

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
September 1, 2009**

**DATE: September 1, 2009 TYPE: Public Hearing DATE APPROVED:10/6/09**  
**TIME: 7:00PM-9:05PMCHAIR: Kim McCummings**  
**CALL TO ORDER: 7:00PM**  
**ROLL CALL MEMBERS: Kim McCummings, Roberta Oeser, Rick Godin, Kirk Stenersen, Tim Halliday,**  
**ROLL CALL ALTERNATES: Robyn Payson, Art Fiorelli, Phil Simeone**  
**EX OFFICIO: Burt Goodrich**  
**PLANNING DIRECTOR: Jane Pitt**  
**PLANNING ASSISTANT: Robyn Payson**  
**APPOINTMENT OF ALTERNATES Phil Simeone for Hank Whitney**

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**Old Business**

**Minutes**

**June 16, 2009** Kirk Stenersen made a motion to approve the minutes, Burt Goodrich seconded the motion. The motion carried unanimously.

**July 7, 2009** Tim Halliday made a motion to approve Kirk Stenersen seconded the motion the motion carried unanimously.

**July 21, 2009** Burt Goodrich made a motion to approve the minutes with corrections. Rick Godin seconded the motion. The motion carried unanimously.

**August 4, 2009** Roberta Oeser made a motion to approve the minutes with corrections. Rick Godin seconded the motion. The motion carried unanimously.

**Final Plat**

**Major Subdivision**

**Map 6 Lot 18 462 US RT 202 (Fogg's Corner)**

**Evelyn Fogg**

This is the Final Plat for the Subdivision approved on April 7<sup>th</sup> of 2009.

Kirk made a motion to accept the application Tim Halliday seconded the motion the motion carried unanimously.

Kirk made a motion to approve the final plat Burt Goodrich seconded the motion the motion carried unanimously.

**New Business**

**Kim Mc Cummings recused herself Art Fiorelli seated in her place.**

**Request for waiver of Site Plan Review**

**Map 1 Lot 10-5 Winn Farm Estates**

**In home child care**

**Sharon Lawrence**

Ms. Lawrence has been granted a Special Exception by the ZBA to run a home day care business. She is before the Board to request Site Plan review be waived.

Burt Goodrich made a motion to waive site plan review Roberta seconded the motion. The motion carried unanimously.

**Art Fiorelli step's down Kim McCummings resumes her seat**

**Request for waiver of Site Plan Review**

**Map 5 Lot 16-2 43 Abel Rd**

**Small Home Business**

**Ahmad and Jennifer Boura**

Mr. and Mrs. Boura have been granted a Special Exception by the ZBA to run a home business making custom clocks and small gift items. There will be no traffic and no customers coming to the house. Sales will be mail order.

Roberta made a motion to waive site plan review Rick Godin seconded the motion the motion carried unanimously.

**Roberta recused herself, Art Fiorelli designated in her place.**

**Major Site Plan-New Application**

**US Cellular**

**Map 6 Lot 69-1 Jones Farm**

**KJK Wireless**

Kim asked if any members of the Board or the applicant have had any discussions regarding this matter prior to the hearing. Ken Kozyra said he had not spoken to any Board members and no Board members indicated that they had any conversations with Mr. Kozyra or any of the other representatives who are part of this application.

Jane distributed copies of materials submitted with the application and copies of e-mails received by the Planning Office in support of the project. She then introduced the application (from her plan review).

This is an application for Major Site Plan Review and a Conditional Use Permit for the replacement of the existing telecommunications tower at Jones Farm. The existing tower is 80 feet high and is located on a lease area of 10,000 square feet in the approximate center of the 61 acre Jones Farm site. The lease area is fenced and, in addition to the tower, contains a 200 square foot equipment building. Access to the tower is via a 12 foot wide gravel driveway from Main Street known as Jones Drive.

