

Town of Exeter  
Zoning Board of Adjustment  
March 19, 2019, 7 PM  
Town Offices Nowak Room  
Final Minutes

I. **Preliminaries**

**Members Present:** Chair Laura Davies, Vice-Chair Joanne Petito, Rick Thielbar, Christopher Merrill - Alternate, Esther Olson-Murphy - Alternate, and Martha Pennell - Alternate. Esther Olson-Murphy will not be voting.

**Members Absent:** Robert Prior, Kevin Baum, Hank Ouimet - Alternate

**Others Present:** Doug Eastman

**Call to Order:** Chair Davies called the meeting to order at 7:06 PM.

II. **New Business**

- A. The application of VWI Towers LLC for a special exception per Article 4, Section 4.2, Schedule I - Permitted Uses and Article 5.2 to permit the proposed construction of a wireless communications facility and associated improvements; and a special exception per Article 5, Section 5.4.2 F. for said tower to exceed the height regulations for its location within the R-1, Low Density Residential zoning district. The subject property is located on Kingston Road Tax Map Parcel #100-004 (Town of Exeter landfill property). Case #19-04.

Brian Grossman of Bowditch & Dewey was present to represent VWI Towers LLC, also referred to as "Varsity." He explained that they are looking for two special exceptions: one to permit a wireless communications facility, and one to exceed by more than 40% the height regulations in order to provide coverage. This will address a coverage need in Exeter along Kingston Road and Route 111. They've also applied to the Planning Board for site plan review, and will go before that board March 28th.

Mr. Grossman said that Varsity is an independent owner and tower operator which is licensed to provide coverage in NH, and will lease out their facility to wireless communications carriers. The town is also interested in locating a dish antenna on the tower to address communications issues, and Varsity will make the tower available to them.

He explained that they are building another cell site because wireless communications use has exploded, including voice, text, and data, and Varsity builds infrastructure to address that need. Over 50% of households are wireless only, and an additional 20% are "wireless dominant," where there is a land line but wireless is the primary mode of communication. Exeter has a gap in wireless coverage, given its topography and distance from existing tower sites. This facility will provide coverage to RiverWoods and along Route 111 and Kingston Road.

The site is a landfill, and the tower will be located behind an existing building. The structure will be a 150 foot monopole with a 6 foot lightning rod, for a total height of 156 feet.

The tower will accommodate at least four wireless carriers, plus the town's dish, and could be modified to accommodate 5G, although that may require the removal and replacement of existing antennas. The 5G panel antennas will look similar, although 8 foot panel antennas are the largest now and the 5G antennas may be larger.

Chair Davies asked how many carriers could collocate on the tower, and Mr. Grossman said there would be a structural analysis to determine if more than 4 could fit, but it probably maxes out at 4. Mr. Thielbar said once you get down to the fourth position the site is less desirable. Mr. Grossman pointed out there are only 4 major carriers right now.

Mr. Grossman said that the compound will be 4,800 square feet with a 6 foot chain link fence and a 12 foot wide gate. The site uses an existing driveway for access. The setback to nearest property line is 117 feet from the tower, and 71 feet from the compound. It's 1,125 feet to Cross Road, and 271 feet to Kingston Road.

Mr. Grossman discussed ordinance compliance. The facility is designed to accommodate collocation by four wireless carriers, which is part of the bylaws. Regarding the alternatives analysis, there are no existing structures that can provide a place for wireless communications carriers. The tallest local tower is Varsity's 105 foot tower on Kingston Road, which is 1.9 miles from this proposed facility. It can't be considered an alternative, since the two sites will work together to bridge the gap. The next nearest is at 7 Continental Drive; it's an 180 foot tower, but it's far removed from the gap. There's a tower on Commerce Way, farther away than Continental Drive at 3.1 miles from proposed facility. The water tower on Cross Road is unsuitable. It is only 84 feet tall, and an antenna could not go on top, so the reasonable height is only 65-70 feet. It's a glass-lined tank and can't be welded to; the antenna would need to be banded to the side, and the equipment would start degrading the tank. Unlike the other town water tank with antennas, it's not designed for antennas or for access to the top. It can't provide a mounting structure for multiple carriers. It's also owned by the town and was not made available to Varsity as part of the leasing process.

Mr. Grossman said they made a reasonable effort to locate tower in a nonresidential district, but an R1 zoning district surrounds the facility, since any facility that would provide residential coverage needs to be in a residential area.

Ms. Pennell asked if there were carriers lined up. Mr. Grossman said that Varsity has relationships with all of the major carriers, but there are no lease agreements yet. Varsity would not construct this facility without having a tenant signed up. Ms. Pennell asked if they could use that as a condition of the approval, and Mr. Grossman said yes, but they cannot specify a particular carrier, only "an FCC licensed carrier."

Chair Davies opened the meeting for public comment.

Deborah Decenza, an abutter at 1 Great Hill Court, said she was concerned with health ramifications of cell tower, particularly an increased cancer risk.

William Hartman, a resident at RiverWoods, said that reception in that area is problematic. He is concerned about safety, for example not being able to phone for help in the case of a fall while walking outside. He presented a petition with 78 signatures from other RiverWoods residents who would like this facility to be approved.

