

## **Salisbury Planning Board**

### **Meeting Minutes**

**Wednesday, November 12, 2014 7:00 p.m.**

**PB Members Present:** Don Egan (DE), Lou Masiello (LM), Brendan Burke (BB)

**PB Members Absent:** Berenice McLaughlin, Robert Straubel and Helen "Trudi" Holder

**Also Present:** Leah Hill, Asst. Planner, Lori A. Robertson, Planning Board Secretary

**Time:** 7:00 p.m.

Chairman Egan called the meeting to order at 7:07 p.m. in the Colchester Room, Salisbury Town Hall. **DE** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via [www.sctvmc.org/index](http://www.sctvmc.org/index).

#### **1. New Business:**

##### **Minor SPR-91 North End Blvd-Bell Atlantic Mobile of Massachusetts Corp, Ltd. d/b/a Verizon Wireless c/o McLane**

**Law:** Attorney Christopher A. Swiniarski (CS) of McLane Law Offices addressed the board on behalf of the applicant. This is a site plan review for a proposed telecommunication facility at the town water tank on North End Blvd. The facility will primarily consist of a 12 façade mounted panel antennas and a 10'x25' equipment shelter. It will be located beneath the tank. The beach has less than optimal coverage.

**DE** noted that only 3 members were present. It would have to be a unanimous vote to pass.

**LM** asked about the antennas being on one side of the water tower. **CS** stated it goes all around the tank. **LM** asked about the report for radiation safety. The report states that there is no health or safety issue. Is this true depending on far away you are? **CS** stated it is

true. Unless you are right in front of a panel does becomes a danger.

Don Haes, Radiation Safety Specialist, author of the report dated October 27, 2014 addressed the board. For this particular facility you can go to the base of the water tank and be well assured you are far below the established limits. We suggest that workers don't go up the water tank and hang in front of the antennas.

**DE** asked about the use and hours of the generator. **CS** stated it is only used when the power goes out. It does need a weekly test (20 minutes a week). That can be at any time. **DE** asked about the noise level. **CS** stated its natural gas. It is not terribly loud. **DE** asked if the applicant would be comfortable putting in the decision hours of operation for the generator test. **CS** stated yes. **DE** asked about the plan for decommissioning. **CS** stated in our release agreement with the town there is an agreement about decommissioning. There is no problem adding this to the decision also. **DE** asked how long the lease agreement was. **CS** stated 20 years. **LM** asked we had questions about obstructing a view. Has there been thought to relocate the shed to the other side of the tower. **CS** stated we looked at this closely and there is no other place this can go. There are wetlands and a fire hydrant in this area.

**DE** stated the applicant is looking for a waiver: 1. Topography and vegetation types. **CS** stated this is typically asked for in a construction project. There is no heavy site construction on this property. **DE** stated this is a minor site plan review. It is subject to section 30-123 and 300-125 of the Salisbury by-law.

Abutter, Donald Coelho (DC) of 93 North End Blvd. addressed the board. I live right underneath the water tower. My porch is 3' from the fence. If they put the storage shed on the right side it wouldn't block anyone's view. On the left (currently proposed side) it is blocking our view. He also noted how the land floods. I fought for this originally because I know there is a need for the antennas. This is completely going to block our view from the marsh. Put it on the north side so it doesn't block our view.

**CS** stated we did look into it but there is all marsh. There is not

space that isn't marsh. There is no waiver for that from Conservation Commission. **DE** asked how many feet off the ground is the structure. **CS** stated 6'. **DE** asked how high the fence is. Jesse Moreno (JM), ProTerra Design addressed the board stating 10'. **DE** asked how high is the structure in total. **JM** stated 16'. **DE** asked anyway to make it smaller. **CS** stated it is the smallest shed we can do. The footprint of the steel frame is 10x25 and the shelter is 10x12. **LM** asked about the east side of the property, is there space. **CS** stated you are right up against the property. I would think that would be worse. **DE** asked if this has been before the Conservation Commission. **CS** stated not yet.

**DC** stated there is as much water on the right side and the left hand side. It shouldn't matter what side. It's all water.

