APPROVED

LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, MAY 28, 2014 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

Present: Chair R. Patrick Romprey, Vice-Chairman Jim Spanos, Clerk John Hettinger, OJ Robinson, Selectmen's Representative, Selectmen's Representative Tamra Ham (serving in OJ Robinson's stead for Cellco Partnership d/b/a Verizon Wireless application), Paula Strickon, Norman Belanger (alternate), Taylor Beaudin (alternate) and Callum Grant (alternate).
Members Excused: None
Members Absent: None
Staff Present: Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank, Nikki Donahue (recorder)
Town Attorney Present: Attorney Peter Malia of Hastings & Malia Law Office, PA, 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290
Guests:

- **Cellco Partnership d/b/a Verizon Wireless Presenters:**
  - Charles "Chip" Fredette, PM, Vital Site Services, Inc., Site Acquisition and Contracts Management working for Verizon Wireless as a contractor. He looks for real estate for Verizon so that Verizon can meet its coverage needs
  - Andrew G. LeMay, CNHA, NHCG Deputy Assessor for City of Nashua, City Hall, 229 Main Street, PO Box 2019, Nashua, NH 030621-2019 (did not get a chance to present)
  - Keith Vellante, Senior Radio Frequency Engineer for C Squared Systems, LLC, a third party radio engineering firm working as a Verizon Wireless Consultant for Verizon Wireless on the proposed site
  - John F. Weaver, Attorney for McLane, Graf, Raulerson & Middleton, PA, 900 Elm Street, PO Box 326, Manchester, NH 03105-0326, representing Applicant Cellco Partnership d/b/a Verizon Wireless
- **Representative of Property Owner – CLP Loon Mountain, LLC (formerly known as CNL Income Loon Mountain, LLC)**
  - Rick Kelley, President and General Manager of Loon Mountain Recreation Corp., leasing from CPL Loon Mountain LLC, formerly known as CNL Income Loon Mountain, LLC & one of signatories on application for Cellco Partnership d/b/a Verizon Wireless to put up a telecommunications cell tower.
- **Consultant for Town of Lincoln**
  - Joshua M. McAllister, PE, CPESC, MBA, Vice-President/Senior Civil Engineer, for HEB Engineers, Inc., 2605 White Mountain Highway, Post Office Box 440, North Conway, NH 03860

