

**TOWN OF BARTLETT PLANNING BOARD  
PUBLIC HEARING**

**August 6, 2018**

**Members Present:** Philip Franklin; David L. Patch; David Shedd; Scott Grant; Kevin Bennett; Kevin McEnaney.  
**Members Absent:** David A. Patch (with notice).

**Also present:** Burke York of York Land Services; Atty. Scott Anderson of Verrill Dana, LLP; Greg Richard of Verizon Wireless; Sean Shannon; Max Shannon; John Ronayne; George Howard; Diane and Richard Allen; Norman Head; Richard Girardin; Wes Smith of Thorne Surveys; Barry Trudeau; Steven Whitaker; Cpl. Ian MacMillan.

The meeting was opened at 6:00 pm by Chairman Philip Franklin. After the Pledge of Allegiance, he reviewed the agenda.

**1. Public Hearing, Robert B. Ferguson and John J. McInerney, Jr. Revocable Trust, 4-unit PUD off West Ledge and Middle Ledge Roads.** File: 2018-1248. Tax Map 2GLENL, Lot 69B00.

Burke York presented. This is an application for a 4-unit planned-unit development (PUD) on a 157.9-acre property located off the end of West and Middle Ledge Roads. The board had reviewed the project on several previous occasions. Mr. York mentioned several incidental items by saying a plan note had been revised to address the road agent's concern, pins had been set, and test pit data for exclusive-use lot 4 had been added. David Shedd asked about the number of lots having frontage onto the Middle Ledge Road cul-de-sac. Mr. York said the lots shown as 1 and 2 were deed restricted to having only one residence, even though they were two separate lots. The Chairman asked if the board had any further questions. With none, he opened the public hearing. Abutter John Ronayne of 90 West Ledge Road said he was not opposed to this subdivision but did ask what he could do about the cul-de-sac at the end of West Ledge Road which had not been constructed as originally planned and encroached slightly onto his property. He said he would like to remove some of the tar that was on his property and re-grass the area to bring it back to its original condition. Burke York advised how a town-spec road had once been considered for this development which would have served a much-larger residential complex, but said this final concept of a 4-unit PUD only involved a regular driveway which would not require as much site disturbance. He felt in a few years the trees will have grown back to how Mr. Ronayne would like to see it. The board advised Mr. Ronayne to speak to the selectmen about his intentions and Burke York suggested he speak to the road agent as well.

Abutter Steven Whitaker who owns the lots shown as 1 and 2 on Middle Ledge Road addressed Burke York and asked how many homes were being proposed, mentioned there was a 3-lot easement in-place, and asked how people were going to get over the brook which was in the area. Mr. York answered his questions. The Chairman asked if there were any further questions from the public or the board. With none, he closed the public hearing and called for a motion to continue the application to the August 21 work session. Motion made by Scott Grant; seconded by Kevin McEnaney. Vote: All in favor.

**2. Public Hearing, Verizon Wireless, 122 US Route 302, Glen.** File: 2018-1244. Tax Map This is an application to construct a 160-ft. monopine tower in the Allen gravel pit in Glen.

Atty. Scott Anderson and Verizon project manager Greg Richard presented. The board had previously looked at this application during a preliminary review at the work session. Atty. Anderson expounded on this preliminary review by going through the application item-by-item and addressing each in detail, including the results of the balloon test. He described the balloon testing by saying the balloons were flown at the height of the proposed tower and someone then drove around the area taking photographs from locations where the balloons were visible from. The area of greatest visibility was mainly along Route 302 in the area of Glen Junction and immediately in front of the pit entrance, but the balloons were also slightly seen through the tree growth in several other places. Atty. Anderson drew the board's attention to the two photo simulations provided in the balloon test report which showed the tower in areas of visibility as a standard monopole where the antenna arrays were visible, and as a monopine where the antennas were camouflaged by pine branches. He went on to described the physical location of the tower on the Allen family property and said it was located approximately 633-ft. back from Route 302 and had been sited in a location which had already been cleared of trees due to the gravel excavation so would not require any further tree cutting. Atty. Anderson described the three primary pieces of equipment essential to the operation of the tower which he said would be located within a 50'x50' chain link fenced compound within the Allen property. This equipment included two small boxes, one being a radio box which sent the radio signal up to the antennas and the other containing a fan to keep the electronic equipment cool; a battery back-up which would cover a power outage of up to six hours; and a

diesel generator with a self-contained catchment area in the event the power outage lasted longer than six hours. He said this equipment would create basically no sound and would not impact abutters. Atty. Anderson went on to say the tower site would be served by the existing gravel driveway so a new road was not required, and all utilities would be underground. Atty. Anderson said there would be no lighting on the tower or at the site other than a down-directional, motion-activated light intended to provide illumination in the event Verizon personnel were required to provide emergency repairs during the night or during winter when days tended to be shorter. He said personnel would also be conducting monthly inspections of the equipment, but that was typically done during regular business hours. Atty. Anderson further explained that all the equipment will be protected by ice bridges which would deflect falling ice and heavy snow.

He acknowledged the telecommunications ordinance required that town-owned land was to be given first priority when considering the tower location by saying there was no town-owned land that was suitable which also filled the needs of the tower company as far as being able to connect to signals from surrounding towers which were located at a higher elevation. He particularly addressed the fire station site by saying it was not big enough and the tower would not be able to comply with setback requirements, was too close to Route 302 thus the tower would be substantially more visible to the public, and the surrounding and on-site structures would cause problems as far as the fall zone went. Atty. Anderson said the town-owned land at Observatory Way was too far out of the area to be considered.

David L. Patch asked how much above surrounding vegetation would the tower be. Atty. Anderson said this was a cleared gravel pit, thus mature trees and vegetation were minimal, but their tree survey found 148 trees located within a 150' radius of the tower ranged from twenty to seventy feet with an average height of 60-ft. above ground level. Trees located on the ridgeline behind the tower had an average height of 68-ft. above ground level. This ridgeline was 110-ft. higher than the surrounding ground and thus provided visual protection at the rear of the property but it also blocked signals which is why the tower needed to be as high as it was. Atty. Anderson spoke of the need for a planning board waiver for the height requirements, and said such a written request was included in the application package. He advised the tower could possibly be located on top of the ridgeline, in which case a waiver would not be needed since it could be built to comply with the height requirements, but that it would create a very visible structure which would be seen from a lot of areas in town and building a road to the top of the ridge would create a lot of site disturbance. He felt locating the tower on lower ground and requesting a height waiver would result in a much-better and less-intrusive project. David Shedd noted he personally had no problem with the tower but asked whether Verizon had looked into collocating on an already-existing tower, and whether a written list of contacts who had been approached for collocation had been provided. Atty. Anderson said Verizon was already on all the existing towers within a two mile radius, including Cranmore and Linderhof, so collocation contact was not done. Mr. Shedd also asked about the requirement that any new tower was required to allow collocation by other carriers. He noted Atty. Anderson's response to that in his application package as being that Verizon makes all of its sites available for collocation by other carriers, subject to confirmation that such installations do not interfere with the operation of Verizon's equipment and subject to any rights required from the property owner. Mr. Shedd asked how Verizon could guarantee collocation when the property owner was also required to give consent. Atty. Anderson explained that Verizon only leased the tower site and did not own it, although their towers were always built to accommodate extra carriers. He said since collocation only involved adding antennas to existing towers and did not usually require any modifications to the tower site, he said he had never heard of a property owner denying collocation since it was an income producer for them.

The board had several associated questions for Atty. Anderson. Kevin McEnaney asked whether the white areas shown on the coverage map in Appendix G of the application were dead zones. Atty. Anderson said they were not dead zones but were areas not being covered by the antenna sectors that are on the Bartlett North site (the 90-ft. monopine on Linderhof). He explained the two things a new tower would do was to provide coverage in areas where no coverage existed, and the other is that it would balance-out existing towers to ensure they are not being overloaded by cell phone use and are not being required to do work they were not designed to do. Atty. Anderson said this Glen tower would improve coverage in the area where it was going, as shown in green on Attachment B, and would also allow other towers to function better. David Shedd said he could see where Bartlett North covered, but not where Bartlett East (a 60-ft. monopine located at the Lower Bartlett Water Precinct tank site on Alpendorf) covered. Atty. Anderson said that one was not addressed per se, since the primary purpose of the Glen tower was to improve

coverage in the Glen area and to offset some of the load on the tower near Story Land which was not functioning as it was designed to do.

Kevin McEnaney also asked Atty. Anderson about lighting requirements on top of the tower, recalling at the original presentation it was indicated only towers higher than 200-ft. were required to have a light. Mr. McEnaney cited instances of National Guard search and rescue flights, as well as medical helicopters from Memorial Hospital, possibly flying low over the tower site. He asked whether there was any technology available which would trigger lighting to come on when an aircraft flew in close proximity. Atty. Anderson said he was not aware of anything that was widely available, and explained how the FAA always reviewed the location of any new tower to ensure aircraft safety. He said this tower went through the FAA review process and was assessed as having a “no hazard” determination. Atty. Anderson said he would provide a copy of the FAA review. The Chairman asked about noise levels resulting from the diesel generator. Atty. Anderson described the different dBA levels and how they dissipated as the distance increased and said by the time they reached the property line they would be in the 40s which was the equivalent of a low conversation. The Chairman had several other questions, and asked whether the existing trees were intended to be removed at the tower site; were the balloon test photos taken from private property where people may be able to oversee the site or from public roads; was there a public health concern regarding radio frequency emission levels and would they interfere with pacemakers, etc.; and was the tower capable of withstanding winter snowloads and how would it be accessed during the winter. Atty. Anderson said the 50’x50’ compound would not have trees but all the other trees would remain; the balloon test photos were all taken from public roads, but the public notice of the test would have provided people the opportunity to check the visibility of the balloons from their private property; radio emission levels were governed by levels set by the FCC and EPA where levels were measured using a worse-case scenario of the antennas all facing towards the ground and readings were not to exceed 100% of allowable emissions. He said he had never seen a site exceed 20%, and this site complied with all the FCC and EPA guidelines and would not affect medical devices. He offered to provide a copy of the official calculations. As far as winter conditions went, Atty. Anderson said the tower and its foundation were designed to withstand local winter conditions including wind gusts of up to 70 mph, equipment and cables were protected by an ice bridge, and if access was required during that time, Verizon deployed heavy-duty equipment to remove the snow. Scott Grant asked whether output could be increased at the other towers Verizon was on; what was anticipated when 5<sup>th</sup> Generation (5G) technology became available; and how far-off technology was to place small cells on every telephone pole in lieu of building a tower. Atty. Anderson said output could really not be increased since that was restricted by their license; when 5G became available the existing antennas would need to be swapped-out; and cells on telephone poles were really only effective in densely-populated areas as their signal was unable to reach too far off the roadway.

At this point, the Chairman called for a motion to accept the application. Motion was made by David L. Patch; seconded by Kevin McEnaney. Vote: All in favor. The public comment period was opened. Cpl. Ian MacMillan of the Bartlett Police Department said he was the IT administrator for the department and spoke of the dead spots and dropped calls the officers experienced along Route 16/302 from Stanley’s Hill to the Scenic Vista and in the Town Hall Road area. He said their cruiser laptops were supported by Verizon’s network and they were often unable to have access to Dispatch at the Carroll County Sheriff’s office when making a traffic stop. This created an officer-safety issue since officers did not know quickly enough who they were pulling over before approaching a vehicle. Cpl. MacMillan asked whether the new tower, or the reduction on the loads on other towers such as Bartlett North, would remedy this situation and cover the gaps. Atty. Anderson asked Cpl. MacMillan to indicate on the coverage map where the problem area was occurring, which was done. He said he believed that area would gain some improvement and offered to ask his engineers to do an assessment such as was done for the Story Land tower which he could provide for Cpl. MacMillan. Cpl. MacMillan also spoke of the need for a new repeater site for the Sheriff’s Department. Atty. Anderson assured him that all emergency and public safety needs were provided for on the new tower and would be permitted to locate on it. Lastly, an email from Julia King documenting her personal viewing of the balloon test and which concluded with her opinion this was an inappropriate site for a tower was read into the record by the Chairman.

The Chairman asked if there were any further public comments. With none, he closed the public hearing and asked if the board had any comments or questions. Scott Grant asked about what waivers the board would need to grant. The Chairman said one for the height would be necessary and he felt one for the distance would also be needed since the telecommunications ordinance stated a ground-mounted tower could not be located closer than two miles from an

existing tower and his quick measurement showed the distance, in this case, from the Linderhof tower was only a mile-and-a-quarter to a mile-and-a-half. He explained that we had heard from the town's attorney who interpreted this as meaning if several new towers were being constructed in a group or in a row, that they all had to be built at least two miles away from each other. The Chairman said that is not how he interpreted the meaning, and Atty. Anderson said his take was that any tower within two miles of a new tower was required to be evaluated for collocation. David Shedd said he would be inclined to get clarification about this from the town attorney. Atty. Anderson said he will provide a waiver request for the distance to go with the one already provided for the height. The Chairman noted town counsel had also offered a caution as to the time limitations which started running once this application had been accepted, and how the board only had 110 days to make a decision to either approve or disapprove per new FCC "shot clock" regulations. Atty. Anderson acknowledged this deadline but assured the board they had no intention of enforcing it and the board could take as long as it needed to review the application. Atty. Anderson also suggested the board get a "red light/green light" guidance regarding waivers from the town attorney. Norman Head asked whether a second waiver would require a second public hearing. David L. Patch said he did not feel that would be necessary but suggested perhaps this public hearing be re-opened and continued until the information was provided.

Since the regularly-scheduled September 3 public hearing fell on Labor Day, a motion was made by Scott Grant; seconded by Kevin McEnaney to move the meeting to Wednesday, September 5, 2015. Vote: All in favor. A motion to re-open and continue the public hearing to the September 5 meeting made by David L. Patch; seconded by Scott Grant. Vote: All in favor.

**3. Preliminary informal discussion with Wes Smith of Thorne Surveys and Rick Girardin.** Mr. Smith and Mr. Girardin were before the board to present plans and speak about Mr. Girardin's proposed project to construct seven duplex townhouses on a 13.5-acre property on Route 302 just across from the baseball card shop and near Cow Hill Road and identified as Tax Map 3RT302, Lot 53-R00. The Chairman reminded Mr. Girardin that this was a non-binding preliminary discussion only, which Mr. Girardin said he understood. Mr. Smith advised that a high-intensity soil survey (HISS) performed by soil scientist Greg Howard indicated this site would support forty-two bedrooms which were proposed to be distributed among fourteen 3-bedroom units being designed as seven duplexes. He said everything complies with state, DOT, and wetland requirements and no waivers were required. Frontage, septic, and setback requirements were also met and the property will be served by underground utilities and Lower Bartlett Water Precinct water. Scott Grant asked whether the property was in the floodplain. Mr. Smith said nothing was located with the 200-ft. wetland setback. The site will be served by a circular town-spec road and runoff will be treated with drainage swales, etc. before leaving the site.

**4. Continuation/Final Approval: Attitash Mountain Service Co., (AMSCO), Block G, Stillings Grant:** File: 2013-1187. This is an application to reconvene review of a continued application to subdivide Block G into 40 residential units. Tax Map 5STLNG, Lot G00. This application has been continued indefinitely until an engineering review is completed.

**5. Review and Approve Minutes:** The minutes of the July 17, 2018 meeting were reviewed. A motion to approve the minutes, as written, was made by Scott Grant; seconded by Kevin McEnaney. Vote: 4-0-1, with Philip Franklin abstaining since he had not attended the meeting.

**6. Mail and Other Business:**

- Mail listed on the agenda was reviewed.
- A preliminary pre-application review of a proposed 3-unit PUD for Corinne Dooley was deferred until the August 21 work session due to the length of this meeting. The application will not be submitted for a public hearing until September 5.

With no further business, a motion to adjourn was made by Scott Grant; seconded by Kevin McEnaney. Vote: All in favor. The meeting adjourned at 8:18 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary