' monopine wireless telecommunications facility in a location not located in the Wireless Telecommunication Facilities overlay district;) from Section 505.6, A.3 to permit a wireless telecommunications tower to be located less than 120% of tower height from a residential building; and from Section 505.6, A.4 to permit a wireless telecommunications tower to be located less than 100 feet from wetland soils and marshes;.

Special Exception to Section 301.8 B (6) and 301.7 B for driveway crossing over wetlands required for the tower and appurtenant building.

Chip Fredette, Representing Verizon, noted that the center line of the proposed access road has been staked. The access road will be a 10ft wide gravel drive.

PB Chair Epperson asked if they are at elevation 19. Sheet flows into the the wetlands, which is about 13ft. He asked if this is the highest point of the property.

Mr. Fredette confirmed.

The group moved along the proposed access road.

Clem, Chapel Construction, explained that the native earth will be pulled out and it will go down about a foot. It will be replaced with a gravel base, which will improve the access into the facility. The footprint of the facility will likewise be improved. The organics get pulled out. A good base that drains is put in with stone filter fabric surrounded by a fence.

PB Chair Epperson asked him to speak to the drainage. He asked if a swale would be created.

Clem explained that it will be a low spot where the water should go. There should be a culvert in the low spot. He noted that they have not done the final grading for it yet. Once it goes to final design they can figure out what the grades will be.

Member Lord asked what they anticipate the grades to be.

Clem replied that they are attempting to keep the grades to a minimum. They are not going to be digging down or building it up, other than pulling out the organic. Beyond this, is basically flat and it will be just maintaining the existing grade.

Lynn Pincomb, 177 Wallis Road, asked if they could point out the trees that will need to come down.

Clem noted that anything within 5ft of the center line will need to come out.

Wesley Pike, 190 Brackett Road, asked how deep they will be digging.

Clem explained that the organics are being pulled out and he assumes they are about a foot thick.

Mr. Fredette explained that they are guessing that the organics are about a 1ft deep; however, they do not know for sure.

Vice-Chair Losik asked if the trees that are going to be taken could be marked as the road is defined more as to what it is going to be. Also, the plan shows a disturbance boundary that is more like 20ft. That suggests to her that it is much wider 5ft.

Clem explained there is disturbance as the area is worked with the equipment and the excavation. Anything within 5ft of either side of the stakes definitely needs to come out. If something is right on the 5ft line, it will probably have to come out. If it is 5.5ft, it will depend on the size of the tree.

Kathrine McCabe, 135 Brackett Road, noted that on the site plan it says 28 trees. She asked if they are taking into account the extra 5ft on either side.

Clem replied that he does not believe that it does.

Ms. McCabe commented that it is more than 28 trees.

Carl Nicolino, 461 Brackett Road, asked if there will be a prohibition on logging if the tower goes in.

PB Chair Epperson commented that he is not sure but this is a good question.

The group continued along the center line of the proposed path and gathered at the location for the corner of the proposed fence.

PB Chair Epperson walked to the proposed location for the tower.

Mr. Fredette noted that this location has the tallest pines at 70 to 80ft. He continued that there was a statement that was made that the tower would be 53ft taller than the trees. That might be true but what does that mean when standing on ground level. Someone is not going to see 53ft of monopine from ground level, no matter where they were.

Joanne Fitzgerald, 190 Brackett Road, asked if ground level is street level, built up from here, or this level.

Mr. Fredette explained that they are going to take out the organics and build the grade back up. This will have to level out. He stated that they are not building the grade of ground floor for a tower base elevation to match the road.

Ms. Fitzgerald commented that it would have to be significant enough for whatever is built. This is low and boggy.

Mr. Fredette stated this area is dry.

PB Chair Epperson explained the entire project is within the wetland buffer, not the wetlands. He asked how far down they would have to dig to build a base.

Mr. Fredette explained it could be anywhere from 4 to 6ft deep.

Audrey pointed out the wetland buffer lines on the plan.

John McNair, 35 Brackett Road, stated that if he is hearing this correctly this is going to be a 133ft tower on a 6ft pad.

Mr. Fredette confirmed.

Mr. McNair asked if this is expected to stay.

Mr. Fredette explained that if this is approved by the ZBA and Planning Board, the next step would be a geo-technical analysis. Several soil borings would be done, those would be sent to a lab, the lab analyzes them and sends the analysis to a tower manufacturer who designs the foundation for this location, wind speed and everything is accounted for. At that point, they will know what type and foundation it is. He noted that they will present to the Town a stamped tower foundation design; stamped by a N.H. PE.

Member Lord asked generally how big the foundations are.

Mr. Fredette commented that it could be 4 to 6ft deep and 20x20.