Mr. Grossman said that regarding the health concerns, the facility will comply with FCC regulations regarding radio frequency exposure, and each carrier during install goes through their analysis to comply with FCC regulations, which address maximum permitted exposure. He

said that you can't get close enough to the antennas to reach the public health limit with a 150' tower; there is less exposure from the tower than from a wireless router or baby monitor. He added that a board is prohibited from going into the environmental effects or health concerns as long as the facility will comply with FCC regulations. Chair Davies told Ms. Decenza that unfortunately they can't address her issue.

Chair Davies moved into a closed session. Mr. Thielbar said from a practical standpoint, saying yes or no makes no difference, and they can save the town a fight by approving the tower. In comparing the current location to the previous one they argued about, this is a good location, and would fill a void in coverage for voice communication. He is in favor of this tower.

Chair Davies suggested they include as a condition of the approval that if the town wishes to have an essential/emergency services antenna that's an option. Mr. Grossman said yes, clarifying that Varsity would enter into a lease agreement with the town but for no money.

Ms. Petito reviewed the Special Exception Criteria: 1) The use is a permitted special exception as set forth in Article 4.2 Schedule 1. Ms. Petito said this provides essential services, so yes. 2) So designed, located and proposed to be operated so that public health, safety, welfare, and convenience will be protected. She said that one abutter brought up a concern for public health, but there's nothing solid on that consideration, and they are not permitted to discuss environmental concerns. Chair Davies reiterated that as long as the facility tests within federal regulations, they can't consider these concerns. 3) Proposed use is compatible with the zone district and adjoining post-1972 development where it is to be located. Mr. Thielbar said it is compatible. 4) Adequate landscaping and screening are provided. Chair Davies said the topography prevents you from seeing the low area; there will be a six foot chain link fence topped with barbed wire. In this location, it's well enough shielded. Mr. Thielbar pointed out that the Planning Board can add a requirement for planting if necessary. 5) Adequate offstreet parking is provided. Ms. Petito said it's not a facility that will be visited often and will not create traffic. 6) The use conforms with all applicable regulations; Ms. Petito said yes. 7) Town planner review; Ms. Petito said yes, it will go before the Planning Board. 8) Use shall not affect abutting property values. Ms. Petito said that in the submission, there was some discussion about how historically cell towers have not decreased value of abutting properties, and no concerns about property value were expressed by the public. Chair Davies added that proximity to the landfill is likely more of an issue. 9) Bulk storage; Ms. Petito said this is not applicable. 10) Professional/Tech Park District; Ms. Petito said this is not applicable. It meets all of the criteria.

Chair Davies said that the discussion covered both the height and use exceptions.

**MOTION:** Ms. Petito moved to approve the application of VWI Towers LLC for two special exceptions as requested in their application submitted on this date, to permit the proposed construction of a wireless communications facility and associated improvements: one special exception per Article 4, section 4.2 Schedule 1 permitted uses and article 5.2, and a second special exception per Article 5, Section 5.4.2 F to exceed the height regulations for a cell tower, with the condition that construction of the tower will not commence until at least one carrier has contracted for the tower. Mr. Thielbar seconded. All were in favor and the motion carried.

B. The application of Roger Elkus for a variance from Article 4, Section 4.3, Schedule II - Density & Dimensional Regulations - Residential to permit the

creation of a residential single-family lot with less than the required minimum lot width. The subject property is located at 181 High Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #70-119. Case #19-05.

Henry Boyd of Millennium Engineering spoke on behalf of Roger Elkus. There was an issue with the abutter notifications for this application. Ms. Petito observed that the abutter's list was not distributed to the board. Mr. Boyd thought that the abutter's list had been properly submitted but without Barb McEvoy present to confirm he was unable to say for certain. Doug Eastman said the people who lived there three years ago were notified, and he's not sure where the abutter list came from.

Robbie Lynn Ward, a direct abutter at 179 High Street, said she did not receive an abutter's letter; she's the current owner and resides there. She added that she is here this evening although they were not notified, and wants the hearing to continue. Chris Dowd of 3 Ridgewood Terrace, a property across the street, was not notified but also wanted to continue with the hearing. The residents at 4 Ridgewood were noticed and present. Liz Caine of 7 Ridgewood Terrace said she is not a direct abutter but was not notified. Chair Davies observed that she is one property removed.

Chair Davies said if they move forward with the application and additional abutters come forward who were not notified, their decision may be called into question. Mr. Boyd said they can defer the presentation, since they don't want the decision to be challenged, and they can send out another notification. Doug Eastman recommended the applicant withdraw the application and resubmit by April 1st. Mr. Boyd withdrew his application.

### **III. Other Business**

#### **A. Approval of Minutes: January 15, February 19, 2019**

Mr. Merrill questioned "Mike \_\_\_\_"'s last name in line 87 of the minutes. Ms. Olson Murphy added that he can't live at 27 Hampton Road. The recording secretary agreed to check the video.

Ms. Olson-Murphy asked that in line 105, "i" and "j" be capitalized for clarity.

Ms. Olson-Murphy said that in line 64-65, "4d screenings" and "4e parking" was confusing. Chair Davies said these refer to special exception criteria. Mr. Thielbar suggested that they change it to just "D" and "E" instead.

Ms. Olson-Murphy said that in line 113, "more" should be changed to "too much."

The minutes will be voted on at the next meeting.

### **IV. Adjournment**

**MOTION:** Ms. Petito moved to adjourn. Ms. Pennell seconded. Mr. Thielbar voted nay [in jest] and the meeting was adjourned at 8:52 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary