

**Town of Henniker
Planning Board Meeting
Monday, November 9, 2009
Henniker Town Hall**

Members Present: Kristin Claire - Chairman, Leon Parker, Kellie J. Dyjak, Ronald Taylor, Terry Stamps, Richard R. Patenaude, Jeffrey Roach

Guests: Edward D. Pare, Dan Goulet, Kathy Eisen, Gerald Eisen, Drew LeMay

Recording Secretary: Cherry J. Palmisano

Chairman Claire called the meeting to order at 7:05 p.m.

Case 2009-107: New Cingular Wireless, PCS, LLC by AT&T Mobility Corporation, to construct a 135 foot tall telecommunications tower on the property of John Brown located on Old Hillsborough Road, Lot 335 in the Rural Residential District

Mr. Mark Fougere informed the Board that he went through the regulations and there is minor wetland impact, a permit has been submitted to the state and the area is less than 1,000 sq feet. Mr. Fougere said landscaping is not specifically addressed in the application. If they protect the fall zone from further cutting it would meet the ordinance. There needs to be bonding for dismantling in place as well as a certificate of insurance liability. They did receive a letter from a nearby neighbor, raising an issue about design. Mr. Fougere said the zoning ordinance permits a maximum height of 77ft and a variance was received from ZBA for the 135 ft height.

Mr. Edward Pare, attorney representing AT&T Mobility, said they did receive approval from ZBA and the 135 ft variance was granted. They are proposing a tower on Old Hillsborough Rd, near the intersection of Morrison. There is a proposed roadway with one wetland crossing, they have not yet received approval for the wetland crossing, and they are trying to redesign access to eliminate the wetland crossing. A mono pine tower is being proposed. The structure will be steel and would provide for two carriers. The design blends in as tree according to and encouraged in bylaws. The site is designed for two pole carriers and AT&T. They are proposing a gravel driveway for access.

Dan Goulet, radio frequency engineer, AT&T Wireless, informed the Board that AT&T has several structures in Henniker. They are trying to provide wireless coverage for commuters and for residents as well. AT&T is trying to address a large gap of coverage on Rt 9 and Rt 202. They tested coverage at a height of 95ft and it still left them a hole of coverage, this site allows line of site to both sectors. The proposed site at 132 ft fills in most of the coverage gaps, at a shorter height of 77 ft they cannot reach over the hill and end up with larger gaps on Western Ave.

Chairman Claire asked if they explored installing antennas on building rooftops on Western Ave instead of the proposed tower. Mr. Goulet said that rooftop options would

still account for large gaps in coverage. This is a major corridor and commuter road and needs coverage. Mr. Goulet said they would like to have a height of 150 ft; the height of 132 ft just barely brings them above ground and just barely gives them coverage on Rt 202. Mr. Goulet said the 102 ft gives too much gap. Chairman Claire said based on the town's communication wireless article, they have to deal with esthetics, prioritizing the need, looking for smaller towers and keeping towers closer to the tree line. She asked if there was some way to accomplish this with two towers throughout that corridor at lower heights. Chairman Claire said the ordinance is not geared toward the number of towers but the esthetic impact to the town. Mr. Goulet said Rt. 202 is very low and at 77 ft and 102 ft there is still shadowing; they need to have the height of 132 ft.

Chairman Claire wants to make sure they are covering the article put forth by the town. Mr. Pare said under the town's definition of camouflaged it is camouflaged and said the ZBA has approved the height. Chairman Claire said she wants to make sure they have done their due diligence for what the town voted on. Mr. Richard Patenaude said they have been told that the towers have to be above the tree line. Mr. Goulet said they have to be over the canopy. Mr. Goulet said if they go to a different location then the height of the tower could be a lot higher. Mr. Goulet said you have to consider it is not at the top of the ridge, and still has a backdrop behind it. Shannon said she did the search in town and looked at a lot of properties. She said this property works because it is tucked in the woods, on a hill, has logging road access, the homeowner is willing, and you can't really see it from any points in town. It was discussed that Western Ave is still not covered, that is why Mr. Goulet said 150 ft tower would work best. Terry Stamps asked if they will address the gaps in the future. Mr. Goulet said yes, they are trying to fill in the gaps. Mr. Goulet said as usage and demand and customer base goes up, AT&T can do a rooftop antenna for the downtime area.

