TOWN OF MARLOW

PLANNING BOARD
ZONING BOARD OF APPEALS

UNAPPROVED MINUTES

THURSDAY, OCOBER 29, 2020 7PM BY ZOOM

PUBLIC HEARING ON TELECOM TOWER
DELIBERATIVE SESSION FOR PLANNING BOARD
DELIBERATIVE SESSION FOR ZONING BOARD OF APPEALS.

CALL TO ORDER: Chairman, Lyle Handy called the Planning Meeting to Order at 7pm.
ROLL CALL: PLANNING BOARD: Lyle Handy, Chair, Bob Allen, Deb Monte, Judi Ryner, Secretary.
ROLL CALL: ZBA : Bob Boivin, Chair, Tom Fushetto, Bucky White.
ATTENDEES: Jacqui Fay, Technical Zoom Troubleshooter, Frank Parisi, Applicant, Tom Johnson, Civil Eng.Vertex, Anna Hubbard, Beth Willey, Dan Reed, Holly Dudak, Jim Allard, Liz Davis, Sarah Jarrell, Jim Buttolbuk, Bucky White, Barbara White, Joanne Kelley, Linda Russell.

CALL TO ORDER FOR PUBLIC HEARING: 7:06
Quorum noted for Planning Board.
Quorum noted for ZBA.

The Hearing notice was read:
"Vertex Tower Assets, LLC, a Massachusetts liability company (the "Applicant") proposes to construct a Telecommunications Tower consisting of a 175' tall lattice style tower on top of a 1' tall foundation (185' to top of lightening rod) on Miller Road, Miller Road, Marlow, NH 03456. Tax Assessors: 409-045 (the "Property").
The Applicant seeks SITE PLAN APPROVAL from the Town of Marlow Planning Board.
The Applicant seeks from the ZBA:
1. A SPECIAL EXCEPTION for the proposed facility,
2. A VARIANCE from the Marlow Class VI Road Policy Section 5 to permit issuance of a building permit for the facility on the Property.
3. To the extent deemed necessary by the Board of Adjustment, grant a VARIANCE from the height limitations of Section 410 of the Town of Marlow Zoning Ordinance (if applicable) to permit the construction of the Facility as proposed.

The hearing will be held on Thursday, October 29, 2020, 7pm by Zoom. The Planning Board link will be posted on the Marlow Town Government Website.
The Hearing is open to the public and when recognized by the Planning Board Host, any member of the public may question, address, or comment on the proposal.

Attorney Parisi was introduced and he introduced Tom Johnson, a Civil Engineer.
Mr. Parisi began a power point presentation.
In early June the Balloon was flown at the height of the proposed tower, 180' in order to check for future structure visibility around the town. A number of photos were taken from a variety of locations. The photos demonstrated that the top of the tower would not be visible from most locations, including the center of town and most of the ride north/south on RTE 10. There were a few spots on RTE 10, Aaron's parking lot where the top of the tower would be visible off to

the south above the trees and one spot off the road further south looking off to the west. Visually, the tower, would not impact the scenic area.

Mr. Parisi discussed the need for a Variance from the normal zoning height restriction on buildings of 35'.
He feels as this is not a building, this is a tower and it is appropriate to seek this Variance.

Vertex's goal is to bring wireless infrastructure to Marlow and to other rural towns. Vertex offers an opportunity to towns that may have been overlooked by other telecom providers.

More than 70% of 911 calls come from cell phones. Here in Marlow we have a significant gap in sufficient cell phone coverage. Lack of communications can be a public safety hazard for an area/town.

Vertex has in the last several years built or is building facilities in Antrim, Sutton, New ipswich, Bristol, and Conway.

Why on Miller Road? In the Town there are no other tall structures to attach communication systems to. Miller Road offers the opportunity to fill that gap that exists between RTE 10 and Gilsum. The proposed structure would be built on property where it would be set back from other structures.

Facility: 60'x 60' area, mostly cleared already, small parking area, facility, cabinets for supplemental equipment. The facility will be unmanned with no water or sewer. The tower design will be lattice style, 175' high, 1' foundation with a lightening rod affixed to the top. Tower and site will be designed specifically for the location. The tower is designed for minimum height to satisfy specific needs of area without having to build more tower

After approval, more site tests will be done.

Very safe technology will be employed. Even at full height, less than 1% of exposure of permissible emissions.

Tower is not designed to cover every area in need of improved service in the Town of Marlow.

There is a plan to propose a tower in Stoddard in the future.

Because the tower is proposed for construction in the Rural Lands District, a Special Exception required by the ZBA. The tower is set back from any development, it is passive in nature and there is no commercial activity.
The tower will also require a variance from the ZBA for the height as it exceeds the normal building height of 35'. The height, Mr. Parisi stated, is in harmony with the general purpose of the ordinance as it is the best site as being above the tree line is needed.
In seeking site plan approval, it should be kept in mind that there is no impact on travel or neighbors.
Mr. Parisi also noted that there is a comprehensive Federal law to promote and facilitate the coverage of adequate telecommunications in rural areas. This authority does not impede local authority to say yes or no, but there needs to be strong evidence to say no. The example he gave was that the visual impact of a tower would not be a convincing argument against the tower's construction.

Bob Boivin: RF contamination figures, are those with maximum antennas on tower?
Parisi: Yes, even at lowest height, they do not exceed 1% of emissions allowed by Feds.
Boivin: Are readings ever taken?

Parisi: Readings can be required as a condition. Every year would be appropriate.
Boivin: Question about power for tower.
Parisi: Generator would be fired by propane. There will be batteries for outages, supplied by the telecommunications company. The generators will not run continuously.
Deb Monte:What is time frame after the permitting process.
Parisi: Federal due diligence through National Environmental Police Act. Need study to show that there is no impact on migrating birds, endangered species, plant and animal, etc, Study would be completed after snow melts. Construction would possibly begin in the second quarter of next year. As far as average time frame, every situation is different. Completion possibly by middle to end of next year.
Ryner: Who will be the contact throughout construction and after?
Parisi: Vertex will build and own and be responsible for the facility. They will be the primary point of contact.
Boivin: Will you put up a bond?
Parisi: We would be agreeable to post a removal bond which would include inflation factor. Can be a condition of permitting.
Monte: What will be the tax impact?
Parisi: Towns tax the tower as a separate part of real estate tax. formulas is based on height of tower. State Assessors would have that formula.
Monte: Can other companies put on as many attachments as they want?
Parisi: If companies have to add antennas, they will have to come back for another building permit. There may need to be a cap. Presently the cap is five sets of antennas, The limitation is the structural capacity of the tower. A lattice tower is designed to not have multiple towers.
Monte: Where would the installation process impact?
Parisi: Baine Road at intersection of Miller Road and Baine Road for 4200' to tower.
Monte: Would keys to facility be given to fire and police?
Parisi: That would be provided.
Fuschetto: How long for construction itself?
Parisi:Only a day or two for concrete work and one to two days for tower pieces. Not a long term construction time.

At this point Tom Johnson responded to question of upgrading the access to the tower.. There would be a 100' gravel driveway which will stay to provide permanent access to the tower area. It would be 12' wide for construction and maintenance.
Parisi added that once approved Vertex will enter into an agreement with the Town to work with the Road Agent to make the Miller road section appropriate for construction vehicles. Vertex provides the access to the towers but does not typically provide a performance bond for the road. Rarely been asked for one.
When asked about 5G and if there were any plans that it would be included on the tower. Parisi felt that it would be a long time before it came to Marlow due to the small population. Asked by Board Member if there would be space reserved for public service at no consideration, Parisi replied that certainly space would be reserved. Federal Government through First Net will let some capacity be used for public safety, as long as it can be used in a National emergency. This is a boon to a town in a rural are.
Parisi corrected the use of the term "Fall Zone". The lattice designed towers are designed to be compliant with stresses and collapse in on itself rather than fall over.

Bob Allen asked about pole installation along the Miller road from Baine Road to the Tower area. The Town wants to make sure that the poles are placed inside of the ROW of the Miller Road layout.
Tom Johnson said that he would come up with an easement plan to install the poles. In some areas the layout is defined by stone walls and the installation may be limited by the walls. Once utilities installed the meter will be placed at the corner of Miller and Baine. Each service in the

compound will have its own meter. Town will not have to maintain Miller Road. This will be part of the utility agreement. Pole maintenance would be a private primary service.
Parisi suggested that we waive requirement not to upgrade Miller Road to Class V road standards as long as we would not be required to do year round maintenance. An agreement recently done with the Tow of Sutton was like this. The Town of Marlow would approve the use of Miller Road by Vertex LLC subject to the condition to utilized the Class VI Road without responsibility or liability on the part of the Town.
It was noted that the recreational use of that section of Miller Road should not be effected.
Bob Allen suggested that the use of Miller Road would be subject to the road Agent walking the section from Baine Rd. to the tower site to ensure that the condition of the road is in as good or better shape after construction as before.
Parisi affirmed that there is no desire on the part of Vertex to make the Class VI Road a Class V.

Public Comment Section of the Hearing was opened.

Sarah Jarrell, Marlow; Expressed concerns about the the length of time for construction and negating the Class VI conditions. She also questioned how the plan met the hardship qualification to get a variance. Parisi stated that the hardship was in the need to improve telecommunications, hardship not in the land. Sarah voiced concern about the Selectmen acting as building Inspector and how well equipped are they to to oversee projects like this. Bob Allen stated that he is the Acting building Inspector. The board has already gone through the process of installing and overseeing the tower on Marlow hill Road. Sarah asked if this new tower would replace the old one and who would be on the new tower. Parisi responded that the process takes almost two years to complete. Vertex is not building for speculation. The town can impose conditions that Vertex has customers. Presently AT&T is very interested in providing service to rural America because of First Net.
Sarah asked who the tenants are in Antrim. Paris answered that AT&T is the only customer at present. Sarah continued; Is there a blind spot on the proposed tower as the one in Gilsum? Are citizens in a position to come before the Board for additional carriers in the future? Will additional antennas require building permits?
Bob Allen added that as the tower adds more antennae, this increases the value of the structure. Building permits will be required for each additional addition.
Sarah: Can a variance be granted to a tenant vs. a landlord? Variance goes to the structure. Does it have to be proven that there is an agreement between the owners and leases? Parisi: Vertex has entered into a lease agreement with the landlord.
Beth Willey Marlow: Does the tower require lighting? No lighting required as the height is under 200'(FAA).
Holly Dudak, Marlow: Does landowner live in town/ What if property is sold? Parisi: Lease stays with property. This is a long term lease.
Jim Strickland, Marlow: Will the village get coverage. There is no service in the village. Parisi: The village should get great coverage.
Question muffled. Answer had to do with roaming charges and explanation of them and their additional expense.
Liz Davis, Marlow: Expressed concerns: Environmental impacts, electro magnetic radiation, asked if there were any environmental studies, concern about increased traffic on Baine Road. Parisi: Environmental Study will be done. There will be an increase of traffic but not a lot of traffic is generated by the tower and its use once it is up and running. There is about six weeks of construction activity, but that is not constant. The tower is passive and unmanned with maybe a once a month visit to check systems.
Liz stated concerns that she could see the balloon from her deck and wanted to know what visual impact would be when the leaves were off the trees. She also wanted to know about the health impacts of of the emitted electro magnetic waves and their health effects. Parisi replied that radio communications are over on hundred years old and safety components far exceed

any risk. When Town approves location, there is an intense environmental impact statement done.
Anna Hubbard, Marlow: Can you clarify what you have done re: NEPA. Parisi: Can agree to a condition that NEPA report be given to Town re: environmental impact and would be available before construction. Lucas Environmental has reviewed this property.
Maps do not show "people". How many houses will be served? Parisi: I can get that info. The benefit of this project is to areas even if not highly populated. Rural areas are lacking in coverage and this tower will help to provide that coverage. Parisi: We are an independent structure developer. We have no inside relationships with AT&T..
Liz Davis, Marlow: Questioned the setting of a precedence on issue a building permit on a ClassVI Rd and also questioned how a hardship is determined. Parisi: According to the Federal Communications Act the need for coverage needs to be shown. There exists in Marlow no other viable alternative (church steeple, silo, tall building, etc.) that would provide the height and clearance for the structure.
Liz: Did the Town seek out Vertex? No. Liz felt that Vertex should not be issued a building permit because of the provision that no building permits be issued for construction on a class VI road, She asked if there would be a decision made tonight. Answer: The Public Input Session will close and the Planning board will determine Site Plan Review for the project and make recommendations to the ZBA who will then, determine the applicability of a variance for height, a variance for a building permit on a Class VI Road and a Special Exception.

Computer went blank for several minutes.
Tom asked about the structure to house the batteries. Tom Johnson replied that they are stored in cabinets.

Sarah Jarrell, Marlow: urged Boards to consider contingency that Vertex would secure tenants, more than only AT&T as they are already here in town and not providing acceptable service. She wants more than one carrier.
Anna Hubbard: Marlow Hill Tower: fifteen years ago, zero opposition at public hearings, approval by ZBA expired.
Parisi: Marlow hill Tower is not a competitor. There is a guarantee in the coverage alone. as an advantage. There is a gap in the coverage. The gap in coverage is the hardship.The Marlow Hill Tower covers the North side of town. The propose tower will fill the gap on the south side. Filling the gap meets the hardship.
Jim B. (did not get spelling) Marlow notes that he gets good service where he lives out by Stone Pond. He is also sensitive to health concerns.
No more public comments.

Letter the from LaBrecque Family, 70 Church St., Marlow was noted. And is attached to Minutes. Letter concerned with potential health risks around Radio Frequency and safety concerns. Each of the Planning Board and ZBA members were sent or hand delivered copies of the letter.
Public input Portion of Public Hearing Closed at 10;31.

Opened up Planning Board deliberation of Site Plan Review.

The Board recognized that a variance is required from the ZBA because building permits are not issued for construction on Class VI Roads.
The Board recognized that the height of the proposed tower exceeds the limit allowed in the town ordinance and will require a variance from the ZBA.
The Board recognized that a Telecom Tower is allowed by Special Exception.

The Board approved the Site Plan with the following conditions:
(insert)

Bob Allen made a motion to accept conditions to be included in the ZBA deliberations. Lyle seconded. Tom, Bob, Lye and Judi voted in favor. None opposed.Plan.

Planning Board deliberation was adjourned. 11:50
ZBA opened their deliberations session.
Bob Boivin, Chair, Tom Fushetto, Bucky White. Quorum present.

The Chair advised that because of the lateness of the hour the meeting being continued until Wednesday, November 4th at 7pm on Zoom. Mr. Parisi gave assistance in how to handle the continuance and that posting on the town site would be adequate.

The ZBA voted to continue their meeting on Wednesday, Nov.4th at 7pm. Vote was unanimous. Meeting adjourned at 12.10 am.

TOWN OF MARLOW, NH
PLANNING BOARD /ZBA
VERTEX TELECOM TOWER
PUBLIC HEARING CONTINUATION
ZBA DELIBERATION
UNAPPROVED MMINUTES
WEDNESDAY, NOVEMBER 4, 7PM VIA ZOOM

CONTINUED FROM THURSDAY, OCTOBER 29, 12:14 AM

PLANNING BOARD CHAIR CALLED THE MEETING TO ORDER AT 7:09
ATTENDANCE: LYLE HANDY CHAIR, DEB MONTE, BOB ALLEN, JUDI RYNER, SECRETARY. NOTE QUORUM PRESENT.
OTHERS IN ATTENDANCE: FRANK PARISI, VERTEX TOWER APPLICANT, TOM FUCHETTO, BOB BOIVIN, ANNA HUBBARD, BARBARA WHITE, CARL MACCONNELL, BARBARA CORRIVEAU. ONE PERSON UNIDENTIFIED.

MEETING TURNED OVER TO ZBA CHAIR. 7:14
ATTENDANCE: BOB BOIVIN, CHAIR, TOM FUCHETTO, BUCKY WHITE, TARDY, (ARRIVED 7:20. QUORUM PRESENT.

BOB BOIVIN NOTED THAT THE PUBLIC INPUT PORTION OF THE VERTEX TOWER HEARING HAD BEEN CLOSED AT THE 10/29/202O SESSION OF THE HEARING. THIS SEGMENT WAS FOR ZBA DELIBERATION.
THE THREE REASONS FOR THE MEETING: THE VERTEX APPLICATION FOR A TELECOM TOWER REQUIRES:
A SPECIAL EXCEPTION TO BUILD THE TOWER.
A VARIANCE FOR A BUILDING PERMIT ON A CLASS VI ROAD.
A VARIANCE TO EXCEED HEIGHT LIMITATION.

