

Enfield Planning Board Minutes, Wednesday, May 12th, 2021

Enfield Planning Board – Meeting Minutes ZOOM ONLINE MEETING PLATFORM May 12th, 2021

BOARD MEMBERS PRESENT: David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Erik Russell, Kate Stewart, and Phil Vermeer

BOARD MEMBERS ABSENT: Jim Bonner (alternate and videographer)

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator, Barbara Higgins-Recording Secretary

GUESTS: Francis Parisi (Applicant Representative), Tom Johnson (Civil Engineer for Vertex Towers), Brian Donnely (Abutter), Cindy Welch (Abutter), Robert and Jean Arenella, Bill Mann (Property Owner), Sandy Lea (Abutter), Jason Archambeault

I. CALL MEETING TO ORDER:

Chair Fracht called the virtual ZOOM meeting to order at 7:02 p.m. He took a “roll call” of members present for attendance.

II. A. APPROVAL OF MINUTES: April 14th, 2021

Mr. Kiley MOVED to approve the April 14th, 2021 Minutes presented in the May 12th, 2021 agenda packet.

Seconded by Mr. Vermeer.

Roll Call Vote:

Phil Vermeer, David Fracht, Linda Jones, Kurt Gotthardt, Kate Stewart, Erik Russell, and Dan Kiley all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (7-0).***

B. APPROVAL OF MINUTES: April 24th, 2021

Mr. Vermeer MOVED to approve the April 24th, 2021 Minutes presented in the May 12th, 2021 agenda packet.

Seconded by Mr. Kiley.

Roll Call Vote:

Phil Vermeer, David Fracht, Linda Jones, Erik Russell, and Dan Kiley all voting Yea.

Kate Stewart and Kurt Gotthardt abstained

None voted Nay.

**** The Vote on the MOTION was approved (5-2-0).***

III. PUBLIC COMMENT: None

IV. SELECTBOARD REPORT: Ms. Stewart gave the Selectboard report. She said the last meeting was not very long and there was a public hearing on accepting the wastewater management plant principal forgiveness loan to have it forgiven. They also went over the bids for the vehicles that the citizens of the Town approved at Town meeting.

***Chair Fracht proposed a change in the order of the meeting agenda. He proposed listening to the lot merger request first, then the conceptual discussion and Master Planning Task Force update next. Mr. Kiley and Mr. Gotthardt asked to keep the Master Plan update toward the end of the meeting and Chair Fracht agreed.**

VI. NEW BUSINESS: P21-05-01, Jason and Dawn Archambeault have applied to the Town of Enfield Planning Board for a Voluntary Lot Merger of two lots on Mountainview Avenue in Enfield, NH (Tax Map 02, Lots 12 and 13). The subject properties are owned by Jason and Dawn Archambeault and is located in the “R1” Zoning District.

Mr. Taylor showed the property location on the Tax Map. Mr. Archambeault said they wanted to merge the two lots. They had no intention of selling off the smaller lot. He was not sure that they could even build on it. The lot was very small and wet. They just wanted to make things simpler.

Ms. Jones MOVED that the Planning Board approve the voluntary merger of Lots 2-12 and 2-13 on Mountain View Avenue.

Seconded by Mr. Kiley.

Roll Call Vote:

Phil Vermeer, Erik Russell, David Fracht, Linda Jones, Kate Stewart, Kurt Gotthardt, and Dan Kiley all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (7-0).***

V. HEARINGS: P21-04-01, Vertex Towers, LLC has applied to the Town of Enfield Planning Board for Major Site Plan Review and Waivers to construct a 191-foot tall, lattice style, Wireless Tower (197 feet to the top of the highest appurtenance) at US Route 4 (near Morhouse Lane), Enfield, NH 03748, Tax Map 14, Lot 11-A. Subject property is owned by the John E. Mann Trust (Bill Mann, Trustee) and is located in the “R1” Zoning District. Vertex Towers, LLC has been granted a Special Exception by the Enfield Zoning Board of Adjustment (ZBA) under Enfield Land Use Case #Z21-04-01.

Chair Fracht declared the public hearing open. He explained the hearing process to the public. Mr. Francis Parisi was the applicant’s representative and gave the presentation for a wireless tower. Chair Fracht pointed out that the applicant had asked for some waivers from the standard zoning and site plan regulations. He felt that the Board should take the waivers up first.

Mr. Russell wanted to let the Board and applicant know that he and his partner were abutters on the other side of Route 4. He said he felt that he could judge the case objectively but if the Board felt differently, they just needed to let him know.

