

Zoning Board of Adjustment Meeting Minutes of February 25, 2011

Submitted by stoddard on Fri, 02/25/2011 - 9:59pm.

Preliminary

TOWN OF STODDARD ZONING BOARD OF ADJUSTMENT MINUTES OF THE MEETING HELD February 25, 2011 MEETING CONVENED AT 7:00 PM

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

Correspondence: Various and numerous emails concerning AT&T Cell Tower Application

Minutes of previous meeting: Fred Ward moved and Ruth Ward seconded to accept the minutes of the February 15, 2011 as corrected, the board approved. The Corrections were various typos and miss-recorded directional on the Mount Stoddard location (it being Southeast v Northeast that was in the minutes).

Old Business: None

New Business: Beverly Power went over some of the legal advice that Sam Bradley emailed to her and the members. The

board had a lengthy discussion on the contents of that confidential letter.

Fred Ward asked if the Balloon Test, scheduled for March 4 - 5 or 6, 2011, depending on weather conditions could be cancelled. Beverly Power said the balloon test has been posted and published and will be held. Fred Ward felt the balloon test was premature.

Jim Amrein asked who had asked for the Balloon Test.

Beverly Power remembered that AT&T had asked the board if it wished a balloon test be held and the board agreed to it, Beverly Power concluded it would go on as noticed.

Kristen McLaughlin reported that, at the work session she attended on 2/8/2011, the representatives attending from AT&T said that a tower at the Richer site-8 would barely work at 350'.

Dennis Pellegrino related that he had a discussion, with an attorney, on the Federal mandates and there were 3 different options addressed.

Richard Betz asked that Mr. Pellegrino submit those the options to the board in writing and Mr. Pellegrino agreed.

Beverly Power noted that the Federal mandate allows Towns freedom to negotiate reasonable placement of towers; however,

we cannot disregard the technical requirements and as we are not RF experts, depend upon our RF specialist for that technical advice.

The members decided to meet with Sam Bradley on March 21, 2011 in the PM and if he was not available on that date, then a back-up date of March 23, 2011 in the PM was agreed to. The reason for the meeting is that the board wishes to hammer an outline of questions and submittals to ask AT&T for at the April 19, 2011 meeting. Fred Ward announced that he doesn't agree with Richard Betz and Beverly Power and doesn't think the board has to sit with Sam Bradley to get an outline for AT&T. Beverly Power noted that Sam Bradley said we couldn't continue to email at will. She wants Sam to approve our questions prior to submitting them and is following his advise.

It was concluded that it was proper for the board to meet with their attorney and that the meeting would not need to be noticed and the secretary is excused from attending.

Application for Variance: The board discussed a request from Rod Williams to be heard regarding his proposed building permit application on a 50' wide lot on East Side Drive on the northern part of Highland Lake. Beverly Power said she would have to recuse herself from that hearing due to business connections with Rod's partner. Richard Betz felt it was not appropriate for the board to give advice in advance of receiving a formal application. As Rod was called and told the meeting

was to be continued, the board limited the discussion to scheduling and appropriateness of the proposed application. The board will wait to decide on this matter, once Mr. Williams appears at a meeting.

Application for Special Exception: AT&T - reconvened the recessed public hearing at 7:34 PM. The secretary told the board that Steve Anderson, representing AT&T, emailed at 5:15 PM to ask for a continuance. This was after several calls from Betsy Mason, his associate, wanting the board to declare the weather reason to continue the meeting. Acting on the ZBA's attorney's advise, the board refused to call for a continuance. Given the last minute request from Mr. Anderson, some of the abutters and concerned citizens of the town appeared for the hearing only to be told the public hearing was being recessed.

At 7:35 PM Fred Ward moved and Richard Betz seconded to recess the public hearing to April 19, 2011 @ 7:00 PM @ the Stoddard Town Hall, the board approved.

Adjourned: Ruth Ward moved and Fred Ward seconded to adjourn at 7:51 PM, the board agreed.

Respectfully submitted,

Patricia E. Putnam
Secretary