

STODDARD ZONING BOARD OF ADJUSTMENT MINUTES OF MEETING OF 5-5-2011

Submitted by stoddard on Sat, 05/07/2011 - 5:41pm.

TOWN OF STODDARD ZONING BOARD OF ADJUSTMENT MINUTES OF THE MEETING HELD MAY 5, 2011 MEETING CONVENED AT 7:00 PM

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

Correspondence: Notice from NH Land Surveyors' Association
re: land surveyor vs. professional engineer certifying plats.

Minutes of previous meeting: Fred Ward moved and Richard
Betz seconded to approve the minutes of the April 19, 2011
meeting as presented, the board agreed.

Old Business: None

New Business: None

Application for Variance: None

Application for Special Exception: 7:00 PM reconvened the
public hearing on the application by AT&T to construct a cell

tower on Melville Hill.

Fred Ward reviewed various questions he had presented to Steve Anderson, representative for AT&T and questioned the technology necessary to place multiple, shorter towers in place of the one applied for. The question of the kind of technology used for both or different technologies being needed to implement more towers. It was concluded that the same technology was needed for either application. Mr. Anderson said that the only difference would be the need to place multiple base stations, antennas and needed equipment.

Fred Ward asked - the same technology, just shorter antennas - Mr. Anderson said yes.

Geoffrey Jones indicated that the tree canopy on Melville Hill is probably 50' to 60' with white pines maybe 60+'.

Steve Anderson presented slides that showed the placement of a monopole in the place of the latticework tower being entertained prior to this meeting. He explained that the monopole could have the antennas inside it and would use the space of 2 antenna rays (vertically) that would be on the exterior mounting. That would leave less space for other companies to co-locate on the same tower. The new, monopole would be 110' with space left for other companies below 90', where there is a question of whether others would consider the coverage effective enough to co-locate.

Steve Anderson also pointed out that with the interior antennas there wouldn't be the ability of angling them for the best reception. There are 3 different types of mountings for antennas - interior, flush mount or triangular, wider antenna arms which

would take only one site on the tower, leaving more room for co-locating by other companies. He reiterated that Melville Hill vs. Morrison Hill would compromise the effective range of coverage. The interior mounted antennas do reduce the coverage a bit.

Terry McMahon asked if the technology would be the same for a tower on one hill as one on another hill.

Fred Ward said the same tower and technology but at different heights and sites.

Fred Ward read a line from Sam Bradley's letter that indicated shorter towers use alternate technology.

Steve Anderson said shorter towers still use the same technology.

A Conway, NH case from NH Supreme Court addressed multiple sites but all proposed towers were much taller than the one AT&T proposes here on Melville Hill.

Steve Anderson asked the board to deliver a decision on the application for either location on Melville Hill as that is what AT&T presented.

There were slides of C1 - Richer & W1 - Murdough Hill in combination vs. F1 on Melville Hill @ 110' to distinguish the difference in coverage that AT&T would obtain. Mr. Anderson said that Melville Hill gives much better coverage for Route 9 and east/central Stoddard.

Richard Nicoletti referred to the Conway court case clearly similar but the site approved had less tree coverage. He felt the Melville Hill site is the most intrusive vs. any other site discussed.

Ann Cucchi said residents owning parcels around Granite Lake would be impacted by the tower's placement.

Buzz McLaughlin said if the monopole at 110' & 30" - 36" in diameter would work for one company but less than 100' doesn't work so co-location would be impossible and the land owner could be approached by more companies for their towers.

Richard Betz asked how many companies could co-locate on the 110' tower.

Steve Anderson said there are 3 other companies in the area that may wish to co-locate, but there would only be room for one. He said AT&T could construct a taller tower and accommodate more co-locating.

Terry McMahon asked what the difference in appearance is between a monopole and a lattice tower. Beverly Power showed him a picture of a lattice tower. He agreed that it would be more objectionable to use the lattice tower.

Diane Halter asked about the Roxbury Tower. Steve Anderson said it is 190' tall. Mrs. Halter said it didn't look anything like a tree.

Beverly Power told of a tree tower on Interstate 89 going north from the intersection of Route 10. There is one that looks like much more like a tree.

John Cucchi reviewed the federal test of 5/5/2011. He admitted that the pictures he sent were enhanced because the balloon wasn't very visible in them.

He also referred to the Stoddard Community Planning Ordinances and Master Plan that calls to preserve the natural,

historic and cultural resources.

John Cucchi introduced Emmett Eastman who traveled from South Dakota to explain his family's history in the Munsonville, Stoddard and Nelson area.

Mr. Eastman explained that he is a descendent of Charles Eastman, a doctor, who buried his daughter, Irene, in 1918, in the vicinity of Melville Hill. The Indians called Melville Hill the Hill of Vision. Irene's burial location is unknown. He went on to explain that Charles Eastman was the founder of YMCA and the Boy Scouts and went on to doctor the injured at the Wounded Knee Massacre.