Ms. Jones was also an abutter to the project. She also felt she could hear the application objectively but said if the Board preferred that she recuse herself, she would. Chair Fracht said he thought both Mr. Russell and Ms. Jones could sit on the case unless there was an objection, there was none.

Mr. Parisi, with Vertex Towers gave his presentation. He had with him Mr. Tom Johnson who was the civil engineer on the project and who had prepared the site plans. He started his presentation with the waiver requests. The first waiver they asked for was from 803.3 of the Zoning Bylaws, which limited the height of the tower to 10 feet over the tree canopy. He explained why they required a facility of the height they had requested.

The second waiver was for 803.7.c which stated that there will be no tower over 70 feet in height that was within 2 miles of another existing tower. Mr. Parisi explained that there was a tower in Lebanon that was about 1.5 miles away. It was a very old tower, and he was not sure if it was even in use anymore or not. He believed it was supposed to be used for cable TV.

Mr. Parisi explained that Vertex Towers was an infrastructure developer who owned the facilities (tower) and leased space on the tower to telecommunication companies such as Verizon and AT&T. He went on to explain that the company had floated a balloon on Saturday, April 24th, 2021 where the facility would be built, at the height the tower would reach.

He explained that the demand for wireless telecommunications had far exceeded expectations and was being used not just for mobility but for home and business use as well. The demand had forced the company to go further into residential areas to meet that demand. It has been cited in

news articles that the lack of telecommunication accessibility has safety implication issues as well. He showed a map where the reliable coverage in Enfield was and where it was not.

Mr. Parisi said the facility would be built on 80 acres that had road frontage on Route 4. Access to the facility would be through two adjacent parcels, one owned by the Mann Trust and the other owned by Sandy Lea, which has an easement through it. The location was selected because they needed to get above the elevation and to meet all the required setbacks that the Enfield Zoning Board had. That location met those requirements and setbacks. The facility would be a 50 foot by 72-foot compound with some extra clearing around it. It would be a fenced in compound with 6-foot chain link and barbed wire around it. There would be some telecommunication equipment cabinets and a small electrical transformer outside of the fence. There would be ample parking for maintenance vehicles.

He explained that the height of the tower was so that they could reach the specific coverage area that was needed. The type of telecommunications technology that came off the tower was a very low powered antennae, not designed to cover a very broad area. The facilities were very low powered. AM radio towers broadcast out at 50,000 watts while this type of tower antennae would broadcast out at about 100 watts. He explained that they put antennas on residential buildings, close to residents all the time. He said the technology had been around a long time and was no different than baby monitors and radio waves. He said it was very safe and low powered.

The height of the Tower would be 190 feet with another 7-foot lightening rod on top of it. It would exceed all safety requirements under the FCC regulations. He explained more about the balloon test and showed the photos that they took once the balloon was up in the air so that they could see where the public would see the tower from. In his photos he also showed what the antennae would like when it was erected.

Mr. Parisi ended his presentation saying that they met all the other requirements under the Zoning Bylaws. He said it met all other requirements for site plan approval. With respect to the waivers, the Zoning Bylaw required that he show extraordinary hardship or technical difficulty that required them to request a waiver. He said the property would not be detrimental to public safety or health, it would promote the public interest and would secure the objective of the regulations. He said the hardship was the topography and the existing infrastructure in the area dictated where they could go, and the topography dictated the height of the facility.

He also pointed out that they must meet all federal and state regulations, which they did. He said the government encouraged telecommunications for all kinds of reasons such as safety. He said they were respectively requesting that the Board grant the waivers that were requested and approve the site plans.

Mr. Vermeer asked if the tower would provide 5G service to the Town of Enfield. Mr. Parisi said his standard answer was, you would hope so. He explained that 5G was a concept that was not a technology yet. He said it would be a data centered technology. He thought it would come to the Town of Enfield, but not for a very long time. Mr. Vermeer asked if the project would require laying fiber optics to feed the tower? Mr. Parisi said yes it would and that the telecommunications would bring a fiber line in.

Mr. Vermeer MOVED that the Planning Board waive Zoning Regulation 803.3, which limits the maximum height of a tower to 10 feet above the tree canopy.

Seconded by Ms. Jones.

Mr. Gotthardt said he had a lot of questions over the process of making these waivers. He wanted to know who got to waive the requirements? He believed the ZBA needed to grant the variance if the tower was going to be more than 10 feet above the tree canopy. His reasons were that the zoning requirements for cell towers seemed to be written for site plan documents, but because it was adopted as a zoning regulation document, the Planning Board did not have the authority to grant the waivers for the height limitation or the 2-mile limitation from another tower. He said he did not think the Planning Board had authority to waive zoning requirements. He felt these waivers needed to go back to the ZBA for their decision.

