

Hardwick Planning Commission
December 8, 2020
Via Zoom
Minutes

HPC Members Present: Joyce Mandeville; Jim Lewis; Ken Davis; and Dave Gross, Chair

Also Present: Kristen Leahy, Hardwick Zoning Administrator (ZA); Rachel Kane; Lenore Renaud; Suzanna Jones; Julie Gregonis; Lauren Honican and Myles Kamisher-Koch; and Michael Deering

Absent: Michael Haveson

Chair Dave Gross opened the meeting at 6:34 pm.

Joyce Mandeville moved to approve the agenda as written. Ken Davis seconded. All members were in favor.

Jim Lewis moved to approve the November 10, 2020 meeting minutes as written. Joyce Mandeville seconded. All members were in favor.

Jim Lewis moved to approve the November 23, 2020 special meeting minutes as written. Joyce Mandeville seconded. All members were in favor.

The meeting immediately proceeded to discuss the topic of the VT PUC Case No. 20-3175-PET: AT&T Hardwick 1061 Cooper Brook Drive (to be referenced as the proposed AT&T tower in these minutes). Chair Gross reported that he had a community volunteer travel the town to review the cell coverage. The volunteer had 2-3 bars in the Hardwick village area and did not lose coverage until Lake Eligo on Route 14 North, the water tub on Route 14 South, and Hardwick Farms Road on Route 15 West. The volunteer did find that s/he had coverage in the area that will reportedly be covered by the new cell tower. Chair Gross also walked with his AT&T phone throughout the Hardwick village. He received 2-3 bars of reception in the entire area. This anecdotal evidence raises the question about the accuracy of AT&T's coverage map.

Ken Davis asked about the financial incentives of owning a new tower versus renting space on the Bridgman Hill tower. Chair Gross indicated that the additional tower is being requested for additional coverage (rather than replacing the existing coverage). The AT&T proposal seeks to augment the cell phone coverage. The study that was commissioned in 2005 by the Town of Hardwick (Hutchins study) predicted that the town would eventually need 2 towers. However, the question remains as to why Buffalo Mountain has to be the second location.

Community member – Lenore Renaud – clarified that AT&T contracted with FirstNet and is accessing federal monies to place 36 towers in Vermont by 2023. The stated purpose is to provide better coverage to first responders. The proposed tower would actually be owned by FirstNet and would be utilized by AT&T.

Ken Davis asked if the location on Buffalo Mountain was the same as in 1997. The current proposal has a different location – lower and on the side of the Mountain.

The Rinkers tower was allowed on Bridgman in part due to the objections of placing a tower on the scenic view of Buffalo Mountain.

Jim Lewis spoke with George Hemmens (who was on the zoning boards during the earlier cell tower reviews). George reported that the Buffalo Mountain tower was previously stopped by monetary constraints. The installation at Shepard's land on Bridgman Hill was much easier to pursue. It was believed that the permit may have even been issued but not pursued (*a review of the PUC history in Hardwick indicates that the permit was NOT issued for Buffalo Mountain*). (Suzanna Jones spoke with the lawyer for the earlier Buffalo Mountain proposal. No permit was granted. The application was abandoned).

Community members – Lauren Honican & Myles Kamisher-Koch – inquired about the chain of zoning events and asked whether the PUC would actually care about the community's response. Chair Gross provided an overview. He has communicated with people who work with the PUC and has received assurances that the PUC does wish to receive the community response.

Community member – Julie Gregonis – has submitted a Motion to Dismiss to the Public Utilities Commission (PUC). In her Motion to Dismiss, she alleges that the AT&T application is not complete as it lacks information about the access (no agreement with the Town), no information about the wildlife corridors, the scenic resource aspect of the Town Plan is missing, and various site plans are not included.

Ken Davis stated that the weakest portion of the application is the question of the access. He believes that this is very necessary. Will they utilize the old trail? Blasting will be necessary for the underground utilities – do they have the cost projections on that aspect? What if the Town denies access? Will this trigger a new application? Ken Davis gave the opinion that he believes that the Select Board will not deny upgrades to the Buffalo Mountain trail.

The discussion pivoted to the Town Plan. Ken Davis stated that good coverage is necessary to provide technology throughout the town.

Community member – Suzanna Jones – responded that the Town only needs adequate cell service.

Community member – Michael Deering – stated that the AT&T proposal will adversely affect the critical habitat and wildlife corridor in that section of town. He reminded the HPC that once the tower is installed, the community will no longer have a voice in its appearance, etc.

Community member – Myles Kamisher-Koch – asked about first responders. Is their coverage an issue in Hardwick? Chair Gross responded with Michael Haveson's experience as a first responder with FirstNet (not an issue). The Select Board has indicated that they will be reaching out to the first responders in town. Community member – Rachel Kane – has spoken with Lucian Avery (SB & First Responder) who also indicated that he has not experienced gaps in his coverage. Chair Gross felt that the Select Board will address this issue.

The Select Board will be hosting a public hearing for the residents of Hardwick.

Community member – Lenore Renaud – submitted a Motion for Hearing to the PUC. Chair Gross asked the HPC if they should also submit a Motion for Hearing.

Community member – Rachel Kane – asked how a decision could be made with a lack of information about the AT&T proposal. It was clarified that the Motion for Hearing asks the PUC to host an evidentiary hearing on the proposal. The public hearing with the Select Board would be a separate event.

Joyce Mandeville made the motion to make a Motion of Hearing with the Public Utilities Commission for the AT&T proposal on Buffalo Mountain to allow further examination of whether or not the proposal complies with the Hardwick Town Plan. Ken Davis seconded. All members were in favor.

The HPC has been asked to provide comments on the Motion to Dismiss which was made by Julie Gregonis. The deadline for these comments is December 18, 2020.

Community member – Suzanna Jones – stated that Julie Gregonis makes a compelling argument and the AT&T proposal violates the PUC's own rules of completion.

After discussion about the Motion to Dismiss, a motion was made by Jim Lewis to endorse the following response – "We (the Hardwick Planning Commission) support the Motion to Dismiss the AT&T proposal on Buffalo Mountain specifically because the application fails to give due consideration to the Hardwick Town Plan – in particular, the scenic resource section is missing." Joyce Mandeville provided the second. Three members were in favor. Ken Davis abstained from the vote.

The commission members discussed the review to the Select Board which will be included in the Select Board's communications.

The aspects of the proposed AT&T tower that fall into the purview of the HPC include the following:

- Scenic resources
- Natural areas and Wildlife resources (connectivity and habitat blocks) – road construction will alter. No adequate information on the impact.
- Wetlands protection (again, no adequate information on impact).
- Land resources (steep slopes) – location and road appear to traverse +25% slope.
- Adequate coverage provided for cell service?

Additionally, a balancing statement will be included about the need to provide access to technology in the future but questioning the location. Other sites may be better suited.

HPC members agreed with the above list. Kristen Leahy will distill the information for Chair Gross who will write the letter to the Select Board. The letter will be reviewed by the members of the HPC prior to transmittal to the Select Board.

Ken Davis moved to close the meeting at 8:30. Joyce Mandeville seconded. All members were in favor.

The next virtual HPC meeting will be on January 12, 2021 by Zoom.

~ Respectfully submitted, Kristen Leahy, ZA