

**CORNISH PLANNING BOARD  
MINUTES  
MAY 16, 2019**

The Cornish Planning Board met on Thursday, May 16, 2019, at 7pm in the Cornish Town Offices. Members present were Bill Lipfert, Chair, Mary Mancuso and Gail McKenzie; Lyle Parry, Selectman for Scott Baker; and Heidi Jaarsma, Secretary.

George Chiannis and Barbara Stepaneak of Viridi Wireless, LLC, Heidi Trimarco of Downs Rachlin Martin, PLLC, attended the meeting.

Adam Blue, Cara DeCato, Larry Dingee, and Bob Rice also attended the meeting.

Bill Lipfert called the meeting to order at 7:04pm.

Viridi Wireless – Completeness Review re: Site Plan Review of Proposed Wireless Communication Facility, Burr Road

*voting: Bill Lipfert, Chair, Heidi Jaarsma, Mary Mancuso, Gail McKenzie, and Lyle Parry.*

Ms. Jaarsma reviewed the notice. Regional notice of the application had been made. Notice had been posted in the *Valley News* and *Eagle Times*. Of the twenty-seven certified letters that went out, three were returned due to insufficient address, Meriden, Plainfield, and Brownsville. One certified letter, addressed to Tilson, was neither returned nor was return receipt received. Bill Lipfert asked if the two municipalities had been contacted with regard to the notice. Ms. Jaarsma stated that a copy of the notice had been emailed to the Plainfield Town Manager. Brownsville had not replied.

Mr. Chiannis gave a presentation of the plan. Viridi Wireless has leased a 100'x100' parcel on Map 16, Lot 60A, located at 200 Burr Road and owned by Cara DeCato, with the intention of constructing a wireless telecommunications facility. A 170' monopole type tower will be constructed within a fenced 75'x75' compound. AT&T/FirstNet will lease antenna space on the tower. Mr. Chiannis reviewed the design of the tower. Power and telco will be run off the pole at the end of the existing residential driveway which accesses the site. Wires will run underground to two poles as shown on the plan. The tower is designed to accommodate five other carriers. Tower space has also been reserved for a repeater to provide radio service for local emergency services. Mr. Chiannis stated that the proposed tower will provide coverage to Cornish Flat. He added that it is his desire to work with the town.

Heidi Jaarsma submitted into the record comments from the New Hampshire Historical Resources (DHR). The request for comment was received by the DHR on April 26, 2019, and received by the Town of Cornish on May 7, 2019. The DHR found that no historic properties were affected and added that the DHR should be contacted should public concern be raised regarding impacts to historic properties.

Heidi Jaarsma asked a question submitted by Jon Glass, Board member, who was unable to attend the Completeness Review: "...from exhibit B, page 3, paragraph 2 notes that 'other improvements being made to existing and planned sites in the area' will provide 2.5 miles of coverage."

Ms. Jaarsma asked Mr. Chiannis if the 2.5 miles of coverage would be provided by the proposal before the Board, or if improvements to existing and proposed sites in conjunction with the proposal before the Board would provide the stated coverage. The Board asked Mr. Chiannis to clarify the statement and to indicate where and how existing sites would be improved and to show where the planned sites would be located if such was the intended meaning of the cited paragraph. Mr. Chiannis stated that he did not have an answer. Ms. Trimarco will find the answer for the next meeting.

Mr. Lipfert asked Mr. Chiannis to walk the Board from the road to the site on the plan. Mr. Chiannis described the plan as shown on page C-1 of the Site Plan. Each site requires power and a telephone line. Map C-3 showed a detail of the compound. Mr. Lipfert asked Mr. Chiannis to illustrate the tract of land owned by Ms. DeCato which carried an easement preventing development of any kind. Ms. DeCato showed the Board the parcel, which is part of Map 16, Lot 60A. There will be no development on the referenced tract with the easement. Bill Lipfert clarified that that would include not setting any poles or guy wires. Mr. Chiannis stated that there would be no poles, guy wires, or development of any kind on the parcel in question.

Mr. Chiannis stated that in order to develop a site, a willing landlord and a piece of land with an available fall zone is necessary, and the proposed site met all those requirements. Additionally, the existing tree cover provides quite a bit of natural screening for the project. Mr. Lipfert asked if the telephone and power connections from Burr Road to the proposed site would require additional cables to meet the required capacity. Mr. Chiannis stated that there would not be any additional cables on the road. Mr. Lipfert clarified that he asked if the current infrastructure would provide the sufficient number of circuits. Mr. Chiannis could not answer that question, but state that the telephone line off the existing pole would have all the required capacity required. Mr. Chiannis stated that increased communications capacity would not require additional capacity within the existing infrastructure. Mr. Lipfert responded that the telephone infrastructure is dated throughout Cornish and asked Mr. Chiannis whether or not, as far as AT&T and FirstNet are concerned, existing communications cables will suffice. Mr. Chiannis replied that the statement was correct, existing communications cables will suffice.

