

APPROVED

**Lincoln Planning Board
Public Hearing & Meeting
Wednesday, November 11, 2020 – 6:00 PM
Lincoln Town Hall - 148 Main Street, Lincoln NH 03251**

**Due to the current COVID-19 situation, and to a recent staff exposure to COVID-19, the Town Office is closed to the public. This meeting will be available only via the Zoom Meeting Platform to allow for town wide participation. The public was encouraged to participate remotely using ZOOM by going to:
Join ZOOM Meeting.
Link:
<https://us02web.zoom.us/j/86221607863?pwd=U0JuN2RzTmhZUGVVRTjlGUERHazdSZz09>
Meeting ID: 862 2160 7863 and **Passcode: 815556** or via telephone (1-929- 205-6099).
(See also town website www.lincolnnh.org for the same link, meeting ID and passcode.)**

Present: Chair Jim Spanos, Vice Chairman Joseph Chenard, Board of Selectmen's Representative O.J. Robinson, Selectmen's Representative Tamra Ham, Member Steve Noseworthy, Member Mark Ehrman and Alternate Paul Beaudin. (All attendees were present via ZOOM.)

Members Excused: None.

Members Absent: None

Staff Present: Fire Chief & Code Enforcement Officer/Health Officer Ronald R. (Ron) Beard, Finance/Planning Assistant Lisa Peluso, Town Planner Carole Bont (last two matters only), and Town Manager Alfred Burbank (via ZOOM).

Town Consultants:

- **Town Engineer Raymond H. Korber P. E.**, KV Partners LLC, PO Box 7721, Gilford, NH 03249-7721 (via ZOOM).
- **Town Attorney Peter Malia**, Hastings Malia Law Office, P.A., 376 Main Street, PO Box 290, Fryeburg, ME 04037-0290 (via ZOOM).
- **Ivan Pagacik**, nonresident, Telecommunications Expert for the Town and President of IDK Communications, 123 Whitcomb Ave., Littleton, MA 01460 (via ZOOM).

Guests:

- **Stuart J. Anderson**, Alba Architects LLP, 137 Main Street, PO Box 186, North Woodstock, NH 03262 (via ZOOM)
- **Susanne (Susan) A. Chenard**, resident of 11 Liberty Road, Lincoln NH 03251 (Map 107, Lot 061) and Realtor for Loon Reservation Service, 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, and owner of 19 Maple Street (Map 118, Lot 069). Alternate member of the Zoning Board of Adjustment (via ZOOM).

- **James (Mike) M. Conn**, resident and co-owner with Joan Conn, of 9 West Street, Lincoln, NH 03251 (Map 112, Lot 030) and 15 West Street (Map 112, Lot 033) (via ZOOM).
- **Peter Cooke**, nonresident, (APPLICANT'S CONSULTANT) President of Wellman Associates, Inc., 117 North Main Street, Wolfeboro, NH, 03894 (via ZOOM).
- **Victor R Drouin**, nonresident (APPLICANT) 702 Riverwood Dr., Pembroke, NH 01949 (a/ka "Victor Back Bay") President, Green Mountain Communications, Inc., 702 Riverwood Drive, Pembroke, NH 03275 (via ZOOM).
- **Connie Holman (aka Constantina A. Spanos)**, resident, (ABUTTER) owner of 664 US Route 3, Lincoln, NH 03251-9726 (via ZOOM).
- **Audra L. Klumb**, nonresident, (APPLICANT'S CONSULTANT), CWS, CESSWI, A&D Klumb Environmental, LLC, 34 Centennial Drive, Webster, NH 03303 (via ZOOM). Prepared NEPA Threshold Screening Proposed Telecommunications Facility Report and Balloon Float and Viewshed Survey.
- **Delilah Leggett**, nonresident, (APPLICANT'S CONSULTANT) "Proposal Coordinator" for a "Telecommunications Company" in New Hampshire (no address) (via ZOOM).
- **Martin J. Lavin**, (APPLICANT'S CONSULTANT), Senior RF Engineer, C Squared Systems, LLC, 65 Dartmouth Drive, Auburn, NH 03032 (via ZOOM).
- **Jayne S. Ludwig**, resident, 12 Pleasant Street, Lincoln, NH 03251 (Map 113, Lot 092) and Member of the Board of Selectman (via ZOOM).
- **Carl D. Martland**, nonresident, (ABUTTER) Chair North Country Scenic Byways Council, c/o North Country Council, Inc., 161 Main Street, Littleton, NH 03561, 16 Post Road, Sugar Hill NH 03586 (via ZOOM).
- **Kevin Mason**, nonresident, (APPLICANT'S CONSULTANT) Senior Project Manager at SAI Communications, Consultant for AT&T New Site Build and FirstNet – New England Area, 12 Industrial Way, Salem, NH 03079 (via ZOOM).
- **Joshua M. McAllister**, PE, CPESC, MBA, (and his cat) nonresident, (APPLICANT'S ENGINEER), Vice President/Senior Civil Engineer, HEB Engineers, Inc., 2605 White Mountain Highway, Post Office Box 440, North Conway, NH 03860 (via ZOOM).
- **F. Myles Moran**, resident, (APPLICANT) 11 O'Brien Avenue (Map 117, Lot 024) whose mailing address is PO Box 184, Lincoln, NH 03251-0184 (Via ZOOM) (with cat) who owns the following:
 - 11 O'Brien Avenue (Map 117, Lot 024) co-owned with Mary J. Levitsky, as Co-Trustees, of Moran Levitsky Revocable Trust
 - O'Brien Avenue #LO (Map 114, Lot 001) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust
 - O'Brien Avenue #LO (Map 114, Lot 002) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust
 - O'Brien Avenue – OFF (Map 117 Lot 027) owned by F. Myles Moran and Mary J. Levitsky, Trustees of Moran Levitsky Revocable Trust

- Principal/Broker for Moosilauke Realty, PO Box 333104 Main Street, North Woodstock, NH 03262 and Principal of Kastmast Construction, LLC, PO Box 333, 104 Main Street, North Woodstock, NH 03262-0333 that owns 34 Maple Street (Map 114, Lot 009).
- **Charyl Reardon**, nonresident, (DRI ABUTTER), President of White Mountains Attractions Association, 200 Kancamagus Highway PO Box 10, North Woodstock, NH 03262 representing the entire White Mountains region, also Selectman for the Town of Woodstock, NH, Woodstock Town Office, 165 Lost River Rd, PO Box 156, North Woodstock, NH 03262-0156 (via ZOOM).
- **Gloria D. Spanos**, resident, (ABUTTER) 3 Waterwheel Road (Mail: Indian Head Resort, 664 US Route 3, Lincoln, NH 03251) (via ZOOM using Maria Spanos' computer connection) and owns:
 - 3 Waterwheel Road (Map 102, Lot 008000-00-00001 owned by Gloria D. Spanos, Trustee of the Gloria D. Spanos Revocable Trust.
- **Maria N. Spanos**, resident, 3 Waterwheel Road (Mail: Indian Head Resort, 664 US Route 3, Lincoln, NH 03251) (via ZOOM using Maria Spanos' computer connection).
- **Peter Spanos**, resident, (ABUTTER) 3 Waterwheel Road (Mail: Indian Head Resort, 664 US Route 3, Lincoln, NH 03251), (via ZOOM using Maria Spanos' computer connection) owner and operator of Indian Head Resort, 664 US Route 3, Lincoln NH 03251 d/b/a Indian Profile Corporation owned by (Map 102, Lot 008) (via ZOOM) and also owns:
 - (via ZOOM) owner of US Route 3 #LO (Map 103, Lot 006); and
 - (via ZOOM) owner of US Route 3 (Map 103, Lot 005).
- **Attorney Jonathan S. Springer**, nonresident, Springer Law Office, 118 Maplewood Ave # C-1, Portsmouth, NH 03801 (**ATTORNEY FOR and AGENT for SITE PLAN REVIEW APPLICANT**) Green Mountain Realty, Inc., Contact: Victor R Drouin, 702 Riverwood Dr., Pembroke, NH 01949 and Applicant Green Mountain Communications, Inc., Victor Drouin, President, 702 Riverwood Drive, Pembroke, NH 03275 (via ZOOM).
- **Mark D. Stiles**, nonresident (APPLICANT) of 87 Edmound Road, Marshfield, MA 02050 and co-owner with Julie K. Stiles of 32 Fox Run Road #4 (Map 127, Lot 260) in Loon Village. Also, d/b/a Mark D. Stiles, Trustee of S&A Offices Realty Trust, PO Box 1113, North Marshfield, MA 02059 (via ZOOM).
- **Ivan Strickon**, resident, co-owner with Paula Strickon of 127 Pollard Road (Map 117, Lot 023), PO Box 1510, Lincoln, NH 03251-1510 (via ZOOM).
- **Paula Strickon**, resident, co-owner with Ivan Strickon of 127 Pollard Road (Map 117, Lot 023), PO Box 1510, Lincoln, NH 03251-1510 (via ZOOM).
- **Kaela Gray Tavares**, nonresident, Community & Economic Development Planner, North Country Council Inc., Mt. Eustis Commons, 262 Cottage Street, Suite 246, Littleton, NH 03561 (via ZOOM).

- **Matt Tilden**, nonresident, (APPLICANT'S ENGINEER) Telecommunications Engineer, Dewberry Engineering 99 Summer Street, Suite 700, Boston, MA 02110-1200 (via ZOOM).
 - **Ashley S. Youngheim**, resident, (ABUTTER) PO Box 782, Lincoln, NH 03251-0782 co-owner with Benjamin Youngheim of 20 Maple Street (Map 118, Lot 072) (via ZOOM).
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I. CALL TO ORDER by the Chairman of Planning Board (PB); announcement of excused absences, if any, and seating of alternates(s), if necessary.

Chairman James Spanos and Selectmen's Representative OJ Robinson recused themselves. Vice Chair Joseph Chenard becomes acting Chairman. Selectman Tamra Ham is seated as Selectmen's Representative for this matter. Alternate Paul Beaudin is seated.

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

SPR 2020-04 M102 L005 Greenside Ink – GMR Holdings of NH, LLC - Cell Tower

Application for Site Plan Review Approval for proposed 120-foot-high telecommunications cell tower under Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities has been filed by:

Agent Attorney Jonathan Springer
Springer Law Office, PLLC
118 Maplewood Avenue - Suite C-3
Portsmouth, N.H. 03801
on behalf of

Applicant GMR Holdings of NH, LLC
702 Riverwood Drive
Pembroke, NH 03275

Property Owner Donald Landry d/b/a Greenside Ink, LLC
PO Box 953
Lincoln, NH 03251-0953

Property:
749 US Route 3, Lincoln, NH (Map 102, Lot 005). General Use (GU) Zoning District

Proposed Project:
In addition to Site Plan Review approval, applicant is seeking a Conditional Use Permit pursuant to Article IV-A, Section F (4) to increase the allowed height of 100 feet to 120 feet.
The Applicant is also seeking the following waivers:

1. From Article VI-4, Section H (4)(a)(i), which states that "Towers shall be located within the tower lot as to provide a fall zone free of any structures equal to 125% of the height of the tower."
2. From Site Plan Review Regulation Article XIV (23)(d), which requires engineering calculations used to determine drainage requirements.
3. From Article VI-A, Section J (as a condition of acceptance only; the Planning Board shall require the applicant to post adequate surety for the costs of maintenance, remit repair or removal thereof. The amount informed of the surety shall be determined by the Planning Board.)

As a proposed Development of Regional Impact, notice is to **NH Towns & unincorporated places** within 20 miles of Lincoln: Albany, Ashland, Bartlett, Bath, Beans Grant, Beans Purchase, Benton, Berlin, Bethlehem, Campton, Carroll, Center Harbor, Chandlers Purchase, Chatham, Conway, Crawford's Purchase, Cutts Grant, Dalton, Dorchester, Easton, Eaton, Ellsworth, Franconia, Gorham, Greens Grant, Groton, Hadleys Purchase, Hales Location, Hart's Location, Haverhill, Holderness, Jackson, Jefferson, Kilkenny, Lancaster, Landaff, Lisbon, Littleton, Livermore, Low & Burbanks, Lyman, Madison, Martins Location, Monroe, Moultonborough, Orford, Ossipee, Piermont, Pinkham's Grant, Plymouth, Randolph, Rumney, Sandwich, Sargents Purchase, Shelburne, Sugar Hill, Tamworth, Thompson & Meserve, Thornton, Warren, Waterville Valley, Wentworth, Whitefield & Woodstock. **VT Towns** within 20 miles of Lincoln include: Barnet, Bradford, Concord, Fairlee, Lunenburg, Newbury, Ryegate, and Waterford.

The first meeting was held on October 14, 2020. The "Balloon Test" to evaluate the impact of the proposed height of the tower was held on October 31, 2020. The October 14, 2020 meeting was a continued to Wednesday, November 11, 2020 at 6:00 PM.

MOTION: "To open the public hearing."

Motion: Paul Beaudin

Second: Steve Noseworthy

All in favor.

Acting Chair Chenard asked Attorney Malia to announce the following rules to the meeting:

- (A) Members of the Board may ask questions at any point during the presentation.
- (B) Any party to the matter who desires to ask a question of another party must go through the Chairman.
- (C) Each person who speaks shall be required to state his or her name and address.

After those rules were read, Chair Chenard called for the Applicant and/or Agent to present the proposal.

Presentation:

Applicant's Attorney Jon Springer introduced himself and the team with him to present at the meeting this evening.

- (1) Attorney Jonathan Springer of Springer Law Office is representing the Applicant GMR Holdings NH LLC.
- (2) Peter Cooke, [Applicant's Consultant – President of Wellman Associates, Inc.].

- (3) Audra Klumb of A&D Klumb Environmental, LLC. She did the RF Study and the Visual Study. [Prepared NEPA Threshold Screening Proposed Telecommunications Facility Report and Balloon Float and Viewshed Survey]
- (4) Martin Lavin, [C Squared Systems, LLC], is the applicant's RF Engineer.
- (5) Matt Tilden, [Dewberry Engineering] is the applicant's Civil Engineer.

Attorney Springer said this is the first time he has ever had to do a full presentation over ZOOM. Host Fire Chief Ron Beard let him in early to line up his documents and exhibits so that he will be able to screen-share with participants and people can see the documents on the screen as he is talking about them. As a fall back, Chief Beard will have the ability to put the documents up independently.

Applicant's Attorney Springer first brought up an article that was published in the Littleton Courier which has comments from a Lincoln municipal official. He stated that it was a very unfortunate article. He sent a letter to Attorney Malia about the article and included the article with the letter.

Attorney Peter Malia said he has seen the article, but it is not necessary for the Planning Board to see the article as part of their decision-making process. Attorney Springer and his client's displeasure with the article is based on the fact that they felt like it contained some quotes from a Town of Lincoln municipal official that were somewhat biased against the project. Attorney Malia said staff did not provide a copy of the letter to all of the Board members but will place a copy of the letter in the Certified Record. That is what Attorney Springer wants the Town to do. The members who want to see the letter can see it, however, it is not relevant to tonight's hearing.

Member Paul Beaudin stated that he has not seen the article and queried the other members of the Planning Board as to who had seen the article.

Selectmen's Representative – Tamra Ham – Yes
Acting Chair Joe Chenard – No
Member Steve Noseworthy – No
Member Mark Ehrman – No

Applicant's Attorney Springer explained the article and how it contained information about the visibility of the tower that is untrue and inaccurate. Member Mark Ehrman stated that this is not a jury contamination and Attorney Springer vehemently disagreed. Attorney Springer stated that this municipal official expressed an extremely prejudicial opinion in the article.

MOTION: "To move beyond discussion of this article."

Motion: Paul Beaudin Second: Mark Ehrman Motion fails with Tamra Ham, Member Steve Noseworthy and Acting Chair Joe Chenard voting against the motion and agreeing that Attorney Springer should be able to finish speaking.

Applicant's Attorney Springer stated that there was no mention in the article that this is a permitted use according to the town ordinance. The fact that North Country Council has expressed that there is a great need for broadband and internet in this area also went unsaid. The article was very one sided.

Presentation:

Applicant's Attorney Springer proceeded with the presentation. They are seeking Site Plan Review approval. A Telecommunications Tower is a permitted use in the General Use (GU) District. The ordinance allows a tower of one hundred feet (100') in height.

Attorney Springer said the subject lot is in the General Use (GU) Zoning District. He showed the following screen shots:

- 1. Land Use Plan Ordinance. Page 53 of the Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities Section F. Zoning District Requirements.** The chart shows that wireless telecommunications tower and antennas may be located within the Town only in accordance with the following table:

- a. General Use (GU) Zoning District:**

- i. New Tower Construction, Collocation on Existing Tower and Collocation on Existing Structure are "P" meaning they are "permitted without a conditional use permit", but Site Plan Review approval is required and they are subject to any restrictions on the existing tower or structure.

Attorney Springer said that the Town's ordinance is quite restrictive because it allows for cell towers in only two (2) zones. Lots of comments have been made in opposition to this property. Why this property? Why don't you go elsewhere? There is space at Whale's Tale, and other places. Lincoln's zoning ordinance is the reason we are looking to erect a cell tower on this particular lot. Cell towers are a permitted use in the General Use (GU) District. Out of the seven (7) zoning districts in town, five (5) zoning districts do not allow cell towers at all. Four (4) of the zoning districts do not even allow collocation on existing towers.

Attorney Springer said the Town has a right to enact a zoning ordinance that restricts towers from being in the village center for example. However, federal law says that the municipality has to give cell tower companies a reasonable opportunity to erect these types of facilities in your community. If you only allow telecommunication towers in two (2) zones in town, then since telecommunications towers are a permitted use in the General Use (GU) District the Planning Board cannot say to us legally that we have to go elsewhere.

Attorney Springer said they are allowed to use this property for this purpose and quite frankly that is why they are doing it. The General Use (GU) District is exactly where the Land Use Plan Ordinance directs them to go. The applicant has a legal right to be in this zone and a legal right to use this property and with all due respect it is no answer to an applicant in that situation to say we do not want you to use this property for this purpose that the Town has previously said you can use.

- 2. Site Plans for Proposed Cell Tower**
 - a. Existing conditions Plan.**

Applicant's Attorney Springer then presented the plan set to the Board. Attorney Springer said the plan set is a good bird's eye view of the site. He drew an "X" on their site. He pointed out the location of the driveway for 749 US Route 3 (inaccurately labeled on the plan as "NH Route 3") and Parker's Motel across the road from the site. He pointed out "The Flume" off ramp from Interstate I-93 North. He pointed out the residential property just south of the site.

b. Existing Vegetation & Building Plan.

Applicant's Attorney Springer said there was a question about where the "fall zone" was. They submitted a revised plan. He directed the Planning Board to look at Sheet Z-3, which shows a bird's eye view of the compound itself. The sheet shows where they propose to put the tower and the location of the Greenside Ink commercial building. He drew a circle around the location of the monopole. He showed the dark "Y" shaped is the retaining wall. They understand that they need to obtain the retaining wall permit. He showed with a pointer that the traffic would enter the compound where the two parking spaces are shown just north of the compound. Within the compound he pointed out the emergency generator and the cabinet.

c. Sheet Z-5 Elevations and Landscape Details.

Applicant's Attorney Springer said the lot is pretty flat anyways, but if the Planning Board members look at Sheet Z-5 they will see a good side view of the monopole. The Applicant is proposing a "top of pole" at one hundred twenty feet (120'). The three (3) darker rectangles up on top of the monopole are the proposed antennas for AT&T. This pole is structurally designed to accommodate four (4) carriers. So, AT&T and perhaps Verizon, T-Mobile or whomever else wants to come in. The Town zoning ordinance requires the applicant to make a maximum space available on the tower for future co-locators. "Co-locators are sort of a fancy industry word for people leasing space on the tower."

Applicant's Attorney Springer said if the tower is approved, the only antennae arrays that are going to go on the tower originally are the set of three (3) shown on the plan as dark gray on the top of the monopole. There are three (3) more sets of three (3) antennas shown below the top three set array with the dotted lines. Those are spots for future antennae arrays. Those spots would be leased out to co-locators. Those co-locators would have to come into the Planning Board for approval as well.

d. Sheet Z-4 Detailed Site Plan.

Applicant's Attorney Springer said Sheet Z-4 shows a closer and more detailed Site Plan of the compound from above. Within the space of the compound itself, he pointed out AT&T's rectangular equipment cabinet with the solid lines. He also pointed out three additional rectangular areas outlined in dotted lines showing where potential lessees would put their equipment cabinets in the event the cell tower companies were approved to co-locate on AT&T's monopole. These three (3) rectangular areas are shown with dotted lines just to show that AT&T has space available within the compound should cell service providers come and co-locate with AT&T in the future.

Argument re: Passive Use:

Applicant's Attorney Springer said a telecommunication tower location is a "very passive use" apart from the visual impact which he understands they are going to be talking about.

- Towers do not use water or sewer services.
- There is no pedestrian traffic.

- There is very little vehicular traffic after construction. There are one (1) or two (2) trips per month per carrier by a technician in a passenger vehicle or an SUV to calibrate the equipment.
- There will be no lights on the tower. The only lighting associated with the facility would be an overhead motion sensor light on the equipment cabinet itself so if the technician is there late in the day, he/she can see what they are doing.
- They are using the existing driveway.
- They are using the existing parking area.
- There is no noise associated with a cell tower, apart from the cooling fans on the equipment cabinet. The noise level is about the loudness of an air-conditioning unit in a residential home might be.

e. Sheet Z-5 Elevations and Landscape Details.

Applicant's Attorney Springer redirected everyone's attention back to Sheet Z-5. He explained that each tier of antennae arrays needs ten feet (10') of separation measured from the center line of the top array to the center line of the next array down so there will be no radio frequency interference. That is why the applicant is limited to only four (4) tiers of arrays on the proposed monopole.

Applicant's Attorney Springer said the Town's zoning ordinance requires the pole owner to make the maximum amount of space available for co-location so that is what the applicant is trying to do. The cell tower is a permitted use in the General Use (GU) District and if the pole was at one hundred feet (100') their tower would be at the permitted height as well.

Save the Trees:

Applicant's Attorney Springer said the Applicant is asking for an additional twenty feet (20') in tower height. The Applicant did that because the applicant is trying to locate this monopole in a very particular manner. Applicant located the monopole in this way in order to save trees.

Applicant's Attorney Springer said the Town zoning ordinance says [Land Use Plan Ordinance Article VI-A Telecommunications Equipment and Facilities, Section H Conditional Use Permits and Site Plan Review; Criteria: Construction and Performance Standards, Paragraph 4 Additional Requirements, Subparagraph c. Landscaping, Sub-subparagraph iii]:

iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer, if approved by the Planning Board.

Applicant's Attorney Springer said that is what the Applicant is trying to do.

Applicant's Attorney Springer said if the Applicant's tower is not approved at the height of one hundred twenty feet (120') the Applicant can move the pole on the same site, gaining twenty feet (20') in ground elevation and come back with a fully compliant application in terms of use and height. The difference is that the Applicant would have to cut down a lot of trees which the Applicant is trying to avoid.

Is 5G Service Possible?

Member Mark Ehrman asked Attorney Springer, whether if AT&T was the primary tenant on the monopole at this point, did AT&T want this cell tower for 5G transmission, internet services provision and cell services? Attorney Springer said he hesitated to answer because of the question about 5G. The tower is definitely going to be for internet services and broadband. He does not know if the tower is for 5G. He asked Peter Cooke or Martin Lavin to weigh in.

Applicant's Consultant Martin Lavin RF Engineer from C Squared Systems spoke up. Lavin said 5G takes two different forms here: (1) The narrow band AT&T is rolling out nationwide in the same spectrum as the original cellular; and (2) What most people think of as 5G in terms of the ultra-broadband is currently being trialed in city centers like Manhattan, NY and downtown Boston, MA. He does not believe that second form of 5G is going to be coming up to northern NH anytime in the foreseeable future.

Applicant's Consultant Peter Cooke said that he wanted to add that the "FirstNet piece" is the important piece of this installation. Attorney Springer said he would get to that piece later.

f. Photo of site with trees above cut out bank.

Applicant's Attorney Springer pointed out the trees on top of the knoll where the bank has been cut into below the knoll of higher elevation areas with trees on top of the knoll. He said that the trees on top of the knoll are the trees the Applicant is trying to save.

g. Marked up copy of Proposed Site Plan

Applicant's Attorney Springer then pointed out on a photo copy of the topo plan where he marked the location of the monopole with an "X" at the 1,200-foot ground elevation. The plan shows the "Y" shaped retaining walls around the compound with the proposed tower center and proposed ground elevation of one thousand one hundred eighty-four feet (1,184'). He highlighted and traced in orange highlighter the topo line at 1,200-foot ground elevation. The "X" that intersects the orange topo line shows that they could put a 100-foot monopole on the top of that knoll or hill.

h. Photo of site with trees above cut out in bank of the knoll.

Applicant's Attorney Springer pointed out the trees on top of the knoll where the bank has been cut into below the knoll of higher elevation areas with trees on top of the knoll. He marked with a blue marker the approximate location of where a monopole of one hundred feet (100') in height would have to go if the applicant were limited to a pole of one hundred feet ((100') in height, meaning he would have to cut down the surrounding trees on the top of the knoll.

Applicant's Attorney Springer said they would still need a retaining wall that he highlighted in pink on the same map (shaped like a "T" tipped on its side). According to Attorney Springer, although the 100-foot tower at this site is not engineered, "everything fits up there". The retaining wall is highlighted in pink. The compound is highlighted in green.

Applicant's Attorney Springer said the reason they are asking for that extra twenty feet (20') in height is because they want to put the tower lower so the Applicant does not have to cut down

those trees, but they had the same “top of the pole”. In other words, the Applicant would get the same height with a one hundred twenty-foot monopole as if they had put a 100-foot monopole on the top of the knoll. Applicant’s Attorney Springer said that the Applicant thinks that is an excellent reason for why the Applicant should be granted a Conditional Use Permit. He will be talking more about that criteria in a little bit.

Applicant’s Attorney Springer said the ground elevation of the proposed 120-foot monopole is one thousand one hundred eighty-four feet (1,184’). They lose twenty feet (20’) of height by moving the monopole off the knoll. They are not just asking for an extra twenty feet (20’) just because they want another twenty feet (20’) of height, but because they want to save “all of this wonderful tree cover”. The applicant would be getting the same benefit as if he were getting a one-hundred-foot (100’) tower up on the knoll.

3. Letters of Support:

Applicant’s Attorney Springer read two (2) letters of support and referenced a third.

