

**Town of Shelburne  
Telecommunications Review Board**

**RECESS ORDER**

**TO: Applicant and Other Parties Interested (transmitted via email)**

**FR: Telecommunications Review Board**

**RE: TEL20-01**

Application by Zachary Manganello for two guy-supported antenna support structures 70' tall, capped by 14' masts and horizontally-mounted "ham" radio antenna pairs at 4450 Dorset Street.

**DA: May 22, 2020**

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Introduction

The Shelburne Planning Commission, in its capacity as the Telecommunications Review Board (TRB), has begun to consider an application by Zachary Manganello, who seeks approval for two guy-supported antenna support structures 70' tall, capped by 14' masts and horizontally-mounted "ham" radio antenna pairs, at 4450 Dorset Street. The public hearing on the application commenced with a session held on February 13, 2020. That session came to a close with a motion to continue the hearing on March 26. However, due to the COVID19 crisis, the session scheduled for March 26 never took place, and was postponed to a later date, to be determined.. In the intervening weeks and months, the TRB exercised its authority as a quasi judicial body and has deliberated. As a result of the deliberations, the TRB has prepared this brief Recess Order to inform hearing participants and keep the hearing process moving forward. This Recess Order addresses a single topic: aesthetics. The text addresses aesthetics on an interim and partial basis, and the topic will be revisited and expanded upon as part of any final Findings of Facts, Conclusions of Law, and Decision issued by the TRB.

Background

The TRB has determined as follows:

1. The application filed with the Town contains materials addressing aesthetics.
2. The applicant supplemented this material with expert testimony and presentation during the initial hearing.
3. The TRB, having exercised its authority to obtain independent expert advice, also received testimony and presentation from an aesthetics expert working on behalf of the Town during the initial hearing.
4. Neighbors and other members of the public also commented on aesthetics at the initial hearing.

5. While the hearing was being conducted, the Board raised a number of preliminary questions relating to the issue of aesthetics, some of which might be addressed by the Town's expert. The Board later refined these questions and distributed them to the Town's aesthetics expert and parties/interested persons.
6. After the hearing session, the Town's aesthetics expert responded to the questions, and these responses were also distributed to parties/interested persons.
7. The Town's aesthetics expert subsequently prepared a proposal identifying tasks that might be completed to aid the TRB in answering remaining questions more fully. (Attached.)
8. The Town's aesthetics expert has confirmed the TRB could choose to engage his firm to complete the work or, alternatively, could have the applicant and his consultant complete the tasks, which the Town's aesthetics expert could then review on behalf of the Town once hearings are resumed.
9. The Town's Telecommunications Ordinance calls for balloon tests to be conducted according to specific terms. No balloon tests have been conducted, although the applicant has indicated willingness to conduct them.

#### Order

Based on the above, the TRB orders as follows:

1. Because no date has been set for the continued hearing and scheduling remains uncertain, the TRB does hereby ask the applicant to engage his aesthetics consultant to complete the following tasks, which the Town's expert will then review for the Town at a future hearing:
  - a. Prepare four new photosimulations from abutting properties to more comprehensively represent the visual impacts of the proposed project.
    - i. 708 Barstow Rd
    - ii. 173 Sutton Farm Drive
    - iii. 718 Barstow Rd
    - iv. 228 Sutton Farm Drive / 256 Sutton Farm Drive (these properties are close together; the consultant may apply their professional judgement to identify a representative location).
  - b. Prepare two new photosimulations from public vantage points to more comprehensively represent the visual impacts of the proposed project (see map 1 attached).

**Note: The positioning of viewpoint locations should be selected to assure the worst-case scenario or maximum exposure of the Project is provided. In other words, the photo should be taken to show the project, don't take photos to hide it behind trees or other obstructions when there's a clear**

**view 30 feet away. Leaf-off conditions are also more revealing and preferred.**

The applicant is asked to indicate their acceptance or declining of this opportunity no later than June 5.

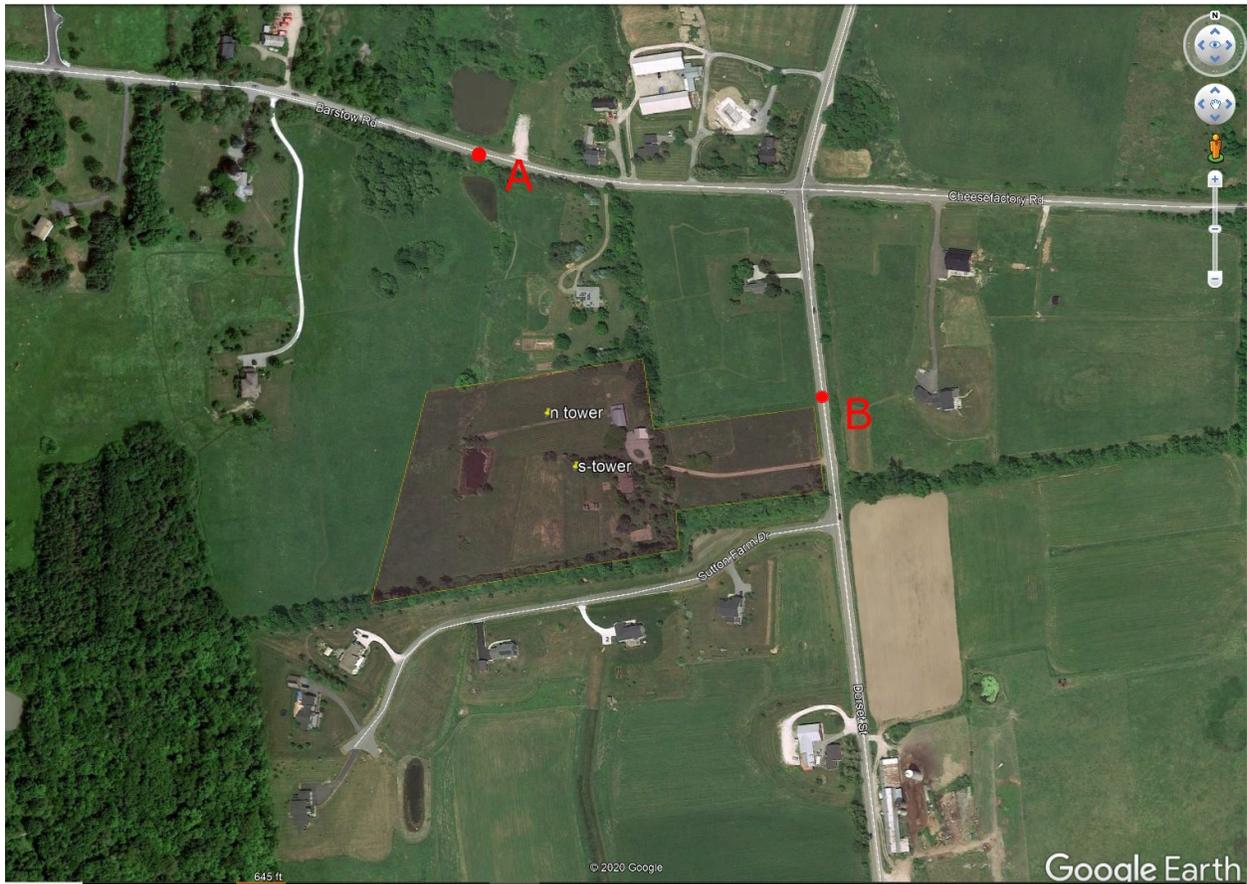
2. Should the applicant decline the opportunity to prepare additional materials identified above, the result will be a revision of the professional services agreement between the Town and the Town's aesthetics expert in the amount of \$7,892.50 (i.e., an increase by that amount), which must be reimbursed by the applicant if the aforementioned tasks are completed. Should the applicant accept the opportunity to prepare additional materials identified above, the result will be a revision of the professional services agreement between the Town and the Town's aesthetics expert in the amount of \$2,160.
3. The applicant is also hereby ordered to complete balloon tests as required by the Telecommunications Ordinance. Completion of the balloon test is prerequisite to the warning of the continued public hearing.
4. Interested parties are hereby notified of their opportunity to engage experts and prepare their own photosimulations or review any additional photosimulations prepared by the applicant's expert. Any interested parties intending to prepare such photosimulations is asked to notify the TRB no later than June 5..
5. The next public hearing will be scheduled upon resolution of the above items 1-3.

### Questions

Questions concerning this order may be directed to TRB staff.

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Map 1. Two public vantage points to be the subject of additional photosimulations \*



\* In addition to locations on private land/abutting properties identified elsewhere using E911 address