

August 8, 2017 : Meeting convened at 7:00 p.m.

PRESENT: Nancy Teach, Chair; Randall Costa, Vice-Chair; Doug Phelps; Jon Warzocha, Paul Currier; and Dave Blinn, Ex-Officio

Also PRESENT: Attorneys Victor Manougian and Tyler Haynes, McLane, Middleton, P.A., Attorneys representing Verizon Wireless; Brian Ross, Structure Consulting Group, Real Estate Site Acquisition Specialist for Verizon Wireless; Keith Vellante, C2 Systems, RF Consultants for Verizon Wireless; Matt Tilden, Dewberry Engineers; Jesse Schust, Andover Conservation Commission Member; and Jim Delaney, Select Board Member.

REVIEW AND APPROVAL OF MINUTES:

After review and discussion Costa made a motion to approve the Minutes for July 25, 2017 as amended. Currier seconded the motion. All in favor. Minutes of July 25, 2017 are approved as amended.

NON-BINDING CONSULTATIONS:

Dylan Gortney was scheduled to appear briefly for a Non-Binding consultation for his father, John Guiheen's, property at 1 Potters Road but informed Teach prior to the meeting that he was not prepared since the septic designer had not completed the plan. Teach rescheduled Gortney for September 12, 2017.

Jed Godwin will also be on the agenda on September 12, 2017 for a Non-Binding consultation for 213 Bradley Lake Road possible subdivision.

Boundary Line Adjustment for Sears/Grant on Bradley Lake is also on the agenda for September 12, 2017

Verizon Cell Tower Proposal Non-Binding Consultation and Application Status

A nonbinding preliminary consultation was held with representatives of Verizon on Verizon's proposal to erect a cell tower in Andover. Members of the public were present and raised questions as part of the discussion. Last Fall Verizon met with the Select Board. Then in March of this year Town Meeting approved the Select Board to enter into negotiations for an ease with Verizon. On June 20, 2017 Verizon submitted a preliminary application for Special Exception and Variances to the Planning Board, with supporting materials. During the Non-Binding consultation, the Planning Board advised Verizon that the application is incomplete, and reviewed the submissions required to make it complete and initiate formal review by the Planning Board, completion of which, in turn, is a prerequisite for action by the Zoning Board of Adjustment. These submission requirements, as well as the procedural steps for review once the application is complete, are set out under the Summary of Process and Next Steps below.

Introduction/Purpose of the Meeting

Planning Board Chair Teach opened the discussion by thanking Verizon for scheduling this nonbinding consultation with the Andover Planning Board and for sending the preliminary application and initial materials, dated July 21, 2017, in support of Verizon's proposed wireless telecommunication facility to be installed on Town-owned property at 640 Main Street in Andover. These materials were made available to town officials and members of the Planning Board. The property is a 43.5-acre site located within the Agricultural and Residential district on the site of the Town's transfer station.

Planning Board Chair Teach thanked Verizon for the opportunity to gain a better understanding of Verizon's proposal, and the opportunity to review with Verizon the process required by Andover's Zoning Ordinance for the Planning Board, the Zoning Board of Adjustment, and the public, to address its application.

Verizon then presented its proposal to build a 120' monopole tower at the top of the hill on the west side of the property. Verizon explained that the tower requires a permanent access road for initial construction and ongoing servicing. Verizon explained that the proposal, reflected in the July 21, 2017 materials, to run the access road directly up from Route 11/Main Street was denied by the NH Department of Transportation, because the deed to the property allows only one highway access. Verizon now proposes to enter through the existing transfer station gate, then cut a road to the left, rising up the hill to the west to the tower site. Verizon distributed revised site plan drawings reflecting this proposal for review.

The following key aspects of the Verizon proposal were then presented and discussed.

Alternatives that do not require construction of a new ground mount transmitter:

Andover's Zoning Ordinance Article XII sets out requirements specific to Personal Wireless Service Facilities (PWSFs). Article XII, Paragraph 1.2 permits new ground mounted transmission facilities only when the use of existing structures and buildings is found to be infeasible. Paragraph 4.1 requires the Planning Board to reach a finding that there are no suitable existing structures to meet the relevant need before a provider proposes a new ground mounted facility. Paragraph 4.3 places the burden on the applicant to prove that there are no suitable existing structures, and stipulates, in Subparagraphs 4.3 A-C procedures it must follow in meeting that burden.

To meet these requirements, Verizon committed to providing a professional engineer's analysis and certification that no existing structures would be workable to achieve the coverage objectives sought, and further confirming that distributed transmitters, such as but not limited to a Distributed Antenna System (DAS) mounted on utility poles, also would not work, without first the construction of a high output tower such as the one proposed. Verizon's application will not be complete until such an analysis and certification is provided.

