

Francetown Zoning Board
Proposed Minutes
June 4, 2009

Members Present: Silas Little (Chair), Sue Jonas, Lois Levitt and Charles Pyle

Mr. Little opens the meeting at 7:30 p.m. by stating that the purpose of tonight's public hearing is to consider the continuation two cases: New Cingular Wireless and SBA

Continuation of Public Hearing: New Cingular Wireless Application for Variance and Special Exception

In a letter to the Board Mr. Anderson, representing New Cingular Wireless, requests that the application for a variance and special exception be continued until after July 21. Mr. Pyle notes that the next regular meeting would be August 13th and moves to continue the hearing until that date; Mr. Little seconds. All agree. Mr. Little will notify Mr. Anderson.

Hearing continued to August 13, 2009, starting at 7:30 p.m.

Continuation of SBA Network Services & AT&T Wireless application for Variances (expansion of use greater than 20% and setbacks), Case #09-VA-1

Additional (new) applications for Variance (steep slope) and Special Exception (wetlands crossing) by SBA Network Services

Mr. Little passes out the new applications to the Board, introduces himself, followed by the rest of the Board. He notes that Mr. Springer had previously presented information on this case in April. Request has been supplemented by the application for a variance from the steep slope district because of the proposed driveway under Section 2-A.3.3 and a Special Exception for a wetlands crossing under Section 2-1.2.4. Notices were published and sent to abutters. Notice also sent to Town Offices for posting.

Mr. Little notes that one member is missing and asks Mr., Springer if he wishes to continue with four members; Mr. Springer says will go forward

In attendance:

Jonathon Springer, Attorney, representing SBA

Dan Goulet, RF Engineer

Russ Putnam, Project Manager

Shannon McManus, Project Manager

Audra Klumb, wetlands scientist – submitted wetlands report to board

Mr. Springer reviews the proposed plan and discusses the wetlands issue. Mr. Little passes out copies of a letter from Ms. Klumb, regarding the wetlands. Mr. Springer has submitted a letter to Francetown Fire Chief, but has not heard back from him; Mr. Little notes that the Board has not received anything either.

Mr. Springer notes the section of the existing access to the site that is in excess of 60% slope and SBA has determined that the best way to the site is following the existing access, currently wooden stairs, by creating a road or driveway. Grade of finished driveway at its steepest will be 29% (for about 20') and 25% (for 40'-50'). A drainage swale will be built to get runoff away from road.

Mr. Springer says that ordinance regarding steep slopes is focused more on uses than the actual road running across steep slope. There will be limited vehicular traffic and no through traffic. Once or twice a month someone will go up in a passenger vehicle or SUV.

Mr. Springer asks Audra Klumb to discuss wetlands issues. A dredge and fill permit, approved and signed by the Francestown Selectmen, will be required. They are on the Selectmen's Agenda for June 8, 2009. Ms. Klumb discusses her review of the site and wetlands delineation. Identifies location of proposed culvert. Mr. Pyle asks where does the road begin, does it begin on Town land and location of wetlands? Yes, it does. Ms. Klumb says they are trying to avoid a bad situation by putting a culvert.

Mr. Lindgren (from the audience) says that this case was on the Conservation Commission's (ConCom) agenda last Monday, but they did not have application or information to review. Their main concern was the concept of building a road over a 60% slope. Mr. Lindgren questions whether applicant has a right to build a road and whether this was a viable project. Mr. Pyle states that issue of road was not part of his question, which was regarding the wetlands and where it begins. Mr. Springer interjects that he thought the ConCom had been informed. Final plans for wetlands have not been prepared and when they are they will be forwarded to the ConCom. Mr. Springer has a copy of an easement granted to SBA and signed by the Francestown Selectmen in 2002. Mr. Little makes copies and passes them out to Board and public.

Mr. Springer says that the road is more like a driveway with limited access and use. Mr. Pyle again notes that town land is where the proposed driveway starts. Mr. Springer notes that this is an area over which the easement has been granted. Mr. Little raises a question about whether the Selectmen were properly authorized by Town Meeting to grant the easement.

Mr. Lindgren raises the issue increased use and damage to the road, if extended up to the site. Concerned about public safety. Mr. Springer says that they would be happy to gate road if this is a concern and he believes that the proposed road would be safer than stairs.

Mr. Little asks what the volume of materials to be removed will be. Russ Putnam: not sure. Mr. Little also asks what the cross section of the road will look like, is there a profile or cross section? Not at this time. Plan is to blast out the road and use materials to stabilize road.

Mr. Little also asks about the size of the wetlands disturbance. Ms. Klumb: about 300 sq. ft. Existing wetlands are more man-made. Road will be crossing small area of natural wetlands. Already some disturbance. Ms. Klumb passes out some photographs of the

wetlands area. Mr. Little notes that the Board will want input from the ConCom before making a final decision. He asks why a 24" culvert; Ms. Klumb prefers a larger initial opening, rather than having to come back again to replace a smaller one.

Discussion followed on ConCom meeting. ZBA will meet after the next ConCom meeting. Ms. Klumb notes that area should still be flagged for a ConCom site walk..

Mr. Little next proceeds to the application for variance from steep slope district. Mr. Springer has little to add from prior hearings. Mr. Springer would like to hold off going through the criteria for special exception and variance until the very end. Mr. Little asks if cross section of road has been prepared; has not, Mr. Springer will get them.

Mr. Little asks about material to be removed or added, and access. Mr. Putnam responds that some material will be brought up, but they will use materials to be removed. Will also bring up some riprap. Mr. Little asks about improvements to access road. Some swales will need to be upgraded. May need to put some temporary culverts to make swales passable for graders and trucks. Road will be in better condition when they leave than when they begin. Mr. Putnam notes that seven years ago you could drive up almost to the wetlands, but because of erosion and use by four-wheelers, snow mobiles etc. it is almost impassable.

Mr. Little asks why construction could not be done with a helicopter as before. Four or five years ago Verizon used a helicopter to get all their materials (concrete, work shed, etc) up there. By removing one rock face and cutting into steep slope they can eliminate need and cost of helicopter.

Mr. Pyle asks Mr. Lindgren, Planning Board Chairman, if he wishes to bring up prior Planning Board notices, regarding the site. Notices of Decision contained conditions about limiting access. Copies are passed out to the Board, applicant and public. Mr. Little reviews the notices and copies of plans on file, Nov. 18, 1998 decision refers to Map 7, Lot 1 which is the current application.

Abigail Arnold (from audience) asks about road and traffic up to road. Intent was to prohibit traffic after the top of the ski lift. She notes that there was a path from the ski lift to the fire tower, which townspeople used. No road per se has been allowed. Easement on file does not have a copy of plan attached. Mr. Pyle mentions that a not related plan on file with the Registry for a lot line adjustment shows the path of the easement. Mr. Little reviews and compares the Notices of Decision with plans on file with the Planning Board; conditions in Notice of Decision were on plan also. Plan locates top of ski lift in relation to current site. Some distance from site Mr. Little calculates as approximately 60' plus. Mr. Little notes that plan exists and gives some content to notices of decision

Mr. Springer asks if Dan Goulet, RF Engineer, needs to return. Discussion follows. Mr., Lindgren asks about issue of tower height issue. Mr. Springer notes that issue was discussed previously at some length previously. Height needed includes co-location potentialities. Mr. Pyle reads from minutes of the April 16, 2009 meeting as follows:

Mr. Pyle asks for clarification on the proposed expansion. Mr. Springer refers the Board to plan Z-1. Mr. Pyle also asks if area of expansion has been marked; it has not. But area should be apparent during site walk. Proposed Tower height will be 100'. Mr. Springer introduces Mr. Goulet. Last meeting the Board had raised issue of different tower heights: 60', 80' and 100'. Mr. Goulet ran isolation plots at those different heights. He discusses the RF studies for tower at 80' and indicates where coverage is lost at lower height. Mrs. Jonas asks about coverage of proposed Pettee Tower and the proposed Crotched Mt. Tower. Mr. Goulet reviews with the Board the maps showing coverage of Crotched Tower at different heights. Mr. Springer expresses his desire that the Board consider the proposed Crotched Mt. Tower separate from the Pettee case. He hopes that the height of this Tower will be considered separately. Discussion followed on co-location opportunities.

Mr. Goulet notes that there are currently 20' whips on tower. Proposed extension in height is actually 40' above the whips. Whips will be moved over to new tower and placed on side arms, approximately at same height as currently positioned.

Mr. Pyle adds that he would prefer that the discussion on co-location be discussed now. Mr. Little notes that existing tower on the JHP property is 100' from a base located at 1994'. Mr. Springer states that the SBA tower will be at 2058' or about 60' higher. Mr. Pyle adds that the whips on top of the current tower bring the height up to about 60'-65' and will be located the side of the proposed tower. Mr. Putnam confirms. Mr. Pyle states that speaking for himself, he has no need for Mr. Goulet to return. Mrs. Leavitt agrees, no further discussion. Mr. Springer will advise Mr. Goulet that he will not need to return. Mr. Springer will do follow-up letter to Fire Chief and asks the Board's help in getting a response.

Mr. Little asks if there are any further questions. Notes that public meeting is not closed and will be continued to the next hearing date. Motion to continue hearing by Mr. Pyle to July 9th at 7:30. All agreed

Hearing continued to July 9, 2009, starting at 7:30 p.m.

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Meeting ends at 8:50 pm.