

**TOWN OF TUFTONBORO
PLANNING BOARD
September 16, 2021
DRAFT MINUTES**

Members Present: Matt Young, Chairman, Gary Qua, Vice-Chairman, Bill Marcussen, Selectmen's Representative Carol Bush, Kate Nesbit, Laureen Hadley, Member, George Maidhof, Alternate.

Member Absent: Tony Triolo, Member.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM at the Tuftonboro Town House, 247 Middle Road.

I. Public Comment

None.

**II. Approval of Minutes
September 2, 2021**

It was moved by Kate Nesbit and seconded by Carol Bush to approve the September 2, 2021 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

**III. Public Hearing
Lawrence and Bernice England
Tax Map #60-3-1 & 59-3-7
Boundary Line Adjustment**

Jim Rines, White Mountain Survey & Engineering, stated the intent of the boundary line adjustment is to remove 44.70 acres of land from the developed lot and add it to the undeveloped lot. He stated there are two existing monuments that will be used for the adjustment therefore there is no need to set any monuments. He stated the parcels are over five acres in size therefore State subdivision approval is not required. He stated there are no new lots being created and there are no changes to road frontage.

Matt Young asked if either property is in a trust.

Jim Rines replied no.

Matt Young asked if there are any lien holders on the properties.

Jim Rines stated he doesn't believe so.

Matt Young asked there are any easements on the properties.

Jim Rines stated the Phineas Graves Cemetery is located on the subject property and a potential easement may be necessary for electric to provide power to the house.

It was moved by Gary Qua and seconded Kate Nesbit to accept jurisdiction of the application. All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Kate Nesbit to open the public hearing. All members voted in favor. The motion passed.

No public comment.

It was moved by Gary Qua and seconded by Kate Nesbit to close the public hearing. All members voted in favor. The motion passed.

Matt Young reviewed the following condition of approval;

1. If applicable, the applicant shall provide sign off from any lien holders of the properties.

It was moved Kate Nesbit and seconded by Gary Qua to approve the Lawrence and Bernice England Boundary Line Adjustment application, Tax Map #60-3-1 and 59-3-7, subject to the recommended condition of approval. All members voted in favor. The motion passed.

**Lauersen Revocable Family Trust
Tax Map #38-1-238 & 240
Boundary Line Adjustment
Formal Submission/Public Hearing**

**No applicant or agent for the applicant was present at the meeting.*

Matt Young stated he reviewed the application and has several questions. He recommended tabling consideration of the application until he confers with the applicant's agent.

It was moved by Bill Marcussen and seconded by Carol Bush to table the Lauersen Revocable Family Trust application in order for the Planning Board Chair to confer with the applicant. All members voted in favor. The motion passed.

**Verizon Wireless
Tax Map #30-3-4 (69 Sodom Road)
Site Plan Review; Telecommunications Facility
Public Hearing continued from August 19, 2021**

Matt Young stated Ivan Pagack is unable to attend this evening's meeting however, he spoke with him extensively regarding his review of the applications (69 Sodom Road and 189 Middle Road).

Scott Anderson distributed and reviewed a letter to the Board, dated September 16, 2021 (see attached; letter addresses a waiver request, abutter letter of consent, revised site plan, letter from the Fire Chief, lease liability and structural component.

Matt Young stated the RF data submitted was accurate and recommended keeping a space at the top of the tower to allow for emergency services.

Gary Qua stated the Board and applicant have discussed the height of the tower was discussed (120' antennae v. a pole at 130'), flush mount install v. non-flush mount install, coverage and colocation. He stated there will be a significant change in coverage.

Matt Young questioned the indemnification clause and recommended a change in the language of such.

Scott Anderson stated the terms of the lease agreement cannot be changed and noted the Planning Board conditions of approval would be in addition to the stipulations included in the lease agreement.

Matt Young stated the Board members had been requested to perform a site visit and requested comments from the Board regarding such.

Gary Qua stated he viewed the site at many different angles; noting a good percentage of the tower is blocked except for the top of the tower. He noted the tower is more visible from the south. He stated he has no issues with the proposal.

Members of the Board agreed with Mr. Qua's statements.

It was moved by Gary Qua and seconded by Laureen Hadley to close the public hearing. All members voted in favor. The motion passed.

