

Unity Planning Board Minutes

March 2nd, 2021

Call to Order: Meeting was called to order at 7:07 pm by Charles Rataj

Roll Call: Members present Charles Rataj (Chair), Bill Schroeter (Ex Officio), Bob Trabka (Member), Glenn Walker (Vice Chair), Tom Farmen (Member)

Minutes of previous meeting: Bob made a motion to accept the minutes from December 2020, Tom seconded it.

New Business:

a) Bob Gashlin from U.S. Cellular presenting a plan for change of land use as follows:

U.S. Cellular has had a tower on Mica Mine Road for 29 years of a 30 year lease and is unable to renew the lease at the current location. They wish to move to a new site on a new piece of land to the east. The old tower will not be removed until the new tower is active. The site for the new tower is on Old Chandler's Mills Road. The plot for the new tower is currently 50 acres in a trust. The new site will be a 100' by 100' leased area with a 75' by 75' square fenced in area.

The purpose of the board is two part; the accept the plan as complete and then hold a public meeting for comment and determine if the plan is accepted.

The site would have a 580 foot access road. There are wetlands behind the area that are not effected. The current tower is 2500 feet from the proposed site. The storm water upgrades were added. The site is 1762 feet above sea level.

The 75' by 75' fenced area will include the tower and a 12' by 20' equipment shelter that would need power and fiber. The plan is for above ground utilities. The tower itself is 320' high with another 6' fence. The equipment shelter is for electronics, radios.

Access to the site is by Old Chandlers Mills Road with a locked gate. There is FAA required lighting for the tower and minimal lighting on site.

The following checklist items were covered by Bob Gashlin in detail

- 45' wide easements
- 12' wide gravel road
- Does not require a driveway permit
- Will not plow road in winter unless needed
- Need building permit for equipment shelter and selectboard must approve building on a class 6 road
- 1570' parking area with 16 parking spots
- Required to get health inspect, police, fire and conservation. Will provide email from fire chief. The site is engineered for large equipment.
- Not proposing landscaping because it is so far from the road
- Lights will be low density on the equipment shelter

- Signage will be a placard on the gate for identification 11" by 18" sign with the six digit site number.
- No fire hydrant, but will have chemical sprinklers
- No culverts are planned but there is a swall at the beginning of the road
- There will be upgrades to the road but it will remain unpaved
- Closest wetlands are 300' away
- Stormwater report said that with their upgrades there would be no impact
- No concerns in soil delineation.
- FEMA Flood Panel
- Identified wells on site but thy are not withing 75' rule of construction
- The 60 page Storm water management report was submitted Page 6 was missing and was later submitted by email

Glenn asked if the wells were covered open and Bob said that it was covered by wood.

- The Conservation committee had been consulted and Jennifer Thompson asked several questions which were responded to by Bob.

Residents were not properly notified and action needed to be taken to correct the issue. Bob, Bob and Chuck discussed the issue and created a plan to get into compliance.

- The proper FCC permits were already requested
- NH Register of deeds does not accept mylar anymore and thus none was submitted. Chuck needs to ask the register of deeds what to do about that. Bob will provide whatever needed to be in compliance.

Two members of the public were present. No questions were asked. It will take 12 weeks to build the tower.

Tom noted that the Historical Association may have questions. There is no noted impact however.

Coverage for cell phones will remain the same.

Motion and second were made to approve the plan; all voted to accept it as complete with none opposed.

- b) Chad Filon wants to subdivide 300 acres to build a second house on property. Only has a septic map. Would like to utilize an existing driveway as a right of way. Country Home is an abutter. It was mentioned that he would need 200' of road frontage and Chad believes that he has that. Bob suggested that he get a surveyor to work with them.

Chad asked what he need to do to start; he would need to have a survey done to create the lot in a way that would make it buildable. There is a checklist that they use.

Unfinished Business:

- a) Master Plan – still need to figure out a way to get in front of the town. Tom suggested town meeting or doing it outside. Board discussed next meeting making a tentative hearing to

schedule the master plan. The board would need to vote to make any changes, then have another public hearing and then present the master plan. \

b) Tiny Houses – No action or discussion

All Other Business: None

Communication Directed to the Board: None

Adjournment: Meeting was adjourned at 9:23 pm with unanimous vote

Respectfully Submitted,
Liza Kupp
Planning Board Secretary

Unity Planning Board Agenda

April 6th, 2021

Call to Order: Meeting is scheduled for 4/6/2021, 7:00 PM at the Unity School Library

Unfinished Business:

- a) Master Plan – Next step making a tentative hearing to schedule the master plan. The board would need to vote to make any changes, then have another public hearing and then present the master plan.
- b) Tiny Houses
- c) Chad Filon / Subdivision
- d) Albert and Erica Pfister / Quaker City Lot Merger
- e) U.S. Cellular / Old Chandlers Mills Road

New Business:

- a) Dustin Coleman / Lot Line Merger on Skyline Drive
- b) Tina Boardman / Stage Road Camp Ground

All Other Business: None

Communication Directed to the Board: None

Unapproved Unity Planning Board Minutes

June 1st, 2021

Call to Order: Meeting was called to order at 7:11 pm by Charles Rataj

Roll Call: Members present Charles Rataj (Chair), Bill Schroeter (Ex Officio), Bob Trabka (Member), Glenn Walker (Vice Chair). Not present: Tom Farnen (Member)

Minutes of previous meeting: No action taken

Old Business:

a) U.S. Cellular Tower Permit

Bob Trabka noted that 2 months ago, the planning board accepted the plan presented by U.S. Cellular as complete. He made a motion that the board open a public hearing. The motion was seconded by Glenn Walker. All were in favor.

Bob Gashlin gave a presentation on the site plan. He noted that the plan met all of the provisions of the Town of Unity land use ordinance. The new tower would be built on Old Chandlers Mills Road. The leased area for the proposed new tower was 100' x 100'. Access to the tower would be from a approximately 563' road which would cut in at an angle to help hide view of the tower. A storm water report was completed and filed. The road would be gated and locked. The compound itself is 75' x 75'. A building would be constructed and a generator would be emplaced behind the building to reduce noise. The tower would be similar to the existing tower. Unlike the existing tower, this is a stand alone tower and would have no guidelines and thus a smaller footprint. The current tower requires a 300' radius of tree and brush cutting. The compound would be surrounded by fence with barbed wire. The building would function as an equipment shelter and was designed to be 12' x 20' and would have service lights that are aimed down at the ground to limit light pollution. There is a motion sensor for the light. The tower is build to U.S. standards for tower construction.

Lionel Chute, Natural Resources director from Sullivan County asked about the process, what hearings had been held. Bob Trabaka and Charles Rataj answered about the process and past steps. Lionel Chute pointed out this was a second tower.

Jim Baker, an abutter said that the new tower was facing his front window. He said that the survey was done a year ago and noted that a driveway permit was needed.

Bob Gashlin answered and said that if the driveway doesn't meet the criteria that it would be moved 10'.

Jim Baker disagreed and said that there was no setback.

John Callum, Unity Selectboard member stated his concern was that the roads are the prevue of the board of selectmen. Any work done on the road or on driveways need to be done with the permission of the selectboard.

Bob Trabka responded that driveways are prevue of the planning board and that only roadwork belongs to the selectboard.

Bob Gashlin said that he would notice the selectboard.

Jim Baker disagreed with Bob Gashlin's statement and said that the driveway would be on his land. He also said that the tower hurts his property value.

Bob Gashlin stated that there is no consideration given to view impact in the Unity land use ordinance.

Jim Baker asked the board for consideration to not allow the tower to be built.

Ed Gregory, Unity selectboard member, asked about plans for the road, electric and trees.

Bob Gashlin said that 12' or 15' or 20' of trees would need to be cut back, depending on the location.

Jim Baker asked about power.

Bob Gashlin said that it was above ground.

Ed Gregory said that driveway permits go through the selectboard and asked about power.

Bob Gashlin said that it used 800 amp single phase power and that the would go through the selectboard for a driveway permit.

Lionel Chute commented that Unity hasn't updated its ordinance and thus is a "nice place to do business".

Bob Gashlin said that Unity's ordinance is not dissimilar to others. He said that he is an expert on the matter and gave statistics on how many boards he has presented to. He said that the ordinance appeared to have be done in 2010.

