

DRAFT
Town of Fitzwilliam
Planning Board Meeting
August 4, 2015

Members Present: Terry Silverman, Suzanne Gray, Mac Landy, Tom Parker, and Nancy Carney, Selectman's representative.

Call to Order: 7:05 PM

7:00 PM Preliminary Consultation. Proterra Design Group for Blue Sky Towers, LLC, to discuss permitting a new wireless communication tower in Fitzwilliam. The proposed tower would be located on property belonging to Deborah and Stephen Camp, 36 Webber Lane, Map 11, Lot 30-1, Rural District, outside the Wireless Communication Facility Ordinance and Overlay District (WCFOOD).

Earl Duval, attorney representing the applicants, introduced himself and a colleague, Jim George, a site acquisition specialist working with the Blue Sky Towers, LLC, a tower development company. They proposed to construct a wireless facility at 36 Webber Lane in Fitzwilliam. Asked by Landy about the principals in Blue Sky, Attorney Duvall stated both principals have been in the business for twenty years, but this company is 'relatively new.'

Attorney Duval said they understand the Town's Wireless Communication Facility Ordinance and Overlay District will require them to submit applications for a conditional use permit and site plan review. Further they will need a variance to site the tower outside the WCFOOD district.

Mr. George told the Board he has been working a long time in Fitzwilliam to find the proposed tower site. He described the existing towers and the coverage area they reach. He said this new site will solve needs that exist now, propagating to cover the most significant areas not covered by existing towers. He said cities and urban areas are well covered but rural areas are not, so the company is moving into rural areas where large gaps exist.

The Saga Tower at the former Bard property is 80-90 feet tall with US Cellular at 80 feet and AT&T cell at 65-70 feet. Propagation ranges to 2.5 miles. He added that the WiValley tower on the east side of the Pinnacle doesn't handle cell service and the topography limits wireless coverage.

Blue Sky Towers, LLC has identified a high point on the north side of Brigham Hill as the best site, located at 36 Webber Lane. The property was created by subdivision and there are 20 acres in all. There is a home, barn and horse stable with wooded backland. The proposed tower site is in the backland. He said the site meets all required setbacks and a tower would not be visible to most abutters.

He said the area is outside wetlands, conservation land and the historic district, and also outside the WCFOOD.

The proposed site is 500-550 feet off the Class V Collins Pond Road and the access road would be gravel and aggregate. He said the access road would most likely be gated. They propose a 100 X 100 foot compound for the structure and outbuildings and are proposing a 170 foot monopole, with 5 cell carriers co-located on the pole, including US Cellular, AT&T, T-Mobile, Verizon and Sprint.

Mr. George noted the tree cover consists of 65 foot pine trees so the tower needs to be tall enough to allow co-location. He added that co-location will limit the proliferation of smaller towers. He described their application as including propagation maps, power upgrades to the site, bringing in fiber for high speed internet service.

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Mr. George said he had met with the town Selectmen to discuss siting the tower on town owned land at the Highway Barn. The Selectmen and Road Agent did not concur that this was a good idea. Carney said the Board felt the proposal to use town land should go to town meeting next year for the town to decide.

Silverman asked if the proposed tower must be lighted. Mr. George said only towers of 200 feet or more must be lighted. Gray observed that the proposed tower would be more than 100 feet above the existing tree canopy.

Mr. George said that an 80 foot tower could not accommodate all the carriers with the 10 feet of separation required and so those not on the tower would propose more towers.

Gray said she is concerned about the viewsheds in Fitzwilliam and how that plays into the destruction of the rural character of the town. She added that this project is not the only one the Board is dealing with that might impinge on the rural character and our viewsheds. She said the proposed tower is twice as high as the ordinance allows. Gray noted that both Troy and Rindge have tall towers (175') and they are very visible.

Attorney Duvall said neither he nor Mr. George were radio frequency engineers, but the application will have experts to testify as to the need and propagation potential.

Landy asked if they had explored the property where AT&T had proposed a tower within the WCFOOD, which the Board approved, but was never built. Mr. George said the elevation near the center of town could reach tight compact areas, but not the rural areas they are targeting.

