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COMMUNITY DEVELOPMENT

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Draft Minutes Zoning Board of Adjustment
December 13, 2016
7:30pm @ Community Development Department

Mark Samsel, Chairman - present
Heath Partington, Vice Chair - present
Pam Skinner, Secretary - present
Mike Scholz, Member - present
Bruce Breton, Member - present
Mike Mazalewski, Alternate - present
Kevin Hughes, Alternate - present
Jay Yennaco, Alternate - excused

Staff:
Dick Gregory, ZBA Code Enforcement Administrator
Andrea Cairns, Minute Taker

Meeting called to order at 7:30p.m. by Chairman Samsel.

Chairman Samsel explained the process for the public.

Lots 16-Q-211 & 16-Q-211B Case #43-2016
Applicant – Benchmark Engineering Inc. Joseph Maynard
Owner – David & Anita Robitaille and Richard & Virginia Viau
Location – 16 & 18 Viau Road
Zoning District – Residence A & Cobbett's Pond & Canobie Lake Watershed Protection District
Variance relief is requested from **Section 702, App. A-1** to allow a dwelling to be constructed on a lot with 9,247 sq. ft. where 50,000 sq. ft. is required, frontage of 0 ft. where 175 ft. is required, 14 ft. front setback, where 50 ft. is required, a 15 ft. east side setback & a 9 ft. west side setback, where 30 ft. is required.

Ms. Skinner read the case, abutter's list and letter of authorization into the record.

Mr. Maynard presented the case. He noted the applicant was before the board in 2015 for a lot line adjustment; they added 8' to the lot. The lot is 9,347 sq. ft. and has an existing home. There is a new state approved septic system that is shared between two homes. They plan to raise the existing home and construct a new home. The property is currently 13% impervious and will go to 17.4% impervious, which is below the requirement. The impervious coverage for the lot will go from 38.3% to 35.3%.

Mr. Maynard read the five points into the record.

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Mr. Mazalewski questioned whether the correct abutters were notified even though they were incorrectly marked on the plans. Mr. Maynard confirmed the correct abutters were notified.

There was no public input.

MOTION: Mr. Breton made a motion to go into deliberative.
Mr. Scholz seconded the motion.
No discussion
Vote 5-0
Motion carries

Chairman Samsel believed the five points were met and was happy to see the impervious coverage reduced.

Ms. Skinner read the letter from the Conservation Commission who would like to see the project outside of the 50' setback and the impervious coverage lowered to 30%.

Mr. Partington reviewed the five criteria. In his opinion:

1. (contrary to public interest): met the criteria
2. (spirit of the ordinance): met the criteria
3. (substantial justice): met the criteria
4. (value of surrounding properties): met the criteria
5. (hardship): met the criteria

Mr. Scholz and Mr. Breton agreed.

MOTION: Mr. Scholz made a motion to grant variance relief from Section 702, App. A-1 to allow a dwelling to be constructed on a lot with 9,247 sq. ft. where 50,000 sq. ft. is required, frontage of 0 ft. where 175 ft. is required, 14 ft. front setback, where 50 ft. is required, a 15 ft. east side setback & a 9 ft. west side setback, where 30 ft. is required per plans submitted.
Mr. Breton seconded the motion.
No discussion.
Vote 5-0
Motion carries.

Chairman Samsel noted there is a 30-day appeal period.

Mr. Hughes joined the meeting.

Lot 1-C-2550 Case # 40-2016
Applicant – Eco-Site c/o Ricardo M. Sousa, Esq.
Owner –Devlin Family Revocable Trust
Location – 105 Londonderry Road
Zoning District – Rural
Variance relief is requested from **Section 701.3** to allow a wireless telecommunication monopole to be constructed on the above lot, which is not a permitted use in the Rural District.
Chairman Samsel reviewed the process for the public.

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Chairman Samsel noted for the public that they would consider the normal criteria for a variance, but the Federal Telecommunications Act impacts the traditional criteria noting in particular that they could not deny a variance because of emissions and health concerns.

Ms. Skinner read the case and abutter's list into the record.

Carlos Souza, Esq. presented the case. He noted that T-Mobile was licensed to construct a cell network in NH. The application is proposing to construct a 145' monopole for T-Mobile and three other potential carriers to fill a coverage gap in the T-Mobile network. Ryan, a T-Mobile employee worked to identify the coverage gap, which they are required to fill under their SEC license. Ryan has 20 years of experience in the industry and has been with T-Mobile for four years. He reviewed the map of coverage areas. He noted the areas in green are existing coverage; the areas in yellow are less reliable; and the areas in white represent no coverage. The site they are considering is within the white area where there is a gap in coverage. All other T-Mobile towers that exist are within zones where they are allowed. They cannot provide coverage in a way that would satisfy both the zoning ordinance and the gap in coverage

Attorney Sousa noted they usually look into the quality of the network on a yearly basis. From all their data, they identified areas where they need to provide coverage. They identified that area has a significant gap in coverage based on data gathered from complaints from subscribers as well as a drive test, performed by Ryan, measuring signal strengths.

Attorney Sousa provided copies of the Windham Zoning Map (Exhibit A) with the existing towers and zones of coverage indicated. The entire area where there is insufficient coverage surrounding the proposed site is rural/residential. If you look at other existing sites that Ryan ran through, they are located in permitted zones. With everyone using wireless for phone, data and business, they need to provide coverage to residential areas. They cannot penetrate the residential area from the permitted zones, they are already in those zones and coverage is not reaching the gap areas. That is the basis of the application and the reason they are asking for a use variance.

Chairman Samsel questioned how the potential other three carriers related to the coverage map. Attorney Sousa noted that information was proprietary and they did not have access to it, but typically, if there is a gap for one carrier, there is a gap for all of them. The tower would accommodate four major carriers.

Chairman Samsel questioned if the board could restrict the height of the pole, limiting the number of carriers. Attorney Sousa believed that would be appropriate to discuss. They could build the tower at the lowest height, and then add the stacks for additional carriers if needed.

Mr. Scholz questioned if they were on other towers that were not owned by T-Mobile. Attorney Sousa noted they were.

Bob Gashlin –site acquisition agent for T-Mobile

Mr. Gashlin noted he has been in the industry for 19 years and has acquired sites for virtually all carriers out there. As a product of Ryan's analysis, he issued a map and went out to find sites. He first looked for sites that were in permitted zones, but in this instance, he was forced to look in the

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rural zone. In general, he looks for larger parcels because they can meet setbacks and can move the site around. He determined there were nine potential sites. All other sites were rejected for different reasons (e.g.; too far outside search ring, property owner not interested, or did not meet objectives). Out of all the sites, this site is the best from the perspective that they have the ability to hide the tower in trees and it would not be as close to neighbors.

Chairman Samsel questioned how they chose the specifi location on the lot for the tower. Mr. Gashlin noted there were a lot of wetlands on the property, so they were forced to locate it on the northwestern side of the lot. They are open to putting the tower on a different location if the board is open to that.

Chairman Samsel questioned what attracted him to that site. Mr. Gashlin noted that the direct center of the area in need is the golf course and they were not interested in the project. There were no other larger parcels suited to the project.

Mr. Partington questioned if they spoke with the Conservation Commission since it abutted town-owned conservation property. Attorney Sousa noted they did attend a hearing with them and the commission had concerns with visibility from Fosters Pond.

Attorney Sousa noted they did a balloon test on October 19, 2016. They submitted photos of the balloon test from 11 different locations. Attorney Sousa reviewed the photos in the packets and the majority of the photos showed little to no visibility from the location they were at. One photo showed the view from the trail at Fosters Pond and showed there would be clear visibility of the tower.

Chairman Samsel questioned if any of the photos were taken from abutters properties and added most of the photos seem to be from locations far away. Attorney Sousa noted photos number 1 and 2 were taken from across the street from the proposed site. Chairman Samsel noted there was still foliage on the trees, so visibility would be seasonal relative to foliage.

Attorney Sousa noted they are amenable to creating monopines, which blend in with the natural environment. They could also redo the photo simulations showing the monopine instead of the monopole.

Chairman Samsel questioned how they could ensure that the type of camouflage used is high quality. Attorney Sousa noted the quality is getting much better and they would use a good vendor.

Mr. Scholz questioned if police and fire could use the poles. Attorney Sousa noted they could and they have worked with many municipalities to accommodate their antennae.

Attorney Sousa noted one of the items they need to comply with is FCC safety regulations: FCC regulates EME output for wireless installations. They have to do an analysis to make sure it comes well below the limits. The initial analysis is that it will comply well below the limits. They can have a physicist do an analysis, but generally they come in at less than 1% of the FCC limits. Local boards cannot deny applications based on heath reasons; that is accepted case law.

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Chairman Samsel asked Attorney Sousa to address property values. Attorney Sousa noted that it is their position that they are adding value by adding wireless coverage to residents and businesses. There is a demand point for most buyers to have that coverage and it would not be detrimental to property values.

Mr. Partington noticed the application asked for frontage relief, but that was not included in the public notice. Attorney Sousa noted they did include relief for the frontage in their application. Mr. Gregory noted that Attorney Campbell suggested that a use variance would cover everything they were asking for.

Attorney Sousa reviewed the five points for the record.

Chairman Samsel opened the meeting to the public.

There was no public in attendance to speak in favor of the project.

Chairman Samsel invited those opposed to the project to speak, direct abutters first.

Robert Dietel, Attorney representing the Rokel family of 107 Londonderry Road
Mr. Dietel submitted a letter and plans sets (Exhibit B).

Mr. Dietel noted that he believed there were procedural issues in what variances the applicant is required to apply for. The variances that were requested are a small subset of what is necessary. In addition to a use variance, they also need two dimensional variances for height and frontage. The application does not address the criteria for all three variances.

In addition, there are other aspects that need to be complied with and were not addressed, specifically section 702.5 of the zoning ordinance which addresses non-residential use that is closer than 100' from a residential zoning district requiring a 50' buffer.

Mr. Dietel also raised concerns that the tower is being proposed in a wetland protection district which requires it's own variance. In addition, if the variance were granted, there would be multiple uses on a property that was approved as residential only.

Mr. Dietel reviewed the five criteria and had the following comments:

Mr. Dietel added that the applicant would like the board to agree that a gap in coverage means there is a hardship. The coverage gap is for T-Mobile, but the applicant is Eco-Site applying on behalf of the owner of the property, which is the Devlin family. Eco-Site is in the business of leasing out towers to carriers. They are maximizing their profit to generate revenue. Whose hardship should the board be looking at? They should be looking at the property owner's hardship. There is no analysis as to how the hardship relates to the property owners. It only relates to Eco-Site and not being able to develop that property. If you are in the business of leasing and building towers, you do not want to develop facilities where there are already towers. From a legal standpoint, do we have hardship?

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Is the variance contrary to the public interest? It will to a marked degree violate the basic zoning objectives. It would change the essential character of the neighborhood by placing industrial between a residential and a conservation area.

There are currently no adequate firefighting facilities in the area. There is a cistern, but it was not designed to support a 145' tower.

It would also alter the rural nature of the neighborhood. It is located within a wetland protection district. The owner previously represented on another application, that the general area is in poorly drained soils.

Is it keeping with the spirit of the ordinance? They have restrictions in place to prevent overcrowding of land and abutting properties. They are also asking the board to rezone the area from residential to commercial.

Substantial justice would not be done. The applicant's only analysis is from T-Mobile. The injury to the public would be substantial. It would impair recreation and surrounding conservation lands. It is a sensitive area close to Foster's Pond.

The application is devoid of any meaningful discussion as to what the benefit is. Property values would be decreased.

In terms of hardship, the negative far outweighs the positive. The negatives include:

- Industrial uses in a rural zone
- Blend of three uses
- Poorly drained soils and located in a wetland district
- Impaired recreation benefits
- Impaired views and quality of life
- Intensify use of private driveway next to abutters property
- Industrial complex without adequate fire and safety controls
- Diminished property values

Chairman Samsel asked Mr. Dietel to further explain the wetlands and asked if they would be locating the tower within a buffer, or close to it. Mr. Dietel noted that previous subdivision plans depict the demarcation of poorly drained soils where they are going to build the tower.

In terms of the buffer, Mr. Dietel noted that they would not have the appropriate buffer between a commercial driveway and a residential zone. They are trying to expand on the variance that was previously granted for that area and change the use to provide service to commercial vehicles.

Mr. Dietel also noted that Maria Devlin negotiated an easement for the driveway and would likely need to renegotiate that easement.

Mr. Rokel provided a map that was taken from the T-Mobile website that shows there is extended LTE and 4G coverage in that area. (Exhibit C)

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Chairman Samsel expressed concern that the proper variances were not requested for the application. Could they determine that additional relief is required, but still hear from the public or should they continue the hearing and get input from town council?

Mr. Partington wanted to hear from everyone that was present and also have the applicant renoticed for the proper sections. He did not believe they could rule on the case.

Mr. Gregory noted he was unsure if anything additional was necessary since Attorney Campbell stated the additional variances were not necessary.

Chairman Samsel questioned if there were wetland areas. Ms. Skinner noted the Conservation Commission stated the site was not in WWPD.

Mr. Breton noted that the town attorney stated a front and height variance might be needed. He believed the site was in WWPD and the ordinance states that a tower could not be located in WWPD. He suggested they take public input and retain their own consultant to determine if there was a cell service gap.

The board proceeded with abutter input.

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Kacie Rokel, 107 Londonderry Road
(Exhibit D – additional research)

Ms. Rokel was in opposition and is a direct abutter. She has two children. Ms. Rokel had the following concerns:

- Understanding the board could not challenge the tower based on health concerns, she found two major studies that showed homes 400 meters away from cell towers showed a 300% increase in cancer as well as headaches and sleep disturbances. Her home is 200 meters away from the proposed site
- International Association of Firefighters Division of Occupational Health, Safety and Medicine sited up to 42 studies that show negative health effects
- The access road is a dirt driveway that was permitted as a residential driveway
- Safety concerns over emergency vehicles only having one access. She would also like to see an emergency management plan
- In severe drought conditions similar to what we saw this year, the tower could pose a larger danger. There are no hydrants and the property is landlocked. A fire could destroy their home and conservation land.
- If there were to be a tower collapse, could the town guarantee their safety
- She found very little information about the company. What is their safety record? Any formal complaints filed against them?
- Fosters Pond Conservation area is an area of immense enjoyment for residents. The tower would cause visual pollution
- Studies have shown electromagnetic radiation could effect natural resources only 200’ away, especially birds.
- Do we allow other families who run businesses on their property the same permissions?
- The only people who will benefit from the project are the Devlins, T-Mobile and Eco-Site

Mr. Scholz questioned if Ms. Rokel was concerned about diminished property values. She indicated she is extremely concerned about that. Living next to a driveway that will be access to a cell tower would be harmful.

Jody Fantasin, 109 Londonderry Road

Ms. Fantasin requested that the board deny the variance for the following reasons:

- Only three parties that will profit from the venture, there are many more that have much more to lose; her children would lose.
- Windham is a rural town that values conservation and wildlife. She is disappointed to think they would consider placing a cell tower 150' from her yard where her children play
- They lose safety, security and their own well-being.
- Tower is 300' from her son's bedroom window
- Safety concerns over fire or falling debris
- What happens when a 145' tower falls and is only 150' from her property?
- Noise
- Lose privacy – two times a month, a stranger climbs tower for maintenance
- Aesthetically they lose their view. They will see the pole out of every back window of their home.
- Lose the value of their home. Research shows 79% of people will not own or rent a home within a block of a cell tower; 88% would never purchase with a tower on top of their home; home values diminish approximately 20%.
- Another resident will submit a petition signed by 500 people who are not in favor of the tower
- It is a rural neighborhood, not zoned for the use
- They have never had issues with their cell service
- Denying it would cause no adverse effect to the Devlin property
- There was a Selectmen that previously fought having a cell tower in back of her home

Todd Steffanides, 115 Londonderry Road

Submitted a packet with research regarding property values and the petition with 500 signatures (Exhibit E). Mr. Steffanides lives approximately 200' from where it will be erected and had the following concerns:

- They have proven it will be contrary to public interest by providing a petition with 500 signatures stating they are against the variance
- He left the city to get away from things like this
- The town would be setting a precedent for future development in residential neighborhoods
- Our surrounding property values would be diminished
- Bought their home knowing their backyard was part of conservation land
- They did not choose to live in a commercial area. You would allow to them to permanently change the value and perceived value of their property
- The National Institute for Science, Law and Public Policy stated that 79% of people surveyed stated they would not live within a few blocks of a tower. 90% expressed concern about towers in residential neighborhoods.

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- There was a realtor that sited a case in Beacon Hill where a cell tower was proposed and in his opinion, it would decrease the value of the home by 10-20%. Who would cover the financial burden they would place on families.
- There is a perception of health risks.
- Concerned about he safety of the conservation land; RF radio emissions impact the health of migratory birds
- Submitted (Exhibit F) T-Mobile coverage map in the area shows there is no gap

Thomas Strykowski, 111 Londonderry Road
Mr. Strykowski concurs with everything his abutters have stated so far. He would like the board to reject the application, as he does not believe it is good for the town.

Conservation Commission
They provided a letter stating that the plans did not show the tower in the WWPD. It was not a good thing for a conservation area. They would like to see a balloon test from that area. They believe there will be negative impact for aesthetics of the area.

Kelly Gage, 12 Fordway Extension
Ms. Gage concurs with all other discussion. She added:

- They have the ability to call 911 using landlines, cable service and Wi-Fi calling. There are no issues with not being able to call 911, which was previously stated as a concern.
- In terms of the balloon test, most of the locations they chose were at low elevations. Knowing the topography of the areas, they would have a different view from higher elevations like Carr Hill, Fordway Extension or the golf course.

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Josh Clarke, 41 Nashua Road

- He is a T-Mobile subscriber and challenges their determination that there is a gap in coverage. He has coverage in the white spots they indicated a gap.
- Their identification of the gaps is suspect and are contradicted by their own maps
- They identified the area based on customer complaints. He would like to see evidence of those complaints.
- If we were going to accept the argument about lack of coverage, he would question if it were a T-Mobile problem or a geography problem.
- Possibly it has to do with a vendor using substandard technology

Chairman Samsel questioned how long Mr. Clarke had T-Mobile as his carrier. Mr. Clarke noted it has been over 10 years, even prior to moving to Windham.

Joel Desilets, 14 Candlewood Road
His comments are as an individual citizen, not as a Selectmen. He concurs with all of the abutters on all issues.

- He does not believe there is a valid case for hardship
- He also does not believe there is a lack of coverage
- He sells electromagnetic software and knows that Verizon has invested billions of dollars in different spectrums
- He asked the board to truly consider the dimishment in values of properties

- He would not purchase a home in a cell tower area
- He asked the board to reject the proposal

Sam Stuchard, 6 Coventry Road
Mr. Stuckard supports the statement of all the abutters and is adamantly opposed to the project for the following reasons:

- T-Mobile is stating they have a hardship because of lack of service. There are no people present that are in favor of the project or could substantiate that they do not have coverage.
- He lives about 0.6 miles from the tower and he is concerned about his property values going down
- T-Mobile needs to invest more in their technology

Amy Manzelli – BCM Environmental, representing Justin and Katie Paré from 3 Brentwood Road
The tower would be 850' to their home. Variances are meant to allow things that are just slightly outside of what is allowed. It is not meant to allow uses that violate all sorts of different provisions. Ms. Manzelli added the following:

- The prior subdivision approval runs with the land and that approval states the property is for residential development, and there should be no construction in the wetlands and water protection district
- We have no evidence that adequate property rights have been obtained across the access lot
- They need several variances in addition to Section 702.5: not providing screening berm; wetlands and watershed protection district; without a variance, not allowed to have a single lot with two primary uses (cell tower as an accessory use); use variance; height variance; she does not know if there are any guide wires, that could require an additional variance; not able to determine if there is a different requirement for driveway specifications when they are used to access industrial or commercial site. She has not seen any plans for that.
- This is a really illegal proposal in the absence of all those variances. It does not fit.
- There needs to be more definition on the wetlands and watershed district
- Ms. Manzelli provided Exhibit G: a shaded map of the property indicating the wetland and watershed district. She believes they are in the watershed district.
- Has a letter dated December 13, 2016 that she distributed to the board (Exhibit H). She concurs with the legal analysis proposed by Attorney Dietel
- She requested the board schedule a site visit on behalf of the Paré family
- There is no mandate that this board must say yes to every application for a cell tower
- It seems like they could have tried harder to find an alternate site. Another option is co-location. They have not received a lot of specifics on why that may or may not be possible
- A different carrier has been told they have enough coverage. Here is not a long line of carriers trying to come in
- A Summary of her points from page one of her letter provided more detail and was read into the record.
- There is a 100' required setback from the wetland and WWPD boundary. It is not clear where those lines are on the property and if the proposed tower is within that boundary.
- Page 6 of her letter sited a case "Nine A. LLC vs. Town of Chesterfield, 157 NH 361, 369 (2008)" that relates to this case
- Hardship needs to be proven. In this case the question is whether the hardship is for T-Mobile or the property owner.

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- Request the board consider the use variance and would urge them to deny it
- She would also urge the board to engage their own consultants to evaluate if there is a gap, if the property is within WWPD and the diminished property value issue. Costs can be passed on to he applicant for all of those items.

Eve Napoli, 11 Grandview Road
Ms. Napoli concurs with everything everyone said. She is a Verizon customer and has no issues with service. Ms. Napoli added the following:

- She would challenge the voracity of the photos. None of the photos were taken from higher elevations
- The State of NH recognizes the value of scenic views. She would likely see the tower from the second floor of her home
- For 16 years she worked for the NH Department of Labor and oversaw workers compensation claims and was a safety inspector for the state. A site evaluation should be done with the fire chief. She would have concerns about the town's firefighters going in there. There are many safety concerns.

