

**CORNISH PLANNING BOARD
MINUTES
JULY 18, 2019**

The Cornish Planning Board met on Thursday, July 18, 2019, at 7pm in the Cornish Town Offices. Members present were Bill Lipfert, Chair, Jonathan Glass, Gail McKenzie and Mary Mancuso; Lyle Parry, Selectman for Scott Baker; and Heidi Jaarsma, Secretary.

George Chianis and Dave Duplissis of Viridi Wireless, LLC; Will Dodge and Heidi Trimarco of Downs Rachlin Martin, PLLC; Keith Vellante, of C Squared for AT&T; Greg Costello of AT&T; Lynne Beck, Stenographer for DRM; Cara DeCato and Thomas DeCato, landowners; Adam Blue, Larry Dingee, Bob Rice, and William Wall also attended the meeting.

Bill Lipfert called the meeting to order at 7:01pm. Members of the Board introduced themselves as did those in attendance.

Will Dodge introduced Lynne Beck, stenographer, present on the behalf of Downs, Rachlin, Martin. Bill Lipfert asked regarding the process of identifying typographical or material errors in the transcript. Mr. Dodge said that the Planning Board could send errata to him on the behalf of the applicant. Mr. Dodge committed to sending an editable document to the Board for review.

Approval of Minutes

The Board reviewed the June 6, 2019, minutes. Mary Mancuso made a motion to approve the minutes as presented. Lyle Parry seconded the motion, and the vote of the Board was in the affirmative.

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

voting: Bill Lipfert, Chair, Heidi Jaarsma, Mary Mancuso, Gail McKenzie, and Lyle Parry. Prior to the opening of the Public Hearing, Mr. Lipfert asked the Board to review the six conditions to completeness made at the May 16, 2019, Completeness Review.

1. *Applicant shall submit the NEPA report to the Board at least 24 hours prior to the Public Hearing.*
The Board found that Exhibit O of the revised application materials met condition #1.
2. *Applicant shall include a road profile, with grades, of the proposed access road.*
The Board found that Exhibit M, page C-6, of the revised application materials met condition #2.
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.*
Bill Lipfert asked if the setback from the wetlands to the closest area of impact was shown. Dave Duplissis, project manager for Viridi, examined the plan and stated that the measurement would be 106'. The Board found that Exhibit M, page C-2, of the revised application materials met condition #3.

4. *Applicant shall provide a more detailed statement re: applicability of FAA navigational lighting requirement on proposed tower.*
The Board found that Exhibit N of the revised application materials met condition #4.
5. *Applicant shall secure a driveway permit approval for the proposed access road.*
The Board found that Exhibit R of the revised application materials met condition #5.
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.*
The Board found that Exhibits S and T of the revised application materials met condition #6.

Mary Mancuso made a motion to find that the conditions to completeness had been met. Lyle Parry seconded the motion, and the vote of the Board was in the affirmative.

Bill Lipfert opened the Public Hearing. Will Dodge made a presentation of the Site Plan. He introduced all parties to the application. Heidi Jaarsma asked that a link to the presentation be sent to the town. Will Dodge agreed to do so.

Will Dodge described the First Net Network. Mr. Dodge stated that the construction of the tower will support FirstNet, which is an independent authority within the U.S. Department of Commerce. Authorized by Congress in 2012, its mission is to develop, build and operate the nationwide, broadband network for first responders. FirstNet gives priority to first responders' cell signals in case of an emergency. The network is built by AT&T, a private carrier which won the bid from Federal government. States have the ability to opt in or out of AT&T FirstNet. New Hampshire, after an initial decision to opt out, has subsequently decided to opt in. Rural locations as well as urban are targeted for coverage by FirstNet. There is an emphasis on remote areas in NH without coverage today. Service to areas without coverage is generally provided through new towers on private or municipal properties due to a lack of collocation opportunities. An informational video produced by FirstNet was included in the presentation.

Mr. Dodge reviewed the access to the Site as shown on Map C-1. He pointed out the existing electrical distribution line from which underground lines will run to an overhead pole next to the compound. Mr. Dodge included an aerial photo of the existing access road and outlined the path of the proposed access road which continues to the proposed site. Mr. Dodge described the fencing and pointed out several natural features of the property. Several sections of the existing stone wall will be removed and restored to another location on the property.

Mr. Dodge described the site layout as shown on Map C-3. He showed the location of the AT&T and First Net antennae. The tower will meet all applicable building codes. Heidi Jaarsma referred to space described by the applicant as open to local first responders. She asked if open meant available for rent, and if so, if that rent would be at the market rate for such services. Mr. Chianis stated that he had offered the space to local first responders free of charge. Mr. Dodge pointed out the notes on the plan stating that there would be no guy wires.

Mr. Dodge went on to *illustrate* the turn around and the ability of a 26 foot fire truck to turn around. Mr. Lipfert asked Larry Dingee about the length of a typical pumper truck. Larry Dingee said that the longest truck in the Town fleet was barely 30 feet. Mr. Lipfert questioned the discrepancy between thirty and twenty-six feet. Dr. Glass asked about the 17% grade of the proposed access road in winter driving conditions. Larry Dingee stated that with tire chains, which are always run in the winter, the grade would not be a problem. Mr. Dingee added that the Fire Chief had signed off on the Site Plan. Bill Lipfert said that the Planning Board has historically limited grades to 15% and cited NH DOT best practices. The Dave Duplissis, Project Manager, stated that the grade could be reduced by filling in the area prior to the grade. Mr. Chianis stated that the access road was sufficient for a crane, cement truck, and the delivery truck for the steel monopole. Bill Lipfert asked for the criteria document showing that 17.25% was the best practice. Mr. Dodge cited Cornish Site Plan Review Design Criteria E, *Coordination of Roads, Parking, Loading, and Safety*, and made reference exhibit M of the application materials. Mr. Dodge stated that the engineer's stamp certified that requirement E-10 (below) had been satisfied:

III.E.10. Construction requirements shall be in accordance with Standard Specifications for Road and Bridge Construction as published by the State of New Hampshire Department of Public Works and Highways provided that alternative provisions may be considered by the Planning Board if submitted by the developer. (Cornish Site Plan Review Regulations)

Mr. Dodge stated that 15% may be appropriate to residential access construction, but that a higher grade was acceptable for commercial access.

Photographs of the existing pole and a simulation of the proposed utility lines were shown. The tree plan title had been changed to Landscaping Plan, in line with the ZBA decision and the Planning Board request. The existing 93' high tree canopy would provide screening.

Mr. Dodge began a summary of the project need by describing existing sites. Heidi Jaarsma asked if the coverage shown in the proposed coverage maps was just the effect of the proposed tower. Keith Vellante stated that the maps showed changes in coverage related to the proposed facility. He also explained the different frequency levels given on various maps. Bill Lipfert asked if most AT&T phones were multiband, and Mr. Vellante replied that they were. Dr. Glass asked if other antennae would provide similar coverage. Mr. Vellante stated that coverage would vary. Mr. Vellante pointed out improvements in coverage due to the proposed facility in Cornish Flat, Stage Road, Burr Road and other areas as shown on the maps submitted with the application. Mr. Dodge pointed out adjacent AT&T sites. He also described alternative sites in Cornish and Meriden: alternative sites were rejected by the radio frequency engineers. Town-owned properties were also considered, but were rejected for various reasons.

Visual impacts of the tower were reviewed, including the results of both balloon tests. Mr. Dodge highlighted sections of the design criteria as set in Article III of the Site Plan Review regulations. Bill Lipfert asked if Mr. Dodge could state definitively whether power or telco upgrades would be required. Mr. Dodge said that it was completely up to the utility and the site would be upgraded if necessary. Mr. Dodge stated that the site plan would not be affected, but

the utility beyond the site could be affected. Adam Blue asked for clarification. Mr. Dodge said that for example if consolidated decided to upgrade the service for the new compound. Heidi Jaarsma asked about the visual impact of potential upgrades. David Duplissis stated that the cable would be replaced, perhaps with a thicker one. Mr. Lipfert asked for an assurance that new poles would not be needed. Mr. Chianis said that in his experience, on over 450 sites, the answer had been no for new poles; however, it is up to the electric company. Larry Dingee stated that it has consistently been the goal of the town of Cornish to upgrade telecommunications in town. Bill Lipfert said that the Master Plan encouraged improvements. Adam Blue also advocated improvements in the system. Mr. Blue stated that he supported the proposal. Bill Lipfert said that the questions regarding potential upgrades to public utilities were with regard to potential loss on property value due to visual impact. Mr. Dodge cited the 2009 Cornish Master Plan goal to improve telecommunications in rural areas. Mr. Dodge provided a removal bond estimate.

Mr. Wall relayed several horror stories revolving around accident and death and the inability to contact emergency services in Cornish Flat. He stated that Cornish needs this tower. He felt the offer to emergency services was very generous.

Larry Dingee spoke in favor of the presentation. Questions of the height of the tower were decided by the ZBA. He felt that the road as proposed would not be a problem for emergency vehicles.

Heidi Jaarsma read the letter from the Fire Chief. On June 24, 2019, Chief Boutelier wrote that he had reviewed the site plans and that the turn-around was adequate. The letter stated that Chief Boutelier had not seen the final plans as to the grade of the access road. Bill Lipfert asked about the snow removal plan. Per Mr. Chianis, snow is plowed within a week after the storm. Bill Lipfert asked what would happen if a tech at the site was electrocuted and the driveway was not plowed. Mr. Chianis stated that there are always at least two people working at a tower site, and that the other tech would bring that person out. Bill Lipfert questioned how an on-site tech would deal with injury which required immobilization. Mr. Chianis said that he was citing standard procedure and that the longest period of time before snow removal would be a week. Bill Lipfert asked Mr. Chianis if he was stating that employees would not be sent to the site unless the road was plowed. Mr. Chianis said that he was.

Bill Wall spoke to the adequacy of the 17% grade for construction.

Heidi Jaarsma reviewed the design requirements. Bill Lipfert asked about the culverts. Mr. Chianis outlined the culverts and retention areas, which are holding areas for excessive water. He stated that these holding areas would prevent wash-outs. Mr. Lipfert asked regarding one of the symbols shown as a black square on page C-5. Mr. Duplissis, Project Manager, referred him to the detail on page D-1, the typical level lip spreader. Mr. Dodge had no objection to putting references to page D-1 on the plan shown on page C-5.

Heidi Jaarsma asked Mr. Dodge to describe a significant modification to an existing tower that would require Site Plan Review. Mr. Dodge responded that state statute addresses significant modifications to wireless facilities. He gave examples of significant modifications such as height increase of more than 10% and modifications that that undercut required the screening.

A removal estimate was provided to the Board by Mr. Chianis. Heidi Jaarsma asked the applicant to clarify how the removal bond process works. Bond companies will only issue a bond itself after the facility has been built. Ms. Jaarsma suggested that thirty days after the completion of construction was a reasonable amount of time to post the bond. The applicant concurred. Mr. Lipfert added that the completion of construction should be no later than the day the facility is operational.

Bill Lipfert compared pages C-2 and C-6. He stated that a fifteen percent grade is difficult with a Ford F-550 truck which is similar to an ambulance and that two wheel drive will not make it to the site in icy conditions. He reiterated that if an employee were injured at the site, an ambulance would not be able to reach the compound. He asked whether or not the 100-foot setback to the wetlands would be impacted if the proposed access road was constructed so as not to exceed 15%. Mr. Chianis could not say that it would not. Mr. Lipfert stated that changing one section would bring the grade to 15% which could be the difference between life and death to employees. Mr. Dodge stated that the engineer's stamp certified that Site Plan Review Design Requirement E10 was met. Mr. Dodge stated that cell service was also necessary to call emergency services. Bill Lipfert stated that NH DOT best practices were 15%. He asked that the applicant agree to a 15% grade on the driveway and reiterated that ambulance service would be able to access the site.

Heidi Jaarsma said that the Site Plan Review regulations do not give a number for maximum grade of driveways. She read from the regulations the applicable design standard III.A.2(a):

The site shall be of such a character that it can be used safely for the construction and installation of the improvements proposed by the applicant without excessive grades, inadequate drainage, and other hazardous conditions. If the applicant has obtained a special exception from the Zoning Board of Adjustment, and that Board has specifically considered, made findings, and included in its decision the character of the site and review of excessive grades, inadequate drainage and/or hazardous conditions, the Planning Board shall take such decision into consideration in applying the within standard.

She noted that the Zoning Board decision did not address the grade of the access drive and the driveway profile had not been part of the ZBA submission.

Mr. Dodge requested a five minute recess with the applicant, which was granted by the Board Chair. Upon return, Mr. Chianis stated that the Tilson engineer's stamp certified the safety of the road.

Heidi Jaarsma asked if the revised plans submitted to the Board on July 12, 2019, had been shown to the Fire Chief. The Fire Chief had not signed the Driveway permit. Lyle Parry stated that the Selectboard received a verbal approval from Mr. Boutelier, but that had been prior to the submission of the revised plans. Ms. Jaarsma read aloud the last line of the letter from the Cornish Fire Chief: 'I have not seen the final plans as to the grade of the access road so I am not able to testify to the accessibility for the apparatus.' (Exhibit R, revised Site Plan, 7/12/2019).

She suggested that a statement from the Chief regarding the adequacy of the access road be a condition to approval.

Mr. Lipfert reiterated that the current plan was not safe for employees at the site and suggested that the decision regarding the road grade had been a financial one. Mr. Chianis stated that he would need to speak to the engineer and Tilson.

Cara DeCato asked if it was a general consensus of the entire Board that the grade needed to be 15%. Bill Lipfert polled the Board. Lyle Parry asked if the engineer's stamp precluded the town from liability. Mr. Dodge stated that there is no absolute certainty. Lyle Parry said he would have more of an issue if it were an occupied dwelling. Mary Mancuso said that 17% is a steep grade. She lives on a steep road that can be inaccessible without four-wheel drive. Gail McKenzie felt that it was not an occupied dwelling, and though it was steep, given letters from Police and Fire Chiefs, she was okay with the plan. John Glass advocated for a proposed grade not to exceed 15%. Heidi Jaarsma stated that both 15% and 17% were steep. She went on to say that although the ZBA decision did not directly address grade, the approval found the site suitable. She would like to see a letter from the Fire Chief which addresses the grade of the road.

Mr. Chianis asked to amend his statement regarding snow removal. Per Greg Costello, AT&T will be responsible for snow removal. Typically, site techs are equipped with vehicles with plows, and roads are plowed as access is required.

Gail McKenzie made motion to approve subject to the following five conditions:

1. The applicant will re-profile the proposed grade of the access road to the site so as not to exceed 15% provided that (a) there is no impact on the NEPA finding; (b) an agreement can be reached with the landowner; (c) the 100' foot setback to the wetlands is not encroached; and (d) the impact to the historic stone walls is not substantially greater than as shown on the proposed 7/18/19 plan.
2. Adequacy of the plans as submitted at the July 18, 2019, Public Hearing and of the accompanying narrative to be provided by Viridi Wireless, LLC, regarding proposed changes to the site plan shall be established by approval in writing from the Cornish Fire Chief.
3. At the time that facility construction is complete, the applicant will certify such completion to the Town of Cornish. The date of certification shall be no later than the start of wireless service.
4. Within thirty days of certification of facility construction completion, a removal bond in the amount of \$24,512.00 will be posted by the applicant with the Town of Cornish.
5. A certificate of insurance as required by Condition #3 of the Cornish Zoning Board of Adjustment Decision, Case 19-01, dated April 1, 2019, will be provided to the Town of Cornish prior to the commencement of construction.

Heidi Jaarsma seconded the motion. Bill Lipfert asked if there was any discussion. Heidi Jaarsma asked what evidence the applicant would need to present to the Board in the scenario that any of a-d, listed in condition #1, prevented modification of the proposed grade. The Board concurred that the applicant would have to provide substantial evidence from a professional

registered in the state of New Hampshire. Bill Lipfert called for a vote, and the motion was approved, 4-0.

Larry Dingee asked that a copy of the transcript as provided by the applicant be submitted into the public record.

Other Business

Heidi Jaarsma presented an email from Rick Kendall, Superintendent of Saint Gaudens NHP, inviting the Board to review and comment on proposed upgrades by Opera North to the Blow-Me-Down-Farm. Ms. Jaarsma will communicate that July 25, 6pm or later, would be the best date and time.

Mary Mancuso made a motion to cancel the August 15 meeting. Gail McKenzie seconded the motion, and the vote of the Board was in the affirmative. Mary Mancuso made a motion to adjourn. Jon Glass seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,
Heidi M. Jaarsma