

**PUBLIC HEARING AND BUSINESS MEETING  
DRAFT**

- A. CALL TO ORDER:** The meeting was called to order at 7:00 p.m.
- B. ROLL CALL:** A. Franciosa, Vice Chairman; B. Mutrie, A. Tonry, S. Volpone, T. Santora; Members M. Kasprzak, Selectmen's Representative; Building Inspector, Mark Sikorski, K. Croteau, Secretary; D. Smith, Circuit Rider Planner, **Not Present** C. Brown, Chairwoman

**C. ORGANIZATIONAL MEETING**

A. Franciosa opened discussion of the Board with regard to the following:

1. Nomination and Election of Chairman

**MOTION:** To nominate and elect C. Brown as Chairman for the 2013-2014 term.

**MOTION: A. TONRY**

**SECOND: S. VOLPONE**

No other nominations were heard.

**UNANIMOUS**

2. Nomination and Election of Vice Chairman

**MOTION:** To nominate and elect A. Franciosa as Vice Chairman for the 2013-2014 term.

**MOTION: S. VOLPONE**

**SECOND: B. MUTRIE**

No other nominations were heard.

**UNANIMOUS**

The Committee Membership and Alternate Membership organization will take place at the April 23, 2013 meeting.

**D. PUBLIC HEARING**

**Case #13-02-02:** Application from New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility for Final Public Hearing for Site Plan Review to allow installation of three additional antennas located between two existing AT&T antennas on each of three sectors on the existing mounting platform and six remote radio heads flush mounted to the monopole behind the antennas at property located at 0 East Road, Map 8, Lot 34.

A. Franciosa opened the public hearing.

Attorney Adam Kurth AT&T (New Cingular Wireless PCS, LLC) representative and Mr. Francis Kelley from SAI Communications, site applicant representative, were present for the hearing. Attorney Kurth presented the letter of authorization from Mr. Tamposi. Mr. Kelley gave an

**PUBLIC HEARING AND BUSINESS MEETING  
DRAFT**

overview of the modifications. He explained that AT&T is proposing to upgrade the tower to increase data speeds with three new antennas which will also add lower frequency transmission; this will be a substantial upgrade to benefit the citizens. He stated the plans submitted tonight were a revision to the plans originally submitted with the application. He explained the revision was due to a correction in mounting height. The original plan submitted showed an incorrect height which has been corrected on the plan submitted this evening. The new antennae will be two feet above the top of the tower which is shown on the corrected plan.

B. Mutrie asked if what was being proposed would not attach to the ground. Mr. Kelley stated the proposed changes would be mounted to the existing post.

A. Franciosa referred to page C1 of the plan drawing noting a height of 100 feet where it is reported as 110 feet on another plan. In response to A. Franciosa, Attorney Kurth stated the height reported on C1 was a typographical error which would be corrected. A. Franciosa stated this would need to be corrected to read 110 feet.

B. Mutrie asked if there were issues with the fall zone. A. Franciosa explained that the fall zone would not be addressed with this application. The fall zone had been addressed by the Zoning Board of Adjustment in 2009.

**MOTION:** To accept the application as complete.

**MOTION: A. TONRY**

**SECOND: B. MUTRIE**

**5 IN FAVOR; 1 ABSTENTION: PASSES**

There was discussion regarding the Town of Hampton Falls Public Safety having the ability to utilize the top of the tower. A. Franciosa explained that whatever approval is given will be conditional to continue to include Town of Hampton Falls Public Safety reserved for the top of the tower.

D. Smith, Circuit Rider Planner, referred to his memo in reference to regulations on the books regarding compliance with federal rules and regulations. Mr. Kelley stated the proposed changes were in compliance with federal rules and regulations. D. Smith asked about the colors being used. Mr. Kelley stated that the colors proposed would blend in better than the existing colors.

At this point, D. Smith stated that as long as the conditions were met he did not see substantial reason not to approve the application. He explained he did not see this application as a substantial change in the physical dimensions to the previously approved tower even though the proposal is the addition of antenna that will be roughly two feet above the monopole tower height.

A. Franciosa asked if there were any concerns regarding waivers. In response to this D. Smith said that based on the merits of this application he did not feel a need to address waivers requested in this application. In addition, he did not feel this to be a substantially altered plan and the approval of this application would allow the possibility for the area to get increased capacity which would be beneficial to the users.

**PUBLIC HEARING AND BUSINESS MEETING  
DRAFT**

Hearing no further questions of the Board, A. Franciosa opened discussion to members of the public.

**PUBLIC COMMENT**

Joel Ginsberg and Mark Ginsberg (property owner, 0 East Road, Map 8, Lot 34) were present. Joel Ginsberg addressed the Board with concerns relating to the distinction between 110 feet and 112 feet and why the 2 feet was not to be addressed in relation to the fall zone. A. Franciosa stated the applicant had been granted a variance in the matter of the fall zone by the Zoning Board of Adjustment in 2009.