Parker asked if a balloon test was in the plan. Attorney Duval said they would do a balloon test and a viewshed analysis even though neither is required by the ordinance. They would prepare several simulations for different areas once the site is selected.

Mr. George and Attorney Duvall clarified the process. The Planning Board agreed they should submit an application to the ZBA first for a variance to construct a tower outside of the WCFOOD. Site plan review and conditional use permit applications to the Planning Board would follow. They noted that the Planning Board can waive the height requirement per the ordinance. Silverman said the balloon test could wait until after the ZBA decision. It should be done as part of the site plan review and conditional use applications. Attorney Duval said they usually schedule two or three dates for the test to accommodate the weather. Attorney Duvall asked if the Board has ever hired an outside consultant. The Board hires consultants to verify data.

Silverman asked if there had been any changes to the federal law regarding wireless facilities. Attorney Duvall said there had been, citing the 'Industrial' cases. (research: Industrial Tower and Wireless, LLC v. Epping and Industrial Tower and Wireless, LLC v. East Kingston, in both cases the court upheld the relevant Planning Board and ZBA decisions.)

7:30 PM Preliminary Consultation. Lisa DeAngelis to discuss plans for opening a dog grooming business in the former Rettig property located at 19 NH Route 12 S, Map 34, Lot 28, General Business District.

Ms. DeAngelis plans to purchase the property and re-locate her dog grooming business from Shelburne Falls, MA to Fitzwilliam. She recently moved to Rindge and the commute to MA is long. She has no plans to change

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the exterior of the building, but will insure the foundation is repaired if necessary. She is a certified dog groomer and plans to have only 2-3 dogs, by appointment only, and they will be caged before and after the appointment. She says her business is drop-off and pick-up, so parking will not be a problem. Her bathing system dispenses water, shampoo and conditioner. She said she uses all natural materials and no chemicals.

Asked about the septic system, the file indicated that the system was installed following a leak about 40 years ago. There is a 1000 gallon septic tank and leach field. Silverman said she would only need a place for the tank if the system fails – as long as it is working it is OK.

The Board agreed the business falls under section 127-11 L., personal services, is less than 3000 sf, and is therefore an allowed use in the General Business District. Silverman suggested she install a trap for hair and other solid matter and a filter for any chemical or microbial matter. Silverman said the Board would like to do a site plan review of her plans.

Update on NH Route 119. Jim Talbot met with the Board to discuss the work some residents are doing to get NH Route 119 W from Fitzwilliam to Richmond and beyond, properly repaired. They are making some progress, but he wondered if the Board had any suggestions or information that they should know. He also wondered if the stretch of NH Route 119 between Fitzwilliam and Rindge to the MA border was feasible for the western stretch since the western stretch has many more curb cuts. Silverman said to keep pressure on Senator Andy Sanborn, who Mr. Talbot says has been very helpful and supportive. Silverman added that pressure on SWRPC should also continue. Mr. Talbot said he will attend a governor’s advisory council meeting on infrastructure to present the Route 119 issue and attempt to contact David Wheeler of the Executive Council. Carney said that Representative John Hunt will meet with the Selectmen on August 10th and Mr. Talbot can meet with him following the Selectmen’s meeting if he wants.

Vendor Permit. Silverman signed a vendor permit for the library ice cream truck event, celebrating the end of the summer reading program and a zoning verification document for the Emerson School group day care center.

Eversource. The Board accepted the request from Eversource to continue their public hearing to Tuesday, September 15th. (Prior to that meeting, which was cancelled, Eversource asked to postpone the hearing again to November 17th so they could complete the sound study they are conducting.)

Pipeline. Silverman discussed his testimony to FERC regarding the proposed pipeline, copies of which were available. There was some discussion about upcoming FERC venues.

Ordinance implementation. Silverman suggested that the Town can now enact or implement the mining ordinance change passed at town meeting in 2014 by a large margin. Implementation was delayed by court order. Staff will confirm. There was limited discussion about the Webb Hill quarry moving stone off the property recently. Following the September 3 effective date of new legislation, the Board will discuss it.

Minutes. The Board reviewed the July 7, 2015 meeting minutes. Gray moved, Silverman seconded and the Board approved the minutes as amended (changed “enforce” to “enact” on page 3 of minutes).

The meeting was adjourned at 8:45 PM.