The board took a 10-minute recess and resumed at 10:40 p.m.

Bill Corkum, 9 Fern Street
Mr. Corkum abuts Fosters Pond and has lived there for 17 years. They purchased their home because of the proximity to the pond. When all the leaves are gone, you will be able to see the tower. He is a Verizon customer and noted the service has gotten better over the years. He has very few issues. Occasionally he loses service in the area of the country club. The radius of the cell tower would not even cover that area. He would implore the board to deny the application.

Chairman Samsel recommended that the board continue the case for more information and recommendations from town council.

Attorney Sousa addressed some of the concerns from residents. He noted that T-Mobile as the licensed provider, controls the application, not Eco-Site. They are confident in the gap in coverage indicated. He noted that it always makes sense for the board to hire a consultant to confirm the gap they are proposing and that the proposed site would fill that coverage. They would pay for that consultant. He would support a continuance for the board to get more information. They would be agreeable to an additional balloon test.

The board discussed January 24, 2016 for a continuance and suggested January 14th or January 21st for the balloon test.

Chairman Samsel requested that areas with higher elevation be included in the test. Mr. Breton noted they could set the parameters since they would be controlling the test.

Attorney Sousa suggested that their consultant could perform the test, but the town could hire a consultant to take the photos. Mr. Scholz questioned if they could identify a mile perimeter and take photos from the highest and lowest points within that distance. Attorney Sousa could check with their vendor.

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Chairman Samsel questioned if they could Photoshop in a depiction of a camouflaged tower. Attorney agreed they could do that.

Chairman Samsel questioned when the board would want to do a site walk. Mr. Gregory suggested they could do it the same day as the balloon test.

Chairman Samsel noted they needed to contact town council to determine what variances were needed. He also questioned if the board would want to hire a frequency engineer to do their own determination of coverage.

The board would wait until their next meeting to determine how to proceed after they had a chance to consult with town council.

Mr. Partington requested copies of all the exhibits provided by abutters. Mr. Gregory would provide a digital copy.

Mr. Scholz questioned if the applicant would waive the 150-day time clock. Attorney Sousa noted they were early on in the timeframe, but would need to consult with his client to determine if they would be willing to do that. He could have an answer at the next hearing. The board determined that October 31, 2016 is the date application was accepted so that is when the 150 days starts.

Mr. Mazalewski noted that the variance that created the parcel was specific for a residential, single-family lot and that variance runs with the land. They should put that information in when talking with town council to see if that is relevant.

Ms. Skinner read letters from abutters into the record:

Cynthia Mires Cashen, 6 Fern Street
Ms. Cashen is conflicted between cell phone improvement versus the tower going in a residential area with children and wildlife. Who would benefit from the structure? She suggested they construct a tower on town land away from residents so the town can collect the rent.

Peter and Stephanie Serian, 8 Fern Street
They are new residents and regularly go to Fosters Pond. They oppose the construction of the tower and agree it will diminish property values and pose health risks.

Lori and Brian Ashworth, 7 Fern Street
They use Fosters Pond frequently and value conservation land. They oppose the construction of the tower and agree it will diminish property values and pose health risks.

Scott and Jessica Weller, 2 Londonderry Road
They oppose the project. They love Fosters Pond and use the recreation area frequently.

Attorney Dietel noted they would dispute that the 150-day clock has begun because they do not believe they have a complete application. That may be something that needs to be addressed with council.

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Mr. Gregory agreed to released the letter from Attorney Campbell into public record.

MOTION: Mr. Scholz made a motion to have a site walk on January 14, 2016 with a rain date of January 21, 2016 with the time to be publicly posted when determined. Mr. Breton seconded the motion.
No Discussion.
Vote 4-1. Mr. Partington opposed.
Motion carries.

MOTION: Mr. Breton made a motion to continue hearing for case #43-2016 to January 24, 2016. Mr. Scholz seconded the motion.
No discussion.
Vote 5-0.
Motion carries.

The board will review the outstanding minutes at the next meeting.

MOTION: Mr. Partington made a motion to adjourn at approximately 11:30 p.m.
Mr. Scholz seconded the motion.
Vote 5-0.
Motion passes.

Submitted by Andrea Cairns

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