

**TOWN OF BEDFORD
NOVEMBER 18, 2021
POLES AND WIRES COMMITTEE
Minutes**

Town Offices Conference Room – 9 A.M. – 24 Amherst Road

Committee members present: Becky Hebert (Planning Director), Lori Radke (Town Council), Jeff Foote (Public Works Director).

Staff present: Jillian Harris (Assistant Planning Director), Christine Szostak (Land Use Executive Assistant).

Public present: Attorney Dan Klasnick, Kathleen Bemis, Denise Ricciardi (Town Councilor & State Senator).

I. Call to Order and Roll Call:

Chair Jeff Foote called the meeting to order at 9:01 AM.

II. New Business:

Cellco Partnership d/b/a Verizon Wireless (Applicant) – Request for the installation of small cell equipment on an existing utility pole located within the Right-of-Way adjacent to 187-189 South River Road, Lots 22-22 & 22-87.

Ms. Harris read the agenda.

On a motion made by Ms. Hebert and seconded by Ms. Radke, the Committee voted unanimously to accept the agenda.

Chair Foote invited the applicant to present his application at this time.

Attorney Dan Klasnick, representing Cellco Partnership d/b/a Verizon Wireless introduced himself to the Committee and public in attendance. He passed out materials including copies of his application and color rendered maps. Attorney Klasnick began his presentation. He stated Verizon wants to supplement the existing network, whereas the macro facilities are insufficient from a capacity standpoint and demand has grown. When the facilities were just servicing phones it was okay. By utilizing existing infrastructure by supplementing with small cells, it is less impactful. Verizon is proposing a 14” canister on top of an existing pole. Elevations were looked at by the Committee and Attorney Klasnick described the components that would be put on the existing pole including the canister, remote radio heads, electrical load and electrical meter equipment.

Continuing, Attorney Klasnick discussed three different views of the facility and the camouflage perspective. He stated he believed the equipment proposed satisfies the requirements of the town. Copies of a Power Point presentation were then discussed with topics ranging from existing lattice type towers to coverage of service maps.

Ms. Hebert asked Attorney Klasnick to discuss what is out at the site now and to discuss 4G LTE services, which represents the services today. Attorney Klasnick stated this site sees a lot of demand; additional 4G service will be provided. Ms. Hebert mentioned that there were no service issues at Meetinghouse Road when she checked. A discussion took place regarding the current service from the existing site and Attorney Klasnick mentioned that this was a very targeted off-load facility. Ms. Hebert asked him to explain. Attorney Klasnick responded that the introduction of the small cell is to help with the large demand, because Verizon is not able to provide full coverage in that area. He pointed out a map with the green area showing 4G LTE service area.

Chair Foote asked for clarification of the maps and the macro-pole on Route 3. He asked if Verizon and other users were on that pole. Attorney Klasnick stated he did not know what other carriers might be on the other pole. He mentioned probably T-Mobile and AT&T perhaps. Chair Foote stated that he could see the tower from the Manchester Country Club parking lot, and at that location he has four bars on his phone. He also had four bars at Dunkin Donuts and down the street at Club Acre Drive. He said he had superior coverage out there.

Ms. Hebert mentioned she did the same thing as Chair Foote. She checked her coverage at Meetinghouse at South River Rd and it was fine. Ms. Ricciardi stated she did too.

Ms. Radke asked how you determine adequate coverage. Attorney Klasnick responded you need to be careful. This is an off-load capacity. The coverage is not always adequate at peak customer times. Verizon believes they are having capacity issues at some peak hours and that they are not doing this because they need to comply with regulations.

Ms. Hebert mentioned that the information given to them does not include a PE stamp. Attorney Klasnick stated that RF engineers do not carry a stamp like a professional engineer would and that the engineer who signed the Verizon application information is not necessarily licensed in New Hampshire. He stated there is no licensing for RF engineers.

Chair Foote asked when the abutter letters were sent out, and asked if any of the abutters contacted Attorney Klasnick to say yes, we need this service. Attorney Klasnick answered no.

Ms. Radke asked what perpetuated you (Verizon) to come here? Were there calls from folks? What determines that there is a capacity issue here? Attorney Klasnick stated Verizon does their own constant checks of their systems and uses metrics. Ms. Radke then asked if there are other companies that can confirm this. I would like a second opinion. Ms. Hebert mentioned that the ordinance allows for a third party reviewer of applications as needed. She mentioned that the town has used Ivan Logasie, an RF frequency engineer in the past for third party review.

Chair Foote asked if this was Omni, not directional and Attorney Klasnick responded yes. Chair Foote mentioned that there is a residence close by to the site and asked if there was any problems for the residents. Attorney Klasnick stated that there were no issues there, it's not micro and protocols are in place. He stated the emissions are the same power level as home Wi-Fi or a baby monitor and is FCC justified. Chair Foote asked if Verizon was going to allow other carriers on this pole with the small cell. Attorney Klasnick stated no. There is no physical space on the pole to allow for any more equipment if this installation occurs. They would need separators on the pole. I am not an RF engineer, but my experience is that these are single use installations. Chair Foote asked if we were excluding other users in the area. Attorney Klasnick stated no, they would go down the street somewhere. This is just Verizon. We are in compliance with the ordinance. Verizon licensed this pole. This is a support pole. A no-make-ready work pole, that is just for equipment

Chair Foote then mentioned that our regulations call for underground wires. Ms. Hebert stated that new utilities are required to go in underground, and that the town is trying to get away from overhead utilities. Chair Foote mentioned that overhead wires are unsightly. Ms. Hebert stated this type of application would lead to all kinds of overhead wires on South River Road, it would be cluttered by all of the different carriers.

Ms. Hebert then asked to go back and discuss the coverage plan. She stated the applicant needs to provide a master plan, including existing towers and equipment; we would like to see the big picture and need more information. Chair Foote stated that is a great point. Big companies we all use for cell phones, these big lattice towers are put in and now adding these small cells can potentially litter the whole corridor. Ms. Hebert stated I understand the need. The overhead utility line issue needs to be addressed however. Attorney Klasnick stated I know you want a master plan; I am not aware of any other small cell installations planned for Bedford at this time. Chair Foote asked if he was aware of any new local proposals. Attorney Klasnick stated Verizon installs thousands of these around the country, under FCC regulations. Utility poles and wires alone are not always great looking and can be considered unsightly. Chair Foote said that is why this Committee was formed. Attorney Klasnick stated this would not be proposed if there was not a need.

Chair Foote asked when was the analysis done? I would like to replicate the coverage on a similar time of day etc., to verify. Ms. Hebert mentioned that is not a very dense area of Bedford. Why was that spot chosen? Attorney Klasnick stated it is near a busy part of the highway and it was previously adequate. He stated I can ask for more data. Chair Foote asked if Verizon was on Tirrell Hill Road. Attorney Klasnick stated he did not know. It was clarified Verizon does have a tower on Tirrell Hill Road. Attorney Klasnick stated we start as macro than get targeted sites. Chair Foote stated we need to protect South River Road and keep it attractive for development.

Ms. Radke asked if there has been any issues with vandalism of these short small cell installations and their equipment. Attorney Klasnick stated he did not have any data about that. Ms. Radke asked why can't we make what we have stronger? Attorney Klasnick stated this is a network. This is designed to fill, because of problems with capacity. Chair Foote asked why don't you build a new tower in the area that does not affect our right-of-way. Attorney Klasnick stated we try to

use existing infrastructure to be a win-win. They already can attach equipment and they are cost effective.

Ms. Hebert asked about a 5G roll out in Bedford. She asked if the small cell equipment will be 5G compatible. Attorney Klasnick stated this is 4G not 5G. Ms. Hebert asked what is the process for converting 4G to 5G? Attorney Klasnick stated that would fall within the regulations of the community in which the conversion would take place. There are also federal requirements.

At this time, Chair Foote asked if there were any more questions from the Committee members, before he opened the hearing to public input. Ms. Hebert asked Attorney Klasnick if he had any more questions and he stated he needs to communicate the Committees concerns back to Verizon. He then clarified that overhead wires are not something Verizon would be doing; the electric service provider does that.

Chair Foote opened the hearing to public testimony at this time.

Kathleen Bemiss of Magazine Street introduced herself and mentioned that the FCC does not include information services as part of its cellular coverage rules and that she doesn't believe it has been proven by the applicant that there is a deficiency in coverage at this location. Chair Foote asked Ms. Bemiss to provide the Committee with the information she was discussing and Ms. Bemiss agreed. She then asked who stated the proposed installation would provide the best coverage and mentioned that future applicants need to know where all of the other towers are in town. Chair Foote mentioned that the Committee has also asked the applicant for this information.

Chair Foote asked Attorney Klasnick when did this area become an area with inadequate coverage? He stated this is a big issue for me in considering this application. I am on South River Road/Route 3 a lot and have never had problems with cell phone coverage. Ms. Radke agreed. Chair Foote then mentioned to Ms. Bemiss that the Committee appreciates her input.

Denise Ricciardi of Magazine Street, Town Councilor and State Senator introduced herself at this time. She discussed FCC rules and regulations and stated that the applicant needs to show a significant gap in cellular phone coverage, not streaming services. The town does not have to offer streaming services to comply with FCC regulations and more hard data is needed. She then discussed three main topics including insurance regarding radiation exposure, that the applicant was focusing on the small size of the transmittal devices not the range of the transmitter's transmission and details about the 1996 Telecom Act. She read that "the telecom act was never intended for densification as Verizon is seeking, providing more overlapping services which are being used not for personal wireless services but for data transmissions via the internet and the internet of things which were not even conceived at the time of the 1996 telecom act." Ms. Ricciardi provided the Committee with a written outline of her comments.

On a motion made by Ms. Radke and seconded by Ms. Hebert the Committee unanimously voted to close the public hearing.

Ms. Radke asked if the town is obligated or can we ask for more information? Maybe we should postpone the hearing to get more information submitted. Chair Foote stated he would be more

comfortable if the hearing was continued due to his concerns. Ms. Radke stated one opinion is not enough. Ms. Hebert stated this is not my area of expertise, with it being a new type of infrastructure. I think we need a third party review. A concern is the aesthetics', and if these small cells would be installed all the way down the corridor. We need more information as to where the actual gaps are that would require these. Chair Foote stated I agree. He asked if data was available for their other installations. Attorney Klasnick stated yes, Verizon is constantly evaluating coverage, that is the method. Ms. Hebert mentioned that power utilities need to submit master plans and that she needs to see a bigger plan from Verizon, not just one spot; we need more information.

At this time a discussion took place regarding Verizon's RF engineer that put the information together for the application. It was mentioned that the college or university he was from was not one known by the Committee. Ms. Radke asked if the ordinance required the RF engineer to go to an accredited university. Ms. Hebert stated it requires certification but not specific standards. Chair Foote stated it is understood that licensed engineers supply plans and information to municipalities for review. Chair Foote then stated I am most concerned with when and what the inadequate coverage is.

MOTION made by Ms. Hebert to continue the Celco Partnership application hearing to the December 9, 2021 Poles and Wires Committee meeting to allow the applicant time to provide the Committee with additional information and for the Committee to hire a third party reviewer, to be paid for by the applicant.

Ms. Radke asked if there was enough time for all of the information to be collected in time for the December meeting.

Chairman Foote asked the applicant if they were hard and fast on the December date. Attorney Klasnick stated they would need a cost estimate for the third party reviewer and to adhere to the shot clock requirements. Ms. Hebert stated the application was incomplete. Attorney Klasnick responded that the staff report states the application is complete. Verizon will work with the town. Attorney Klasnick asked if the hearing can be continued to December 9, and then continue it again if needed. Ms. Hebert asked if the master plan would be finished by the 9th and stated I would like to continue this to the January meeting to give everyone a chance to get the information we need. She continued by stating that it takes a lot of time and energy to get prepared for the meetings.

Chair Foote asked what is the FCC clock? Ms. Harris stated the January Poles and Wire Committee meeting would be January 13 with a December 12th or 13th deadline. She will confirm the deadline. Attorney Klasnick asked if there would be any flexing with materials required. Chair Foote opened the hearing back up to the public at this time.

Chair Foote recognized Ms. Ricciardi at this time, and she read that "It must be remembered that the "shot clock requirements create only presumptions". As under the 2009 order, if permit applicants seek an injunction to force a faster decision, local officials can show that additional time is necessary under the circumstances."

CONTINUE MOTION by Ms. Hebert to amend the previous motion to change the date of the continued hearing to the January 13, 2022 meeting of the Poles and Wires Committee.

Motion seconded by Ms. Radke.

Vote taken, all in favor. Motion as amended, carries.

III. Minutes: September 9, 2021

MOTION by Ms. Radke to approve the September 9, 2021 Poles & Wires Committee minutes as written. Seconded by Ms. Hebert. All in favor – motion passes.

IV. Communications: None

V. Other Business: None

VI. Adjournment:

MOTION by Ms. Hebert to adjourn. Seconded by Ms. Radke. All in favor- motion passes.

The meeting was adjourned at 10:04am.

Respectfully submitted,

Christine Szostak