

ZONING BOARD OF ADJUSTMENT

**TOWN OF EASTON
1060 EASTON VALLEY ROAD
EASTON, NH 03580**

**PUBLIC MEETING
OCTOBER 28, 2015**

MINUTES

The meeting was called to order at 7:00 p.m. Present for the Board were Chairman Greg Sorg and regular members John Hynes, Dennis Ford and Ellen Pritham. Alternate member Kris Pastoriza, designated at the August 26th meeting to serve in the place reserved for the Select Board *ex officio* member, continued in that capacity. A quorum was therefore present and so declared. Also attending the meeting were approximately 15 members of the public.

The Minutes of the public meeting of October 14, 2015 were unanimously approved as submitted.

Greg noted receipt of a letter of resignation from *ex-officio* member Ed Cutler on the ground that *ex-officio* members have to recuse themselves from ZBA proceedings so often that it serves no purpose having one. In light of this vacancy, John moved, Dennis seconded, and the Board voted unanimously to elevate Kris from alternate to full member, which she accepted. Tom Boucher accepted appointment as an Alternate Member of the Board. The Board was advised the Selectmen would try to recruit others.

The Board then re-convened the adjourned public hearing on the application for a Special Exception under Article 6, Section 602.2 (12) and Article 8, Section 809 of the Easton Zoning Ordinance filed by Blue Sky Towers, LLC (Applicant) and T-Mobile Northeast, LLC (Co-Applicant), on behalf of T&T MTN Investments, LLC (Owner) for the construction of a 150 foot tall wireless telecommunications monopole tower facility at 3 Lost River Road (Tax Map 7, Lot 41-2).

Greg read aloud a letter dated October 16, 2015 sent on behalf of the Town by Attorney Christopher T. Hilson of the firm of Donohue, Tucker and Ciandella (“DTC”) to the Applicant’s attorney, Earl W. Duval, requesting additional documentation to support the Application. John noted that Attorney Hilson’s letter and his own contacts with Ivan Pagacik of IDK Communications highlighted the need for more time for investigation by the Board’s retained technology and legal experts before the Board could deliberate and make a decision on the Application. He noted that Mr. Pagacik had reported to him that he had not received from the Applicant the last of the information he had sought until just the day before; that is, Tuesday, October 27th. John then expressed his view that October 27th should be the date the 150 day “shot clock” should be deemed to have begun running. Greg agreed to write a letter to Attorney Hilson raising the shot clock issue in light of the delays in providing documentation that appeared to the Board, in light of Mr. Pagacik’s statements reported by John, to be the fault of the Applicant.

Jack Portinari stated that he had discovered that there is an alternate site on the T&T MTN Investments, LLC land on Lot 3, further uphill from the proposed tower site, that is both easily accessible to the Applicant – albeit via a longer access road - and that, because it would be out of sight from them, would be unobjectionable to any of the owners of neighboring properties. Alma Jean Boisvert stated her belief that all the local owners would indeed accept the Lot 3 location proposed by Jack. Greg agreed to include this issue in his letter to Attorney Hilson, and enclose with it a copy of the recorded subdivision plan.

Having concluded that there was nothing more to be accomplished at this meeting, the Board then took up the matter of the date to which to adjourn. Noting that Mr. Pagacik would be unavailable through Wednesday, November 18th and that John would be unavailable after Friday, November 20th; and noting further the problems inherent in holding a meeting on a Friday evening, or on any day during Thanksgiving Week, at 7:55 p.m., John moved, Ellen seconded, and the Board voted unanimously to adjourn until Thursday, November 19, 2015 at 7:00 p.m.

Approved November 19, 2015.

Gregory M. Sorg
Chairman