

Bristol Zoning Board of Appeals

Meeting of May 12, 2015

May 18, 2015

Members Present: Jen Sanford, Marty Snyder, Steve Smiley, John Krebbeks, Donna Beretta, and Secretary Sandra Riker

Others Present: Keith & Maryanne Maynard, Mr. & Mrs. Sweeney, Mr. & Mrs. Karle, Amy Force, John Stockli, Wes Webber, and John Lynch and Bill Kenyon, Town Attorney

Crown Castle/Ward Tower Application for a Public Utility Communications Facility: The application is for a tower to be located on property owned by Gregory Ward at 7912 Route 20A in the town of Bristol.

FYI-Town Engineers MRB Group representative Greg Hotaling is reviewing all data of the application for both Planning & ZBA, he will be present at the June 1<sup>st</sup> Site Plan meeting with the Planning Board.

Town Attorney, Bill Kenyon disclosed a conflict of interest. He was good friends with the property owner's father and his son Russ has represented the property owner with some legal matters. No one contested the disclosure.

Crown Castle- John Lynch agent representing Transcend Wireless responsible for finding appropriate site per Verizon RF requirements, John Stockli is the Attorney for Crown Castle, and Wes Webber is an employee of Crown Castle. They will be describing the application and answering any questions that may arise during the public hearing and from the ZBA Board.

The project is for a 160' monopole tower to host the cellular communication purposes as proposed by Verizon Wireless to increase their coverage down Route 20A in the Town of Bristol and it is to be erected at 7912 Route 20A. The gentlemen have provided photos of a balloon test at 130' and then added the simulation to reflect the actual tower height of 160'. Mr. Lynch is the agent in charge of finding the appropriate location for the tower as per Radio Frequency Requirements as needed by Verizon to provide the coverage they would like to accomplish. Coverage is affected by line of sight terrain and technology. The new LTE technology they will be using provides a wider coverage area. It has been determined by Verizon that a 130' tower will not provide acceptable coverage thus the request by Verizon for 160' tower and meets the setback requirements that are required in the Local Law. The representatives stated that they can have RF people available for the next ZBA meeting to cover any additional questions the Board may have after reading the RF study presented this evening by Mr. Webber.

The Board asked if colocation had been considered for this equipment on an already existing tower in the town. The Secretary reminded the Board that the Microwave Dish application of 2014. That application was to add to the equipment already on the Ganyard Hill Tower and at that time it was determined that if any more equipment were to be placed on the tower it would require American Tower to do significant structural revamping to the existing tower.

The representatives of Crown Castle said they would be willing to do another balloon test showing the balloon at 160' and would do it on either May 23<sup>rd</sup> or May 30<sup>th</sup> weather permitting. They would provide us with 24 hour notice of the test.

With regard to the Ward parcel it shows on the current zoning map to be 20.9% in the A-C district and 79.1% in the L-I district. The way Local Law 1-2007 is written it states towers are only acceptable in the A-C district with a Special Use Permit. The question was raised by Marty Snyder if the zoning map reflects the verbiage describing the L-I district in the zoning text? He addressed his question to the Town Attorney. The Town Attorney said the map is the final authority and the verbiage is a laymen's interpretation of the district. He said he did not feel this is germane to the application at hand.

The public hearing was opened and the following concerns were raised by the residents attending this meeting:

- Scenic view shed disturbed
- Will there be a light on the tower?
- Property values devalued
- Question of location
- Visual impact
- Will water supply be compromised due to the depth of the hole necessary for the tower?
- Have soil tests been completed to verify the land can support the tower?
- Concerned the information sent to notify the neighbors was inadequate and not sent certified as the law states
- The tower placement is only 200' from property line

Two additional statements were presented and shared with the Board members. These statements will also be presented to the Planning Board.

Wes Webber responded to some of the questions raised as follows:

- Under FAA requirements if a tower is less than 200' tall it is not necessary to put a light on the tower
- The depth of the hole necessary for a 160' tower would be considerably less than 100' deep
- With regard to noise there will be none because it will not require a generator
- Question with regard to soil testing was completed on April 17<sup>th</sup> and will be provided to the Board

The Chairman then deemed the public hearing adjourned for the evening and it will be left open for the next meeting of the ZBA on June 9<sup>th</sup>.

Minutes: The minutes of March 10, 2015 were reviewed and the following changes noted:

- Third paragraph the word should be provide not provided
- Fourth paragraph and the “w” for Buckelew
- Capital L for L-I district
- Fifth paragraph change “typo graphically” to “typographic”

The above changes will be made by the Secretary before filing the file approved minutes. A motion was made to accept the minutes as corrected with a motion by Marty Snyder and a second by Jennifer Sanford. All Board members agreed.

A motion to adjourn the meeting was made by Donna Beretta.

Comment was made by Bill Kenyon, Town Attorney that the public hearing for the Crown Castle/Ward application is still open.

Respectfully submitted,

*Sandra Riker*

Secretary for ZBA Board of the Town of Bristol

The Minutes of the May 12, 2015 ZBA meeting were approved with a motion by Jen Sanford and a second by Steve Smiley at the June 9, 2015 meeting. All Board members approved.