Lionel Chute asked what EMF stood for. He also asked for the radiation effects and health impacts of the tower and specifically of cancer from "5G".

Bob Gashlin said that the Federal Telecommunications Act of 1996 said that communities cannot deny construction of a tower based on health effects. He said that the FCC governs licenses and that U.S. Cellular has one in place. He said that emissions from the tower have set

parameters. He provided an example of AM, FM and cell towers showing that cell towers have far less watts.

Charles Rataj asked if a copy of the license had been included in the packet and if the FCC inspects towers.

Bob Gashlin said there was no standard program to inspect towers, however they were done by the FCC and that the license was included.

Lionel Chute asked what the max amount permitted was.

Bob Gashlin said that he couldn't cite the number.

Laura French, an abutter, said that the tower would be in full view of her house. She asked if there was a point in the process that that based on the purpose of the ordinance, due to the preservation of natural resources, can the planning board say not.

No answer from the board as the members considered the question. Bob Gashlin said that the specific points in an ordinance are more powerful than general points.

Ed Gregory asked about the old tower.

Bob Gashlin said that U.S. Cellular must remove the old one.

Joseph Bigg, a resident of Unity said that he felt that life in Unity should be preserved and should be fair.

Jim Baker asked about taxes.

Bob Gashlin said that U.S. Cellular pays taxes.

Jim Baker noted that he had difficulty sleeping from the old tower.

Lionel Chute asked the board to not make a decision tonight; however he realizes that nothing stops the process.

Peter Gillings, land holder of the location of the current U.S. Cellular tower said that he owns the top of Unity Mountain. He said that 28 years ago he allowed U.S. Cellular to put the tower on his property. He said that he wants everyone here to do the right thing. He said that the selectboard and the planning board are here to protect everyone. He said that U.S. Cellular is here for profit and money.

Ed Gregory asked if the land was in current use.

Peter Gillings said no.

Ed Gregory asked if the land for the new tower was in current use.

Bob Gashlin said that if it was, U.S. Cellular would pay the fees to take it out and would make that a condition of the approval.

Peter Gillings handed out flyers from Vermont and pictures he noted the Mica Mine view from the road would be affected as would Laura French's view from the other side. He had offers for his land many times for profit and for the environment. He provided a survey with "view" arrows written on it. He said that the trail association opens trails to Unity and the world. He noted the human side of this and the U.S. Constitution says one thing and courts said another. He said that the selectboard and planning board member are representatives of the U.S. who cannot agree with U.S. Cellular who should go somewhere else. He said that perhaps he is here for another reason, he has a guilty concisions and he had 28 years to think about it. He asked the board to reject the application as submitted.

Bob Trabka said that the application process is complete and that it doesn't require abutters. He noted that the process is where it should be.

Peter Gillings said that he has nothing against U.S. Cellular and that people don't want to live next to a cell tower.

Bob Gashlin asked why the tower was ok on his property for 28 years but not ok on the next place over.

Peter Gillings said that U.S. Cellular sent a man to Florida and offered him a lump sum of \$18,000 and he didn't take into consideration the view of the pond.

Bob Trabka asked if U.S. Cellular asked to extend the lease or buy the land.

Peter Gillings said that he did the negotiation dance, however no agreement could be made.

Bob Trabka asked if they could agree, would a move be necessary.

Peter Gillings and Bob Gashlin both said no.

Peter Gillings said that he could sell the land for residential use.

Bob Trabka said that the cell phone use is needed in Unity.

Charles Rataj talked about the difference in generations and that no one knew how important the tower could be in the future. He pointed out the changes of the last 28 years since the last

tower. He also spoke about past legal experience and that the planning board was bound to consider the site plan review based on law and the ordinance.

Peter Gillings said that he didn't take into account the impact on view. He regrets that now.

Lionel Chute noted use of satellites and cell phones. He wondered how long until cell towers were not needed.

Bob Gashlin noted that phones beaming up to satellites were unsafe from phone antennas.

Laura French noted that there were satellite phones.

Charles Rataj noted his military experience with Iridium and satellite phones and that they had been around for a long time. If they were profitable or otherwise more efficient, they would be used more.

Lionel Chute asked about the wetlands and the storm management plan. He noted that the county abuts a bog. He asked about plans for its preservation.

