

DRAFT

Planning Board Minutes

VIA Zoom Computer and Audio

April 7, 2021, 7:00 p.m.

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Planning Board was held VIA Zoom Computer and Audio due to the COVID-19 Pandemic.

Present: Alan Rice (Chair); Rick Chandler (Clerk); Bob Cherdack; Jane Shaney; Ken Miller

Other attendees: Alexis Fedorjaczenko; Fred Goldstein (Interisle Consulting Group); Ed Pare (Counselor at Law, Brown Rudnick); Simon Brighenti (Senior Site Acquisition Consultant, Centerline Comm.); Jeff Dellicolli (Centerline Communications); Tracey Baptiste; Barbara Curtis; Ben Markens; Delta Carney; Janet Castleman; Pauline and John Maclean; Bill Scaife; Peter Curtis; Seth Cranston; Phil Lussier; Mingke Wang; Michael Epstein; David Kulp; Jonathan Mirin; Yvonne Bourdillon; Brian Clark; Lynn Crough; Two unidentified telephone callers

1. Meeting called to order at 7:03 PM.
2. Minutes - Motion by Rick to approve the minutes of March 31 as amended; seconded by Ken. Roll call vote: Alan-aye; Rick-aye; Jane-aye; Ken-aye; Bob-aye. Motion passes.
3. The mail was reviewed.
4. Deliberation: Wireless Communications Facility Special Permit Application, 2003 Conway Rd
 - a. Alan asked for a straw poll of Planning Board members – who is ready to grant the Special Permit with conditions? Alan said there is no reason to discuss conditions without knowing the direction of this decision. With a show of hands, Board members indicated they were all ready.
 - b. Alan brought up extending the shot clock so the Planning Board has time for drafting and review of the findings and conditions for a Final Decision. Ed said he would prefer to discuss the shot clock after the Board formally board voted on a decision.
 - c. There was discussion about conditions.
 - i. Ridgeline and height. Rick talked about the importance of a condition to get the tower off the ridgeline to an alternate location. Alan pointed out that an alternate site off the ridge would directly be tied to the height of the tower; Fred Goldstein had created coverage maps to determine the ability to the objective at various heights. Fred joined the meeting at this time, and reviewed the coverage mapping. Rick said that FirstNet would be just as well-served by this location as the original one.
 - ii. Camouflage. Jane said she is opposed to camouflage, as she feels it's insulting to call something that obviously is not a tree, a tree. Ken, Bob, and Alan spoke about how they think high quality camouflage can be very effective. Rick said he thinks camouflage is a good idea on this site, and that pine fits with the area. Rick and Alan both pointed out that camouflage technology has improved over the years. Jane said camouflage is not a deal breaker for her. Rick asked if the Planning Board could play a role in the selection of camouflage. There was discussion of standards.
 - iii. Fencing. Alan said a condition could require black or dark green vinyl-coated fencing. Bob pointed out this might not be the most effective solution for the location if the coating makes it easier to see equipment through the fence. Alan said another alternative is vegetative screening; Jane said she would be

DRAFT

more inclined to support that. Rick pointed out that the vinyl coating will help keep the fence from being reflective in the sun.

- iv. Other conditions discussed: 1) A report submitted by the Applicant to the Building Inspector prior to construction that demonstrates the facility being in compliance with all applicable state and federal standards; 2) No permit issued by the Building Inspector until a performance bond is provided and approved, to address abandonment/dismantling; 3) Any emergency generators used on site will meet all applicable standards for sound emissions; 4) Restrictions on scheduling for routine tower maintenance; 5) An up-to-date contact list of owner(s)/operator(s) provided to the Planning Board and Building Inspector; 6) An annual report submitted to the Planning Board providing info on tower users, any changes and/or issues; 7) Notice to the Planning Board of any transfer of ownership/management of the facility; 8) Any and all legal challenges to the decision and conditions are paid for by the Applicant; 9) The facility is constructed according to the drawings and specifications submitted, in addition to the listed conditions.
 - v. Alan explained that the important thing for Board members to consider in making this vote is that the nature of the conditions seem reasonable and valid; the particulars of any condition may be edited in language and/or content during review of the decision by Town Counsel.
- d. With no further discussion on conditions, a motion was made by Alan to grant the Special Permit to construct a wireless communications facility at 2003 Conway Road, with the conditions listed below, contingent on review with Counsel prior to submittal of a final decision.
- i. The tower and compound will be relocated off the ridgeline, approximately 150 feet to the east, to a location agreed upon between the Applicant and the Planning Board, and meeting the approval of Emergency Services (Police and Fire). The applicant shall submit to the Planning Board updated plans of the new facility location.
 - ii. At its location off the ridgeline, the tower will be constructed to a height of 110 feet above ground level.
 - iii. The tower will be camouflaged from the top of the tower to 10 feet below the surrounding existing tree line. If at any time surrounding trees are harvested on the property in a way that lowers the tree line or apparent tree line, the camouflage will be extended downward to 10 feet below the new tree line. If at any time the tower is increased in height, the camouflage will be re-configured and extended to the top of the tower. Camouflage will be a white pine design equal to (minimum Cell Tower Camouflage specifications to be included here). All tower camouflage branching shall be re-bristled every ten (10) years. The following minimum Cell Tower Camouflage specifications shall apply to all parts of the camouflaged section of the facility. *[specs to be inserted here]*
 - iv. The 6-foot height chain link fencing and 12" height barbed wire surrounding the compound shall be vinyl-coated black color with vegetative screening installed on all sides of the compound. *[spec to be inserted here on type of vegetative screening]*
 - v. Prior to construction of the facility, the Applicant will submit a report from a licensed engineer to the Building Inspector that demonstrates the

DRAFT

facility complies with all applicable state and federal standards; and describes the capacity of the facility, including the number and type of transmitters/receivers that it can accommodate.

- vi. The Building Inspector shall not issue a permit until a bond equal to fifteen percent (15%) of construction costs is provided and approved by the Planning Board. The bond shall cover present ownership of the tower and all future owners/operators, should the title and/or license be transferred. The Town may dismantle the tower if it is abandoned (not used for commercial PCS – personal communication services - or cellular coverage) for more than twelve (12) consecutive months. The Board notes that the purpose of this facility is to provide cellular and/or PCS coverage. The existence of private antennas alone shall not constitute use for the purpose of this facility.
 - vii. All emergency power generator(s) used on site shall meet all federal, state, and local regulations for sound emissions.
 - viii. Any routine facility maintenance shall be restricted to weekdays and only between the hours of 7:00 am to 7:00 pm.
 - ix. The Owner and/or Operator of the facility is required to provide to the Planning Board and Building Inspector an up-to-date contact list of the individuals/operators and owners of the facility on an annual basis.
 - x. The Owner/operator shall submit an annual report to the Planning Board and Building Inspector describing the uses of the tower, and any substantial changes, problems or issues with the operation of the tower.
 - xi. Any transfer of ownership/operations shall require fourteen (14) days prior notice to the Planning Board and Building Inspector. The transfer is contingent on acceptance of all conditions of this special permit by the new owners/operators.
 - xii. The costs for any and all legal challenges to this decision will be paid for by the Applicant or the landowner.
 - xiii. The wireless communications facility must be built according to the plans and specifications submitted, inclusive of the conditions listed above.
- e. Motion seconded by Rick. Alan asked if there was any more discussion on the motion; hearing none, he asked for a vote. Roll call vote on the above motion: Alan-aye; Rick-aye; Ken-aye; Jane-aye; Bob-aye. Motion passes.
 - f. Alan reviewed the next steps. Discussion with Applicant's counsel to extend the shot clock to allow for time to finish drafting and have the decision reviewed by Town Counsel. The next meeting at which the Board will meet is April 21, and applicant agreed to build in some buffer time. Motion by Ken to extend the shot clock to April 30; seconded by Jane. Roll call vote: Alan-aye; Rick-aye; Jane-aye; Ken-aye; Bob-aye. Motion passes. Alan stated that the Notice of Decision will be written up, with the listed conditions attached, and sent to Town Counsel for review. Ed said that if Town Counsel needs anything from him, she should feel free to reach out via his cell phone. The Board will then review and discuss any edits/changes suggested by Counsel, vote on a final version – hopefully at its meeting on April 21 – and submit it to Town Clerk for circulation to all parties required to receive it.
5. Items not reasonably anticipated by the chair 48 hours in advance of the meeting - none
 6. Upcoming meetings

DRAFT

- a. Regular meeting: April 21 – finalize cell tower decision / solar bylaw revisions
 - b. Special meeting: April 28 – solar / Alexis to confirm Zoom is free at 7 pm
 - c. Regular meeting: May 5 – Public Hearing for Laughing Crow Café special permit application
 - d. Regular meeting: May 19 – Borrego Solar Special Permit application expected
7. Adjourn the Meeting – Bob moves to adjourn meeting; Rick seconds. Roll call: Alan-aye; Rick-aye; Bob-aye; Jane-aye; Ken-aye. Motion passes.

Meeting adjourned at 9:21 PM

Respectfully submitted,
Alexis Fedorjaczenko

DRAFT