

**Town of Mendon**  
**Joint Meeting Selectboard, Planning Commission,**  
**Zoning Board of Adjustment**  
**June 15, 2020**

Members of Selectboard present: Richard Wilcox, Geoff Wells, Scott Bradley

Members of Planning Commission present: Teri Corsones

Members of the Zoning Board of Adjustment present: Jack Kennelly, Mike Curran, Teri Corsones

Town Officers and employees present: Sara Tully, Town Administrator & Jesse Bridge,  
Assistant Town Clerk & Bookkeeper

The Selectboard Meeting was called to order at 5:00 PM with all present participating remotely.

In response to COVID-19, the Selectboard strongly encourages the public to participate in this meeting by video or teleconferencing. The public can follow the directions on the agenda and posted publicly on the Mendon website at [www.mendonvt.org](http://www.mendonvt.org).

As Chair of the Town of Mendon Selectboard I find that, due to the State of Emergency declared by Governor Scott as a result of the COVID-19 pandemic and pursuant to Addendum 6 to Executive Order 01-20 and Act 92, this public body is authorized to meet electronically.

In accordance with Act 92, there is no physical location to observe and listen contemporaneously to this meeting. However, in accordance with the temporary amendments to the Open Meeting Law, I confirm that we are:

Providing public access to the meeting by video with additional access offered through telephone. We are using Gotomeeting.com for this remote meeting. All members of the Selectboard have the ability to communicate contemporaneously during this meeting through this platform and the public has access to contemporaneously listen and, if desired, participate in this meeting by **joining the meeting from your computer, tablet or smartphone.**

Informational Meeting Follow-up  
Mon, Jun 15, 2020 5:00 PM - 7:00 PM (EDT)

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- a) Providing public notice of instructions for accessing the meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting using telephone and video in our posted meeting agenda. Instructions have also been provided on the town website at: [www.mendonvt.org](http://www.mendonvt.org).
- b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please *e-mail mendonclerk@comcast.net* and
- c) Continuing the meeting if necessary. In the event the public is unable to access this meeting, it will be continued to a time and place certain.

Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.

Let's start the meeting by taking a roll call attendance of all members participating in the meeting.

Roll call: Richard Wilcox, Scott Bradley, Jack Kennelly, Mike Curran and Teri Corsones

The agenda for the meeting is to review the information presented at the Public Information Sessions and determine the town's position to move forward.

There remains a question when the 30 day comment period ends. T. Corsones has contacted the PUC for clarification

All agreed in accordance with the Town of Mendon's telecommunication Bylaws, the Zoning Board of Adjustment will formulate a response to deny or approve the project as if the applicant had applied for a permit from the Town of Mendon. It was clear at the Public Information Session that AT&T has no intension of seeking a Mendon permit.

T. Corsones stated the Mendon Planning Commission opposes the application because it does not meet requirements of the Town Plan, Zoning Regulations and Telecommunication Bylaws.

J. Kennelly will warn a deliberative session of the Zoning Board of Adjustment to formulate a response to the project on behalf of the Town of Mendon.

T. Corsones discussed the Rutland Regional Planning Commission will be meeting Tuesday to determine regional support for the project. All members present authorized T. Corsones to represent the town's position at this meeting on behalf of the Selectboard, Planning Commission and Zoning Board of Adjustment and to provide an update on the process to date.

R. Wilcox mentioned the results of an informal survey. There were 50 respondents and 50% of them opposed the project while 77% oppose spending additional town funds opposing the project. T. Corsones stated that it was unfortunate the survey did not provide additional background information regarding the project.

The group discussed the Summary of Testimony: A T & T Public Informational Hearing on June 10, 2020

1. The application is based on the premise that cell service is lacking in parts of Mendon, and that First Responders may lack the ability to timely respond to emergency calls as a result. Mendon residents participating in the hearing disagree strongly with the premise. They have not experienced a problem with cell service in their homes or businesses in Mendon, nor while making cell calls throughout Mendon. Sara Tully has been the 911 Coordinator in Mendon for the last 20 years, including during Hurricane Irene and during the COVID-19 pandemic. She has never had a single Mendon resident indicate that there were any cell service issues calling 911. She has never had a First Responder indicate that there is a cell service coverage issue receiving or responding to 911 calls.
2. The application is based on the premise that cell service in Mendon and Chittenden will be greatly enhanced with the proposed tower. It is undisputed that cell service is lacking in many parts of Chittenden. It appears that only a small part of Chittenden will have improved cell service with the proposed tower location in Mendon. It appears that by contrast many parts of Chittenden would have improved cell service if the tower was located on Sangamon Hill in Pittsford.
3. The proposed access road is approximately 2400' in length. It has grades as steep as 26.75 degrees. Switchbacks would help prevent erosion at such steep grades. The tower components are 30' in length. It would not be possible to transport tower components of that length over a road with a typical switchback design.
4. The road at present is not used during the winter months. If the tower is located in the proposed location, it will be necessary to maintain the road in the winter months. This will enable animal predators to access the tower location during the winter months. There are two significant deer yards in the vicinity of the proposed tower location. The deer yards will be severely adversely impacted by the tower compound in the proposed location.
5. AT & T indicated that "there are a lot of locations in Mendon that can't see the tower." In order to derive cell service benefit from the tower, one has to be able to see the tower.
6. AT & T indicated that it is "very likely that other carriers will want to come" to the tower. The tower can accommodate up to four levels of cans. Each level of cans is located 10' apart. The simulation only depicted one row of cans.
7. AT & T indicated that it did not measure the actual wind speeds during the balloon test on April 25. AT & T therefore could not verify what wind speeds were at any one time during the balloon tests. Balloon tests are not permitted at wind speeds in excess of 5 mph.

8. AT & T indicated that the balloon was not visible from the Town of Mendon sign on Route 4. Persons present at the time could clearly see the balloon from that location. Balloon test results were inconsistent at a number of other locations in Mendon.
9. The Mendon Town Plan contains many references to the desire to preserve “the beauty of the Town and its landscape,” and to protect Mendon’s “striking landscape”, “rural character and scenic beauty”, viewshed”, “natural scenic and rural appearance”, and the “aesthetic character of Mendon’s natural areas, ridgelines and environment”. Significantly, the Mendon Town Plan notes that “the ridgelines present striking visual features and are a significant feature of what Mendon residents consider to be the Town’s unique landscape.” The proposed tower location is in a ridgeline area. A 140’ tall telecommunications tower is typically not part of a rural, natural or scenic atmosphere or area.
10. The Town of Mendon Zoning Bylaw for the Regulation of Wireless Telecommunications Facilities (Mendon Telecommunications Bylaws) permit wireless telecommunications towers in three different Mendon zoning districts: the Commercial District; the East District; and the Village District. The proposed tower location is in the Wheelerville District. The Mendon Telecommunications Bylaws do not permit wireless telecommunications towers in the Wheelerville District.
11. Structures in the Wheelerville District are defined in the Mendon Zoning Bylaws as anything greater than 6’ in height. Structures are to be reasonably screened by vegetation from any public road. Even if telecommunications towers were permitted in the Wheelerville District, the proposed tower will not be screened by vegetation from a number of public roads in Mendon.
12. Structures in the Wheelerville District “shall be minimally visible from public roads and properties”, “not stand in contrast to surrounding landscape patterns and features or serve as a visual point from public roads or valleys”, be “designed so that the height of any structure does not visually exceed the height of the adjacent tree canopy serving as the visual backdrop of the structure”, “shall minimally disturb connected wildlife habitat areas”, and “shall protect the visual features of the ridgeline” in the Mendon Zoning Bylaws. Even if telecommunications towers were permitted in the Wheelerville District, the proposed tower would be in violation of the aforesaid requirements.
13. Even if a telecommunications tower were permitted in the Wheelerville District, the Mendon Telecommunications Bylaws specifically provide: “No tower may be erected which protrudes by more than twenty (20) feet above the average height of the surrounding trees.”
14. The proposed tower is 140’ tall. The average height of trees in the vicinity of the proposed tower location is 69’. The proposed tower is more than double the height of the average trees in the vicinity of the tower.

15. The Mendon Telecommunications Bylaws prohibit the construction or installation of any wireless telecommunications tower or facility without a conditional use permit first being obtained from the Mendon Zoning Board of Adjustment. A T & T has indicated that it does not intend to apply for a conditional use permit from the Mendon Zoning Board of Adjustment.
16. The Mendon Telecommunications Bylaws require access roads to “follow the contour of the land.” The proposed access road does not follow the contour of the land.
17. The Mendon Telecommunications Bylaws require towers to be designed “to avoid having an undue adverse aesthetic impact on prominent ridgelines and hilltops”. In the event a proposed tower has undue adverse aesthetic impacts, the Mendon Zoning Board of Adjustment may designate an alternative location for the tower to be evaluated by the applicant.
18. The Mendon Telecommunications Bylaws permit the Mendon Zoning Board of Adjustment to restrict the size and height of the tower if the tower so restricted still has the capacity to function as reasonably required.
19. A T & T indicated that by reducing the tower from 140’ to 80’, it would lose only 9% of the anticipated coverage, or roughly only 70 potential residential customers in Mendon and Chittenden. The additional height would presumably be used to add levels of cans to offer coverage for potential customers elsewhere.
20. The proposed tower is located in the Mendon Ridgeline Overlay District. The purpose of the Ridgeline Overlay District is to “protect the unique visual and aesthetic qualities of those areas within Mendon’s Ridgeline Overlay District, especially those characterized by unbroken ridgetops and other significant focal points.” Development in the Ridgeline Overlay District “shall not serve as a visual focal point.” The proposed tower does. Development in the Ridgeline Overlay District “shall not visually break the skyline”. The proposed tower does. Development in the Ridgeline Overlay District “shall be harmonious with the surrounding landscape”. The proposed tower is not.
21. Mendon is in the Rutland Region. The proposed tower is not consistent with the Rutland Regional Plan’s provisions regarding wireless telephone and radio coverage. The Plan provides on page 194: “infrastructure should not have an undue adverse effect on local wildlife habitats or views on pristine ridgelines and peaks.” The proposed tower unduly adversely impacts both local wildlife habitats and pristine ridgelines in Mendon.

G. Wells stated that we shouldn’t allow the discussion to get bogged down on opposing individual pictures presented by AT&T.

M. Curran discussed the presentation by AT&T stated it would increase coverage along 1.2 miles of Meadowlake Drive. This is where he lives and there is full Verizon coverage.

R. Wilcox expressed he wished more of townspeople in attendance of the Public Information Session spoke up more in favor of or opposed to the project, but time was monopolized by AT&T.

There being no further business, R. Wilcox moved to adjourn at 5:45 PM. Motion seconded by S.Bradley. The Selectboard unanimously approved the motion.

Date Approved\_\_\_\_\_

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Richard Wilcox

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Sara Tully - Clerk of the Board

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Geoff Wells

\_\_\_\_\_  
Scott Bradley