

**Franeestown Zoning Board**  
***Proposed Minutes***  
**February 18, 2010**

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

*Meetings opens at 7:40 p.m.*

Mr. Little opens the meeting at 7:40 p.m. Purpose of meeting is to deliberate on the requests by SBA Properties and AT&T New Cingular Wireless for a slope variance under Section 2.A.3.3 of the zoning ordinance. Purpose of the zoning ordinance is to limit use of slopes. Previously the Board had determined that the applicant had met four of the five criterion for granting a variance, but not the criteria for spirit of the ordinance.

Mr. Little states that he not will not change his vote from the prior one. Mr. Barbalato also states that he will not be changing his vote. Mr. Pyle identifies himself as the Board member who spoke with Bart Mayer, Town Counsel and Mr. Springer, representing applicant. He acts as an intermediary to see if a workable solution could be achieved. Much of their discussions were discussed at last week's meeting.

Russ Putnam, site manager, has provided the Board with a revised set of plans (dated 2/12/10) that show access trail with an 8" width and two turns at 12'.

Mr. Pyle states that he believes that the original proposal did not speak to the spirit of the ordinance. He now believes with certain conditions it does. It will make a motion that the Board now believes that all five criteria be granted and that a variance be granted.

Mr. Little speaks of the conditions that should be included from prior notice of decision: gate at beginning of property, bond for removal of materials after tower is longer used, reference to sediment and erosion control, improvements in strict conformance with plans, including the USGS monuments, reference to plan for public access in prior decision and reminder for Planning Board site plan approval.

Mrs. Jonas expresses concern about trees and plantings and what the access trail will look like after completion.

Mr. Pyle addresses additional conditions:

- 1) Access road shall be considered a maintenance vehicle and pedestrian access trail sand shall hereafter be referred to as an "access trail".
- 2) Width of the access trail shall be no wider than eight (8) feet, except for two corners with a width of 12' or less as identified on Sheet C-2 of the new plan.
- 3) Construction equipment will be permitted for a period of sixty (60) consecutive days for construction of the access trail. Sixty day limit was suggested by Town Counsel. Mr. Little suggests that applicant notify the Building Inspector before starting construction Brief discussion and it was determined that they should notify building inspector within five (5) business days of the start of construction. Mr. Pyle suggests that any extension of the construction period may be granted by the Board of Selectmen. Only construction equipment permitted will be as shown on the list applicant pro vided. They had suggested that list could be a condition of approval. Mr., Pyle agrees that Board should accept their offer.

- 4) Following completion of the access trail only small utility vehicles such as skid steer, small excavators, ATV's and snowmobiles as shown in Exhibit 1 (see attached) shall be permitted. Sets type of vehicles that can be used on access trail.
- 5) Following completion of the access trail, the applicant shall reclaim the access trail subject to review and approval by the Conservation Commission and Planning Board. Mr. Pyle states that he hopes this addresses Mrs. Jonas' concerns. Mrs. Jonas and also Mr. Little agree that it does.
- 6) Mrs. Leavitt expresses concern over passenger vehicles that use on access trail after completion. Proposed condition: Use of the access trail shall be limited to pedestrian travel by the public and small off-road vehicles for maintenance purposes only by applicant and co-locators as shown in Exhibit 1 (see attached).

Mrs. Jonas asks for clarification on the posting of the bond. Mr. Little notes that it will address issues if bridges and access trail if tower no longer used.

Mr. Pyle suggests these conditions along with the ones suggested by Mr. Little for: gates, bond, access, site plan approval and reference to plans. Believes that these conditions cover what was discussed at the last public hearing. Mr. Pyle asks if anyone needs him to read list of conditions. Hearing no reply he moves that the variance be granted subject to conditions. Mrs. Leavitt seconds. All agree; variance is granted 5-0.

Mr. Pyle will write the notice of decision of provides copies for everyone. Mr. Little provides copy of prior notices of decision and exhibit with vehicles. Mr. Pyle notes that there is now a 30 day period for anyone to appeal this decision.

Meeting adjourned at approximately 8:00 p.m.

Respectfully submitted,

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

January 20, 2010