**CS** showed the wetland line on the plan. **DE** stated I understand the concern of the abutters.

Don Levesque (DL), DPW Director addressed the board. It definitely does block the view. They just need to confirm where the wetlands are located. It is very tough to make it work on the northeast side. I would agree that you would have to go through hoops. If it is in this area it would just be electric in the way. We want to stay away from the water-main. If it can be done, than do it. There is nothing on the tank. Maybe verify the elevation and maybe its as simple as going to Conservation. The town wants this. **DE** asked if they did move it would it block anyone else's view. **DL** stated no it shouldn't impact. **CS** stated we looked at this but it is right up against the homes. This proposal is far away from any residential structures.

Abutter, Arthur Lazos (AL) of 71 North End Blvd. addressed the board. One of my documents is from the EPA. It clearly outlines the FCC guidelines for cell towers. I have a May 2011 decision of the International Agency for research on cancer where they classified radio frequency radiation as a Class II E carcinogen. It covers the entire spectrum of radio frequency. I also have two documents. It is my opinion that this demonstrates negligence in part of anyone associated with this proposal. If public safety was the first priority

than an unnecessary cell tower should be put in a safer place.

**DE** stated I understand the concern. This was deliberated at Town Meeting and was authorized that this area is designated for cell towers. This board can outline the Planning Board rules and regulations. **AL** stated I attended the September 19, 2012 and the two documents that were provided was from the American Cancer Society and May 2006 World Health Organization. How come this was never considered? **DE** stated this was voted on at Town Meeting. You would have to go back to Town Meeting and change the zoning law. **AL** stated I am clearly allowed to argue my case at Planning Boards, etc. due to my first amendment rights.

Abutter, Tom Cohelo (TC) of 93 North End Blvd. addressed the board. Why can't we put the structure behind the water tower on the same piece of land and move it to the right. Does it have to be that wide? **CS** stated we can't thin it out because the generator is an engine and that won't thin out. **CS** stated we have been talking and we could make it work on the other side. It seems close. **TC** stated there is nothing to the right. It's an empty lot. **DE** asked if the applicant would be willing to look into this and continue to the next meeting. **CS** stated yes. We can submit on a plan showing what the changes will be.

**LH** asked about shifting the generator and platform 90 degrees. **CS** stated yes they considered, but the water main becomes the problem as then the structure would straddle the water line.

**DL** stated the biggest issue is the view. If we move it everyone will be able to see. If it can be done.

**DE** asked if this is something the applicant is willing to do. **CS** stated we are willing to do it.

**TC** stated we would like this project even if they have to go for a wetland permit we would like it pushed back. Not up against our house. The further you can get into the corner the more we would appreciate it. **DE** asked the alternative location is also objectionable to you. **TC** stated no, I would just like to keep it in mind. **DE** stated

maybe the next time we hear this it would be option A or B. **CS** stated that's fine.

**AL** stated I mentioned about the FCC regulations, why is this proposal still taking place. **CS** stated it is outside the jurisdiction of any state, municipalities to regulate anything that has to do with environmental or health radiation. **DH** stated the regulations or guidelines published for human exposure is actually the combination of different documents which was passed by Congress. The FCC guidelines were adopted in 1996 and have just recently gone through reviews and have a basis for adverse effects on human exposure. FCC has looked at this over several years and have federal laws in place. **DE** asked about monitoring. **DH** stated under the Commonwealth of Massachusetts whether it be a cell tower that they could contribute to 1/3<sup>rd</sup> (30%) the limits than you have to verify that you are not going over. My prediction is this could never get above 2%. Therefore, monitoring would not be required.

**AL** stated I would like to read this statement from the chief radiation protection division expert. The FCC exposure guideline is considered protective from effects arising from thermal mechanism, therefore the generalization by many that the guidelines protect human beings from harm is not justified. **DE** stated I completely understand your concern. The FCC has not restricted this type of facility.

**BB** motions to approve the waiver for topography and vegetation types SPR-91 North End Blvd-Bell Atlantic Mobile of Massachusetts Corp, Ltd. d/b/a Verizon Wireless c/o McLane Law.

**LM Seconds-Vote on motion 3 – 0 unanimous. Motion Passed.**

**LM** motions to continue the minor SPR-91 North End Blvd-Bell Atlantic Mobile of Massachusetts Corp, Ltd. d/b/a Verizon Wireless c/o McLane Law until the December 10, 2014.