Joanne asked if there are other structures around the tower, such as supporting generators.

Mr. Fredette confirmed.

Member Carter asked what the approximate finish grade of the compound will be.

Vice-Chair Losik pointed out the bottom of the fence is at 14ft. The elevation in the front would be 14ft. She asked if he is asking how much they have to go down.

Clem stated that the finish grades have not been decided. He continued that there are compounds that he has been to that are tiered. It could essentially be kept the same grade after the organics are removed and replaced with gravel and filter fabric.

Murray Mason, 115 Brackett Road, asked if the tower pad would be elevated. He asked how they can judge the height of the balloon if they don't know the elevation they are starting from.

Mr. Fredette explained that the pad for the tower will likely be no higher than that pile of leaves (pointing at that site) and no lower than over here.

Vice-Chair Losik commented that the difference is between 14 and 10 or 14 and 11 elevation (3 to 4ft).

Someone asked if they have looked around at the trees that have fallen at the site. He noted that the trees do fall and are of significant size. He commented that his property is in a non-wetland area and he had to have trees removed several times from his property that almost went through his house. In looking at this property, there are several down and this goes on all the time. He pointed out that this is not the most stable root structure where they stand. The root structure is shallow.

John McDonough, 140 Brackett Road, pointed out that the pines trees directly behind cell tower are on his property. If they walk that way they are going to get their feet wet. If he digs a hole he is going to hit ledge. He asked if they are going to be blasting because there is ledge everywhere.

Clem commented that they would pin to the ledge.

PB Chair Epperson noted that they have had significant conversations about ledge in Rye. The Board will address this during the hearing. This is a good question.

Clem commented that ledge is great. There is nothing better than that.

John McNair, 35 Brackett Road, asked if there is going to be one large pad. He is getting confused about the pads.

Mr. Fredette explained there are four corners of the 30x40 compound. (He pointed those corners out to the group. He also pointed out the location for tower center.) He continued that the question is what else is going to be built inside the compound. A woman mentioned earlier that there was going to be a generator and other equipment she is correct. There will be another concrete pad (pointing to the location) upon which will set radio cabinets and an emergency backup generator. He continued that they were asked at the meeting why they could not flip the tower location with the equipment pad. The reason for the way it is laid out is to keep the tower away from the buffer line as much as possible. When the surveyor marked tower center, they flipped the two so the drawing (Sheet AO-1 from site plan) is now opposite of what is seen in the field.

Vice-Chair Losik asked if the plan dated 2/26/18 is the correct configuration.

Mr. Fredette noted that there will be another updated set coming. The locations will be reversed. He reiterated that where Mr. Lee is standing would be the 12x16 pad for the radio equipment and generator. The radio equipment is in cabinets that are about the size of a small apartment refrigerator that set on a concrete pad. There is one pad for all the equipment. He continued that on the outside of the compound will be the location for the transformer. (Keith Lee walked to that area to give an idea of the location for the group.) He explained that the pad for the transformer is 3x3. It's a transformer that would be seen at any residential home that has underground power.

John resident asked if there would be more add-ons or equipment coming in once the tower is built.

Mr. Fredette explained that other carriers, by way of Federal law, have the right and are required by the town's ordinance to seek out structures upon which they could co-locate before they build new.

PB Chair Epperson clarified that the other carriers are not going to have the power to build on this location.

Mike Thiel, 34 Brackett Road, asked if there would be a need for expansion of the 30 to 45ft compound, with all the equipment, to accommodate co-locators.

Mr. Fredette replied that he does not know the answer to that question. He does not know what the needs of the carriers would be.

Robert Gemmett, 150 Brackett Road, stated that it is his understanding that a co-locator could ask for its own generator so there could be five generators.

Mr. Fredette replied yes.

There could be four generators.

Mr. Gemmett commented that is still a lot of noise. He stated that if they are allowed, by law, four more co-generators.

Mr. Fredette clarified that it is three more.

Mr. Gemmett stated that he thinks they should have an idea of whether they would fit in the compound from the standpoint of environment because more trees would have to come down.

Xxx stated that the reason Mr. Fredette doesn't know is because five years ago there were big equipment shelters and everything would go inside a building. Every carrier would have a big building on each compound. Now, there are small cabinets on a slab. Mr. Fredette is saying that he does not know where the industry is going and what the other three existing carriers (which might change real soon) are going to use for equipment. Mr. Fredette does not know that. He knows what Verizon uses. He continued that they believe that 30x40 is enough. It is also not known if they are going to use their own generators. Verizon insists on generators because during power outages they do not want the service to stop. Some of the other carriers don't use them all the time and may use them; however, that is not known. It is known that under federal law and local ordinance, co-location is required and promoted. There could be up to four generators but it is not known what the other three are doing until they file paperwork. A 30x340 compound is about the standard size.

ZBA Member Durkin.....

Mr. Fredette explained that they would clear a couple of feet just beyond the fenced compound to allow for the filter fabric to be extended. He noted that the area that Member Durkin is referring to is way outside the compound.

ZBA Member Durkin stated that he would like a sense of what additional trees will be removed.

PB Member Lord stated that until there is a grading plan it is disingenuous to say that it is 2ft outside of the stakes because it is not known. He does not think that there is a real answer until some sort of grading plan is generated.

Mr. Fredette stated that normally they are not this deep into an application with discussions on grading. It would be fantastic if he could have time to do that.

Vice-Chair Losik stated that to her early point about the road it is the same issue. When there is disturbance going on in the ground with a shallow root system, the Board is going to be looking at that to be sure those trees get the protection they need as well. She continued that one of her concerns is that it is said the basic compound is 30x40, which is 1200sf. What she sees here, with the generator, radio cabinet, the additional parking space and access road, this is more like 2400sf that is open. The widest part of the buffer from the front road is 50ft. To this neighbor (pointing in that direction), it is maybe 30ft. She does not know how far they are because property boundaries are not shown. These people are going to be disadvantaged by having a huge view; the neighbors, people driving and people across the street. Having 2400sf of open space is a big deal.

Mr. Fredette asked what suggestions could be made to mitigate that.

Vice-Chair Losik commented it is a statement.

Xxx asked how they know the height of the balloon is accurate if they do not know the height of the grade.

Mr. Fredette stated that he will ask for guidance on what the people would like to see. He stated that he will float the balloon from ground level to 132ft from ground level from the base of the stake.

Xxx asked how they will know the balloon is anywhere near where it actually be.

Mr. Fredette stated that it will be within plus or minus 4ft. He could add 5ft to the balloon or put it at 140ft. He explained that what they have always done is float the balloon at ground level from where they are at.

Clem stated that it might go up or it might go down. The geo-tech is not done.

Mr. Fredette stated that he would like the Board to give him direction of what they would like to see.

PB Chair Epperson stated that the balloon should be at the **maximum height** that it could be, including the pad and all the accessories,

ZBA Member Dibble asked if Verizon ever shares its generator with other carriers.

Mr. Fredette replied no.

ZBA Member Driscoll stated that the way he reads the application is that everything is based off the height that is provided on the plans. So, Verizon would be required to state the height off the grade elevation that is proposed as part of the plan. The job of the ZBA, Planning Board or

residents is not to make recommendations to Verizon. The job of the boards is to take Verizon's recommendations and application to find out whether it is viable. In regards to the balloon height and from what he understands from the meeting, the top of the balloon height is going to be the top of the bottom part and the bottom of the balloon is going to be the top of the tower, which is going to be off this height. He wants to understand that this is what Verizon is asking for and anything higher would need another variance.

PB Chair Epperson stated that when it comes to as-built, for example, if the balloon is at 137ft and all of a sudden it becomes 138ft that is going to be an issue. He asking for the balloon to be the maximum height it could absolutely be so it wouldn't exceed the height and they wouldn't have to come back for another variance.

Mr. Fredette agreed.

Aidan McDonough, 140 Brackett Road, asked who would be responsible for cleaning up any trees that may fall on the compound.

Clem replied that Verizon is responsible for maintaining the tower and for any trees that may come down.

Diane Mason, 115 Brackett Road, asked if they could map out where 120's alternate septic system would have go. She believes where they are standing is where the alternate system would go.

Mr. Fredette explained that a N.H. Certified septic designer stamped a plan showing that it could be replaced in-kind.

Murray Mason, 115 Brackett Road, stated that he was not allowed to subdivide because there was no alternate septic. Now Verizon is coming in and taking that alternate septic area away.

Clem commented they are not subdividing.

Xxxx stated that in regards to the effectiveness of Verizon's radio frequency signal, as referred to in the study, he does not understand it. He has walked the property and a three-mile radius several times and he gets Verizon service on his phone. The "dead spots" referred to in the studies would have to be pointed out to him.

Aidan McDonough agreed.

Xxx asked if the sound would be addressed at the meeting on the 16th.

Mr. Fredette explained that the emergency generator. Verizon prides itself on reliability. Only during a situation where there is a power outage will the generator kick on. It will kick on when everyone else's generators will kick on as well. It will come on for a few minutes for once per week or as required by the manufacturer.

Robert Gemmett asked how many carriers there will be.

PB Chair Epperson replied there is one now with a possibility of four.

Adjournment

Motion by someone to adjourn at 6:25 p.m. Seconded by

Respectfully Submitted,
Dyana F. Ledger