

**Town of Grand Isle  
Selectboard and Planning Commission  
Joint Special Meeting Minutes  
Grand Isle School Wednesday, March 27, 2019 @ 6:30 PM**

- I. CALL TO ORDER:** With about 25 community members present AnnaMarie DeMars opened the Special Meeting March 27, 2019 for the combined Selectboard/Planning Commission.

**Members Present:** David Graham, Dwight Bullis, Andy Paradee, Jeff Parizo, Shawn Mercy, AnnaMarie DeMars, Eric Godin, Diane Cota and Rachael Griggs

Jeff Parizo motions to elect Shawn Mercy as moderator. Diane Cota seconds the motion. No further discussion, all in favor and the motion passes.

- II. PROPOSED AT&T CELL TOWER ON LOVERS LANE:** Shawn Mercy said the purpose of the meeting is it came to light last week of a potential cell tower just off Lovers Lane. It was something we didn't have information on or know about. We held this meeting to get more information as Boards. Information gathered at this meeting allows us to discuss the situation our next Board meetings. It will be properly warned and we can make our suggestion at that time whether we support the proposal or not. We wanted to get information from both sides, from AT&T what their involvement, their designs and plans are and from Consolidated Water District to get more information. Shawn said first we have an opportunity for both concerned parties to speak and give any other concerned parties a chance to speak.

Shawn asked Jennille Smith, representing AT&T if she wanted to present anything on behalf of AT&T. Jennille said AT&T has withdrawn their advanced notice and is here to gather information on what the community wants.

Shawn read the part of the letter from Downs Rachlin Martin PLLC indefinitely suspending its plan to proceed.

“This letter serves to notify you (Town of Grand Isle) that AT&T has indefinitely suspended its plan to proceed with the Project while it evaluates other locations for a facility in the northeastern portion of Grand Isle / southeastern sections of North Hero, or a possible reconfiguration of its originally-proposed facility at 38 Lovers Lane. AT&T is hereby withdrawing its Advance Notice for the Project. Should AT&T seek to ultimately proceed with its project at 38 Lovers Lane, it will restart the 60-day process pursuant to 30 V.S.A. § 248(e)”.

Shawn continued stating in a nutshell they (AT&T) have withdrawn their advanced notice to present to the PUC (Public Utilities Commission).

Jeff Parizo said in the other meeting held a few minutes ago they said AT&T hadn't started the 60-day process. In this letter it says, “Proceed with the project at 38 Lovers Lane and will restart the 60-day process pursuant to 30V.S.A”. When it says restart the 60-day process the assumption is they have already started the 60-day process and then they pulled out of it.

Question was asked if they restart the process, would there be some guarantee that we wouldn't come in at day 40 or be notified. A letter would be drafted to assure the Town and abutting property owners would be notified if something like this occurs again.

Question was asked as to when the Selectboard received the notice. Jeff said the letter was received in the Town Office and stamped February 19, one day after our last scheduled meeting before Town Meeting. The next scheduled Selectboard meeting was on March 18.

Emily Clark said she spoke as a guest at the previous Selectboard and Planning Commission meetings and mentioned some of the issues as to how we got here and why.

- Emily and her husband Dan own property at 42 Lovers Lane that abuts the (water) tower property
- They hold a deeded right of use to the northerly 40% of the Consolidated Water District property
- First heard of the AT&T tower project on February 14 via a cell phone call from Jennille Smith and received an email from her on February 15, 2019
- Also on February 15 received notice via electronics from (legal firm) DM&R on behalf of AT&T of the 60-day warned period
- Emily said she learned of Act 248a, the process that AT&T is going to pursue permitting for. Act 248a allows someone who has gone to the PUC, who is granted a certificate of public good trumps the standings of the Selectboard, the Planning Commission, the Towns by-laws and the rights of abutting property owners do what ever is granted of the Certificate of Public Good in violations of the Town Zoning By-Laws, which are duly adopted under VT Statues.
- Condition 3 states you have to be 100% of the height of the tower away from the base of every property line. For a 140-foot tower you have to be at least 140 feet away from the base of the tower of every property line. This is a 100-foot wide property. The maximum height under our Town bylaws to have a tower would be 50 feet in either direction unless you have a certificate of good and no one stood to intervene.

Emily explained her reason for her application to the DRB was to understand the process. She is not applying for a permit to put up a tower. She also said the Town bylaws should look into zoning restrictions around cell towers.

The discussion continued with many residents expressing their views. Michael Innars, CWD Chair stated if the members of the district didn't want to (install a tower on Lovers Lane) they (CWD) would not proceed.

Shawn asked Jennille if they have another site potentially lined up to please bring it to our attention and let us know in a timely manor.

**III. ADJOURNMENT:** Jeff Parizo motions to adjourn the joint meeting of the Selectboard and Planning Commission. Eric Godin seconds the motion. All in favor and the motion passes.

Respectfully submitted,

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Shawn Mercy, Planning Comm. Chair

\_\_\_\_\_  
AnnaMarie DeMars, Selectboard Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Rachael Griggs, Selectboard Clerk

Date: \_\_\_\_\_

03-27-19