

TOWN OF EASTON
Zoning Board of Adjustment Public Hearing – Draft Minutes
May 28, 2019

ZBA

John Hynes, Chair –Present
Ellen Pritham – Present
Kris Pastoriza– Present

Beth Harwood - Present
Fred Moody - Present
Tom Boucher -Alternate-Present
Kathy Ryan – Secretary - Present

“These minutes of the Town of Easton ZBA have been recorded by the Acting Secretary. Though believed accurate and correct, they are subject to additions, deletions, and corrections by the Select Board at the next meeting when the Board votes its final approval of the minutes. These minutes are made available at this time to conform to the requirements of New Hampshire RSA 91 – A: 2.”

**The meeting was officially called to order at 7:05 pm by John Hynes.
The ZBA members were identified.**

Public in Attendance: James Page, Steve Sabre, Andrew Schatz, Grace Schatz, Maria Hynes, Campbell McLaren, David Stringham, Anita Craven, Bob Craven, Carl Lakes, Scott Viveiros, Tom Walter, Tom Boucher, Bunny Ford, Toni Woodruff, Bob Thibault, Attorney Earl Duval, Jesse Moreno, Martin Lavin, Kevin Mason, Attorney Christopher Hilson

Minutes - After review, the minutes of the May 1 meeting of the ZBA were approved with the following amendments;

- John Hynes acknowledged Greg Sorg, former ZBA chair, and commended his work for the board.
- AT&T, which won the bid to provide an emergency response network in NH, claims the extra tower height is required for effective coverage.
- Several concerns were discussed regarding the current tower including the failure of Blue Sky to provide quarterly written reports to the Town, and failure to post a bond (for removal). Applicant was asked to provide these, FCC compliance reports, and as built plans.
- The question of diminishing property values was mentioned, and a bare earth map was requested which would show the visual impact on the abutting properties. Kris Pastoriza suggested that a real estate assessment to evaluate the effect of the tower on property values be obtained.
- Kris Pastoriza made a motion to stop the shotclock because of the absence of Section 106 documents, the motion was carried.
- Fred Moody advised the North Country Council (NCC) is the agency when a project has the potential for regional impact (PRI).

Motion to accept the May 1, 2019 minutes as amended was made by Fred Moody, seconded by Kris Pastoriza, All in favor; none opposed. Passed.

Public Notice -

"Application of Blue Sky Towers, LLC (Applicant) and AT&T (Co-Applciant), requesting a Special Exception under Article 6, Section 602.2 and Article 8, Section 809 of the Easton Zoning Ordinance for the extension of 40 feet onto an existing 130 foot tall wireless telecommunications monopole tower facility located at 3 Lost River Road (Tax Map 7, Lot 41-3)."

- John Hynes read the notice and outlined the procedure for the hearing.
- John Hynes confirmed that the legal notices were properly posted, that all abutters were properly notified, and that the procedures were in compliance with Development of Regional Impact per RSA 36:57.
- Attorney Duval, representing the Applicant, presented the Application. Assisting him in the presentation were;
 - Jesse Moreno, P.E. ProTerra Design Group, LLC
 - Martin Lavin, Senior RF Engineer, C2 Systems
 - Kevin Mason, Sr. Project Engineer, SAI

John Hynes noted that legal expenses were to be paid by the Applicant.

- Attorney Duval agreed that Blue Sky would pay related expenses to include the services of a radio frequency engineer, Ivan Pagacik, hired by the ZBA.
- John Hynes noted that a more in-depth structural analysis was likely to incur additional costs. Attorney Duval agreed to forward this potential cost increase to Blue Sky and added that Ivan Pagacik should request any additional information he may need to move forward on his review prior to the next meeting.

Jesse Moreno provided plans illustrating the current tower site and described changes to the tower and the site that would result from the raising of the tower from the current 130 foot height to the proposed 170 foot height. Changes would include the addition of a outdoor 20 KW generator to be fueled by a diesel tank which would be programmed to run once a week for 30-40 minutes on a day and time agreed upon by the Town.

- Kris Pastoriza asked why the lease area was to be so large? Jesse Moreno responded that it would allow for additional carrier equipment. He stated that only AT&T would occupy the top position of the tower.
- Kris Pastoriza asked about the number of carriers that the proposed tower would be able to accommodate? Jesse Moreno stated 3 large carriers or up to 4 total if 2 were smaller.
- Attorney Duval stated that no carrier can locate between AT&T and T Mobile (current occupant of the tower), but that the feasibility of occupying lower positions on the tower is unknown. If additional carriers were to be added, a structural study would be performed first.
- John Hynes inquired whether AT&T and FirstNet need the additional height; how effective would the signal be below the tree canopy? Jesse Moreno noted that signal coverage would be addressed in the upcoming presentation.

FirstNet: A Broadband Network for Public Safety, by Public Safety, a YouTube video was shown by Attorney Duval.

Martin Lavin documented current wireless coverage and potential coverage of Easton and surrounding communities.

- Discussion followed related to AT&T and FirstNet bandwidth sharing and loss of service to customers during an emergency. Martin Lavin responded to a question by Ellen Pritham about the ability of non AT&T callers to utilize the 911 network in the affirmative.
- Discussion of areas of coverage under current and proposed tower conditions.

John Hynes called for a short recess, followed by questions from members of the public who had signed up to speak.

Andrew Schatz (oppose) -stated that as the owner of the property surrounding the current tower, he has concerns about the potential loss of value of his land due to noise from the generator and loss of views. He inquired about the number of 911 calls in this area and the number of people who use AT&T presently. **Kevin Mason** noted that there are few AT&T customers in the Easton area because there is currently little to no coverage.

Carl Lakes (oppose) - said he felt that esthetically the tower would be a huge eyesore and have a negative effect on land values.

Jim Page (oppose) - proposed that the original site plan for the tower had not been followed, and that it sits on an elevated part of the site which gives it 20 feet of additional height. He maintained that the former permit for the tower had stipulated minimal cutting which had not been followed and that nothing had been restored around the tower site.

Steve Sabre (neutral) - related that he had iffy cell phone coverage and had lost land line service numerous times and felt improved cell phone coverage deserved consideration.

Anita Craven (neutral) - noted that the increased area of proposed coverage by AT&T seemed to be more present in the National Forest than in the portion of Easton with housing, and asked if there would ever be more than one generator? **Jesse Moreno** responded that additional carriers could add their own generators.

Campbell McLaren (neutral) - asked what happens when 5G comes in? **Martin Lavin** responded that 5G would not be a factor in this area for a very long time. He also asked about other methods of communication during an emergency. **Martin Lavin** spoke about the ability of cell phones to communicate more aspects of an emergency response, ie send physical assessment data from the scene to a physician to allow treatment to begin at the site of the emergency.

Carl Lakes - questioned the amount uncovered area in Easton even with the higher tower. **Martin Lavin** responded that there would always be uneven coverage due to local terrain.

Following public comments, John Hynes entertained questions from the ZBA members.

John Hynes - inquired about the implications of additional weight and cited (exhibit 6) the Ramaker evaluation, dated Jan 3, 2019 versus HDG's report dated 11/20/2018.

Attorney Duval requested that all questions be framed for presentation to Blue Sky's structural engineer and noted that a sound tower is in Blue Sky's interest as well. **John Hynes** requested that the applicant's structural engineer be in attendance for next meeting. **Attorney Duval** so noted.

John Hynes - noted that quarterly reports on the security inspection of the tower had not been received. **Earl Duval** responded that no quarterly reports were done, but that the structural report has been completed and states that the tower is sound.

Further tower quality discussion:

- tower maintenance requirements
- strengthening of the tower for additional height and load
- certifications for tower inspectors

Ellen Pritham - stated that ZBA regulations call for quarterly inspections by a licensed professional followed by a discussion determining the qualifications of a licensed professional in this setting.

Fred Moody - asked to follow up on Jim Page's comments about the tower being moved after the original permitting. **Attorney Duval** stated that Blue Sky will verify location and that he does not believe the site was shifted after the balloon launch.

John Hynes - inquired about the need for a generator, is it a FirstNet requirement, and was told that a generator is essential for FirstNet.

Kris Pastoriza -asked if the applicant was attempting to secure other sites. **Attorney Duval** stated that the plan is to co locate on an existing structure.

-asked if there was any intention to give Easton a deployable antenna?

Attorney Duval replied that there was not.

-asked what the cost would be to the town to be connected to FirstNet.

Blue Sky panel responded that there was a cost to be determined.

- inquired about security needs with higher tower/FirstNet? **Attorney**

Duval responded that the tower is already overseen by FCC, and security requirements would not change.

- asked about providing bare earth maps. **Attorney Duval** stated that they had provided computer simulated coverage predictions.

-asked about an endangered species evaluation. **Attorney Duval** answered that they would file following the balloon test. **Jesse Moreno** stated that no additional cutting was proposed.

John Hynes - noted that AT&T submissions were certified by their authors whereas Ramaker and HDG were only stamped by their authors, why the difference? **Jesse Moreno** stated that both methods of verification are used and are acceptable.

John Hynes summarized the discussion by identifying the task before the ZBA;

1. Determine the impact of the increased tower height on the community.
2. Evaluate the benefits of increased safety and telecommunications as noted in the Master Plan for the Town of Easton.
3. Initiate peer reviews by RF and structural engineers to be available by next meeting.
4. Balloon test dates/times: 8A, 12N on Saturday June 1: rain date Sunday, June 2.

Kris Pastoriza moved to appoint a real estate professional at the applicant's expense to evaluate the impact of land values in proximity of the tower, citing RSA 36:57. **Ellen Pritham** seconded. Discussion followed regarding what the study would cover. **Attorney**

Duval noted that a study had been done during the application for the original tower, and that the scope of the study should be to evaluate the impact on raising the tower.

John Hynes made a motion to table the previous motion until after the balloon test and following the outcome of peer review reports. **Beth Harwood** seconded. All in favor; none opposed. Passed.

Beth Harwood moved to accept the contracts for IDK (radio frequency), DTC (legal), and ATP (structural). **Ellen Pritham** seconded. All in favor; none opposed. passed. John Hynes to send the scope of services including an updated proposal for structural engineering services to Attorney Duval.

Application Shot Clock

Attorney Hilson outlined the criteria for a complete application and stated based on the materials received that the application was complete and only the duration of the clock (90 vs. 150 days) needed to be determined.

It was moved on Attorney Hilson's advice and the shot clock was re-started.

Fred Moody moved to close the meeting at 10:01pm. **Beth Harwood** seconded. All in favor; none opposed. Passed.

Next meeting, Thursday, June 27 at 7 pm.

Respectfully submitted,

Kathy Ryan