Town of Berlin
Municipal Office Building
108 Shed Road

Berlin, VT. 05602
Regular Select Board Meetings
1st & 3rd Monday of Each Month

Special Meeting

Thursday, March 20, 2014
5:00 PM

Select Board Members: Ture Nelson, Chair, Roberta Haskin, Vice Chair; Pete Kelley, Brad Towne. Absent Jeremy Hansen, Secretary. Others Present: Jeff Schulz, Town Administrator; Rob Halpert, Town Attorney. All items are unanimous unless otherwise noted.

UNAPPROVED MINUTES

Chair Ture Nelson called the meeting to order at 5:00. Ture Nelson announced that he is recusing himself from this agenda item as he is a neighbor in the area of the project. Vice Chair Roberta Haskin took over as Chair.

Verizon Wireless – Telecom Tower – Off Marvin Road

Jeff Schulz stated that Verizon Wireless is proposing to install a telecommunications tower off Marvin Road, and that the proposed location of the tower will put it within 300 to 400 feet of homes within the Partridge Farm neighborhood. The Public Service Board (PSB) is currently reviewing this project under the 30 V.S.A., 248 siting process.

Rob Halpert stated the Public Service Department (PSD) issued an opinion stating that because the PSB has declined to use town zoning regulations as an acceptable basis of a clear written community standard in 30 V.S.A. 248 siting procedures, the PSD finds that the proposed cell tower project does not create an undue adverse aesthetics impact on the area. The PSD issued this opinion despite a report by a consultant hired by the PSD stating that the tower would have an undo impact on the aesthetics of the neighborhood. Rob added that Jeff Schulz asked that he attend the Select Board meeting to discuss having the Select board authorize Rob to further intervene in the PSB 248 review process.

Rob Halpert stated that if the tower project needed a Town permit, the Town's zoning ordinance has specific standards that would allow the Town Development Review Board to deny this application because of its significant height above the tree line. However, based upon case law and past practice, the PSB does not apply Town Zoning Standards or another community standard in the 248 process, and as a result, a municipality has very limited input or sway on the PSB 248 process. Rob added that the PSB had not yet issued a ruling on this item.

Several residents of the neighborhood asked if the Town could intervene further in the 248 process to ask the PSB to hold additional hearings on the application, and to restate the neighbor's objection to the current proposed tower location.

Rob stated that he could write a letter to the PSB stating that because of the consultant's report stating that there will be an undue adverse impact on aesthetics, the concerns of the neighbors, and a lack of information in Verizon's application, the Town is asking the PSB to hold additional hearings on the application. In addition, the letter could request additional information from Verizon.

Jeff asked Rob for an estimate of the time that it may take to write the letter. Rob responded that the letter would take only a couple of hours, however, he noted that there could significant expense involved if the PSB held additional hearings.

Motion by Brad Towne, seconded by Pete Kelley, to authorize the Town Attorney to send a letter to the PSB requesting additional hearings on the Verizon cell tower. Motion approved.

Motion by Brad Towne, second by Roberta Haskin, to adjourn the meeting. Motion approved.

For the Select Board:

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Jeff Schulz - Town Administrator