



**Raymond Board of Selectmen
MINUTES*
Tuesday, May 31, 2011
7:00 pm.**

**Public Hearing for Referendum Question
Regarding Conditional Rezoning to Allow for a Cell Tower off Farm Road**

Present: Chairman Joe Bruno, Sam Gifford, Charly Leavitt, and Mike Reynolds

Absent: Vice-Chair Lonnie Taylor

Staff: Hugh Coxe, Town Planner; Shana Cook-Mueller, Town Attorney; Chris Hanson, Code Enforcement Officer; and Danielle Loring, Recording Secretary

Other: Richard Trafton, Attorney for Applicant; Bob Gashlin, Applicant; Peter Leavitt; Will Haskell, and Sue Leavitt.

1. Call to order:

Chairman Joe Bruno called the public hearing to order at 6:59pm and a quorum was declared. He explained the format of the public hearing and asked for Hugh Coxe to begin by summarizing the matter.

2. Public Hearing

a) Introduction- Hugh Coxe

Mr. Coxe explained that the matter that they were discussing was whether or not to allow for an 125 foot wireless communications facility tower at 680 feet of elevation on Farm Road. He explained that the issue was because towers were not allowed at that elevation or height. He continued by stating that the application was first submitted in 2009. but that the application was tabled because it was not applicable under the current ordinance provisions. It was suggested to the applicant to try to get approval from the Town for conditional rezoning. Mr. Coxe stated that there was a public hearing in October, 2010 and the Planning Board voted 6-0 (**vote was unanimous approval but was actually 5-0 due to vacancies on Planning Board**) to not make a recommendation.

b) Public Comment

Peter Leavitt, 2 Leavitt Road

Mr. Leavitt explained that he was concerned that proposal seems to be in conflict with Wireless Communication standards and the Comprehensive Plan. He read excerpts from the Comprehensive Plan and explained that even though the tower was going to have positive economic impact, those goals are aimed towards commercial and industrial districts, but not rural or residential.

Mr. Leavitt continued by stating that there are 6 heights of lands that are protected in Wireless

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Communications Act and that Raymond Hill is one of them. He presented a Lake Region Weekly article that talked about preserving land. Reminded the public that tourism was the biggest business in Raymond, and preserving the things that draw people in was important. He explained that Conditional Rezoning has to be in the public's interest and he did not feel that issue had been addressed. He did not feel that a corporate entity was going to look out for the well being of the Town. He did not think that the issue was no cell phone service but that it was a matter of spot zoning, which was pure profit.

Will Haskell, 43 Valley Road

Mr. Haskell said that he thought that the original request was for a 125' tower, which was the max for the Wireless Communications Ordinance, but noticed that there was an addition that included 15'. Mr. Coxe explained that after the first public hearing, there was discussion that a provision had to be added to allow for the Public Safety antennae to exceed the tower height, for the Fire Department's whip tower, up to 15'. Mr. Haskell comment that the design guidelines that were submitted at the first public hearing were incorrect. Mr. Coxe said that he was not sure of the sight guidelines that were presented.

Grace Leavitt, 2 Leavitt Road

Mrs. Leavitt said that she did not feel that the public hearing was appropriately advertised. Felt that more could have been done to notify the public. She hoped that the public knew what they were voting on and wondered why more had not been done to reach out.

Selectman Charly Leavitt

Mr. Leavitt wanted to know when the change made to Appendix B had been posted on to the website. Mr. Coxe said that he could not recall exact date, but felt that it was within the month after the initial hearing. Mr. Leavitt stated that the Planning Board did not vote, specifically, on a change to appendix B. Mr. Coxe replied that he did not have a specific recollection of a detailed meeting, but the change did occur before the November meeting. Mr. Leavitt explained that he was asking because Mr. Coxe's memo to the Selectmen did not come until after the November Planning Board meeting. Mr. Coxe replied that he was not sure of specific memos of paper trails that occurred concerning the changes. Mr. Leavitt recounted details that happened around the April Selectmen's meeting. At this point, Mr. Bruno reminded Mr. Leavitt that this was an arena for comments, not cross examinations.

Mr. Leavitt explained that the public had a legitimate concern with clarity but does not want to make accusations. The language on the website still has Appendix B as blank., but it was presented at the current public hearing with values. He stated that he was concerned with why they would be having meeting when the Board of Selectmen had never voted on language for appendix B but had voted on the warrant article that referred to Appendix B.

Mr Leavitt made a comment to community. As a "lay" person he had found irregularities. He stated that the current Chair of Planning Board, after the October public hearing, had said that the applicant had submitted some what deceptive language to the Planning Board, including balloon studies as well as the height of the tower and its representations. He continued that at the November Planning Board

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meeting, people were not allowed to speak. He continued that the Board of Selectmen also voted in April to continue to referendum without a public hearing. Thanked Louise Lester for her due diligence in finding that it was required.

Mr. Leavitt stated that he originally thought that it was a matter of greed but saw that on behalf of US Cellular that it was part of business. He continued that the Major's had never come forward to face the public and wanted to know why they are asking for condition rezoning to include a tower at this site, but felt that it was common sense if they were being offered money.

Mr. Leavitt felt that, overall, it was a matter of respect because he felt that respect was a cornerstone of the community and it was disrespect on the part of professional staff, including attorneys and town planner. He felt that they had not been upfront with their financial role in this process because US Cellular gave money to pay those individuals. He felt the public had the right to know what was going on because they were the ones that developed the language. He was disappointed in the process, administration and the way that the Board of Selectmen had conducted the process because it had taken away respect from the community.

Selectmen Mike Reynolds

Mr. Reynolds reminded the public that the secret ballot vote was on June 14th. He explained that he had made the original motion to put this matter in the ballot box because Town Meeting would not have the numbers to represent the Town and, historically, the ballot box has a higher turnout.

Mr. Reynolds stated that he had been involved in the process of the October public hearing and commented that a lot of information had been presented and discussed. He continued that part of the discussion was the Public Safety tower and did not feel that all of the investigation was completed on the dimensions of that antenna. He also was not surprised to see that it had been submitted later, but it had been the agreement that it was going to be part of the tower. He felt that the world of 2011 was much different than 2000.

Chairman Joe Bruno

Mr. Bruno reassured the public that the process through the Planning Board and professional staff had been vetted and checked numerous times. He explained that the public hearing was not required but was held as a public courtesy. He explained the issue was whether or not the public wanted a tower on Raymond Hill and it was a choice between cell service and aesthetics. He stated that the Board of Selectmen did not have to approve this moving forward.

He ended by stating that he would not disparage town employees or professional staff. Executive session is for those matters and he wanted staff to know that they still had the confidence of the Board.

3. Adjournment

Chairman Joe Bruno adjourned the public hearing at 7:34 pm.

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