TOM SUGGESTED THAT THE LETTERS RECEIVED REGARDING THE APPLICATION BE ADMITTED INTO THE MINUTES. THE LETTER SIGNED BY "THE CONCERNED CITIZENS OF MARLOW" WAS READ AND ENTERED INTO THE MINUTES. THE LETTER FROM THE LEBRECQUE FAMILY OF CHURCH STREET, DATED 10/29/2020 WAS READ AND ENTERED INTO THE MINUTES. A LETTER FROM LIZ DAVIS, JESSICA MACK AND A LETTER FROM NORMA AND ROBERT SHANAHAN OF BAINE ROAD WERE READ AND NOTED IN THE MINUTES.
IT WAS NOTED THAT THE LAST LETTER HAD ARRIVED ABOUT AN HOUR BEFORE THE MEETING.
THE CHAIR QUESTIONED THE CONCERN ABOUT FIRES ON THE PROPERTY CAUSED BY POLE WIRES. THE PROPERTY ALREADY SUPPORTS POLES IN ANOTHER AREA. THE INCIDENCE OF A POLE FIRE IN OUR AREA IS VERY RARE.
CARL MACCONNELL, MEMBER OF THE CONSERVATION COMMISSION AND ASHUELOT RIVER ADVISORY COMMITTEE, WAS ASKED TO JOIN THE GROUP AND SHARE HIS THOUGHTS ON THIS APPLICATION. CARL SAID THAT HE WAS FAMILIAR WITH THIS PROPERTY AND THAT HE AND GUS MERWIN ALSO A MEMBER OF BOTH GROuPS, HAVE REVIEWED MANY PROJECT APPLICATIONS SUCH AS THIS. A LOT OF PROPOSALS ARE POORLY WRITTEN. THIS PROPOSAL IS WELL WRITTEN AND COMPLETE. THE CONSERVATION COMMISSION HAS NO PROBLEM WITH IT.
QUESTION FOR MR. PARISI: WHO WOULD DO STUDY AND WHAT WOULD POSSIBLY HALT CONSTRUCTION OF TOWER? THERE ARE 10 DIFFERENT ITEMS THAT HAVE TO BE NOTED ON FEDERAL CHECKLIST, SPECIFIC ANIMALS, VEGETATION, ETC AND ALL TEN ITEMS HAVE TO BE CHECKED TO GET PERMIT FROM THE FCC. PLANNING BOARD REQUESTED

PLANNING BOARD
SITE PLAN REVIEW
CONDITIONS
TELECOM TOWER PUBLIC HEARING
BOARD DELIBERATION
OCTOBER 29, 2020

1. THE PLANNING BOARD RECOGNIZES THAT A VARIANCE IS NEEDED FROM THE ZBA. BUILDING PERMITS ARE NOT ISSUED FOR CONSTRUCTION ON A CLASS VI ROAD.

2. THE PLANNING BOARD RECOGNIZES THAT THE PROPOSED TOWER EXCEEDS THE MAXIMUM HEIGHT REQUIREMENT STATED IN THE TOWN ORDINANCE AND REQUIRES A VARIANCE.

3. THE PLANNING BOARD RECOGNIZES THAT CELL TOWERS ARE ONLY ALLOWED BY SPECIAL EXCEPTION.

4. HARDSHIP WOULD NOT BE DETERMINED BY THE NUMBER OF PEOPLE SERVICED BUT BY THE AREA SERVICED.

5. CLASS VI ROAD: REQUIRE A HOLD HARMLESS AGREEMENT. TEMPLATE PROVIDED BY MR. PARISI.

6. COORDINATION WITH MARLOW ROAD AGENT REGARDING PROPOSED WORK ON CLASS VI ROAD (MILLER RD.)

7. REQUIRE BOND FOR REMOVAL OF TOWER. PARISI WILL FORWARD TEMPLATE.

8. ENGINEERING ANALYSIS REPORT DONE EVERY FIVE YEARS FOR STRUCTURAL INTEGRITY.

9. FIRE/POLICE CHIEF NEED TO HAVE ACCESS TO KNOX BOX.

10. LOCAL RESCUE, EMS, FIRE AND POLICE WILL HAVE RESERVED ANTENNA SPACE ON TOWER.

11. PRIOR TO ISSUING A BUILDING PERMIT, THE DATA FROM THE ENVIRONMENTAL STUDIES WILL BE SHARED WITH THE TOWN.

12. UTILITY COMPANY WILL REQUEST PERMIT TO INSTALL THEIR INFRASTRUCTURES INSIDE OF THE TOWN RIGHT OF WAY FOR MILLER ROAD.

13. A BUILDING PERMIT WILL BE REQUIRED FOR THE CONSTRUCTION OF THE TOWER AND FOR ANY ADDITIONAL ANTENNAE.

14, MILLER ROAD WILL REMAIN A CLASS VI ROAD.

15. A COPY OF THE LEASE AGREEMENT ON FILE WITH THE REGISTRY OF DEEDS WILL BE GIVEN TO THE TOWN OF MARLOW.

ADDED BY THE ZBA:
16.THAT VERTEX WOULD INCLUDE AN RF REPORT WITH EACH APPLICATION FOR A PERMIT FOR A CHANGE TO THE TOWER.