



TOWN OF BOW

Planning Board

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APPROVED MINUTES February 2, 2023

The Town of Bow Planning Board met on Thursday, February 2, 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.

https://www.youtube.com/live/8_ShNpPCa6w?feature=share

7:04 p.m. ROLL CALL

Planning Board Members present were Don Berube, Chair; Sandy Crystall, Vice Chair; Adam Sandahl, Secretary (remote); David Glasier, member; Jonathan Pietrangelo, member; Mike Wayne, Selectmen Representative; Michael Lawton, member; 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.

It is not practical for Mr. Sandahl to attend tonight’s meetings in person due to illness and he would like to have permission to attend the meeting remotely. Mrs. Makinen suggested that someone make a motion to allow Mr. Sandahl to participate in the meeting remotely due to his illness according to RSA 91-A:2, III.

Ms. Crystall made a motion and Mr. Wayne duly seconded to allow Mr. Sandahl to participate remotely due to illness in accordance with RSA 91-A:2, III. Mr. Berube proceeded with a roll call vote: Mike Wayne, yes; David Glasier, yes; Michael Lawton, yes; Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes. The motion passed by a 6-0 vote.

Mr. Sandahl confirmed that no one was in the room with him. Because there is a member attending remotely, the Board must do roll call votes for all matters tonight.

I. Non-Public Session RSA 91-A:3

Mr. Berube said that he would entertain a motion to go into a Non-Public session to review Town Counsel correspondence.

Upon motion made by Mr. Glasier and duly seconded by Jonathan Pietrangelo it was voted to move to Non-Public session according to RSA 91-A:3, II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

Mr. Berube proceeded with a roll call vote: Mike Wayne, yes; David Glasier, yes; Michael Lawton, yes; Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam Sandahl, yes. The motion passed by unanimous vote of the Board.

II. Minor Modification/Conceptual Consultation – N/A

44 **III. Public Hearings**

45
46 7:38 p.m. Mr. Berube called the regular Planning Board meeting to order.

47
48 Mr. Berube read the item into the record.

49
50 **1. Application 412-22 Town of Bow – Rising Tide Towers, LLC PWSF CUP**
51 **CONTINUATION**

52 Proposed Telecommunications Facility on a 100' X 100' lease area. Facility to include a
53 190' self-supporting lattice tower, a 75' X 75' fenced-in developed area, and 12' X 550'
54 gravel access road. Located at Branch Londonderry Turnpike East Bow, NH 03304
55 RU Property Zone, Map 23, Block 3, Lot 62

56
57 Pat Robinson and Todd Rich, V.P. Project Managers from Rising Tide Towers, LLC (RTT) were present.
58 Others present were Jim Hebert (remote), Megan McGuire (remote), Chad Hebert (remote), Julie Larry
59 (remote), and Tom Buckley (remote) from Black Diamond Consultants, Inc.

60
61 Chairman Berube stated that due to the snowstorm cancelling the January 19, 2023 meeting the application has
62 exceeded the 65-day review period (RSA 676:4.) Chair Berube asked the applicant for their consent to
63 continue the application to tonight's meeting. Pat Robinson, V.P. Project Manager for Rising Tide Towers,
64 LLC gave his consent.

65
66 Chair Berube introduced the third-party review provided by Ivan Pagacik from IDK. Their review included
67 coverage maps based on the top of its antennas at 160 ft., 150 ft. and 120 ft. Mr. McDaniel stated that IDK's
68 report states degradation starts to appear at 150 ft. in areas right around the school. Mr. Glasier asked if this
69 analysis is similar to the one completed by Rising Tide Towers. Mr. Robinson responded that they agree with
70 the coverage areas stated by IDK.

71
72 Mr. McDaniel asked if the contract requires coverage to the schools. Mr. Wayne said yes, and Mr. David
73 Stack, Town Manager, stated yes and that there is a requirement that Verizon be on the tower within three
74 years.

75
76 Chair Berube asked the applicant how they decided upon the location of the tower. Specifically, how did RTT
77 come to that spot on the Town property. Mr. Robinson said they came up with a search area ring and a pin gets
78 stuck on a map – this pinned location was shown to the public at the Town Meeting. Since this pinned location
79 was not a surveyed location, they did a site walk with their engineer and the Town Manager of Bow. They put
80 a stake in the ground for the location that they felt was optimal for the coverage that they want to see. One of
81 the areas where they originally pinned had some wetlands in the area and they decided to go to a higher point,
82 not the highest point, on the property. The survey was completed after that and that is why there is a difference
83 of approximately 330-340 ft. from the original pin. An environmental engineer reviewed the area, and there is
84 no wetland delineation that needs to happen in that area. Soil tests were also done. Ms. Crystall asked if they
85 were also given other potential town locations to look at. Mr. Robinson said this location was optimal. Mrs.
86 Makinen asked what was not optimal about the other locations. Mr. Robinson said that they look at optimal
87 coverage for the roads, the neighborhoods, and also the school. Mrs. Makinen mentioned to the Board
88 members that she received approximately 20 emails from people voicing their approval and/or concerns about
89 the tower and hoped the Board had an opportunity to review them.

90
91 7:51 p.m. Chairman Berube opened the Public Hearing for Application 414-22.

92
93
94

95 The abutters listed below spoke of several concerns as well as advantages of the cell tower:
96

97 Robert Parisien, 15 A Branch Londonderry Turnpike East; Kevin McCann, 32 Branch Londonderry Turnpike
98 East; Will Crocker, 5 Crockett Drive; Kristina Parisien, 15A Branch Londonderry Turnpike East; Bruce
99 Marshall, 12 Sharon Drive; Susan Moore, 11 Crockett Drive; Linda Millman, 80 Robinson Road; David Farr,
100 12 Heidi Lane; Mike Wheeler, 57 Dunbarton Center Road; Derek Lacourciere, 21 Grandview Road; Deborah
101 McCann, 32 Branch Londonderry Turnpike East; Dee Treybig, 15 Branch Londonderry Turnpike East; Kyle
102 Gould, 38 Branch Londonderry Turnpike East
103

104 Concerns: The site where the trees have been cut is not a preferred location and the tower should be moved
105 deep into the woods at a similar elevation; the 190 ft. tower height is inconsistent with the Town's ordinances;
106 the tower is required to be camouflaged; diminution of property value; Rising Tide Towers, LLC has been
107 pushed on the Town as the only company or else Bow doesn't get cell service; Townspeople aren't allowed to
108 see the lease until everything has been signed and it's legally binding; taking the word of a for-profit company;
109 other towers may need to be built to cover the whole town; not consistent with Master Plan; there are many
110 other sites in Town to choose from; school has a hard line phone and radio system should a catastrophe occur;
111 there are 5 other hills in Bow between 680-700 ft.; health and aesthetic reasons; other cell tower companies
112 should have been contacted; and sometimes it feels as if the left hand doesn't know what the right wants.
113

114 Advantages: Impressed with Rising Tide Towers. They have a great reputation in New Hampshire. They knew
115 Bow would be tough, but they are not afraid of challenges. Provides First Net safety coverage to the area.
116

117 Other comments: Urge board to make decision. There have been no new arguments tonight.
118

119 9:03 p.m. Chairman Berube closed the Public Hearing

120 9:03 p.m. Break

121 9:13 p.m. Meeting resumed.
122

123 Chair Berube and Mrs. Makinen asked why does the tower need to be 190 ft. and does the 190 ft. tower fill the
124 coverage gap that we are trying to fill? Mr. Robinson replied yes, the 190 ft. is the coverage for AT&T and
125 what they are looking to fill their coverage gaps as well as the subsequent carrier, Verizon, who is looking to
126 come on to the tower as well. If they go lower, it's not an option. They are not going to have providers to fill
127 in these coverage gaps and provide coverage to the school. Mrs. Makinen asked if there was any evidence to
128 support that claim and Mr. Robinson replied, "RF coverage propagation that they had their engineering firm
129 run with AT& T radios and antennas showing that coverage." Mr. Glasier added, and that was confirmed by
130 independent review.
131

132 Matt Monahan gave a recap. In November we had our first Public Meeting, heard some testimony, and there
133 were questions regarding procedure and got some clarity on that.

134 There are three components:

135 1. Requested waivers associated with the Conditional Use Permit (CUP)

136 2. The CUP

137 3. The Site Plan
138

139 The Board should look at the criteria from that section of the ordinance dealing with how the board can waive
140 those provisions. You will be considering the evidence as provided by the applicant and the abutters'
141 testimony. Have they met that standard as spelled in those three elements? Then you would move to the CUP
142 itself. The Board's decision point is based on the application as presented before them, as an approval or
143 denial.
144

145 Mr. Berube asked the applicant if they did something different with the powerline going in and the applicant

146 replied yes.

147

148 The Board considered the waiver request for easement or lease area. The ordinance requires the lease area to
149 be 125% of the tower height (approximately 237 feet) and the applicant has proposed a 100 ft. X 100 ft. lease
150 area. This lease area provides all the space needed with the least amount of impact to the site. Additionally,
151 the lattice design of the tower is such that it would collapse down on itself instead of tipping over.

152

153 *Upon motion made by Mr. Glasier and duly seconded by Ms. Crystall, it was resolved to approve the waiver*
154 *request 7.10E4, for easement or lease area, as it is found to comply with all of the relief criteria as listed in*
155 *Section 13.02(B)(2)(a) of the Zoning Ordinance. Mr. Berube proceeded with a roll call vote: Mike Wayne,*
156 *abstain; David Glasier, yes, Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don*
157 *Berube, yes; Adam Sandahl, yes. The motion passed by 6 votes in favor and 1 abstention.*

158

159 Mr. Glasier addressed the pros and cons of the tower height. The ordinance states 90 ft., however, the
160 ordinance does give the Board the power of waiver. Should we go higher especially if it's a public safety
161 issue. Mr. Glasier would like to put a zoning ordinance change to vote either on Town Ballot or at the meeting
162 to change that provision to 190 ft. and questions if the vote would be any different.

163 Mrs. Makinen then reviewed the local prioritization and ranking of priorities. Camouflage/stealth technology
164 is what this waiver concerns. Mr. Berube thought adding more branches to the tower wouldn't make it any less
165 visible. Mr. McDaniel could see the abutters' point of wanting camouflage but not necessarily at 190 ft. The
166 question was posed to the abutters as to whether they were looking for camouflage on a lower height tower and
167 whether they would they feel differently about camouflage on a 190 ft. tower. One abutter stated they would
168 wait for the Board's decision and two others felt camouflage would be beneficial. Mr. Pietrangelo asked why
169 lattice versus monopole. Mr. Pietrangelo feels that from a distance the monopole would be less obstructive. Per
170 Mr. Rich, lattice is better for co-location but Mr. Robinson said you can collocate on a monopole. 7.10E(2)(b).
171 states, "In a wooded area must be camouflaged and must employ stealth technology." Mr. Glasier feels that
172 the select board and applicant put this proposal forward based on the objective of coverage area for the schools
173 and that due consideration was not given to the ordinance. Mr. Glasier stated it comes down to public safety
174 versus abutter impact and feels that public safety has to come first.

175

176 *Upon motion by Mr. Glasier, and duly seconded by Ms. Crystall it was resolved to approve waiver request*
177 *7.10E3 for local prioritization, as it is found to comply with all of the relief criteria as listed in Section 13.02*
178 *(B)(2)(a) of the Zoning Ordinance. Mr. Berube proceeded with a roll call vote: Mike Wayne, abstain; David*
179 *Glasier, yes, Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam*
180 *Sandahl, yes. The motion passed by 6 votes in favor and 1 abstention.*

181

182 *Upon motion by Mr. Glasier, and duly seconded by Ms. Crystall, it was resolved to approve waiver request*
183 *7.10E2 for height limitations for the tower, as it is found comply with all of the relief criteria as listed in*
184 *Section 13.02(B)(2)(a). Mr. Berube proceeded with a roll call vote: Mike Wayne, abstain; David Glasier, yes,*
185 *Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam Sandahl, yes.*
186 *The motion passed by 6 votes in favor and 1 abstention.*

187

188 The Board discussed the criteria for approval or non-approval of the CUP application. Mrs. Makinen said right
189 now the only condition we have for the Conditional Use Permit is that the site plan be approved. Mrs.
190 Makinen directed the attention of the Board to Zoning Ordinance 12.05. This is the criteria for granting a
191 Conditional Use Permit.

192 Mr. Glasier reviewed the criteria:

193 A. This is satisfied because PWSFs are permitted by CUP in all zoning districts

194 B. With the waivers, B is satisfied.

195 C. The use will not materially endanger the public health or safety - satisfied

- 196 D. Compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be
- 197 located - you could go either way. On one hand, clearly not and on the other hand the Zoning Ordinance says
- 198 in residential neighborhoods cell towers are allowed. It's a judgement call, either way is reasonable.
- 199 E. The use will not have substantial adverse impact on highway or pedestrian safety- satisfied
- 200 F. The use will not have a substantial adverse impact on the natural resources of the town – satisfied
- 201 G. The use will be adequately serviced by the necessary public utilities and community facilities and services
- 202 of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive
- 203 public expenditures to provide sufficient additional capacity or services – satisfied.

204
205 The Board discussed what the condition might be to minimize visual impact. From a visual standpoint, Mr.

206 Pietrangelo said he might be okay with the industry practice. He is less worried about the panels but more so

207 about the tower. Mr. Robinson said the color of the structure is galvanized steel, not very shiny. Mr.

208 Petriangelo said if you put a coating on it you have to worry about maintenance. Antennas are white or

209 grayish. Mr. Pietrangelo said he was in the option of striking that condition.

210
211 Chairman Berube entertained a motion from the Board.

212
213 *Upon motion made by Mr. Glasier, and duly seconded by Jonathan Pietrangelo, it was resolved with the*

214 *condition of approval that Site Plan 207-22 is approved by the Planning Board to conditionally approve*

215 *application 412-22 as the proposal complies with the Zoning Ordinance Articles 7.10 and 12.05 given the*

216 *plans presented and waivers granted. Mr. Berube proceeded with a roll call vote: Mike Wayne, abstain;*

217 *David Glasier, yes, Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes;*

218 *Adam Sandahl, yes. The motion passed by 6 votes in favor and 1 abstention.*

219
220 Mr. Berube read the item into the record.

