

TOWN OF TEMPLE, NEW HAMPSHIRE

ZONING BOARD OF ADJUSTMENT

June 3, 2004

FINAL MINUTES OF PUBLIC MEETING

VOTING BOARD: Chairperson Don Kraemer; members Nate Chamberlin, Honey Hastings & John Pierce; alternate member Don Fonda.

CALL TO ORDER: By Mr. Kraemer at 7:30 p.m.

NEW BUSINESS

Case # 6/3/2004 – 1 CINGULAR WIRELESS

Cingular Wireless has applied for a Special Exception under the terms of Article IV, Section 13, of the Temple Zoning Ordinance, to extend an existing 60 foot tower to a height of 70 feet, in order to accommodate wireless antennas, on Temple Mountain, Map 2A, Lot 63, NH Route 101, in the Mountain District.

Jonathan McNeal represented Cingular Wireless and explained that Cingular Wireless has entered into a joint agreement with AT & T Wireless to provide service first along the Route 101 corridor as well as

other communities and towns in NH. Along Route 101, AT & T has provided coverage west to Wilton, now it is Cingular's job to continue the coverage west to Keene. Cingular is proposing to add two 10' pipe mounted antennas to the top of the US Cellular owned tower on Temple Mountain. The applicant hopes that this will provide coverage to connect to a site under construction in Peterborough.

He presented a Viewshed Analysis Report, which shows two 10' pipes mounted on the US Cellular tower, and photos taken in the direction of the tower from 25 locations. He also presented a plan of the proposal which includes a 10' x 12' shelter at the base of the tower. He said that it is possible that the applicant may need to install a 2' microwave dish in addition to the antennas because there do not appear to be telephone lines to the top of the ski area. Cingular is in the process of negotiating with US Cellular to lease space on one of their dishes, but if that fails, Cingular would have to install their own dish.

Mr. McNeil was asked why the antennas needed to be 10' higher than the tower. He said that although they could be at a lower location, US Cellular wouldn't allow them to be lower because they would then be competing for space with the US Cellular dishes.

Ms. Hastings asked why the applicant didn't request a variance to Article IV, Section 6, which says that no structure shall be built over 40' high. Mr. McNeil said that he had originally applied for this variance but that after speaking with the ZBA clerk, decided to change the application request to a special exception to Article IV, Section 13. The ZBA clerk explained that Mr. McNeil had originally applied for a variance and a special exception to Article IV, Section 6. Since no special exception is offered for IV, 6, she called Don Kraemer and asked what should be done. He advised her to call the applicant and tell him that no special exception is offered for IV, 6. When she did that, the applicant asked her what he should apply for. She said that she didn't know but she would be willing to do some research. She then called Silas Little, who said that since the tower on Temple Mountain is already over

40' tall, Article IV, Section 6 would not apply in this case and the applicant should apply for a special

exception to Article IV, Section 13, the same thing that US Cellular applied for in 2003. The clerk phoned the applicant and gave him this information as well as Mr. Little's phone #. The applicant said he would think about it and get back to the clerk with his decision, which he did.

Tedd Petro expressed concern about granting this request because it would be making a non-conforming structure more non-conforming.

Alan Pickman explained that the US Cellular tower was built before Article IV, Section 6, was written, and so when it was built it was conforming with the Temple Zoning Ordinance at that time.

Marty Connolly stated that he can see the tower from his property and he is against adding another 10' to it. He also said that the viewshed was not complete and should be redone and photos taken from more locations.

Alan Pickman pointed out that the photo simulation map in the Viewshed Analysis Report shows the location of the tower on Holt Peak rather than Temple Mountain. It should be located about a mile further north.

There was discussion about wanting the applicant to redo the Viewshed locations. The applicant offered to do another tower climb and this time notice it in the local paper so that everyone who is interested can observe the 10' pipe extensions themselves.

There was a discussion about a vegetative buffer around the 10' x 12' shelter. John Kieley pointed out that the land at the base of the tower is solid ledge and most likely nothing will grow there. Alternately he suggested that the Wapack trail be rerouted around the tower, which is something the Wapack Assn. supports. He also suggested that the tower be painted green so it would blend in with the surrounding foliage a little better. Marty Connolly agreed with these ideas.

The Board decided that it couldn't make any decisions this evening and wanted the following information from the applicant before the next hearing:

- Correct location of the tower on the photo simulation map in the Viewshed Analysis Report
- Updated plan showing addition of 2' dish
- Information on rerouting Wapack Trail and painting/camouflaging tower
- Application for variance from Article IV, Section 6 - for increasing height of tower
- Application for special exception under the terms of Article IV, Section 13 – for building at base of tower

MOTION: Ms. Hastings made a motion to take no action on the application because a variance is needed for increasing the height of the tower and a special exception is needed for the building at the base of the tower. There were also errors and missing information that need to be corrected/provided. The motion was seconded by Mr. Kraemer and all were in favor.

OLD BUSINESS

Minutes – May 6, 2004

MOTION: Mr. Kraemer moved to approve the 5/6/04 minutes as written. Ms. Hastings seconded the motion and all were in favor.

Workshops: Ms. Hastings and Mr. Pierce attended Zoning workshops and brought back material that the clerk will copy and send to the members.

Discussion: There was a long discussion about whether an applicant needs to appear before the Select Board before applying for a variance from the ZBA. Alan Pickman felt very strongly that this was so.

MOTION: Ms. Hastings moved that Mr. Chamberlin inform the applicant, by June 4th, that he needs to appear before the Select Board before the next ZBA hearing. The motion was seconded by Don Fonda and all were in favor.

MOTION: Mr. Kraemer moved to adjourn the meeting, seconded by Mr. Pierce. All were in favor.

The meeting adjourned at 9:15 p.m.

Diane Nilsson, Recording Clerk