



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 7/12/11

Planning Board Meeting Minutes April 5, 2011

Members Present: Rick Leif, Leslie Harrison, George Pember, Daniel Lewis, Michelle Gillespie

Others Present: Kathy Joubert, Town Planner; Mark Leahy, Chief of Police; Vera Kolias, CMRPC; Attorney Francis Parisi, Chris Hesse, US Wireless; Peter Fales, Centerline Communications LLC; Dinesh Dasani, T-Mobile USA Inc; Anthony & Laura Ziton, Joan Paglieri, Bill Donovan

Chairman Leif called the meeting to order at 7:00 pm.

495/MetroWest Development Compact

Presentation by Vera Kolias, Principal Planner, Central Massachusetts Regional Planning Commission (CMRPC)

The Patrick-Murray Administration, through the Executive Office Housing and Economic Development, is partnering with CMRPC, the Metropolitan Area Planning Council (MAPC), the MetroWest Regional Collaborative, the 495/MetroWest Partnership, and Mass Audubon in a development compact study for this region. The compact is intended to create a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 cities and towns within the study area.

To date staff from both regional planning agencies have met with staff from all 37 communities and mapped the priority development areas, priority preservation areas, significant transportation investments, and significant infrastructure investments.

Draft map presented to Planning Board showing these areas and Board agreed with map as presented.

Each planning agency (CMRPC and MAPC) will then produce a map that illustrates the regionally significant preservation and development areas, and critical transportation improvements, in a manner that is consistent with existing regional plans and development guidelines, as well as the state's Sustainable Development Principles. The state will undertake a final review of the proposed priority development and preservation areas, as well as the proposed transportation improvements, and develop a set of priorities for state funding and other forms of programmatic support. Completion of plan is slated for December 2011.

Site Plan for 429 Whitney Street: The board members signed the Site Plan Approval decision for 429 Whitney Street.

Approval of Minutes

February 24, 2011 minutes: Mr. Lewis moved to approve the minutes of February 24, 2011 as submitted. Ms. Gillespie seconded the motion and the vote was unanimously in favor of approval.

February 17, 2011 minutes: Ms. Gillespie moved to approve the minutes of February 17, 2011 as amended. Mr. Pember seconded the motion and the vote was unanimously in favor of approval.

Street Acceptance Plans: Ms. Gillespie moved to support acceptance for the following streets at Town Meeting: Copley Drive and Dartmouth Drive, Woodstone Road and Fawcett Orchard Circle. Mr. Pember seconded the motion and the vote was unanimously in favor. The board members signed the street acceptance plans.

ANR Plan for 38 Main Street: Ms. Joubert explained an ANR plan will be filed by Ian Gow to split the property at 38 Main Street into two lots.

Public Hearing to Consider Special Permit Application for WCF @ 211 Main Street

Applicant:	U.S. Wireless, LLC & T-Mobile Northeast, LLC
Engineer:	Aerial Spectrum, Inc.
Date Filed:	February 17, 2011
Decision Due:	July 4, 2011

Chairman Leif read the legal notice into the record and opened the public hearing.

Attorney Francis D. Parisi, representing the Applicants, US Wireless, Inc. and T-Mobile Northeast, LLC, Chris Hesse, Chief Development Officer, US Wireless, Inc., Peter Fales, Centerline Communications LLC, representing T-Mobile Northeast, LLC, and Dinesh Dasani, Radio Frequency Technician from T-Mobile USA Inc.

Mr. Parisi explained the Applicants, US Wireless, Inc., and T-Mobile Northeast, LLC, responded to the Town's Request for Proposal (RFP) to construct a Wireless Communication Facility (WCF) which would replace the existing tower on the site of the Police Station at 211 Main Street, and were awarded the contract. He stated US Wireless is a real estate development company and T-Mobile is the largest national and international telecommunications provider. Over 20% of cell phone users have no landline phones and 50% of all 911 calls are from cell phones. He explained people are now using cell phones in their homes and places of business. The demand for the use of cell phones and the demand for more phone features have required better signal quality and coverage, which requires more and more WCF sites across the commonwealth. In addition, a mandate now requires telecommunications providers use technology that will better identify the location from which a 911 call is coming.

Mr. Parisi stated the Applicants are asking for waivers from the maximum required height of a tower and from the minimum required distance of the closest point of the property line of a WCF to the nearest residential property line. Mr. Parisi explained the Applicants were granted a dimensional variance from the Zoning Board of Appeals to allow the closest property line of a WCF to be located less than the required 1000 feet from the nearest school property.

Mr. Parisi explained the Applicants propose to remove the existing radio tower on the site, which has outlived its usefulness. It is 80 – 90 feet in height, but the exact height cannot be confirmed because the tower is too dangerous to climb.

Mr. Parisi stated the proposed Wireless Communication Facility will consist of a 175-foot tall monopole telecommunications tower within a fenced 48-foot by 58-foot compound. There will be space on the proposed tower for 4 co-locators. In addition, several public safety whip-style antennas will be placed above the co-locators on the tower, and will extend the tower to a total height of 195.7 feet. The ladder on the proposed tower will start at a location 20 feet up from the base of the tower and the compound

will be surrounded by a 9-foot high chain-link fence, both ensuring public safety. An existing driveway on the site at the back of the property will be used to access the tower. The tower will be unmanned, generating approximately two vehicle trips per month by a service technician for routine maintenance.

Mr. Parisi stated the Applicants are currently in the process of independently designing and constructing wireless telecommunications networks to serve areas in and around the Town of Northborough in order to fill gaps in service coverage and function effectively with their other existing and planned facilities. There is no existing structure or property, in or near the vicinity of the proposed Wireless Communications Facility that is feasible to accommodate the Applicants' network requirements. Mr. Parisi stated the proposed Wireless Communication Facility is designed to be at the minimum height necessary to provide adequate coverage to the area and keep potential visual impacts to a minimum. He stated the proposed Wireless Communications Facility will be located on land owned by the Town of Northborough and on land encouraged by the Town of Northborough for the construction of a Wireless Communications Facility. Mr. Parisi stated the town needs to replace the existing tower and wants the new tower to be located on town-owned land. In addition, the town will benefit from the revenue generated from the proposed Wireless Communication Facility and will basically get a new tower free of charge. The Applicants have worked extensively with public safety officials to site the WCF where the town wants it to be. It will be located on the property in a grassed area not being utilized by the police station. The existing access road will be utilized, as well as the existing parking area. A few trees will be removed, but most existing vegetation will remain. The topography requires the WCF to be built into the side of the property. There is extensive vegetation behind the facility that will separate it from existing recreational land. It will be shielded from Main Street by the existing vegetation and topography. Behind the police station is the recreational land and to the east is an extensive wetland, which leaves few options for location of the WCF on the site. The Applicants believe this is an appropriate location and meets the needs of police, fire and other public safety officials who require access on the tower for their telecommunications antennas. Also, it is a reasonable proximity to the police station for attachment of their antennas and cables to the radio equipment inside the station.

Ms. Harrison asked why the WCF cannot be located in the same location as the existing radio tower.

Mr. Parisi stated that, in addition to the pole, space in the form of a compound, is needed around the pole for commercial co-locators. The compound proposed is 50' x 60', which is large enough to accommodate 4 co-locators. There is no room behind the police station for the compound, and the area off to the side is not utilized by the police station.

Mr. Parisi addressed the question of the proximity of the WCF to the abutting residential property line. He explained the setback from an abutting property line is calculated as one and a half times the height of the tower. The proposed tower requires 250 feet distance from the property line. There is no place on the lot that would allow that. The Applicants maintain these facilities do not require that distance. In addition, the area has been living with the existing radio tower which already has safety issues. The proposed tower will adhere to current building codes and will be much safer than the existing tower. People in public safety positions throughout the commonwealth have gotten over their concern because the towers are engineered with strict engineering standards. The level of detail in the building permit process is great. Often the most appropriate locations are near abutting property lines, schools and recreational facilities. Mr. Parisi stated the Applicants are requesting the board grant the waivers because the town is telling them where to locate the facility and ample safeguards have been put into the design.

Mr. Parisi stated the tower has been designed to accommodate public safety whip antennas which are similar to what is now on the radio tower. The public safety antennas have to go above the tower for design reasons. They are omni-directional, projecting in a 360 degree manner. Commercial antennas are more directional, with three projecting in specific directions. Some public safety antennas will also be located below the commercial antennas, and there will be space between the public safety antennas for T-Mobile and 3 other co-locators.

Mr. Parisi explained that T-Mobile is trying to fill gaps in communication located in the Route 20 corridor from Northborough to Marlborough. They have been in town for over 10 years, and have been looking for something in the area of the proposed site for quite a while. It is not an ideal location from a technical point because it is not as far east as they want to go. The site also requires the tower to be higher to cover gaps. He pointed out T-Mobile locations and coverage areas on a map that had been included with the Application package for the project.

Mr. Parisi stated originally the telecommunications industry thought it would be a mobile technology, with networks designed for people to use cell phones in cars, which are not an impediment to signals. However, as cell phones were used more and more in buildings with multiple layers of concrete, there became a need for better-quality signals with which antennas could communicate with phones and vice versa. He pointed out on a map the lower-threshold areas, the reliable higher-threshold areas, and areas with a very limited threshold. He stated the idea is to have highly reliable in-building service no matter where the customer is located. Mr. Parisi pointed out, on another map, the coverage that T-Mobile anticipates achieving with their antennas at the 165 foot height on the WCF at the proposed site. The location will fill in the gap along the Route 20 corridor and also in residential and commercial areas surrounding it. The dilemma is the demand is for residential service, but the bylaws say WCFs cannot be located near residential areas. Customers want service, but towns say WCFs have to stay away from houses. Mr. Parisi stated that Peter Fales, Centerline Communications LLC, tries to find appropriate locations to satisfy the requirements of technical engineers and zoning regulations. The proposed site works for the radio frequency engineers, and is an appropriate location for the facility at the proposed height. Northborough is in a bowl between Marlborough and Worcester, which requires more height to clear topographical elements. The location of T-Mobile on the WCF at 165 feet allows them to achieve a good signal. He explained a monopole is like a totem pole, on which a degree of separation between antennas (10 feet, as regulated by the FCC) is necessary to make sure signals do not interfere with each other. The same thing applies to the public safety antennas, as there is a strict requirement that co-locators do not interfere with public safety signals and vice versa.

Mr. Leif asked if the co-locators at heights less than T-Mobile's at 165 feet will have sufficient height to obtain high-quality signals.

Mr. Parisi stated it is hard to say if the other heights will be sufficient for other carriers because they all operate at different frequencies with different technology and different footprints. Mr. Parisi stated he is confident other telecommunication companies will look at this WCF and think it will be better to locate on it than trying to build a new tower, which they may not get. In addition, the bylaw requires that any tower proposal shows the telecommunication company cannot use existing structures to meet their requirements. Any company applying in the future will try to collocate on the proposed WCF first, due to requirements of bylaw.

Mr. Lewis noted one abutter is extremely close to the site.

Mr. Parisi stated that particular abutter was at their ZBA meeting and he and the Applicants have had extensive discussions with that abutter.

Ms. Joubert noted the board members received a copy of an email message from that abutter, Joan Paglieri, that she had sent to Mr. Parisi. She noted Ms. Paglieri was not present.

Mr. Parisi stated Ms. Paglieri had sent an email message to him, stating she was concerned about being so close to the site. He explained he told her why they were locating on the site, explained the limitations with the lot and that wetlands are located on the other side of the lot. He noted their engineer wrote a letter to the board saying the facility is safe. They have had thousands of WCFs built in the last 10 years and the technology has been around for decades. Radio communication was created in Massachusetts 130 years ago. The Fire and Police department personnel work every day under a tower and have no concerns. Some have been built in the right-of-ways of highways, some next to recreational facilities. Mr. Parisi stated he believes by sending the letter, Ms. Paglieri is satisfied. There is a used car lot located on her property. He noted the engineers who designed the proposed WCF have designed thousands of them.

Mr. Pember asked about the height of the present tower and the current signal situation.

