

**TOWN OF LYMAN
PLANNING BOARD MINUTES**

Public Hearing and Regular Meeting

August 3, 2022

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall and are posted on the Town's webpage. Minutes are not verbatim and may be paraphrased for clarity. Minutes are drafts until approved by the Planning Board.

PUBLIC HEARING CALL TO ORDER: Chair Rod Tetu called the Public Hearing to order at 6:45 pm, to review the proposed wireless telecommunications tower at 283 Middle Road on Map 4 Lot 43-5 proposed by Evolution Site Services LLC.

Attendance at the Public Hearing included EVO Site Services LLC representative Christopher Ciolfi; Planning Board members: Paul Boucher, Kelly Demers, Cecile Dupuis, Donald Herson, William Single and Joseph Wagner; and Code Enforcement Officer Brenda Charland. Members of the public included: Brian Hammond, Tom Hammond, Jason Beaulieu, Suzan Taylor, Stuart Davis, and David Kyldw,

The public hearing was recorded.

DISCUSSION:

The Planning Board conducted a site walk on July 6, 2022 at 283 Middle Road to review the proposed wireless telecommunications tower on Map 4 Lot 43-5 proposed by Evolution Site Services LLC with their representative Christopher Ciolfi.

Mr. Ciolfi explained the proposed project and the need for a new 155 foot cell tower in this area for better cell phone coverage, and answered questions regarding the project. Questions included: how much area will be cleared, if the tower can be used for 5G (answer yes), need for FAA lights on tower (answer no), if the access tower will be gated (answer yes), discussion of a previous project on this site – authorized but not built. Construction work will be done between about 7 am until 4 pm. Access road will be strong enough to support construction vehicles, but is not required to be approved by the Lyman Road Commissioner.

Mr. Ciolfi stated he had a signed contract with a major carrier but had been asked not to reveal their name.

Planning Board noted that there was a Cell Tower Objection Letter with a package of written material in opposition to the project from six Middle Road residents received on Tuesday, August 2, 2022. This package was provided to PB members and the applicant.

Mr. Ciolfi commented on possible radiation health effects and possible cell tower effect on property values.

The EVO application is available online on the Lyman Town website, and a copy is available at the Town Hall front desk for public review in Town Hall.

ADJOURNMENT

The Board voted to adjourn the Public Hearing on the proposed new cell tower at 7:10 pm.

MEETING CALL TO ORDER: The regular meeting began immediately following the public hearing with Planning Board members: Paul Boucher, Kelly Demers, Cecile Dupuis, Donald Herson, William Single and Joseph Wagner; Code Enforcement Officer Brenda Charland; and EVO Site Services LLC representative Christopher Ciolfi present. No record of other meeting attendees is available, except as noted below.

DISCUSSION:

Jason Beaulieu – Beaulieu Logging LLC – Map 7 Lot 103 &107 – 0 Alfred Road, application for wood recycling yard for brush, trees, stumps and making mulch. Applicant explained the project and provided material requested by the Board. After review, the Board **voted** the application as complete with the exception of required mailing labels for abutters. Applicant will provide an electronic copy of the application for the Town website.

Site walk set for 6:30 pm Wednesday August 17, 2022.

Evolution Site Services – Map 4 Lot 43-5 – 283 Middle Road, application for a wireless telecommunications tower. The Board discussed the Cell Tower Objection Letter from six Middle Road residents with a package of written material in opposition to the project. Christopher Ciolfi of EVO Site Services described the role of the FAA in reviewing the height of cell towers and offered comments. Joe Wagner read a section of FAA regulations regarding potential radiation from cell towers.

The Planning Board used the **16 standards of Section 8.3.6 of the Lyman Zoning Ordinance** to review this application, as follows:

The applicant proposes to construct a **new wireless telecommunications facility** including a 12 foot wide gravel access drive, a fenced in compound area, electric and telephone utilities, a free-standing lattice style tower, electronic equipment and antennas.

Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.

Findings: The applicant proposes that a new Transmission/Telecommunications Tower and Personal Wireless Service Facility is a permitted use in the General Purpose zoning district where the property is located.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 2: Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, light, glare, traffic, or other cause.

Findings: The applicant proposes that the facility will not negatively affect the abutting properties. No generator is proposed for this facility.

Conclusion: Based on the above information and the information in the record the Boards finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 3: Will not have a significant adverse effect on the adjacent or nearby property values.

Findings: The Cell Tower Objection Letter referenced above provided internet articles from other parts of the country citing concerns about possible adverse effects of cell towers on adjacent property values. The Board reviewed this information. No specific adverse property value data was submitted on this project.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 4: Will not create a hazard to pedestrian or vehicular traffic or significant traffic congestion.

Findings: The applicant proposes that the access driveway to the facility will have a gate that is at least **twenty five (25) feet** from Middle Road to allow vehicles to exit Middle Road onto the access driveway to reduce traffic congestion. After the completion of facility construction, vehicles accessing this facility will not create significant traffic onto Middle Road. The Board **voted to direct the applicant** to install a **Knox Lock** on the access driveway gate to allow emergency vehicle access and **to consult with the Lyman Road Commissioner** regarding the need for an access driveway culvert to minimize any water runoff onto Middle Road.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 5: Will not result in fire danger.

Findings: The applicant proposes that the facility equipment is designed and grounded to minimize electrical fire hazards.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.

Findings: The applicant proposes that no flood hazards, flood damage, drainage problems, ground or surface water contamination, or soil erosion will occur due to the proposed site use.

Conclusion: Based on the above information and the information in the record the Board finds the applicants meet this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:

Findings: The applicant proposes that there will be adequate access to the site with construction of the access driveway and installation of the Knox Lock on the access gate.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 8: Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants and users of the site and will not damage the value or diminish the usability of adjacent properties.

Findings: The applicant does not propose to install outdoor lighting for this facility. Due to the location of this facility on the site, any temporary lighting that may be used during maintenance or repair work will not interfere with motorists on Middle Road, and will not damage the value or diminish the usability of adjacent properties.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 9: Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development. The applicant shall provide a plan prepared by a Registered Landscape Architect, or other qualified professional approved by the Planning Board.

Findings: The applicant proposes this is not applicable due to the location of the facility on the landowners' property.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 10: Makes provisions for vehicular parking, loading, unloading, as well as vehicular and pedestrian circulation on the site, and onto adjacent public streets which would neither create a hazard to safety nor impose significant burdens on public facilities.

Findings: The applicant proposes that there is adequate parking and that no hazards or burdens on public facilities are created by the proposed use.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.

Findings: The applicant does not propose to install a bathroom or a septic system and no changes are proposed that would create ground or surface water contamination.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard with the condition by a vote of:

Yes 5 No 0 Abstain 0

Standard 12: Makes provisions to control erosion and sedimentation.

Findings: The applicant proposes measures necessary to control erosion and sedimentation as shown on sheet A-3 of the submittal.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 13: Makes adequate provisions to handle storm water run-off and other drainage on the site.

Findings: The applicant proposes no changes to the site that would affect storm water. The Board did not find any storm water issues during the site walk.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 14: Provides for a water supply which meets the demands of the proposed use and meets the needs for fire protection purposes.

Findings: The applicant proposes that the facility is powered by electricity, and that the equipment does not require water or fire suppression.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 15: Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State and Federal Law; The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 materials are not permitted.

Findings: The applicant proposes that no flammable or hazardous substances noted above will be stored at this facility.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 16: Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan.

Findings: The applicant proposes that no site activities will affect occasional wildlife that may visit the site. The Board states that there is no evidence of significant wildlife habitat or scenic vistas.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Based on the above findings and conclusions, the Board voted to approve the application for a **new wireless telecommunications facility** on the site, with the following **Conditions of Approval**:

1. Approval is dependent upon, and limited to, the proposals and plans contained in this application; supporting documents, oral representations submitted and affirmed by the applicants, and any variation from the plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. Approval is dependent upon the applicant installing a gate that is at least **twenty five (25) feet** from Middle Road to allow vehicles to exit Middle Road onto the access driveway to reduce traffic congestion and to **install a Knox Lock** on the access driveway gate to allow emergency vehicle access.
3. Approval is dependent upon the applicant **consulting with the Lyman Road Commissioner** regarding the need for an access driveway culvert to minimize any water runoff onto Middle Road.

The Board will sign the original site plans at the next PB meeting.

Suzan Taylor – Request to split property at 53 Avalon Lane into two lots; questions about right-of way width and back lot provisions

Stuart Davis represented Suzan Taylor 3 who has owned the property since 2004 and desires to split off a three acre lot, and presented two options regarding road frontage, back lot provisions and width of a proposed right-of-way. The Board reviewed the LZO and Road Standard requirements and discussed options with the applicant and the Code Enforcement Officer. The Board determined that the new lot should not be a back lot, and that the applicants should use Option Two of their proposal. The applicant will provide the CEO with the required documentation for review by the Staff Review Committee under the provisions of LZO 8.3.11.

Minutes of PB Meetings- The Board discussed status. No minutes were available for review.

Other Items:

The Board discussed the use of a survey for Huff Road residents regarding possible zoning change from General Purpose to Residential.

The Board discussed other zoning changes, especially the contract zoning change.

The Board signed the Merry Morning LLC Site Plan.

The Board noted that the Select Board has posted for applicants for the CEO Assistant/Planning Board Clerk position.

SET AGENDA for PB Meeting on August 17, 2022

Note: SITE WALK for Beaulieu Logging LLC is scheduled for 6:30 pm

APPOINTMENTS

- Jason Beaulieu – Beaulieu Logging LLC – Map 7 Lot 103 & 107 – 0 Alfred Road, Lyman – Application for wood recycling yard for brush, trees, stumps and making mulch

MINUTES:

- Audio Minutes of Planning Board public hearings and meetings are available on the Town website. Review status & determine if further action is required.

OLD BUSINESS/MAIL:

- Continue discussion on proposed Lyman Zoning Ordinance amendments and proposed zoning change for Huff Road

NEW BUSINESS:

- Preliminary review of Harper Residential Subdivision

ADJOURNMENT

The Board voted to adjourn at 8:45pm.

APPROVED DATE: 01/11/2023

Roderick Tetu
Roderick Tetu, Chairman

Don Hernon
Don Hernon, Vice Chairman

Cecile Dupuis
Cecile Dupuis, Secretary

Joseph Wagner

Paul Boucher
Paul Boucher

Kelly Demers