Bob Gashlin pointed it out that it generally runs to the road side and keeps runoff to the east.

Lionel Chute asked for more time to look at runoff and felt it was an issue.

Jim Baker asked how frequently the generator comes on.

Bob Gashlin said that it was set to run once a week, for fifteen minutes during daylight hours.

Jeremy Turner asked about purpose. He asked what is the board's purpose and questioned one permit with another one already present.

Lionel Chute pointed out that the runoff goes in all directions. He pointed out in the storm water report that it was discussed in two different places. There would be flow going into the wetlands. He noted that the plan doesn't keep the runoff from the wetlands.

Bob Trabka asked if the flow was already going into the wetlands.

Board members and others consulted the materials and observed that there was.

Bob Gashlin said that the project would create no additional flow.

Lionel Chute said that he's concerned there is an issue with the wetlands as he manages them.

Bob Gashlin said that there is not additional flow.

Lionel Chute pointed at the map and all of the arrows on the map point east and that wasn't the case.

Bob Gashlin and Lionel Chute disagreed about the issue of flow and Bob Gashlin invited Lionel Chute to obtain a stormwater study of his own.

Laura French said that she felt that leaving the existing tower in continued use seemed the best course of action and one person in the room could do it.

John Callum asked why are we building a new tower?

Bob Gashlin said that it was being built as it is permitted.

John Callum said that he was on the board when the first tower was built. He said that the board was approached by the company and wanted from Unity only use of the Class 6 road to get to the tower, which was supposed to be in Claremont. The Unity selectboard said that U.S. Cellular should put the tower in Unity or they can't use the road. He said that the tower brought in tax revenue. He said that the question was why the old tower is no good. He pointed out that he was the ex-Officio on the planning board.

Bob Gashlin declined to discuss it and said that it was not relevant to the application or ordinance.

Ed Gregory said that he was on the selectboard 28 years ago when the first tower went up.

Bob Gashlin offered a closing statement. He said that the official position was there are different points and that the planning board must approve based on the site plan review. Planning doesn't have the ability to disapprove the plan based on health, property value and other reasons. He stated that he would agree to contingencies for the selectboard for the driveway and structure as well as all building permits.

Charles Rataj asked Peter Gillings if he would like to make closing comments. He responded that his closing was that the application not be considered complete.

Charles Rataj asked due to which conditions?

Peter Gillings stated due to all of the before mentioned things.

Laura French asked if there was a way the planning board could get the minutes onto an internet accessible place. Charles Rataj agreed.

A motion was made by Bob Trabka at 9:21 to exit the public hearing and seconded by Glenn Walker. All were in favor.

Charles Rataj noted that U.S. Cellular owed \$49 for postage; Bob Gashlin agreed to pay.

Charles Rataj suggested a legal review of the site plan vs the ordinance and the board discussed it. Glenn Walker asked about just the pre-amble and reviewed RSA 674:17. Bob Trabka asked if there was a reason the board couldn't approve the plan?

Charles Rataj went through the minutes and listed many of the reasons brought forward:

Health

Property values

Scenery/Views

Stormwater runoff and wetlands

Jim Baker's property line/driveway

Preamble of the Ordinance regarding preservation of natural resources

Bob Trabka noted that runoff from the property already flows into the wetlands.

Charles Rataj noted that property values change according to other variables and that landowners have redress in other venues for lowering the property tax valuation.

The board determined that Jim Baker's property line/driveway issue was something that would be deferred to the select board for review.

Charles Rataj agreed to call the New Hampshire Municipal Association and inquire about the preamble (which by proxy includes scenery and views)

Health was not discussed as it was not a valid reason regarding the Telecommunications Act of 1996.

Glenn Walker motioned that the board take no action on the site plan. Bob Trabka seconded; all were in favor.

- b) Master Plan; no action taken
- c) New Board Secretary; no action taken
- d) Tiny Homes; no action taken

New Business:

- a) Joseph Bigg presented his plan for the property at 344 Lear Hill Road to create an Air BnB on the property as it has a great view of Sunapee. He had already completed his driveway permit and would like to create a 10' x 20' cabin. He would rent the cabin for \$150 per night and it contained only one bed, so it was good for a single person or couple. He would use a biodegradable toilet and drinking water bottles. He would provide a solar shower for washing.

