

WEST NEWBURY PLANNING BOARD
MINUTES OF MEETING
November 15, 2011

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the West Newbury Planning Board was held on November 15, 2011, in the Planning Board Office. Board members Raymond Cook, Brian Murphey, John Sarkis, Chair, and Arthur Wallace attended. Associate Member Patricia Reeser and staff member Jean Nelson were also present.

The Meeting was called to order at 7:34 PM.

Public Hearing to Consider Special Permit Application, Modification to a Special Permit for Personal Wireless Service Facilities and Site Plan Review, West Newbury Congregational Church, 308 Main Street, Assessors' Map U-1-30. Owner is Congregational Church, Inc., of West Newbury, Mass., and Applicant is New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager

Wallace read the Legal Notice. Sarkis opened the Public Hearing. He noted that the Public Hearing is being recorded for the purpose of taking Minutes.

He continued that the Site Plan Review Committee is composed of the Planning Board Members, the Building Inspector, and a member of the Conservation Commission. The Commission will not be sending a member, and the Building Inspector is unable to attend.

Joseph Giammarco, Brown Rudnick, introduced himself as the attorney for the Applicant, and introduced those in attendance for the Applicant:

Alan Jennings, Contractor

Kristen Smith, Tilson Government Services, Agent for the Applicant

Kevin Brewer, Frequency Engineer, New Cingular Wireless, PCS, LLC

Giammarco stated that there are currently six antennas in the steeple. Equipment is housed in a stockade fenced compound on the ground. The proposal is to add three antennas for LTE or 4G capability. The steeple will be replicated in fiberglass, since the waves do not function well through wood. He said that all cables are housed within the steeple.

There will not be an increase in the height of the steeple or the compound, and no increase in noise. Trips to the site are one to two times a month for personnel. The appearance of the church will remain the same.

Two samples of the fiberglass material were presented. They were not exactly like what the new roof will be. In response to questions, Jennings said that the fiberglass steeple would be made up completely in one sheet on a panel. It will look like roofing

materials with overlapping shingles, and will have the texture of roof shingles. The structural components will also be replaced. The spires will remain as they are. Murphey asked that everything that will be replaced be listed. Giammarco indicated proposed changes on the Site Plan.

Cook asked the following questions:

Will the proposed structural changes be certified by a Structural Engineer? The response was yes.

Isn't a 10 foot vertical spacing between antennas desirable? The response was that such spacing is preferable. A compromise is being made here.

What will the change in the power output be? Brewer said that the overall power output would be approximately 40% more. The system is at 700 mHz now. This output will conform to acceptable standards. Giammarco said that a letter in the package addresses this, and that the consultant will be able to review and verify the output.

How much power will be generated downward toward someone standing below the steeple? Brewer replied that most of the power goes outward, and the increase downward will be by a small margin. It would not impact people in the church.

How is the system maintained? Brewer said that OSHA has certain limits that must be observed. He said that if someone is to work on the exterior of the steeple, the transmitters would have to be shut down via the control center. Cook asked if the Church is aware of this. According to Smith, the area is posted with a warning. Cook asked that this be double-checked.

How long would a crane be on site for lifting of the steeple? Jennings responded that it would be for a few days, and it will be done in good weather. He said that the crane will probably be in the parking lot, and not in the street.

Malcolm Barreiros, 319 Main Street, asked the impact to him as an across the street abutter. He asked where the next station is, and if there will be future work, and more added? He asked if there is danger to him as an abutter.

Giammarco said that under the Telecommunications Act, health considerations cannot be taken into account at the local level. Brewer reviewed the coverage map, where green and blue spots have high data throughputs. The gray areas indicate poor spots. Enhanced service will allow people to download movies in seconds, and increase 4G service. Cook said that there is not another station in West Newbury, other than perhaps a tower in the Industrial District.

Barreiros asked how long this installation will last. Brewer replied that this area has grown from approximately 100 sites to 2500 sites in the past ten years. It is hard to

predict future needs. People are now using their phones as a data terminal. Cook added that the Zoning Bylaw was recently revised, because coverage in West Newbury is lacking, and demand may increase.

Murphey asked if there are fire safety concerns. Giammarco said that if the Special Permit is approved, they will meet with the Building Inspector and the Fire Chief.

Sarkis asked the composition of the roof rafters. He asked if everything that is to be done is shown on the Site Plan, and Giammarco said yes, to his knowledge. Murphey asked that everything to be replaced be listed.

Jennings said that the hip roof rafters are wood, and there are individual fiberglass rafters. There will be new decking. The cap will be fabricated to look like a hip cap. Fiberglass fasteners will be used to install it. The profiles will remain the same.

Sarkis then asked if the antenna zone is cordoned off. Brewer replied that most areas have a drop-down hatch, and a padlock on the hatch, but he is not sure at this site. Cook asked that the Applicant make sure access to area is locked and posted.

Murphey asked if the Church has signed off on this, and expressed concern that the final roof would not look the same. Giammarco said that the steeple will be replicated, so that it will look the same.

Frank Long, 2 Church Street, asked about the exposed cables that he can see from his home. They come out through a louver and down the side of the steeple. The photos in the submittal package were reviewed, and the cables can be seen on Photo 3A. Giammarco said that if they belong to AT&T they will be taken care of, and if they belong to Sprint then AT&T cannot do anything.

Sarkis asked if the ornamental finial at the top of the steeple is copper, and if it can be placed back on the top. The response was yes. Someone noted that the current construction taking place is a new hip roof over the day care center, and not part of this application.

Nelson read a question from Bardeen, who was not able to attend the meeting. She had asked if part of the roof had been previously replaced with fiberglass. Brewer responded that he did not think so. The new antennas will be providing a different service at a different frequency. The waves get absorbed by the fibers in the wood.

Cook asked if the fiberglass panels will look any different from the street view. The response was that they will be indistinguishable from the street. Sarkis asked if the color might fade. Jennings said that the fiberglass holds its colors well, and that it will last longer than conventional shingles. It cannot be painted.

Reeser asked who maintains the roof. Giammarco said that AT&T is responsible for maintenance.

The Board asked that the fiberglass roof be brought to the attention of Isotrope, LLC, as part of the review, and that any concerns be reported.

Nelson read a list of questions that she had prepared from review of the Application:

- From the Brown Rudnick letter: the property is not in the RC, but in the Business District. Sheet A01 of the Site Plan also indicates the incorrect Zoning District and corresponding requirements. Giammarco said this will be corrected. Nelson asked that all revisions to the Site Plan be held until the end of all review, and that a final corrected copy be submitted.
- There are several spots in the Brown Rudnick letter where it is stated that the antennas will be visible. She asked if this was an error. Giammarco said that it is, and that the new installation will not be visible.
- Reference is made to the Wireless Overlay District. This is in the former Bylaw. The submittal falls under the new Bylaw, and Isotrope LLC will be using the new Bylaw for the review. Giammarco said that he referred to the Zoning Bylaw dated October 25, 2010. Nelson said that the Bylaw had been revised at the Annual Town Meeting in May, 2011, and it has been approved by the Attorney General. Giammarco said that he will revise the report to correspond to the new Bylaw.

Nelson asked Smith if she had the check for Technical Review to submit to the Board. Smith said that she would have it next week. The Board did not feel that it was necessary to meet again in Public Hearing until the Application had been reviewed by Isotrope, and decided on January 3, 2012, for the continuation.

Sarkis noted that correspondence has been received:

..EBI Consulting, Invitation to Comment, Section 106
..FCC, Notice that a new Section 106 filing has been submitted
..Isotrope, LLC, fee for Technical Review. This message was forwarded to Kristen Smith, Agent, on Friday, November 4, 2011.
..AT&T, has contracted with SAI Communications to represent them
.. SAI Communications, has contracted with Tilson Technology Management and SAI, authorizing them to act on their behalf.

Nelson explained the Section 106 filing. The Board decided that it does not wish to comment to EBI Consulting.

Motion made by Sarkis, seconded by Cook, to continue the Public Hearing to Consider an Application for Modification to a Special Permit from New Cingular Wireless PCS, LLC by AT&T Mobility Corporation, Its Manager, for Personal Wireless Service Facilities and Site Plan Review, West Newbury Congregational Church, 308 Main Street, to January 3, 2012, at 7:30 PM. The vote in favor was unanimous.

The Applicants left the room at 8:35 PM.

General Business

..Discuss Appraisal, the parcel and available information, potential benefits of purchase, and next steps, for the **Sullivan Property, Assessors' Map 1U, Lot 19**, Whetstone Street and Sullivan Court, re Notice of Intent to Convert to Other Use Under M.G.L. Chapter 61A from Johnson & Borenstein

Most of the residents from the Public Hearing had remained in the room for this discussion. Those present included Malcolm Barreiros, 319 Main Street, James Driscoll, 260 Main Street, Frank Long, 2 Church Street, John McGrath, 244 Main Street, and Renee McGuirk, 268 Main Street, and public officials Bob Janes, Board of Health, and Barry LaCroix, Open Space Committee.

Sarkis reviewed the Right of First Refusal process under M.G.L. Chapter 61A, Section 14. He said that there is potential for ANR lots and other types of development. John McGrath asked what an ANR lot is, and Sarkis explained. McGrath said that he had not received notice of this discussion from either the Board of Selectmen or the Planning Board. Sarkis said that the Agenda was posted.

Cook related the history. A Notice of Intent to Convert to Residential Use had been sent by the attorney for the owners. The Board of Selectmen had asked the Planning Board to comment. The Planning Board had discussed the parcel and expressed an interest that there may be some value to the Town.

Sarkis said that potential uses discussed were: A potential parking lot for the downtown, ballfields, septic fields, a municipal building, open space, affordable housing, and agricultural uses. Some portion(s) of the property could be resold. Cook added that a combination of the above would also be feasible.

McGrath said that when the Board of Selectmen had been interested in the parcel in the past, the Trust for Public Land (TPL) had been called in to help. Reeser added that TPL had wanted to see the Board of Selectmen behind the project and the support was not there, so TPL had not become involved. Sarkis said that as a developer, he has dealt with TPL in the past.

McGrath said that acquiring the parcel would extend a corridor of protected land. Seven acres of land belonging to Frank Long are deed restricted with Essex County Greenbelt, and McGrath is considering a Conservation Restriction on a portion of his land, which could connect to town land at the end of Marshall Road.

Sarkis reviewed the groundwater testing results from September, 2011, which had been just received by the Board of Health. He summarized that in some cases the seasonal high water table was at 20" and that every deep hole has a high water table. There was refusal at 49" in one case. He said that any wastewater field would be terraced.

He continued that the seasonal high water table is identified by the oxidation or "mottling" line.

Barry LaCroix of the Open Space Committee said that the parcel hits all of the criteria of the Open Space Plan. He feels that the parcel is too far from downtown for a parking lot, but that it would be great as open space.

Sarkis summarized the potential uses for the parcel. It would not be suitable for a municipal building. Whetstone Street is sloping, narrow, and the intersection with Main Street is not clear; it is a dead end street with limited circulation; and the topography is difficult. The downtown has limited potential to grow. He said that a wastewater treatment facility could include houses from Newell Farm Road to Maple Street at the fork, down Main Street to Prospect and Bridge Street, and pump back up to Church Street. He also suggested that the other parcel currently on the market and chapterland, be considered for its viewshed and access to the river.

LaCroix asked if this would open land up for future development, and McGrath added that density could double or triple and create a different tax base.

Bob Janes said that West Newbury is the only community on the Merrimack River that is not sewerred, and that DEP could require it eventually.

Driscoll said that the parcel could open up access to the Merrimack River, and that there is a wealth of possibilities with the parcel.

Reeser suggested that the Board of Selectmen be asked to contact, or authorize someone, to contact TPL, and that the Land Bond Protocol be re-activated.

..Minutes of November 1, 2011 were reviewed.

Motion made by Sarkis, seconded by Wallace, to approve the Minutes as written. The vote in favor was unanimous.

Motion to adjourn, 10:05 PM.

Submitted by,

Jean Nelson
Planning Board Administrator

These Minutes were approved by the Planning Board on December 6, 2011.