Police Chief Mark Leahy stated the height is approximately 100 feet. He stated that, due to limitations, they don't transmit from the tower anymore. He is not sure how old it is. It was military surplus at Fort Devens, where towers are meant to be engineered, constructed and stay until they are decommissioned. Their radio tower was on the ground at Fort Devens when they got it. It was erected at the old Police Station on Church Street. When the Police Station moved to the Town Hall, the tower moved there as well. In 1989, the station moved to its current location and the tower was also relocated. He stated when a storm comes through the tower sways and creaks. Mr. Leahy stated that four years ago he had included in his budget \$150,000 for a new tower in FY13. It was just for a tower that radio personnel would climb. They won't climb the tower now. At one point they added 4 antennas to the roof of the building. The height of the proposed tower will give them the ability to finally transmit from their site at 211 Main Street. He stated right now they have to depend on telephone circuits and at times they have had situations when they lost the circuit to Route I-290 due to tree branches that took down lines. They do have the ability to go to a back-up phase, but it doesn't begin to cover the community. The December 2009 ice storm humbled them. They have some battery back-up, but they don't last. They have a natural gas-powered 25 kilowatt generator that will run 125% of the building on a full load and will give them clean and guaranteed communications to function. They have talk-out, and that's 100 watts from the tower for public safety. The proposed WCF will give them the ability to have seamless communications. This is an opportunity for taxpayers to save \$150,000 for a tower that would have been little improvement over what is there now. Mr. Leahy stated they need the 175-foot tower, sitting in a bowl as the site does. He stated he is not a fan of towers and not a fan of development, but this world relies upon line of sight. He stated he had wanted to put a tower up on Assabet Hill, but in the interest of public safety, he asked the board to consider this proposed WCF. He reiterated the ice storm pointed out the frailty of their current system. This tower will allow them to put a coaxial cable from the radio right up the tower to the antennas. They will not be relying on the telephone company to get their signal through, and not worrying about trees coming down and taking out the phone line. He stated this is a big step for them because they cannot transmit off the current tower. He explained the tower will be used by the police department, fire department, department of public works and ambulance. There will be interoperability antennas on the tower at a lower level and the ones they will depend on every day will be at the top. He stated there are some antennas on the existing tower right now, but they can't make any changes to them because the tower contractors will not climb it. They do have antennas up

there that transmit to the DPW. Their communications are not as essential as those of the police department.

Ms. Harrison asked Mr. Leahy if they would have enough height on the proposed tower at 125 feet.

Mr. Leahy stated it would limit them by having 50-feet less communications ability. He stated people have been looking at the tower for 22 years at 100 feet, and doesn't believe there will be a culture shock when the new tower is built. It will just be a little taller in the same spot and during an ice storm, they will need that height.

Ms. Gillespie stated the big problem is Assabet Hill in that signals have to get over it.

Ms. Harrison asked how the proposed height was calculated; for instance, why they didn't design it to be 180 feet, rather than 175 feet.

Mr. Parisi stated 175 feet is the highest they could justify. A tower of 200 feet would be required to be lighted for FAA purposes, and closer to an airport, those heights go down. There are limitations to the height of this type of structure. There are no guy wires; they are completely self-supporting.

Ms. Harrison stated she understands the need for the height.

Mr. Parisi stated the proposed height is a compromise between FCC and FAA regulations.

Mr. Leahy stated the town doesn't have the funds to have smaller towers around town. The idea of 100% coverage is nice, but not realistic. There will be some parts of town that will be hard to access. He stated that if they get into a pinch in an area, they can always communicate with Berlin or Westborough. That is only allowed in an emergency, though.

Ms. Gillespie stated she was on the property and would like to ask the Applicants to clean up the brush and mess on the site. There are a lot of trees to clean up, and around the ledge it would be nice to take some trees down to open it up.

Mr. Parisi stated there are trees that are not coming down.

Ms. Joubert noted review letters from the Fire Chief and Police Chief were sent to the board by email.

Mr. Leif asked what kind of inspections are done as the tower is being built and at completion of the tower.

Mr. Parisi stated that, by law, after the tower is operational, they will provide a report assuring compliance with FCC regulations. In addition, an annual inspection for a physical safety and maintenance plan is required under OSHA. A construction control affidavit will be supplied to the building inspector at the finish of the project.

Mr. Leif stated the required on-going inspections of towers have been problematic due to lack of staff time. Due to its proximity to a neighborhood and the recreational area, it is very important that the inspections are done if the board decides to grant the waivers.

Mr. Parisi stated the Applicants would agree to that condition.

Mr. Leif stated the bylaw already requires this to happen, but the condition would enforce that requirement. He stated the board would like to see those inspection reports on an annual basis.

Ms. Harrison asked how long the construction will take. Mr. Parisi stated it will take 8 weeks. Once the antennas have been relocated, the existing tower will be taken down and the antennas on the roof of the police station will also be relocated.

Ms. Gillespie confirmed there will be a fence around the compound. Mr. Parisi said there will be, and the tower will be constructed so it is not climbable. The only people who will climb it are licensed professionals. There are no pegs that anyone could reach to climb it.

Mr. Leif asked if it would be possible to have the T-Mobile equipment on the inside of the pole.

Mr. Parisi stated it is far more limiting from T-Mobile's perspective to have the antennas inside. It can get cluttered, and in this case, there is no real benefit to cramming the T-Mobile antennas inside with the public safety whip-antennas outside. They are less visible than the carrier antennas, but still visible. He stated he has seen a flag-pole antenna with public safety antennas on the top and it doesn't look right. It would also be less accommodating for future antennas. He stated it can be done, but it's not the ideal situation. It is better to build something more accommodating.

Mr. Parisi explained that one of the issues going on now is that the technologies are evolving - the 2g, and 4g technology. The "g" stands for generation. Companies like T-Mobile are currently marketing 2g and 3g systems, and are building and will market 4g systems. These require multiple sets of antennas. He stated that on a traditional array there are 3 antennas in each direction, but they get more technical with the 2g, 3g, and 4g systems. It gets complicated and requires more space, and in a situation where equipment is forced inside a flagpole, it gets less accommodating for other co-locators.

Mr. Hesse, Chief Development Officer, US Wireless, Inc., stated it can take up about 20 feet of vertical space to locate equipment inside a tower, so it takes about 9 feet more vertical space, and a taller tower. Even if the tower accommodated only T-Mobile inside and the public safety antennas, it would still need a lot of height.

Mr. Dasani, Radio Frequency Technician, stated that from a technical standpoint, the proposed design works better for him. Space diversity means signals can be received from 2 different antennas. This design is more preferable for engineers.

Ms. Joubert stated she would prefer to see the equipment inside, as it is with the flagpole at 300 West Main Street. She asked if there is a way to mount outside and not use the triangular configuration, like a canister outside so it would be more of a stealth design.

Mr. Dasani said there is, but the problem is the same. There could not be 2 antennas, only 1. A second antenna would have to go 10 feet below.

Mr. Parisi stated that Mr. Dasani is saying 3 could be put in tight, instead of 9 as 3-3-3 in a triangle. Whether they are placed inside or outside, it's the same thing, but more height is needed for inside mounts. The 9 creates horizontal separation to facilitate multiple technologies.

Mr. Pember stated the board is charged with accommodating the needs of the people in the town. Six years ago Verizon, Sprint and AT&T were major players, now it's T-Mobile. There will be more

competition coming to town and needing space on the tower. If the board is forcing co-locators to be at lower heights, it is not serving the people of the town to have T-Mobile 20 feet lower.

Mr. Parisi stated that back in the old days AT&T was the only company. The federal government broke up AT&T in the 1990s, but facilitated development of multiple telecommunications companies knowing the future of wireless. They issued multiple licenses in every market and are continuing to issue more licenses because the government feels competition is good, and cell phone bills will go down. T-Mobile came in and forced the major companies to lower their prices. Innovation is growing faster and getting more technical because of competition. There are other companies out there with all different marketing plans. T-Mobile gears towards family and AT&T aims at businesses. The federal government adopted laws to regulate development of wireless infrastructure in order to foster competition. The laws say towns can't discriminate, but have to allow all carriers to locate in a town. Towns can regulate responsibly, create a bylaw and mandate co-locations, but they can't just say no to other companies because they already have one company.

Mr. Fales, Centerline Communications LLC, stated that beyond mobile to mobile, there is also broadband in Rhode Island. Over the next couple of years, coaxial cable will disappear and cable companies will be going wireless. In point of both design and height, the Police Department needs a second RAD, lower down on the tower, but above tree height. That is usable space, but will take up more antenna space. It's part of the requirements and could limit co-location.

Ms. Gillespie stated a flagpole would be nice, but would rather have one tower that would take care of the gap and the public safety needs.

Mr. Leif asked about the AT&T and T-Mobile merger.

Mr. Parisi stated his personal opinion is that it is never going to happen. The reason why AT&T wants to do it is they want more capacity and less competition. The federal government will never approve it because they want more competition. It will be business as usual for them and is a year out because of regulatory hurdles. Even if they merge they would operate as two separate companies. For example, Sprint and Nextel merged a couple of years ago and they still operate as two separate companies.

Ms. Joubert asked Mr. Leahy to confirm the locations of the public safety antennas on the tower.

Mr. Leahy stated the antennas on the top of their building will be relocated at a height of 90 - 110 feet on the new tower. They are not all whip antennas, some are loop antennas. A loop antenna is an antenna with loop elements that are directional in nature for UHF bands. Mr. Leahy stated their 800 band is fiberglass whips, their low band antennas are much longer and have 2 attachment points to the tower. They don't look alike because they operation in completely different spectrums. The next co-locator above the loop antennas would be located 20 feet, plus 10 feet of separation above.

Mr. Parisi stated they locate carriers from the top down. In this case, T-Mobile is at 165 feet, then the next 3 carriers would be located at 155 feet, 145 feet, 135 feet, then the public safety would be 110 to 90 feet, with separation above that. All co-locators are 10 feet apart.

Ms. Gillespie asked who receives the revenue when a carrier locates on the tower.

Mr. Parisi stated the town gets a percentage of the revenue. Ms. Joubert stated that, on average, the town will receive \$2400 per year, per co-locator.

Mr. Hesse stated that the base rent is approximately \$24,000 per year to the town. That number will go up as the number of co-locators goes up, and then it also goes up by 3% per year. When adding up the soft and hard costs, its more like \$250,000, plus the costs the town will not incur, which are the removal of the existing tower, and the purchase of public safety equipment at a cost of \$20,000.

Ms. Gillespie stated she had hoped the town would be getting more revenue.

Mr. Hesse stated the revenue is in line with what municipalities generate. The town will be getting base rent and incremental rents, and won't have to build the tower or buy the public safety equipment. The annual rent plus the initial capital costs are paid right away.

Mr. Leif stated if they decide to have the antennas inside, it would reduce co-locators, but still be of benefit to the police station and the town to have US Wireless construct the tower. What would be lost is the \$2400 per co-locator for the town.

Mr. Hesse stated someone has to pay for the tower and US Wireless is paying. They have to make it attractive for other co-locators, and to locate all those antennas inside would result in taller and beefier tower. There would be less opportunity for co-location and the tower wouldn't pay for itself.

Mr. Parisi stated the deal with the town would be less attractive to US Wireless. Mr. Hesse has already agreed to pay the town rent, build the tower, pay for public safety equipment and take down the existing tower. He has to factor in those costs. The deal with the town assumes there will be more co-locators than T-Mobile.

Mr. Hesse said that if the Planning Board forced him to locate the antennas inside, he would have to rethink his deal with the town. He stated nobody builds a shopping mall for one tenant and nobody builds a cell tower for one co-locator. Most towers in towns are for multiple co-locators.

Mr. Lewis mentioned the electronic seal and signature on the plan is not proper. The engineer needs to look at the registration laws. He stated the building inspector won't take it without the proper seal and signature.

Mr. Hesse and Mr. Parisi stated they will provide copies with the proper seal and signature of whatever plans the board and building inspector need.

Laura Ziton, 1A Pond View Way, stated she is concerned about the height, which is more than the maximum allowable height of 125 feet per the zoning bylaws. It will be an eyesore on a major street in town and will leave the town open for other towers to be built as tall. It is almost twice as tall as what is allowed in the bylaws. She stated it is needed by the police station, but question whether the height is necessary.

Mr. Hesse stated the tower is needed to fill the gap, and the topography and public safety equipment require it to be at the proposed height.

Ms. Ziton stated data demands will go up.

Mr. Hesse stated they are based on spectrum, not on height, and are driven by adding more capacity and frequency. They will not impact this decision.

Mr. Leif noted that if the board grants the waivers; it doesn't change the bylaw for other applicants. New applications will be looked at one at a time. The board has the right to deny waivers. In the future the bylaw may need to be changed. Granting these waivers will not set a precedent.

Ms. Gillespie stated it goes back to need. Due to the topography of the area, the police need to be on top of the tower. The Police Chief has proven his case that they are using very inadequate hardware to do their jobs. This is a win-win situation for the town. She stated she understands Ms. Ziton's concerns, but this is clearly needed for public safety.

Bill Donovan, 3B Pond View Way, thanked Mr. Leahy for his input. He stated if the tower fell, it could fall on the ball field.

Mr. Leif agreed that was true, and stated the bylaw doesn't specify setbacks between cell towers and non-residential/non-school property. There is no direction for the board to set criteria for that property, or abutting municipal or commercial property. There is no history of towers falling and no way to regulate the location of the tower next to the recreational area in the bylaw.

Mr. Donovan asked why the proposed Assabet Hill tower was denied.

Ms. Joubert stated that, from her recollection, the Department of Public Works was proposing the tower to be located on the water tank. At the time there was no bylaw. It was the first public foray into cell towers or placing antennas and was widely criticized in town. The DPW withdrew the application and then the town and the neighborhood started working on the bylaw.

Mr. Donovan asked if that location would be a consideration now under the bylaw. Ms. Joubert replied it could be a consideration.

Mr. Donovan asked Chief Leahy if he would be interested in that location for public safety.

Chief Leahy stated he prefers the current proposed location.

Ms. Ziton asked if the town would be liable if the tower fell. Ms. Joubert stated the owner would be liable.

Anthony Ziton, 1A Pond View Way, asked the board not to make their decision tonight on the tower in order to discuss other possible sites. It is very visible and a dramatic impact on aesthetics.

Mr. Leif stated the town sent a request for a facility to be built on that lot and the applicants have presented their proposal in response to the town's request. The board can either approve its proposal, approve it with some modifications, or deny it. To request it be located in another location is not within the scope of what has been presented and there is no reason to postpone the decision.

Mr. Ziton stated he thinks it warrants looking at possible alternatives, such as a lower tower and co-locators inside the tower.

Mr. Leif stated the Applicants and the Fire Chief have presented enough information for the board to make a decision tonight, unless in deliberations modifications are suggested.

Mr. Parisi reminded the board that a balloon test was advertised for this tower, and notice was sent to abutters. The closest abutter is not here tonight. She was at the ZBA meeting two weeks ago and the Applicants explained Mr. Fales had explored other options, and found that there were no lots along the Route 20 corridor that meet the required setback distance of 1,000 feet from the property line of a school. A lot of the parcels off Route 20 are residential, which is limited. The proposed location is a viable site. There is no other location that will work between the proposed site and Marlborough.

Ms. Ziton asked what the height was of the WCF proposed across the street from St. Bernadette's Church. Ms. Joubert responded it was 125 feet. Ms. Ziton stated she knows the hills on Route 20 very well and the difference between the elevation of St. Bernadette's Church and the police department is not an additional 75 feet.

Mr. Pember stated the WCF was proposed to be located at 265 Main Street, in the back of the property up on a hill behind Crown Trophy, which is much higher than the property on which St. Bernadette's Church is located.

Ms. Joubert stated the driving force behind the proposed cell tower is public safety.

Ms. Ziton asked if it is necessary to have a 195-foot tower to achieve that.

Mr. Leif said that, according to the needs of the police department and the needs of the Applicants, it is necessary to have that height.

Ms. Gillespie stated residents in the area and the people involved with the baseball league have no problem with it. The Applicants are willing to come forward and build it and co-location is good for the town.

Chief Leahy stated 27 police department employees will work in the shadow of the new tower. They will be the ones in the direct path of a problem. It's a critical matter when we lose a call.

