

DURHAM BOARD PLANNING BOARD
WEDNESDAY, FEBRUARY 11, 2004
TOWN COUNCIL CHAMBERS - DURHAM TOWN HALL
7:00 P.M.

MEMBERS PRESENT: Chair Watt; Nick Isaak; Amanda Merrill; Richard Ozenich; Stephen Roberts Rachel Rouillard; Kevin Webb; Neil Wylie; Councilor Grant

MEMBERS ABSENT:

OTHERS PRESENT:

MINUTES PREPARED BY: Victoria Parmele

- I. Call to Order
- II. Approval of Agenda

Councilor Grant MOVED to approve the Agenda. The motion was SECONDED by Amanda Merrill and PASSED unanimously.

- III. Approval of Minutes – November 19, 2004

Page 3, 3rd full paragraph, should read “..150,000 sq. ft. in the Rural and RC districts, and...”

Page 4, 3rd paragraph, should read “Amanda Merrill arrived at the meeting at 8:07 pm.

Page 5, 4th full paragraph, should read “...whose land had been rezoned because of the changes recommended in the Master Plan.

Page 6, ??

Page 9, 1st paragraph, should read “..and a role for the Planning Board..”

Page 10, 2nd paragraph from the bottom, should read “..he loved to hear comments from...”

Page 11, 2nd paragraph, should read “..date of sitewalk is set at a Planning Board meeting..”

Councilor Grant MOVED to approve the minutes as amended. The motion was SECONDED by Nick Isaak.

Neil Wylie noted he was absent from this meeting, so would abstain.

The motion to approve the minutes as amended passed unanimously.

IV. Conceptual Consultation on an application for Site Plan Review

Lorne Fienberg, Attorney at the McLane Law Firm represented the applicant, Verizon Wireless, and told Board members he was there to speak conceptually about the wireless communications facility project that would be coming before the Board at its March 24 meeting. He noted he was accompanied by David Valez, a Site Acquisition Consultant.

Mr. Fienberg passed out a coverage map to demonstrate that Verizon Wireless presently did not have coverage in Durham and the immediately surrounding areas. He explained that Verizon was starting in Durham and branching out, and was planning to be up and running in the Strafford County area within 2 years. He said the expectation was that the Durham cluster would go on line as early as June of 2004, with the rest of Strafford County coverage to be built out from this. He said the goal was to do a network build-out in the County making 100% use of co-location on existing structures, and provided another map that showed an inventory of existing structures within 1 mile of the Town.

Mr. Fienberg said that Verizon Wireless had decided it could provide commercially acceptable service by building 3 sites in Durham, 2 of which would not be in the Town. He said the company already had leases for the other 2 sites, one of which was an ATT Beach Hill Road site north of Town, and would also be going on another structure in Madbury. He said this second structure had already been permitted for another carrier and Verizon would jump on when that took place.

He said the preferred site had been the UNH water tank on Edgewood Road, but noted they had learned a lot during the T-Mobile application process, including the fact that the tower would not be the Town's favored site, and a preferable site appeared to be the Town owned water tank off of Foss Farm Road. He said the proposal Verizon would be coming forward with was to install 12 panel antennas on the existing water tank, at the same height as the antennas that were currently on the Foss Farm tank for two other carriers, and to install a ground facility to shelter equipment needed as part of the facility.

Mr. Fienberg provided a diagram of the proposed layout for the facility, and said that when one looked at the water tank with the new antennas on it, it would look almost identical to what one would see now. He said the antennas would be wedged between the existing antennas on the tank, would be painted the same color as the tank, and would be flush mounted. He said the antennas would be connected to the equipment shelter by cables running down a cable tray, noting Verizon had originally hoped to make use of an existing Nextel cable tray, located at the back of the water tank from the road, but they were now not sure that would be possible. He said that if another cable tray were needed, it would be placed in the back, and would be painted to blend in.

He explained that there was limited ground space in the Town's easement parcel where the equipment shelter was to go, noting Verizon's standard shelter was 12 ft. x 30 ft. He said they were planning on installing a 12 ft. x 20 ft. structure, and also said Nextel had agreed to move their fence in order to allow a shelter even that small to fit. Mr. Fienberg

said Verizon planned to re-fence the entire compound in whatever way the Planning Board said was most appropriate.