- a. **From Michael Kelley** who owns the house at 7 Parkers’ Court directly abutting the proposed tower. He observed the balloon test and did not believe that the tower at either height would adversely affect his property. He thought the 120-foot tower would be preferable as it would not require cutting as many trees on the hill.
- b. **From Mahmood Awan d/b/a Z&Z Property, LLC**, who owns 750 US Route 3 where **Parker’s Motel** is located. Awan is also d/b/a Parker’s Motel located directly across the road from the proposed tower has no objection to the cell tower proposed for US Route 3.

Correction:

Applicant’s Attorney Springer also corrected an error in his narrative. In his narrative he said there was no adjacent residential property. According to Applicant’s Attorney Springer, “That was an autocorrect mistake.” “I think I meant to say there was one because later on in the narrative I mentioned the one residential abutter about 234 feet from the compound.” The residential home is shown on the site plan that the Planning Board just looked at.

- c. **Letter from John Stevens NH Department of Safety.** Applicant’s Attorney Springer said Peter Cooke had referenced the FirstNet Responder Network. He referenced an email forwarded to him by the Town of support from John T. Stevens [Statewide Interoperability Coordinator] from the [New Hampshire] Department of Safety in favor of this site, because this site will be part of the FirstNet Responder Network.

History of FirstNet:

Applicant’s Attorney Springer said the FirstNet Responder Network (“FirstNet”) is a public and private partnership between the federal government and AT&T that grew out of the September 11 attacks [September 11, 2001 terrorist attacks by the Islamist terrorist group Al-Qaeda against the US.]. FirstNet is a nationwide wireless broadband network dedicated to first responders which is fire, EMS and “the like”. The FirstNet system is important during terrorist attacks which could happen anywhere in this day and age, but also during natural disasters, like floods and hurricanes. It could also be used for a lost hiker when first responders are trying to coordinate resources in the White Mountains, etc. Telephone communications as proven by 9-11

can become jammed. Often there is no direct communication network between local, state and national first responders. It can be difficult to get them all on the same page. FirstNet allows first responders to communicate via voice, video and data transmission. Applicant's Attorney Springer said this addition would allow first responders in Lincoln to communicate with other first responders locally, statewide and nationwide.

4. RF Report for Proposed Wireless Facility AT&T.

Applicant's Attorney Springer said the RF Report says AT&T is the carrier. Facility will be able to transmit both phone and data transmission, high speed internet and broadband which is exactly what North Country Council, Inc.'s "strategy" calls for as well as Lincoln's Master Plan.

a. RF Report for Proposed Wireless Facility AT&T, page 3.

Coverage: Applicant's Attorney Springer said to scroll down to page 3 of the RF Report to show the list the tower is trying to cover:

- Interstate 93
- Daniel Webster Highway [a/k/a US Route 3];
- Franconia Notch State Park; and
- "The surrounding roads, businesses and neighborhoods in the proximity of the proposed site and the above-mentioned roads."

b. RF Report for Proposed Wireless Facility AT&T, Page 12 of 22, 1st Radio Frequency Plot ("RF Plot") attached to report.

Applicant's Attorney Springer said "an opponent" at the last hearing acknowledged that the area had very bad cell service coverage. He could not remember who. The proposed site is indicated with a blue star in the middle of the Radio Frequency Plot ("RF Plot"). AT&T is "on air" already indicated by the black star with the NH6015 written above the star in Lincoln as shown on the RF Plot. That distance, even if it is only two (2) miles is blocked by "topography" [the top of Forest Ridge]. The way the technology works is that it is a "line of sight technology". The cell phone or your computer or your hand-held device needs to be able to have a clear line of sight to the antennas. That is why it is important to get the antennas above the tree line. When the signals are sent between antennas or the handset or the phone the signal goes from the phone to the computer, up to the antennas, it goes down into the equipment cabinet via cables and then it gets tied into landlines and routed anywhere in the world. It is a "great" technology but the Radio Frequency Waves ("F Waves") are blocked by topography. They can be blocked by trees and manmade structures. Looking at the RF Plot, the areas in white show no coverage or coverage that does not work for AT&T.

Applicant's Attorney Springer said AT&T's coverage requirement is greater than -83 dBm shown on the RF Plot in green. As those numbers go up, -83 dBm becomes -93 dBm and the coverage is worse and is indicated on the RF Plot in mustard yellow. AT&T requires a minimum of -83 dBm and in the white and yellow areas indicated on the RF Plot. The coverage of -83 dBm is better than -93 dBm. AT&T does not have that type of coverage in the line drawn between the existing AT&T pole on NH Route 112 shown by the black star and the area of the proposed cell tower shown by the blue star.

c. RF Report for Proposed Wireless Facility AT&T, Page 20 of 22, showing 3D Terrain Topo Map attached to report.

Applicant's Attorney Springer said the real challenge in this area is the topography [of the White Mountain National Forest]. The map shows both the site of the existing AT&T pole on NH Route 112 at the Loon Mountain Ski area indicated by the black star and the site of the proposed cell tower indicated by the blue star. He circled in blue the ridge line that is in the way and indicated by the area in green (Part of Map 408, Lot 001) on the top of the ridge [Forest Ridge]. [Note: The ridge line is part of Forest Ridge Resort owned by New Jefferson Holdings, LLC c/o Shepard Law, 160 Federal St, 13th Floor Boston, MA 02110]. Applicant's Attorney Springer circled the height of the ridge line in blue. Applicant's Attorney Springer said that the [Forest Ridge] ridge line is blocking the radio frequency propagation between the two towers.

d. RF Report for Proposed Wireless Facility AT&T, Page 12 of 22, 1st Radio Frequency Plot ("RF Plot") attached to report.

Applicant's Attorney Springer flipped back to this RF Plot to show that the [area of the "Forest Ridge"] ridge line that is blocking the signal is the spot where the radio frequency is below the coverage threshold and is shown on the RF map as white. The coverage from the AT&T existing tower on Loon Mountain, shown as a black star, is not reaching over to US Route 3 where proposed tower on Greenside Ink LLC property is proposed to go.

Applicant's Attorney Springer said "this" [White Mountain National Forest] is extremely challenging terrain. Ordinarily if they were along the coastline on the water and the proposed site (indicated by the blue star) and everything to the right of the blue star was water, nice and flat with no terrain, the radio signal would propagate for miles. However, "here" [in the White Mountain National Forest], radio signals do not even propagate for a mile before they hit the mountains.

Applicant's Attorney Springer said during the balloon test there was discussion about whether GMR was going to send somebody up to "The Basin", "the Flume" and "all of those places". Applicant's Attorney Springer said they declined; they did not need to go there because he could tell just by looking at the topographical map that people at those sites were not going to see the balloons at the location of the proposed cell tower. Applicant's Attorney Springer said "People wanted to do that anyway. That is their right. And they did that." Applicant's Attorney Springer said with the distances involved here when you are up here on the peak (he circled Mount Pemigewasset in blue on the map) you are probably four (4) miles from the proposed tower site. Applicant's Attorney Springer said "there is not a chance you are ever going to see the balloons/cell tower because you are in the trees". Given the back drop and the trees, he feels very comfortable about that. The visual study that he is going to show the Planning Board is going to "prove that beyond all doubt".

[Note: There is a cleared area on the top of the ridge of Mount Pemigewasset.]

e. RF Report for Proposed Wireless Facility AT&T, Page 12 and then Page 14 of 22, 1st Radio Frequency Plot ("RF Plot") attached to report.

Applicant's Attorney Springer said the white areas shown on the RF Plot are areas of "bad coverage". Then he turned to page 14 to show the comparison to what the coverage would be once the tower is up and "propagated". The area along US Route 3 that was "bad coverage" becomes "really good coverage". This shows the additional coverage that is going to happen

with the new site. According to Attorney Springer, this site map shows how the tower is going to fill this “significant gap in coverage really well”.

Applicant’s Attorney Springer said he had hoped to have the Town’s Communications Expert Ivan Pagacik of IDK Communication’s RF Report to compare his study to theirs. He understands that Pagacik is checking their work. “We welcome that.” Applicant’s Attorney Springer said he has had many other cases in other cities and towns where other towns use Mr. Pagacik as their telecommunications expert. He said he has respect for Mr. Pagacik’s abilities. He is a little disappointed that he could not have the report tonight, but he is very confident that Mr. Pagacik’s report is going to show that at -83 dBm there is a significant gap in coverage and he is very confident that Mr. Pagacik’s report is going to show that the proposed cell tower fills that gap very well.

5. Sheet Z-2 Prepared by Dewberry for Proposed Wireless Facility AT&T “Existing Vegetation & Building Plan” showing the Fall Zone.

Applicant’s Attorney Springer said one of the Planning Board members asked for a visual representation of a “fall zone” on one of the plans. Applicant’s Attorney Springer said his engineers tried to do that and submitted a new revised sheet. Unfortunately, the sheet did not come out very well. Member Beaudin said that he had asked for such a plan and agreed that the sheet provided did not come out well; he can barely see the faint red dashed on the map labeled “Existing Vegetation & Building Plan” marking out a circle showing the fall zone. Attorney Springer said he would try to get a better representation for the next meeting.

6. Visual Study prepared by Audra Klumb of A&D Klumb Environmental, LLC.

a. Cover letter dated November 4, 2020.

Applicant’s Attorney Springer said he assumed that everyone attending the ZOOM meeting is aware of the balloon test they did on Halloween (October 31, 2020). They floated two (2) balloons: one red balloon at a 100-foot elevation and a second orange balloon at a 120-foot elevation. They were given a list of places to go to take photos of the balloon test from. They went “there”. They “respectfully declined to go to a few places on the list”. Somebody else did [John DeVivo) and he reported “no visibility”.

b. Map dated November 4, 2020 – page with USGS map with concentric circles radiating out from the proposed tower location in ½ mile increments to show where photos were taken of the balloon site.

Applicant’s Attorney Springer showed on the screen “a sort of USGS Map” with concentric circles radiating out from the proposed tower location in ½ mile increments to show where photos were taken of the balloon test site. The map shows the radius at ½ mile, then 1 mile, then 1 ½ miles, then 2 miles to give the Planning Board a good idea of the distance between the proposed cell tower and the sites where photos were taken. Each of the little camera icons is where a photograph was taken from. The areas highlighted with yellow lines along the road indicate where they believe the balloons were visible from. The areas highlighted in green lines were areas of no balloon visibility. Applicant’s Attorney Springer then showed another map – the same map zoomed in a little closer – showing the same areas along the roadways where the balloons were visible.

c. Map dated November 4, 2020 – page with zoomed in USGS map with concentric circles radiating out from the proposed tower location in ½ mile increments to show where photos were taken of the balloon site Page 4 and 5 of 32.

Applicant's Attorney Springer showed on the screen Page 4 of the Lincoln, NH Viewshed Survey, a photograph of the balloons shot from directly across the road in the parking lot of Parker's Motel, near to the Parker's Motel free-standing sign. Applicant's Attorney Springer said that in order to prepare this Viewshed Survey, Audra Klumb floated two balloons. Then she drove around noting where the balloons were visible from and where the balloons were not visible. She then photo shopped out the balloons and photo-shopped the cell tower arrays in. On page 4 you can see the balloons. On Page 5 you can see the monopole with the three (3) arrays attached photoshopped in. What AT&T actively plans to do right now is only to mount their array and FirstNet on the top array. The photo shows what the cell tower will look like with two (2) other carriers with their arrays on the tower. This is a "four carrier pole". Theoretically there might be a fourth array down below the top three arrays someday. They put three (3) arrays on the pole because they think that is a "fair" representation of what the pole will look like.

There is no question that one might expect the spot where this photo was taken near to the Parker's Motel free-standing sign is where the visual impact is going to be greater. Applicant's Attorney Springer said, "We had no idea that the owner of the Parker's Motel had no objection to this site."

d. Dated November 4, 2020 – Page 6 of 32 Photo 2: View of balloons looking south from US Route 3, approximately 650 feet north of the tower site.

Applicant's Attorney Springer indicated Photo 2: View of balloons looking south from Route 3, approximately 650 feet north of the tower site. You can see the Parker's Motel under the bridge to the left and the Greenside Ink commercial building to the right just under the I-93 overpass.

e. Dated November 4, 2020 – Page 7 of 32 Photo 2: View of photo shopped out balloons replaced by a cell tower with three arrays looking south from US Route 3, approximately 650 feet north of the tower site.

f. Dated November 4, 2020 – Page 8 of 32 Photo 3: View of the balloon looking south from Flume Gorge entrance, approximately 2,600-feet north of the tower side.

Applicant's Attorney Springer indicated Photo 3 is a view of the balloon looking south from the Flume Gorge entrance, approximately 2,600-feet north of the tower site. "You can't see it; partly, in all honesty, if you were looking at a hard copy of the visual study you would be able to see "it" [the balloons] a little, but because this [photo] is scanned and it's showing on my screen you cannot really see it. The tower is right there." He circled in blue the area where he said you can see the balloons from the brown State Park Service sign at the entrance to the Flume Gorge and Visitor Center.

g. Dated November 4, 2020 – Page 9 of 32 Photo 3: View of the balloon looking south from Flume Gorge entrance, approximately 2,600-feet north of the tower side.

Applicant's Attorney Springer indicated Photo 3 is the same photo with the array photoshopped onto the pole showing a 120-foot-tall monopole simulation. According to Attorney Springer the fact that you can barely see it in this photo indicates that he and his client think there would be no adverse visual impact of "this facility" [cell tower] on "this area" [the entrance to the State Park Flume Gorge and Visitor Center].

7. Email re: Visibility from New Hampshire State Park Sites:

Applicant's Attorney Springer said, "I don't want to put words in anybody's mouth, but I am reading a letter from John DeVivo who is the general manager of Canon Mountain (and it is not clear to me if he is general manager for The Franconia Notch State Park, but he is the general manager of either Canon Mountain or Franconia Notch State Park).

"I am sure people know who he is. He went up and hiked those trails (God bless him) during the balloon test." Then Applicant's Attorney Springer read excerpts from DeVivo's email:

From: DeVivo, John <John.M.Devivo@dncr.nh.gov>
Sent: Monday, November 2, 2020 11:54 AM
Subject: RE: GMR Holdings of NH, LLC -

Notes / timeline from Saturday hikes – referring to red balloon visibility.

Approx. 8:30 AM on October 31... no visibility from summit of Artist Bluff at northern end of Franconia Notch SP

Approx. 10:30 AM on October 31... no visibility from atop (former) Old Man's Forehead location in Franconia Notch SP

Approx. 12:00 PM on October 31... no visibility from any point on southbound trip on FN Pkwy toward Flume Gorge

Approx. 12:05 PM on October 31... clear visibility from just south of Flume Gorge exit (on Rte 3 southbound at Parker's)

Approx. 12:15 PM on October 31... no visibility from any point at / around base of Flume Gorge (lots, front & back decks)

Approx. 12:40 PM on October 31... no visibility from lookout point below the height of land at Flume Gorge

Approx. 12:55 PM on October 31... no visibility from height of land at Flume Gorge

Thanks – JD

John M. DeVivo, General Manager
Cannon Mountain Aerial Tram & Ski Area
Franconia Notch State Park

(603) 823-7722 x-750 office
(603) 545-7741 cell / text

Cannon Mountain... New Hampshire's Living Legend
Franconia Notch... New Hampshire's Flagship State Park
www.cannonmt.com
www.franconianotchstatepark.com

Applicant's Attorney Springer pointed out the one spot where there was clear visibility according to John DeVivo:

Approx. 12:05 PM on October 31... clear visibility from just south of Flume Gorge exit (on Rte 3 southbound at Parker's)

Applicant's Attorney Springer said that when John DeVivo said there was "clear visibility from just south of Flume Gorge exit (on Route 3 southbound at Parker's)" he was referring either to the photo on page 5 of 32 or page 6 of 32 with the cell tower simulation as seen from directly

across the street from the Parker's Motel parking lot near the free-standing Parker's Motel sign or the view on page 4 of 32 with the balloons showing above the I-93 overpass on US Route 3 driving south just north of the subject property and Parker's Motel. "We were extremely surprised at those results, but [the results were] extremely important given that some people held different views about where the cell tower would be visible from."

Applicant's Consultant Peter Cooke of GMR Holdings of NH, LLC, said he wanted people to know that the viewshed survey was performed in late fall (Halloween) after the leaves had fallen. The viewshed surveys should represent a "worst case scenario" in terms of visibility. During the summer the impact of the cell tower on the viewshed would be "substantially less". Applicant's Attorney Springer said that the test was called a "leaves off balloon test".

8. Visual Study prepared by Audra Klumb of A&D Klumb Environmental, LLC

- a. Dated November 4, 2020 – Page 10 of 32 Photo 4: View looking northwest towards the cell tower site from 4 Broken Arrow Drive, approximately 980 feet south of the tower site. (continued)**

Applicant's Attorney Springer said that they were asked to go to 4 Broken Arrow Drive looking northwest towards the cell tower site approximately 980 feet south of the tower site. There was no view of the two balloons flown from this location due to topography and tree cover. (Page 10 of 32).

- b. Dated November 4, 2020 – Page 11 of 32 Photo 5: View looking northwest towards the cell tower site from 11 Broken Arrow Drive, approximately 1,130 feet south of the tower site.**

Applicant's Attorney Springer said that they were asked to go to 11 Broken Arrow Drive looking northwest towards the cell tower site approximately 1,130 feet south of the tower site. There was no view of the two balloons flown from this location due to topography and tree cover. (Page 11 of 32).

- c. Dated November 4, 2020 – Page 12 of 32 Photo 6: View looking north towards the cell tower site from Betty and Barney Hill Incident, approximately 1,670 feet south of the tower site.**

Applicant's Attorney Springer said that they were asked to go to the Betty and Barney Hill Incident, looking northwest towards the cell tower site approximately 1,670 feet south of the tower site. There was no view of the two balloons flown from this location due to topography and tree cover. (Page 11 of 32).

Applicant's Attorney Springer said that if people are really being abducted by aliens at that site, those people might really want cell phone coverage there just in case. "That is just me. That was a little joke."

- d. Dated November 4, 2020 – Page 13 of 32 Photo 7: View of the balloons looking north from Indian Head Resort Tower, approximately 2075-feet south of the cell tower site.**

Applicant's Attorney Springer said that the next photo is a view of the balloons looking north from Indian Head Resort Tower, approximately 2,075 feet south of the cell tower site from the Indian Head Resort Tower – just under ½ mile. Again, in Attorney Springer's opinion the

balloons are hard to see. He circled the balloon using a blue pen. Attorney Springer said, “In fairness, again this is a scanned photograph. So, if you look at the actual hard copy the balloons are a little more visible but you can see it back-dropped by the [snow covered] ridge [of Franconia Notch]. Applicant’s Attorney Springer said “In our opinion, this is a minimal visibility picture.”

- e. Dated November 4, 2020 – Page 14 of 32 Photo 7: View of the tower simulation looking north from Indian Head Resort Tower, approximately 2075-feet south of the cell tower site.**

Applicant’s Attorney Springer said that the next photo is the same photo with the cell tower superimposed over the balloons looking north from Indian Head Resort Tower, approximately 2075-feet south of the cell tower site from the Indian Head Resort Tower – just under ½ mile. He circled the simulated tower using a blue pen.

- f. Dated November 4, 2020 – Page 15 of 32 Photo 8: View looking north toward the site from Shadow Lake Bridge, (part of Indian Head Resort) approximately 2,650 feet south of the cell tower site.**

Applicant’s Attorney Springer said the next photo is of a view looking north toward the site from Shadow Lake Bridge, (part of Indian Head Resort) approximately 2,650 feet south of the cell tower site. He said there was no view of the balloons from the Shadow Lake Bridge “during our view of the test” due to topography and tree cover.

(Note: Photos of the balloon test taken and submitted by others taken by others from right next to the Shadow Lake Bridge show two balloons behind the Indian Head Resort Hotel.)

Applicant’s Attorney Springer said it was his understanding that the Planning Board would hear from Peter Spanos (owner of the Indian Head Resort) or someone else on his behalf and maybe several people, but “in our opinion there was no view” [of the balloons] from the Shadow Lake Bridge.

- g. Dated November 4, 2020 – Page 16 and Page 17 of 32 Photo 9: View of the balloons looking north from southeast corner of Shadow Lake, (part of Indian Head Resort) approximately 2,680 feet south of the cell tower site.**

Attorney Springer’s Comments re: Peter Spanos:

Applicant’s Attorney Springer circled the balloons on the slide with a blue pen showing over the roofline of the back of the Indian Head Resort hotel as seen from the southeast corner of Shadow Lake. Then he went to page 17 that showed the simulated cell tower from that same spot and circled the simulated cell tower visible above the roofline as seen from back of the hotel. Applicant Attorney Springer said “We think that is minimal visibility.”

Applicant’s Attorney Springer said, “I have to make this observation. Mr. Spanos is well respected in the town. We understand that. He has a very important business in town. We understand that as well. HOWEVER, there is a term for this type of structure (he indicated the observation tower that is part of the Indian Head Resort) in the telecommunication field. And if you ask Mr. Pagacik what kind of tower this was apart from this application, he undoubtedly would say it was a “lattice tower.” We were looking for alternative structures to put antennas on, we would say this is a “lattice tower”.

Applicant's Attorney Springer said, he understands the tower is used for observation. He understands it is used for tourists and people who want to go up to the top to enjoy the view. "I get that. But, the structure itself, make no mistake, it is a lattice tower. We think that is important because with all due respect to Mr. Spanos, he does not have a view easement over our property and we are in a permitted zone. So, we have difficulty from a practical perspective understanding why somebody with a lattice tower can tell somebody else literally ½ miles away that he does not have a right to erect a tower that is a permitted use on his property because he does not want to look at it. With all due respect, that is not what the law provides. Again, I say this with all due respect and I mean no disrespect to Mr. Spanos."

h. Dated November 4, 2020 –Page 20 and Page 21 of 32 Photo 11: View of the balloons looking north from the Inn of Lincoln Parking Lot, approximately 4,225 feet south of the cell tower site.

Applicant's Attorney Springer presented Photo 11 with a view of the balloons looking north from the Inn of Lincoln Parking Lot, approximately 4,225 feet south of the cell tower site and said this was one of the spots that the Town asked them to photograph. He said that Audra Klumb put an arrow on the photograph to show the location of the balloons. In his opinion the balloons were tough to see.

Applicant's Attorney Springer scrolled to Page 21 with the simulation cell tower in the distance and circled it with his blue pen. Applicant's Attorney Springer said "Again, you can see it a little bit better but again, there is the telephone pole that no one seems to see." He then circled the telephone poles that was closer to the viewer with his blue pen. Applicant's Attorney Springer said "There is the telephone pole that no one seems to have a problem with and there are the telephone wires that no one has a problem with." And he traced the telephone lines with the blue pen going across the top of the photo.

Applicant's Attorney Springer said, "Again. It is very difficult to see." He said he "would also note that these views along the road are often fleeting and momentary and as you are driving this stretch of road, to the extent that anybody can even see that [the cell tower] it is not something their eyes are drawn to and I don't think it [the cell tower] detracts from anything."

Applicant's Attorney Springer said "And what is interesting about this picture is that it happens all of the time in balloon tests. There are telephone poles all over the place. No one blinks at them [telephone poles]. Does anyone present think that the telephone poles shown in the photo are really attractive? For example, telephone poles are quite ugly but no one notices them because everyone has gotten use to them. No one would say, with all due respect, I'm not coming up from Massachusetts or I'm not coming up from New York to go to New Hampshire to enjoy the views because all of these ugly telephone lines and poles are in my viewshed as I am driving down this stretch of road enjoying the view. No one is going to say that about our tower as well. We do not believe that anyone is going to drive these roads with this type of visibility and say, I am never coming here again because I can see that tower [in Franconia Notch].

Applicant's Attorney Springer said "To the contrary. If they are coming up here from New York or Massachusetts, Connecticut and points south, and it is a family and they have got two parents and three kids in the car chances are they have four or five phones in that car and they want the [cell phone] coverage."

Applicant's Attorney Springer said, "They are not going to say "I'm not coming up to the Inn at Lincoln because the visual views up here are impacted. I can see ten (10') or twenty feet (20') of the [cell] tower at a distance of 4,225 feet away (almost a mile)."

- i. Dated November 4, 2020 – Page 22 and Page 23 of 32 Photo 12: View of the balloons looking north from the Woodward's Resort parking lot, approximately 1.1 miles south of the cell tower site.**

Applicant's Attorney Springer said someone requested we take a picture from the Woodward's Resort parking lot. Audra Klumb put in an arrow to point out the location of the balloons. He said: "Very difficult to see. You can barely even see it. I think that is the array."

Audra Klumb interrupted and said that she is the person who performed the visual survey. She said that from US Route 3 at these locations you could not see the balloons. Photo 12 is taken from a spot actually on the Woodward Resort property. On the Woodward Resort property, she could see the balloon. This is the best view of the tower that she could find – a "worst case scenario." Then when you go to the road you cannot see the balloons. Public location, not visible. Private location, somewhat visible.

- j. Dated November 4, 2020 – Page 24 and Page 25 of 32 Photo 13: View of the balloons looking north from the top of the Banzai Pipeline waterslide at Whale's Tale Water Park, approximately 1.2 miles south of the cell tower site.**

Applicant's Attorney Springer said they were asked to go to Whale's Tale Park and take a photo from the top of the Banzai Pipeline waterslide which he thinks is the northernmost tower on their property. Again, Audra Klumb put the arrow on the photo to indicate where the balloons were. When he scrolled down to the next photo with the simulated cell tower you could barely see the array. Applicant's Attorney Springer said "We do not think there is any real impact there." He notes that the spot is 1.2 miles south of the tower site which is a pretty good distance away.

- k. Dated November 4, 2020 – Page 26 and Page 27 of 32 Photo 14: View of the balloons looking north along US Route 3, approximately 1.7 miles south of the cell tower site.**

Applicant's Attorney Springer said they were asked to go to Whale's Tale Park and take a photo looking north along US Route 3. Again, Audra Klumb put the arrow on the photo to indicate where the balloons were. "There is some visibility, but it is just lost. I don't need to point out all of the telephone poles, etc. that you can see here." "It is very hard to see and it has very low visibility."

- l. Dated November 4, 2020 – Page 28 and Page 29 of 32 Photo 15: View of the balloons looking north along Interstate 93 northbound, approximately 1.6 miles southwest of the cell tower site.**

Applicant's Attorney Springer said they were asked to go 1.6 miles to the cell tower site. Again, there is some visibility because Audra Klumb put the arrow on the photo. Applicant's Attorney Springer flipped to the next slide and said "Then when you put in the array it is backdropped by the trees. We don't believe this is going to detract anybody's view as they drive up."

- m. Dated November 4, 2020 – Page 30 of 32 Photo 16: View of the balloons looking south toward the site from the Basin Walkway, approximately 2.2 miles north of the cell tower site.**

Applicant's Attorney Springer said they were asked to look south toward the site from the Basin Walkway, approximately 2.2 miles north of the cell tower site. He said there was no view of the tower.

