

Hardwick Planning Commission  
November 23, 2020  
Via Zoom  
Emergency Meeting  
Minutes

HPC Members Present: Joyce Mandeville; Jim Lewis; Michael Haveson; and Dave Gross, Chair

Also Present: Kristen Leahy, Hardwick Zoning Administrator (ZA); Ceilidh Galloway-Kane, Select Board Member; Rachel Kane; Lenore Renaud; Suzanne Jones; Julie Gregonis; Judith Ruskin; Karol Toaldo and Megan Hall; Michael Deering; Rose Friedman

Absent: Ken Davis

Chair Dave Gross opened the meeting at 6:39 pm.

Jim Lewis moved to approve the agenda 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 attended the Select Board Meeting on November 19, 2020 where there was extensive discussion about the cell tower proposal. The Select Board chair – Eric Remick – suggested that the HPC draft a letter to the Select Board reviewing the proposal through the lens of the Town Plan. This review would be incorporated into the Select Board response to the Public Utility Commission.

Chair Gross asked the HPC to weigh in on whether the Commission should act as a sole entity or if it should combine efforts with the Select Board.

Community member – Michael Deering – inquired as to why the commission was in a rush and asked about the benefits of the proposed cell tower to the community. Chair Gross explained that the original deadline for filing a Notice of Intervention was November 24, 2020. An extension has been requested (to January 13, 2021) but the HPC was starting the process so that their review can be completed in a timely manner. The actual crafting of the review will occur at the regular HPC meeting on December 8, 2020.

Chair Gross also reported that the review from the Planning Commission is what the Public Utility Commission (PUC) sincerely wishes to receive. He believes that that the Select Board will incorporate the HPC comments and concerns into their response to the PUC even if there is a disagreement between the two entities.

The commission members decided that they will submit a review to the Select Board to 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
- Land resources (steep slopes)
- Natural areas and Wildlife resources (connectivity and habitat blocks)

In addition, there should be a review conducted regarding the feasibility of the proposed structure within the context of the Hardwick Unified Development Bylaws.

Joyce Mandeville asked about the construction impacts. Community member – Lenore Renaud – responded that a crane would need to travel up to the site to place the 184’ tower (approximately 110 feet above the tree tops). The land is too steep in areas for the utilization of existing access routes. A ½ mile of new access would be constructed to avoid the steepest section. Heavy equipment and cement trucks would need to be able to navigate the access.

Lenore Renaud also reported that the proposed AT&T tower would be very visible from certain sections of town – South Main Street and the Hazen playing fields for example. At certain locations, there would be a lack of back drop which would increase the visibility of the tower. The view shed pictures provided by AT&T appeared to focus on the locations with the least visual impact. Lenore Renaud has entered a letter with the Select Board and the Planning Commission (attached) which delineates the impacted view shed areas in the town.

Community member – Michael Deering inquired about the feasibility of camouflaging the tower to look like the surrounding trees. He made the suggestion that this be examined.

Returning to the issue of the steep slopes, the **HPC will review the Natural Resources Constraints Map to provide guidance on the severity of the slope on the access and on the site.**

Community member – Rachel Kane asked about the process of permitting the tower by the Development Review Board and the interaction between the zoning entities (HPC & DRB). Chair Gross gave a quick overview on the individual roles of the two entities.

The DRB does not have a zoning application to review but **could potentially weigh in on the merits of the proposed tower within the Unified Development Bylaw context.** In particular, the height of the tower and the need for additional balloon tests were noted as aspects that do not match the zoning bylaw.

Community member – Suzanna Jones noted that not all of the easements for the access route have been received by AT&T.

Community member – Judith Ruskin spoke about the valuable wetland resource that would be impacted. Chair Gross explained that the proposal would need permission from the Agency of Natural Resources to fill or encroach on the Class II wetlands. This permit is still in process.

Community member – Julie Gregonis inquired as to why the proposed tower was located so close to the village. She voiced concerns about the potential harm to health.

Community member – Suzanna Jones reminded the meeting that the Federal Communications act does not allow municipalities to base their decisions on health concerns.

Community member – Rachel Kane commented on the previous attempt to place a tower on Buffalo Mountain. That attempt was derailed by the limitations on the access. The access is a trail and does not have extensive width.

The question was asked about the balloon test. Currently, the point person for the information about the date and time is the town manager. Shaun Fielder will be providing the information on the Town website, on Front Porch Forum, and in the Hardwick Gazette if the timing allows for that venue.

Discussion moved to the benefits of the proposed AT&T tower. It was explained that the proposal is funded by the First Net monies from the federal government. The intention is to create access to more service in the town, especially for first responders. **Chair Gross stated that he believed that the Emergency response team should be surveyed for their experience. Is this an issue in Hardwick?** It was also noted that people have reported having AT&T cell service in Hardwick Village in areas delineated as “blank” on the submitted coverage maps.

Community member – Rachel Kane informed the Commission that Kingdom Fiber is being built.

Michael Haveson stated that he is a first responder and has First Net from AT&T (service from Bridgman Hill) and he has coverage everywhere in town (to his knowledge).

Community member – Suzanna Jones reviewed the Unified Development Bylaws and the telecommunications section allows for “adequate coverage” rather than optimal. She opined that the threshold of “adequate” has been met in the village of Hardwick. Jim Lewis questioned what the town would be gaining for the destruction of a scenic area. Community member – Rose Friedman noted that there is a lack of coverage in other areas such as Woodbury and Wolcott.

The Commission will meet in December to craft the letter to the Select Board.

A motion was made to enter the Notice of Intervention form if the Motion of Extension is not accepted prior to the existing (November 24, 2020) deadline. Joyce Mandeville made the motion and Jim Lewis provided the 2<sup>nd</sup>. All members were in favor. *(The PUC portal still says that the extension is “pending” as of 9:30 am on November 24, 2020. After much technological excitement, the Notice of Intervention was filed on November 25, 2020. The extension is still pending).*

Michael Haveson moved to close the meeting at 8:15. Joyce Mandeville seconded. All members were in favor.

The next virtual HPC meeting will be on December 8, 2020 by Zoom.

~ Respectfully submitted, Kristen Leahy, ZA