

Fracestown Zoning Board
Proposed Minutes
April 8, 2010

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

Meetings opens at 7:35 p.m.

Mr. Little opens the meeting. Purpose is to commence deliberations on the following case:

New Cingular Wireless (AT&T) 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.

Following Board introductions, Mr. Little notes receipt of an application for a variance at 157 New Boston Road. Variance is for a setback to build an addition to garage. Request that Board does a site walk in advance. Mrs. Leavitt will be recusing herself. Mr. Little will contact Ms. Arnold; Mr. Pyle will contact Mr. Jones. Board agrees to hear case on the May 13th and conduct a site on Saturday, May 8th at 9:00 a.m.

Mr. Little presents an overview of the various applications for special exceptions for cell towers. First site on New Boston Road - application for special exception for cell tower and a variance for slope. Second application for one of three sites on Dennison Pond Road – application for special exception for cell tower. Board will be looking at Zoning Ordinance Articles 7 and 7.19.

Mr. Barbalato wonders whether there is a limit under the TCA. Limits and is concerned that Fracestown could ultimately see ten towers and that would be OK. Mr. Little says that, if other carriers came to Fracestown, the Zoning Board would have to give consideration. Need to look at merits of this application and not what the market might bear. Pyle adds that the Town can look at site options, but first co-location would need to be considered. Then applicant would have to come before the ZBA and PB. Not a lot of sites available in Fracestown.

Mr. Little suggests that the Board review the criteria for all the sites. Need to make findings on each application. He starts by noting that all towers will meet the setbacks of 7.19.1(c). Mr. Pyle adds that the Board has received plans showing the sites meeting the required setbacks.

Under 7.19.1(b) the applicant has indicated ability to collocate one provider at 110' Mr. Pyle suggests that the Board may want to consider a 120' height for another co-locator. Mrs. Jonas wonders about the ability to add to the height for additional co-locators. Mr. Little questions whether a monopole could be added to.

Mr. Little reads Article 7.19.1(a). Mr. Pyle expresses concern over the road and slope at the New Boston Road site, and the visual impact of the height of the New Boston and first Dennison Pond cell towers. Mr. Little interjects that the second and third proposed Dennison Pond Road sites have a lesser impact. Mr. Pyle adds that a monopine should go a great way to hide tower. Important how road will look from New Boston Road and the effect of the location of tower community.

Mrs. Leavitt feels that New Boston site is better for the community than on Dennison Pond Road. Dennison Pond area is so "beautifully countrified" with old history. Nothing where they want to develop site. Feels that not many properties around New Boston Road site and it has already been disturbed. Strikes her that site is where you would expect a tower.

Mr. Pyle says that New Boston Road had prior approvals for variance and special exception. Board can stipulate that applicant follows the Bob Todd plan. From where Todd plan ends applicant will have to go straight up the hill. Cannot follow logging trail because it will cross other property. Steeper up the hill than the previous approved slopes. In addition to slope issue, he agrees with Mr. Little on road issue. Mrs. Leavitt asks if the road will be a 12' wide. Mrs. Leavitt would hate to see another piece of pretty land disturbed. Mrs. Jonas agrees with effect on overall community. Mrs. Leavitt does not believe that overall impact visual impact would be that bad.

Mr. Pyle initially believed that the original New Boston Road site offered advantages over the original Dennison Pond Road site. But now believes that the option of the two new balloons is better. Plans indicate access road is 12' with additional culverts and gambions.

Mr. Little moves on to Section 7.19 of the Francestown Zoning Ordinance and the issue of co-location on an existing tower. He discusses the current ATC Tower on Bible Hill versus the proposed two new locations. Unmodified ATC is not a viable alternate location. Question becomes whether modification of the ATC tower is ruled out in this situation or whether modification of ATC tower would do more violence to Town's natural beauty, rural characteristics, scenic vistas and architectural history than granting a permit for any of the other four sites. Running ATC tower to 195' (extension of 30' from current height) question becomes whether that is a feasible thing to do. Mrs. Jonas notes that no balloon test was conducted at the ATC site and expresses concern over birds at that height. Also concerned over the effect on rural character. Pyle notes that AT&T's testimony is that site will not work the way they want it and does not differ dramatically from Mr. Pagacik's. He is also bothered that no matter what was said about ATC, AT&T counters. Others agree. Mr. Little says there is not evidence that modification as opposed to reconstruction would satisfy the needs of cell coverage. Reconstruction not modification would be necessary. Based on the record AT&T has met the standard that modification is not a reasonable alternative. Jonas agrees. Pyle agrees. Leavitt agrees that ATC site can be crossed off.

None of the facilities are high to require lighting or are they located on Crotched Mountain.

Next criteria are that "proposed design, configuration and height of equipment and site will best preserve the Town's natural beauty, rural characteristics, scenic vistas and architectural history. Little has no preference as to monopine or monopole. Not convinced will make much of a difference on second and third Dennison Pond Road sites. At the New Boston Road site he is troubled by what will have to be done to get to the proposed site. Should tower eventually come down there will have been a lot more alteration versus the Dennison Pond Road site. Mr. Little believes that site is better screened than New Boston Road site.

Mrs. Jonas raises the issue of reviewing photos. General discussion follows on photos of the Dennison Pond sites. Mr. Pyle believes that a condition should be a monopine to blend in; type and style to be determined by the Planning Board. Monopine website shows pictures that are pretty good. Board reviews several prior pictures from the Dennison Pond site.

Mr. Little moves on and reads section 7.1.2(a) – site proposed is an appropriate location for the use.

Pyle says that the New Boston Road site presents problems with those criteria particularly the access driveway and the topography. If site was considered would have add conditions for special exception and variance. Dennison Pond Road originally had a variance, but withdrawn. If variance was needed, they would come back. Little says sites 2 and 3 on Dennison Pond Road were more compatible with this provision than the first Dennison Pond Road site. Issue of generator discussed. Once a month test, more of a Planning Board issue. ZBA could suggest that the Planning review how long the generator will run and when. Pyle says he has received comments from town residents about the location of the access road and doesn't remember that the Board received anything from the road agent. Little agrees more of a site plan issue. Hasn't been raised here. Limited number of turns in and out of road in a month. Pyle agrees. Road doesn't effect wetlands or slopes. Note to Planning Board in any decision. Little – New Boston Road site is alteration to land not as compatible with area as other sites. Whatever goes in for road will be there for ever. Mrs. Leavitt states affect will be there either way. – Dennison Pond or New Boston Road sites.

7.1.2(b) – use will not adversely affect the value of adjacent property. AT&T has said it won't. Board has received 5 or 6 appraisals. General discussion on appraisals. Board received appraisals from applicants and butters. Mr. Pyle wonders whether the Bible Hill Tower has had an effect on values in that area. Mr. Barbalato says matter of opinion whether it has an effect. Multiple appraisals with different view points does not help board. Board agrees that standard has been met

7.1.2(c) - adequate and appropriate facilities will be provided. Facilities necessary for operation and use. From design standpoint Mr. Little sees no issues. Mr. Pyle agrees adequate facilities for what is proposed and notes space within compound there is an area designated for future equipment. Each operator will need its own equipment.

7.1.2(d) - no nuisance or hazard will be created. Little - pretty static use. Pyle - noise of generator. Planning Board can look at noise and time of generator – minimize intrusion into neighborhood. Dense planting around fence will absorb sound. Mr. Pyle notes that AT&T provided a memo on noise. Mr. Little locates study from August 11, 2009 as part of the original Dennison Pond Road application. Noise study is attachment #10. Predicted sound levels for first site only within 23' of generator = 68 to 74 decibels. Distance to property line is between 327' and 805' and at property anticipated 43 to 48 decibels. Study states that suburban noise is 30 to 50 decibels. Mr. Pyle also found August 24, 2009 letter from Fire Chief Kulgren, and also a letter from the road agent with concerns over road access from Dennison Pond Road. But issue for Planning Board. Pyle does not believe nuisance by generator as long as appropriate time.

7.1.2(e) – use will not unreasonably burden existing services. Pyle says none of the sites will have an affect; all agree

7.1.2(f) – use or structure shall comply with life-safety code. Sites comply with life safety code Letter from Chief. Make a condition of any approval that Board has letter from Chief. Biggest issue would be the road.

7.1.2(g) – site plan approval by the Planning Board. Board often puts site plan approval as a condition.

Pyle - sense of Board more negatives over New Boston Road site. Mr. Little reminds Board that it needs to attach appropriate amount of rigor to reasons for any denial and suggests that each Board members write a decision for the Board to assemble at a future meeting. Or a decision could be drafted for discussion and vote. Better if draft look at and discuss. Pyle not sure productive to have

each member come up with a decision. Discussion follows over format. Consensus is Little and Pyle will draft decisions for the Board to review and vote. Consider each site on its own.

Pyle proposes that the Board deny the New Boston Road site as it does not meet requirement of 7.19 as far as preserving the Town's natural beauty, rural characteristics and scenic vistas. Also does not meet 7.1.2(a). Mr. Little notes work to be done on access road to achieve site. Motion made based on previous discussion about site. Mr. Little wants sense of the meeting - formal decision and vote to come later. General agreement on proposal.

Next site to consider are the first Dennison Pond Road proposals. It was demonstrated that the other two sites will have a much more benign impact than the first proposal. Board should consider second and third sites as more preferred. Pyle questions whether Board needs to be specific as one of those two sites. Mr. Little prefers one location and Mr. Pyle agrees that in past ZBA has always reviewed a specific site. Discussion on two sites and balloon test: one red, the other yellow. Pyle notes that at either site balloons stuck up above trees. Discussion that more or less the same at either site. Pictures of balloons are reviewed by Board.

Given the Board's discussion Pyle proposes that one of two sites on Dennison Pond Road be approved. Does not prefer one or the other; Mrs. Jonas agrees. Brief discussion on 120' versus 110' tower. Additional co-location at 120'. Discussion on road for Dennison Pond Road site: width etc.

Mr. Little asks when Board wants to meet. Minutes will be prepared by the middle of next week. Little and Pyle agree they will work on a draft of the motion for next meeting. Discussion on when the Board can meet next. All agree to meet on Sunday April 18 at 2:00 p.m.

Pyle asks about letter from Crotched Mountain. Little says case was tabled to May and he will follow-up for status.

Pyle moves that meeting be adjourned, Jonas seconds; all in favor.

Public Meeting – Deliberative session on the AT&T Dennison Pond Road and New Boston Road applications continued to April 18, 2010 at 2:00 p.m.

Public meeting is closed at approximately 9:24 p.m.

Respectfully submitted,

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

April 13, 2010