- n. Dated November 4, 2020 – Page 31 of 32 Photo 17: View of the balloons looking south toward the site from the Lafayette Campground, approximately 3.7 miles north of the cell tower site.**

Applicant's Attorney Springer said they were asked to look south toward the site from the Lafayette Campground, approximately 3.7 miles north of the cell tower site. He said "No view."

- o. Dated November 4, 2020 – Page 32 of 32 Photo 18: View of the balloons looking south toward the balloons from the Boise Rock, approximately 4.4 miles north of the cell tower site.**

Applicant's Attorney Springer said they were asked to look south toward the balloons from Boise Rock, approximately 4.4 miles north of the cell tower site. He said "No view."

9. Comprehensive Economic Development Strategy (CEDS) Prepared by North Country Council, Inc. (2018-2022) (Annual Update 2019)

Applicant's Attorney Springer put Comprehensive Economic Development Strategy (CEDS) prepared by North Country Council Inc. (NCC) up on the screen. "I am not picking on anybody, certainly not on a personal level, but the North Country Council Community Planning and Development submitted a four-page single-spaced report about this project and one of the documents that they said they reviewed was to my understanding the North Country Comprehensive Economic Development Strategy. What was disappointing to me was in the four pages that North Country submitted, there was not any acknowledgement, not one, about how important internet and broadband is to this region and how there might be even just a competing interest besides minimal visual impact." Then he "walked" the Planning Board through the NCC strategy.

a. Page 19.

Applicant's Attorney Springer said the CEDS report identified three (3) primary requirements for success in the north country for job growth and regional impact. One (1) is communications infrastructure, including a picture of a cell tower.

b. Page 29.

Applicant's Attorney Springer said the CEDS report says broadband available continues to be a major barrier to economic development and resiliency. And in the ED District which is where Lincoln is, "does not foster an environment for higher-paying businesses, industry, and entrepreneurs to put roots down in the area" because they do not have this type of broadband availability. Applicant's Attorney Springer asserts that this is exactly what AT&T is trying to do with this site.

c. Page 35.

Applicant's Attorney Springer said the CEDS report says there are four "Most Critical Services to the ED District" and one is "High Speed Internet and Phone Service".

d. Page 37.

Applicant's Attorney Springer said the CEDS report acknowledges that "cellular communication is the primary form of telecommunications". Furthermore, the CEDS report talks about the "difficulty building infrastructure...to utilize these technologies." He further quoted the report, "Making high speed communication widely available will help draw the next generation businesses, entrepreneurs, and works to the area while providing a more desirable market for home and virtual businesses."

e. Page 41.

Applicant's Attorney Springer said the CEDS report where it lists "Weaknesses" "Comprehensive broadband, cell and Wi-Fi access. He argued that this particular site is designed to address this weakness. The CEDS report also lists "Opportunities" to "Support broadband deployment initiatives.

Applicant's Attorney Springer then complained, "with all due respect to North Country Council, I did not see a word of this in their report".

f. "Broadband Information" on NCC letterhead dated 10/15/2020, 11:35 AM

Applicant's Attorney Springer read from a five-page report created on NCC letterhead titled Broadband Surveys. With a subheading: Coos & Grafton Counties. "North Country Council is surveying households and businesses to determine the feasibility of providing high-speed fiber internet connections to every interested home, business and institution in the region. North Country Council has heard from towns in the region that we cannot wait to figure out a solution to inadequate broadband in the region."

Applicant's Attorney Springer said "When people say, why are you doing this?" Some people said that this project is only going to benefit a couple of people. Some people said "this is a bad deal, etc., etc.". **This is why AT&T is coming here. AT&T is coming here because "all of these people are coming up here for vacation"** and because "honestly, towns that are in rural New Hampshire, Maine and Vermont are "crying out for broadband". "That is what AT&T is doing." It is not to benefit a small number of people. It is not to destroy the environment. It is not to destroy the tourist industry. AT&T is doing this to do exactly what the detailed NCC CEDS report says absolutely needs to be done.

Planning Board Questions:

Lease Space on Tower to Others:

Member Mark Ehrman questioned whether there is opportunity for a public interest group or interested parties to rent space on this tower. He does not know what the relationship is between the Applicant's LLC or private entity is with AT&T, whether it is contractual or otherwise. Does the Applicant have any clauses in the contract that are obstacles to renting out space on the tower to a third party, whether a competitor to AT&T or public interest group or civic organization? For example, what if someone wants to provide internet services only using the tower.

Applicant's Consultant Peter Cooke, General Manager for GMR Holdings Project Manager for the site, replied that he would be happy to lease space on the tower to any and all folks interested in being on the tower as that is their business. Their contractual relationship with AT&T is a "friendly" landlord/tenant relationship because they have done a number of projects with a number of carriers including AT&T. However, the only contractual obligation they have (evidenced by the separation you see between the tower and the antennas) is that they cannot put anyone on the tower that would interfere with AT&T's FCC regulated frequencies. The reality is that AT&T is a licensed FCC carrier. No one is allowed to do that anyway, however, they have specific requirements that they not interfere with AT&T's operation. That is not a deterrent in leasing to other carriers, ISPs, nonprofits or any other groups.

Competitive Rates:

Member Mark Ehrman asked about rates. "Do you have a "most favored nation" or a similar clause in your contract with AT&T?" Can you provide competitive rate to third parties? Applicant's Consultant Peter Cooke said yes.

Applicant's Attorney Springer stated that Lincoln's Land Use Plan Ordinance requires that an applicant in this type of situation to submit a binding representation that it will allow for subleasing on the tower at reasonable fees and give reasonable opportunities to do that. He held up his copy of the application and directed the Planning Board to look at Exhibit 5. There is a letter from GMR Holdings to the Planning Board that says "In the event the facility is constructed, GMR Holdings shall apply available collocation on the facility at reasonable fees and costs to other telecommunications providers."

Applicants Rebuttal to Public Comments Submitted Prior to the Meeting:

1. Carl Martland, Chair North Country Scenic Byways Council, c/o North Country Council, Inc's Reports (2) on Visual Impact on Scenic Byway:

Applicant's Attorney Springer stated there has been discussion about the scenic byway. Carl D. Martland, Chair North Country Scenic Byways Council, c/o North Country Council, Inc., was present at the meeting and had submitted detailed comments in advance of the meeting that were shared with all of the parties in advance of the meeting. Attorney Springer addressed the Planning Board quoting parts of Martland's report.

Applicant's Attorney Springer stated "I don't mean to speak for him, but Martland did a follow up memorandum report to the Planning Board after the balloon test. It is fair to say that he had concerns about the visibility of a tower on the scenic byway. In his subsequent report Martland said that the visual impact was much less than he had feared." Applicant's Attorney Springer said Martland understands that if you are exiting I-93, the proposed cell tower would be "momentarily visible to passengers on the right-hand side of the car heading down the ramp, however, the tower would not obstruct the magnificent view of the Franconia Ridge". Applicant's Attorney Springer stated, referring to Martland's report that northbound on US 3 the proposed cell tower would be a "minor distraction" as travelers approach the entrance to the Franconia State Park. Down on US Route 3 the proposed cell tower would be a "minor

distraction”. As travelers left the state park that “the most adverse visual impact would be when viewed from the motel located directly across the street”. Applicant’s Attorney Springer stated he believes the visual impacts of the proposed cell tower “to the extent they exist” to be “insignificant”; “momentary distractions at most as you are driving on the major thoroughfare”.

Applicant’s Attorney Springer stated he was not trying to minimize the importance of the scenic byways. “However, I would also note that if you look at the State Statute, (I understand there may be a federal statute that quite frankly I have not looked at) but the State Scenic Byway talks about how there might be ‘intensive commercial or industrial purposes right near a scenic byway’.” He does not know whether this area is an “intensive use”, but their landlord [Greenside Ink, LLC] has a commercial use. The abutter across the street, Parker’s Motel, is a commercial use. NH RSA 238:22 also expressly states that the designation of a road as a scenic byway “shall not affect the operation, maintenance and expansion of existing public utility lines and facilities, or be construed to require any public utility to install any of its lines or facilities underground.” That shows that even the State when passing the scenic byways legislation realized the importance of making “some accommodation for the realities of modern life.” “No one is doing landlines anymore; everyone is going to cell.” The statute talks about telephones and telephones lines because that was the technology back when that statute was created. He is sure if that statute was created today it would make exceptions for cell towers.

238:22 Designation. –

I. The council shall designate and de-designate scenic and cultural byways of the New Hampshire scenic and cultural byways system based on criteria which include, but shall not be limited to, the following:

- (a) Possesses significant visible natural or cultural features along its border such as agricultural lands, farms, significant architectural attributes, historic sites, town and city centers, museums, cottage industries, panoramic views, vistas of marshes, shorelines or forests, or notable geological or other natural features.
- (b) Accessible to natural and cultural features such as cultural facilities, historic sites, town and city centers, trails, lakes, rivers, streams, mountains, the seacoast, bike paths, agricultural land, parks, or protected lands that are open to the public, etc.
- (c) Conforms to and does not detract from the landscape.
- (d) Meets safety standards for the particular traffic encouraged.
- (e) Is free from intensive commercial development and obstructive signage that would detract from the principal reason for its designation.

II. Designation of a state or local road or highway as a scenic and cultural byway under the provisions of this subdivision, and any general or special management criteria applicable thereto, shall not affect the operation, maintenance and expansion of existing public utility lines and facilities, or be construed to require any public utility to install any of its lines or facilities underground.

III. Under no circumstances shall a local scenic and cultural byway be designated without a public hearing conducted by the municipalities in the area.

IV. Nominations shall demonstrate local, private, and public support, and be reviewed to assess any traffic or other problems that may accrue to the designation as a scenic and cultural byway and propose a method to ensure the preservation and maintenance of the qualities of the scenic and cultural byway on which the nomination is based.

Source. 1992, 160:1. 1995, 105:3, eff. July 15, 1995.

Carl Martland asked to speak. He was rebuffed by the Planning Board and asked to make his comments after the Attorney for the applicant finished making his presentation.

2. Several Individual Comments from the Spanos Family Received Prior to the Meeting:

Applicant's Attorney Springer stated that the Planning Board will likely hear from some members of the Spanos family. Five or six members of the Spanos family submitted comments (that were shared with all parties prior to the meeting). "I am sure some of them are here and we will hear from some of them. That is their right. No question about it."

Applicant's Attorney Springer stated the main points of their written objections are:

- the tower will be an eyesore;
- the tower will negatively impact the view;
- this is not the place to construct a tower; or
- the tower will drive property taxes down;
- it will have a detrimental effect on the area.

Attorney Springer noted that none of those points, "with all due respect, legally speaking, those points do not apply when you have a permitted use in a permitted zone". Those types of considerations are what the townspeople made when they adopted the land use ordinance, not when you have a permitted use and you are trying to do a permitted use in a permitted zone.

3. Comments About Putting the Tower on the Whale's Tale Property Instead Received Prior to the Meeting:

Applicant's Attorney Springer stated that people commented that the location at the Whale's Tale Water Park property should have been considered; the same comments apply as would apply to Whale's Tale. Whale's Tail property owners have a contract with Vertex. "I say this with all due respect, but it is my understanding that their contract is with AT&T. They have a lease with Vertex which is [a consultant] like GMR." His understanding is that the carrier behind Vertex is AT&T. AT&T subsequently rejected the Whale's Tale site from a radio frequency standpoint "because the Greenside Ink, LLC site works better because it is closer to the gap of coverage and it provides really good coverage."

4. Reasons for Choosing the Greenside Ink, LLC Site:

Applicant's Attorney Springer stated that the whole reason AT&T is looking at this particular site is because of that stretch on US Route 3 and I-93 that he showed the Planning Board at the very beginning. The Greenside Ink, LLC parcel is in the ravine between the two ridge lines. In that area much of the land is owned by either the US as national forest land (White Mountain National Forest) or the State of New Hampshire land as state forest land (Franconia State Park). AT&T cannot use those lands because the US and the State of New Hampshire do not rent land for private use, generally speaking. In addition, these lands are not accessible from the highways; there are real practical problems with those lands. That left only five (5) properties in this area that the search team for AT&T was looking at. Two (2) of those lots were owned by either the Indian Head Resort company or an affiliated company. GMR had disclosures with Mr. Peter Spanos on behalf of those two companies at the beginning of this year or some time ago. "Mr. Spanos, as is his right, declined to make those two properties available"; [(1) the main

resort on the east side of US Route 3 and (2) 43 Tomahawk property on the west side of US Route 3]. “That is his right. There is no doubt about that.” Mr. Spanos did offer AT&T another property off from Tripoli Road, but he understood that the property was in the Town of Woodstock, approximately six (6) miles to the south. That lot did not work for AT&T. That left three (3) remaining parcels:

1. Parker’s Motel;
2. Kelley’s property; and
3. Greenside Ink, LLC property.

The Greenside Ink, LLC property was preferable because:

1. The elevation was slightly higher;
2. The property was in the General Use (GU) District;
3. The property already had a commercial use on it; and
4. A telecommunications tower is a permitted use in the General Use (GU) District.

Normally this is where he would normally address the conditional use permits and the waiver request and point out how the application meets all of the criteria in the Land Use Plan Ordinance in his presentation. However, he will do that at next month’s meeting.