221
222 **2 . Application 207-22 Town of Bow – Rising Tide Towers, LLC Site Plan**

223 **CONTINUATION**

224 Proposed Telecommunications Facility on a 100' X 100' lease area. Facility to include a

225 190' self-supporting lattice tower, a 75' X 75' fenced-in developed area, and 12' X 550'

226 gravel access road. Located at Branch Londonderry Turnpike East Bow, NH 03304

227 RU Property Zone, Map 23, Block 3, Lot 62

228
229 10:27 Chair Berube opened the Public Hearing

230
231 Phillip Arrenda, 2 Abbey Road; Susan Moore, 11 Crockett Drive; Linda Millman, 80 Robinson Road; David

232 Farr, 12 Heidi Lane; Deborah McCann, 32 Branch Londonderry Turnpike East; Scott Coulombe, 18 Merrill

233 Crossing; Didi Crocker, 5 Crocker Drive; Mike Wheeler, 57 Dunbarton Center Road; Kyle Gould 38 Branch

234 Londonderry Turnpike East.

235
236 Concerns/Advantages: What they said previously stands and are authorized by 677.15 to appeal; gave kudos to

237 this Board and they have done everything right; lattice towers make loud noise and are along highways not in

238 neighborhoods; does the utility company meet Rising Tide Tower's requirements for power with respect to the

239 cell tower (Mr. Robinson stated yes.); coverage at houses; what are site plan regs; Matt Monahan explained

240 Site plan regulations; trails; watershed, erosion studies were done and very little sedimentation taking place;

241 tax assessment; height of fence around tower; lease payments to Town; power outage; curving the utility line;

242 electrical being underground; battery backup if power goes out.

243
244 10:48 p.m. Chair Berube closed the Public Hearing

245
246 Chairman Berube entertained a motion from the Board.

247 Upon motion made by Mr. Pietrangelo, and duly seconded by Ms. Crystall, it was resolved to approve the
248 waiver requested from Site Plan Regulation 5.02J requiring phone and electric lines underground. Mr. Berube
249 proceeded with a roll call vote: Mike Wayne, yes; David Glasier, yes, Michael Lawton, yes, Jonathan
250 Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam Sandahl, yes. The motion passed by unanimous
251 vote of the Board.

252
253 Upon motion made by Mr. Pietrangelo, and duly seconded by Michael Lawton, it was resolved to conditionally
254 approve application 207-22 with the conditions listed below as the proposal complies with the Zoning
255 Ordinance and the Site Plan Regulations given the plans presented and waivers granted.

256 Conditions:

- 257 1. Proof of bonding insurance for tower removal is filed;
- 258 2. Receipt of Town of Bow Driveway Permit;
- 259 3. Agreement that the Board of Selectmen or its designees may enter upon the premises to inspect the facilities
260 as it deems necessary;
- 261 4. Provide alternate layout for utilities line with a jog to provide some screening of the tower base.

262
263 Mr. Berube proceeded with a roll call vote: Mike Wayne, yes; David Glasier, yes, Michael Lawton, yes,
264 Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam Sandahl, yes. The motion passed by
265 unanimous vote of the Board.

266
267 **IV. Old Business - none**

268 **V. New Business -none**

269 **VI. Correspondence and Other Business-none**

270 **VII. Review of Minutes: October 20, 2022, November 17, 2022, December 15, 2022, January 5, 2023**

271
272 Upon motion made by Jonathan Pietrangelo and duly seconded by Sandy Crystall it was resolved to continue
273 the October 20, 2022, November 17, 2022 and December 15, 2022 and January 5, 2023 minutes to the
274 February 16, 2023 meeting of the Planning Board. Mr. Berube proceeded with a roll call vote: Mike Wayne,
275 yes; David Glasier, yes, Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube,
276 yes; Adam Sandahl, yes. The motion passed by a unanimous vote of the Board.

277
278 **VIII. Adjournment**

279
280 Upon motion made by David Glasier and duly seconded by Jonathan Pietrangelo it was voted to adjourn the
281 Planning Board Meeting. Mr. Berube proceeded with a roll call vote: Mike Wayne, yes; David Glasier, yes,
282 Michael Lawton, yes, Jonathan Pietrangelo, yes; Sandy Crystall, yes; Don Berube, yes; Adam Sandahl, yes.
283 The motion passed by a unanimous vote of the Board.

284
285 11:07 p.m. Meeting adjourned.

286
287 Respectfully submitted,

288
289 Adam Sandahl,
290 Secretary