

ZONING BOARD OF ADJUSTMENT

P.O. Box 227

Freedom, NH 03836

Minutes

Freedom Zoning Board of Adjustment: **January 24, 2024**

Present: Chairman Scott Lees, Karl Ogren, Peter Keenan, Denny Anderson, Daniel Footit (A), Zoning Officer/Building Inspector Gary Williams, Recording Secretary Lindsay Pettengill.

Absent: Vice Chairman Craig Niiler, Jacob Stephen (A), Tim Cupka (A), Pam Keith (A)

Public: Charlene MacCurtain, Keith Vellante, Amy White, Jonathan Springer, Michelle Churchill, Francine & Jean Dube, Sandi Marcinkowski, Cara Chiarluce, Robert Ward, Susan Hoople

During this meeting, the following cases will be heard:

Application # 28-24-23 GMR Holdings of NH, LLC (Continued from October 24, 2023)

Applicant seeks to permit, construct, and operate a wireless telecommunications service facility at 375 Pequawket Trail.

Applicant is requesting the following:

Variance Article 17 Section 1706.3 Height

Variance Article 17 Section 1707.10 Mounting

Property is located at 375 Pequawket Trail. Map 28 Lot 24

Chairman Lees called the meeting to order at 7:00 p.m.

Chairman Lees introduced the Board to the Public. Noted that Dan Footit was an alternate and would be sitting in for Vice Chair Craig Niiler who was absent.

Notification of this meeting was published in the Conway Daily Sun and posted at the Freedom Town Office and the Freedom Post Office.

Public Meeting

Denny Anderson made the motion, seconded by Peter Keenan, to approve the meeting minutes of December 19, 2023. All were in favor. APPROVED

Application # 28-24-23 GMR Holdings of NH, LLC (Continued from October 24, 2023)

Jonathan Springer, appeared before the board representing GRM Holdings of NH, LLC in the request for Variances from Article 17 Section 1706.3 for height and from Article 17 Section 1707.10 for mounting of proposed Cell Tower at 375 Pequawket Trail.

Jon was joined by Amy White, project consultant with Verizon and Keith Vellante RF engineer.

GMR Holdings had submitted supplemental documents that were requested by the board at the October 24, 2023 hearing.

Jon reviewed the following supplemental documents:

- Revised Site Plans
 - NH Resources Bureau recommended the site be moved approximately 50ft further from Pequawket Trail due to scrub pine area however this had a major impact on the visibility that most seemed to dislike, therefore they moved the tower back into the scrub pines but kept the compound away from the scrub pines.
 - Compound now well hidden from abutting properties
- Visibility Study now with the tower at 133'
 - Balloon was flow from old location but simulation shown at the new height/location
 - Significant drop in visibility from all locations
 - 130' is where the centerline of the Verizon equipment will be located on the tower

Board discussion:

- How much more coverage will this bring – Will reach Rte 25 and over the lake
- This will improve performance of existing sites/towers in the area

Abutters: None present

Public:

Charlene MacCurtain – Spindle point was not a location in which they gave an example of how the tower will look and she thinks the tower should be located in a different spot.

Michelle Churchill – Believes there is a conflict of interest and that there are board members that are related to the land owner of the proposed application. She also has no service where she lives in Freedom but she goes out on to the lake to get service so she doesn't see how this one will service the current residents. She believes the coverage with the Blue Sky Tower will be better and wants Freedom to be the benefiting town for coverage not Ossipee.

Jon Springer response – Blue Sky Tower does not cover the same area this tower will as it has a different coverage ring and at this time Verizon does not have a contract with that tower.

Robert Ward – Ground elevation – roughly 32'

Charlene MacCurtain – Doesn't know why we need this tower as Blue Sky Tower covers more of the Huckins area. Questioned Generator and the Decibel level.

Jon Springer – Generator runs when the power goes out and is turned over once weekly to test systems. Generator will be enclosed and at its highest decibel it will be 67.7, roughly the sound of a vacuum cleaner.

Michelle Churchill – is town going to approve if Verizon is paying for it?

Jon Springer – Verizon is not paying for it they are renting a spot on the tower. Also, wanted to clarify as it seems to be a contention, Radio Frequency's do not stop at town borders. This tower will bring additional coverage to Freedom as well as Ossipee.

Cara Chiarluce – Is Verizon on other towers in the area? – yes, Jon Springer referenced the materials to show the coverage the other towers provide. She wanted to make sure coverage covered the lake which it does.

Amy White – Verizon – Blue Sky’s data were all assumptions. Verizon (on the GMR tower) is actual data based off of Verizon towers.

Scott Lees – Why did Verizon not go on Blue Sky – Amy states they may go on the tower in the future for Northern coverage but the GMR tower will cover to the south which is the greater demand at this time.

Charlene MacCurtain – Wants coverage to be bigger and states she believes Whittier tower burnt down so that is a moot point.

Robert Ward – Where does Verizon want to be?

Amy White – Where this tower is proposed.

Board –

Scott- Verizon is saying they ultimately would like to be on both towers to gain maximum coverage for their consumers.

Charlene MacCurtain – How much height do we really need?

Board - Depends on the amount of coverage desired so they are accepting the coverage at the requested height.

- Blue Sky although they have the approval from Planning Board and ZBA, does not mean they have to build and as of right now we are not aware of an carriers that have signed a lease with them.

Cara Chiarluce – What is the coverage with other tower? This was discussed at the Blue Sky hearing, do not have that information on hand for this meeting. Can Town cap # of towers?

Jon Springer – There are regulations that towns can not cap # of towers at this time. They must allow reasonable chance as with more demand comes more towers. For the record Verizon does not own the proposed GMR tower.

With no more input the Board was ready to vote.

Variance from Article 17 Section 1706.3

- 1. 5-0 Motion Carried**
- 2. 5-0 Motion Carried**
- 3. 5-0 Motion Carried**
- 4. 4-1 Motion Carried**
- 5. A. 5-0 Motion Carried**
 - i. 5-0 Motion Carried**
 - ii. 5-0 Motion Carried**

Conditions:

1. **Per Plan titled Freedom, NH Permitting Drawings. Dated November 30, 2023 and signed by Board**

Findings of Facts:

1. **No connection to prior tower that was approved earlier**
2. **Shortened tower to 130-133' from the 160' originally requested**
3. **Visibility not as bad at new height**
4. **Provided everything we asked for**
5. **Coverage**

Chairman Lees, motioned to approve the Variance from Article 17 Section 1706.3. All were in favor. APPROVED 5-0

Variance from Article 17 Section 1707.10

1. **5-0 Motion Carried**
2. **5-0 Motion Carried**
3. **5-0 Motion Carried**
4. **5-0 Motion Carried**
5. **A. 5-0 Motion Carried**
 - i. **5-0 Motion Carried**
 - ii. **5-0 Motion Carried**

Conditions:

2. **Per Plan titled Freedom, NH Permitting Drawings. Dated November 30, 2023 and signed by Board**

Findings of Facts:

6. **No connection to prior tower that was approved earlier**
7. **Shortened tower to 130-133' from the 160' originally requested**
8. **Visibility not as bad at new height**
9. **Provided everything we asked for**
10. **Coverage**

Chairman Lees, motioned to approve the Variance from Article 17 Section 1707.10. All were in favor. APPROVED 5-0

Miscellaneous

- **Communication and miscellaneous.**

There was no mail.

There being no new business to come before the Board, the Motion by Scott, seconded by Karl that this meeting adjourns; Motion passed unanimously.

The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Lindsay Pettengill,
Recording Secretary