



Construction was slated to begin by August 1 on the project to improve drainage on the Maple Street right of way. As this issue went to press, materials were stockpiled, awaiting the start of construction.

Photo: Charlie Darling

Andover's Cell Tower Ordinance

By Charlie Darling
Beacon staff

As you can see by the letters on page 2 of this issue, there's concern on Emery Road about the possibility of a cell tower on Artists' Ledge in East Andover. It all started when the Andover Historical Society received a letter on May 29 from Stone Hill Environmental, Inc. of Portsmouth "to notify you that Verizon Wireless proposes to construct a wireless communications facility at [103 Emery Road]. We write to solicit your comments..."

The Historical Society's reply to Stone Hill Environmental appears in the box on page 9. Stone Hill wrote back on June 12, thanking the Historical Society for their reply and "to inform you that your comments have been passed along to Verizon Wireless so that they may reconsider the location of the proposed tower."

Should Verizon (or any other company) decide to erect a cell tower in Andover (on Emery Road or in any other location) then Article 10 of Andover's Zoning Ordinance would come into play. Since many people might take an interest in the process, here is a summary of what Article 10 says.

Andover's Cell Tower Ordinance

"It is the express purpose of this Article:

- "to permit [cell towers] within particular areas ... consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town;
- "to minimize adverse visual effects of [cell towers] ... [and] to minimize environmental, economic, audible and visual impacts on adjacent properties, historical and cultural resources, and on the Town of Andover and neighboring communities; ..."

These two points summarize the or-

dinance in a nutshell. The Federal Telecommunications Act of 1996 prohibits the Town from arbitrarily blocking cell tower construction, but it does allow the Town to set reasonable terms and conditions that cell tower companies must adhere to (or seek a variance from).

Some of the terms and conditions that Andover's ordinance stipulates include:

- "New [cell towers] are permitted, but only when the use of existing structures and buildings is found to be infeasible." The ordinance includes a number of stipulations that an applicant must meet to prove that they have been diligent in trying to find existing towers (like the one on Flaghole Road) on which to mount their antenna.
- An applicant must submit "a visual impact study of the proposed facility to include drawings and photo simulations taken from perspective locations of importance to the visual quality of the site impact area."

• Lattice towers (the kind with the criss-cross structure that are easy to climb) and guyed towers (the kind held up by several long, thin wires fanning out from the top to the ground) are specifically prohibited by the ordinance. New cell towers must be a single tall pole, like a big street light or electric pole. The ordinance stipulates a maximum height of 100 feet, with the tower projecting no more than 10 feet above the average height of the surrounding trees.

• Cell towers must be "... camouflaged to the greatest extent possible ... [with] no unreasonable adverse impact upon scenic resources within the Town of Andover." Given the current state of the art in disguising cell towers to look like large, old, white pine trees, it is not unreasonable for the Town to hold an applicant to a high standard of camouflage.

• The base of the tower "... shall be surrounded by a buffer of dense tree growth ... for a minimum of 150 feet ... The facility shall be screened from view in all directions by the dense buffer of trees."

• Cell towers are subject to the same restrictions on noise (i.e. generators, etc.) that any other business in Andover is subject to.

• A new cell tower represents a significant change of use, so a Site Plan Review - with its attendant public hearings, notice to abutters, set back requirements, etc. - is specifically cited as being part of the process.

As with any Town ordinance, an applicant is free to seek a variance to any of these stipulations, and the Planning Board or Zoning Board of Adjustment will grant or deny the variance based on the facts presented. If an applicant feels that any part of their application has not been dealt with properly, they have the right to take the matter to the courts for a final decision.

As of this writing, the Town Office has not received any communication from Verizon or Stone Hill Environmental about this project. If and when that happens, Article 10 would come into play.

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involved with the community and their neighbors. Lester and Marion would be appalled that anyone in the community would consider the desecration of the landscape by permitting the installation of a "cell tower," and they would be shocked into disbelief to find this gross intrusion to the East Andover landscape on their property.

I sincerely hope that the community will rise up and be able to fight back this eyesore.

Bradford Bates
Ann Arbor, Michigan

I have been coming to our home on Emery Road for over 60 years. We treasure this area for its beauty, peace, and considerate neighbors.

I have just learned that a neighbor is considering giving a 25-year lease on property that abuts mine to build a

cell tower. I write in strong opposition to this project.

Emery Road is a beautiful road, with wonderful rock walls, overhanging trees and is sparsely settled. The area is zoned residential or agricultural. The intrusion of a cell tower into this setting is totally out of keeping with the area and violates the interests of the entire neighborhood. The tower has the potential to significantly lower property values for everyone nearby. In addition, when the generator runs, those of us living close by will have to suffer with the sound of that machine, which is not one you can easily ignore.

I have made my views known to the owner of the property in question and am hopeful he will reconsider his plans. Failing that, I hope the town will do everything in their power to ensure that our existing ordinances are used to stop this project.

Lydia Richardson Bates
Ann Arbor, Michigan



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