Planning Board Questions:

Member Paul Beaudin said he would like to see:

1. A better fall zone map. Attorney Springer apologized and said he would send a better fall zone map for the next Planning Board meeting.
2. A clear explanation of the difference in coverage between the allowable height of one hundred feet (100’) and the proposed one hundred twenty feet (120’) tower. He asked Springer to explain the “dead spots” on the map of the lower tower versus the higher tower. Were all of the colored maps showing the coverage for the higher tower and not the lower tower? He saw nothing that addressed what the coverage with a lower tower would be.

1. RFP Comparison for Both Heights:

Applicant’s Attorney Springer stated all of the RFP models they provided were showing expected AT&T propagation from the top slot on the pole at one hundred twenty feet (120’). Member Beaudin said he would like to see what a one-hundred-foot (100’) tower propagation would look like. He wants to be able to compare the coverages for both heights. The Town has had other cell tower applicants and those applicants have asked for the same types of waivers, but the applicants have provided such comparisons for the Planning Board to consider.

Applicant’s Consultant Peter Cooke, General Manager for GMR Holdings Project Manager for the site, said the alternative is that if they go to 100 feet on the knob of the hill which is the allowed height, the propagation will be the same from either the 100 feet on the top of the hill or 120 feet where they are proposing.

Member Paul Beaudin asked Applicant's Consultant Peter Cooke if there was absolutely no difference in coverage. Applicant's Consultant Peter Cooke said the two proposed tower locations would be literally only thirty feet (30') apart from each other and there would be no difference in coverage.

2. Reason for Choice of Lower Site with Higher Tower

Member Paul Beaudin asked why they needed to go to one hundred twenty feet (120') if they would get the same coverage at one hundred feet (100'). Peter Cooke said, "because we are trying to save trees" and they are trying to do what the bylaws [Land Use Plan Ordinance] point them to which is to find the best spot on the site. We can do that but we would lose the seventy-five-foot (75') spruce trees that are on top of that hill. They have met with the neighbor to the south and that neighbor does not want them to cut the trees. They are trying to be a good neighbor and put the tower where it would have the least amount of impact to the immediate abutters. If they lose the tree cover the tower will be much more visible to the travelers along US Route 3 and I-93.

3. Size of Antenna Array Versus Balloons

Member Paul Beaudin asked what the outer diameter on the collocators on the uppermost antennas were. Applicant's Consultant Peter Cooke said it is traditionally a "triangular mount". Each cluster of antennas is called "a sector". Typically, each sector has about a ten foot (10') spacing between the outside of the antennas. So, it is a 10'X10'X10' triangle.

Member Paul Beaudin asked what the diameters of the balloons that were floated. Applicant's Consultant Peter Cooke said the balloons are blown up to about four and a half feet (4 ½') in diameter. Once the balloons are elevated, depending on the weather, they expand so they are approximately five feet (5') in diameter.

Applicant's Attorney Springer interrupted and said the photo simulations took the difference between the size of the balloon and the size of the antenna array into account. "That is why we photoshop the arrays in there."

4. Noise of Facility

Member Paul Beaudin asked about the noise that might be generated by the site itself, reminding them they had said that very little noise would be generated by the facility. There is also a generator on site. How much noise will that generator produce when the generator is being used? Applicant's Consultant Peter Cooke said it is a standard generator of 25kV-50kV. He offered to provide specifications on the generator. The generator is for emergency backup use only. It would be like most generators you see in town. It would cycle once every couple of weeks or so for about half an hour during the day and would only kick on in the event of a loss of power.

Member Paul Beaudin asked for the specifications on the generator as there are number of abutters that would potentially be impacted. Applicant's Consultant Peter Cooke said he would get the Planning Board the specification sheets for next time.

5. New Hampshire Department of Transportation (NH DOT) Response

Member Paul Beaudin questioned what NHDOT's feedback was on the project.

Applicant's Consultant Peter Cooke replied through Planner Bont's Office they were asked to talk to the NH DOT's Traffic Engineer. "We" did speak with "them" who had no comments on the tower itself. "They" did ask the applicant's consultant to make sure that they updated the curb cut permit for that property given that the property is on US Route 3. "We" are in the process of submitting that information that "they" have asked for.

6. Fall Zone

Victor Drouin, President, Green Mountain Communications, Inc., (parent company of GMR Holdings, LLC) said he "as well" got a call from "Susan Klasen from Concord" when she got the notice from Lincoln and "we" do work for NH DOT and she knew me. [Susan Klasen works for the NH DOT Transportation Management Center, Smokey Bear Boulevard, Concord, NH 03301 – no title listed on the NH DOT website.]. According to Victor Drouin, Klasen asked about the fall radius. She reviewed the plans. She saw the circle on his map indicating the fall zone. Drouin told Susan Klasen that when they design the pole itself, they design the pole to [collapse]. He said they also "do traffic structures, cameras and things for I-93, I-95 and the bridges in New Hampshire. These poles are designed to collapse within a certain radius. She basically just asked if we were doing a collapsible pole."

Victor Drouin said what you do is design a weak point into the pole to minimize your fall radius so at the end of the day Mr. Landry (owner and operator of Greenside Ink, LLC) would not have to worry about his building. "Certainly, the off ramp to I-93 would never become in jeopardy." Drouin said he did have that conversation with Susan Classen. She seemed fine with it. She said, "I don't need to comment", but he was sure that if he needed a statement, she would provide it.

7. Current Uses of the Greenside Ink, LLC Property

Member Paul Beaudin asked about what types of uses currently occur at the Greenside Ink, LLC facility. [Note: Site Plan Review approval to operate a commercial landscaping business]. Beaudin said that he knows Greenside Ink, LLC does have "boarding facilities" in their shop. Greenside Ink, LLC's operations are not just part-time during the day operation for landscaping. According to Beaudin, Greenside Ink, LLC also has office space that they lease out. "This is not just a garage." It has been presented that this is just a part time facility maybe, and not inhabited all of the time. There is quite a bit of going in and out of that building. He sees that the fall zone, no matter how collapsible the tower is, could impact those going and out of the building. There is a safety concern there for him. He does not know how safety at the site would be

addressed. There may be no towers that have ever fallen down, but there is always a first time for everything.

1. Attorney Springer's Rebuttal re: "The Fall Zone"

Applicant's Attorney Springer said, "With all due respect, the fall zones are presented as a safety issue. That is not how it arose. The fall zone, if you trace it back, is an exclusionary zoning device". "I have been doing this a long time. Because you say you need 150% of the tower height and what they were aiming at was not, 'we are afraid something is going to fall off the tower', they wanted cell towers off small in town lots. So, if you remember the radius of a circle from your high school geometry days, I am not going to embarrass your Town Attorney Peter Malia by asking him what it is, but the radius of a circle is πr^2 . So, if you have 150 feet tower you square 150 feet and then you multiply that by π and you get a really big number and a big area and you push the cell towers out of small downtown lots and into big lots in rural areas.

Note: $\pi = 3.14159265359 \times [150' \times 150'] = 70,685.834705775$ SF rounded to 70,686 SF or 1.62 Acres

Applicant's Attorney Springer argued that the fall zone was designed to get cell towers out of the downtown areas and into big rural areas. "Here is the proof. Ask yourself, what is the fall zone for the light stanchions in center field in Fenway Park? There is none. 82 games per year before the pandemic, there are 10,000 people at every game sitting directly under those lights with 10,000 people stomping, cheering and yelling and nothing happens; nothing comes down off those poles. A cell tower is the only structure that has a fall zone attached to it. Smoke stacks do not. Churches do not. Light poles do not. Cell towers are the only ones. Ask yourself, why." Because it was a device developed long ago to exclude the cell tower from small lots and they sold it under the heading of a "safety issue".

1. Attorney Springer's Rebuttal re: Pole's Potential to Collapse

Applicant's Attorney Springer argued that these poles do not collapse. He continued, "We have had tremendous weather events and ice storms in other parts of the country. The only thing that still stands are these poles." He said what Victor Drouin was talking about is called "local buckling". "They" will over design the pole up to a certain height so in the unlikely event there is a failure because of a really heavy wind. He said if there is a wind that bends this pole, then half of the town will be blown away; this pole will be the least of your problems. "They" will over engineer the pole to like 75 feet so in the event of an adverse wind or weather event, the pole will buckle or bend at that 75-foot point because it is over strengthened to that point. The pole will buckle or bend over until the wind pressure will go over the bend in the pole without further bending the pole. The poles do not come over and fall flat, the poles buckle at the 75-foot mark. "We are very certain that this is safe."

Applicant's Attorney Springer said "We talked about the NH DOT. I have zoned and built cell towers within tower height of the travel lane of Route 16, of the Route I-95 corridor. I did a master lease with NH Public Service many years ago and they have towers within tower height of their transmission facilities all over the place." "These are very safe."

Selectmen's Representative Tamra Ham requested that all correspondence related to this application be included with the meeting minutes, not just the ones that were read at tonight's meeting.

MOTION: "To open the hearing to public comment."

Motion: Paul Beaudin

Second: Tamra Ham

All in favor

Resident Jayne Ludwig questioned whether anyone viewed the proposed tower during the balloon test using binoculars to see how the view as seen through binoculars would change. She stated oftentimes tourists will use binoculars to view the scenic areas. Attorney Springer replied that binoculars had not been utilized as part of the process.

Resident Jayne Ludwig also questioned whether NH Department of Environmental Services (DES) has been involved in investigating what cell towers emit, to determine whether those emissions have any effect on wildlife or humans. Attorney Springer explained Miss Ludwig was not going to like his answer, but a Planning Board cannot consider health effects during this review process. That is within the purview of the federal government and we really cannot be going down that road. The Planning Board cannot legally base its decision on that issue. It is not in their jurisdiction to do so by law. It is under the purview of the federal government.

Applicant's Consultant Peter Cooke said for Miss Ludwig to check the FCC's website. The FCC has emission standards they have researched. AT&T and all of the other licensed carriers are well below the minimum standards set by the FCC. Applicant's Attorney Springer said they submitted that information as part of their application.

Community & Economic Development Planner Kaela Tavares from North Country Council, Inc. (NCC) stated that she wanted to respond to points made by the comments Attorney Springer made about North Country Council; context is important to understanding her comments. She agreed with Attorney Springer's comments on the NCC's Economic Development Strategy and their support for broadband. The stewardship of the CEDS document is pledged to her and her committee that supports that. But at the same time in the context of the cell tower hearing tonight, the comments of North Country Council are provided within a framework regarding their "Developments of Regional Impact". The "Developments of Regional Impact" is a set of standards that was adopted by fifty-one (51) communities of the region and it sets forth a very specific outline of the topics to be addressed and not addressed when considering the potential negative impacts of surrounding municipalities or other regional resources.

Community & Economic Development Planner Kaela Tavares said she wrote the report with regard to this cell tower as well. Her report highlighted the possible concerns with negative visual impacts because that is the standard within the Developments of Regional Impact framework that it was appropriate to talk about concerning the proposed cell tower. There is not a standard within that Developments of Regional Impact framework to talk about broadband access in general. Developments of Regional Impact is a document that is adopted by the region guiding specific comments about how the cell tower might negatively impact other surrounding resources.

Community & Economic Development Planner Kaela Tavares also applauded the applicant's thorough balloon test which helped mitigate some of the potential concerns about the regional impact she had put forward in the beginning. That report was written prior to the balloon test. She wants everyone to understand what the role of North Country Council is here in this context to work within those specific talking points within that Developments of Regional Impact framework. It would have been inappropriate for her to speak just generally to NCC's support or lack of support for the proposed cell tower not in that Developments of Regional Impact framework. She said that Attorney Springer indicated that was a short coming of her work and that was not a shortcoming, but rather just the context in which "we are playing".

Community & Economic Development Planner Kaela Tavares questioned whether the Applicant had provided any assurances that the seventy-five-foot (75') spruce trees will remain once the tower has been established. Nothing can compete with fully established vegetation to screen something like a cell tower; certainly, new vegetation freshly planted cannot compete. Will the Applicant have some type of easement over those trees to continue to maintain those trees? Will the Planning Board or the Town have any assurance that those trees will remain on the property after the tower is built? Is that something that has been considered?

Attorney Springer stated that the trees are outside of their [AT&T's] leased area. Their leased area is the compound and the easement into the compound. Those trees are outside of their leased area. AT&T does not control the trees.

Community & Economic Development Planner Kaela Tavares said she thought it was important when looking at the photos that Attorney Springer shared with the Planning Board, that the 75-foot full grown spruce trees in question looked to be nearly undermined by an eroding bank. When the Applicant is tying the approval for this project to the need for additional height and keeping that good service there, she thinks that if "the exchange" is the health of those seventy-five-foot-tall full grown spruce trees, it would be important to find a way to ensure that those trees will stay after the tower is built.

Abutter Gloria Spanos stated that when the Applicant was showing the photographs from the back of Indian Head Resort from where Shadow Lake is, the lady who took the photographs only took one photo from one end of the lake. (Applicant's Consultant Audra L. Klumb, CWS, CESSWI, A&D Klumb Environmental, LLC). Gloria Spanos said she sent in two photographs of the balloon test from further up the side of Shadow Lake where you can clearly see the negative impact on the view from the Indian Head Resort property. Those photographs were not even addressed or shown to anybody. She expressed her disappointment that this photo was not shown to the Planning Board.

