



Town of Gilmanton, New Hampshire
Gilmanton Planning Board
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Michael Jean, Chair
Roy Buttrick, Member
Shane Bruneau, Member
Brett Currier, Member
Nicolas Peterson, Member
Mark Warren, Selectmen Rep
Michael Wilson, Alt. Selectmen Rep
Dustin Milliken, Alt. Member
Mark Fougere, Certified Planner
Bre Daigneault, Planning Admin

APPROVED

PLANNING BOARD MEETING

Minutes of February 13, 2020

A. CALL TO ORDER- Chairman Jean opened the meeting at 7:04pm.

B. B. ROLL CALL

Member Roy Buttrick, Chairman Michael Jean, Vice Chair Gary Anderson, Member Shane Bruneau, Selectmen's Rep. Mark Warren, Planning Administrator Bre Daigneault and Planner Mark Fougere were present at this meeting. Member Nic Peterson arrived shortly after the start*. Member Brett Currier had an excused absence. There were 5 members of public present.

C. SALUTE TO THE FLAG

Vice Chair Gary Anderson asked to recuse himself and speak to the Board. Mr. Anderson stated he had sold his house and was no longer residing in Gilmanton. He asked the Board to accept his resignation from the Planning Board. Member Bruneau made the motion to accept Mr. Anderson's resignation. It was seconded by Member Buttrick. **Motion passed 4-0 in favor**

D. Public Hearings-

a. New-

PB Case #LLA2020-701: Property owner Van Hertel, Sr as Trustee of the RAED Hertel Family Trust, is applying for Lot Line Adjustments to his properties located on Middle Route in Gilmanton, NH, known as Tax Map & Lots 410-049, 410-049.1, and 410-049.2, located in the Rural zone. The proposal will adjust the boundary lines between lots 49 and 49.1, as well as, between lots 49.1 and 49.2. Lot 49 will adjust from 16.73 acres to 13.58 acres; lot 49.1 will adjust from 14.5 acres to 17.82 acres; lot 49.2 will adjust from 5.19 acres to 5.02 acres. The road frontage of all lots will remain the same. This is Case Number LLA2020-701 in the Planning Board files.

Chair Jean called case LLA 2020-701. Property owner, Van Hertel, presented his proposal for a lot line adjustment. Mr. Hertel was proposing to adjust the lot lines between lots 49 and 49.1, as well as between lots 49.1 and 49.2 (as shown on the subdivision plan recorded in BCRD L82-3). The reasoning for this request is to enlarge a flat portion of lot 49.1 for a potential building area. The road frontages of the three lots will not change.

*Member Nic Peterson arrived to the meeting and joined the Board.

Planner Fougere inquired why the driveway easement over lot 49.1 to lot 49 was not being shown on the plan. Mr. Hertel responded there could be a buildable area to the front of lot 49, negating the need for the initial driveway easement. Mr. Hertel recited a correspondence (dated Nov. 12, 2019) from certified wetland scientist, Randy Orvis, referencing the feasibility for

residential construction to the front portion of lot 49. Mr. Orvis' statement verified the area was large enough to meet setbacks for septic system placement and a 3 bedroom home with conventional stone and pipe leach bed. Member Buttrick asked the applicant if the road agent had approved the location of the proposed driveway on lot 49. Mr. Hertel confirmed it was an approved driveway location. Planner Fougere stated the owner's signature must be on the plan and bounds must be set prior to recording. Members reviewed the test pit results from the original subdivision. Planner Fougere recommended showing the building area and setbacks for the front portion of lot 49. Mr. Hertel confirmed the septic would be placed in the front portion of lot 49. Chair Jean asked to have the proposed area for the septic location for lot 49 placed on the plan. Upon request from S. Rep. Warren, Planner Fougere clarified because the owner is changing the proposed building location on this lot line adjustment from the original subdivision approval, the applicant does need to show there is a buildable area. Member Buttrick inquired to the proposed location of the well in comparison to the building area. Planner Fougere felt lot 49 needs more detail, as it is a small area where the applicant is proposing the new building area.

Member Buttrick made the motion to accept the application. Member Peterson seconded.

Motion passed 5-0 in favor

It is recommended the applicant meet the following conditions:

1. Show the wetlands setback- lot 49
2. Show the front setback- lot 49
3. Owner's signature on plan
4. Set the pins and bounds prior to recording
5. Show test pits in more detail- lot 49
6. Septic field location- lot 49
7. Well radius location- lot 49

Planner Fougere feels there is additional room on sheet two to show an enlarged area with more detail of the front portion of lot 49 at a scale of 1"=50".

Member Buttrick made the motion to conditionally approve the application with the seven stipulations. It was seconded by Member Bruneau. **Motion passed 5-0 in favor**

b. Continuance

PB Case # WT2020-601- Chair Jean opened the continuance of case # WT2020-601.

Representative Kevin Fadden, on behalf of applicant Industrial Tower and Wireless, introduced Kevin Delaney and Rick Vocci, and requested the Board accept the application. There has been further discovery regarding the status of the discontinued Bean Rd.

