



TOWN OF BOW

Planning Board

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APPROVED MINUTES January 05, 2023

The Town of Bow Planning Board met on Thursday, January 05, 2023 at 7:00 PM in Room C of the Municipal Office Building. Chair Don Berube began the meeting at 7:00 PM with the roll call of the Board.

7:00 ROLL CALL

Planning Board Members present were Don Berube, Chair; Sandy Crystall, Vice Chair; Adam Sandahl, Secretary; David Glasier, member; Jonathan Pietrangelo, member; Mike Wayne, Selectmen Representative; Michael Lawton, Alternate; and Kip McDaniel, Alternate. Also present were Karri Makinen, Community Development Director; Ginger Iverson, Recording Secretary; Other(s) present were Matt Monahan, CNHRPC (remote). Excused was Sarah Guinther, Alternate.

I. Minor Modification/Conceptual Consultation – N/A

II. Public Hearings

Mr. Berube stated that Garth Orsmond resigned and requested Mike Lawton serve as a voting member for this meeting. Mr. Berube read the item into the record.

1. Application 412-22 Town of Bow – Rising Tide Towers, LLC PWSF CUP CONTINUATION

Proposed Telecommunications Facility on a 100’ X 100’ lease area. Facility to include a 190’ self-supporting lattice tower, a 75’ X 75’ fenced-in developed area, and 12’ X 550’ gravel access road. Located at Branch Londonderry Turnpike East Bow, NH 03304 RU Property Zone, Map 23, Block 3, Lot 62

Pat Robinson and Todd Rich, V.P. Project Managers from Rising Tide Towers, LLC were there to provide an update to the December 15, 2022 continuance. Others present were Matt Monahan, CNHRPC; Jim Hebert (remote), Megan McGuire (remote), Chad Hebert (remote), Julie Larry (remote), and Tom Buckley (remote) from Black Diamond Consultants, Inc.. Mr. Robinson said the balloon test was attempted, but due to weather issues they were unable to complete it. The abutters conducted their own balloon test but the applicant could not attest to its accuracy. Rising Tide completed the notification to abutting towns within a 20-mile radius, and also submitted a Wetlands Scientist Report which indicated that there are no wetlands in the project area so there is no need for a delineation.

Chair Berube visited the site, and by looking at topographic maps from the GIS and information provided by the applicant, described that their assumptions for tree height appear reasonable. Matt Monahan reviewed the Wetland Scientist report, additional simulations from December 8, 2022, and the abutters’ pictures.

7:14 p.m. Chairman Berube opened the Public Hearing for Application 414-22.

Bob Parisien, abutter, from 15A Branch Londonderry Turnpike East had a compilation of pictures for the Board to view what the tower would look like from their various properties and also to voice concerns from himself and sixteen other abutters. They are not against the tower and stated that Bow has a deficiency in cell

46 phone coverage in this area.

47

48 The three main concerns are:

49 1. The height of the tower is far too high and would prefer 120 ft. as it is less visible from their various
50 properties.

51 2. An independent RF efficiency engineer can be hired to determine the feasibility and efficiency of the tower
52 at either 90 or 120 ft. It needs to be done independently of the parties involved that might stand to benefit
53 financially from the tower and from renting or giving space to the various cell companies.

54 3. They ask that the tower be camouflaged. (Ordinance 7.10). They feel the offensiveness of the tower would
55 be reduced.

56

57 Mr. Parisien stated that if we can not as a town address these concerns, they feel their property values would be
58 substantially diminished. Mr. Parisien then introduced his attorney, Mark Puffer from Preti Flaherty Beliveau.
59 Attorney Puffer reviewed the various waivers to Ordinance 7.10 E, 2, 3, 4 and 8 that would be needed to grant
60 the application as proposed. In summary, his clients are requesting that the board consider a 120 ft. tower, a
61 truly independent review to determine if the height of a 190 ft tower is the minimum necessary to provide the
62 citizens of Bow with the needed coverage, and a camouflaged view, stealth technology.

63

64 David Glasier asked what 120 ft. was based on. This was based on what the abutters thought was reasonable as
65 a compromise from a visual perspective.

66

67 The abutters listed below spoke of several concerns as well as advantages of the cell tower:

68

69 Kevin McCann, 32 Branch Londonderry Turnpike East; Kristina Parisien, 15A Branch Londonderry Turnpike
70 East; Susan Moore, 11 Crockett Drive; Mike Wheeler, 57 Dunbarton Center Road; Kyle Gould 38 Branch
71 Londonderry Turnpike East; Matt Furr, 40 Rocky Point Drive; Bruce Marshall, 12 Sharon Drive; Kary Faber,
72 56 Logging Hill Road; Eric Toombe, 15 Crockett Drive

73

74 Concerns: tower height; the necessity of an independent review; diminished property values; elevation where
75 tower ended up being located is different than stated at informational meeting (due to tower fall zone); location
76 chosen for tower; cell phone coverage; noise factor; Federal government allowing additional 20 ft. height;
77 waiving of Federal compliance; and RF emissions.

78

79 Advantages: provides First Net safety coverage to the area (which the school system utilizes); improved cell
80 phone coverage, due to unique topography of our Town, the positioning of this tower best serves the broadest
81 portions of our Town; a large number of the public feel the urgency to move forward with this tower; fortunate
82 to have an interested cell company as very few cell companies are receptive to putting a cell tower in Bow
83 because of our small population causing it to not be a financially viable project. 8:12 p.m. Chairman Berube
84 closed the Public Hearing

85

86 Todd Rich stated that tower companies can build anywhere but they can not apply for an application or permit
87 without an operator. Rising Tide Towers is an operator. They determine where the signal will be best for their
88 network. Mr. Rich stated that Rising Tide Towers has a contract with the Town and the Town has certain
89 requirements. In order for them to fulfill that requirement, a 190 ft. tower is needed. Smaller cell towers are
90 not the solution because they do not obtain the proper coverage. Regarding the RF consultant, Rising Tide
91 Towers did hire a professional RF engineer. Lattice tower (self-supports) versus mono poles are easier to swap
92 out parts and maintain, and they hold more weight. Stealth technology towers are harder to install, do not hold
93 snow and ice, they look worse when they lose their branches, and are an operational nightmare.

94

95 The Board deliberated Zoning Ordinance 7.10 E[Radio /TV Antenna and Personal Wireless Service Facility
96 (PWSF)] Sections 1-9.

- 97 1. 7.10 E.1. Setbacks – This requirement is met
98 2. 7.10 E.2 Height limitations(waiver). Ms. Crystall felt an independent RF engineering review was important.
99 Mr. Glasier inquired if there was a provision with the Town that when tower is built with AT&T at the top of
100 the tower and coverage to the schools doesn't work, what is in the contract with the Town. Mr. Rich stated
101 there was no legal provision about specific coverage. There are provisions that Rising Tide is required to get
102 certain carriers on there. Mr. Robinson stated that the coverage map at Town Meeting was not at the exact
103 location, but close. The RF propagation map shown at the meeting was proposed. Since then, AT&T and
104 Verizon's RF engineers ran that location and show coverage at the high school. This is proprietary information
105 with AT&T and Verizon and they do not share their coverage maps. Mr. Glasier stated that an RF engineering
106 review needs to verify the coverage area and commercial viability. Mr. Glasier feels the commercial viability is
107 self-evident. The provision in the lease requires multiple carriers. If we want multiple carriers a 190 ft. tower is
108 necessary. AT&T requires to be at the tower top at 190 ft. Mr. Sandahl asked Mr. Wayne how we prioritized
109 this spot and he responded that it was the best location given the conditions and coverage that we needed. Mr.
110 Richardson stated the property has a lot of wetlands and they cannot build in other locations, secondly, they
111 looked at the highest elevation so they did not have to build a higher tower. Mr. Pietrangelo inquired what
112 happens if Verizon never goes on the tower. Mr. Wayne stated there is a provision in the lease pertaining to
113 multiple carriers which is not public information. The Town is saying in the lease they require multiple carriers
114 and Rising Tide is saying if we want multiple carriers 190 ft. is the height the tower needs to be. Mr. Rich
115 emphasized that AT&T would only go on the tower at 190 ft. The Board returned to ordinance 7.10 E.3.
116 3. 7.10 E.3. Location Prioritization (waiver) – Other options were exhausted. Met A, B, and C. Waiver is for
117 section D. concerning stealth technologies.
118 4. 7.10 E. 4. Easements or Leased Areas (waiver) – minimum lease area 125% radius of the tower height (200
119 ft.) is unnecessary because you are taking away more trees and upsetting the area more than is necessary.
120 Rising Tide's standard fenced in area is 100 ft. X 100 ft. In the event of catastrophic winds, the tower is
121 designed not to collapse over like a tree, but to buckle on itself at the halfway point.
122 5. 7.10 E.5. Tower Construction – Meeting this requirement. Stealth technology is an overlap (see 7.10.E3.)
123 6. 7.10 E.6 Viewshed Analysis – This requirement is met.
124 7. 7.10 E.7 Landscaping – This requirement is met.
125 8. 7.10 E.8. Federal Requirements (waiver -not required) - Rising Tide stated that any time a carrier is added
126 or subtracted on/off the tower, they have to do a structural analysis at that point. Mr. Robinson said if no
127 carriers come in they will do a structural analysis, or tower inspection. Mrs. Makinen said the Board can add a
128 condition to the waiver. Rising Tide thought they had to submit an annual structural analysis but the ordinance
129 only required submitting evidence of Federal compliance. It was determined that no waiver is required.
130 9. 7.10 E.9. Building Codes-Safety Standards-

131
132 The Board discussed voting and the waivers and conditions.
133 Mr. Monahan said the waivers were for 7.10 E.2., 7.10 E.3, 7.10 E.4.

134
135 Mr. Berube took a question from Linda Millman, 80 Robinson Road
136 She addressed the waiver to Federal Compliance and that it was not just a structural issue. It is a multi-faceted
137 issue, particularly the RF frequency that the tower gives off. FCC standards from 1996 may be changing soon.
138 She does not want the Board to waive this provision of the zoning ordinance. Mr. Robinson stated that they are
139 under federal regulations to comply. Mr. Glasier reviewed ordinance 7.10.E.8 and said that the waiver may not
140 be necessary because the applicant will state to us that they have provided evidence of their compliance with
141 the Federal and State requirements every 12 months.

142
143 Conversation continued about whether the Planning Board determines the height. Mr. Glasier said the
144 ordinance standard states 90 ft. is the limit but it can be higher if necessary to achieve commercially viability.
145 The Planning Board then makes the determination. The applicant is saying that 190 ft. is the minimum height
146 for commercial viability and the public is requesting the Planning Board to verify that. The Board discussed
147 obtaining a letter from AT&T stating their height requirement. Abutter, Bill Dyroff of 34 Branch Londonderry

148 Turnpike East, stated that AT&T would not have an independent point of view of the what the tower height is
149 going to be.

150
151 The Board returned to discussing the vote. They questioned if the letter from AT&T would suffice.
152 Abutter, Will Crocker, 5 Crockett Drive reminded them that the Federal Government says 20 ft. can be added
153 on without additional permitting. Matt Monahan asked if we could put provisions in the contract with the
154 Town to revisit things.

155 Mr. Rich said they could state that the height can never change, only be modified for safety.

156

157 Matt Monahan recapped:

158 Waiver(s) not required - Section 7.10 E.8. – waiver from Federal Government requirements

159 Waivers requested:

160 7.10 E.2. – Height limitations

161 7.10 E.3. – Location prioritization

162 7.10 E.4. – For easement of lease area

163 Conditions:

164 1. Site plan approval for application 207-22 by the Planning Board

165 2. The contract with the Board of Selectmen limit tower height to that approved by the Planning Board.

166

167 *Upon motion made by Sandy Crystall and duly seconded by Jonathan Pietrangelo, it was resolved to direct*
168 *Matt Monahan of CNHRPC to investigate an independent reviewer and bring that information back to the*
169 *Planning Board. The motion passed by unanimous vote of the Board.*

170

171 *Upon motion made by Jonathan Pietrangelo and duly seconded by Mike Wayne it was resolved to continue*
172 *applications 412-22 and 207-22 to the January 19, 2023 meeting of the Planning Board. The motion passed by*
173 *unanimous vote of the Board.*

174

175 **III. Old Business - none**

176 **IV. New Business -none**

177 **V. Correspondence and Other Business-*none***

178 **VI. Review of Minutes: October 20, 2022 and November 17, 2022 and December 15, 2022**

179

180 *Upon motion made by Jonathan Pietrangelo and duly seconded by Sandy Crystall it was resolved to continue*
181 *the October 20, 2022, November 17, 2022 and December 15, 2022 minutes to the January 19, 2023 meeting*
182 *of the Planning Board. The motion passed by unanimous vote of the Board.*

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184 **VII. Non-Public Session RSA 91-A:3 – none**

185

186 **VIII. Adjournment**

187

188 *Upon motion made by David Glasier and duly seconded by Mike Wayne it was voted to adjourn the*
189 *Planning Board Meeting. The motion passed by unanimous vote of the Board.*

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191 10:40 p.m. Meeting adjourned.

192

193 Respectfully submitted,

194

195 Adam Sandahl,

196 Secretary