Chair of the NCC Scenic Byways Council Carl Martland, said Attorney Springer quoted from his two memos submitted to the Planning Board on behalf of the North Country Council Scenic Byways Council. At the last meeting he said that the most critical view was on the Flume Off Ramp, coming off I-93 into the Flume. This is the iconic exit for anybody traveling to the North Country through Franconia Notch Parkway. Despite saying this was my greatest concern, Attorney Springer did not show any photos from the off ramp. He submitted to the Planning

Board a photo taken from the off ramp which showed that the cell tower would be clearly visible off to the right to anybody walking, riding a bike or motorcycle or a passenger in a car or in a bus on the right-hand side would have a view of the cell tower. My comment that Attorney Springer read said that compared to the location right next to the park, the proposed location is better. That is one correction of Attorney Springer's statements.

Chair of the NCC Scenic Byways Council Martland said the second correction is that someone said that coverage should be shown for 100-foot-high tower versus the 120-foot-high tower. He said he thinks that is important. One tower would have two (2) tiers of antennas that are shown on the representation. It would only miss the top two (2) tiers.

Chair of the NCC Scenic Byways Council Martland said finally, Attorney Springer read only a portion of Martland's email where Martland seemed to indicate that Martland supported the proposed tower because the impact was less than he had expected if the tower had been right next to the park. He knew the Planning Board had his memo, however, because Attorney Springer already read select portions of his memo to support the Applicant's case, he asked to read his entire memo to the Planning Board. Mr. Martland read his memo in its entirety to the Board (see attached).

Chair of the NCC Scenic Byways Council Martland said he is concerned with the negative visual impact of even a one-hundred-foot (100') cell tower in this location because of the visual impact at the entrance to the Franconia State Park in a scenic byway. While 100-foot towers are apparently allowed under current zoning in the Town of Lincoln, he cannot support approval of any variance that would allow an even higher tower on this site. He added that in Attorney Springer's very very long presentation, it was very hard to follow Attorney Springer's logic and his conclusions. What should have been a twenty-minute presentation with clear graphics turned into an hour and a half that was hard to follow. In all of that presentation, Martland did not see anything to support a conclusion that a 120-foot tower had advantages in terms of coverage over a 100-foot tower or that it had advantages that could only be obtained at this site. Martland's conclusion going in was that there may be other issues but he has not seen them yet.

Chair of the NCC Scenic Byways Council Martland said the question of the hillside, putting the cell tower up on the hillside, all he can say is that suppose that hill was only eighty feet high. Would the solution then to ask for a 150-foot tower or a 200-foot tower? The question is should there be a variance given for a tower so close to a state park? The Planning Board has the authority to look at site-specific issues related to trees, screening, coverage, drainage, whatever.

Chair of the NCC Scenic Byways Council Martland said he just wanted to set the record straight. He also had a question about why there was no ability to add comments on chat for this Zoom call. His comments are only allowed to go to Fire Chief Ron Beard as the moderator of the Zoom meeting and not so everyone could see.

Victor Drouin, President, Green Mountain Communications, Inc., (parent company of GMR Holdings, LLC) said he sent a note to Carl Martland after he saw Martland's report and the photo from the Flume Exit and another photo looking southbound coming back out of the Flume Exit. According to Drouin, the original AT&T site was approved for a 100-foot pole at

the top of the hill. According to Drouin, when “we” met with the land owner and we started to survey it and we worked with Matt Tilden of Dewberry to design this site, we started to look at these trees. These approximately seventeen (17) spruce trees are seventy-eight feet (78’) tall. We looked at the site and said, “we can take this site and drop the ground elevation twenty feet (20’), do a retaining wall, save those 78-foot trees and maintain a lot of screening which would be screening both from the northbound I-93 and the Flume Exit and also from the Flume looking southbound. If we cut those trees and put that pole at the top you are going to be looking at 100 feet of tower right there. As it sits now, if we leave those trees most of those views you are looking at, you are looking at 20-30 feet of pole where the top of the pole sticks above the tree line. By not granting this variance the Planning Board will make AT&T put the pole on top of the knoll and force AT&T to cut all of those trees. “This isn’t hard.”

Fire Chief Ron Beard asked if it was possible to make the cell towers look similar to the trees that are in the general area. He has seen in some cities where they cloak the cell towers and make the towers look like pine trees to try to make them blend into the background scenery. Attorney Springer said that theoretically it was possible, “but be careful what you ask for”. “The fake trees stick out like a sore thumb. People are used to towers.” He knows there are “opponents” who are never going to agree with that. Generally speaking, fake trees don’t work; they look worse than the pole. Except for the view from Parkers Motel and the off ramp, the views of this tower are not going to “make any difference” because it will be “backdropped by trees” and the tower “will be seen off at a distance”.

Fire Chief Ron Beard stated that based on what he understood, that cell tower will only get them about one mile and a half (1 ½ miles) coverage into the [Franconia] Notch. Where is the next tower going to go? “Obviously, you want to connect the dots going up the I-93 Corridor.”

Attorney Springer said, “I don’t know. Honestly, I don’t know.” Using his calculator, Attorney Springer said he could tell the coverage footprint up and down the [Franconia] Notch is probably a mile and a half (1 ½) to two (2) miles north and south.

Fire Chief Ron Beard asked “And AT&T does not have coverage on the other side of the [Franconia] Notch yet, right? Attorney Springer said, “I don’t believe so.” Fire Chief Ron Beard: So, the coverage is going to stop in “the Notch”? Attorney Springer said, “I agree with you, it is very very challenging terrain.”

Fire Chief Ron Beard said, “What I am getting at is how are you going to get from here (the Greenside Ink LLC site) north?” There is a lot of effort going into putting this one cell tower here just to get a mile and a half of coverage. How are you going to go further?

Attorney Springer said, “I don’t know the answer to that question.”

Fire Chief Ron Beard said, “As part of the FirstNet System that is supposed to be utilized by first responders, and I am obviously a first responder, I was just wondering how you are going to connect the dots” to get service through the entire Franconia Notch?

Applicant's Consultant Peter Cooke of GMR Holdings of NH, LLC finally said "they [AT&T] are getting coverage off from Cannon [Mountain]". He said it is probably better to have a discussion with Applicant's Consultant **Martin J. Lavin**, [Senior RF Engineer, C Squared Systems, LLC] and Telecommunications Expert for the Town **Ivan Pagacik**, [President of IDK Communications] about that. He told Chief Beard, "You can talk to them the next time around." That is the next site to the north. It is not ideal. AT&T does their best to minimize pole heights when they can. That is what they have kind of done here. "If we said to AT&T, 'Do you want 180 feet here?', I am sure they would say yes." He said they were trying to balance coverage needs with zoning restrictions.

Town Attorney Peter Malia suggested to the Planning Board that they ask the Town's two experts, Town Engineer [Raymond Korber of KVPartners, LLC], and Town Telecommunications Expert [Ivan Pagacik of IDK Communications], if they can think of anything right now that they need for their reviews. They should let the experts know tonight.

Town Engineer Korber said they were waiting for this meeting to see if anything specific came up and we are ready to proceed with their review. Attorney Springer told Ray Korber to reach out directly to Applicant's Consultant Peter Cooke of GMR Holdings of NH, LLC. Mr. Pagacik should reach out to Applicant's Consultant Martin J. Lavin.

Resident OJ Robinson asked that the photos that Abutter Gloria Spanos and Scenic Byways Council Chair Carl Martland took and brought up and all correspondence (for, against, or neutral) be shared with the Planning Board prior to the next public hearing. Selectmen's Representative Tammy Ham said that all of the Planning Board members already had copies of all of those photos and correspondence in their packets and by email. Resident OJ Robinson did not get the emails or packets with those photos or correspondence because he is not sitting on this case so he did not know.

Motion to Close Public Comment.

Motion: Paul Beaudin. Second: None.

Town Attorney Peter Malia advised that the Planning Board leave the public comment open until the next Planning Board meeting. The Town does not have its expert reports from Ivan Pagacik or Ray Korber. He advised the Planning Board to continue the meeting until December 9, 2020.

Member Paul Beaudin asked to respond to statements made by Attorney Springer.

1. Beaudin said he was part of the group that authored the telecommunications tower portion of the Land Use Plan Ordinance. The fall zone protection not in regards to taking into consideration (exclusionary zoning), but looked at with the question being if the tower fell, where would the tower land.
2. Some of the photos Attorney Springer showed "did not do justice to real life". During the balloon test when he was getting on the exit by the old Dubois and headed up north, truly he saw those balloons MORE than Attorney Springer showed in his photos. Some people used a drone. Others used cameras or different technology, but you could definitely see the balloons more clearly in real life than Attorney Springer showed in his photos.

3. Beaudin said the whole world uses and needs technology however Beaudin's father settled his family here because he liked the pristine look of the valley through Franconia Notch and the Kancamagus Highway. There are lot of people who come to this valley for its pristine nature.
4. Beaudin said he was disturbed that the State Historical Society does not think that Franconia Notch is an historical place. The Notch is an historical place. The Notch is what put Lincoln on the map.
5. Beaudin said you are putting up cell towers up and down the valley just to get ten miles of additional cell service per tower. Is that all? Is it worth it?

Attorney Springer said that each and every cell tower only covers about ten (10) miles. This is how the network works. That is the footprint. Ask [the Town's expert] Ivan Pagacik. He is quite confident that the Town's expert will confirm. That is why when you head south on I-93 you see a cell tower every two or three miles.

Member Paul Beaudin said that before he looked at the Applicant's balloon test on October 31, 2020, he drove around Lincoln and Woodstock and looked all of the cell towers that he could see. "There's a ton of them." Attorney Springer said "And not one of them has cell coverage for 20 miles in any one direction. They just don't." In terms of going up and down the highway, US Route 3 and I-93 this site works really well. It's getting as much coverage as virtually any cell tower on any highway in the country. It is a narrow ravine. That is the problem.

Town Attorney Peter Malia stated that Lincoln's Land Use Plan Ordinance **ARTICLE VI-A TELECOMMUNICATIONS EQUIPMENT AND FACILITIES**, Section F **ZONING DISTRICT REQUIREMENTS** does give the Planning Board the ability to increase beyond one hundred feet (100') in height with a conditional use permit if the Planning Board makes certain findings which Attorney Springer stated that he would address at the December hearing after he receives Ivan Pagacik's report.

Section F. ZONING DISTRICT REQUIREMENTS.

4. The maximum height for any telecommunications tower or support for an antenna shall be 100 feet. Any height limit imposed by this section may be decreased or increased by the Planning Board by approval of a conditional use permit if the Board affirmatively finds
 - (a) the intent of the ordinance will be preserved,
 - (b) a modification is reasonably necessary and appropriate to further the purposes of this article; and
 - (c) a modification is necessary to allow for the provision of telecommunications service in the area of the community affected which can otherwise be effectively serviced.

Town Engineer Ray Korber stated that as all comments have been heard, he will begin review of the proposed project in order to present his findings at the next hearing.

MOTION: "To adjourn the hearing on the aforementioned application until December 9, 2020 at 6:00pm."

Motion: Paul Beaudin

Second: Tamra Ham

All in favor roll call vote.

At this time Jim Spanos resumed his position as Chair of the Planning Board and OJ Robinson resumed his position as Selectmen's Representative on the Planning Board. Acting Chair Joe Chenard resumed his position as Vice-Chair and Selectmen's Representative Tamra Ham left her seat on the Board. Member Paul Beaudin stepped back into his position as alternate. Town Engineer Ray Korber and Town Manager Butch Burbank left the meeting.

III. CONSIDERATION of meeting minutes from: **October 28, 2020** (Chairman Jim Spanos, Vice Chair Joseph Chenard, Selectmen's Representative OJ Robinson, Member Steve Noseworthy, Member Mark Ehrman and Alternate Paul Beaudin)

MOTION: "To accept the minutes of October 28, 2020 as written."

Motion: OJ Robinson

Second: Joe Chenard

Motion carries unanimously

IV. NEW BUSINESS

SUB 2020-04 M118 L024, L025 L027 – Moran & Tremblay – Lot Line Adjustment between 3 Lots

Application for subdivision (boundary lot adjustments) between 3 adjacent lots at the end of O'Brien Avenue RW, reconfiguring the lots.

Applicant: F. Myles Moran
PO Box 184
Lincoln, NH 03251-0184

Property Owners and Properties:

11 O'Brien Avenue (Map 117, Lot 024) owned by F. Myles Moran, and Mary J. Levitsky, Trustees, The Moran Levitsky Revocable Trust, PO Box 184, Lincoln, NH 03251-0184.

30 & 31 O'Brien Avenue (Map 117, Lot 025) owned by Thomas P. Tremblay, Trustee, Thomas P. Tremblay Revocable Trust of 2006, PO Box 235, Lincoln, NH 03251-0235.

O'Brien Avenue – OFF (Map 117, Lot 027) [former garden lots roadway] owned by F. Myles Moran, and Mary J. Levitsky, Trustees, The Moran Levitsky Revocable Trust, PO Box 184, Lincoln, NH 03251-0184.

Proposal: The subdivision proposed includes the following transfers:

Parcel A: A portion (260 SF or 0.006 Ac) of Map 117, Lot 025 to be transferred to Map 117, Lot 024; &

Parcel B: A portion (4,436 SF or 0.10 Ac) of Map 117, Lot 027 to be transferred to Map 117, Lot 025.

Lots are all in the Rural Residential (RR) District. Changes in size of lots will be as follows:

11 O'Brien Avenue (Map 117, Lot 024) original area of 51,204 SF (1.18 Ac) changes to 51,464 SF (1.18 Ac);

30 & 31 O'Brien Avenue (Map 117, Lot 025) original area of 1.7 Ac +- changes to 1.8 Ac +-.

O'Brien Avenue – OFF (Map 117, Lot 027) [former garden lots roadway] original area of 7,033 SF (0.16 Ac) changes to 2,597 SF (0.6 Ac).

Applicant's surveyor: Stephen B. Tower, Sabourn & Tower Surveying and Septic Design, PLLC.

No new lots will be created. No improvements to these lots, no extension of municipal water and sewer lines and no extension of utilities will be required.

Presentation: Myles Moran explained that this is simple lot line adjustment between two neighbors. None of the land is buildable. One of the biggest changes is that Tom Tremblay will be giving up his access to the right-of-way across Myles' property. The other garden lots would still have access to the right-of-way. Chief Beard has been out to view the proposed changes. The 911 addressing was also discussed. Carole Bont will get clarification on the 911 address from the E-911 Coordinator for the State of NH.

MOTION: "To accept the application as complete."

Motion: Joe Chenard **Second:** OJ Robinson **Motion carries unanimously.**

MOTION: "To open up the hearing for public comment."

Motion: OJ Robinson **Second:** Joe Chenard **Motion carries unanimously.**

No members of the public made any comment.

MOTION: "To close the hearing for public comment."

Motion: Joe Chenard **Second:** OJ Robinson **Motion carries unanimously.**

MOTION: "To approve the application of Myles Moran, SUB 2020-04 M118 L024, L025 L027 – Moran & Tremblay – Lot Line Adjustment between 3 Lots as follows:

11 O'Brien Avenue (Map 117, Lot 024) original area of 51,204 SF (1.18 Ac) changes to 51,464 SF (1.18 Ac);

30 & 31 O'Brien Avenue (Map 117, Lot 025) original area of 1.7 Ac +- changes to 1.8 Ac +-.

O'Brien Avenue – OFF (Map 117, Lot 027) [former garden lots roadway] original area of 7,033 SF (0.16 Ac) changes to 2,597 SF (0.6 Ac).

No new lots will be created. No improvements to these lots, no extension of municipal water and sewer lines and no extension of utilities will be required.

Motion: Joe Chenard **Second:** OJ Robinson **Motion carries unanimously.**

SPR 2020-15 M118 L064 & L065 – Mark Stiles Trustee S&A Offices Realty Trust – Saber Mountain Properties, I & II – Multi-Use Building

Application for Site Plan Review Approval to merge two adjacent lots, demolish two buildings and replace buildings with one proposed multi-use building will be submitted to the Planning Board.

Applicant: Mark D. Stiles, Trustee
S&A Offices Realty Trust
PO Box 1113
North Marshfield, MA 02059

Property Owners and Properties:

Saber Mountain Properties, LLC owns 155 Main Street (Map 118, lot 065).
PO Box 820
Lincoln, NH 03251-0820

Saber Mountain Properties, II, LLC owns 153 Main Street (Map 118, Lot 064).
PO Box 820
Lincoln, NH 03251-0820

Both lots are in the Village Center (VC) District.

Agent/Surveyor/Engineer: Applicant & two property owners are represented by agent.
Joshua M. McAllister, PE
HEB Engineers, Inc.
2605 White Mountain Hwy
North Conway, NH 03860.

Proposal: Applicant proposes to voluntarily merge the two (2) lots & construct a three thousand five hundred eighty-six square foot (3,586 SF) multi-use building consisting of retail and residential uses:

- Three (3) commercial units totaling two thousand four hundred sixty square feet (2,460 SF) are proposed on the ground level
- Three (3) apartment units on 2nd level, and
- Three (3) apartment units on 3rd floor.

** ** ** ** ** ** ** ** ** ** ** **

Presentation: Applicant's Representative and Engineer Josh McAllister of HEB Engineers, Inc. and the applicant's representative, introduced himself, the owner/developer Mark Stiles and Stuart Anderson of Alba Architects, PLLC. He shared the proposed plan to the Planning Board on the screen.

In summary, they are looking to demolish two buildings on the two existing lots. Merge the two lots and then develop and construct a mixed-use building over both combined lots.

EXISTING PLAN:

Engineer McAllister showed on the screen a plan of the current existing lots, showing a dotted line for the boundary line between the two lots, the two buildings and the parking lot in the rear.

Abutting Uses:

Engineer McAllister: The property is abutted by various types of uses; mostly commercial uses all of the way around.

Access:

Engineer McAllister: There is a paved driveway off from Maple Street and there is a shared parking lot in the rear of the two lots.

Drainage:

Engineer McAllister: Drainage on site is collected in a catch basin in the pavement of the parking lot. Our surveyors could not identify where the water discharged. It went out in a direction that pointed at a building but then it appeared to be going out in both directions versus an in and an out. It was a little complicated to figure out.

Electric and Telephone Utilities:

Engineer McAllister: There are overhead utilities from Maple Street and Main Street to each of the two properties.

Water:

Engineer McAllister: Water services are available on Main Street.

Sewer:

Engineer McAllister: Sewer services are available on both Maple Street and Main Street.

PROPOSED PLAN:**Building:**

Engineer McAllister: The proposed single building is along the lot frontage on Main Street somewhat centered, but somewhat shifted to the south on the two merged lots over the area that is the existing two buildings and the space between them. Aligned along the frontage on Main Street.

Uses:

Engineer McAllister: First floor will be retail comprised of three (3) units of 2,460 square feet. Upper two stories will include six (6) residential units.

Access:

Engineer McAllister: Access to the building from the sidewalks along the front of the building and some smaller walkways that will lead from the building. There are some sidewalk improvements that will be necessary along Main Street to close up driveway-type curb cuts that are there, but will no longer be used because this will be pedestrian access only. The primary access to the site will remain on Maple Street where we have a refined and somewhat enlarged paved parking lot in the rear.

Parking Lot:

Engineer McAllister: The parking lot includes eighteen (18) spaces, including one (1) ADA space, somewhat enlarged and greatly improved.

Fence:

Engineer McAllister: There is an existing fence that surrounds the perimeter of the parking lot area that we will be removing and replacing as part of this site plan to accommodate some shifts in the parking locations. A stockade fence would be preferred.

Lighting, Site, Landscape and Green Space:

Engineer McAllister: The lighting, site, and landscape are designed to meet the Town standards.

Stormwater Management:

Engineer McAllister: I spoke about the complexity of the catch basin in the middle of the parking lot. We have chosen not to impact that catch basin in case it has drainage coming to it from abutting properties. We are proposing to put a catch basin and dry well in the middle of the parking lot and putting a manhole cover on the existing catch basin so as not to impact the infrastructure that already exists and could potentially cause issues with foundation drains or anything in the area of the property. We will be managing our stormwater on site by infiltration.

SITE LAYOUT PLANS:

Engineer McAllister: We had some building plans drawn up to show the architecture of the building. The front faces of the building as seen from Main Street and then a side view. The plans submitted at the time of the initial submission showed all four sides of the building.

Planning Board Questions:**Parking Calculations:**

Chair Spanos asked how he came up with his parking calculations. Engineer McAllister said,

- One space for 300 square feet for the 2,460 commercial square footage; plus
- Some additional parking at one space for public spaces for the three (3) retail units which required three (3) more so we had twelve (12) total spaces for the commercial units; plus
- The residential units are at one (1) space for mixed development, adding six (6) more spaces.

For a total of eighteen (18) spaces.

Chair Spanos told Engineer McAllister that the Town has a requirement that for every ten (10) spaces required we need one (1) extra space for employee parking.

Engineer McAllister said:

- We had three (3) retail units (each with 3 parking spaces) with one additional employee parking space for each unit for a total of twelve (12) parking spaces for the retail floor.

Lot Coverage:

Chair Spanos asked about the lot coverage. Applicant's Engineer McAllister explained that the allowable lot coverage is ten thousand three hundred ninety-five square feet (10,395 SF) and we

have ten thousand two hundred and one square feet (10,201 SF) which is seventy-eight and five tenths percent (78.5%) lot coverage which is below the 80% maximum lot coverage.

Minimum Lot Size:

Chair Spanos said the zoning ordinance requires a minimum of fifteen thousand square feet (15,000 SF) per residential unit. How are you meeting that requirement?

Engineer McAllister: We are not meeting the minimum lot size requirement. There is approximately thirteen thousand square feet (13,000 SF) on the total merged lot.

Turning Radius:

Vice-Chair Chenard commented that the lot was very narrow where it comes out onto Maple Street and the location of the access is across the street from an access to Aubuchon's Hardware at the Lahout Shopping Plaza. It appears that there may be a problem with the turning radius coming into the parking lot and coming in and out conflicting with the traffic coming in and out of Lahout's Shopping Plaza.

Engineer McAllister: The driveway turning into the both of these meets the passenger vehicle turning radius. It is typically preferred to have driveways across from one another so you do not have conflicting turning movements. You have one movement turning left into our property where you have another movement turning left into Aubuchon's. We tried to keep the access in the same location where it currently exists. It is a little bit wider to accommodate those turning movements, but it does meet passenger vehicle turning radius.

Vice-Chair Chenard, noting the loading area in the back, he asked about the turning radius for trucks coming in and out. McAllister said the loading area is for the loading and unloading of passenger vehicles. The parking lot is going to be used for both residential and the commercial businesses. It is designed for passenger vehicle use only. It is not going to be a WD-50. No tractor trailers will be using this parking area or getting access to use this facility. If a small box truck or small SU type vehicle had to come in here they would to pull in and back out. There is a 24-foot drive aisle so there is maneuverability within the site for typical passenger vehicle movements, but anything bigger than that is going to have to pull in and pull out.

Dumpster Location:

Vice-Chair Chenard questioned where the dumpster location was on the plan. Applicant's Engineer McAllister replied that they do not show a dumpster location on the parking lot, but they do show a loading area near the building; all trash was being stored internally.

Snow Storage:

Vice-Chair Chenard said we have more snow here than we have in summertime. Did you make allowances for snow storage and snow removal? Some people may also be parking snow on your property. Engineer McAllister said the snow is going to have to be piled and removed from this property. Vice-Chair Chenard said the piled snow is going to take up 2-3 parking spaces in a snow storm. Engineer McAllister said there is a large landing area next to the ADA parking space.

Alternate Paul Beaudin stated that someone should look into where the snow will be stored on this lot as that could be problematic.

Drainage:

Alternate Paul Beaudin referred to the drywell that was going in the middle of the parking lot. He asked if the discharge from the drywell was going to go directly into the ground. If so, with all of the vehicles being parked there and fuel might spill and it would go directly into the ground so they may have a problem with that.

Engineer McAllister said they had a catch basin to drywell system. Stormwater runoff goes into a catch basin that has an oil/water separator hood. So, the water flows into the drywell, while separating out the oil. The detail on the last page shows a detail of the hood and the pipe that goes into the drywell to avoid that problem.

Snow and Runoff onto the Sidewalk:

Alternate Paul Beaudin expressed concern about snow/ice/water falling or being pushed into the sidewalk as there is not a lot of room there. He was concerned about its impact on pedestrian traffic on Main Street in front of the building if the water or snow and ice flowing onto the town-maintained sidewalk. Usually, the Town snow blows the snow off the sidewalk back towards the building. The Town would need room to operate there. The water sheds off the building towards the front and freezes on the town sidewalk.

Location of Proposed Signage:

Chair Spanos questioned why no signs were included on the application. Applicant's Engineer McAllister stated that as the businesses are not yet known, signage will be addressed at a later date.

Lighting:

Chair Spanos pointed out that there is also no lighting on the plan. Applicant's Engineer McAllister affirmed that no lighting is currently planned on site.

Residential Units:

Alternate Paul Beaudin questioned how many residential units and total bedrooms are planned. Stuart Anderson from Alba Architects LLP replied that there are four (4) two-bedroom units and two (2) one-bedroom units planned. Property Owner/Developer Mark Stiles also clarified that his intention is to create long term workforce housing.

Green Space:

Alternate Paul Beaudin replied that there does not appear to be any green space or recreational area for these residents (children or pets) on site and that the applicant may want to consider this even though it is not addressed in the Town's zoning ordinance. There is no green space to address the residential portion of this property use.

Parking Calculations:

Vice-Chair Chenard questioned whether, per the Town's zoning ordinance, there are enough handicap parking spaces. Engineer McAllister: Per the ADA the one ADA compliant parking space for the 18 parking spaces meets the ADA requirements. Does it meet the Town's requirements? The Board agreed that they need more time to adequately review the plans.

Long Term or Short-Term Rentals:

Member Steve Noseworthy asked whether the residential units were intended for long term or short-term rental units. Stuart Anderson of Alba Architects, LLP, said it was undetermined at this

time. Chair Spanos said it could be six (6) Air BnBs or... Mark Stiles interrupted and said it was his intention to do long term work force housing.

MOTION: "To accept the application as complete."

Motion: Joe Chenard Second: OJ Robinson

Motion carries unanimously.

MOTION: "To continue this hearing until the January 13, 2021 Planning Board meeting at 6:00 PM."

Motion: Joe Chenard

Second: OJ Robinson

Motion carries unanimously.

V. ADJOURNMENT

MOTION: "To adjourn the meeting at 9:31pm."

Motion: Joe Chenard

Second: OJ Robinson

Motion carries unanimously.

Respectfully submitted,

Brook Rose

Recording Secretary

Date Approved: January 6, 2021


James Spanos, Chairman

The signers of this document agree that electronic signatures, faxed signatures, scanned signatures, and/or copied signatures have the same binding effect as original signatures. This document can be signed in multiple parts and be considered a single signed document.