- **Abutters to Proposed Cell Tower**
  - Rob Culgin, abutter and co-owner of 7 Sarsaparilla Court, (Map 124, Lot 022), from 4 Parmanter Road, Framingham, MA 01701
  - Cecile Eisenhauer, abutter and home owner (Tax Map 124, Lot 034 – 34 Westwood Drive) from PO Box 1193, Lincoln, NH 03251-1193
  - Peter Eisenhauer, abutter and home owner (Tax Map 124, Lot 034 – 34 Westwood Drive) from PO Box 1193, Lincoln, NH 03251-1193
  - Paul Hentschel, abutter and home owner (Tax Map 127, Lot 039 – 6B Bridgeview Road), from PO Box 781, Lincoln, NH 03251-0781
  - Vicki Hentschel, abutter and home owner (Tax Map 127, Lot 039 – 6B Bridgeview Road), from PO Box 781, Lincoln, NH 03251-0781
  - Doris (Dorie) Mollica, abutter and home owner of 29A Flume Road (Tax Map 123, Lot 046), PO Box 757, Lincoln, NH 03251-0757
  - Robert (Bob) Mollica, abutter and home owner of 29A Flume Road (Tax Map 123, Lot 046), PO Box 757, Lincoln, NH 03251-0757. Treasurer of Coolidge Homeowners Association, PO Box 1086, Lincoln, NH 03251-1086
  - Rossana Nigrosh, abutter who with a second home at 24 Governor's Lane, Map 124, Lot 028, owned by Kevin M. Sargis, Trustee of Hunter Realty Trust, 44 Old Princeton Road, Fitchburg, MA 01420. Sargis also owns abutting lot M124, Lot 027 on Governor's Lane. Nigrosh lives at 3 Battery Wharf, Boston, MA 02109.
  - Sean T. O'Connell, Esq., Shaheen & Gordon, P.A., 140 Washington Street, 2nd floor, PO Box 977, Dover, NH 03821-0977, representing abutters, Daniel and Rossana Nigrosh of 3 Battery Wharf, Boston, MA 02109 and whose property is owned by Kevin M. Sargis, Trustee of Hunter Realty Trust, 44 Old Princeton Road, Fitchburg, MA 01420. Sargis also owns abutting lot M124, Lot 027 on Governor's Lane (Attorney Karyn Forbes is on vacation).
  - Douglas Smith, abutter and President of Westwood Homeowners Association and homeowner in Westwood, PO Box 941, Lincoln, NH 03251
- **Others:**
  - Lincoln Fire Chief Ron Beard, Town of Lincoln, PO Box 25, Lincoln, NH 03251
  - Paul J. Beaudin, II, resident of 2 Louis Lane, Town of Lincoln's Solid Waste Manager & Chair of Zoning Board of Adjustment.
  - Desmarais, Denis E., Trustee of the Denis E. Desmarais Revocable Trust, PO Box 711, Lincoln, NH 03251, property owner of 11 Maple Street, Lincoln, NH (Map 118, Lot 066)
  - Michael Kim, Reporter for newspaper The Littleton Courier, 33 Main Street, PO Box 230, Littleton, NH 03561-0230
  - Fernando Lira, owner of the Mexican Restaurant named "El Charro", located in the Lincoln Center North Shopping Center located at 6-24 Lumber Yard Drive (Map 113 Lot 002) owned by Lincoln Center North, LLC, PO Box 681, Lincoln, NH 03251-0681.

The following Planning Board members were present as guests after stepping down following their recusals, etc.:

- *Taylor Beaudin, working as a subcontractor for Loon Mountain Recreation Corp. from 8 Louis Lane (Map 116, Lot 004), Lincoln, NH 03251:*
- *Norman Belanger, an abutter and an employee of Loon Mountain Recreation Corp. from 24 Spruce Drive (Map 116,k Lot 029), PO Box 983, Lincoln, NH 03251-0983.*
- *John Hettinger, an abutter at 12 Westwood Drive (Map 124 Lot 036) at PO Box 818, Lincoln, NH 03251;*
- *OJ Robinson (excused because he was not able to be present at start of Cellco Partnership d/b/a Verizon Wireless) from 83 Hanson Farm Road (Map 105, Lot 026), Lincoln, NH 03251.*

(There may have been others present who did not sign in on the sign-up sheet.)

I. CALL TO ORDER: by Chairman Pat Romprey called the meeting to order at 6:00 P.M.

Taylor Beaudin, Norman Belanger, John Hettinger, and O.J. Robinson were recused for the hearing concerning the Cellular Tower Proposal.

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:

- February 26th, 2014 if complete
- May 14th, 2014

Motion: "To Approve the Meeting Minutes from May 14th, 2014 as Amended"
Motion: Paula Strickon Second: John Hettinger.
Motion carried (4-0).
Abstained: Tamra Ham, Norman Belanger, Pat Romprey

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

No continuing business.

IV. NEW BUSINESS

A. 6:00 pm.Continuation of Site Plan Review for a Proposed Telecommunications Facility Under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities

1. **Application (SPR 2014-02)**
   Property: Tax Map 126, Lot 20, (60 Loon Mountain Road)
   Proposal: John F. Weaver Esq. of McLane, Graf, Raulerson & Middleton, PA, of 900 Elm Street, Manchester, NH 03101 on behalf of his client, Cellco Partnership

d/b/a Verizon Wireless ("VzW") of 400 Friberg Parkway, Westborough, MA 01581, filed an Application for Planning Board Site Plan Review Approval for a Proposed Telecommunications Facility Under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities. VzW is proposing to construct a 100 foot monopole within a 40'X40' fenced-in compound located to the southwest of the Governor's Lodge at Loon Mountain Ski Resort, at the end of Governor's Lane at 60 Loon Mountain Road (Tax Map 126 Lot 020). The monopole will host 12 panel antennas with a centerline height of 97'. The monopole will be supported by a 12'X26' equipment shelter with an internal diesel generator located within the compound. The structures will be in the General Use (G.U.) District. The property is owned by CLP Loon Mountain, LLC (formerly known as CNL Income Loon Mountain, LLC), 60 Loon Mountain Road, Lincoln, NH 03251. (No quorum on April 9, 2014. Hearing held on April 30, 2014, and then will be continued to May 28, 2014.

Chairman Romprey stated that the Board received a proposal for the tower to be moved to land on Forest Ridge. The Verizon presenters stated that this location would not suffice for the coverage needed. Chairman Romprey stated that there were numerous letters submitted to the Planning Board last meeting and they were read into the minutes at tonight's hearing.

The letters were read at the meeting and will be attached to the minutes.

The Verizon presenters addressed the concerns that were brought up at the last meeting that were included in the HEB report. With concerns to locating the tower on a different existing structure at Loon Mountain, they stated that there is not enough room to put all the equipment needed at these alternate locations. The Verizon presenter submitted a letter to the Board providing more details to address the concerns that were brought up at the last meeting. Concerning the availability of land in the National Forest, the Verizon presenters submitted documents addressing these issues. The presenters stated that these other locations, in National Forest land, would not provide adequate coverage for the area. The main reason why these sites would not work is for topography reasons. The Verizon presenter stated that the proposed tower site is in a "general use" area currently. Verizon reached out to The National Forest and they submitted a letter stating that they would not come to a lease agreement for another site on National Forest land.

The Verizon presenter stated that a new report was submitted detailing that cellular towers do not have a negative impact on property values in the area. The presenters discussed the Land Use Planning Ordinance, a local ordinance, and a check list that they have created concerning the ordinances. The Verizon Presenter read through the criteria of the ordinance on the check list. Paula Strickon inquired about the monopine design and why it is now being suggested in the presentation, when it was not at previous hearings. The Verizon presenters stated that the monopine design was decided on at the last hearing and that they are willing to work with the Planning Board on this design matter. The Verizon presenter than discussed a document that stated why other existing structures cannot be used for the tower site. The document had a dozen alternate structures listed, as well as the reasons why they cannot be used for the tower site. Chairman Romprey inquired how the presenters wish to achieve camouflage at the existing site.

The Verizon presenters stated that they are willing to do whatever it takes to camouflage the tower as best as possible. They also stated that they have a third location to present to the Planning Board and the Public and tonight's hearing.

Paula Strickon inquired about the Governors Lodge agreement because it states that lease agreements could not be reached with the structures owners. She questioned why the tower has to go in one of the most beautiful areas and the Verizon presenters responded that they can only build on structures that are leased to them. Chairman Romprey questioned whether there are safety concerns with the roof structures at the Governors Lodge location, he wanted to know if changes could have been made to make the structure safe for a cellular tower location. The Verizon presenters stated that no, the safety issues could not be repaired for use of a tower location. Rick Kelley stated that the Verizon plans included a stairway across the front of the lodge as well as other changes to the building structure. Kelley stated that the Loon Mountain team found this plan unacceptable.

Town Manager Burbank inquired about the Forest Service and if there were any other spaces available for co-location. The Verizon presenters stated that these locations would not meet the service needs they wish to cover. Chairman Romprey asked about how much this proposed tower will cover on the mountain. He stated that, to him, it seems to cover about thirty percent of the mountain area, so gaps would still exist. The presenters stated that due to terrain in the area, it will only cover portions of the mountain. Chairman Romprey stated that the Planning Board does not wish to see many towers in the area in the near future. The Verizon presenters stated that there are no future plans to propose a tower for this same area in the future. Paula Strickon inquired if the tower will cover the "Camp Three" area and the presenters stated they are unsure.

Peter Eisenhauer also questioned the Governors Lodge structure and inquired if adding a ladder the only reason why the Governors Lodge location was not approved for use. He asked for clarification on the safety issues regarding this site. Chairman Romprey stated that Rick Kelley mentioned the addition of a stairway. Eisenhower stated that a five foot step ladder was discussed at one point, but Chairman Romprey stated that he did not remember any such comment. Douglas Smith stated that this was discussed during the first hearing that the Planning Board stepped out for. Eisenhauer asked for clarification on the safety issues concerning the Governors Lodge. The Verizon presenters stated that this site was one of many that were considered. He also stated that an agreement could not be reached on the use of this area, access points were one of these issues that could not be agreed upon, and so a land site was then looked at. Chairman Romprey inquired if the Governors Lodge site would provide the same coverage as the proposed land site. The presenters stated that it would give similar coverage. Chairman Romprey stated that it really is a shame the Governors Lodge site could not be used for this proposal.

Another audience member questioned why a wooden facade around a staircase on the Governors Lodge wasn't proposed in order to reach an agreement, since it would visually impact the mountain less. He asked if there was any possibility to get a design team to look at the Governors Lodge location again and reach an agreement. The Verizon presenters stated that this location cannot be revisited and the site is no longer an option. The presenters stated that the twelve antennas in the design will not fit at this location.

Douglas Smith stated that if Loon Mountain really wants the tower, the Governors Lodge location needs to be looked at again, as home owners would be accepting of this location. He stated that he wishes to bring in an independent individual to create a new design to the Lodge location. Rick Kelley stated that there are not any changes that can be made to the Governors Lodge location site to make it acceptable for building. Chairman Romprey stated that the applicant and Loon Mountain are the two parties involved and decide if the Governors Lodge location can be used or not. Peter Malia also stated that the agreement is with Verizon and Loon Mountain; so the Planning Board cannot force an independent designer to come in and reconfigure the Governors Lodge location.

Rossana Nigrosh's Attorney, Sean T. O'Connell, Esq., of Shaheen & Gordon, stated that the presenters have not given enough information about the proposed site and how the tower plan fulfills ordinances.

The Verizon team presented simulated photographs of both a monopine and monopole structure designs for the proposed area. "Site A" is the location of the crane and "Site B" is a balloon tethered by string to show a third site that is being proposed. The Verizon presenters feel that this third site is a better location with more camouflage and sets back up the mountain and further away from property lines.

An audience member stated that when the balloon test was done, individuals were not shown a balloon floating from this newly proposed third location. Chairman Romprey stated that the second balloon was put up because he requested it. He stated that this site would provide optimum coverage and be camouflaged more. Douglas Smith stated that the new location for the tower goes 200 feet closer to the neighborhood on Governors Lane than the crane location. He stated that the crane location is the preferable location for homeowners as compared to the other two locations.

Peter Eisenhauer asked if other cellular carriers could build on to the existing tower. The Verizon presenters stated that other carriers would be added to the bottom. Carole Bont stated that other cellular companies who wish to add on to the tower would not have to come to the Planning Board for permission to do so. The Verizon presenters stated that they cannot control other carriers.

Rossana Nigrosh asked about the process of adding height onto the tower. The Verizon presenters stated that the "monopine" structures cannot extend to be taller than they are built and that the monopole design would have a part added to it. The Verizon presenters stated that this specific tower will not be added to and made taller.

Paul Beaudin stated that the point of this ordinance is to have co-location on towers to avoid having other towers going up in the same area. He stated that if the providers are allowed to build a tower in the first place, that they might as well add to the tower that is already there versus having a completely new tower built. Chairman Romprey stated that other carriers would have to add on to the bottom of the tower, not to the top and make it taller.

Rick Kelley stated that there is no additional space at Loon Mountain for another tower and equipment and would put this in writing. It was suggested that conditions should be added to the project so that no more land is offered and that height would not be added to the tower. The Verizon presenter stated that they are only leasing enough ground space at the tower site for their own personal use, so any other companies that wish to add on would have to reach an agreement with Loon Mountain first. They also stated that the pole will be designed to be capped at 100 feet and not allow for additional building.

Chairman Romprey clarified that the original site is not included on the photographs because it is completely disregarded at this time. Rick Kelley, acting on behalf of the property owner, stated that he would like to go with Site B and take Site A out of consideration completely.

Rossana Nigrosh stated that both Rams Horn residents and West Wood residents should have to come to an agreement about a location between the two neighborhoods. Douglas Smith stated that the Site A where the crane is farthest away from their neighborhood is what they prefer for the tower site. It was suggested to get more information about the screening of the site and the fact that it is in the middle of the access trail to the homes. Chairman Romprey asked Rick Kelley if the tower would interfere with access to homes. Rick Kelley stated that there would still be room for access to the homes on this road and that residents are allowed to use the road because he has granted them permission voluntarily. It is not a written and recorded easement.

Peter Malia wanted clarification as to what sites are still options for the Planning Board. Rick Kelley stated that he would like to talk to the Verizon presenters privately to come to a decision about site locations. HEB engineers are also present and wish to review the newly proposed site (Site B), as that has not yet been done. He also wished for an answer as to if an extension will be allowed since new locations are being proposed.

A short recess was taken to allow Rick Kelley to speak with the Verizon representatives.

The Verizon presenters stated that after speaking with Rick Kelley, "Site B" is the better location to consider for the proposal. They stated that although the Site B is closer, it will be shielded more. They then stated that they would not waive the time period and would possibly consider this at the next hearing. Peter Eisenhauer asked if a lower height could be considered and Chairman Romprey stated that a 100 foot tower is what is needed for the project.

The Verizon presenters stated that they are going strictly with Site plan B from not on.

Douglas Smith stated that he objects to the use of Site B for this tower proposal. He feels that the tower would negatively impact the view from the neighborhoods. Rossana Nigrosh requested that she would like Site plan A to remain a possibility and see a comparison of the two Sites, A and B.
Chairman Romprey stated that the tower at Site B would be higher than 100 feet, if a sub location were to be taken.

Peter Malia stated that Verizon needs to present the cellular tower location and then the Planning Board will either approve or deny the plan. The original tower plan site has been completely withdrawn. The second tower plan has also been denied as a possible site. Verizon and Rick Kelley would like to go with Site plan B going forward. Paul Beaudin asked that since the location being presented was not a part of the original plan that was presented, then does Verizon need to completely start over. Peter Malia stated that if the extension is not granted, the Planning Board could take that option. However, the current proposal has minimal changes. Paul Beaudin stated that the regulation states that equipment buildings must only be 100 feet and this cellular tower proposal exceeds this limit. Peter Malia stated that this is an open issue at the time and the Planning Board will decide on this eventually.

Chairman Romprey requested that the Verizon presenters need to come back with plans that include the screening of the towers from view for the next hearing.

Audience members made a comment about noise levels and the "fall zone" from the HEB report. The question is whether ski trails should be considered in the "fall zone" or not, as it is a public safety issue. The current location is not on a ski trail, but a voluntary access trail for the home owners. Rossana Nigrosh stated that she is concerned about her ski access and it was stated that the tower will not alter this. Chairman Romprey stated that the fall zone is in reference to buildings, not trails.

Paul Beaudin asked if there would be any lighting on the building, if so this should be included in the renditions. Peter Eisenhauer stated that he is concerned about the list of locations that are no longer being considered.

Peter Eisenhower wanted to know why a stealth tower, used by other cellular companies, cannot be used in this case. It was stated by the Verizon presenters that since Verizon has multiple licenses, the three antenna array works best verses an internal antenna array. The internal antenna array is considered to be "old technology".

Chairman Romprey stated that this hearing will reconvene on **June the 25th at 6:00 pm.**

B. 6:00 pm. Conceptual – Alberto Lira d/b/a El Charro – to add outdoor seating to the El Charro Restaurant at 6-24 Lumberyard Drive Unit #5, Lincoln, NH 03251 located on Map 113, Lot 002 in the Lincoln Center North Shopping Plaza, owned by Lincoln Center North, LLC, PO Box 681, Lincoln, NH 03251, in the Village Center (V.C.) District.

El Charro wishes to add four tables with chairs as street dining in front of the restaurant. Town Manager Burbank stated that this would be a change of use. Chairman Romprey inquired if the sidewalk would still be able to be used and it was stated that there would still be room for individuals to pass by. Ron Beard also stated that he looked at the area and that alcohol will be kept to inside the restaurant. The Planning Board had no issues on the matter.

C. 6:00 pm.Planning Board to review and make recommendations re: Board of Selectmen's proposed agreement to exchange land with CLP Loon Mountain, LLC, of 60 Loon Mountain Road, Lincoln, NH 03251 (formerly known as CNL Income Loon Mountain, LLC) the owner of the Loon Mountain Ski Area, to allow for the replacement of the Loon Mountain Bridge from the NH Route 112 – the Kancamagus Highway - across the East Branch of the Pemigewasset River to the Loon Mountain Ski Area.

Property:

- Tax Map 126, Lot 001 (p/o 60 Loon Mountain Road) (General Use District)
- Tax Map 126, Lot 020 (p/o 60 Loon Mountain Road) (General Use District)
- Tax Map 127, Lot 306, 307, and 308 (p/o 60 Loon Mountain Road) (Rural Residential District)

Proposal: A portion of the existing Loon Mountain Bridge owned by the Town was washed out by Hurricane Irene. The washed-out portion of the bridge has been replaced by a temporary structure. Plans have been drawn for the Town to replace the bridge just westerly and downstream of the existing bridge because it is not feasible to rebuild the bridge in the exact same location. In order to relocate the bridge, CLP Loon Mountain, LLC will need to convey to the Town of Lincoln a strip of land westerly of the existing right of way with accompanying drainage slope, river channel maintenance and temporary construction easements. The parcel for the new bridge will be transferred to the Town prior to the commencement of construction of the new bridge. After the old bridge is removed, the Town proposes to deed back to CLP Loon Mountain, LLC a portion of the bridge right of way on which the old bridge sits, plus a small parcel on the south side of Loon Mountain Road, as they will no longer be needed for bridge and highway purposes. No money will change hands.

Town Manager Burbank stated that the Board of Selectman has already discussed this issue and that the Planning Board does not need to vote on the issue, just be aware of it. Chairman Romprey asked if both parties are in agreement for this land swap and Town Manager Burbank stated that they are. Paula Strickon inquired about parking under the bridge on the Loon Mountain side. Jim Spanos asked why the bridge location is being moved. Town Manager Burbank stated that while construction is being done on the bridge, access cannot be completely cut off.

Motion: to approve land swap
Motion: Jim Spanos Second: John Hettinger
Motion carried (4-0).

D. 6:00 pm Conceptual for Lot Line Adjustment for Clearbrook

The Board didn't state any issues. The Plan must be presented to the abutters involved. Presenter was told to go ahead with filling out appropriate paperwork related to the project.

VIII. ADJOURNMENT

Motion to Adjourn
Motion: Jim Spanos Second: Tamra Ham
Motion carries unanimously by all members present (4-0)

The meeting was adjourned by 9:00 pm.

Respectfully submitted,

Nikki Donahue, Planning and Zoning
Minute Taker

Dated: May 14th, 2014

R. Patrick Romprey, Chairman