



## **Woodstock Planning Board Meeting Minutes**

May 8, 2023 at 6:00 PM

Woodstock Town Office Building, 165 Lost River Road

### **Call to Order:**

Bonnie called the meeting to order at 6:00 pm

### **Roll Call Attendance:**

Bonnie Ham

Margaret LaBarge,

Lee Freeman,

Kathryn Cordeiro

Igor Bily (Alternate)

Absent: Scott Rice, Dianne Tardif, Christina Payne

Secretary: Cathy Riley

Attendees: Francis Parisi- Vertex Towers LLC, Jerry Miserandino, Brian Klaus, Cheri Caulder, Kyle Caulder, Rex Caulder, Lisa Mancini, John Mancini, Brenden Ingalls, Nancy Ingalls, Steve Welch

Zoom Attendees: Lisa Viveiros, Tom Lemon

### **Call to Order:**

Bonnie called the meeting to order at 6:00 pm

Bonnie asked for a motion to make Igor who was sworn in, as a voting member of the Planning Board.

Lee made that motion, Kathryn seconded the motion, and the vote was affirmative

### **Vertex Towers LLC, Cell Tower Special Use Permit Public Hearing for Lot 208-007, property of Nancy M. Ingalls, and Brenden W. Ingalls**

Bonnie introduced the application before the board for a permit for a new personal wireless service facility. Notices were sent out to abutting towns and property abutters.

Francis Parisi introduced himself as the representative of the applicant Vertex Towers, and shared a PowerPoint presentation. Mr. Parisi reminded the board that he was there 4 years ago doing a similar facility on an adjacent lot. COVID then hit, and the industry slowed, so the permit had expired, so they are back trying to do the same thing with a new permit and on an abutting lot.

Mr. Parisi explained the towers in the neighboring towns that have installed towers recently, and explained the need for more communication towers for the demand of more since COVID. Over 50% of New Hampshire does not have land lines anymore. They rent space on the tower to communication companies like Verizon who already has committed, and Vertex is hoping to get the tower constructed this year before winter.

According to Mr. Parisi, **Zoning bylaws**<sup>1</sup> for Woodstock enables the board to grant **waivers**<sup>2</sup> for setback 2x the height of the facility from abutting property lines and 500 feet from any residents or dwellings. Francis stated that for this facility, they are more than 500 feet from any dwellings, but they are not 2x the height setback from property lines. Vertex Towers, LLC is looking to the Planning Board for a waiver on the height limitation. Also, there is a bylaw that states that when the site is obsolete, that the company restores the site back to its natural state. Mr. Parisi claims would not be possible due to the removal of trees and a small access road to the site. He stated that they would take down all of the above ground facility but replanting 100-year-old trees would be impossible.

Mr. Parisi talked some more on the importance of cell phone service in the area. He also showed a map of the area, and they will be installing 100-150 feet of driveway on the subject property.

Mr. Parisi stated that the compound itself is 60'x60', with a 6' fence. Later they will be deciding on the type of foundation after more research of the ground and wind velocity. There will be about six weeks of construction on the project, but there will be no noise, smoke. There will be no lights required by the FAA for this tower, and techs will bring their own personal lighting. During the winter they won't plow, and just use snowmobiles to access.

Mr. Parisi also stated that they submitted a lot of data on the lack of infrastructure in the area and low coverage, and the tower is designed to cover a small area. Although they would not be able to reach all of the way past Beaver Pond, it would still extend the coverage area. Essentially, the coverage would be from town hall to Beaver Pond.

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<sup>1</sup> Mr. Parisi repeatedly referred to "Woodstock's Zoning Bylaw" - we do not have Zoning. With respect to this application, the correct reference is "Woodstock's Telecommunications Ordinance."

<sup>2</sup> "waiver" is not the same thing as a Variance, which is the specific request for an exception to the provisions under law due to the imposition of unnecessary hardship in order to meet the letter of the requirement. It would appear that Variances are being requested under this application.