He explained that Verizon typically installed backup generators as part of their wireless facilities. He noted that Nextel did not presently have an emergency generator, so in exchange for their willingness to allow the fence to be moved, Verizon had agreed to install a generator that would be large enough to cover the emergency needs of both installations. He said the preferred strategy on any site was to put the generator in doors, but because of the limited size of the shelter, this would not be possible.

He said that an external generator would be used instead, and would be equipped appropriately concerning containment of fuel, with respect to sound containment, etc., noting they were well aware of compliance issues with respect to the Town's Telecommunications Ordinance. He said the use of an external generator was one aspect of the project that was less than ideal from their perspective, but it was necessary in order to accommodate all of the parties involved.

Mr. Fienberg next asked for feedback from Board members concerning the concept for the wireless facility. He said Verizon believed they had chosen the ideal wireless facility site for Durham, although noting the Town might not see it that way. He said he wanted to know the issues that would be of most concern to the Board, and also, what portions of the Telecommunications Ordinance were less important, given the nature of this particular co-location, and given the fact that so much was already known about the site because there were already two approved facilities there.

Mr. Fienberg noted that through roaming, Verizon was currently making use of other carriers' facilities in order to provide coverage for customers. He said that was of particular concern to students, who often were on their parent's plans, and came to Durham only to find that Verizon coverage did not exist there.

Kevin Webb said he recalled from the T-Mobile application that the FCC required 10 ft. of vertical separation between antenna arrays, and asked if that would be the case for the Foss Farm tank.

Mr. Fienberg explained that all of the antennas would be installed at the same level, and would fit going all the way around the water tower.

Mr. Webb asked if an emergency generator was a normal part of a cell facility.

Mr. Fienberg said this was standard for Verizon, explaining that the time when cell coverage was most needed was when the landlines were down. He said that although there would be a battery backup system for short-term power outages, for outages of four hours or more, a backup source of power was important. He noted that Verizon's competitors didn't always have generators on their sites, bringing in generators only in emergencies. He said the generator was essentially silent and was unused most of the time, coming on perhaps once a year.

Mr. Webb asked if there had been discussions with the University about possible alternative sites for Verizon's cell facility.

Mr. Fienberg said there had been conversations with the University that appeared to be identical to those that T-Mobile had. He said Verizon had been very interested in the Smokestack and Stoke Hall as possible sites, but said this wasn't going to happen. He said Verizon was basically told where it was feasible for them to go. He said although Verizon especially liked the Edgewood Road water tank as a possible site, they saw there would be less difficulty in choosing the Foss Farm tank, and also realized the Town could benefit from this, so for Verizon, it became a no-brainer.

There was discussion about the location of the proposed site relative to surrounding properties, and Attorney Fienberg said the closest abutter was 570 ft away, on Foss Farm Road, as compared to 50 ft., which was what they were dealing with at Edgewood Road. He said the homes along Foss Farm Road and Orchard Road ranged from about 570 to 740 ft. away, and also noted that the Foss Farm site was largely wooded.

Mr. Wylie suggested a location where it might make more sense to put the generator, but Attorney Fienberg noted there was a wetland issue in that particular location, noting the wetland had been delineated as coming right up to the edge of the fence compound. There was additional discussion about this.

Stephen Roberts brought up the issue of potential noise problems from the wireless facility. He said what concerned him about generators was that the noise was continuous, noting the Town's noise ordinance addressed intermittent noise, but was not as aggressive concerning continuous duty noise.

He noted that T-Mobile had come up with a proper dB rating for their equipment, and which was sufficiently below their ordinance requirement that even on a continuous duty basis, it would seem to be reasonable. He said he would like to see Verizon Wireless provide a similar rating for their proposed equipment

Attorney Fienberg said the generator specs were already available, and said the dB rating at 25 ft. would be almost exactly the maximum allowable level of the Town's noise ordinance. He said he would be providing this information to the Board.

Attorney Fienberg and Verizon technical consultant David Valez said the noise from the generator would be intermittent, and would not be powering anything except in an emergency situation.

Mr. Roberts noted that when this did happen, however, it would be continuous noise over a period of hours. He noted Verizon could engineer whatever dB rating they wanted, at a relatively small cost, and asked that they provide, as T-Mobile had, a maximum number, and if they could hit T-Mobile's level, that would be great.

Attorney Fienberg said that was how Verizon looked at the situation as well, and would provide whatever enclosure would produce the result that would be acceptable to the Town.

Jim Campbell noted that because the area was wooded, this would also help with noise. He also asked Attorney Fienberg about the lighting for the facility, and was told there would only be lighting from a 100-watt light bulb, which would respond to motion.

Mr. Campbell asked how high the antenna _____ were, and was told they were 6 ft. high and 4-6 inches across. Mr. Campbell asked about NEPA compliance, and was told the Verizon facility would be exempt, noting an opinion letter from their environmental consulting firm which would be part of their application.

Mr. Wylie said when the Town was working with Mr. Kryger about cell phone service, there had been discussion about stages of development of cell phone service, and limitations on a particular antenna array in terms of how many simultaneous calls could be covered by a particular facility. He asked how many the proposed facility would be able to cover.

Attorney Fienberg said it would be able to cover 90-100 calls, and Mr. Valez provided more details on this. Mr. Fienberg also acknowledged there was ever increasing use of cell phones for various activities, in addition to phone calls, and the need for wireless structures would continue.

Mr. Wylie said that because of this ever-increasing demand for cell phone service at the University, this placed a large burden on any carrier.

Attorney Fienberg said when it became a question of capacity, as opposed to coverage, the leverage to impose on UNH to provide additional capacity for students would increase, and there would simply have to be alternative ways to provide this capacity.

Mr. Roberts asked if the Foss Farm site would still be able to provide more capacity, after the Verizon facility was in place.

Attorney Fienberg said Nextel's engineering analysis of the site determined it would be acceptable for 4 carriers, and noted that at some point, the Town would have to consider whether antennas could go up on the tank vertically.

Mr. Roberts said the question would then have to be asked whether visually this would be worse than putting a facility at another location in Durham where neighbors would be closer to a facility.

Attorney Fienberg said they were sensitive to the visual issues, and going where the visual impact was lowest suited their purposes.

Mr. Fienberg noted that Mr. Roberts' request concerning noise concerns was significant, with respect to a major issue, and asked if there were other concerns that Board members had concerning admission items.

Chair Watt noted there would be limited site modification required.

Mr. Wylie said he would be interested in hearing abutters' reports of their experience with other carriers on the Foss Farm tank. He said he had not heard of any problems, but did not live in that neighborhood.

Attorney Fienberg acknowledged that abutters' issues were sometimes hard to predict.

Mr. Webb said that in addition to showing abutters on the application map, it should also show those properties located on Hemlock Drive.

Attorney Fienberg noted that the radius Verizon had used was essentially double what the ordinance required, and said he did not believe Hemlock Drive was beyond that radius. He also noted these properties were not abutters because there was a PSNH, a Boston Main, and a Town property between the residents and the proposed site.

Attorney Fienberg addressed two additional points. He said the answer to the question of what the coverage would be was that they would show the triangle of co-location of sites as providing good, commercially acceptable service using this. He said the second issue had to do with radio frequency emissions, and potential health impacts. He noted the ordinance only required that it be certified that the facility operate within FCC requirements. He said the proposed facility, at 100 ft with 3 carriers, was 0.15 of 1% of the FCC mandated danger level, which meant RF emissions were miniscule. But he said he would not diminish the discussion because there was something wrong with the FCC numbers. Mr. Fienberg said their engineer would certify that the facility would be in compliance, and asked if that information would be sufficient.

Mr. Fienberg also said their list of waivers would be very similar to the list the Board approved for Nextel and Sprint on the water tank.

There was discussion concerning the schedule concerning presenting the completed application and the public hearing. It was clarified that the acceptance date would be March 24th, 2004, and if accepted, the public hearing would be scheduled for the next meeting, and the site walk would also be scheduled.

V. Other Business

- A. Old Business
- B. New Business

Chair Watt noted that he had received a letter from Roger ____ about extending the Historic District, and said this would be a good item for the next quarterly planning meeting. **INCLUDE LAST NAME**

Jim Campbell said it was being requested as a rewrite of the overlay district, and there was discussion about how to address the request. He said the draft he would be given the Board would have the new boundaries included, and would delete the old boundaries. He said the request had been made in 2003 to extend the district, and an earlier draft done by the Board and the Historic District Commission had not included this change.

Chair Watt noted the Master Plan also did not include this.

Neil Wylie also noted a request concerning the sign ordinance from ____ which might have been lost. **PLEASE INCLUDE NAME AND CLARIFY WHAT NEIL'S POINT WAS HERE**

Annemarie noted concessions that had been made concerning the ____ property. She said a question had come up at the most recent ZBA meeting regarding this, as to whether this should have been appealed by the Town. **NOT SURE WHAT NAME OF PROPERTY IS; WAS HARD TO HEAR WHAT SHE WAS SAYING HERE**

Chair Watt said the next Planning Board meeting would be on February 25th.

VI. **Approval of Minutes**

January 7, 2004

Page 6, 5th paragraph from bottom, should read “..and that the discussion with Attorney Charlie Tucker

Page 7, 3rd full paragraph, should read “”..any other purpose for the Town make such an exemption.”

Page 8, 1st full paragraph, should read “Steve Roberts said that because the houses could be put on smaller pieces of land, the developer could more easily maximize...”

Same page, 2nd full paragraph, should read “..Mr. McNitt said he understood the reasons that this was what was done.”

Page 9, 1st paragraph, should read “..because one person owned all of the vacant lots.”

Same page, 2nd paragraph from bottom, should read “..to give a little more breadth to what was..”

Page 11, 4th paragraph from bottom, should read “President of the Canney Farm Homeowners Association,..”

Page 13, 5th paragraph, should read “Mr. Eyerman said proposed language..”

Neil Wylie MOVED to approve the minutes as amended. The motion was SECONDED by Councilor Grant, and PASSED unanimously.

January 14, 2004 **PLEASE CHECK WHAT THE CORRECT NUMBER OF VOTES SHOULD BE – NOT SURE HOW MANY VOTING MEMBERS THERE WERE HERE**

Page 8, 2nd paragraph under Spruce Wood Conceptual Consultation, should read “..and Eric Weinrieb of Altus Engineering. **CHECK SPELLING OF ERIC’S LAST NAME**

Page 12, 3rd paragraph from bottom, should read “...would create a series of mini-inns.”

Also, same paragraph, should read “...would be going too far, and he...”

Page 13, 4th paragraph, should read “...and there was potential for walking trails.”

Also, page 13. 7th paragraph, should read “Jim Campbell noted that this would require a change to the conditional use permit associated with the subdivision’s master plan.”

Page 16, 3rd paragraph, should read “...was a two step process..”

Councilor Grant MOVED to approve the minutes as amended. The motion was SECONDED by Neil Wylie, and PASSED __-0-2, with Amanda Merrill and Richard Ozenich abstaining because they were not at this meeting.

January 21, 2004 **PLEASE CHECK WHAT THE CORRECT NUMBER OF VOTES SHOULD BE – NOT SURE HOW MANY VOTING MEMBERS THERE WERE HERE**

Page 1, under MEMBERS ABSENT, should include Kevin Webb and Rachel Rouillard

Page 7, 6th paragraph from bottom, should read “Mr. Eyerman...”

Same page, 5th paragraph from bottom, should read “...Richard Ozenich..”

Same page, 4th paragraph from bottom, should read “..the portable sawmill

Councilor Grant MOVED to approve the minutes as amended. The motion was SECONDED by Nick Isaak, and PASSED unanimously. __-0-2. with Amanda Merrill and Richard Ozenich abstaining because they were not at the meeting.

VII. Adjournment

Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by Neil Wylie, and PASSED unanimously.

The meeting adjourned at 8:30 pm

Victoria Parmele, minute taker

Amanda Merrill

Date