Mr. Taylor explained that Section 805 was found in the zoning ordinance. It said, "Where the Planning Board feels that extraordinary hardships, technical difficulties, or unreasonable expense would result from compliance with the foregoing regulations, or to encourage innovative approaches to providing telecommunication services, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulations shall be to ensure that an applicant is not unduly burdened as to merely inconvenienced by said regulations. The Board shall only approve any waivers when a majority of those present and voting, where proper quorum requirements are met, shall find that any waiver would not be detrimental to the public safety, health, or welfare or be injurious to the other property, that it would promote the public interest and would substantially cure the objectives and requirements of these regulations. Petition for any such waiver shall be submitted in writing by any applicant along with the application for Board review."

Mr. Taylor said this was separate from other waivers in the Board's site plan review powers. Mr. Taylor said it was his opinion, and he thought the Zoning Board agreed with him at the time of their meeting, that the waivers should be heard by the Planning Board. Mr. Taylor asked Mr. Parisi if he saw other Boards being given these powers of waiver? Mr. Parisi said he did. He said they had gone to the Town of Enfield's Zoning Board for special exception, and they talked about it. They felt they did not need to give a variance.

Mr. Gotthardt said he thought that, legally, the Planning Board could not grant the waiver as a blanket waiver. Chair Fracht said he understood what Mr. Gotthardt was saying and wanted to

hear what other members of the Board thought. Mr. Vermeer said they already knew that the Zoning Board would approve the waivers if the Planning Board put conditions on it since they approved everything else and just felt that this was a technicality. Mr. Kiley said he felt the authority was given to the Planning Board to make the decision about the waivers. Ms. Jones asked if this was something that should be run by the Town's Council for wording? Ms. Stewart said she was listening and still learning. Mr. Russell said he did attend the Zoning Board meeting and his take was they had already made their decision which was that the Planning Board had the authority to grant the waivers. Chair Fracht said he agreed with both Mr. Kiley and Mr. Russell and that he thought the authority lied with the Planning Board. His opinion was the Board should proceed to vote on the topic.

Mr. Kiley asked if they could a put a height limit on the tower at 200 feet? Mr. Parisi said he would agree to a height limit of 200 feet. He said he would agree to the condition that the tower is not lit as well. Mr. Gotthardt was more concerned with the height than the lighting.

Roll Call Vote:

Phil Vermeer, Erik Russell, David Fracht, Linda Jones, Kate Stewart, and Dan Kiley all voting Yea.

Kurt Gotthardt voted Nay.

**** The Vote on the MOTION was approved (6-1).***

Ms. Jones MOVED that the Planning Board waive Zoning Regulation 803.7.c, for not locating a tower over 70 feet within 2 miles of another tower that is over 70 feet.

Seconded by Mr. Kiley.

Roll Call Vote:

Phil Vermeer, Erik Russell, David Fracht, Linda Jones, Kurt Gotthardt, Kate Stewart, and Dan Kiley all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (7-0).***

Mr. Gotthardt said he had questions about the proposed height. He felt the company had gone to the maximum height allowed without having to put lights on the tower. He said the typical tree height for the trees in the area were 70 to 100 feet. He did not like how high the tower was going to be above the tree line. He thought the way the antennas worked they would not have to be seen to work correctly. Mr. Parisi said that what Mr. Gotthardt said was technically right in a flat world, but they needed to take into consideration the topography of the area. Mr. Johnson, Civil Engineer, explained that the 4 rectangles on the tower were antennae platforms and each one of those platforms had to be spaced 10 feet from the antennas above and below. In addition, they also allow space for public safety antennas.

Mr. Gotthardt asked if the easements on the property used to initially access the property allow for construction use? Mr. Parisi said yes, they would be using an existing access road. It gives access for all egresses and ingresses onto the property.

Ms. Jones said that during the site visit she asked Mr. Parisi if he knew anything about RF interference with GPS signals in the proximity of the tower. She recalled that he said he had not heard of that. A Zoning Board member had mentioned that it might be useful to have the land around the tower surveyed and pinned so that the RF would not interfere with a surveyor's GPS. Ms. Jones wanted to know if Mr. Parisi had investigated that anymore? Mr. Parisi said that the frequency used by telecommunication companies was different than GPS which came off a satellite. He said no one in his work had heard of the RFs impacting GPS. He said the towers were very dependent on GPS. Mr. Johnson said they have survey grade GPS equipment and that they did surveying at existing sites and never had any issues with interference.

Chair Fracht wanted to know why quarterly structural and safety inspections were considered unduly burdensome and unnecessary? Mr. Johnson said when the tower was initially designed all the loading was included in that design. He said anytime there was any change in the loading of the tower, a full analysis would be done on the tower and a permit would be pulled. He said the owner of the tower would also routinely look at the tower and the surrounding facility. He said routine inspections would take place at least twice a year. Mr. Parisi agreed that they could send a report of the routine inspection of the facility twice a year to the Town.

Chair Fracht wanted to know what the length of the bond on the abandoning of the tower was and was there a cost escalator attached to the bond? Mr. Parisi said the bond was generally a 1-year bond that was renewable annually. As for a cost escalator, they have been required to produce a new cost estimate every 5 years.

Public commenting was opened. Ms. Cindy Welch asked that if 5G came along would more construction be needed to support it? Mr. Parisi said there would be no need for more construction, it would not change the appearance of the tower. Ms. Welch asked what impact the construction, use, and maintenance would be on wildlife over time? Have there been studies? Mr. Parisi replied that there had been extensive studies and that the technology had been around for a long time. They must do an environmental due diligence analysis before building. Mr. Johnson said the facility did not have customers coming and going so there would be no real disturbance to the wildlife.

Ms. Welch asked what the impact would be on property values nearby? Mr. Parisi said there have been lots of studies in the past and no study had concluded that the towers have any impact on property values.

Mr. Brian Donnelly, abutter to the tower, said he had real concern about the RFs and EMFs exposure to his family, especially in younger females. He said he was worried that it was too close to his property and could be a health risk. He was worried the frequency could cause cancer, especially in his young daughter. Mr. Parisi said the technology had been around for many, many years and that the Company routinely put antennas on residential buildings like apartment buildings that were tall. They put antennas on VA Hospitals in New England. He

Enfield Planning Board Minutes, Wednesday, May 12th, 2021

said that with the tower being so high the signals dissipated by the time they reached the ground. Mr. Johnson said that the FCC highly regulated the antennas.

Mr. Donnelly said when they did the site visit Mr. Parisi had paperwork on surrounding well water? Mr. Parisi said that the wellhead protection district was toward the West, the facility was outside the district.

Ms. Sandy Lea said she was not as concerned with what the tower looked like as the health risks associated with the tower. She wanted to know if there would be measurements on the EMFs and RFs at the tower? Mr. Parisi said they could do them, though they are not usually routinely done. Mr. Donnelly said he would like to see the measurements after the construction was done.

Ms. Lea said that the Company has said property value would not be affected. She wanted to know why the tower could not be moved further up the Road. Mr. Parisi said there were a host of issues that went into siting. The engineer looked at the property for suitable slope and access as well as speaking to the landowner for where he would like the tower to be placed, and the bean counters had a say about cost. There were also zoning requirements to be looked at.

Ms. Lea asked if there were any buffers that redirected RF signals? Mr. Parisi said not that he knew of. Chair Fracht asked if the radio frequency emission was cumulative as you added more carriers? Mr. Parisi said yes it was, but it also went by usage. When there was no usage there would be no emissions.

Chair Fracht asked if the Planning Board was approving just the tower and the enclosure or all of that and a carrier on the tower? Mr. Parisi said it was just the tower and compound inside the fence.

Ms. Lea asked if she would still be able to park at the bottom of the road in the winter when she could not get up the Road? Mr. Parisi said that they would work with her to see what could be done.

Chair Fracht closed the public hearing.

Mr. Robert Arenella said he had some questions and Chair Fracht said he could ask them. Mr. Arenella was concerned with the RF exposure. He wanted to know what kind of output power would be used and what kind of antennas would they be using? Mr. Parisi said that any public safety antennas on the tower were regulated by the FCC. Mr. Arenella wanted to know what the maximum ERP would be from any of the users of the tower? Mr. Parisi said he could not say specifically. He said the carriers worked out of different ranges and said an analysis said it would be under 1%.

Chair Fracht closed the public hearing and opened commenting from the Board members. Mr. Kiley said he felt that Vertex Towers had met all the conditions of a site plan. There may be a few conditions that the Board could add in. Mr. Vermeer said he agreed with Mr. Kiley and that the Company was complying to all regulations. Ms. Stewart said she had learned a lot and although she understood the public's concerns, the Town could not dictate federal law. Mr.

