

ZONING BOARD OF ADJUSTMENT MEETING MINUTES OF APRIL 19, 2011

Submitted by stoddard on Wed, 04/20/2011 - 7:51pm.

TOWN OF STODDARD

ZONING BOARD OF ADJUSTMENT

MINUTES OF THE MEETING HELD APRIL 19, 2011

MEETING CONVENED AT 7:00 PM

Members Attending: Beverly Power, Fred Ward, Ruth Ward, Maureen Meyer and Richard Betz.

Correspondence: invoice from Mark Hutchins for his work; notice from NH OEP on Spring Planning and Zoning conference; several emails on AT&T cell tower application; email from John Cucchi request to speak; email from Margaret Schillemat; email from Angel and Richard Nicoletti, request from Buzz McLaughlin to be on the agenda to speak; Geoffrey Jones requests 10 - 15 minute presentation to discuss Conservation Commission concerns.

Minutes of previous meeting: Ruth Ward moved and Fred Ward seconded to accept the minutes of February 25, 2011 as presented, the board approved.

Old Business: None

New Business: Beverly Power presented Mark Hutchins' invoice for services rendered. Fred Ward moved and Maureen Meyer seconded to pay the invoice, the board approved. Ruth Ward asked if the budget had been submitted for the town warrant and Beverly Power said she had increased the amount to \$5,000 based on the cell tower application. Ruth Ward asked if there was provision for a raise for the secretary, and there is one provided for in the budget.

Application for Variance: Met with Rod Williams pertaining to an proposal to construct a 30' X 30' house and garage on a parcel that is 50' wide and 200' long, located on East Shore Drive on the northern part of Highland Lake. He showed drawings siting the building with 10' of set back on each side of the property, including a well radius and pumped up septic system. He asked the board if his plan was feasible. Fred Ward asked if it was possible to purchase abutting property to expand his ownership of a wider lot. Rod Williams indicated that he has attempted to purchase more land and was not successful in that endeavor. Fred Ward expressed concern that the density of the septic disposal and well water use if all the lots were developed and reflected that there would probably have to be community septic disposal and water supply systems constructed to handle the traffic. After careful consideration and discussion, the board could not assure Mr. Williams that those setbacks would be approved, if he were inclined to proceed with the request for a variance to build. Beverly Power said the board had never reduced the setbacks down to less than 15'.

She also reminded the board of another applicant that was denied a Variance down on Granite Lake, with the same width of the parcel, a few years ago.

Application for Special Exception: Reconvened the AT&T public hearing @ 7:16 PM. Geoffrey Jones was given the floor and discussed the Conservation Commission's concerns (referred to RSA 363A - establishing the Conservation Commission) with this application, with a slide presentation included. He said the Conservation Commission understands the necessity of cell phone service and great reception but, given the scattered residential centers in Stoddard, a single cell tower could not provide adequate coverage. He felt the Granite Lake community and Nelson's citizens would see their property values adversely affected. Note was drawn to Margaret Schillemat (Selectman in Nelson)'s letter stating her view of just such financial impact on the Munsonville's economic value. Mr. Jones also referred to forest fragmentation that would affect, adversely, the health and welfare of wildlife dependent on continual forest areas. He said the location of Melville Hill tower would beam about 1/2 of a supposed 3 mile circle to be aimed at Conserved land where no residential development would ever take place. Geoffrey said that the coordinate formats supplied by AT&T were such that extensive time and effort were required to figure out the location of alternate sites that they had considered. It turned out that the site on Shedd Hill was at or near where Pine Tree Cable had their antenna. Jim Wilder said that conifers and deciduous trees would lessen

the signal during seasons when the foliage is be in place.

The Conservation Commission concluded that 2 towers, on the Richer (C1) property and on Shedd Hill would be cheaper to construct and would provide more effective coverage for more users. They called upon the board to deny the application.

Steve Anderson asked for a copy of the slide show.

John Cucchi objected to the Melville Hill, location #2, as having the same visual impact as the original site and that Richer's site C1 would not impact the visually pristine forested area around Granite Lake. He then brought up the issue of Section 106 concerning historic sites. He felt the Shot Clock should be suspended until a public meeting, to be held in the field, could be implemented with the NH Division of Historical Resources, which is slated to occur on or about May 2, 2011.

Richard Betz noted that the Section 106 is a Federal Historic Location designation, not a State of New Hampshire Division of Historical Resources designation.

Mr. Cucchi stated that Nadine Peterson, Preservation Planner at the NH Division of Historical Resources, has agreed to re-open the Section 106 process for further determination of visual effect to resources that may be eligible for listing in the National Register of Historic Places, particularly in regard to their historic setting.

Steve Anderson noted that the Section 106 is Federal and conducted at that level and not at the State level. He suggested that that process does not effect ZBA deliberation on a Special Exception.

Richard Betz wondered if AT&T was asking the board to

proceed.