Mr. Parisi stated they are asking for waivers on the height and the setback, and request that the board would grant that relief.

Leslie Harrison moved to close the hearing, George Pember seconded the motion and the vote was unanimously in favor.

Mr. Leif stated the positive and negative factors of the project are:

Positive:

1. A public safety need will be taken care of at the expense of the Applicants.
2. There will be a financial benefit to the town through on-going annual rental revenue and the Applicants will be constructing the facility, paying for the public safety equipment and for the removal of the existing tower.
3. Co-locators will solve the issue of other vendors wanting to build towers in town.

Negative:

1. The height of the tower will be a total of 195 feet.
2. The visual impact heading west on Route 20.
3. An auto dealership and a baseball field are close by.

Mr. Leif stated that whatever the height of the tower is, the issue to the surrounding area is still the same. They have to balance the positive with the negative. It's basically the aesthetics negatives VS financial and safety positives.

Mr. Lewis stated that approving this tower will mean, down the road, another cell tower won't have to be built.

Ms. Harrison stated she is torn, and if it wasn't for public safety, she'd be asking for more data. She's torn between internal and external location of antennas, but understands the vertical issues.

Ms. Gillespie stated the Police Chief made a good argument. We don't want to risk the benefits to the town. This project has been 6 months in the works. She stated she would've liked to see more revenue for the town, but she is in support of approving the WCF so the town can have the tower. She stated she would rather see one tower than more towers down the road. She would not want to risk jeopardizing what has been worked out.

Mr. Pember stated he'd seen an email that went around to Peaslee School about the tower and thought the board would be facing a hostile audience tonight. However, nobody is here, so the fear of the tower near the school is not there. Several people on East Main Street have talked to Ms. Gillespie and have no objection to the tower, and the people involved with baseball are not objecting. He stated he is looking at what's best for the town. This project encourages competition, allows for new companies to co-locate and, because this is a low area in town, it couldn't have been done with a 125-foot tower.

Mr. Leif stated he agrees it doesn't help from an aesthetic perspective, but getting town equipment on a tower is important and maximizing co-location is important to limit other towers. The proposed tower will cover quite a range of the town that needs to be covered. He stated he doesn't think it's viable to have a smaller tower with co-locators inside.

Ms. Joubert noted site plan approval is required, as well as a special permit.

Mr. Leif stated he wants it to be clear that this tower will need an annual inspection and that needs to be in the decision. He stated he wants the Planning Board to see the results of that inspection every year.

Mr. Pember moved to approve the site plan and grant the requested waivers for the Wireless Communications Facility at 211 Main Street, as proposed, and with the condition that the owner of the property must submit a report to the Planning Board each year detailing what they have inspected and the results of the inspection. Ms. Gillespie seconded the motion and the vote was unanimously in favor.

Pubic Hearing to Consider Zoning Bylaw Amendments

- Section 7-04-030 Floodplain Overlay District; Boundaries
- Section 7-07-020 Floodplain Overlay District

Ms. Joubert explained there are 2 sections of bylaw that need to change. The 1979 flood maps are still the way they are today, but now have been digitized and the state has added some language to the flood plain bylaw. The federal government is changing the reference to the floodplain map and lists all the panels. It explains what section of the wetlands work with it and the building codes work with it. The new language will be referencing the electronic version of the maps. Sections 7-04-030A(4),(5),(6),(7)

and (8) are new. The Town Engineer, Fred Litchfield, will be presenting the amendments for the Planning Board at Town Meeting.

Ms. Harrison moved to close the hearing, Mr. Pember seconded the motion and the vote was unanimously in favor.

Ms. Harrison moved to approve the proposed zoning amendments for Town Meeting with the language as presented, Mr. Pember seconded the motion and the vote was unanimously in favor.

ZBA Applications

Ms. Joubert briefly reviewed the hearings on the May 24th ZBA agenda.

73-85 West Main Street

Ms. Joubert stated the Applicant is working with the Design Review Committee. They have put up a mock gable extension.

Mr. Lewis stated what is being built is not what they submitted to the building inspector, and what they submitted to the Design Review Committee is not what they submitted to the building inspector.

Adjournment

The meeting adjourned at 11:30 pm.