Matt Young reviewed the following conditions of approval;

1. Prior to construction, the applicant shall submit stamped plans for finished collapsible tower at 50%.
2. The applicant shall confer with Planning Board Counsel regarding the liability of the tower and any/all damage caused by the tower.
3. The applicant shall submit stamped plans to the Codes Officer prior to construction for collapsed tower.
4. A Knox Box shall be installed at the site.
5. A sound test shall be performed upon completion of the installation of the generator and for each additional carrier.
6. A radiation test shall be performed upon completion and for each additional carrier.
7. The applicant shall submit a bond for the removal of the tower.
8. The top of the tower shall be reserved for Town emergency services, if desired.

Bill Marcussen stated the previous approval for Verizon Wireless (Eaglemere Road location) included a condition of approval that the applicant shall return to the Planning Board for Site Plan Review for each new additional carrier or the addition of new antenna by the existing carrier.

Matt Young noted the following additional conditions of approval;

- The applicant shall return to the Planning Board for Site Plan Review approval for each additional carrier proposed for the tower.
- If antennae modifications to this approved tower are proposed by Verizon Wireless (Applicant) that would increase an RF frequency of greater than 10% shall return to the Planning Board for Site Plan approval.

Oscar Swarez stated that anything constructed has to comply with FCC guidelines.

Scott Anderson questioned the trigger that would require additional site plan review relative to a modification to the existing tower.

Brian Ross expressed concern for the latter condition (condition #10) because the Town doesn't own the tower and the condition addresses changes to the tower.

Matt Young recommended striking the proposed conditions noted above and recommended the following additional conditions;

9. The applicant shall return to the Planning Board for Site Plan approval for any substantial changes/modifications to the tower or to the antennae on the tower and will perform and submit a radiation test.
10. The applicant shall return to the Planning Board for Site Plan approval for each additional carrier.

The Board and Scott Anderson agreed to said conditions.

Laureen Hadley asked how often changes are made to the antennae.

Scott Anderson replied every 18 months.

It was moved by Gary Qua and seconded by Carol Bush to approve the Verizon Wireless Site Plan Review application for 69 Sodom Road, Tax Map #30-3-4, subject to the above noted conditions of approval. All members voted in favor. The motion passed.

**Verizon Wireless
Tax Map #55-2-6 (189 Middle Road)
Site Plan Review; Telecommunications Facility
Public Hearing continued from August 19, 2021**

Scott Anderson distributed and reviewed a letter to the Board, dated September 16, 2021 (see attached; addresses a letter from the Fire Chief).

Matt Young confirmed the tower is 130' however the numbers are run at 120'.

Scott Anderson stated the numbers are run at 120' because the top of the tower is reserved for the Town.

Matt Young stated it was previously determined by the Board that the area was not classified a recreational facility.

Matt Young reviewed the following conditions of approval;

1. A NHDOT Driveway Permit or Change of Use Permit is required.
2. An aesthetically pleasing gate shall be installed.
3. The hiking trail shall be relocated following the completion of construction, as noted on the plan.
4. The applicant shall confer with Planning Board Counsel regarding the liability of the tower and any/all damage caused by the tower.
5. A KnoxBox shall be installed at the site.
6. A sound test shall be performed upon completion of the installation of the generator and for each additional carrier.
7. A radiation test shall be performed upon completion and for each additional carrier.
8. The applicant shall return to the Planning Board for Site Plan approval for any substantial changes/modifications to the tower or to the antennae on the tower and will perform and submit a radiation test.
9. The applicant shall return to the Planning Board for Site Plan approval for each additional carrier.
10. The applicant shall submit a bond for the removal of the tower.
11. The top of the pole shall be reserved for Town emergency services, if desired, and shall install the Fire Department tower, if the Fire Department provides such in a timely manner during the period of construction.
12. The applicant shall submit stamped plans to the Codes Officer prior to construction.

Laureen Hadley questioned the design of the top of the tower.

Bill Marcussen stated the top of the tower would be a good candidate for a Monopine.

Laureen Hadley and Carol Bush agreed.

Carol Bush asked where the branches start on a 130' pole.

Oscar Swarez replied 75'.

