

Francetown Zoning Board
Proposed Minutes
February 11, 2010

Members Present: Silas Little (Chair), Sue Jonas, Mike Jones, Lois Leavitt and Charles Pyle

Meetings opens at 7:35 p.m.

Mr. Little opens the meeting by announcing that there will be two hearings this evening: a rehearing by SBA Properties, followed by the continuation of public hearings on the applications of New Cingular Wireless for cell tower(s). Will consider cases in order advertised.

Board introductions.

Ad was placed in the Ledger-Transcript on the 4th and notices sent to abutters via certified mail

Mr., Springer is representing applicant for the rehearing on the steep slope variance. Mr. Springer opens by noting work done by Mr. Bart Mayer, Francetown town counsel, in facilitating the rehearing process. Mr. Springer reviews the application for four slope variances that was previously denied and indicates on a map wear location of slopes and proposed trail. Three other variances and a special exception were granted.

He discusses purpose of a steep slope per the Francetown ordinance, reasons for steep slope ordinance: 1) Prevent soil erosion. Suggests that in area of slope no soil erosion issues. Wetlands scientist had previously said no impact. Adds that Dan Hamm and Russ Putnam in audience for questions. 2) Purpose is to avoid unnecessary destruction of ground cover and trees. First slope area is already a road. Other slopes over ledges and he does not believe road will destroy cover and trees. Distance of four areas of slope are 9' 36' 30' 39'. Notes if not a road they will need a helicopter, which will need a staging area and may be more destructive. 3) No on site waste disposal. Not applicable. 4) Avoid difficult street construction. Even if consider this a street under ordinance, construction won't be difficult. 5) Avoid extensive street maintenance. Again limited use does not feel will need extensive maintenance.

Mr. Springer notes a suggestion was made that access could use ledge pack versus their suggestion of wood chips. Adds that helicopter would be more dangerous and unavailable in bad weather. Spirit and intent of ordinance; not contrary to public interest. Tried to listen to concerns of ConCom and Planning Board. First plan was to blast ledge, but changed plan to current proposal

Provides the Board with a letter from Version Wireless (submitted to file), which supports improved access. Also letter from FBI (Federal Bureau of Investigation) to Board in favor of application.

Denial of variance means doomed to existing access road and steep slope. Mr. Springer reviews slopes before and after proposal. One of condition of other variance is to provide access across property. Having proposed road would be a safer way for families to access. Better than existing access.

Mr. Springer discussed with Mr. Mayer that Board did not understand applicant would limit types of vehicles. Apologized if there was a misunderstanding in limiting types of vehicles and provides

Board with a list of construction and maintenance vehicles to be used. Handouts to Board. Vehicles will be skidders. Slightly larger vehicles will be needed for constructions during initial 30 days. After that limited to skidders. Handouts provide pictures and breakdown of types of vehicles. Explains that skidders are similar to Bobcats. Will need excavator, small loader, etc. Pictures are included. On going maintenance would be as shown with small excavator and skidder. They would agree to list of vehicles as a condition of approval.

One of issue raised was road width. Willing to agree that access drive would be 10' or less. Only exception would be corner, where they would need road to flare out and may need a little more room. Mr. Springer shows corner in question on a display map.

Mr. Little asks if anyone on the Board has any questions. Mr. Pyle identifies himself as an intermediary with Mr. Mayer and Mr. Springer and also one of the earlier no votes on the variance request. He suggests that maintenance road be called an access trail so it would be called something unique. Mr. Springer suggested a width 10' or less. Mr. Pyle suggests that they make road 8' wide or the width of wetland mats with the exception of the corners. Mr. Springer concurs. Equipment would be utility vehicles or small two person vehicle, which sounds like what is being proposed. Concern over post construction and trying to put road back in a more natural state. Will be difficult once construction is done. Limit access trail to pedestrian traffic by public and maintenance vehicles by applicant. Mr. Pyle suggests a 60 day construction period to allow for enough time. If not enough should establish a mechanism to extend – possible conditional on approval by selectmen. Mr. Springer says usual construction period is 30 days, but in discussions with Mr. Mayer suggests to period be extended to 60 days. One condition would be approval by the Planning Board and Conservation Commission for road after construction. They would have a better idea of would need to be done. Piggyback on prior conditions. He apologies if he was misunderstood. Board has no other questions.

Little asks if any wishes to speak in favor – no, and if anyone opposes or has questions of the board – also no. Bill McNeill asks if there will be a gate to block other vehicles. Yes already stipulated.

Board discusses when to reconvene to deliberate and decides on February 18.

Mr. Pyle asks if map that Mr. Springer is displaying indicates new road and asks if Board could have a map plan with road width. Mr. Little provides a copy of plan (C-2) dated September 28 from files, which is the same one Mr. Springer is displaying. He signs copy and indicates new width to be no more than 8". Also indicates two corners of approximately 12'

Mr. Little entertains motion to close public hearing; Pyle moves, Leavitt seconds - all in favor.

Public hearing is closed and continued to a public meeting on February 18, 2010 for deliberations.

Next case is: **Continuation of Public Hearing: New Cingular Wireless Application for Variance (slope) and Special Exception (Cell Tower), property located on New Boston Road, Map 6, Lot 63-2 and Application for Variance (slope) and Special Exception (Cell Tower), property located on Dennison Pond Road, Map 6, Lot 61-2.**

Mr. Little opens this hearing at approximately 8:00 p.m.

Mr. Little provides Board with a letter from Mr. Pagacik, in which he states he uses the same modeling data. Also letter from Mr. Carey with a copy of Conservation Commission (ConCom) minutes, which Mr. Little reads into the record. Concom has concerns with New Boston Road site, but no concerns with Dennison Pond Road. Mr. Little also hands out correspondence from Mr. Ratigan.

In response to Mr. Little asking where “what is the Board pleasure?” Pyle responds “s review of the ATC site”. Mr. Little asks Mr. Anderson, representing applicant, if he wishes to address this matter.

Handouts from Mr. Anderson, dated February 11, relating to coverage of ATC are passed out to Board. Referring to handout Mr. Anderson addresses what he sees as many potential issues with the ATC site and the Francestown Zoning Ordinance. These are detailed in Tab A of the letter. Issues of concern are non-conforming lot size and that site is no longer grandfathered. Use as a tower as been discontinued. Easement for access to property, but has been abandoned for over a year. Height is 165”. Increase in height is prohibited and they would need a fall zone setback that cannot be met. Not possible. Cannot make it more non-conforming. Height extension also prohibited by Planning Board regs. Mr. Anderson reviews the various issues in his letter. Concludes by stating that by comparison Dennison Pond Road application is for a special exception and no variance; New Boston Road is for a variance and a special exception. ATC would need multiple variances.

Time is approximately 8:20

Mr. Anderson asks Dan Goulet, RF engineer, to explain why ATC does not make sense from a coverage point of view. Mr. Goulet shows original ATC site at 165” with gaps on Route 136 and Scobie Road. He did a drive test that is different from test by Mr. Pagacik. He uses 30 meter terrain and clutter data, while he understands that Mr. Pagacik uses 200 meter data and not 30 meter data. Big difference for Mr. Goulet. With 200 meter data you end up with a smoothing effect of terrain. He identifies white area that has gaps (Map Exhibit #37) and terrain. Map Exhibit #43 shows ATC site at 195’ and 1900 frequency. Green line is received signal, black line in-vehicle coverage, brown is terrain. Other information is clutter (trees and the like). Map Exhibit #41b zoomed in gaps. Went up to 250’ at ATC tower and still had gaps (Map Exhibits #42 and #43). Map Exhibit #44 shows profile view of ATX at 250’. He briefly discusses these maps and coverage. Notes title exhibit reads 250’, but should read 195’ to match description on photo. Compares Map Exhibits #45 to #46. Went up to between 350’ and 400’ above ground to get coverage over trees.