Mary Mancuso asked what service the tower would provide to the east side of Cornish. Mr. Chiannis stated that with AT&T/FirstNet, a national emergency response system would be provided. Additionally, Mr. Chiannis had made coverage of Cornish Flat a priority. Mary Mancuso described the current dead zone from Meriden to Cornish Flat. Mr. Chiannis stated that the proposed facility would remediate the problem for users of AT&T cellular service. He added that colocations could provide service through other providers. Per Mr. Chiannis, AT&T is making headway in rural areas of the North Country and Maine.

Gail McKenzie asked about the March 1, 2019, balloon test. She asked why there had been no notice to property owners regarding the balloon test. Mr. Chiannis stated that the zoning ordinance and by-laws do not require public notice. The balloon was flown at the height of the top of the tower. Heidi Jaarsma asked Mr. Chiannis that the March 1, 2019, if visibility study analyzed potential visibility of the proposed tower from public roads only and added that visibility from residences was not part of the report. Mr. Chiannis stated that the company contracted to carry out the visibility survey had shown potential visibility from public roads and

referenced the maps in Exhibit D of the application submission. Ms. Jaarsma reiterated that a visibility analysis from residences was not given in the report. Without knowing that the visibility test was taking place, no one in the area of the proposed site had known to look from their residence to see if the tower would be visible.

Bill Lipfert asked what NEPA (National Environmental Protection Act) requirements applied to the project and which have been fulfilled by the application. Ms. Trimarco stated that the NEPA report would be in hand before the applicant applied for a building permit. Heidi Jaarsma stated that she would like the NEPA report in hand by the time of the Public Hearing. Bill Lipfert expressed concern that pieces of the NEPA report were coming in piecemeal. Ms. Trimarco stated that the report would be comprehensive and self-contained.

Larry Dingee asked what the NEPA report was and how the information applied to site plan review. National Environmental Policy Act is a checklist of potential environmental impacts studies which are compiled into a single report. Mr. Dingee asked how many NEPA criteria applied to Site Plan Review. Mr. Lipfert stated that the environmental impact studies included in the report aligned with Site Plan Review. Heidi Jaarsma said receipt of additional submissions after approval could cause the Board to consider reopening the public hearing. Submission of the NEPA report prior to the Public Hearing would be in the best interest of the public, the Town, and the applicant.

The Board reviewed the application requirements.

*A. Existing Data and Information*

*A.1 Location of site, names and addresses of owners of record and abutting land owners.*

The Board found that application requirement A.1 had been met.

*A.2 Name and address of persons or firm preparing the map...*

The Board found that application requirement A.2 had been met.

*A.3 The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area.*

Bill Lipfert asked if 25' right of way as shown row would cover all appurtenances, drainage ditches, guy wires, etc., slope work. George Chiannis replied that to the best of his knowledge it would. Mr. Lipfert suggested a 50' right of way.

*A.4 The existing grades, drainage systems, structures and topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding 5 foot contour intervals.*

The Board found that application requirement A.4 had been met. Bill Lipfert asked regarding the 20% slope at the entrance of the facility. Mary Mancuso pointed out that the edge of the road showed a 20% grade. Driveway grade was not shown. Mr. Lipfert asked if the company had design criteria for emergency vehicle access. The Board would like to see a thumbnail with a driveway profile showing the grade.

*A.5 The shape, size, height, and location of existing structures located on the site and within 200 feet of the site.*

The Board found that application requirement A.5 had been met.

*A.6 Natural features such as streams, marshes, lakes or ponds. Manmade features such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.*

Heidi Jaarsma noted that the setback from the perennial stream shown on the plan was shown from the center of the facility and suggested that the plan show the setback from stream to nearest edge of the compound. Bill Lipfert asked why approximate location of stream was noted as shown from aerial photo. He questioned why the wetlands were not delineated and asked that the plan show as such.

*A.7 Use of abutting properties shall be identified with approximate location of the structures thereon including access roads.*

The Board found that application requirement A.7 had been met.

*A.8 The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing public utilities that are located off-site, with which connection is planned or located within 100' of the site.*

The Board found that application requirement A.8 had been met.

*A.9 A vicinity sketch (suggested scale 1" equals 500') showing the location of the site in relation to the surrounding public road system. The zoning districts and boundaries for the site and within 1,000 feet of the site shall be shown. 100-year flood elevation line shall be included where applicable.*

Bill Lipfert asked about the 25' dimension for the right of way which shifts to 30' at a point further up the drive. Mr. Chiannis explained that at the point that Viridi picks up the existing right of way, it is expanded to 30'. At the point that Viridi picks up the right of way, 30'. Viridi 'piggybacks' on the existing 25' right of way of the DeCato property over the Rice property. The Board found that application requirement A.9 had been met.

## *B. Proposed Plan and Information*

*B.1 The proposed grades, drainage systems, structures and topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding a 5 foot contour interval.*

The Board asked that a profile with grades of the proposed access road be shown.

*B.2 The shape, size, height, and location of the proposed structure including expansion of existing buildings, including typical elevations.*

The Board found that application requirement B.2 had been met.

*B.3 Proposed roads, driveways, parking spaces, sidewalks, with indication of direction of travel for one way roads and drives and inside radii of all curves. The width of roads, driveways and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces*

*and facilities associated with the structures on the site shall be shown.*

Bill Lipfert questioned whether a firetruck could enter the site and turned around at the top. He asked for some design criteria regarding what kind of truck could access the site. Bob Rice, former Cornish Fire Chief, stated that the 4wd one ton would be able to reach the site and that hose would be laid to the site. Bob Rice felt that that access fire trucks and related equipment for would be fine. He stated the importance of enough sweep in the corners for vehicular access.

Ms. Trimarco stated that the discussion was more appropriate for the Public Hearing. Heidi Jaarsma asked if this road design given in the plan was what the applicant intended for review at Public Hearing. Ms. Trimarco stated that it was. The Board found that application requirement B.3 had been met.

*B.4 The size and location of all proposed public and private utilities. In the case of electric lines or other utilities to be installed by a public utility corporation or a municipal department, a statement shall be received in writing from such public utility, corporation or municipal department that the work will be done within a reasonable time and without expense to the Town and that the utilities will be placed underground, if this has been agreed.*

The applicant requested a waiver of the second section of B.4. Mr. Chiannis stated that the utility would not give any statement regarding the site until all required permits and approvals were in hand. The Board found that application requirement B.4 had been partially met: the size and location of all proposed public and private utilities were shown. The Board will discuss the waiver request at the end of the application review.

*B.5 Exterior lighting plan and proposed signs to be located on the site.*

Heidi Jaarsma read a comment from Dr. Glass: "Note 1 on Exhibit C-3 states 'tower shall not be artificially lighted unless required by the FAA or other applicable authority.' Exhibit J, Towair report, states that the 'structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates...' However, Towair points out the findings are not conclusive and the applicant should 'exercise due diligence to determine if it must coordinate its structure with the FAA.' I would suggest the applicant get a written determination from the FAA as to whether the tower requires lighting to warn aircraft. While the site may be more than 5 miles from the nearest airport, Cornish is frequently on a flight path to the Lebanon Airport."

The Board added that the tower may be within the flight path of the DHART. Ms. Trimarco will get back to the Board about whether discussions have been had with the FAA. Mr. Lipfert read the disclaimer on the Towair and questioned its usefulness. He referenced the 2006 submission regarding FAA lighting requirement by the existing Verizon tower in Cornish. That submission lists a private airport 3.3 nautical miles from the existing tower. Bill Lipfert questioned the distance from the referenced existing private airport. Members of the public said that the airport was on the Plainfield side of town. Heidi Jaarsma asked Mr. Chiannis what triggered an Aeronautical Study. Mr. Chiannis replied that a tower exceeding 200' in height or within five miles of an airport required an Aeronautical Study. Bill Lipfert requested a more detailed statement regarding tower lighting.

*B.6 A storm drainage plan including plans for retention and slow release of storm water where necessary and plans for snow removal and storage.*

Mary Mancuso asked regarding the implementation of the stormwater monitoring program. Mr. Chiannis clarified that the monitoring as described in the plan was to take place only during construction. The Board found that application requirement B.6 had been met.

*B.7 A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public roads including any traffic control devices necessary in conjunction with the site development plan. Suitable driveway permits shall be required. There shall be adequate access from suitably located existing public roads of sufficient width to afford adequate light, air, and access to each structure for fire, police, and medical emergency vehicles and personnel.*

*Adequacy shall be established by approval in writing from the Town fire and police departments.* Heidi Jaarsma stated that the town of Cornish considers a change of use an alteration requiring a new driveway permit even if the existing curb cut is not physically altered and asked the applicant to have a driveway permit in hand prior to the public hearing. She noted application B.7 requirement: ‘Suitable driveway permits shall be required.’

Mr. Chiannis stated that local fire and police officials would speak in support of the proposal at the public hearing. Ms. Jaarsma replied that adequacy must be established by approval in writing from the fire and police departments.

*B.8 Construction drawing including but not limited to pavements, walks, steps, curbing and drainage structures.*

The Board found that application requirement B.8 had been met.