Matt Young noted an additional condition of approval;

13. The applicant shall install a Monopine tower and shall work with two Planning Board members regarding the start of the placement of the trees on the tower.

Kate Nesbit questioned the start of construction.

Brian Ross stated the Eaglemere Road site would begin construction in November however, a start date for Sodom Road and Middle Road has not yet been established.

Kate Nesbit questioned the length of construction.

Brian Ross replied four months.

Chairman Young closed the public hearing.

It was moved by Laureen Hadley and seconded by Kate Nesbit to approve the Verizon Wireless Site Plan Review application for 189 Middle Road, Tax Map #55-2-6, subject to the above noted conditions of approval. All members voted in favor. The motion passed.

Joe Kowalski questioned whether the central offices would supply enough equipment and the rental of space for other carriers. He stated in the summer when the population increases in the area there is a signal however, a call can't get processed.

Brian Ross stated the capacity of the fiber optic cable going to each site is not the issue rather, an antenna only has a certain capacity that it can handle. He stated the number of antennae is the issue.

IV. Discussion Items

a. 2022 Planning Board Budget

Bill Marcussen stated the Planning Board determined that Lakes Region Planning Commission doesn't provide value to the Board however, LRPC does provide value to the Town. He stated regardless of the Board's decision to remove the fees from their budget, the annual membership fees belong in the Planning and Zoning budget. He stated the Town has a contract for mapping services.

b. Master Plan Steering Committee Update

Gary Qua stated a Master Plan Public Forum is scheduled for October 23rd at the Town House; noting the forum is an opportunity to receive final input on the Master Plan.

V. Other Business

Matt Young stated previously the Conservation Commission was in the process of purchasing land and the Board requested (to the Commission) the land be reviewed by a forester and a forest management plan be developed. He stated the property is owned by the Town however, the forester recommended different management activities on different parts of the property. He asked if such falls under the Conservation Commission or the BOS for follow through.

Bill Marcussen recommended the BOS review such.

VI. Public Comment

No public present.

It was moved by Gary Qua and seconded by Carol Bush to adjourn the September 16, 2021 Tuftonboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting adjourned at 8:11 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson

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One Portland Square
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September 16, 2021

VIA HAND DELIVERY

Town of Tuftonboro Planning Board
c/o Lee Ann Hendrickson
Town of Tuftonboro
240 Middle Road
Center Tuftonboro, NH 03816

**Re: Proposed Verizon Wireless Telecommunications Facility
69 Sodom Road, Tuftonboro, New Hampshire**

Dear Members of the Planning Board:

The following is in response to several issues raised by the Planning Board during its August meeting.

Waiver

Section 5.2(B) of the Site Plan Review Ordinance requires a 25-foot buffer strip between any nonresidential development and residential property. As noted in our prior submissions, the tower and access location are constrained by site conditions and the owner of the abutting residential property has consented to a reduction in buffering (please see below and Tab "A"). As such, Verizon Wireless respectfully suggests that a waiver of this provision, in accordance with Section 10.1 of the Ordinance, is appropriate.

Abutter Letter

As noted at the August meeting, the immediate abutter, Ms. Honeycutt, has consented to the reduction in tower setback and reduction in buffering between the proposed installation and her closest property boundary. A signed acknowledgement is attached at Tab "A."

Revised Site Plan

We have relocated the proposed retaining wall nearest to the adjacent property boundary so as to maintain at least 10 feet of separation as a buffer. As such, Verizon Wireless withdraws its request for a waiver of this requirement. The revised site plan is attached at Tab "B."

September 16, 2021

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Letter from Fire Chief

A letter from Chief Thompson is attached at Tab "C" confirming the Chief has no concerns regarding the proposed installation.

Structural

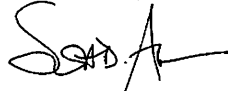
Confirmation regarding the manner of collapse is provided by the tower manufacturer, which will be obtained following Planning Board approval as part of the bidding process. As such, we respectfully request that the Board make submission of confirmation of tower collapse a condition of any Board approval, subject to review by the Code Enforcement Officer prior to issuance of any building permit.

Lease Liability

A question was raised regarding liability for any damage to Town structures or equipment. Section 11 of the lease with the Town provides for indemnification for any injury or damage due to Verizon Wireless's negligence at the site. This would include damage to Town buildings or equipment.

