



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 4/2/13

Planning Board
Meeting Minutes
January 15, 2013

Members Present: Rick Leif, Michelle Gillespie, Teresa Capobianco, Leslie Harrison, George Pember

Others Present: Kathy Joubert, Town Planner; David Kane, MIS/GIS Director; David Maxson, Isotrope; Bob Hill, Amy White, Alan Archibald, William F. Donovan, Bruce DeGraaf, Tara McCormick, Mark Calvonese, Mike DiCenzo, Karen Ares, Yvonne Shelton

Mr. Leif opened the meeting at **6:00 pm**.

Continued Discussion With David Maxson Re: WCF Bylaw

David Kane, MIS/GIS Director, presented a slide show of 10 maps entitled "Town of Northborough WCF Setbacks, identified as follows:

- *1000' Setback from School Property Lines*
- *1 Mile Setback from Existing WCFs*
- *Residential Zoning Districts 300' WCF Height Setbacks*
- *Residential Zoning Districts 500' Setback from Residential Structures*
- *Residential Zoning Districts WCF Height & Residential Setbacks*
- *Non-Residential Zoning Districts 187.5' WCF Height Setbacks*

Ms. Joubert summarized each map and noted there will be a few more to add to the set. She explained the maps show the setbacks of the current bylaw. A final map containing layers of all the maps has not been completed yet, and will show the small area in town where towers could locate if WCF zoning continues the way it is.

Ms. Joubert stated the first map shows the present setback requirement of a WCF from the property line of a school, which is 1000 feet.

Ms. Joubert stated the next map shows five existing WCF facilities in town and a 1 mile radius around those sites, which are the Pine Tree WCF on Southwest Cutoff, the Flag Pole WCF at the Fox Meadow development at 300 West Main Street, the WCF at 360 Church Street, the WCF at 119 Bearfoot Road and the new Police WCF at 211 Main Street.

Mr. Leif noted there doesn't seem to be a lot of room in town to site anymore WCFs, except perhaps down in the very southeast part of town.

Ms. Joubert stated the next map shows the present setback of 500 feet from any residential structure. The current zoning bylaw addresses residential zones in 2 ways: 500 feet from the base of a facility to the closest residential structure; and a required distance of a WCF from a residential structure of four times the height of the maximum allowed height of a WCF, which is 75 feet.

Ms. Joubert said the next step is to put the data from the last two maps together and create a new map that will show a 300-foot height requirement and a setback requirement of 500 feet from a residential structure.

Ms. Joubert stated the next map shows non-residential parcels with a distance requirement of 1.5 times the maximum allowed height of a WCF, which is 125 feet.

Ms. Joubert stated the maps showing the industrial setbacks and overlay, and all the setbacks together will be ready for the next meeting. In the zoning bylaw the residential districts also include the downtown neighborhood and downtown residential districts, which are both considered residential business districts.

In response to a question from Mr. Leif, Ms. Joubert stated all the Northborough public schools are located in a residential district.

Mr. Maxson stated the current bylaw is ambiguous in that there is no distinction between a tower and a WCF. There are setbacks for a WCF that are the same for a roof-top installation. Communities would rather have roof-top installations than a new cell tower. It's easier for carriers to find places to locate on structures than it is to find places for WCFs. All the setbacks in the bylaw are sound in principle, however the results of using them may be WCF locations with which people may or may not be happy and with which carriers may or may not be able to acquire needed coverage. He stated the forward approach is to identify the locations on which the town wants them, to make it clear to carriers that these are the preferred locations, and then determine the setbacks. The next step would be to create a map showing where the carriers are and see where they would need coverage. Mr. Maxson stated the language in the bylaw forces carriers to a single structure in theory. He recommended providing the Planning Board the flexibility to look at each WCF proposal on a case-by-case basis, so they can determine if it makes sense for the proposed location and if it will be preferred by other carriers. Carriers want their service to get into homes and may have to locate every 10 miles to improve the quality of coverage. Mr. Maxson noted that, in Wellesley, a facility can locate anywhere, but it has to look a certain way and cannot be deleterious to the community. There have been discussions revolving around whether or not to keep arbitrary setbacks to preserve the character of the community, or to look at other qualitative ways to regulate a facility and document whether it meets the bylaw in qualitative terms. In Wellesley, a facility can be located anywhere, but must look a certain way and cannot be determined to be deleterious to the community. Mr. Maxson stated Northborough has been successful in holding off ugly cell towers in residential neighborhoods. The question is should arbitrary setbacks be removed and the Planning Board given the ability to say no.

A resident asked how the revised bylaw would change the problem of cell towers in industrial districts that are close to residential district.

Mr. Maxson stated that, by making a distinction between communications towers and facilities, it would allow a communications tower that did not require co-locators. It would not have fallen under the co-location rule. With the distinction made, the board could have the ability to recognize it as a communications tower that did not require co-locators.

Tom Blasko, 19 Pond View Way, stated the town, at the time, wanted to open up the tower to co-locators and have a 30-inch dish.

Mr. Maxson stated the current bylaw required co-location, even for towers for private use.

Mr. Leif stated that is because WCFs and communication towers right now are one and the same.

Review of Part 7-10-040 Draft

Ms. Joubert distributed the draft of the WCF bylaw with changes made by the Planning Board. She noted a second document she distributed includes various sections of the bylaw that would have to be changed at town meeting.

Mr. Maxson brought a new draft of section 7-10-040 of the bylaw and distributed them to those present.

Mr. Leif said he went through Mr. Maxson's draft and Ms. Joubert pointed out her changes for the bylaw.

Mr. Maxson asked the board if they were ok with what the new bylaw would be allowing.

Mr. Leif stated he had no problem with it.

Section D

Mr. Pember confirmed it doesn't require a special permit but does require a site plan.

Mr. Leif explained that would let the board see what's going on but would not require the hurdle of getting a special permit.

Section E

Regarding 7-10-040E(4), Ms. Capobianco stated there is nothing that is obligating the applicant to say why they cannot locate a WCF in the industrial area or co-locate.

Ms. Joubert suggested that is contrary to what the board is trying to accomplish; that by not forcing companies to locate in a particular district, they can locate where it makes the most sense and where they get the best service.

Ms. Capobianco responded the companies should tell them if they can't locate there.

Mr. Maxson suggested adding the language "*applicant shall demonstrate that it cannot fulfill higher preferences*".

At the request of Ms. Capobianco, Ms. Joubert read the language for this in the current bylaw.

Mr. Leif stated there was a section in the bylaw requiring the applicant to post a bond for eventual removal of the facility and he did not see it. He asked if that requirement was dropped and if they should still require a bond.

Mr. Maxson stated he has never seen a bond enforced.

Ms. Joubert stated they require it now, but do not require it for any other use. For example, if a shopping mall goes defunct, there is no bond to take down the mall.

Mr. Maxson stated sometimes bonds may be in order, depending on the size of the facility, etc., and from that perspective, it is great to have the option of a bond. To require a bond every time would be a burden to the applicant and a burden for the town to administer. It could be done on a case-by-case basis.

In response to a question from Ms. Gillespie, Mr. Maxson stated most communities are 50/50 or 60/40 in not having it. They are mostly done when cell towers are 190 feet high and looming over a neighborhood.

Regarding safety inspections, Mr. Leif stated it is a good thing to do but administratively keeping track of when they've been inspected has been a struggle in the past.

Mr. Maxson stated they are controlled by State building code and the building inspector has the authority to enforce structure standards if it appears a tower has become unsafe. It's under the jurisdiction of the code enforcement officer and is not needed in the bylaw.

Mr. Leif confirmed Mr. Maxson is saying the building inspector does it so the board doesn't have to do it.

Mr. Maxson confirmed that is correct, and stated it is beyond the purview of zoning because it's a state building code matter.

Regarding radio frequency measurements and noise, Mr. Maxson explained the language has been changed to give the board the flexibility to require measurements when they think it is appropriate. Otherwise, they are regulated by the FCC.

Section F

Regarding signage for WCFs, Mr. Maxson stated signs can still be a condition of a permit.

Section G

Mr. Maxson reviewed environmental standards, stating the new language requires Radio Communication Facilities (RCFs) to meet the same environmental standards as WCFs. There are a wide variety of RCF facilities, and this would give the board the authority to regulate it.

Mr. Leif stated the board needs to rethink Section F for review of RCFs vs. WCFs.

Ms. Capobianco asked if there is another part of the bylaw that says some things do not apply to RCFs.

Mr. Blasko noted WCFs are RCFs.

Section H

Regarding Amateur Radio Services, Mr. Leif stated basically, amateur radio services can be constructed and the only time they need to come before the board would be for review if it doesn't meet setback requirements of the district. If someone wanted to do it in their backyard, they could put up a tower as long as it met height requirements and side setback requirements of the district.

Ms. Joubert stated if a ham radio operator wanted to put up a tower, they would go to the building department and would have to meet the height requirements.

Mr. Leif asked if anyone has put up a 75-foot tower on their own property. Ms. Joubert replied no one has, and right now they would have to meet the height for the district.

Mr. Maxson read information from federal and state law, and stated it gives the building inspector guidance. It creates a structure that helps the town and the radio operator succeed.

Mr. Leif asked if the board can include by right that the height has to be up to the district maximum regulations and must meet the setbacks of the district. He noted the bylaw now states if only one criteria is met, a site plan approval would be required; if neither is met, a special permit would be required. However, if someone puts up a tower for a WCF, or some other use, in a commercial district, it wouldn't be an amateur radio operator. Mr. Leif asked if that is because amateur radio service is regulated.

Mr. Maxson stated amateur radio towers are regulated by state and federal law, which allows the town to protect its legitimate interests. They are open-framed and at 75 feet, are slightly taller than most trees.

Section I

Regarding radio and television reception antennas, the first line in I(1) will be changed to read "Antennas and masts not more than 12 feet ***above a roof*** may be installed for private radio or television reception". It now reads "Antennas and masts not more than 12 feet in height may be installed for private radio television".

Mr. Maxson will revise the bylaw based on tonight's discussions.

At the next meeting the board will look at district height limits.

The next meeting will be held on Wednesday, January 23rd at 7 pm.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary