

Town of Tamworth  
Board of Selectmen's Meeting  
Town Office  
Friday, August 3, 2012

Members Present                      Robert Abraham, James Hidden and via telephone John Roberts

Others Present                        Mike Connelly and Anne Abear

*Chairman Abraham opened this emergency meeting at 10:31 a.m.*

Cell Tower Concerns  
Albee Road

R Abraham indicated that he received a complaint from an abutting property owner of the Connelly property site on Albee Road that is having a cell tower placed on the property. The initial concern was that the pad poured for the tower was closer than the 165 feet as presented to and approved by the planning board and zoning board. Mike Connelly indicated his plan was to present an as built of the site once the tower was in place. R Abraham indicated this was not an option of the landowner, as the construction needs to be specific to the approval of the Town.

R Abraham indicated he walked the property and found in his estimate that the measurement from the boundary line was not the 165 feet, he estimated it to be a maximum of 148 feet from the boundary line to the center of the structure.

R Abraham indicated that an estimated 100 yards of concrete was poured at the site on Thursday, August 2, 2012. R Abraham indicated he contacted the landowner and the contractor to inform them of the concerns that have been expressed. Mike Connelly did not feel that there could possibly be an issue as the property was engineered twice. R Abraham discussed a conversation he had with a contractor on site who informed him the structure was moved back 20 feet to keep the site from being seen from the roadway.

Mike Connelly spoke of the reasons that the tower was to be away from the boundary line and indicated it was for a fall zone. The tower is designed to break at 80 feet. The Board again reiterated that they understand Mike's statement, but that was not what was approved.

The Board discussed having a meeting with town counsel to move forward with a cease and desist on the project until the landowner goes back to the planning board and zoning board as necessary. This order will be written after a certified engineer or land surveyor determines the distance from the boundary of the abutting property owner to the middle of the tower; if the measurement is not 165 feet as presented on the plans and approved by the Planning Board, Zoning

Board and Selectmen. An attempt will be made to contact Paul King or HE Bergeron to determine if they can view the property as soon as possible to determine the next step of the Selectmen.

*Chairman Abraham recessed the meeting at 10:52 a.m. for the purpose of holding a telephone conference with Town Counsel, Richard Sager.*

*Chairman Abraham called the meeting back to order 11:00 a.m.*

*R Abraham moved and J Hidden supported to move forward with having the land reviewed for distance from the abutting property owner's boundary line to the middle of the Tower location as soon as possible. If the distance is found to be less than the 165' the Board send out a cease and desist. Vote was unanimous. Motion passed.*

The Board requested permission from property owner Michael Connelly to enter his property for this measurement to take place. Permission was granted to the Town to access the posted property to conduct the inspection/measurement.

Further, the Board advised Mike Connelly that if the distance was found to be incorrect, he would have to cease and desist the operation and decide whether to remove the area of concrete that is incorrect or reapply to the planning board and zoning board as needed to adjust the footage on a revised plan.

Adjournment

*R Abraham moved and J Hidden supported to adjourn the meeting at 11:07 a.m.*

Respectfully submitted,  
Anne M. Abear

Approved by the Board of Selectmen: 8/9/2012

Robert Abraham

John Roberts

James Hidden