



**Planning Board Meeting**  
Monday, June 22, 2009  
Council Chambers, City Hall at 7:00 pm

**Meeting Minutes**  
**Approved 7/13/09**

**I. Roll Call**

**Present:** Peter Guillette, Adam Burke, Erwin Caplan, Paul LaCasse, Brian Rapp, Deb Cutts, Richard Wahrlich, Lori Richardson

**Absent:** Andy Austin

**City Staff:** Ed Tinker, Director of Planning & Development; Peter Dzewaltowski, Interim City Planner, Katrina Spaulding, Administrative Assistant

**II. Review of Minutes**

- Monday June 8, 2009 Meeting Minutes

**Motion to:** Approve the June 8, 2009 meeting minutes as amended.

**Made by:** Brian Rapp      **Second by:** Adam Burke      **Vote:** Unanimous

Lori Richardson Abstained.

**III. New Business:**

- **(PL2009-00008) – T-Mobile/Omnipoint Communications, Inc., 15 Commerce Way, Ste B , Norton, MA** seeks Special Use Permit Approval for collocating three antennas and related equipment on the existing tower site located at **Cat Hole Road**. Tax Map: 75, Lot 1, Zoning District: Agricultural Residential (AR).

Adam Burke recused himself as he works for a competitor.

**Project Description**

This proposal includes the collocation of three antennas on an existing 160 foot guyed tower on Cat Hole Road. The three antennas will be mounted at about 105 feet.

Accessory to the antennas will be the following improvements:

- An ice bridge
- E-911 GPS antenna mounted on ice bridge
- Concrete pad with equipment cabinets
- Meter and utility wires

The site is a 400 sq. ft. leased area within Map 75 Lot 1 which is 3.33 acres. The property is currently zoned Agricultural Residential (AR).

**City of Claremont Zoning Compliance & Primary Planning Considerations**

The following review evaluates the proposed development for compliance or non-compliance with the review criteria standards outlined in Article VIII, Section 22-655 Design Standards and other relevant regulations.

Maximum height of co-located antenna on existing tower: Current height plus fifteen (15) percent to a maximum of one hundred eighty (180) feet. The antennas will be mounted at about 105 feet.

Tower guys and all other accessory structures meet the minimum setback requirements of the zoning district.

At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment.

If an antenna is installed on a structure other than a tower, like the one that is proposed to be mounted on the ice bridge, it must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

We are not aware of any proposed lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to minimize disturbance to the surrounding views.

We are aware of no proposed signage. Towers shall not contain any permanent or temporary signs, writing, symbols, graphic representation or advertisement of any kind.

#### Site Access

The parcel has a deeded right-of-way to the parcel. See attached letter and deed.

#### Security/Bonding

Recognizing the hazardous situation presented by abandoned and unmonitored towers, the Planning Board should require a form of financial security to be posted as a condition of approval for a special use permit for a telecommunication facility. This security, in an amount to be determined by the planning board, may be in the form of, cash or a non-lapsing irrevocable letter of credit or other form acceptable to the board and the city attorney. We are unaware of any security that has been provided for this site. The applicant should provide evidence of security if already provided or the Planning Board should require security for the reclamation of the site.

Motion to: Approve the application as complete.

Made by: Brian Rapp                      Second: Deb Cutts                      Vote: Unanimous

Simon Brighenti, Jr. Attorney for the applicant stated there is additional information and documentation to clear up questions pertaining to access. There is a property next to the location in which there was some confusion. This property does not have the deeded right to use the city access to the property. The applicant does in fact have permission. There is a question about the structural integrity about the tower itself and it has been inspected and is sufficient however it will require slight reinforcement. There will be reinforcement to the guyed anchor. This will bring the structural capacity to where it needs to be.

There will be some small computer equipment at the site. There will be a small GPS antenna with 360 degree view and works with the enhanced 911 system to allow help with locating signal. There will not be any additional traffic, noise, smoke, impact on services, and will encourage competition in the service area.