Mr. Eastman related his history and was very concerned about the area. He said he was here to represent Irene's family and memory. He also said he is not against the tower or the technology that is being used but wishes to ask the board for an alternate location to leave the Hill of Vision untouched.

He thanked the board for the opportunity to speak to the issue. He said he respects technology and hopes the value of the Indians' ways is also respected.

Geoffrey Jones of the Conservation Commission spoke to the idea that having coverage in the southern 1/3 of Stoddard could save a hiker or logger who might have an accident but the very idea of the coverage saving someone from a wild animal was far fetched. His point is nothing of the proposal that makes economic, conservation or ecological sense. He isn't so worried about the appearance but the location of a tower.

Jim Amrein asked what the board's game plan is.

Beverly Power said the board had asked for guidance from their

attorney and his advice is to meet the shot clock.

Beverly Power poled the board about their feeling on closing the public hearing. All members voted to close the public hearing, based on the possibility of the majority of the board voting to re-open the hearing if additional testimony is required. The Public Hearing was closed at 9:30 PM.

The board scheduled the next meeting for May 11, 2011 at 7:10 PM at the Town Hall.

Adjourned: Ruth Ward moved and Richard Betz seconded to adjourn at 9:35 PM, the board approved.

Respectfully submitted,

Patricia E. Putnam
Secretary

Fred Ward presented the board additions to the minutes as follows:

(Please delete the two paras that starts with "Fred Ward reviewed various questions" and ending with "Mr. Anderson said yes", and replace them with the following)

Mr. Ward explained the reasons for sending a set of written questions to Mr. Anderson, dated 25 April 2011. He explained that the issue of alternate sites is critical because AT&T must rule out any "feasible" alternates. If there were none, we would have little choice but to affirm Melville Hill. Mr. Ward further stated that the other questions were important because there is no dispositive case on which to base our judgments, all the cases cited by Mr. Anderson being only somewhat similar to ours.

Mr. Ward then discussed the questions he had asked in his memo of 25 April, and Mr. Anderson's written responses.

Q1. Mr. Anderson responded that the W1/C1 proposal used the same hardware as proposed for Melville Hill. Mr. Ward then asked Mr. Anderson to comment on Mr. Bradley's assertion that "multiple smaller towers require 'Alternate Technologies, hence the Town cannot require multiple smaller towers". He chose not to answer. Mr. Ward stated that the lack of an answer from AT&T to these two questions demonstrates that AT&T doesn't disagree with Mr. Ward's assertion that "alternate technology" is not involved in the W1/C1 combo. Mr. Ward stated that that multiple smaller towers is a question for this Board to consider. Mr. Ward added that Mr. Bradley's statement regarding multiple smaller towers, in his memo of 27 April 2011 was in error.

Q2. Mr. Ward noted that this question was in response to the cite of the Clarkstown case. Mr. Ward stated that both Mr. Anderson and Mr. Bradley had stated that this case supported their opinion that the Board could not consider multiple smaller towers. Mr. Ward stated that it does not, and if anything, supports our authority to consider multiple towers. Mr. Anderson did not disagree with Mr. Ward.

Q3. Mr. Ward noted that Mr. Anderson asserted in his written answer to this question that "it is inappropriate to request.....data as to AT&T costs. There was no discussion of Q4.

Q5. Mr. Ward asked to see the two coverage diagrams, W1/C1 with the Roxbury tower and Melville Hill with the Roxbury tower to judge their respective contributions to a seamless connection as AT&T coverage is extended east from the Roxbury tower. Mr. Anderson asserted that Melville Hill has a more "Seamless Connection" with the Roxbury tower than the W1/C1 combo. Mr. Ward pointed out that that is an important judgment for each of us to make.

There was no discussion of Q6, Q7, and Q8.

Q9. In response to a question from Mr. Ward, Mr. Anderson said the Mayo v Conway case was relevant, in fact a very close analogy to Stoddard. When Mr. Ward pointed out that it was entirely different in that it involved an appeal of a ZBA approval. Mr. Anderson did not pursue the issue. Other discussion ensued, during which Mr. Ward again pointed out that his suggestion of multiple smaller towers is the same as AT&T's, except for the locations. In response to the question of "Fresnel zone clearance requirements", Mr. Ward stated that whatever AT&T planned for Melville Hill will do quite nicely for other locations also.

Q10. Mr. Ward asked Mr. Anderson if there were any similar cases which this Board needs to consider in our deliberations, noting that his written answer

had cited Mayo v Conway. Mr. Anderson chose not to answer.

Q11. Mr. Ward asked Mr. Anderson whether the W1/C1 combo met the requirements AT&T listed in their 18 April 2011 letter, on page 2, para 4, or page 3, para 2. He did not choose to answer.

Q12. Mr. Ward noted that they had defined their "targeted area" somewhat differently in different places in their submissions, and asked Mr. Anderson to define it now. Mr. Anderson chose not to answer.

YOS

Fred