

APPROVED
ANDOVER PLANNING BOARD
MEETING MINUTES
September 26, 2017

Members present: Nancy Teach, Chair; Randall Costa, Vice-Chair; Paul Currier; Art Urie; Doug Phelps, Jon Warzocha; and David Blinn, Ex-Officio

Also present for duration of appropriate items: Dave Powers, Zoning Administrator; Pat Moyer, Zoning & Planning Coordinator; Tyler Haynes, McLane Middleton; Brian Ross, Structure Consulting Group; Keith Vellente, C2 Systems LLC; Todd Goings, Zoning Board Member; Greg Terrien, Dewberry Engineers Inc; Nan Kaplan, Andover Conservation Committee; MaryAnn Broshek, Andover Conservation Committee; Harvey and Rosie Best, Andover residents.

Minutes of September 12 2017

Urie – Motion to approve as amended

Costa – Second

Vote – Unanimous

Site Suitability Review – Wireless Communication Facility, 640 Main Street;
Tax Map 82, Lot 090-242 in the AR Zone

The site suitability review with representatives of Verizon commenced at 7:15 pm. Members of the public were present and participated. Verizon had furnished a revised application for Special Exception to the Planning Board and Zoning Board of Adjustment dated September 19, 2017. This version was made available for public review at the Town Offices.

During the meeting, Verizon presented changes and additions to Verizon's revised application intended to address the open items identified during Verizon's informal consultation with the Planning Board on August 8, 2017.

The following items were reviewed:

Verizon engineers reviewed the letter from C Squared Systems dated September 15, 2017 in Verizon's revised application that states that alternatives to a monopole primary transmitter would not be technologically feasible to accomplish the coverage objectives sought. Verizon confirmed that it had considered these alternatives, as well as alternative tower sights, but that none were as suitable from a technological/coverage perspective as this one.

A member of the public asked if the coverage goals could be met by boosting signals on existing towers, and Verizon explained that it had maximized signal strength on those currently, such that the coverage goals would not be met.

Verizon was asked how many Andover residences and businesses would gain coverage with the new tower when previously they had not. Verizon estimates 250, but possibly up to 500.

The newly included tree survey required by Paragraph 6.1D of Article XII of the Andover Zoning Ordinance (such Article, the "Cell Tower Ordinance") was reviewed. The survey found that the

average surrounding tree height is 69 feet, so Verizon is seeking two variances from the Cell Tower Ordinance's height restriction, one for 6.1A that declares "In no case shall a Personal Wireless Service Facility exceed one hundred (100) feet in height" and 6.1D that states that towers shall not project higher than ten (10) feet above the average tree canopy. In this latter case, Verizon is seeking a variance for 41 feet, since the canopy is 69 feet plus the 10 foot allowance makes 79 feet maximum, which is 41 feet less than the 120 feet Verizon proposes.

Since Verizon had earlier explained that the 120 feet was sought to allow for up to three collocators, Verizon was asked if it had commitments from any. Verizon said no, but that in its experience Verizon typically fills its collocation sites. Verizon was asked if the tower could be built initially at a conforming height with extensions added once collocators commit. This question was not addressed.

It was noted that the forest buffer around the tower, including the easement to protect the forest buffer as provided for under Paragraphs 7.1F and 7.6 of the Cell Tower Ordinance, is a critical consideration for the Planning Board to determine appropriateness in light of the Andover Master Plan and the Cell Tower Ordinance. The Master Plan has an explicit priority to preserve views, especially along Andover's major highways, which states: "forested hillsides and ridgelines with little or no visual evidence of human presence are a vital element of Andover's rural character."

Verizon agreed to correct the definition of the tree buffer easement boundary in its draft easement document provided with the revised packet to reflect the definition set out in Paragraph 6.1F ("150' from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.").

It was noted that buffering the access road to the tower site with trees is also essential to upholding the Master Plan's directive to preserve views along Andover's gateways. It was suggested that the tree buffer easement from the Town extend beyond the 150' requirement of the Ordinance down the steep slope to Route 11, covering the triangle formed by the access road, the boundary with Belletetes, and Route 11. The rationale for this is that the Town has no intention to develop this area and had begun to consider it for a conservation easement, and it would provide reassurance that the gateway to the Town would not change. (Note – the full conservation easement could still be completed at some later time). Verizon had no objection, provided conclusion of this extended easement would not unduly delay approval and construction, and Dave Blinn agreed to raise this suggestion with the Select Board and Town Counsel, also in view of the breadth of authorization by Town Meeting for the Select Board to negotiate and implement the lease arrangement for the cell tower. It is also noted that paragraph 6.1D authorizes the Planning Board to stipulate a larger forest buffer easement: "The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site condition." Since protection of the sightline from the highway is a Master Plan priority, the Planning Board deems extending the easement down the slope to Route 11 appropriate under this authority.

Mary Anne Broshek spoke on behalf of the Conservation Commission and noted again that the overall parcel was under consideration for a potential conservation easement and was viewed as a priority area for wildlife and as a wildlife corridor. It was noted that the access road, though a disruption, would be little used and should not impair wildlife movement, that the site would

be restored materially to its prior condition at the end of the lease, and that the easement requiring the tree buffer, including potentially the extended easement proposed earlier, could act to protect wildlife and meet some if not all of the conservation objectives raised. It was further noted that the tower and access road are remote from Bog Pond and should have no impact on water resources.

The session closed with a recapitulation of Verizon's commitments to make the following corrections or supply the following items:

- Revisions/corrections of application/cover letter, including with regard to the 41' variance requested
- Revision of the letter providing further reassurance that the tower will not be lit: first, Verizon has already represented that it will not add light, second, in its experience, no tower of the proposed height has been or should be, under FAA or other relevant rules, required to be lit, and third, Verizon is taking all steps to confirm with the FAA that no lighting is required
- Revised forest buffer easement with the Town and with Belletetes in form acceptable to Town Counsel, with a term no less than the term of the lease plus any time required to restore the site to its prior condition, and including survey or plan of covered area – 150' from enclosure/open space (or to Route 11, if the Select Board approves extending the easement over the full slope)
- Verification that there is no gap in the forest buffer area 150' around the open space perimeter. If there is any gap, a request for a further variance will be required
- Documentation acceptable to Town Counsel binding Verizon to post security for cost of removal plus 15% (par 9.3), and to update costs over lease period
- The impartial frequency discharge health and safety study promised by Verizon in the August meeting

The meeting with Verizon ended at 8.40pm.

In reviewing the revised application provided by Verizon, as well as the additional information furnished during the foregoing discussion, the Planning Board deemed the application sufficiently complete to allow the Planning Board to go forward with an appropriateness determination.

The Planning Board then reviewed applicable standards for its appropriateness review, including consistency with Master Plan priorities, and the express purposes and intent of the Cell Tower Ordinance (particularly Article XII, Paragraph 1.1). The Planning Board then reached the following decision:

Appropriateness Determination

With reference to applicant Verizon's request for a Special Exception to build a ground mount cell tower, the Planning Board then found the placement of a cell tower on the proposed site,

with access from inside the transfer station gate and maintenance of a buffer of trees between the access road and Route 11, appropriate.

In reaching this finding, the Planning Board expresses no view with respect to the applicant's requests for variances from requirements of Andover Zoning Ordinance Article XII: Personal Wireless Service Facilities.

Currier made a motion to deem the site appropriate for the proposed cell tower use as further described in the resolution prepared by the board. Warzocha seconded the motion and the board voted unanimously in favor of deeming the site appropriate for the proposed cell tower use as further described in the resolution prepared by the board.

Key points considered by the Planning Board in reaching this finding include:

The proposed goals to increase coverage or extend coverage to residents and areas not currently served are unreasonable, and the applicant has provided documentation, as required by Article X, Section 4.3, that use of existing buildings or other less visible alternatives to achieve these goals is not technologically feasible.

Town meeting vote in 2017 authorized the Selectboard to negotiate terms of a lease with Verizon for a cell tower on the proposed site. This indicates that a majority of those voting at the meeting generally consider the site appropriate for a cell tower.

While unfortunately clearly visible from a main approach to the Town, this location is not on a high ridge line, and is visible only from one approach, as opposed to other hilltops or ridges that are visible from multiple perspectives.

Taking into account the Conservation Commission's efforts to identify the Town land parcel involved as a wildlife priority, and acknowledging that the access road represents a disruption, it was noted in mitigation that the road will be infrequently used and should not impede wildlife movement, that the proposed installation will have no impact on Bog Pond or other water resources, and that the required and proposed extended forest buffer easements would actually help achieve some of the Commission's conservation objectives.

A new road cutting from Route 11 to provide direct access to the site, as originally proposed, would have run counter Master Plan directives to minimize visual impacts on main approaches, but the revised plan to access the site via the existing transfer station entrance road, and to maintain a buffer of trees for the full length of the access road, mitigates this impact.

There being no further discussion, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Lisa Meier, Recording Secretary