The board asked questions about other structures and the size of the lot. Joseph Bigg said that there was four acres and a house was on it. The board discussed the requirement for 3 acres per structure, variances, past practices and campgrounds. The board suggested that he build a more detailed plan and return to present it.

Adjournment: Glenn Walker motioned at 10:01pm and Bob Trabka seconded. All were in favor.

Charles Rataj
Planning Board Chair

Unity Planning Board
Minutes
July 6, 2021

Members Present: Charles Rataj (Chair), Bill Schroeter (Ex Officio), Bob Trabka, Glenn Walker (Vice Chair), Tom Farnen, Sue Schroeter, Secretary

Public Present: Vincent Martin, Peter Gillings, Bob Gashling, US Cellular, Joseph Bigg

Call to Order: Meeting was called to order at 7:05pm by Charles Rataj.

Pledge of Allegiance

Agenda: Bill made a motion to accept the agenda as written. Glenn second. All approved.

Minutes: Bill made a motion to accept the minutes of June 1, 2021 as written. Tom second.

Discussion: Peter Gillings spoke about some omissions in the minutes: Selectman Callum's comments spoke to the veracity of US Cellular; Peter Gillings to send Charles in writing to review and maybe added to the minutes of next month. Charles asked for the vote. All approved.

Old Business:

Joseph Bigg, 344 Lear Hill Rd, Newport, 03773 - Adding a shed (10'x20') to his property and converting it to an Airbnb. Mr Bigg presented to the board different photos of the property. Proposing a solar camp shower, biodegradable toilet system, some accessories such as a bed; looking at health & wellness environment; no electricity; looking at couples/single people. Renting for a week maximum Bill asked about the winter - Mr Bigg stated he was not going to rent in the winter at this time. Bob asked if the shed is portable - no he will place it on a slab/flat spot. Bob stated that the board should take time and look into this. Mr. Bigg submitted a driveway permit - currently, Mr Bigg does not have a driveway on his property.. Do we need a Site Plan Review? If yes, application is needed and abutters to be notified. Mr. Bigg will have a business plan to the board prior to next month's meeting.

US Cellular Wireless - Charles called the NH Municipal Association and spoke to one of the attorneys about some of the issues from last month's meeting. Preamble - it is a general item; nothing concrete. We can not have in our ordinances not to allow cell towers; we are to revert back to the FCC regulations from the telecommunications act of 1996. We only have 1 tower; we can not prevent people from having cell service. Peter Billings asked about the spirit of the land and the environment. Charles stated that we can not write anything that conflicts from federal law. We can not deny the cell tower.

Bill asked Bob Gashling about the roadway. Bob Gashling will ask for a contingency for the driveway permit, building permit, and removal of the old tower once the new tower is operational.

Bob Trabka made a motion to approve the site plan from NH #1 Rural Cellular, Inc. with 3 contingencies of approval: an approved driveway permit, a building permit for the shed, and the removal of the existing tower when the new tower is operational. Glenn second. All approved. The motion passes.

New Business

Nancy Donovan - Driveway Permit - 99 Pike Hill Rd of Newport, NH. The property is on Hurd Pond Rd, Lot 121. Harold signed off on the permit. Tom made a motion to approve the driveway permit of Nancy Donovan with the assumption that the road agent properly acknowledged the setback requirements. Glenn second. All approved.

Vincent Martin - 485 2nd NH Tpke. Mr Martin would like to operate his business from his garage. The garage is separate from the house. He does plastic fabrication. Some of his equipment is like woodworking: router, etc. He starts with a block or a sheet and forms it from there.

What do you do with the scrap plastic? He does not have anyone taking it at this time. Right now he is using acrylics, thermal materials, some pvc, some nylon. This past year he has been dealing with sneeze guards because of Covid-19. He often deals with other companies. They order from him and then they pick it up at his garage. His business is Plasti-Cut Solutions, LLC. Site plan review may be necessary. Mr Martin will review the site plan regulations and complete the application.

Other Business

Master Plan - add to next month's agenda

Tiny Houses - add to next month's agenda

Adjournment

Glenn made a motion to adjourn. Tom second. All approved.

Meeting adjourned at 9:05pm.