The Applicant proposes to: (1) erect a 190 foot replacement tower; (2) expand the fenced lease area by 1,250 square feet; (3) relocate its existing panel antennas, microwave dish and the landowners' TV antenna to the new tower; (4) locate Verizon's panel antennas to the new tower; and (5) install a 360 square foot equipment shelter at the base of the tower to house Verizon's equipment.

The Applicant is proposing to conduct a Balloon Test on Saturday, September 12, 2009 from 7 a.m. to 11 a.m. with a weather date of Sunday, September 13, 2009.

Jane recommended the application be accepted and that the Board schedule a site walk and that this project be referred out for third party review.

Jane briefly reviewed the Federal Telecommunications Act of 1996 (“TCA”) which expressly preserves local zoning authority over the placement, construction and modification of wireless service facilities subject to the following specific limitations:

- Locals boards may not discriminate among providers of wireless telephone services
- Local boards may not act in a manner that effectively prohibits the provision of wireless telephone services
- Local board may not make zoning decisions based on concerns over the environmental or health effects of the radio emissions associated with wireless telephone services
- The Local board’s decision to deny permission to build a wireless service facility must be in writing and supported by substantial evidence contained in a written record.

Kenneth Kozyra of KJK Wireless representing US Cellular accompanied by Keith Valente who prepared reports, and Steve Grille who is the attorney of US Cellular. Also present is Tom Hildreth who is counsel for Verizon and Chip Fredette who is representing Verizon.

This proposal is not intended to provide complete wireless or service within the town of Rindge. That is impossible with only one facility. The only way to have the entire town covered is to have someone build additional cell towers.

This tower has been located on the Jones Farm property for 10 years.

Mr. Kozyra reviewed the plan with the Planning Board.

Proposal is to remove 80 foot tower after construction of 190 foot tower and for Verizon to place its 20x30 equipment shelter behind the new tower. There are additional co location opportunities on the tower.

The relocated US Cellular antennas are at 185 feet 175 feet is reserved for additional US Cellular antennas. When analog TV went off the air the federal government auctioned off the airwaves. US Cellular bought some of the airwaves at 700 megahertz to be used for 3G and 4G high speed data network. US Cellular uses 3G in the future it will be upgraded to 4G which is what US Cellular and Verizon use. The existing facility handles the US Cellular voice traffic and slower old data network. The new facility will be upgraded in 2010 with the 3G data network which promises download speeds of up to 3.1 mega bits per second. This has already been deployed in Marlborough, Keene, Nashua, Manchester, Concord and this section of NH is scheduled for 2010.

The proposed Verizon antennas are shown at 165 feet and three potential locations for additional co-locators. Further down the land owner has a television antenna that will be relocated as will be a microwave US Cellular uses to transmit its telephone signals back to its land based network.

Rick Godin asked if any additional infrastructure would be needed for the 4G upgrade.

Mr. Kozyra said there is currently existing infrastructure in the building. Any additional infrastructure required for the 4G network would be able to be installed within the building. And that will soon be the same for Verizon.

The rest of the plans provide construction details.

Kirk Stenersen made a motion to accept the application as complete Burt Goodrich seconded the motion the motion carried with Tim Halliday abstaining.

Kim opened the public hearing

Burt Goodrich asked about the expanded coverage that the additional height will provide.

Mr. Kozyra presented a map of Rindge which is approximately 47 square miles showing existing coverage on the US Cellular network as it is. Mr. Kozyra described the difference between “in building” coverage and “in vehicle” coverage. “In vehicle coverage” means that the signal will not have the strength to work inside a building but will work inside a car or when standing outside. Currently, US Cellular covers 47% of Rindge with “in building” coverage and another 13% with “in vehicle” coverage. The coverage from the existing facilities has things that adversely affect it like hills valleys and leaves on trees because the signal gets absorbed by the leaves and pine needles. An area that may be geographically close to an existing tower may have little or no coverage simply because of the obstacles of the terrain or the obstacles of buildings, trees or other man made structures, and areas a greater distance with fewer obstacles will have better coverage. This is a line of sight technology.