Steve Anderson said the shot clock has been extended and runs out at the end of May. He felt the AT&T applicant would insist on sticking to that end date.

Ken Kozyra said the Section 106 is a site visit, not a public hearing.

Beverly Power asked what time line would be for the board to receive a definitive answer on the Section 106. There was no information on that timeline.

Maureen Meyer wondered if the site walk determined the historical site, would that allow the tower to be built in the area.

Jim Wilder asked if any site that deals with historical native burial sites would disallow the tower location.

Ken Kozyra said the burial site would be identified and located on the land.

Kris McLaughlin said further investigation has revealed more historical nature of Melville Hill because Dr. Eastman, a prominent Native American, once owned the hill and called it the Hill of Vision where his daughter was buried in the early 1900's. Two of Dr. Eastman's granddaughters are reported to be very concerned with any disturbance of the burial site.

Ann Cucchi said that 2 different applications for commercial enterprises in the Granite Lake area have been denied by the Town of Nelson's Zoning Board as not in the interest of the Granite Lake recreation preservation.

Buzz McLaughlin said he had presented the board with more than 60 signatures objecting to the new location of the tower, based on the results of the latest balloon tests. The signers felt

that the visual impact of the tower was still very significant. Steve Anderson said he appreciated the candor of Geoffrey Jones' presentation but noted that line of site vs. RF reception are not comparable. RF coverage via Hutchins's and AT&T reports does not back up Geoffrey Jones's line of site results. Beverly Power wanted AT&T to give the board a detailed report of RF coverage.

Fred Ward said checks and balances are lacking so Mr. Hutchins's report is worthless due to an error in the information given to him to research.

Beverly Power called for a detailed coverage report of the Shedd Hill location. She related a cell phone call as being clear as a bell from up on Shedd Hill.

Steve Anderson said AT&T had already done the research of the Richer location C1 and Shedd Hill that provided no coverage southerly, by itself.

Ken Kozyra said a call from Shedd Hill, high on the hill vs. in a valley was really difficult to compare.

Harry Power said, if the application ends up in court, he can guarantee the judge only wants to know if the applicant proceeded in good faith and would provide coverage to the bulk of the citizens in town . . how much AT&T spends on the road and the tower is irrelevant.

Bonnie Amrein asked what the coverage would be to the towns' people.

Buzz McLaughlin worried that the cost to AT&T would not take into consideration the destruction of view and lake values.

Steve Anderson said the Community Planning Ordinance

Article IV addresses Commercial and Industrial applications in the Rural District. He detailed each provision of the ordinance regulating Commercial applications.

Dr. Weldon asked what an adequate bond would be to guarantee there were enough funds in it to remove the tower when it becomes abandoned.

Jim Wilder asked why the question of a bond was being considered at this time.

Beverly Power asked the board if they would like to reconvene on May 10th, a Tuesday instead of the aforementioned May 5th, a Thursday. Ruth Ward remembered that May 10th is the date of the Voting part of Town Meeting. The original date of May 5th was decided on as best for continued public hearing input. Richard Betz noted that the shot clock expires on May 31, 2011 and that AT&T would like the question decided by then. He asked AT&T what the desired height of the tower was - 150' or 110'. He also asked if AT&T was putting forth the case of one site and would not consider any other.

Steve Anderson said yes, site 1 or 2 on Melville Hill were the only ones in consideration.

Dr. Weldon said that cell reception was needed but he said a reasonable site, with lesser impact on the environment would be more desirable.

Bruce Wichland remembered that when Route 9 was re-routed Granite Lake suffered and there was a grant applied for and received to return the condition of the lake to pristine. He wondered what would happen if damage occurs again, with the construction of this tower.

Steve Anderson said the application has included care to the lake during its construction and beyond. Mr. Wichland wondered if there was any way to condition the construction to avoid future damage to the lake.

John Cucchi was concerned on damage for reduction of value of property.

Ann Cucchi said the tower would damage her business of summer rental of property because her customers wouldn't want a tower looming over the lake where they paid to stay and boat upon.

Fred Ward said he has about an hour of questions for AT&T. He said the board has to consider 1 site vs. multiple, lower towers.

Beverly Power entered into evidence letters from Margaret Schillemat, letter from Kris McLaughlin, petition from Buzz McLaughlin, and Richard Nicoletti expressing their opposition to the proposed tower site.

Maureen Meyer moved and Fred Ward seconded to recess the public hearing until May 5, 2011 @ 7:00 PM @ the Stoddard Town Hall, the board approved.

Adjourned: Richard Betz moved and Maureen Meyer seconded to adjourn at 9:50 PM, the board approved.

Respectfully submitted,

Patricia E. Putnam
Secretary

These minutes of the Town of Stoddard Zoning Board of Adjustment have been recorded by the Board Secretary. Though believed to be accurate and correct, they are subject to additions, deletions and corrections by the Committee members at the next meeting when the Committee votes its final approval of the minutes. They are being made available at this time to conform to the requirements of NH RSA 91-A: 2.