Joel Ginsberg stated he would like to go on record for the land owner as objecting to this and asked to read the following statement:

“On behalf of my brother Mark Ginsberg the owner of 0 East Rd he would like to go on record to state his objection to At&t and Hampton Falls Property LTD’s proposed renovation to the tower on the grounds that Mark Ginsberg has not granted authorization to either party.

Also after looking over the plans for the proposed renovation the tower elevation increases from 110’ to 112’ and as per Hampton Falls Town Ordinance 10.4.1.1 would require that this renovation be referred to the ZBA for there review.”

D. Smith explained he could find no clear definition in the zoning ordinances regarding tower or tower height. He stated the application submitted did not substantially alter or change what is currently there.

The Ginsberg brothers addressed their concerns regarding public safety. Joel Ginsberg also mentioned that Mark Ginsberg had been approached by Mr. Kelley regarding a letter of authorization for this application and that he refused to supply a letter of authorization. AT&T was then granted a letter of authorization from Hampton Falls Properties, Ltd.

At this point Attorney Kurth made reference to the fall zone noted as 125 feet on sheet C1 and stated that this would be corrected to 128 feet. He noted the Zoning Board of Adjustment had granted a variance and the Planning Board had given site plan approval in the past that Mr. Ginsberg was aware of. He stated that AT&T is not proposing to extend the tower height.

Attorney Kurth referred to Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, signed into law by the President on February 22, 2012. He explained that subsequent to Mr. Kelley’s filing the application, the FCC provided guidelines for this law. He stated it seemed clear that this matter applied to Section 6409 but since the application process had been started they would complete it. He added that in the future, AT&T would typically move directly to building permit as provided by Section 6409.

M. Sikorski, Building Inspector, asked that an analysis be provided as part of the Building Permit application. He also asked how the monopole was accessed. In response to this Mr. Kelley said

**PUBLIC HEARING AND BUSINESS MEETING  
DRAFT**

an analysis would be provided and that the monopole was accessed by either climbing the tower or using a lift.

Attorney Kurth noted a statement of compliance with item 6.2.14 being minor to the extent that it is inconsistent but to go ahead and request the waivers.

A. Franciosa closed the public hearing.

**MOTION:** Based on previous plan that waivers to 6.2.12; 6.2.14; 6.2.17-27; 6.9.2-5; 6.9.2.5.3-5 be approved.

**MOTION: A. TONRY**

**SECOND: B. MUTRIE**

**5 IN FAVOR; 1 ABSTENTION: PASSES**

**MOTION:** To approve the applicant's request for site plan for New Cingular Wireless, PCS, LLC, d/b/a AT&T Mobility to allow installation of three additional antennas located between two existing AT&T antennas on each of three sectors on the existing mounting platform and six remote radio heads flush mounted to the monopole behind the antennas at property located at 0 East Road, Map 8, Lot 34 subject to the following conditions:

1. That any and all fees due the Town of Hampton Falls and its consultants be paid before the Mylar is signed and recorded.
2. That any and all state permits be obtained and made part of the file before the Mylar is signed.
3. That a note reading "No additional use or change of use shall be permitted unless approved by the Planning Board." be added to the final plan.
4. That approval is for a modification to an existing tower and shall be noted as such on the final plan.
5. That October 2009 Zoning Board of Adjustment approval to be noted on plan.
6. That all conditions of the previous Planning Board plans be noted on the new plan including but not limited to the top space of the tower, as previously approved to be reserved for the Town of Hampton Falls Public Safety.
7. Monopole height on plan corrected to 110 feet, fall zone to 128 feet.
8. Sections 6.2.12; 6.2.14; 6.2.17-27; 6.9.2-5; 6.9.2.5.3-5 granted waivers be added to plan.
9. Colors of any new structures to match the existing structure on the site to the maximum extent possible.

**MOTION: A. TONRY**

**SECOND: S. VOLPONE**

**5 IN FAVOR; 1 ABSTENTION: PASSES**

**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION:** To approve the minutes of the February meeting as written.

**MOTION: M. KASPRZAK**

**PUBLIC HEARING AND BUSINESS MEETING  
*DRAFT***

**SECOND: B. MUTRIE  
5 IN FAVOR; 1 ABSTENTION: PASSES**

**E. OTHER BUSINESS**

1. Committee Reports – The Board acknowledged the Ordinance and Regulation Review Committee minutes from February 20, 2013 and March 6, 2013.
2. DES Wetlands Permit Application – Applicant Neal Pond, Map 1, Lot 23-1. The Board acknowledged receipt of the State application.
3. The Board members were given the information regarding the NH Office of Energy and Planning 19<sup>th</sup> Annual Spring Planning and Zoning Conference.

**F. COMMUNICATIONS TO BOARD MEMBERS**

There were communications at this time.

**G. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 8:25.

**MOTION: A. TONRY**

**SECOND: S. VOLPONE**

**5 IN FAVOR; 1 ABSTENTION: PASSES**