TOWN OF EASTON
Zoning Board of Adjustment Public Hearing – Draft Minutes
June 27, 2019

ZBA
John Hynes, Chair –Present
Ellen Pritham – Present
Kris Pastoriza– Present

Beth Harwood - Present
Fred Moody - Present
Tom Boucher - Alternate - Not Present
Kathy Ryan – Secretary - Not Present
Zak Mei – Acting Secretary -- Present

“These minutes of the Town of Easton ZBA have been recorded by the Acting Secretary. Though believed accurate and correct, they are subject to additions, deletions, and corrections by the Select Board at the next meeting when the Board votes its final approval of the minutes. These minutes are made available at this time to conform to the requirements of New Hampshire RSA 91 – A: 2.”

The meeting was officially called to order at 7:00 pm by John Hynes.
The ZBA members were identified by roll call.

Public in Attendance: Andrew Schatz, Norm Boisvert, Carl Lakes, Bob Thibault, Attorney Earl Duval

Minutes - After review, the minutes of the May 28 meeting of the ZBA were approved with the following amendments;

• page 2: Martin Lavin documented current AT&T wireless coverage and potential AT&T coverage of Easton and surrounding communities at 700 MHz LTE RSRP greater than 104 dBm.
• page 3: Jim Page (oppose) - proposed that the original site plan permitted location for the tower had not been followed, and that it sits on an elevated part of the site which gives it 20 feet of additional height.

Motion to accept the May 28, 2019 minutes as amended was made by Fred Moody, seconded by Ellen Pritham. All in favor; none opposed. Passed.

• page 1: Add Laura Sabre as a member of Public in Attendance.

Motion to accept May 28, 2019 minutes as amended was made by Beth Harwood, seconded by Kris Pastoriza. All in favor; none opposed. Passed.

• page 1: Add Robert Albright as a member of Public in Attendance.

Motion to accept May 28, 2019 minutes as amended was made by Kris Pastoriza, seconded by Ellen Pritham. All in favor; none opposed. Passed.
Tower Location -

- Attorney Duval stated that the tower is built where the balloons flew from during the second balloon test.
- The second balloon test was conducted on December 1, 2015 at the location where Tom Smith marked.
- The ZBA decision was dated December 10, 2015.
- Attorney Duval stated that the proposed house site was used as a reference mark, but is close to a steep embankment and wetlands.
- Attorney Duval stated that the plans showing the final location were submitted to various boards like ZBA, Select Board, and eventually sent to Conservation Commission and Planning Board.
- John Hynes stated that at this point after a recent investigation and given its findings, the location of the tower is unrelated to the application at hand.
- Kris Pastoriza is hesitant to make any decisions about a tower that may not be where it’s permitted.

The Public Hearing was re-opened at 7:20pm.

Reports due

- Radio frequency engineer’s report came back stating that the goals could be achieved by only going 20 feet higher.
- AT&T still feels the need to go 40 feet higher, but will conduct further evaluation.
- Attorney Duval requests a continuance of tonight’s meeting
- Structural engineer needs more time to conduct study for his report.

Next Meeting

- July 18th works for everyone as a continuance date.
- Attorney Duval would like reports at least a week prior, in order to have adequate time to prepare.
- John Hynes would like to have the town’s engineer to be present at the next meeting at the applicant’s expense.
- Attorney Duval believes the engineers can hash out any differences prior to the meeting.
- John Hynes agreed to table the decision til after the reports come out.
- The Board and Applicant agree to pause the shot clock until July 18th.
- Attorney Duval states for the record that the reports weren’t received in a timely enough manner to proceed forward this night.

Opposition Letter

- The Board received a letter of opposition from concerned residents regarding the tower extension.
- John Hynes moved that the letter be attached to these minutes. Kris Pastoriza seconded. All in favor; none opposed. Passed.
SelectBoard Investigation Report
- The Board entered the SB Investigation Report into the records, attached to these minutes.
- Kris Pastoriza does not feel it was a thorough investigation, but rather a decision to do nothing.

Escrow check
- The board received a $11066 check from the Applicant, which was forwarded to the town treasurer for the establishment of an escrow account for professional services hired by the town.

Public Comments
- Mr. Schatz inquired whether the balloon test will be repeated due to the insufficient time given to a portion of the testing.
- We have pictures of the balloon tests.
- Kris Pastoriza moved to repeat the balloon test. No one seconded. Motion does not stand.

- John Hynes shared briefly the analysis from Attorney Hilson regarding tower relocation.
- Mr. Schatz asserted that no one could have visited the site for a few years until he purchased the property surrounding the tower site and un-posted the access.

Steep Slopes and Ridgeline
- Discussion on whether the SHRD requirements apply in this variance application, and whether the application will need to go through the Planning Board afterwards for viewsash analysis and alternative for more smaller towers.
- John Hynes will request the Planning Board Chair to attend the next ZBA meeting.

For the Record
- Kris Pastoriza sought to confirm with the Attorney Duval on some matters on the record:
  1. for the record, confirm that the applicant refuses to provide quarterly inspection reports as required by the permit.
  2. for the record, confirm that the applicant refuses to provide bare earth or any other visual impact maps.
  3. for the record, confirm that the 127’ proposed tower on Cannon is not “proposed”, and neither AT&T nor T-Mobile is sited on the tower.
  4. for the record, confirm that the applicant refuses to provide an alternative site search, despite the fact that more, lower towers is an option provided in our zoning.
- Attorney Duval explained that the exact wording of “on-air” or “proposed” does not affect the intended purpose of table 1 which was to demonstrate gaps of coverage.
- Attorney Duval explained that the proposal does not decrease co-location opportunities on the present tower, only on the new 40’ section.

Fred Moody moved to recess the meeting at 8:06pm until 7/18/19 7pm. Beth Harwood seconded. All in favor; none opposed. Passed.

Next meeting, Thursday, July 18 at 7 pm.

Respectfully submitted,

Zak Mei
5/26/19

Town of Easton
1060 Easton Valley Road
Easton, NH 03580

Attn: Zoning Board of Adjustment

Re: Blue Sky AT&T Cell Tower Extension
    Map 7, Lot 41-3

Dear Board Members,

We are a small group of property owners and residents that live in very close proximity to the proposed cell tower extension site. We feel that the cell tower extension should not be allowed at this location. Historically this area is known as Bungay Corner, the intersection of routes 112 and 116, and the immediate surrounding area. It is a small residential neighborhood that represents the bucolic way of life of the past, present, and future people here. It is a very scenic corner of Easton, NH. The Wild Ammonoosuc River is just feet to the south and west. The WMNF is bounding to the north and west. The Moosilauke, Wildwood, and Kinsman Notch areas are to the east, and the Tunnel Brook Valley to the south. The Appalachian Trail is a short distance away. A historic schoolhouse building, a CCC camp location, and old sawmill locations are in this area. The poet Robert Frost was inspired to write about this area.

Economically, tourists come to this area to enjoy the scenic views and remoteness of the location and the occasional wild inhabitants. The tower extension will be injurious to the many assets common to Easton, intrusive to ourselves and to our properties in view of the tower extension. This extension is not in harmony with the purpose and intent of our ordinances. We, in the shadow of a 170’ tower, will suffer economically by reducing our property values and making it difficult to market our properties.

The cell tower extension by virtue of its height, exposure, and design will forever change the character of the area. It is an injustice to us and the Town of Easton to placing an esthetically devoid cell tower extension above this locale.

We respectfully request that the variances requested be denied.

Sincerely,

[Signatures]

John N. Gagnon
Norma Boivert
Alma J. Boivert
J. E. P. M.
June 21, 2019

To: Jim Page, Norm Boisvert, AJ Boisvert, Kris Pastoriza, Carl Lakes, Campbell McLaren, via email

You are receiving this communication because you were present at the June 3rd Select Board meeting where the question of the Blue Sky cell tower location was raised, specifically is it where it was authorized to be built. The Board committed to respond to the question before June 27th.

The scope of our research was between the time of the December 10, 2015 ZBA meeting where the ZBA voted to move the location of the tower site from the original planned site on lot 2 to a new site on lot 3 noted at that time as “the proposed house site location on lot 3”, to the time the Select Board subsequently issued a building permit on April 12, 2016 for the construction of the tower.

The ZBA issued its formal written decision on January 5, 2016 and at that date having no other site plan available, referred to the building site as the proposed house site, writing that “…must locate the facility at the approximate location of the “proposed House Site” as depicted on the plans submitted…” At the time of the written decision, a site plan showing the lot 3 location had not yet been generated that would show the specific tower site other than in the ZBA description of “the approximate location of the “proposed tower Site”.

As a result of moving the tower site to lot 3, a wetlands permit had to be obtained. The wetlands application dated December 16, 2015, 6 days after the decision to move the site, included a wetlands site plan showing the tower site on lot 3 on the right side of the driveway where it appears to have been built. The Wetlands package was verified through the Town enlisting the services of Soil Scientist Ray Lobdell. That package and report to the Town are available for viewing at the Town Hall.
As far as we can ascertain, the first actual set of Construction plans that showed the tower site drawn at the lot 3 location appears in the Supplemental Package sent to the NH Division of Historic Resources, the Easton Conservation Commission and to Kris Pastoriza, from Lucas Environmental dated February 13, 2016. It included the revised site plans showing the tower site location on lot 3 on the right side of the driveway. In that package were also lease plans dated Jan 6, 2016, again showing the tower site on the right side of the driveway, where it was built. This package is available digitally for viewing.

The Building Permit Application to the Select Board and the subsequent approved building permit included the construction plans dated February 10, 2016 which show the tower site in the location it is today.

Based on our review of the records, we believe that the cell tower location has not changed after the December 10, 2015 decision to move it to Lot 3 and that there never was a site plan that indicated that the tower would be built exactly on the “proposed House Site” shown on the original ZBA application plan.

We further believe that the question arises from the fact that the ZBA, at the time of writing their decision, had no specific site plan to refer to other than a general reference to “the approximate location of the “proposed House Site”

By the Town of Easton Select Board,

Zhenye Mei

Robert Thibault

Toni Woodruff