Respectfully Submitted,

Susan Schroeter
Secretary

Unity Planning Board
Minutes
August 3, 2021

Members Present: Charles Rataj (Chair), Bill Schroeter (Ex Officio), Bob Trabka, Glenn Walker (Vice Chair), Tom Farnen, Sue Schroeter, Secretary

Public Present: Joseph Bigg, Sandy Bigg

Call to Order: Meeting was called to order at 7:11pm by Charles Rataj.

Pledge of Allegiance

Roll Call: All present

Agenda: Bill made a motion to accept the agenda as amended. Glenn second. All approved.

Minutes: Bill made a motion to accept the minutes of July 6, 2021 as amended. Glenn second. Change Billings to Gillings. All approved.

Old Business:

- Joseph Bigg - Charles called the NH Municipal for clarification. An accessory building needs to be attached. Mr. Bigg presented a simplified plan. It will be a campsite/yurt with an outhouse (compostable toilet). Solar shower. No electricity. Will have a campfire and will get a burn permit. It is not a permanent structure. It will be seasonal. Market in Airbnb under glamping as a health and wellness package. He will not be doing a driveway. Looking at 2 to 3 nights. The Board and Mr Bigg agreed to the following: Site will be available for rental for no more than 4 people at a maximum number of 7 days. Bob made a motion that no site plan will be needed based on the parameters discussed above. Glenn second. All approved.
- Joseph Bigg - discussed that there is a home on Candy Cane Lane that has a number of campsites on their property. Charles asked him to get more information and let the selectmen know in writing.
- KJK Letter - Charles presented a letter from KJK for the Unity Planning Board to sign. It reiterates the stipulations from last month's minutes. The letter will go to KJK. Charles will sign the letter.
- Master Plan - The Unity Master Plan is complete and we need to have a public hearing. September 7th at 7pm at the UES. Sue to post in the Eagle Times.
- Tiny Houses - Charles discussed how there is a push to get legislation in NH. The bill from Feb 2021 did not go anywhere. House bill 588 is the one being considered now.

New Business

- Voluntary Lot line adjustment - Bob brought forth a voluntary lot line adjustment from Dustin Coleman in April 2021. He sent an application in without paying any fees. The board approved it pending the payment of fees. The board never registered it with Sullivan County Deeds because he did not pay fees. He received an email from Dustin Coleman recently to forget about the lot line adjustment as he has sold the property. Bob

made a motion to nullify the action of the voluntary lot line merger of Dustin Coleman on Skyline Dr. that the board approved in April 2021 minutes as fees were not paid. Bill second. All approved.

Driveway Permits

- Charles signed Nancy Donovan's driveway permit.

Other Business

- We received a building permit check from US Cellular in the amount of \$121.00.
- Board secretary approval - Tom made a motion to accept Susan Schroeter as the new board secretary. Glenn second. All approved.

Adjournment

Glenn made a motion to adjourn. Tom second. All approved.
Meeting adjourned at 8:34pm.

Respectfully Submitted,

Susan Schroeter
Secretary

Unity Planning Board
Minutes
September 7, 2021

Members Present: Charles Rataj (Chair), Bill Schroeter (Ex Officio), Bob Trabka, Glenn Walker (Vice Chair), Tom Farnen (absent), Sue Schroeter, Secretary

Public Present: None

Call to Order: Meeting was called to order at 7:10pm by Charles Rataj.

Pledge of Allegiance

Roll Call: Charles, Bill, Glenn, Bob

Agenda: Bill made a motion to accept the agenda. Glenn second. All approved.

Minutes: Bob made a motion to accept the minutes of August 3, 2021 as written. Glenn second. All approved.

Old Business:

- Master Plan - The Unity Master Plan is complete and we need to have a public hearing. October 5th at 7pm at the UES. Sue to post in the Eagle Times.

New Business

- None

Driveway Permits

- Charles presented a driveway permit from KJK. Bob made a motion to accept the driveway permit as presented pending the approval signature of the Unity Road Agent. Glenn second. All approved.

Other Business

- None

Adjournment

Glenn made a motion to adjourn. Tom second. All approved.

Meeting adjourned at 7:45pm.

Respectfully Submitted,

Susan Schroeter
Secretary