**BB Seconds-Vote on motion 3 – 0 unanimous. Motion Passed.**

**b. Request for waivers-106 Elm Street-Christopher DeLuca:**

Brian Knowles (BK) addressed the board on behalf of the applicant.

**DE** stated this only addressing the request for waivers.

**DE** stated we usually make these types of decisions when the plans are submitted to the Planning Board.

- **Lighting Plan showing foot candles:** **BK** stated they want to use the same type of lighting on Chris' Auto Body building, 100 Elm Street, which was previously approved by the board during the site plan phase. The proposed wall pack units are adjustable. **DE** stated this plan serves a purpose, the location of the light fixtures and potential for light pollution, spill-over onto adjacent properties and the provision of safety on the property. We would like to have the plan in front of us before we would make a decision about this. **LH** stated since you stated that you would have the same lighting as 100 Elm Street, isn't there something already in existence. **BK** stated if something exist we could use that.

**LM** motions to reject the request for a waiver for the lighting plan showing foot candles.

**BB**-Seconds-Vote on motion 3 – 0 unanimous. **Motion Passed.**

- **Landscape Plan:** **BK** stated this will be a flat lawn. There are mostly grass swales. It's tough to show details of grass on a plan. **LM** asked why only grass? **BK** stated the stormwater are grass swales. **LM** asked are there places where landscaping shrubs could make the appearance look better. **BK** stated maybe next to 108 Elm Street. **DE** stated almost all of Salisbury is flat. We almost always require some sort of landscaping. A recent applicant, even though the lot was paved they included whiskey barrels with flowers. **LH** stated it can be a landscape designer. **BK** stated we will show something on our proposed plans. It will not be from a landscape architect but it will be something. **BB** stated I don't think you need to spend a ton of money on landscaping. I think our intent is just to make the property clean, neat and

classy.

**BB** motions to continue the landscape plan waiver until the December 10, 2014 meeting.

**LM** Seconds-Vote on motion 3 – 0 unanimous. **Motion Passed.**

- **Reduction of Review Fees from \$2,500 to \$1,000: BK** stated we have been before Conservation and have already paid a fee of \$1,500.00 for Joe Serwatka to review. **DE** stated Conservation has their own fee schedules. **BK** stated I understand, but you hire the same review engineer. **DE** stated if there is a possibility that it may not all be used and you will receive a refund. The Planning Department recommends not waiving the fee. **BB** stated I believe that every applicant needs to pay this. We would open a can of worms with other applicants, if we allowed this.

**LM** motions to reject the request for a waiver for the review fees.

**BB** Seconds-Vote on motion 3 – 0 unanimous. **Motion Passed.**

**2. 7:30 Public Hearing: (7:40) SPR-82 Lafayette Road-  
Brendan Doherty:**

**LM** motioned to open the public hearing for 82 Lafayette Road-per the request of the applicant - Brendan Doherty and continue to the December 10, 2014 at 7:30 pm @ Town Hall.

**BB** Seconds-Vote on motion 3 – 0 unanimous.

**Motion Passed.**

**3. Old Business: N/a**

**4. Other Business: N/a**

**5. Correspondence:**

- a. **Minutes from October 8, 2014.** DE stated due to members being absent tonight I would like to continue this.

**BB** motions to continue the Minutes from October 8, 2014 to the December 10, 2014 Planning Board meeting.

**LM** Seconds-Vote on motion 3 – 0 unanimous. **Motion Passed.**

- b. **2015 Proposed Planning Board Schedule:** LH stated next November we won't be having a 1<sup>st</sup> meeting because it is on Veteran's Day. Even though the second meeting is the day before Thanksgiving we are leaving it on the schedule because it's the only meeting in November. We can revisit this at a later date.

**6. Reports of Committees:** LH stated in the coming months we will be looking at Lafayette Road re-zoning. The goal is trying to get to spring 2015 Town Meeting.

**7. Adjournment**

**LM** motions to adjourn at 8:52 pm

**BB** Seconds – Vote on motion 3 – 0 unanimous.

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**Chairman**

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**Date**