

DATE: February 24, 2011
TIME: 6:00 P.M.
PLACE: Fire Station
FOR: Regular Meeting
PRESENT: Donald Goranson, Chairman; Jonathan Hankin; Jack Musgrove
Ethan Culleton, Associate Member
Chris Rembold, Town Planner

Mr. Goranson called the meeting to order at 6:01 P.M.

FORM A'S:

There were no Form A's presented.

MINUTES: FEBRUARY 10, 2011

Mr. Hankin made a motion to approve the minutes of February 10, 2011 as amended, Mr. Musgrove seconded, all in favor.

DEFINITIVE SUBDIVISION:

A definitive subdivision application has been filed by Richard and Tyler Malik for a two-lot residential subdivision on Hurlburt Road. There was discussion of the date for the public hearing. Two dates were chosen, March 24 and April 15. The Board preferred the April date.

ACCESSORY DWELLING UNIT: 24 LOCUST HILL ROAD

The Board received an application for site plan review for an accessory dwelling unit at 24 Locust Hill Road submitted by Hope Fitzgerald. John Coleman, the builder for the project, was present. He said the unit would be 650 square feet. It would be located above the existing garage.

The Board scheduled a site visit for March 24 at 5:30 P.M. The application will be discussed at the meeting the same night.

AT&T: SPECIAL PERMIT

Attorney Edward Pare, Jr. from Brownrudnick was present to discuss the application submitted to the ZBA for relief from the zoning bylaws to remove two existing whip antennas from the roof at Fairview Hospital and replace them with panel style antennas.

Mr. Pare said an application has been filed for a use variance to improve the site by adding panel antennas that would improve the service in the town. He said it is their preference to improve the existing site rather than construct a tower on an alternate site.

Mr. Musgrove said the application claims this is a legal non-conforming use, but that has not been proven as there is no permit for the use. He said Verizon claimed they could improve their equipment because of AT&T's pre-existing use. They were denied so they appealed the decision and won in court.

Mr. Musgrove said he would like to see a service map for a tower on an alternate site. He said the bylaw requires the applicant show the service that an alternate site would provide.

Mr. Pare said there was no question that an alternate site would provide more service however, we would prefer to improve the existing site. It is very expensive to build towers and most communities are happy to not have more towers.

Mr. Hankin said we want to have the gap demonstrated and that the gap would be closing.

Mr. Goranson asked why the request is for a use variance when the ZBA cannot grant a use variance. What is the strategy?

Mr. Pare said there is case law developing at the Federal level. The case law requires that ZBA's would have to consider Federal law so as not to violate the Federal Communications Act.

Mr. Musgrove said he felt confident the applicant would get approval from the ZBA but the bylaw is good and intended to provide the best coverage possible.

Mr. Pare said a site exists that we want to improve. He said this discussion is contrary to most discussions as other communities want to avoid building a tower.

Mr. Musgrove said he feels the bylaw is being ignored.

Mr. Pare said it is the intent of the applicant to show respect to the bylaw.

Mr. Musgrove said we require the other service map to be provided.

Mr. Pare said he would provide the map to Mr. Rembold tomorrow.

Mr. Goranson asked if the Board was prepared to give a recommendation to the ZBA?

Mr. Musgrove said he was not ready. He wanted to see the service map.

Mr. Hankin agreed.

The Board agreed to review the map and make a recommendation at the next meeting.

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ZONING FOR REDEVELOPMENT OF MONUMENT MILLS:

Mr. Culleton submitted a letter stating he has a conflict of interest with the redevelopment of the mills.

Mr. Goranson said he had not anticipated having time to discuss this topic tonight so he had advised the lawyers to not attend. He said the Board would have a meeting tomorrow from 12-2 to discuss a possible zoning article. Mr. Goranson said he hoped to have a bylaw drafted to move forward to the Annual Town Meeting by the end of that meeting.

There was a brief discussion of a work session the previous day with Mr. Goranson and Mr. Hankin to bring Mr. Musgrove up to par.

Having concluded their business, Mr. Hankin made a motion to adjourn, Mr. Musgrove seconded, all in favor. The meeting was adjourned at 7:24 P.M.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary