

TOWN OF TIVERTON  
ZONING BOARD OF REVIEW MINUTES

October 1, 2014

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, October 1, 2014 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

Also present were: Mr. David Petrarca, Jr., Esq., Town Solicitor, Chris Synnott, Building Official, and Ms. Sally Ferreira, Court Reporter.

1. A petition has been filed by Cellco Partnership d/b/a Verizon Wireless c/o McLane Law Firm, Ryan J. Swartz, Esquire requesting a special use permit to Article IV Section 5.d. of the Tiverton Zoning Ordinance in order to construct a 150' telecommunications tower for the installation of wireless telecommunications equipment by applicant and to promote collocation for other wireless carriers located at 500 Eagleville Road, Tiverton, RI being Plat 205 Lot 104 on Tiverton Tax Assessor's Maps and located in an Industrial zoning district.

**DECISION:**

Ms. Carol Holahan, attorney for the petitioner introduced her first witness. Keith Vellante of C Squared Systems with an office in Auburn, New Hampshire was sworn in. Mr. Vellante went over his qualifications, certifications and degrees. Mr. Collins made a motion to accept Mr. Vellante as an expert witness. Mr. Jackson seconded. The vote was unanimous. Mr. Vellante went over the report which was submitted as part of the supplement package.

Mr. Vellante went on to explain the site coverage. There were questions asked by the board members. Mr. Collins asked Mr. Vellante if he was satisfied that the proposed tower is going to be adequate and Mr. Vellante responded, yes. Ms. Taylor-Humphrey asked Mr. Vellante if he knows the number of businesses that are currently affected with spotty service and Mr. Vellante responded he has only calculated the number of residents.

Ms. Taylor-Humphrey asked Mr. Vellante to speak about the look of the tower and Mr. Vellante stated he could only speak to the antennas. At this time, Ms. Holahan introduced James Fitzgerald. Mr. Fitzgerald of Chappell Engineering was sworn in and accepted by the Board as an expert witness. Mr. Fitzgerald stated he designed the site and the tower is designed by the manufacturer of the tower after he gives them the specifications what is needed for the tower. Mr. Collins asked Mr. Fitzgerald if the platform that is shown on the tower is needed and Mr. Fitzgerald responded the engineers at his company would be the ones who could answer why that is needed.

The Building Official Mr. Synnott suggested that there be descriptive language regarding wind zone if this cell tower was approved by the Board. Mr. Fitzgerald stated he is a structural engineer and the tower is constructed to conform with all the applicable Rhode Island building codes.

Attorney Eric Brainsky on behalf of the abutter Site Ready Materials asked Mr. Fitzgerald the question regarding blasting or heavy traffic issues. Mr. Fitzgerald stated as far as blasting goes, the tower is designed to withstand whatever blasting is being done that meets the regulations of the state and federal government and means and practices but a seismic engineer or geologist would need to be consulted to give a definitive answer. Mr. Brainsky went on to say his client does not have an issue with the tower going in there but if the Board is going to issue a special permit, one of considerations has to be given to existing uses on direct neighboring properties particularly when it's one the Board's criteria for approval.

Peter Corr the owner of 500 Eagleville Road was sworn in. Mr. Corr stated when he purchased that property, it was 9 acres and it went to Route 24 and about 6 or 7 years ago, he subdivided and sold three and-a-half acres down by Route 24 to St. Angelo Hardwoods. Mr. Corr went on to say he has intentions after February when he semi-retires to build a 60,000 square foot building in the back as a tradesmen's center and that is why he chose to locate the tower there.

At this time, the Board decided they needed more information to vote on this petition. Ms. Taylor-Humphrey made a motion that the applicant provides specific numbers on the actual amount of residents affected with spotty coverage or drop in coverage as well as those travelers on Route 24 in this section of Route 24 that is applicable and to show a rendering of what a monopine camouflage pole would look like. Mr. Jackson seconded. The vote was unanimous. Voting were: Chairwoman Ms. Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

Ms. Holahan stated Verizon would rather work with the members and with the community to construct something that is acceptable so if the Board needs additional information, then additional information will be presented. The petition was continued to next month.

#### **ADMINISTRATIVE ISSUES:**

Mr. Taylor made a motion to accept the minutes of September 3<sup>rd</sup> as written. The vote was unanimous. Voting were: Chairwoman Ms. Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

There was no further business or discussion. Mr. Jackson made a motion to adjourn. Ms. Gescheidt seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

**C E R T I F I C A T E**

I, Salvina S. Ferreira, Registered Professional Reporter, hereby certify that the foregoing 3 pages of the Tiverton Zoning Board of Review minutes are transcribed to the best of my knowledge, skill and ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 24th day of October, 2014.

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Salvina S. Ferreira, RPR

My commission expires: September 26, 2017  
ID # 28792

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