

**TOWN OF SUNAPEE  
PLANNING BOARD  
MAY 11, 2023**

**Chairman White called the meeting to order and conducted a roll call at: 7:04 PM.**

**MEMBERS PRESENT BY VIDEO:** None

**MEMBERS PRESENT IN THE MEETING ROOM:** Suzanne Gottling, Chairman Peter White, Jeff Claus, Gregory Swick, Joseph Butler.

**MEMBERS ABSENT:** Richard Osborne, Randy Clark, Robin Saunders.

**ALSO PRESENT IN THE MEETING ROOM:** Michael Marquise - Town Planner.

**ALSO PRESENT BY VIDEO:** Scott Hazelton - Planning, Zoning and Compliance Director.

Chairman White recused himself from the first case, as he was a direct abutter. He appointed Mr. Butler to run the meeting.

Appointments:

**CONTINUED CASES**

**CASE #: SPR 23-01 PARCEL ID: 0138-0037 SITE PLAN REVIEW CELL TOWER 15 STAGECOACH LANE DENNIS & LYNNE WIGGINS AMERICAN TOWER CORPORATION – AGENT. INSTALLATION OF EQUIPMENT CABINETS ON A PROPOSED CONCRETE PAD INSIDE A 10'X15' GROUND SPACE WITHIN AN EXISTING COMPOUND; INSTALLING NEW EQUIPMENT AND MOUNTS ON THE EXISTING CELL TOWER.**

This case is a continuation from the last session, so the completeness of the application was once again reviewed. At the previous meeting, the application needed to be completed with the proper signatures and notices sent to the abutters. It is an amendment to a prior Cell Tower and the Counsel advised that the original notice was probably okay and appropriately making the application complete.

**Mr. Butler made a motion to accept the completeness of the application. Mr. Claus seconded the motion. All voted in favor.**

The Meeting continued with the introduction of Adam Wolfrey (Via ZOOM), as an authorized person from T-Mobile, to discuss about T-Mobile's proposed work at 15 Stagecoach Lane. The proposed work involves installing one platform, nine antennas, six LRU's, and three hybrid cables. On the ground, it involves installing a concrete pad, one H-frame, one GPS, one ice bridge, one black box, and four cabinets. Also, a part of the work is increasing the height of the tower, and the work also involves extending the ground area of the cell site, and to accommodate T-Mobile's equipment in a 20 by 15-foot space. Because of the recent merger of T-Mobile, a couple of years ago, they have more customers within close vicinity to that cell site. For them to fill that gap and coverage, they decided that upgrading equipment at this cell site would allow them to fill that gap and coverage and provide their customers with the cell service they need. It was also noted that the notice contained only the names and it was not signed properly.

36 **Mr. Butler** asked whether there was a height restriction on them, and Mr. Marquise said that they allow  
37 10 feet, and this will be a 15-foot extension, but there have been some federal regulations that allow  
38 them to go 20 feet, additionally. There was additional information given by the other representative of  
39 T-Mobile, Mr. Gary, who had the details on why this height is the minimum height needed to get  
40 coverage. He explained that they are requesting a 15-height extension according to Section 6409,  
41 Federal Regulation, and an increase in height of 20 feet or less is about as a minimum set of change.  
42 They need 15 feet mainly for the separation between T-Mobile's proposed antennas and the existing  
43 antennas that are there at the top of the tower. They need a minimum of four-foot separation between  
44 those antennas as well as from a structural standpoint. A 15-foot height increase needs to be included  
45 as opposed to 10 for structural reasons and the variable separation between the two antennas. And  
46 because it's a federal requirement or allowance, it just supersedes their ordinance to the point where  
47 they don't need to get some sort of variance from their ordinance. Last month, an Article from the  
48 Congress website was sent where it clearly states that 6409 regulations are approved. However, there  
49 was nothing that referred to whether the clarification on that article had been approved. It was then  
50 explained that an increase in height of 10% of the tower is allowed, the height of one antenna array  
51 separation between the existing antenna array, not to exceed 20 feet, which will summarize a 20-foot  
52 extension and that the clarification is the measurement between the top of the existing antenna and the  
53 bottom of the proposed antenna. The proposal is that the separation number is six feet, so the 15-foot  
54 extension can fit six-foot difference, which falls within the regulation and the clarification.

55 **Mr. Butler** asked regarding the dimensions of the antenna, for which the discussion led to specs of the  
56 antenna which are that the center of the antenna is 103 feet; the lowest would be at 99, and then the  
57 highest would be at 107, which is only four feet above the 95th.

58 **Mr. Claus** asked if there's a 5G antenna, which was explained that it is a fifth generation along with the  
59 frequencies, and that some of those antennas are a part of it.

60 **Mr. Marquise** asked about the new equipment if it would make some additional noise and it was  
61 explained that there's no generator being proposed and the cabinets are essentially silent, being the  
62 same volume with their minor fans inside the cabinets.

63 **Mr. White** said he sent a checklist in reference to 6409 (A), the Wireless Act, from the Federal  
64 Government. The Article specifically says, "a state or local government may not deny and shall approve  
65 any eligible facilities request for a modification of an existing wireless tower or base station that does  
66 not substantially change the physical dimensions". Furthermore, the documentation provided by the  
67 applicant must say whether the co-location modification is a substantial change. No statement about  
68 whether this is a substantial change or not is given, of which all the members agree. The discussion led  
69 to concern and asking for some sort of physical evidence of how high this is going to end up being. The  
70 visibility of it is also discussed, so it was suggested that a balloon should be added to the tower as in  
71 other cases in order to be visibly known how high it would go. It was also asked whether there would be  
72 additional lighting along with an addition to the ground station, which is thought of as a substantial  
73 change, according to these 6409A documents.

74 **Mr. Wolfrey** corrected himself saying if there are branches there, that would be part of the proposal to  
75 keep the consistency with the look of the current tower.

76 **Mr. Butler** then asked about the additional equipment and whether this change would fall under  
77 substantial change. Mr. Wolfrey responded that technically the additional equipment would qualify as a  
78 general change. The proposal includes expanding the pad, fencing it in, matching the existing fencing,  
79 but it would go outside of this area, which does qualify as a general technical change, but a separate  
80 issue than the height.

81 **Mr. White** says that to the Board it is clear that if the application represents a substantial change, and  
82 that the conditions if the application represent a substantial change; on the height one, is meeting that  
83 criterion, but on the base, they are currently not meeting that criterion. It was explained that an  
84 application requirement to the Planning Board states that the applicant shall be required to submit the  
85 following information to the planning board: 1. A diagram, a handle or match when the view shed at the  
86 proposed personal line on the service facility, including all buildings and accessories structured, which  
87 they probably have done. 2. Photo simulation from at least four directions, which adequately represent  
88 the appearance of the complete structure when viewed from, the inhabitant areas or roads within the  
89 town, from the winter months at the weeks of following trees and other invasions and come.

90 The members of the Board requested a photo representation of how this thing is going to look. The  
91 concern that Mr. White had is the concealment of that additional height and the impact that it will make  
92 around town. He suggested that the proposed camouflage greenery matches the existing camouflage  
93 greenery.

94 **Mr. Butler** asked if the applicants were willing to give a 3D view of the tower and what it would look like  
95 with the addition, but it didn't come to an agreement by the other side since it is not required and  
96 would only extend the approval.

97 **Mr. Claus** asked whether this case deals more with new construction as opposed to expansion, or does  
98 it apply to all. It was finally asked that a photo simulation to be submitted by the applicant on the next  
99 Meeting next Thursday when this case would be again discussed.

100 Mr. Butler noted that there is no need for a motion for Case #: SPR 23-01 Parcel ID: 0138-0037 since it  
101 will be continued for the next Meeting and moved to the next case.

102 **NEW CASES:**

103 **CASE #: TC 23-03 PARCEL ID: 0105-0004 TREE CUTTING PERMIT 63 SEVEN SPRINGS RD. HEATHER**  
104 **BROOKS, KELLY BROOKS & THOMAS DRISCOLL. REMOVAL OF 8 HEMLOCK TREES IN 'FAIR' CONDITION**  
105 **WITHIN 50' AND 150' OF THE LEDGE POND SHORELINE.**

106 Chairman White open the case which refers to removal of eight hemlock trees in fair condition within 50  
107 feet and 150 feet of ledge pond. Mr. Hazelton explained that it's proposed to be removed for the  
108 construction of the septic system on the site, and they are in fact healthy trees.

109 Mr. Marquise noted that from the state standpoint, they satisfy their points apparently.

110 Mr. Hazelton explained that there's an existing camp there that they're going to incorporate into the  
111 house, and it sits perpendicular to the shoreline from the left-hand side of the house, but there's no  
112 evidence of the septic system. It was mentioned that there was a house next to it which had been  
113 approved recently, but not for this one.

114 Chairman White pointed out that there's going to be some cutting around the house, but there's still a  
115 decent standard of trees from what it can be seen. He also asked whether there were any comments  
116 regarding the case, for which Mr. Hazelton explained that from what was proposed it was really the only  
117 suitable location for a wastewater disposal system. It was also pointed out that they are close to getting  
118 the wastewater removal permit and the discussion about the place for septic system continued in the  
119 scope that it's the only suitable place for it.

120 **Mr. Claus made a motion to approve Case #: TC 23-03 Parcel ID: 0105-0004 Tree Cutting Permit 63**  
121 **Seven Springs Rd. Heather Brooks, Kelly Brooks & Thomas Driscoll. Removal of 8 hemlock trees in**  
122 **'Fair' condition within 50' and 150' of the Ledge Pond shoreline. Mr. Swick seconded the motion. All**  
123 **voted in favor.**

124 **In addition, the motion was amended by Mr. Claus that it is a matter of eight trees as indicated per**  
125 **the plan and tree cutting permit plan as submitted. Mr. Swick seconded the motion. All voted in**  
126 **favor.**

127 Chairman White moved to the next case.

128 **CASE #: LLA 23-01 PARCEL ID: 0136-0051-0000 & 0136-0052-0000 LOT LINE ADJUSTMENT 62, 64, & 68**  
129 **BIRCH POINT RD. CHARLES S. MORRISON REVOC. TRUST & SUSAN E. CHAISSON REVOC. TRUST.**  
130 **SEEKING LOT LINE ADJUSTMENT FOR 3 LOTS TO CREATE 2 LOTS. SEEKING TO COMBINE LOT 136-52**  
131 **WITH LOTS 51 AND 53.**

132 Chairman White stated the first order of business is to discuss the completeness of the application.

133 Mr. Marquise stated the application was filed in advance, notices were mailed and posted, and fees  
134 were paid. Abutters were notified. It was explained that it's a minor application which falls under 604 of  
135 the subdivision regulations, and it does qualify for the waivers which are storm water drainage plans and  
136 water supply facilities.

137 **Mr. Claus made a motion to accept the application as complete. Mr. Butler seconded the motion. All**  
138 **voted in favor.**

139 Mr. Davis and Mr. Verde (representing the owner of the lots, Mr. Morisson, in this case), present in the  
140 meeting room, explained that the proposal is one lot made after the adjustment and a couple of things  
141 that will happen with the existing three lots. On Lot 51, the triangular area is a deeded view easement  
142 that benefits Lot 52, and part of the proposal is to remove that easement. Additionally, part of the  
143 proposal is to merge 53 with 52. The change will result with Lot 51 being 46 to 50 acres. For those  
144 purposes, they are proposing as a condition of approval, the pointed building to be demolished, having  
145 one dwelling unit on each lot in the final condition.

146 Mr. Marquis also brought out the question regarding the timing of the activities of removal, which was  
147 agreed to be six months approximately, and reported by the applicant if done sooner. The only thing  
148 that follows the zoning board is the demolition permit application.

149 **Mr. Claus made a motion to accept Case #3: LLA 23-01 Parcel ID: 0136-0051-0000 & 0136-0052-0000**  
150 **Lot Line Adjustment 62, 64, & 68 Birch Point Rd. Charles S. Morrison Revoc. Trust & Susan E. Chaisson**  
151 **Revoc. Trust. Seeking lot line adjustment for 3 lots to create 2 lots. Seeking to combine Lot 136-52**  
152 **with Lots 51 and 53, with an existing building to be demolished six months from the meeting.**  
153 **Mr. Swick seconded the motion. All voted in favor.**

154 Revisions to Agenda:

155 Other Business: The Master Plan Meeting on next Thursday was mentioned, with two or three or final  
156 departments coming in. There was another brief discussion on the short-term rental topic, and the way  
157 of handling them. The rules of the Planning Commission were also brought out and technically the  
158 commissioners are typically nominated by the Planning Board and then approved by the Select Board.

159 In this occasion, Chairman White pointed out that that it would be beneficial nominating Lynn Arnold  
160 officially to be a member of the Upper Valley Planning.

161 **Chairman White made a motion to appoint Lynn Arnold to fill in for a commissioner. Mr. Claus**  
162 **seconded the motion. All voted in favor.**

163 Review of Minutes:

164 There were no Minutes of Meeting reviewed on this meeting.

165 Signing of Mylar's

166 **Mr. White made a motion to adjourn the meeting at: 8:56 PM. Seconded by Mr. Claus. The motion**  
167 **passed unanimously.**

Respectfully submitted: Rajmonda Selimi

Planning Board

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Peter White, Chairman

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Suzanne Gottling

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Jeff Claus

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Gregory Swick

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Joseph Butler