Mr. Guillette asked about the safety of the additional frequency. Mr. Brighenti said the FCC is one of the many agencies that have control and this situation is one of the most regulated. The power emitted from here is about 2 2/3% of the FCC level required before posting signs. Around this area there is nothing problematic. The FCC sets the guidelines. It is less than 3% at this point. These towers are very well constructed.

Mr. LaCasse asked about how far the emissions are detectable. Mr. B. said the emissions at the antennae are less than 3% and decreases as you move away from the tower.

Mr. Rapp asked if the applicant owned the land. Mr. Brighenti said the applicant holds a lease. The land is owned by Nassau Broadcast Holding, and the tower itself is owned by Nassau. The applicant has a lease with Crown Castle.

#### Open Public Hearing

Mr. Folta, citizen, asked what service these antennae facilities would carry. Mr. Folta questioned if it was for Cell phones.

#### Public Hearing Closed

Mr. Brighenti said T-Mobile is a competitor to AT&T and each carrier is licensed by the FCC. This applicant only represents T-Mobile and has applications similar to the I-Phone and allows for people in the area of the coverage to get better service with T-Mobile. This industry is very dynamic. As consumers want more services, these antennas need to send out a broader signal.

Ms. Cutts asked who was already positioned on the tower. Lori Richardson said she thought it was all radio stations. If T-Mobile were to be purchased, does the new owner become responsible for the new equipment? Mr. Brighenti said there is a lease currently and runs for a couple of decades. The lease follows the ownership. The owner is responsible for maintaining the antennas.

Mr. LaCasse asked how much it would cost to remove the equipment; Mr. Brighenti said it would most likely cost \$25,000-30,000.

#### **Standard Conditions**

##### Conditions Precedent

1. The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Public Works Department.
2. The applicant shall obtain and receive approval for all necessary permits as determined by the State of New Hampshire.

### Conditions Subsequent

1. The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Building Department.
2. Prior to issuance of a Certificate of Occupancy, the owner/applicant shall notify the Zoning Administrator and Building Inspector that the project is ready for final inspection. Completion of the project shall be in substantial compliance with the plans submitted for review and all conditions of approval.
3. The T-mobile Omnipoint Communication, Inc. Site Plan is valid for two (2) years from the date of approval. If a building permit has not been issued before the two-year deadline, the site plan is no longer valid and must be recertified through the Planning Board.

### **Site Specific Conditions**

#### Conditions Precedent

1. The applicant will provide financial security for the removal and reclamation of the entire infrastructure on-site should it be abandoned or if the applicant fails to provide their annual certificate of compliance according to Section 22-675 of the Claremont Zoning Ordinance. Security will be provided in accordance with Article XI of the City of Claremont Site Plan Regulations.

#### Conditions Subsequent

1. The applicant shall provide an annual certification to the zoning officer verifying compliance with any conditions of approval for a special use permit and current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. The certification shall also verify that the structure is still needed for the operation of the owner's network. Said certification shall be submitted to the zoning officer prior to January 31 of each year. Failure to submit an annual certification shall constitute abandonment and be grounds for removal of the telecommunication facility.

**Motion to:** Approve the special use permit with the conditions listed above with information regarding the estimate for removal provided by an engineer and the bond that would include this amount to the Office of Planning & Development prior to the issuance of the Certificate of Completion.

**Made by:** Lori Richardson    **Second by:** Paul LaCasse    **Vote:** Unanimous

## **IV. Reports from Boards and Commissions**

Reports from the Conservation Commission: Adam Burke mentioned the CC would be sending 4 children from the community to camp this summer.

## **V. Adjournment**

**Motion to:** Adjourn

**Made by:** Adam Burke    **Second:** Brian Rapp    **Vote:** Unanimous

Meeting Adjourned at: 7:45 P.M.

Respectfully Submitted,

Katrina Spaulding

Administrative Assistant