Russell agreed with the other comments and that they had met all the requirements of the site plan. Mr. Gotthardt said his concern was the height of the tower. He thought a lot of people in the public would be surprised by the height of the tower. He disagreed with what was being proposed. Chair Fracht said there was not a lot to say on the regulatory powers because the FCC claimed jurisdiction. They viewed it as essential infrastructure. There may be some conditions that the Board may want to put in.

Chair Fracht gave the following condition suggestions: routine inspections with a report to the Town every 6 months, updating the costs of dismantling the tower and increasing the amount of the bond every 5 years, measurements of RF frequencies at the property lines after each new carrier goes live and perhaps a 200-foot limit on the height of the tower. Mr. Russell said they should add that there will not be a light on the top of the tower.

Chair Fracht asked if the site plans that they had in their hands right now were accurate or not? Mr. Parisi said the site plan that the Board had was the accurate one. Mr. Kiley said the Board did not have to put the 200-foot condition in the Motion because the site plan did not show 200 feet on it.

Ms. Vermeer MOVED that the Planning Board approve the site plan with the conditions that were listed.

Seconded by Mr. Kiley.

Roll Call Vote:

Phil Vermeer, Erik Russell, David Fracht, Kate Stewart, and Dan Kiley all voting Yea. Kurt Gotthardt voted Nay.

**** The Vote on the MOTION was approved (5-1).***

VII. CONCEPTUAL DISCUSSION: None

VIII. MASTER PLANNING TASK FORCE UPDATE:

Chair Fracht gave an update on the Master Planning Task Force. He said that Ms. Dolores Struckhoff gave her resignation from the Master Plan Task Force due to health reasons. He said since the Task Force was down a member the Planning Board needed to fill the spot. He suggested that Celie Aufiero would be a good choice. She had been attending most of the Master Plan Task Force meetings and she had applied for the position originally and was not selected. He thought she would be a good and equivalent replacement for Ms. Struckhoff.

Mr. Vermeer and Mr. Russell agreed with the suggestion. Ms. Stewart asked if there were others on the list to consider? Mr. Russell said he thought with the process that the Board used to pick the members of the Task Force, Ms. Aufiero was next in line for the position. Mr. Taylor agreed with that. Mr. Kiley agreed that Ms. Aufiero matched the demographic that was left open by Ms. Struckhoff.

Enfield Planning Board Minutes, Wednesday, May 12th, 2021

Ms. Kiley *MOVED* that the Planning Board appoint Ms. Celie Aufiero to the Master Plan Task Force to replace Ms. Dolores Struckhoff.

Seconded by Mr. Vermeer.

Roll Call Vote:

Phil Vermeer, Erik Russell, David Fracht, Kate Stewart, and Dan Kiley all voting Yea.

Kurt Gotthardt abstained.

None voted Nay.

**** The Vote on the MOTION was approved (5-1-0).***

Chair Fracht reported that the LEAPS website continued to be built out. He said the Planning Board needed to figure out the scope of work for the Project Planner. The Town had authorized \$35,000.00 to be spent on creating the Master Plan. The Task Force believed the scope of the work should be re-written because the Task Force had been working on it for 6 months and they were confident they could do the public engagement part of the process with success and at a far less cost than Planners could provide.

The Task Force recommended limiting the scope to five chapters, Land Use, Visioning, Economic Development, Housing and Transportation. Chair Fracht asked the Planning Board if they wanted to continue to limit the scope to the 5 chapters or go back to the 12- or 13-chapter scope? The Task Force would also like to have a contract with a Planner for something less than the \$35,000.00. They would like to spend some money on incidental expenses for the public awareness campaign. Chair Fracht suggested that the Board think about the above items that he just brought up, between now and the next meeting.

IX. OLD BUSINESS: None.

X. NEXT MEETING:

The next meeting will be on May 26th, 2021 and there will be an election of officers at that time. They would also be going over ethics and procedural documents.

XI. ADJOURNMENT:

A MOTION was made by Mr. Kiley to adjourn the meeting at 10:06 PM.

The MOTION was seconded by Mr. Vermeer.

Roll Call Vote:

David Fracht, Phil Vermeer, Dan Kiley, Erik Russell, Kate Stewart, and Kurt Gotthardt all voting Yea.

None voted Nay.

**** The Vote on the MOTION was approved (6-0).***

Enfield Planning Board Minutes, Wednesday, May 12th, 2021

Respectfully submitted,
Barbara Higgins
Recording Secretary