Mr. Barbalato asks what percentile of gap compared to surrounding area. What percent is not covered? At 195’ Francestown gaps are well over ½ mile. They are trying to cover Route 136 corridor in addition to Francestown. Mr. Pyle says he can reference distances for everyone. One

gap runs from Scobie Road opposite his mother-in-laws property to just beyond his mail box at Davis Lane or about 600'. The other gap runs along the Carey property just after Town Line to just short of Dennison Pond Road. Both gaps encompass three to five homes. Other properties on Scobie Road and up Candlewood Road may also be affected. Discussion of coverage on maps. Mr. Little question use of cell phone while driving. Mr. Pyle notes that cannot have 100% coverage, trying to come to meeting of the minds on coverage. Mr. Barbalato agrees.

Mr. Goulet uses Map Exhibit #4 as a comparison and discussion of different maps. Gaining and losing coverage. Homes versus road. Mr. Pyle notes not comparing exact homes, but not getting 100% coverage in-vehicle or in-homes. Someone would not get coverage.

Mr. Goulet compare 190' tower at ATC site with 100' at other sites. Mr. Pyle says that is the dilemma for the Board. Mr. Barbalato says cannot achieve 100% coverage. Mr. Goulet states that they stay away from percentages and focus on road. Go to roads where houses are. Mr. Little notes that people don't live on roads off of roads. Coverage of road areas is discussed

Mr. Pyle asks to compare Mr. Pagacik's gaps versus AT&T's. Very similar, but seem a little less. Mr. Pagacik's maps are in greater detail with more gaps spread around. Mr. Goulet states that Mr. Pagacik is using 200 meter data. Explains difference between 200 meter and 30 meter analysis and in models used by AT&T and Mr. Pagacik, who does not have drive test data and other information to fine-tune the models. Mr. Goulet shows Map Exhibit #26 with ATC site at 195'. Color represents site coverage. Usually have three colors per site, but provides best server plot for in-vehicle coverage. Mr. Pyle asks to clarify that in-vehicle and in-home is one color at lowest threshold. Yes.

Mr. Pyle says he has a problem trying to match data from AT&T with Mr. Pagacik's maps and other maps. Trying to sort out at different sites; maximize coverage, but not get 100%. Mr. Goulet believes that Ivan's report concerning the ATC site states that it merited further investigation. In response to a question whether map includes the potential Oak Hill Road site was turned on. Yes.

Mr. Anderson brings up the Dennison Pond property and a discussion at the ZBA review session on possible different location at that site. Dashed line on plan indicates sites within fall zone. Some flexibility. Possible move site to southeast and potentially farther away from other properties. Peter Marchand has indentified a potential site that might work. Further away from Catharine Roehrig's property. They are willing to do another balloon test. Mr. Little asks about height on monopole on New Boston Road; Mr. Anderson replies that they applied for heights between 100' and 160' at 10' increments and could live within any height. Mr. Little asks if specific height applying for. Mr. Anderson replies that they can live with height at either location at various heights. Mr. Little then asks "what is minimum height for collocation". 100' at each site; collocation of one additional carrier.

Mr. Pyle notes site plan review concerns positioning site. ZBA has not acted on plans without having a fixed reference point. Prior applications without specific site: "hasn't cut it in the past". Mr. Pyle notes that the tower on Crotched Mountain has not met fall zone set backs for the original case and two applications for extensions for co-locations. Three variances were granted for fall zone setbacks. He notes that every case is different. Asks applicant not to assume the negative. If site is better should bring it forth. Mr. Little says have applied for a specific location on Dennison

Pond Road. If want to move will need to amend application. Mr. Anderson will be happy to provide plans and do a balloon test for an alternate site.

Will need 2-4 weeks to examine site. Mr. Little asks when they could have information. Mr. Anderson replies within the next 30 days. Might not make next meeting on March 11, but a week later on the March 18th.

Mr. Little asks if there are any other questions. Mr. Pyle asks Peter Marchand to get word out if they do balloon test. Mr. Marchand typically tries to coordinate with the Board. As soon as they know they will get the word out.

Mr. Little asks if anyone wishes to speak in favor. No response from audience

Asks if anyone wishes to peak in opposition. John Ratigan, representing an abutter to Dennison Pond Road site speaks. He submitted electronically copies of maps showing house location in Francestown. Copy has been hand put to Board. Displays a larger version. He refers to prior discussion about where you cannot say there is a drop in coverage. He submits that you really need to look at the January 4, 2010 map exhibits. Sit down with housing plots and conservation plots and best server coverage and review maps. He did this and reached the conclusion in his letter than there is greater coverage afforded by ATC site.

Time is approximately 9:05.

Mr. Ratigan proposes that the Board needs to make connection between where people live or will live versus maps. Believes that coverage at TAC site is good coverage. He notes that if you don't get coverage in rural areas now; you will never get coverage in the future. Also states that in his experience the company is not reluctant to go out and request a variance. They do not want to go to ATC site because they want coverage in New Boston. Law says that ZBA needs to respond to Francestown. Legal counsel can confirm. Board should refer to maps and data for coverage. Consider ATC site per Mr. Pagacik; a viable option. Also no application will cover everywhere. It is about trade-offs. Also need to be true to ordinance and consider co-location. He assumes that the drafters of Zoning Ordinance were thinking about ATC Tower. If tower needs to higher, then it is a waiver by Planning Board, not a variance.

Board may need to hold that the Dennison Pond Road and New Boston Road sites do not meet diminution value and visual impact standards before applicant goes to look an alternative site. He leaves maps for the Board's review. Mr. Pyle notes that maps may not indicate exact location of houses on lots. Mr. Ratigan notes that some may be accurate. Not focus on exact location.

Bob Carey Jr., representing am abutter to New Boston Road site, speaks next. Never know when you might need something, so don't throw it away. That is what ATC Tower is all about why throw out the option. It is there and might be modified to meet at AT&T's purposes. He states that AT&T wants New Boston Road site to cover New Boston and Route 136. Trade-offs that Board must consider. He refers to Mr. Pyle's reference to 3-5 homes without coverage for ATC site. ATC will provide more coverage up Bible hill and towards the center of town. Balance of trade off between town and commercial interests of AT&T. Ivan Pagacik was one of AT&T choices as the Town's consultant. Now they are that you cannot rely on his analysis. Now he doesn't seem to

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have same information, same analysis. Mr. Carey says he believes that Mr. Pagacik can be relied on. Believes most gaps are about 1/8 mile or only a few seconds. Mr. Pagacik says may not mean no coverage only less than the threshold coverage. Point goes back to tradeoffs. Goal of AT&T is seamless coverage, but ordinance says some gaps. He cites Epping Case and tradeoffs. Balance. Board is not required to take first choice. Encourages board to consider ATC site as a feasible and viable alternative. Meets needs of community and AT&T.

Mr. Little asks if anyone has questions for Mr. Ratigan and Mr. Carey. Lee Robison asks about moving tower. Mr. Little suggests that this be addressed later. But Ms. Robison says that at 100' less collocation for other sites. ATC site will provide more chance for co-location.

Mr. Goulet says cannot compare best servers exhibits to other maps. Best servers show vehicle coverage. Map Exhibits #40 and #41 show house coverage. Mr. Pyle says problem is multiple maps. He has three maps for best coverage: ATC at 195', Dennison Pond Road at 110' and New Boston Road at 110'. Looking at maps with lowest common denominator and different heights.

Public Hearing to reconvene March 18th at 7:30 p.m. Mr. Marchand will notify before then of balloon test. Reference to Map Exhibit's #40 and #41 in February 11 letter for further review.

Board is reminded that Thursday, February 18th at 7:30 Board will deliberate SBA variance application.

Pyle moves to adjourn, Jonas seconds; all in favor.

Public hearing is closed at approximately 9:25 p.m.

Public Meeting – Deliberation of SBA Rehearing – February 18, 2010 at 7:00 p.m.

Public Hearing – Continuation of AT&T Dennison Pond Road and New Boston Road applications – March 18, 2010 at 7:30 p.m.

Respectfully submitted,

Charles M. Pyle
Vice Chairman, Frankestown Zoning Board of Adjustment

February 17, 2010