Height:

Verizon seeks to build a tower that is 120' high. The Andover Zoning Ordinance prohibits building a tower higher than the lower of 100' or 10' feet above the tree line of the surrounding trees, which in this case Verizon has measured to be 80' (so a limit of 90' or 100'). The Planning Board asked Verizon to explain why it is seeking a variance to construct a tower that exceeds the limits set out in the Ordinance by 30'.

Verizon stated that the objective is to increase potential for colocation, meaning that in the design for 120', there can be four sets of antennas – the top one for Verizon and one at each 10' interval below for up to three other wireless providers. Verizon stated that, in rough estimate, Verizon could receive annual payments similar to what it has agreed to pay the Town, so approximately \$25,000 annually, from each co-locator, with 10% of that to be paid to the Town. This represents a total annual revenue opportunity of approximately \$75,000 for Verizon, minus 10% that would be allocated to the Town under the terms of the ground lease signed with the Select Board.

The Planning Board asked if Verizon's objectives other than colocation could be met by keeping the tower to within the Ordinance's restriction of 10' above treeline. Verizon replied that although higher is better, the coverage goals could be met, just as they would be for the lowest co-locator. Verizon did note that if other providers sought to provide coverage in the same area and they could not collocate, they could seek to construct additional towers.

Purpose:

Verizon reviewed coverage maps that showed that cell coverage, particularly for broadband cell service, would be added or improved by the tower for sections of Route 4A and Route 11 in line of the tower (the "RF Report" submitted as part of the July 21 materials indicates the sections gaining increased service would be 1.3 miles of Route 11 and 0.5 mile of Route 4A). Verizon did not know the number of Andover households and businesses that would be reached by this increased service – one Planning Board member estimated it to be 30-50 based on the areas of difference between the current and projected coverage areas on Verizon's maps. The primary target of the increased coverage is therefore traffic on the roads (including Andover resident traffic). The RF Report cites a statistic of 5,000 vehicles passing per day on Route 11. Verizon will also provide emergency services from the tower.

Siting and relevant variances and easements:

For Verizon's application to be initiated, it was clarified that the following variances must be sought and the following easements obtained by Verizon:

Article XII, Paragraph 6.1E – Setback variance from western boundary with Belletetes (Verizon's plan has a 101' setback, whereas the Ordinance requires 105% of cell tower height which would equal 126')

Article XII, Paragraph 6.1F – Fall zone easement from Belletetes – since the fall zone crosses the property boundary, Verizon must secure a fall zone easement from the abutting property owner

Article XII, Paragraph 7.1 F – There must be a 150’ dense tree growth buffer area protected by a landscape easement or be within the area of the carrier’s lease. The easement is required by the Ordinance to prevent trees from being cut down within this circle, thus preserving the visual buffer of high tree growth. This buffer is not provided for under the lease signed with Select Board. Verizon must therefore secure an easement from the Town and a separate easement from Belletetes as adjoining property owner, since a 150’ circle extends over the Town’s property line into Belletetes’ property. Verizon must measure this buffer from its proposed tower location. To the extent there is less than a complete 150’ circle buffer of dense tree growth, Verizon must also seek a variance for any portion that is not buffered.

It was pointed out that Verizon could potentially avoid the need for the setback variance and fall zone easement if it sited the tower to the east at least 126’ from the boundary. Verizon indicated that it would review this suggestion, but was concerned that it had already made submissions to the FCC based on its current proposed location and that relocation would delay its FCC review.

Camouflage/color:

Verizon stated that the tower and all equipment may be painted a uniform non-reflective color at the Town’s choosing. Verizon typically uses a flat metallic grey/silver.

Lighting:

Verizon stated that the tower would have no lighting because it is below the height at which the FCC would require this. Verizon will include this representation in its revised application.

Frequency discharge:

Verizon offered to provide non-biased medical/scientific studies demonstrating that the frequency discharge health risks from a tower located at the proposed tower’s distance from human work and living areas is negligible.

Removal, and Security in Case of Abandonment

It was noted that the ground lease agreement signed between the Select Board and Verizon for the cell tower did not take into account the requirements of Zoning Ordinance Article XII Paragraphs 9.3, 10.1, 10.2, and 10.3, and no material was provided with the documentation submitted July 21 to address these requirements. These provisions require a cell tower owner to provide to the Town a NH professional structural engineer’s certified estimate of the costs to remove the tower and to post security to the Town for the duration of the lease and revalidated every five years equal to 115% of this amount to cover the Town’s costs in the event the tower is abandoned.

Verizon committed to meeting these requirements, and to providing a document with its application binding it to do so in a form satisfactory to Andover's counsel, either in the form of an amendment to the ground lease or a separate document.

It was noted that Article XII, Paragraph 10.2 requires Verizon to remove, and provide security for removal of, "antennas, mount, equipment shelters and security barriers," and "restoring the location of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition."

Summary of Process and Next Steps

The Planning Board concluded the discussion with the following outline of the process applicable to Verizon's request for Special Exception and of the Variances and Easements required:

1. It is the Planning Board's task to determine site suitability once all of the documents are given to the PLANNING BOARD. The PLANNING BOARD must make a determination that the site is appropriate for the proposed use, taking into account, among other things, the purpose and intent of the provisions of the Zoning Ordinance relating to Personal Wireless Service Facilities (PWSFs) set out in Article XII, Paragraph 1.1.

The Planning Board will also review the applicant's proposal to see that its submission to the ZBA is complete, i.e. that all variances required by the proposal have been identified and are being requested by the applicant.

The Zoning Board of Adjustment may not act on an applicant's request for Special Exception until the Planning Board has expressed its view regarding site suitability.

2. The documents required to be submitted to the Planning Board for it to make its suitability determination include (i) a complete Application for Special Exception, (ii) complete Applications for Variances, and (iii) executed easements, as well as any further items requested in the discussion above, or that may be requested based on further review. In addition, the Planning Board noted that it would be helpful, but is not necessary, to provide materials responsive to Site Plan Review Checklist and Application, where not already covered by the applications just noted.

3. In addition to the above documents, the applicant must address specific provisions of Andover's Zoning Ordinance Article XII. The following are items in Article XII that are required for the Planning Board to make a determination of suitability:

- a. To address the requirements of Article XII, Paragraphs 1.2, and 4.1-4.3, sufficient information to allow the Planning Board to reach a finding that there are no suitable existing structures. This would include, but is not limited to, an engineer's analysis and

certification that no existing structures would be workable to achieve the coverage objectives sought.

b. Paragraph 6.1D: An inventory of tree heights.

c. The following variances are required to be sought:

i. 6.1A – variance for height over 100’

ii. 6.1 D – variance for height exceeding 10’ above tree canopy (which was stated to be 80’)

iii. 6.1E – setback variance for fall zone less than 105% of the pole height

iv. 7.1 F – variance for less than the required 150’ vegetative buffer, if required based on a survey of the tree buffer around the proposed tower position

d. The following required easements were identified:

i. 6.1E – fall zone easement from adjoining property owner

ii. 7.1 F – landscape easements to preserve 150’ vegetative buffer, required from both the Town and the adjoining property owner since the 150’ buffer extends over adjoining land

e. In addition to the variances and easements identified above, definitive documentation to respond to the requirements of Zoning Ordinance 9.3, 10.1, 10.2 and 10.3 relating to removal costs and security in the event of abandonment.

It was noted that this list may not be comprehensive, depending particularly on the evolution of Verizon’s proposal and the review by the Planning Board of any further documentation and information requested.

4. To conclude the summary of required process, the Planning Board noted that, if, following the PLANNING BOARD’s suitability determination, the ZBA grants the Special Exception and required variances, Article XII Paragraph 5.2 (D) stipulates that issuance of a building permit for the facility requires successful completion of Site Plan Review by the Planning Board. The Planning Board’s Site Plan Review is to ensure that the applicant’s final plans strictly conform to the conditions of the Special Exception and variances granted by the Zoning Board of Adjustment, as well as any applicable provisions of the Zoning Ordinance. No work on the site may commence prior to the issuance of a building permit.

5. Verizon requested that site suitability review by the Planning Board of the cell tower proposal be slated for the Planning Board’s September 26 meeting, and committed to providing the items

set out in the Summary of Process and Next Steps above no later than one week before the meeting on September 19, 2017. Notice of the meeting will be made to the public, and Verizon's submission materials will be distributed to Planning Board members and made available to the public for review in Andover's Town Offices in advance of the meeting.

6. In closing, it was noted that the Town, including the Planning Board or Zoning Board of Adjustment may, under Article XII, Paragraph 8.1, engage experts at the applicant's expense as it deems reasonably necessary to analyze or validate the applicant's submissions.

The Non-Binding consultation with Verizon finished at 8:45 p.m.

After a review of open projects on the Planning Board's docket, Phelps made the motion to adjourn the meeting. Warzocha seconded the motion. All in favor. Meeting adjourned at 9:00 p.m.

Minutes prepared by Randall Costa, Vice-Chair and Patricia Moyer in the absence of Lisa Meier, Planning Board Secretary