Mr. Pare said the results of the balloon test are in the packet. There are two areas which were agreed upon locations to take photos from; most came back not visible. Evidence from the balloon test satisfies the ordinance requirements. Mr. Pare said the tower does not have any impact on real estate values. Mr. Pare said there is a generator that exercises once a month and they utilize a shelter so it has to be cooled and heated.

Chairman Claire said she has basic disagreements and theories with the real estate values. She thinks that there are locations that are not effected but according to studies there is an effect in some cases. Mr. Pare said they do this throughout the state and studies have shown no impact in property values.

The Board discussed that abutters were notified as well as 103 municipalities according to state statutes.

Chairman Claire said they are not supposed to open up for public comment until after the completeness of the application. Kellie Dyjak would like more time to read through for completeness and schedule a site walk. Chairman Claire said she does not see a problem with completeness of the application.

The Board scheduled the site walk for Friday, November 13th at 3:30 p.m. The 50 x 50 area will still be staked out. The site walk will be posted as a meeting.

Mr. Pare said they submitted their RFCC license with the application. Terry Stamps said the ordinance speaks to landscaping and buffering. Chairman Claire said Mr. Fougere mentioned that they may want to address no additional cutting. Mr. Fougere said they should get a “no cutting” within the fall zone agreement from the homeowner (radius protected). Chairman Claire said in terms of completeness, she feels the application is complete and thorough. The members of the Planning Board agreed with the completeness of the application.

Richard Patenaude MOVED that the application is accepted as complete, Jeffrey Roach SECONDED the motion and it PASSED unanimously.

Chairman Claire opened the public hearing at 8:35 p.m.

Mr. Eisen (abutter), 148 Gould Pond, said they will be most affected by the two cell towers. They built their home above the tree line, off Gould Pond Road, it sits 700 ft above sea level. They bought the property in 2004. He said they picked that property because it had been timbered at the top of the hill and looks up towards Hopkinton passed Hillsborough. Mr. Eisen said they have paid the view tax and not complained and are privileged to have the view. They built the house into the hillside to make it disappear and it was specially designed to look out at the hill side. The tower will be dead center of their view. He would rather deal with the bare cell tower than a tower covered with fake tree branches; thinks it will stick out sorely. He is concerned with one of the objectives being to promote cell service on Rt. 202, which is already a dangerous road. He is sure their property value and the ability to sell the property will be affected. Mr. Eisen said he spoke with his neighbors and they were unaware of the proposed cell towers. He feels there are a lot of issues that need to be addressed. Mr. Eisen said that studies have not been done to determine the health issues. He feels if the cell towers must go in, he requests that they be bare towers painted gray. He sees where AT&T needs to be able to compete with other businesses.

Mr. Pare said they could do a mona pole or a lattice tower and they will do simulation photos with both to see what they look like. The height impact will all be the same on whatever tower. Mr. Goulet said there are antennas mounted inside the pole, there are limitations, because the antennas are confined inside the pole and can't work the configuration. He said what will happen is they will end up with gaps and will have to put up additional antennas. Mr. Goulet said the mona pole will work but they would have to have the antennas outside not inside.

Chairman Claire closed the public hearing at 8:47 p.m.

The Planning Board will hold a work session on November 23, 2009 to discuss zoning.

The Planning Board will meet on December 9, 2009 at 7:00 p.m. to discuss the cell towers on Old Hillsboro Road. At the meeting AT&T will provide answers to wetland crossing concerns and bonding issues as well as simulation photos for tower options.

Terry Stamps MOVED to approve the minutes of October 28, 2009 as amended. Kellie Dyjak SECONDED the motion and it passed unanimously.

The Board will post the application for the cell towers on the town's website for public notification.

Ron Taylor MOVED to adjourn at 9:07 p.m. Terry Stamps SECONDED the motion and it PASSED unanimously.