

ZONING BOARD OF APPEALS MEETING MINUTES

Minutes of May 29, 2018

Members present: Vaughn Hathaway, Chair; David Kirwan, Jim Buckley, Clerk; David Orth, Jim Reinke

Alternate members present: Mary Moore, Dick Johnston

Meeting called to order at 7:00PM

Mr. Hathaway opened the meeting by reading a letter from Attorney Cove instructing the Board on conducting this open meeting, to consider the recent settlement offer from Verizon and outlining the 2 settlement options offered from Verizon.

#1- lowers the height of the tower by 20ft and maintains the original 12-panel antenna configuration as presented in original application.

#2- lowers the height of the tower by 20ft and install flush mounted antennas.

There will be no discussion regarding alternative sites for a tower

Mr. Hathaway read the public hearing notice into the record and then turned the meeting over to Town Moderator Don Cherry, Jr., who moderated the meeting.

Board Vote: All in Favor

Mr. Cherry set forth rules for conduct to this meeting, with a very brief review on the history of the cell tower and a couple of facts about the case.

He would allow a 5-minute speaking limit. The purpose of this meeting is to accept or reject the options proposed by Verizon and nothing further will be considered.

In Attendance for Verizon: Mr. Scott Harris, Mr. Victor Manougian and Mr. Keith Vellante.

Mr. Manougian discussed the 2 settlement options before the Board and provided photo simulations for review.

The photo sims will show the tower lowered to 130ft, full antenna and the tower at 130ft, flush mounted antennas.

Verizon found after further research, a tower at 130ft would still be effective and only visible to half locations.

Mr. Manougian explained how flush mount antennas are mounted to pole and didn't stick out. He gave a brief overview.

The original proposal was for 150ft tower; the compromise is at 130ft tower and Verizon found this height still met coverage demands. If not at this location, Verizon will look for another location within the same area considered a feasible site.

Mr. Manougian presented and reviewed Verizon's 22-photo simulations showing the tower at 130ft, full antenna setup and 130ft, flush mounted antennas, versus 150ft tower.

At 130ft showed the pole right at tree line or slightly above.

Mr. Kirwan asked the difference in the co-location capability having a shorter tower with a standard array, versus a flush mount array.

Mr. Keith Vellante, Verizon's Radio Frequency Engineer stated flush mount can hold up to 6 carriers with 6 antennas per carrier.

They can accommodate 12 antennas per carrier, but would mount 6 below/6 above, every 10ft. Antennas can be placed as far as 96ft before hitting tree line.

Mr. Orth asked if 20ft shorter limited the number of co-locators.

Mr. Vellante said there are concessions with a design change. The more space each carrier needs limits the number of co-locators and could limit to 1 co-locator.

Mr. Hathaway asked was there a difference in number of carriers that could co-locate at 130ft and still be sustainable, versus 150ft.

Mr. Vallante said the number of carriers should be the same, but depending on the number of antennas, potentially could be less.

Ms. Moore asked a rough idea how many carriers can locate before hitting the tree line.

Mr. Vallante said it depends on the number of antennas needed. Antennas closer to the top, get better reception

Opened to Public.

Mr. Cherry read a letter received from Michael Lessard of 4 King Terrace, strongly stating his opposition to the tower.

Mr. Jeff Clark, 1 Victor Ave stated his opposition to the tower. He had concerns with the tower not clearing the fall zone.

Mr. Gregg Richardson, owner of 448 Pleasant Street felt Verizon would not be offering options unless they were losing the appeal. He said the board should vote no to the options because Verizon did not prove their case on alternate sites not being acceptable.

Mr. Hathaway noted the meeting was not a matter of discussing alternate sites. It's whether or not the Board accepts one of the two options before the Board. If no option was chosen, it then goes back to Federal Court and the Court will decide on whether the Town wins its case that there was insufficient justification for this site or not. If justification is considered sufficient, then will need to accept configuration originally proposed.

Ms. Katie Flynn, 492 Pleasant Street stated her opposition to the tower. Her concerns were with visual impact to the neighborhood and possible health issues.

Ms. Patricia Soucy, 4 Havana Road stated her opposition to the tower. She felt due to Verizon having unlimited funds, puts the Town financially strapped and unable to continue defending the appeal.

Mr. Leonard Margadonna, 51 Grove Street asked for an opinion from Ms. Buck on what the Zoning Bylaws allow and a review on cell towers currently in Town.

Ms. Buck explained the permitting process for a cell tower. That it's reviewed by the Planning Board's Site Plan Review process. At that meeting, the Planning Board agreed Verizon met the Town's Zoning Bylaws & requirements for placement of the cell tower and approved Site Plan. The Zoning Board, through the Special Permit hearing process, reviewed the cell tower application. The ZBA denied the cell tower due to visual impact and Verizon not providing convincing documentation on alternative sites.

She said cell towers are allowed in all the zoning districts in Leicester by special permit and 30 Huntoon Highway is in a commercial district where cell towers are allowed.

The Town has the opportunity to keep control on what type of tower is erected. If the Board denies the options, it goes back to Federal District Court, who will ultimately have the control.

Mr. Richardson asked about camouflaging the pole.

Mr. Manougian said Verizon will not consider anything other than what is before the Zoning Board.

Ms. Soucy asked about the fire department co-locating on the tower and interference.

Mr. Hathaway understood co-location of municipal departments on any tower, at 130ft, would not experience interference. Mr. Vallante agreed.

Mr. Kirwan explained the tower would bring telecommunications into an area, along a commercially traveled roadway that has several businesses along that corridor. It's a plus for people who travel Route 56 consistently and who conduct business through their phone, to not have to worry about dropped calls or interruptions, because Route 56 does have a reputation for being a dead zone area.

Mr. David Genereux, Town Administrator further explained revenue new business brings to Town and the value on enhancing telecommunications to help aid emergency service communications.

Mr. Clark felt the abutters directly affected by this cell tower, do not want it and the Board should vote to what the people want, no cell tower.

Mr. Orth understood concerns residents have, but reiterated there were only the 2 options before the Board; 130ft tower/flush mount antennas or 130ft tower/standard mount antennas. If the Board doesn't accept either option, it goes to back to Court for a final decision.

Mr. Richardson might agree with 130ft tower/flush mount, if a condition was added limiting the number of antennas per carrier.

Mr. Manougian said they can't control the number on other carriers antennas.

Hearing no further comments or questions, Mr. Cherry turned the meeting back over to Mr. Hathaway for a motion and vote.

Voting tonight: David Kirwan, David Orth, Jim Buckley, Jim Reinke, Vaughn Hathaway
MOTION: Mr. Kirwan moved to accept Option 2; 130ft monopole with flush mounted antennas, along with any required reviews by other Town Boards on the water easement. He felt this was the best alternative where the Town could end up with the wrong tower in the wrong place.

SECONDED: Mr. Orth - Discussion- Mr. Buckley felt the Board already made their decision and questioned why the Board had to make another decision.

Mr. Hathaway explained the Court process, why the Board were given these options and Mr. Kirwan felt the options proposed was a good compromise and allowing the Town to keep control

Mr. Johnston was opposed to the Huntoon Highway location. He wasn't expecting options to come before board & was uncomfortable accepting

Mr. Reinke made no comment

Mr. Orth wanted to kept control with Town & felt options were good compromise

VOTE: 2 in favor / 3 opposed

Motion failed

MOTION: Mr. Kirwan moved to accept Option 1; 130ft monopole with industry standard external mount antennas

SECONDED: Mr. Orth – Discussion: None

VOTE: 1 in favor / 4 opposed

Motion failed

Board rejected both Options and will go back to Federal Court for final decision.

MOTION: Mr. Orth moved to adjourn meeting

SECONDED: Mr. Reinke – Discussion: None - VOTE: All in Favor

Meeting adjourned at 8:25PM

Respectfully submitted:

Barbara Knox

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