

**TOWN OF BARTLETT
PLANNING BOARD
56 TOWN HALL ROAD
INTERVALE, NH 03845
603-356-2226**

**APPROVED MINUTES
PUBLIC SESSION
December 2, 2024**

Present: Scott Grant (Chair); David Patch (Vice Chair); Mike Galante; Vicki Garland (Selectmen Representative); Joe Heuston; Kevin Bennett; David Shedd

Absent with notice: Pat Roberts (1st Alternate)

Absent: Phil Franklin (2nd Alternate)

Meeting called to order by Scott Grant at 6:00 p.m.

1. Pledge of Allegiance- led by Scott Grant

Scott Grant proposed to have the discussion of the cell tower at Wildview Drive and the new changes to the AT&T tower first. Board concurred.

2. Discussion of application:

- **Cedarcroft Farm LLC (Map 1THORN/Lots 54L00 and 42L00)-** Continuation of project: (a) involves Lot merge between Tax Map 1RT16 Lot 285R00 to 1THORN lot 54 L00 which is owned by Cedarcroft Farms LLC- **completed**; (b) BLA between the Martyn (Robin and Todd) land Tax map 1THORN lot 42LOO and Cedarcroft Farms LLC Tax Map 1THORN lot 54 L00; (c) subdivision of the property owned by Cedarcroft Farms Tax map 1THORN lot 54L00 into the 33 unit PUD. AOT permit approved with conditions. Letter from Andy Fisher, Ammonoosuc Survey, read to board as he is unable to attend.



Letter from Andy
Fisher 12-02-2024.doc

HEB was engaged to conduct a traffic study and associated engineering as requested by NH DOT. He hoped this work occurs before the end of this year. The dilapidated shed is scheduled to be removed by LA Drew. Kyler Drew is/was going to through the process of examining the building to determine if there is any sort of health/safety mitigation which may be require- lead paint, asbestos etc. The removal and cleanup will happen as soon as LA Drew is able. David Shedd reported that Paul Doucette was there and he is the family involved in the boundary line adjustment. He asked if the board is just waiting for the shed to be removed before granting the boundary line adjustment? He asked Mr. Doucette if he wanted the BLA to go through sooner than later? Mr. Doucette replied that he hoped it would be acted on as soon as possible. Motion made by Mike Galante seconded by Joe Heuston to move the application to the 1/06/2025 meeting
Vote: unanimous

- **Jason Brown (Map 2RT302 Parcel 161L00, 165L00 and 170L00)**- update regarding application. Awaiting Burr Philips report. Letter from Andy Fisher Ammonoosuc Survey read to the board:



Letter from Andy
Fisher 12-02-2024.doc

This letter is intended to accompany the revised plans delivered today. The only revision to the plan were requested by Burr Phillips and involve the road ROW (right of way) bearings and distances, monuments to be set etc. and a couple of statements he requested to be added. Mr. Brown has applied for and been granted the surety bound. A copy of the receipt for his first payment is included. Motion made by Vicki Garland seconded by Joe Heuston to move the application to the 1/06/2025 meeting
Vote: unanimous.

- 3. Review and approve minutes of November 19,2024-** Motion made by Joe Heuston seconded by Mike Galante to approve the November 19, 2024 minutes vote:
unanimously

4.Mail and other business

- **Cell Tower on Wildview Drive-** Information from Selectmen and Centerline Communications. Clerk provided the board with the set of plans for the tower extension to review. Plans indicate that the antennas are above the tower. Chair requested the clerk to inform the board and the public about her communications with American Tower and Centerline Communications. Clerk informed the board that she spoke to a representative from Centerline Communications asking about radiation monitoring for this tower. He replied that