The new tower will deliver a 13% increase “in building” and 12% “in vehicle”. The “in building” coverage of the town will increase to 60%, coverage and the “in vehicle” percentage will increase to 72%. Almost  $\frac{3}{4}$  of the town will be covered by some level of US Cellular service. There are still underserved areas in town.

Phil Simeone asked if Verizon was going to fill in the coverage gaps in town.

Mr. Kozyra said that Verizon will be on the same tower at 165feet. Their coverage will be substantially similar. The areas showing no coverage or sub standard coverage will not be improved by Verizon, those areas are difficult because of their topography and clutter by trees, buildings, etc. No one facility can cover the entire town.

Art asked what the cell phone coverage was with all carriers that can transmit to Rindge.

Mr. Kozyra said he could tell everything about the US Cellular network, and confirm one of the reasons for gaps toward the south end of town is because they have no licenses and can't transmit their frequencies in to someone's license area just like they couldn't into Rindge. He said he could not comment on what Verizon does or doesn't have nor can he comment on US Cellular's other competitors because he isn't privy to that information.

Jane asked if it was fair to ask for a map showing Verizon's coverage coming from Massachusetts.

Mr. Kozyra said it was.

Mr. Kozyra described the Thrasher Hill US Cellular coverage map. US Cellular has existing infrastructure on the Jones Farm tower, its been in place for 10 years. They are not proposing building another facility in Rindge at this time but they were asked to show the coverage if they

were to locate on Thrasher Hill. Although coverage is expanded slightly, it is not cost effective for US Cellular because it duplicates much of the existing coverage.

The other existing tower at the Jaffrey line was shown which is also not cost effective due to the duplication of service.

Mr. Kozyra said both facilities are 125ft tall and AT&T is negotiating to locate on those towers.

Mr. Kozyra said the Jones Farm site will never go away. The Thrasher Hill site is unacceptable and US Cellular will not locate it. He drew a diagram of the array inside the flagpole describing why the technology will not meet US Cellular's needs.

Jane asked if there were any carriers that use monopoles or flag poles.

Mr. Kozyra said there are some carriers. He said he has done it but each time it has been done, they dread it wish they could take them down because they do not do what they expect them to do.

To use a flagpole you have to put the antennas inside the pole and run the cable inside as well which create space issues within the pole. There are no cable issues with a lattice tower and they can always be upgraded.

Rick Godin asked how much coverage would be gained by having the tower increased to 150 feet.

Mr. Kozyra said US Cellular would locate at 145ft, 135ft reserved for future use, Verizon gets located at 125ft, and he did not know who would locate lower than that. The 190ft tower is designed to be a 6-carrier pole. Taking off 40ft takes 4 possible co locators away.

Art asked why the Thrasher Hill coverage map appeared to show significantly better coverage in east and south Rindge than the 185 foot Jones Farm tower.

Ken Kozyra said there are three major elements to the 185 foot proposal.

- Incremental increase in coverage
- Ability to have 3G and 4G Network
- Ability to provide co location

He wanted to make it clear under no circumstances as a part of this proposal will US Cellular consider an additional facility in the town of Rindge.

In 2005 when US Cellular was invited to the town by the Town Administrator, they came to the Planning Board and they wanted US Cellular to locate on the two empty towers in town. US Cellular is in the business of proposing facilities or replacement of facilities that is cost effective to its shareholders and provides additional value to its customers now or in the future. What the map (of Thrasher Hill) shows is a small amount of additional coverage with a large amount of redundancy. Under no circumstances will they remove an existing facility and move it to this location. It does not provide the additional area for LTE in the future it does not provide co location for US Cellular's competitors and it is limited for what can be done with antenna

deployment and cost wise the value is not there because the infrastructure is where the cost is not in the steel of the tower.

Tom Hildrith Attorney for Verizon Wireless-Verizon has 4 antennas on each side for a total of 12 antennas. These would not work in a flagpole. Mr. Hildrith also said that Verizon has been aware of the existing towers in Rindge and has not been interested in locating on them. This addition on to the US Cellular tower is the first venue attractive to their business.

Art Fiorelli asked if that was for technical reasons or financial incentive.

Mr. Hildrith said it was probably both.

Art asked about the sudden loss of Verizon service over the summer.

Atty. Hildrith said that sounded like it was coincident with Verizon Wireless absorbing the Unicel network. Mr. Kozyra said in a rural area like this before Verizon built out any sites all their customers would roam on US Cellular, who was programmed to recognize US Cellular and Verizon. Once they acquired RCC and started reconfiguring their network the roaming arrangement changed so that when a Verizon customer would be in a US Cellular Network that's supposed to be in the Unicel (or the network that has been taken over by Verizon) it would no longer have priority roaming so it would be kicked off.

#### **Information for the next hearing**

- The applicants were asked for coverage maps to be the same scale and over laid if at all possible to show coverage.
- Tim Halliday wanted to know the ground elevation of the existing tower.
- Jane asked coverage based on the coverage going down as part of the alternatives concept.
- Kirk asked for all Verizon coverage coming in to Rindge from all directions including Massachusetts.
- Art asked for Verizon coverage from the Thrasher Hill Flag Pole.

Police Chief Mike Sielicki-Thrasher Hill was looked at for locating an antenna for their radio's for Public Safety Purposes. A repeater was located at the police station because the flagpole could not be used. He wanted the Board to know Public Safety needs 3G and 4G. If we don't have it we won't be able to get wanted subjects on the radios or motor vehicle data to our lap tops. He understood the concern about the 190 foot tower but if you want the technology you have to go up. If you limit height, you restrict limit public safety.

George Carmichael- He doesn't know why other sites are being talked about because they keep saying it is cost prohibitive to build anywhere else. If you cut down tower height you cut service. He also questioned the Verizon coverage maps because he gets coverage in places they show none.

Jim Critser is an abutter who lives within 1000 feet of the tower. He has been a Verizon subscriber for many years. Prior to Troy got 5 bars, his data service was not much faster than dial up but he understood that. Now he has one bar. They have lost a \$150.00 a month customer. Hopeful they will deliver service.

Abutter Roberta Oeser said she used to have excellent cell phone service all over town. She thinks the timing's bizarre. All of a sudden there is no coverage and she can see the tower. Now everyone is screaming that we need this 190 foot tower when we had fairly decent service up until a few months ago. Its too bad we need a tower that big. You will be able to see it from the Common.

Mr. Kozyra said it was never visible from the Common. Us Cellular had certain relationships with Verizon and RCC, once Verizon purchased RCC that relationship changed. Once that merger occurred, certain access to the US Cellular network was no longer the same because of contractual arrangements.

Dave Duvernay suggests wont see this tower once you are used to it

Town Administrator Carlotta Pini said, for years the telecommunications committee has been trying for years to improve internet access and support home business.

Bob Van Dyke one thing everyone wants is reliable cell service. He said he didn't understand what was being said about his pole because he was told his towers are expandable.

Jane recommended a Site walk on Jones farm. She suggests if Sept 12 is a windy day consider another test.

Jane said it was very important that this application be reviewed by a third party consultant. It is important that the board have professionals review information from the applicant.

Burt Goodrich made a motion to authorize Jane to have materials reviewed by a third party. Art seconded the motion the motion carried unanimously.

Ken Kozyra offered to bring a crane in, instead of using balloons.

Site walk was scheduled to 9:00am 9/12.

Burt Goodrich made a motion to continue to the site walk on Saturday Sept 12 and then continue to the hearing on October 6. Kirk Stenersen seconded motion. The motion carried unanimously.

### **Subcommittee Updates**

Jane distributed PURD update for the Board .

Adjourn 9:15pm

### **NEXT MEETING**

**Sept 15, 2009**

Respectfully submitted,

Robyn Payson