Member Bruneau made the motion to accept the application. Member Buttrick seconded. Planner Fougere verified the application is now complete. **Motion passed 5-0 in favor**

Mr. Fadden stated there had been a review by both the applicant's and the Town's attorney's regarding the discontinued status of Bean Rd. Admin. Daigneault concurred. She had spoken with Town council regarding Bean Rd. Any road discontinued prior to 1949 was deemed a full discontinuance, therefore the town did not hold any additional interest in the road. Town records indicate Bean Rd was discontinued in 1904 and the Town has not shown any ownership interest. Mr. Fadden continued with the description of the balloon float held on January 18, 2020 and presented the Board with the photo sims. The balloon was floated 140' in the air at the exact location of the proposed tower to allow for visual effects of the proposed tower. He described the locations of the photos and where the balloon could be seen. Member Peterson noted the view from Loon Pond does show the tower in the skyline and if there was a possibility of adding

branches to the tower to help it blend into the tree line. Mr. Fadden explained they do not recommend the mono-pines, as they can be dangerous for workers. Member Bruneau stated towers alone can look natural with the fake limbs, however, once equipment is added, it sticks out of the branches and does not show well. He felt the matte-grey finish does blend into the skyline better. Mr. Vocci, who created the photo sims, felt the tower may look larger on the sims then in real life, as he was only able to shrink the sims down so much and still appear visible. S. Rep. Warren inquired as to the distance between towers. Mr. Fadden, along with Mr. Delaney, explained towers are typically 2-2 ½ miles apart, but could be anywhere between 1-3 miles apart depending upon the terrain, foliage, and frequencies. S. Rep. Warren inquired if these towers would be 5-G. Mr. Delaney confirmed these towers could be 5-G, dependent upon the carriers. S. Rep. Warren inquired if the Town had completed any independent studies of the effects of 5-G frequencies. There has been much controversy over the effects including the health issues associated with this type of frequencies and towers closer together. Mr. Fadden and Mr. Delaney did confirm they submitted independent studies, which are found in the application. Member Bruneau suggested reviewing ionizing versus non-ionizing for a better understanding of frequencies. He inquired if the applicants would be available to run additional testing once the towers were completed. Mr. Delaney confirmed. S. Rep. Warren inquired of the FCC regulation to allow towers to go 20' above the proposed height. Mr. Delaney stated they would still need to come in front of the board to request this. It was confirmed, the tower would not need to be lit and would not interfere with any local official seaports. Planner Fougere stated the regulations had changed a few years ago per State statutes, that a Planning Board could not require a bond for the tower construction. The Town does have the ability to take action against the tower owner, should it be vacated and no longer used. Planner Fougere had three items the applicant should address on the plan:

1. A DOT driveway permit be issued
2. The name "Bean Road" be removed from the plan, as it is not a Town recognized road
3. An easement for the driveway access be recorded, as it would cross over two separate lots of record

S. Rep. Warren suggested the Board looks into the health risks of 5-G technology prior to making a decision; there have been countries who have banned such technology based on the health risks. Mr. Delaney felt the same controversy was shown over 4-G technology and there have been no proven health risks associated with it. Member Bruneau asked the applicants about the EME reports with five carriers. It was confirmed the report submitted with the application shows the tower at full power. S. Rep. Warren continued to feel more research should be done by the Town to the effects of this type of technology. Member Buttrick stated the applicant was there to apply for the monopole tower, not the networking that is to be placed on the tower by the individual carriers. He does not feel the Board can make stipulations as to what can be placed on the tower and understands S. Rep. Warren's stance, if more research should be done. Mr. Fadden reminded the Board, the Town vote on the tower ordinance was unanimously in favor of the addition of towers. Chair Jean asked for the Board's decision whether more research should be conducted or should they continue with the application. Member Bruneau, with his background in the field, felt the applicant had submitted the proper reports and does not have any concerns with the application. The FCC does the regulations on the frequencies. S. Rep. Warren still felt there should be additional research done on the subject and did not feel comfortable moving forward with this application. Member Peterson compared 5-G as the same wave lengths as the scanners in airports and there have been no health issues linked to this. Chair Jean asked which antennas would be going on these towers once completed. The applicant stated it would be 4-G;

5-G technology is not in this area yet. S. Rep. Warren had a local company in mind of answering questions and data relating to 5-G. Mr. Fadden inquired if this was something the Board is looking to have questions answered or have a proposal completed and who would be responsible for the payment of the proposal. S. Rep. Warren hoped this would not be an issue, however, he felt the Board should do further inquiries into 5-G networking and new technology. Chair Jean opened the case to public input. Resident Marty Martindale felt this had been dealt with years ago. What is in front of the Board is the proposal of the tower and what is happening right now; it is hard for the Board to deny them based on what may happen to the tower in the future. The Board should look at if the proposed tower is meeting the current Ordinances.

Member Buttrick made the motion to close the public hearing. It was seconded by Member Peterson. **Motion passed 5-0 in favor**

Chair Jean called for a motion from the Board. Member Bruneau found the application met the stipulations of the Conditional Use Permit and made the motion to approve the application with the three stipulations: DOT driveway permit, "Bean Rd" removed from plan, and easement over driveway. After some additional discussion, the motion was seconded by Member Buttrick.

Motion passed 3-2 in favor

E. Minutes- January 27, 2020

Admin. Daigneault stated that at this point, the minutes from September and November should be going forward as if approved, as so much time had passed since the meetings.

Member Buttrick made the motion to accept the minutes of January 27, 2020 as written. The motion was seconded by Member Bruneau. Chair Jean abstained as he was not present. **Motion passed 4-0 in favor**

F. Adjournment

Member Buttrick made the motion to adjourn. Member Bruneau seconded the motion. **Motion passed 5-0**

*Respectfully Submitted,
Bre Daigneault, Planning Administrator*

Authorized by _____
Chairman Michael Jean

Date: _____