

**PRELIMINARY MINUTES**

**TOWN OF LUDLOW  
SELECT BOARD**

**PUBLIC HEARING**

**FEBRUARY 24, 2014**

**Board Members Present:**

Howard Barton, Jr., Chairman  
Bruce Schmidt

John Neal  
Douglas Ficken

**Staff Present:**

Frank Heald

**Others Present:**

Roy Steiner  
Gordon Mathews  
Attorney, Matthew Birmingham  
Chris Miele  
LPC-TV

Jessie Steiner  
Anthony Campos  
John Harrison  
George Katis

Attorney, William Dodge  
Donna De Lucia  
Madeline Harrison  
Ralph Pace

1. Chairman Howard Barton, Jr. called the Public Hearing to Order at 7:00 pm. He advised that this hearing to accept comments on the VTel Communications Facility that was requested by interested parties and adjacent landowners.
2. Chairman Barton said they will view a presentation prepared by VTel and hear comments from citizens after the presentation.
3. Attorney Dodge presented a PowerPoint presentation showing VTel's new proposed tower location at 130 Freedom Hill Road North and discussed the coverage area, improvements and key features of the new site and its services. He explained that the coverage is very poor or non-existent in some areas.
4. Attorney Dodge said the location of the tower has been moved 217 feet to the north in the forest on the Stocker property. He explained that the proposed tower was 140 feet in height and would contain nine panels of antennas that are clustered with four microwave dishes, and the tower could also include room for four more carriers. Attorney Dodge said the access road into the tower would be curved so you would not see the compound from the road and the utilities would be buried underground.
5. Attorney Dodge said a balloon test was performed on January 4, 2014. He explained that the balloon was floated from the original tower location and he outlined the areas that the balloon could be seen. He said the new tower location would be better than the original for visibility and tree cover. Attorney Dodge said they received a letter of support from Clay and Joanna Bassett of 119 Freedom Hill Road North.

6. Attorney Dodge said VTel has looked at alternate locations that included the Museum steeple and the Ludlow Town Hall building. He explained that these locations were impractical because they would need to de-energize the lines to work on the antennas and equipment and the Godfrey Road location would lose 20-25% of the target roof-tops.
7. Attorney Dodge said after the ice storm the structural support standards have changed so they use the Revised G standard for structural requirements and signage would surround the compound so people could not be able to enter.
8. Attorney Dodge said they have come to seek a recommendation from the Select Board and that the 45 day period for receiving comments has passed. He said VTel has filed with the Public Service Board which leaves 21 days for the Select Board to comment.
9. Chairman Barton asked Attorney Dodge if the property was owned or leased.
10. Attorney Dodge said the location would be under an easement.
11. Chairman Barton asked if they would clear more trees in the future.
12. Madeline Harrison asked if VTel was going to do a second balloon test.
13. Attorney Dodge said they would be willing to consider doing another balloon test, but it was not planned.
14. Anthony Campos said that the previous tower location was at a lower elevation and asked why it needed to be 140 foot tall because the new tower location is higher.
15. Attorney Matthew Birmingham said he represented Anthony Campos, John and Lois Montecalvo and George Katis, who are all adjacent homeowners. Attorney Birmingham said the aesthetics, health issues and fair market value of their property are all concerns and asked "what if this was your house." Attorney Birmingham presented photos from various house locations depicting views before the tower and after using a tower overlay in the photo.
16. Attorney Birmingham said the Telecommunications Facilities Ordinance that was passed by the Select Board in 2008 has not been amended and calls the district (within the red circle from a map he provided) as prohibited. He added that the ordinance authorizes the Select Board to either issue, or not issue a permit because no tower may be closer than 1,500-feet from a residence. Attorney Birmingham said there are twelve residences located inside the 1,500-foot circle, which is a prohibited area. He added that the height obligation was not to be over 20-feet. Attorney Birmingham said he expects the Select Board to apply the statute and law that it applied in the ordinance and have VTel find another location that isn't near their homes. Mr. Birmingham said Mr. Campos and Mr. Katis came here today just to attend the hearing.
17. Ray Steiner of 775 Commonwealth Avenue expressed his concerns over the tower for health reasons from the transmitters, aesthetics and the devaluation of his property. He said he could see the balloon during the test and was concerned that the trees are only 70-80 feet high and the proposed tower is 140 feet high. Mr. Steiner said that just today he received a letter stating that VTel has filed with the Public Service Board. Mr. Steiner said it does not seem that the resident's or town's concerns are important to VTel and urged the Select Board to write a negative review to the Public Service Board because 130 Freedom Hill Road is not in compliance.
18. John Harrison of 61 Freedom Hill Road said their house is currently for sale and expressed his concern over the real estate values and he may not be able to sell his house.
19. Madeline Harrison asked if VTel looked at Mt. Holly as a location.
20. Attorney Dodge said Mt. Holly was on their list but was a separate search ring. He said this site would not get the same level of service.

21. Attorney Dodge explained that the way the 248a process works, the Public Service Board will determine if the project goes forward or not, so it would be the prerogative of the Select Board to not send any recommendation, but hoped they would provide a recommendation. Attorney Dodge said VTel is trying to bring a terrific product and service into the state and broadband would be easier and cheaper.
22. Attorney Birmingham asked if the Select Board was going to pay attention to their own ordinance and if they do, the tower cannot happen here.
23. Attorney Dodge said when the ordinance came out cellular devices were different and that the signals need to be closer to where the people are.
24. Chairman Barton asked if VTel had looked into other places.
25. Attorney Dodge said they have looked in the town and at Velco as well.
26. John Neal was if VTel could look into a smaller tower.
27. Douglas Ficken asked if they would consider multiple and shorter towers instead of a 140 foot tower.
28. Gordon Matthews explained that the initial areas in town that they looked at would not reach the target corridors and found this was the best combination for Ludlow and the rural underserved roof tops.
29. Douglas Ficken asked if the same coverage could be achieved with 4-5 smaller sites.
30. Attorney Dodge said this would be not feasible.
31. Attorney Birmingham reiterated that the map he provided shows a 1,500 foot circle around the site, and the residences are within the prohibited area. Mr. Birmingham said he expects the setbacks and zoning to be followed.
32. Chris Miele said that if the town has an ordinance they need to abide by it and he feels for the property owners affected. Mr. Miele said Verizon built a tower expecting other entities to buy into their towers and asked what would stop other carriers from doing the same.
33. Chairman Barton said it bothers him that the town has an ordinance, but the state may not take it into consideration. He asked if residences would need to be a VTel customer to get the service.
34. Attorney Dodge said yes to use the broadband. He said VTel would ultimately have service offerings with broadband at \$10 a month and it would get the service into hard-to-get-to places.
35. George Katis of 851 Commonwealth Avenue said the tower will be located directly in front of his house. Mr. Katis said he watched the sun come up on Sunday morning with its shadows and said this will all change. He said he has been coming up to Ludlow for the past 20 years and they call their home their oasis and is concerned it will all change.
36. Anthony Campos of 942 Commonwealth Avenue said they plan to retire here but the tower would destroy their plan. Mr. Campos said that is a lot to ask of 12 to 14 houses that would be affected. He said the well written ordinance should protect them, the town and the people in the surrounding area. Mr. Campos said no one would consider purchasing a home with a cell tower or power line so close to their property.
37. Chairman Barton asked if there were any additional comments.
38. Attorney Birmingham pointed out that VTel has already been filed with the Public Service Board.
39. Frank Heald said with the timeframe, the Select Board would need to submit a recommendation within 21 days, which would be by March 17<sup>th</sup>.

40. Frank Heald said the Select Board could make a finding tonight or deliberate at another meeting. He said they will have two findings to consider: 1) the 1,500 foot perimeter in the ordinance that does not fit; 2) the 20 foot height over the trees.
41. Frank Heald said that even if the Select Board were to make an adverse finding he is not sure what the Public Service Board will do.
42. John Neal suggested that the Select Board deliberate.
43. Bruce Schmidt suggested they meet on Monday, March 10, 2014 and hold a deliberative session.
44. Frank Heald said that the deliberative session would be a closed meeting and the Select Board would come out from the session and make a decision.
45. Chairman Barton asked for a motion to close the hearing.
46. MOTION by Douglas Ficken and seconded by Bruce Schmidt to adjourn. All in favor and the motion passed.
47. The Public Hearing was adjourned at 8:40 pm.

Respectfully submitted,

Pam Cruickshank  
Acting Clerk

Acting Clerk

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Howard Barton Jr., Chairman

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John Neal

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Bruce Schmidt

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Brett Sanderson

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Douglas Ficken