he believed the FCC monitored but did say that there was nothing mandating this. He reported that the frequencies used are approved by the FCC and licensed by them. He stated I should speak to the owner of the tower. Clerk then reached out to Centerline Communications and spoke to a representative regarding the monitoring of radiation. He stated that they follow all FCC guidelines and also guidelines as set by the Telecommunications Act of 1996. He stated that they took over the 600 frequency which used to be the frequency used for the rabbit ears and they follow the recommendations in the Telecommunications Act of 1996. I spoke to him regarding the concerns of the community and he emailed this clerk to let her know that he ordered a report to be done and will email me the results after the Thanksgiving holiday. As soon as the report is received clerk will send to the board and Selectmen. Both representatives told me that the rooftop would be more of a concern than a tower as far as radiation goes because the tower is so high up it does not impact anyone anybody under it. Chair opened the discussion to the board. Vicki Garland asked Kevin Bennett in his capacity as Enforcement Officer for Jackson if they receive radiation reports. He replied to the best of his knowledge no, but stated that the companies operate within the FCC guidelines. Scott Grant summarized that the takeaway is the board cannot do anything regarding the tower on Wildview Drive and the companies can raise their antennas above the height of the tower. The FCC document was not clear on how high the antennas can go above the tower. David Shedd stated that one option the board has is to recommend to the Selectmen not to issue any additional building permits for new towers. Vicki Garland will bring this possibility to the Select board. Scott Grant reminded the board that in his discussions with the representative from Centerline Communications (in regards to the AT&T antenna change) that if the planning board does not approve the request they would be taken to court and the antennae exchange would happen anyway. The test case will be the law suit filed by Mr. McMillan regarding the tower to be built on Artist Falls Road Conway NH. Vicki Garland asked the board if the Selectmen were to deny the permit what could the reason be? David Patch stated that one reason is that the ordinance required reports on radiation monitoring and it was not being done and to keep the rural nature of the town. David Shedd stated that the ordinance is clear that the tower height cannot exceed 60 or 80 feet and you are exceeding it with the antennas- why is that? Joe Heston brought up a hypothetical scenario- what if he wanted to build a tower and he was denied a permit? He added that a tower already had a permit and the issues with height and radiation were never addressed before? David Patch countered with just because you made a mistake in the past does not mean you

have to continue with it. Joe Heuston replied I understand but does that mean the previous tower was grandfathered? Board replied yes. Michael Galante asked if we could keep any additional towers out of residential districts and just use commercial areas? David Patch commented that most of the places that have a good site for towers are in residential areas. Vicki Garland commented that the person who owns the property can get income from a tower placement and how are we going to say because you are in a residential area you can't do this? David Patch clarified that commercial goes back 400 feet from Rote 302/16 and if you go back 400 feet then you would not usually be high enough for a tower - not for communication but maybe for data. In the end it will be a test case for local control. Scott Grant asked the members of the audience regarding their interest in the tower? They replied that they live in Bartlett Village and there is an existing tower in town and they were interested in how the town makes their decisions in terms of permitting the building of the towers and what is going to happen to an existing tower if 4G or 5G comes? Scott Grant reported he has spoken to David Ford about the radiation and was told that the radiation runs horizontally not vertically. Members of the community expressed concerns as they have read that it is not in their best interest to be within 160 yards of the tower and they live right within that radius. Scott Grant informed the community that it is not within the purview of the Planning Board or the Selectmen at this point. It was suggested that the community contact their local representatives Anita Burroughs and Chris McAleer and their federal representatives Chris Pappas; Maggie Hassan and Jeanne Shaheen about their concerns. Appropriate contact information for representatives provided. Vicki Garland informed the community that the town has a cell tower ordinance for zoning but we cannot enforce it because the FCC says we can't- we are learning that we have very limited control. Scott Grant informed the community that it is disappointing to the board that the cell companies come to the Planning Board or the Selectmen to ask to change antennas or build a cell tower but they have the right to do it anyway. He questioned if this was just a procedural step and why do we not have local control? Mr. Ly Dang from the community stated he thought it was a good idea that the board is asking the companies to do a radiation test. Board asked clerk to re-explain the method used to find out the information given- she reported that there are several companies that deal with the cell towers- one company builds the towers, another that deals with the carriers and then there are the cell carriers. To be honest there may be another layer under the ones she spoke of. Clerk explained she started with the company that filed the original tower construction who basically stated that monitoring is not their concern. She next

went to the next company on file with the applications. The information was that they are following FCC guidelines and they are using the frequencies that were applied by the FCC. Both companies stated that any radiation goes horizontally so unless you are camping under a tower there are no health concerns. Community asked board to send them the documents that were discussed in the meeting. Davis Shedd informed the community about the suit that is being filed by Mr. McMillan on Artist Falls Road and encouraged them to discuss their concerns with him regarding any resources he has found.

- **Verizon Wireless**- 784 Route 302 Bartlett (The Tarberry Company)- change 3 antennas, 6 remote radio units adding 3 remote radio units and adding 3 hybrid cables. Plans emailed to board. Chair invited Sheila Duane from AMSCO to discuss with the board. She concurred that the work to be done is just maintenance- there will be no additional height and it is just replacing the hardware for newer technology to help the service. It is not clear if it will help cell service or data transmission. Joe Heuston asked if it will be 5G data? Plans are not clear if it will be 5G or not. Location was clarified as the faux chimney on the Hospitality Center and all equipment is in the attic. The antennas are in the faux chimney. Motion made by David Patch and seconded by Joe Heuston to proceed with the change- no public meeting required. Vote unanimously to proceed.
- **NHDES Wetlands Permit Application** - 150 Rolling Ridge Road- FYI – Community members were present for this discussion. David Patch informed them that the application is basically a FYI to the Planning Board. The Conservation Commission actually controls this. Jessica and Mark Spaulding replied they received a certified letter from HEB stating they may want an easement on their land to facilitate construction or maintain the road and they would like to look at what is being proposed. Board invited them to look at the documents. The Spaulding's were questioning why they received a certified letter? Would HEB go on their property or do they have to ask first? Board explained that all major or minor projects require a letter to be mailed certified to all abutters and HEB would have to meet with them if they require anything from them. The Spaulding's were informed they have the right to decline HEB access to their property if they choose or HEB can offer to buy the property.
- **Sewer**- Discussion of warrant article. Updated draft provided to the board that had the comments by the AA to the Selectmen.



zonig amendment
sewer 12-02-2024.doc

Board read the draft and agreed that it was what they wanted to say. Vicki Garland reported that there still is a chance that the state and/or federal mandates may supersede the town ordinance but it was agreed that we should send it to the attorney for their input. It was asked of Vicki Garland to have the Selectmen send it to the attorney for their input. David Shedd commented that in the sentence that reads “with the exception of allowing the Lower Bartlett Water Precinct to connect to the pre-planned “we add the number 2 before pre-planned and connections after pre-planned. Board agreed to the change and also that both the planning board and the Selectmen are in support of the ordinance. Paul Doucette asked the board if they knew the RSA associated with the failed bill for sewer and water and loss of local control for minimum land area. Board replied that they were not aware of a specific RSA number but directed him to his local representatives for information. Date for the public hearing was discussed. Vicki Garland informed the board that if they choose to have more than one public hearing it must be posted by 1/2/2025 but the last date for posting has to be 1/27/2025. Scott Grant suggested that the board hold a public hearing on 1/6/2025 regarding the ordinance if the Selectmen approved the small change to the ordinance. Plan is to have the meeting anyway just as an informational if needed.

5.Next meeting: Working Session December 17, 2024 if needed next public session January 6, 2025- Work session may be cancelled if there is no business- board asked to respond to email yes/no when they receive the email

Motion made by David Patch seconded by Joe Heuston to adjourn. Vote: passed meeting adjourned at 7:06PM



Board Sign in
12-02-2024.docx



Public sign in
12-02-2024.docx

Respectfully submitted

Louise B. Burns

Planning Board/ZBA Clerk

603-356-2226