

Conway Planning Board
Vertex Tower Assets public hearing continued from May 10

Tuesday, May 19, 2022
via Zoom

Meeting convened at 8 p.m.

Members present: Chair Beth Girshman, Joe Strzegowski (associate member), Jennifer Mullins, Susan Fentin, William Moebius, and George Forcier (ZBA members Mark Silverman, Peter Jeswald, Phyllis Craine and Andy Levchuck for joint meeting.)

Public in attendance: Town Administrator Veronique Blanchard, Town Clerk Laurie Lucier, Greenfield Recorder reporter Chris Larabee, Devlin Selman of Main Poland Road, Tom Johnson of Proterra Design, with Vertex Tower representative Fran Parisi, Jonathan Barkan of 502 Williamsburg Road, Jess Boisvert, Jessica Boisvert and Katelyn Provencher of 1352 Ashfield Road, Alice Vigliani of 1784 Main Poland Road, Conservation Commission Chair Bruton Strange, “Bill”, Tower lessor Barbara Melville of 1356 Ashfield Road, Jonathan Mirin of 224 Avery Brook Road in Charlemont, Dianna Dapkins of 336 Patten Hill Road, Shelburne.

Public hearing: As this was a joint public hearing with the Zoning Board of Appeals on a tower proposal for 1356 Ashfield Road (Route 116), Planning Board Chair Girshman asked if ZBA members wanted to make any initial remarks. ZBA Chair Mark Silverman, responding to some written comments following the initial May 10 hearing, noted his board is keeping an open mind and has a goal of looking out for the best interests of the town and its residents.

Vertex seeks a cell tower off 1356 Ashfield Road to improve wireless communication along Route 116 from Burkeville to South Ashfield with a 150-foot tower (plus 6-foot lighting rod). The tower requires a Planning Board special permit, and a Zoning Board of Appeals variance from the town tower height limit of 120 feet.

Silverman asked Vertex’s Parisi why a tower recently permitted in Ashfield was considerably shorter than the one proposed in Conway. Parisi said that different local topography accounts for the height differences required to achieve the needs of prospective wireless carriers along 116.

Silverman also tried to address concerns about potential health effects of radio transmissions that were raised at the initial hearing session and in written comments. He said he had researched the question and found that the Federal Communications Commission, which regulates health and environmental effects of wireless telecommunication, relies on ANSI (American National Standards Institute) for setting allowable radio frequency standards. He noted that by federal law, state and local boards need “unassailable reasons for denying a permit for health reasons.”

Changing tack, Planning Board member Fentin asked Parisi why Vertex was seeking a second tower even though it had not started construction yet on a tower on Route 116 between the town center and Deerfield, which was permitted in April, 2020. Parisi has blamed Covid pandemic supply chain problems for delays in lining up carriers, but asserted that the need to fill a gap in coverage along Route 116 isn't going away, notwithstanding the pandemic related construction delays.

Planning Board member Strzegowski next raised "the elephant in the room," assertions by some that radio transmissions from cell towers were harmful. He attended a virtual presentation by a retired electrical engineer who was a member of the New Hampshire Commission to Study the Environmental and Health Effects of Evolving 5G Technology, which was sponsored by regional opponents of cell towers, and mentioned "shielding" homes that were within 1640 feet of a cell tower.

In making local zoning decisions, local governments are prohibited by federal law from considering environmental effects of radio transmissions, which is regulated by the FCC.

Parisi responded that while "not ducking the issue," there is an "immense amount" of research leading people to different opinions. He noted that the NH commission itself had dissenting views on the question. He said he had never heard of "shielding" houses, wasn't sure what that entailed and that it had never come up before, despite there being cell transmitters all across the country on houses, schools, hospitals and various tall buildings. He said we have been living with this radio technology for a long time and "Immense amounts" of research supports its safety.

In response to a query, Girshman noted that letters received expressing the opposite view would also be included in the public hearing record. But she also reminded everyone that the Planning Board would assess the application against the local regulations in the town's zoning bylaw. Health issues are not included in the bylaw because federal law forbids local boards from "engaging in that." She also noted that cell phone transmitters have been operating atop the OESCO water tank for a decade or more.

Fentin did ask how many homes were within the 1640 radius. Later, Parisi estimated the number at 3 or 4, two of whom, at least, who have publicly supported the proposal.

Mirin, a regional cell tower opponent, asked that if the town approved the tower, that it require Vertex to pay to shield homes from radio frequency emissions with the 1640 feet if requested. At that, ZBA member Craine interjected, asking why the boards were even discussing the issue, since it's outside their purview.

As ZBA members began to debate whether Mirin's questions were reasonable or not, Girshman, saying that everyone cares about their and their family's health, observed that the science is contradictory at present, but that the town is "bound by the law" in what it can consider.

Jess Boisvert wrote in the Zoom chat field support for the tower but could not speak because of technical issues.

Melville, on whose land the tower would be built, said she would rather have cell service in emergencies than worry about possible radiation effects when there are millions of cell towers around the world.

It was noted that the Conservation Commission is meeting next week on the Vertex Tower stormwater management issues and that information will be available to the planners. There being no more comments, the board unanimously decided to end the public hearing, and to begin deliberations on June 16.

Hearing adjourned at 9:38: Unanimous vote. (Fentin moves, seconded by Forcier)