*B.9 A proposed landscaping plan, indicating the location, quality, type, and size of all natural cover to be retained, proposed landscaping and landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, road furniture, lights, courtyards and paved areas. The plan shall specify in detail the size and types of shrubs, plants, and trees, caliper of trees, and size of all proposed landscape material at the time of planting. Such plan shall also show the proposed landscaping and natural cover of the perimeter of the site including all sizes and types of trees, screens, fences, and walls, and natural cover to be retained. Methods and details for protecting existing vegetation during construction and an erosion control plan shall be included. Planting and installation details as necessary to ensure conformance with all required standards.*

The applicant requested a waiver of application requirement B.9 given the Zoning Board decision did not require a landscaping plan and that the Zoning Board had found that the existing natural vegetation provided suitable screening. The existing tree plan with proposed tree removals on page C-4 of the application submission was reviewed. The Board asked that the tree plan be included as the landscape plan.

*B.10 An estimated timetable for construction and completion of buildings, parking facilities and landscaping.*

The Board found that application requirement B.10 had been met.

*B.11 If the proposed development requires a special exception or variance by the Zoning Board of Adjustment, a copy of the special exception or variance approval issued by the Board of*

*Adjustment is attached and made a part of the application.*

The Board found that application requirement B.11 had been met.

### *C. Additional Information*

*The Planning Board may require such additional other information as it deems necessary in order to apply the Cornish Site Plan Review Regulations.*

Heidi Jaarsma read into the record comments from Dr. Glass regarding RF emissions. Although the comments may be considered during the Public Hearing, Ms. Jaarsma felt it appropriate to read the comments into the record at the Completeness Review so the applicant would have the opportunity to respond and/or choose to submit further information at the public hearing:

Radio Frequency exposure, Exhibit G: There are two houses in close proximity to the proposed tower, one at about 200 feet from the base of the tower and one at about 400 feet. Have the occupants of the houses been informed of the RF exposure that will occur? As the houses are so close to the antenna shouldn't exposure be calculated at the height of the second story? The tower is designed have up to 4 additional occupants. What would the calculated RF exposure be at these two houses and in Cornish Flat if all 4 of these antennas were installed? Is there a FCC guideline for mW/cm<sup>2</sup>/hour, i.e. continual exposure?

There is no mention in the application of changing the RF that will be broadcast from the tower to so-called 5G. If the carrier does change to 5G what impact will that have on energy consumption, RF levels especially at the two houses near the tower, and coverage in Cornish and Plainfield. Similar, if other carriers add antenna to the tower what will be the impact on these same factors—energy consumption, RF levels, and cell phone coverage? Finally, since we are frequently on a flight path to Lebanon Airport does the side radiation of 5G have a different impact on aviation than the RF that is currently going to be installed making it more urgent to have the FAA opine whether lights are required.

Lyle Parry asked about additional RF emissions from potential colocations. Heidi Jaarsma stated that as a condition to a prior tower approval, a colocations required Site Plan Review with an associated RF study.

Mr. Lipfert noted that the applicant had requested a waiver of application requirements B.4 and B.9. Lyle Parry made a motion to grant the waiver of the portion of application requirement B.4 as requested; to grant the waiver of application and requirement B.9, with the incorporation of the tree plan as shown on page C-4 of the application submission; and, to find the application complete subject to the following conditions:

1. Applicant shall submit the NEPA report to the Board at least 24 hours prior to the Public Hearing.
2. Applicant shall include a road profile, with grades, of the proposed access road.
3. Applicant shall show setback from the perennial stream shown on the plan to the closest edge of the compound and delineate the wetlands consistent with the NEPA report.

4. Applicant shall provide a more detailed statement re: applicability of FAA navigational lighting requirement on proposed tower.
5. Applicant shall secure a driveway permit approval for the proposed access road.
6. Applicant shall establish adequacy of the site in writing from the Cornish Fire and Police Departments. The statement from the Fire Department should address the access road grade and vehicle turn around.

Bill Lipfert seconded the motion, and the vote of the Board was in the affirmative 4-1, with Heidi Jaarsma, Bill Lipfert, Mary Mancuso, Lyle Parry voting in favor and Gail McKenzie voting against.

Heidi Jaarsma asked Ms. McKenzie why she had not felt the application was not complete. Ms. McKenzie stated that there were too many conditions to completeness. She added that she felt there should have been notice to the public of the balloon test. Mr. Chiannis stated that the Cornish by-laws do not require public notice of a balloon test; however, he reiterated his desire to work with the town and offered to do another balloon test. Mr. Chiannis will notify Heidi Jaarsma of the date and time of the new test, and Ms. Jaarsma will post an informal notice to include the town website, the town listserve, and at least two public places in Cornish.

The Board left it to the applicant to decide whether or not to submit a new set of plans or to insert replacement sheets in order to meet the conditions to completeness.

Mary Mancuso made a motion to adjourn. Gail McKenzie seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,  
Heidi M. Jaarsma