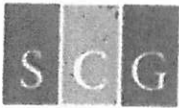
We look forward to meeting with the Planning Board on September 16th. Please do not hesitate to contact me should you have any questions regarding this application. Thank you for your time and attention to this matter.

Very truly yours,



Scott D. Anderson

SDA/mtt
Enclosures



August 18, 2021

Via Hand Delivery

Diane Honeycutt
61 Sodom Road
Tuftonboro, NH 03816

Re: Proposed Wireless Facility
Town Lot/Sodom Road

Dear Diane:

It was nice to meet you a few weeks ago to discuss Verizon Wireless' proposal to construct a new wireless telecommunications facility on the Town's land adjacent to your property. As we discussed, the Town of Tuftonboro wireless telecommunications ordinances provide that new towers should be located at a distance equal to the tower's height from the closest property line. The ordinance also provides that the Planning Board may reduce this setback by 50% under certain circumstances. Due to site conditions, including the existence of fill material and the fact that the topography drops off as you move back on the site, the chosen location for the tower, with a setback equal to 50% of the tower height, is necessary to ensure the best possible design.

The ordinance also provides that a vegetated buffer, ten feet in width, be maintained between the tower compound and your property line. The ordinance does allow this buffer to be reduced when naturally existing vegetation provides a sufficient buffer. Again, due to site conditions, the tower compound will be located closer to your property line than would permit a new 10-foot wide vegetated buffer.

As is appropriate, the Planning Board is interested in your thoughts regarding the reduction in the tower setback and the reduction in the new vegetative buffer. Based on our discussions my understanding is that you do not object to the reduction for the tower setback and you are comfortable that existing vegetation will adequately screen the fence compound. The Planning Board has asked for written confirmation from you so, if you are comfortable with the proposed location of the tower and tower fenced area, please sign below. As always, please let me know if you have any questions.

Thank you.

Sincerely,

Brian Ross

Seen and agreed to:

A handwritten signature in dark ink that reads "Diane Honeycutt". The signature is written over a horizontal line.

Diane Honeycutt
61 Sodom Road
Tuftonboro, NH 03816

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September 16, 2021

VIA HAND DELIVERY

Town of Tuftonboro Planning Board
c/o Lee Ann Hendrickson
Town of Tuftonboro
240 Middle Road
Center Tuftonboro, NH 03816

**Re: Proposed Verizon Wireless Telecommunications Facility
189 Middle Road, Tuftonboro, New Hampshire**

Dear Members of the Planning Board:

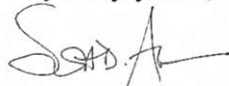
The following is in response to an issue raised by the Planning Board during its August meeting.

Letter from Fire Chief

A letter from Chief Thompson is attached at Tab "A" with comments on the proposed installation. Chief Thompson confirms that the installation will not adversely impact access to the site and, provided the Planning Board approves our application, we will coordinate with the Chief to ensure that the proposed gate does not interfere with pedestrian access to the trail system.

Please do not hesitate to contact me should you have any questions regarding this application. Thank you for your time and attention to this matter.

Very truly yours,



Scott D. Anderson

SDA/mtt
Enclosure



Tuftonboro Fire Rescue

Post Office Box 437 · Melvin Village, NH 03850

Phone: 603.569.3381 · Fax: 603.569.9685

September 15 2021

Brian Ross
49 Brattle Street
Arlington MA 02474
bross@structureconsulting.net

Re: Proposed Tower sights

Dear Mr. Ross:

The sight at 189 middle road shall not affect the paved driveway at 189 Middle Road. The dirt curb cut should be used as shown in your current sight drawings for access for underground power and telco conduit.

The plans are tough to tell if the proposed wooden gate will interfere with the current walking paths and access to the left half of the property.

The gate should be placed as not to hinder any current recreation or other items the area is currently used for.

The fire department will be in further contact with the Verizon Wireless reference a cement pad location, for emergency radio and equipment and antenna placement on the tower.

The fire department has no concerns about the access or placement of the antenna at 69 Sodom Road this would need Jim Bean who is the road agent's input as the highway department works in that area every day. Both sights should have a Knox Box lock access for emergency access of gates.

Sincerely,

Adam L Thompson, Chief