

Town of Jefferson
Board of Adjustment

Minutes

March 10, 2016

Chairman Perry opened the meeting at 7:35 p.m.

Members present: Kim Perry, Chairman; Biff Wyman, Tom Walker, Jason Call

Members absent: Cricket Ingerson

Others present: Charlene Wheeler, Board secretary; Francis Parisi, Marlan Depaz, Cheryl Marshall, Susemarie Swenson, Cathy Conway, Stuart Hotchkiss, Christian Gainer, Robert Lottero, Cheri Lottero

Hearing of Appeal – Varsity Wireless, LLC and Northeast Wireless Networks, LLC

Chairman Perry opened the public hearing for case # 177-2016. Varsity Wireless, LLC and Northeast Wireless Networks, LLC, 1 New Hampshire Avenue, Portsmouth, NH are asking for a Special Exception in compliance with Article III, Section 2, and for a Variance in compliance with Article X, Sections 4.D.7 and 4.D.9 of the Land Use Ordinance. The applicant proposes to construct a telecommunications facility consisting of a 180' tall monopole tower that will structurally accommodate up to four wireless broadband telecommunications carriers. The facility would be located on the property of Susemarie Swenson, on North Road, Jefferson, NH also known as Map 5, Lot 25. Each Board member had a copy of the application. Rather than read the quite extensive application itself Mr. Francis Parisi, representing Varsity Wireless, was asked to present the information to those attending the hearing. Mr. Parisi, using a computer connected to a projector to show visuals, presented the facts of the proposal.

He began by introducing himself and Marlan Depaz representing Varsity Wireless. Varsity Wireless builds, owns, and operates the infrastructure that supports wireless telecommunications services. Northeast Wireless Networks designs, builds, and owns wholesale shared access cellular networks in rural markets throughout the United States and acquires and leases wireless spectrum.

The proposed project site is on the western side of town where there are demand requirements for this type of service. Statistics were cited supporting the needs of the public. Approximately 60% of phone users in New Hampshire have only wireless devices and usage is expanding exponentially. Visitors to Jefferson expect wireless services. Meeting these needs are much more difficult in northern New Hampshire because of its unique topography. Also when there is an increase in demand on an existing facility it can reduce coverage. Towers can also provide needed coverage by

providing space for antenna for police and fire safety. In particular, the area at and around Santa's Village has poor service due to its location in a low bowl like area where signals from the Bray Hill tower can be spotty.

The proposed new coverage area was shown. A balloon test was conducted on February 27, 2016 and pictures were shown so people could see where the balloon could be seen from several locations. Additionally pictures were shown with the monopole superimposed to scale in the picture so a more realistic view could be assessed. The pole will be more difficult to see when there will be green vegetation behind it. The pole becomes more visible when viewed against the sky. The facility is not visible from the entrance to the site off North Road. The most visibility impact seems to be heading towards Route 2 on Route 116 past the fields of the Conway farm.

Site plans were shown. Extensive analysis was done on alternate sites within a five mile radius that might be suitable but none were found which covered the Santa's Village and Route 2 target area. The monopole is 180 feet tall with wiring inside the pole and surrounded by a fence with appropriate signs. The tower cannot be climbed without special equipment. It is designed to withstand high winds, soil tests are done so the foundation is very site specific. The Federal Communications Commission limits the power output of any tower. The coverage footprint shrinks as more people try to use the signals. New phone technology with data speeds decreases coverage.

The applicant is seeking to build a telecommunication tower, a permitted use by Special Exception. Two variances, however, will be needed. Mr. Parisi said the site is exactly the 125% of tower height minimum distance to any lot line but to be safe it was decided to ask for this variance. Mr. Parisi described the monopole design which is constructed to have a "fold point" so if an event such as high winds or icing occurs the tower will fold rather than falling its entire length. The tower will be about four feet in diameter at its base. Also the tower would be within 3 miles of an existing 90 feet tower. This tower is not tall enough for the coverage area desired and is designed for only one antenna providing internet access only. It is not designed for telecommunication users. Mr. Parisi said the federal and state governments is very supportive of improving telecommunications infrastructure. Denying the variance would interfere with fostering such development.

Chairman Perry asked Board members or other attending the meeting if they had any questions or wanted to make comments. Chairman Perry asked about marketing. Currently there is only one carrier, AT&T, on the tower behind the Waterwheel Restaurant off Route 2 and it is capable of supporting four carriers. Why aren't more carriers collocating on towers? Mr. Parisi said US Cellular is going on this tower. It is very hard to interest Verizon in locating on towers up here, they are concentrating their resources on the southern part of the state where there are more customers. In more urban areas five to seven carriers on a tower is the norm whereas in more rural areas three to four carriers is more likely. The power output is limited by the government. The more phones using the tower the coverage map shrinks especially with the latest 4G technology in devices. If towers are shorter there is less coverage area and therefore more towers are

needed to provide coverage. Towers that are shaped to look like tree limbs were discussed, the consensus being they sometimes made visual problems worse. Cheryl Marshall said she was strongly against the tower proposal. Its placement would spoil her enjoyment of the views from property that has been in her family for years. It would devalue her property. She stated concerns about health risks from the tower including elevated risks of cancer, citing several studies. She wanted to know who actually owned the tower. Mr. Parisi said Varsity Wireless owns the tower and leases the location from the property owner on which it sits. She also complained she only received the notice of the hearing seven days ago. Certified notice letters were mailed on February 17 so were well within the notice time requirements. The notices sent also included information about the balloon test conducted on February 27. Stuart Hotchkiss said he had tried to get permission to ride his OHRV up to the site but had difficulty in receiving a reply to his request. He stated the proposed tower would decrease the value of his property he is trying to sell. Health issues were also a concern for him. Christian Gainer representing the Lantern Resort said he is concerned about the coverage in the area and the transient population who keep requesting cell service. Verizon is a popular carrier and isn't on any of the towers as yet. He said from a business perspective he welcomed the tower if it can provide the service that is needed from customers who come to the resort and to Santa's Village. The number one complaint they receive from customers is the lack of cell phone connection. Phones are being used to stay in touch with family members and to call 911 if an emergency occurs. Jefferson is part of a larger world and the surrounding world is demanding these services. His business had asked several carriers about locating right on the premises but was told by carriers "that isn't how they do it". Bob Lottero said he was approached about locating the tower on his property. Contractors build on speculation that spaces will be leased on their tower. A Canadian Company cannot be licensed to be a carrier in this country. The interference with views and a devaluation of property may be a concern but health concerns should not be. The intensity of the cell phone signal being held in the hand is much greater than the signal from the tower. The federal government has deemed it safe. The Board of Adjustment can't rely on this objection made by others at the hearing. The wave energy is the same as any other radio communication. An argument can be made that having a cell phone able to call 911 and have it pinpoint the phone's location is an advantage from a safety standpoint. An argument could also be made that the lack of cell phone service is a big disadvantage to some people and could lower a property's value to a potential buyer. As for interfering with views maybe the cell tower is similar to what the telephone pole was 100 years ago. Jason Call asked if moving the tower a little further down the hill would make it less visible to Ms. Marshall. She said that it would. Mr. Parisi pointed out the other 90 feet tower is much less visible because of the smaller height. Also another reason the site for this new tower was chosen was because of substantial wetlands in the area they didn't want to impact. The smaller tower is less visible because it is seen against a vegetation backdrop. Heading east on Route 2 towards the Waterwheel Restaurant that tower is more visible because at one point is seen against the sky. Ms. Marshall asked how far the tower was to her property line, maps were checked, and she was told approximately 730 feet. After a question about the driveway entrance it was confirmed that a permit exists for that location.

Chairman Perry asked the Board secretary if she had received any communications either written or by telephone to comment about the proposed tower and was told that she had not. There being no further questions or comments Chairman Perry closed the public hearing portion and deliberations started. Board members took substantial time to individually reexamine the written data presented and to refer to the Telecommunications section of the town's Land Use Ordinance before oral discussions began.

Jason Call stated the proposed use of the site is permitted in the Land Use Ordinance by Special Exception. It is permitted if the specific site is appropriate, does not adversely affect adjacent areas and the use is in keeping with the Land Use Ordinance. The tower is off the road to keep it as invisible as possible but still achieve the desired coverage. There are some adverse affects with the tower location but this must be balanced against those needs for better access to communications. The view of the tower should be lessened with more vegetation appearing during the warmer weather. There would be greater coverage in an area whose topography is currently blocking signals. There were some who thought property values would decrease but this has to be balanced against the greater need of the public benefit. Biff Wyman said for many people having cell phone service when considering a property does make a difference for them, this may be less of a negative. The applicants have done reasonable research of different sites. This site would provide the best coverage with lesser visual impact. Biff Wyman said this would be less visible than the tower behind the Waterwheel Restaurant and that one isn't that bad. Applicants seem sensitive to the presence of wetlands. They don't want to consider some locations that might improve the view because of the presence of wetlands. The view sheds mentioned in the ordinance as being important to Jefferson are not greatly impacted except for a few abutters. There is another pole within three miles of the proposed tower but it cannot accommodate the necessary equipment for multiple carriers of cell phone signals. Even though a variance is being sought because the tower site is just at the setback limit of 125% of the height of the tower the design of the tower would prevent a collapse where this could be an issue. This is the optimal location for conditions and to deny application would create practical hardship. The applicants have made provision for posting a bond in an amount adequate to cover the cost of removing the facility as outlined in the Land Use Ordinance.

Jason Call made the motion to waive Article X, Section 4 D 7 (towers be setback 125% of their height), seconded by Biff Wyman. The vote to accept the motion was unanimous. Jason Call made the motion to waive Article X, Section 4 D 9 (tower shall not be located within three miles of another tower), seconded by Tom Walker. The vote to accept the motion was unanimous.

The Board returned to considering the request for a Special Exception. A Special Exception is permitted by the Land Use Ordinance. The proposal is in keeping with the stated purpose of the ordinance. Objections were articulated to the Board but this is much outweighed by the public good (having access to signals in is what an area of very spotty reception). There is appropriate siting and colocation planned for the tower. All regulations seem to have been considered. A security bond will be posted. Biff Wyman made the motion to grant the Special Exception with the conditions that all required

permits be obtained, appropriate signs be placed on the site, reasonable access to the site be provided for safety or emergency equipment, and a bond be posted before a building permit is issued. The motion was seconded by Tom Walker. The vote to accept the motion was unanimous.

Jason Call made a motion to adjourn the meeting, seconded by Tom Walker. The meeting was adjourned at 10:30 p.m.

Charlene Wheeler
Secretary to the Board