Francis went over the elevation plan and design of the tower. He stated that the tower will be a low power transmission for cell phones, even when all provider antennae are transmitting at the same time. Part of that is 1. The setback, 2. The height, 3. Distance from residential or recreational abutters.

The visual demonstration was held on April 25<sup>th</sup> with a balloon. Mr. Parisi stated that the visibility is very limited due to the setback and dense forest.

Mr. Parisi stated that Consultants put the balloon in the air, and the string was 175', so with the balloon, it was actually a little higher than the tower will be. Photos were presented to the attendees of different viewpoints of the visibility of the balloon.

Mr. Parisi feels that they have met all the requirements for the special use permits and the waivers. The property abuts the National Forest, but there are no trails. National Forest was notified of the tower, and he stated that National Forest has no problem with the installs because of importance of safety of hikers in the area. He stated that there was no effect on property values, if anything it would increase. He also added the Public Safety benefits, and education and work benefits.

Mr. Parisi stated that there are already similar sized towers in Woodstock, Lincoln, Bristol and other surrounding towns. He also stated that the Federal government heavily regulates these facilities, and in addition, they heavily promote these types of facilities. He noted that towns cannot say no without sufficient reason, due to public safety purposes.

Mr. Parisi ended with Vertex respectfully requests that the Planning Board grant a Special Use Permit and approve the waivers.

Bonnie asked the Board members if they had any questions to ask.

Lee wanted to bring up that Vertex Towers was Vertex Towers LLC, and was not the same company that Mr. Parisi represented in 2019, that company was Vertex Tower Assets LLC, and that this application is a brand-new application.

Mr. Parisi agreed that yes Vertex Towers LLC and Vertex Tower Assets LLC are indeed two individual companies and that this application is a brand-new application.

Bonnie clarified that each application stands on its own merit.

Mr. Parisi noted that Vertex Tower Asset LLC's permit was in effect for two years, and when they did not complete construction (due to the pandemic) they did not file for an extension and it expired.

Lee also asked about the Right of Way, and asked for a copy of the deed for Lost River. Mr. Parisi agreed to supply a copy of the right of way deed.

The owners of an abutting property presented Lee with their deed and they will meet at a later date to go over it. All real estate taxpayer abutters have been notified.

The main questions or desired requirements brought up for Vertex Towers LLC to provide the Board before the Board can proceed:

1. Clarification of setback waiver request: Lee read the first paragraph of the waiver request and asked if there were any residential buildings within 5x the height of the tower.

Mr. Parisi stated that there were not.

Lee then asked what the reason for the waiver was as the request clearly showed that Vertex Tower LLC will be set back more than twice the height of the tower and more than 200' from the property lines.

Mr. Parisi stated this was a typo and that Vertex Tower LLC would not be twice the tower height nor would they be 200' from the property line.

Lee asked that Mr. Parisi correct this waiver request.

Lee Then asked that if this waiver request were permitted, 1) would the town have a prohibition on building within the setback area defined in the ordinance and 2) if there was no prohibition on building within the defined area of the ordinance, would the town be liable in the event an unforeseen catastrophic event took place and someone or someone's property was negatively affected by that event?

The board agreed these questions should be reviewed by our attorney.

2. Clean-up Waiver: Are there exact removal plans for the property once the tower becomes obsolete?

3. Board would like a copy of the Utility Easement map.

4. FAA Requirements: Submit proof that the FAA has been contacted regarding height and location of the proposed tower and has no objection. We have received a Tow Air determination result, but we need to have the FAA notification letter that they have been notified. Need to realize that the Bradley Field Airport in Woodstock, is a registered airport within 8 kilometers (5miles), also because there is frequent military low flying aircraft.<sup>3</sup>

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<sup>3</sup> Mr. Parisi noted that the FAA prefers to be notified only after the site has been approved so they are not dealing with provisional notifications that are later revoked.

5. Board would like a rejection letter from the Forest Service saying that they do not want the tower on their property. If they don't get a response then Vertex will request a waiver.

6. Map showing coverage in the current location but within Woodstock ordinance?

Maps showing coverage for tower in compliance with Woodstock ordinance but from other locations (WMNF and Lost River at the top of the hill)

Other comments and concerns were presented by abutters of the property: Lost River Campground and Tom Lemon.

Mr. Parisi stated that Vertex Towers will try to construct the tower in October to early December, after the campground is closed, but before the snowfall. If not completed before the snow, then it would be early Spring.

Board members voted unanimously to continue the hearing to the next meeting to allow time to consult with legal counsel, for Mr. Parisi to gather information needed to address questions presented to him, and to allow for all abutters to be present for discussion.

The next meeting is scheduled for Monday June 12<sup>th</sup>. Mr. Parisi stated that it will be a challenge in order to start construction before winter if approval is delayed.

Questions on power to the tower were brought up by Mr. Lemon, and Francis replied that it would be brought up along the right of way, and there is power on the land. Mr. Ingalls and Mr. Lemon jointly paid into a power box at the end of Mr. Lemon's driveway. Mr. Lemon wanted to know if Vertex would be using this power point, would the company be responsible for a third of that cost. If they can't tap into the power company directly, then they would have to negotiate if they need to connect to a different source. Once they get approval, they have to walk the property with the power company to come up with a power plan.

When asked by John Mancini where the utility lines would be put in, Mr. Parisi replied that it would be within the utility easement to the property.

No other questions were raised, there will be a continuation of the meeting on June 12<sup>th</sup> at 6:00 pm, and a notice will be put on the website and door of the Town Building.

#### **Appointment of Alternates:**

To date, there have been no response to request for alternates on the Town's website.

Jerry Miserandino has expressed interest in becoming an alternate.

Lee made a motion to accept Jerry's interest in becoming an Alternate for the Board. Kathryn seconded the motion, and the vote was affirmative.

The form for Igor's appointment was signed to be given to the Town Clerk.

A motion was made by Lee to defer the election of officers to the next meeting on June 12<sup>th</sup>. Margaret seconded the motion, and the vote was affirmative.

**Approval of Minutes:**

March 13<sup>th</sup> approval of the meeting minutes was deferred to June 12<sup>th</sup> when Scott will be back. April 10<sup>th</sup> approval of minutes was motioned by Kathryn, seconded by Margaret and the vote was affirmative.

**Selectmen's Report:** No report as Scott was not present.

**Correspondence Received:**

There was a DOT notice for Bridge 195/093 bridge scour countermeasures and traffic control. An updated insurance bond was received by Caulder Construction for lots 112-002 and 112-008 for two properties, but research will be done to make sure it is for the correct amount.

Receipt of an Alteration of Terrain permit for the Devine property. No application at this time, so it is just notification at this time.

**Meeting Updates:**

Bonnie stated that the next step for the Master Plan Sub-Committee was for Scott to host a downtown business and Chamber of Commerce meeting to gather ideas.

The committee had a grant that could be applied for to hire a consultant to look over ordinances and make suggestions. The committee felt that it was not necessary, as we can do on our own. The Planning Board will be the vote to determine whether the grant would be applied for. Lee made a motion not to apply for the grant, the motion was seconded by Kathryn and the vote was affirmative.

DOT Green Bridge meeting was well attended, and the bridge will have a detour for about a year.

Horizon Water and Sewer Public Hearing had occurred on May 2<sup>nd</sup>, and Bonnie filled the Planning Board in on the details.

Bonnie reminded the Board members to periodically check the town website for upcoming events.

**Public Participation:**

No public participation.

**Adjournment:** A motion to adjourn was made by Lee, seconded by Igor, and the meeting was adjourned at 8:00 pm.