

Salisbury Planning Board Meeting Minutes

Date: Wednesday, October 25th, 2017

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

PB Members Present: Chair Helen “Trudi” Holder(**TH**), Vice Chair Gina Park (**GP**), Don Egan (**DE**), John “Marty” Doggett (**JMD**), Louis Masiello (**LM**), and Gil Medeiros (**GM**).

PB Members Absent:

Also Present: Assistant Planner Bart McDonough (**BMD**), Planning Board Secretary Adriane Marchand (**AM**).

Chair Helen “Trudi” Holder the meeting to order at 7:01p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

a. Signing of Plans & Permits

a. Signing of covenant and agreement for housing contribution payments pursuant to Article XIII of the Salisbury Zoning Bylaw—2-10 Sycamore Lane (Formally 20 Ferry Road)—Elite Builders, LLC

TH informed the Board the applicant will be going before the Affordable Housing Trust at their next meeting. They will be paying the inclusionary fee for the five units.

DE asked what the process is for Affordable Housing. **BMD** informed him the Affordable Housing Trust will make a recommendation on how the Board should proceed.

DE motioned to approve the housing contribution covenant and agreement for 2-10 Sycamore Lane contingent on the acceptance of the Affordable Housing Trust and there being no inconsistencies between the Affordable Housing Trust’s recommendation and the approval of the Planning Board.

JMD seconded.

Vote 5-0, unanimous. Motion Carried.

5. Correspondence

- a. Minutes: September 13, 2017**
- b. Minutes: September 27, 2017**
- c. Minutes: October 11, 2017**

JMD motioned to approve the minutes for September 13, 2017 and September 27, 2017.

GM seconded.

Vote 5-0, LM abstained. Motion Carried.

LM updated the Board on current projects being addressed by MVPC.

2. Public Hearing 7:10 p.m.

- a. Cont. Public Hearing on a major site plan and special permit filing by VWI Towers, LLC d/b/a Varsity Wireless for property 109 Rabbit Road Salisbury MA. Proposed work is to construct a 150' tall lattice tower to support 4 telecommunication antennas and associated electronic equipment.**

GM is not eligible to vote under the Subdivision Control Bylaw.

Francis Parice (**FP**) was present. Updated the Board on meeting with abutters on visual mitigation (met with three abutters). Stated the area is heavily vegetated and additional vegetation will not mitigate the towers visibility. Stated abutters are most concerned with the value of their property decreasing. Doesn't believe the cell tower will have any negative impact. Mark Correnti (**MC**), real estate appraiser, stated buyers determine the market value of a property. The closest analysis was done by Powow Hill in Amesbury, MA. A residence with a view of a cell tower sold in one (1) day for \$10,000 over the asking price. Cited other like examples that show the view of a cell tower does not impact property value.

FP stated the tower was designed according to the zoning bylaw and the wireless communication overlay. Reminded the Board they need to have substantial evidence to deny the request according to 47 U.S.C Section 704 (A).

DE stated there are three (3) issues to be resolved:

1. Is there an essential need.
2. The visual impact on the community.
3. The effect on the property value.

GM stated he is most concerned that they prove the need. **FP** showed the map that depicts gap in coverage this tower would address. 911 calls are often made wirelessly and the proximity to route 95 and 495 create the need. The tower will also be needed to carry capacity in the case of overload and emergency situations.

Abutter Diane Dastous (**DD**), 125 Rabbit Road, submitted letters from two (2) sources that disagree with **MC**'s assessment that it will not reduce property value.

DE requested the applicant hire a third party engineer to review the coverage need and the impact on real estate value.

LM disagreed with the request. Stated real estate values can be subjective. Sewer is planned to go along this portion of Rabbit Road someday and commercial will continue to be developed in this area. **GP** agreed and added that the site is zoned for cell towers and if one cannot go in this location it should not have been zoned for it. Also stated they would not invest in putting a tower up if there was no need.

GP asked **FP** to address the possibility of another location. **FP** replied there are constraints including commercial value, zoning setbacks, and wetlands. **DE** countered that as far as due diligence, the information provided is lopsided, as it was provided by the applicant. Requested a needs analysis again.

TH asked what demonstrates need. **BMD** quoted bylaw. SS 300 -126 B1. **FP** responded it was provided. Asked the Board to consider the area and that the value of the houses could lie in the

commercial aspects and fulfillment of the need. **FP** reminded the Board they have, according to federal law, 150 days to issue a decision.

Board polled to see if they should request a coverage need analysis: **GP, LM, TH, JMD** against. **DE, GM** for. **4-2 will not request.**

Board polled to see if they should request a peer review of the Property Value assessment: **GP, LM, TH, JMD** against. **DE, GM** for. **4-2 will not request.**

Waivers:

1. Vegetation catalog and existing conditions.
2. Use plan showing the locations of trash receptacles or dumpsters.
3. Lighting locations. No lighting required by law.
4. Architectural floor plans.
5. Utility plans showing water and sewer connections.
6. A luminaire plan showing foot candles.

FP stated all are not applicable to the filing.

LM motioned to grant waivers as listed.

GP seconded

Vote 5-0, unanimous. Motion Carried.

DE requested to reduce the height of the tower to 125 feet from 150 feet. Discussion followed.

FP stated 150 feet is the minimum they would require.

DE motioned to amend to reduce the height in the draft decision to 125 feet.

GM seconded

Vote 2-4, motion failed.

GP motioned to close the public hearing for the special permit and site plan.

JMD seconded.

Vote 5-0, unanimous. Motion Carried.

LM motioned to accept the special permit filing by VWI Towers, LLC d/b/a Varsity Wireless for 109 Rabbit Road with the following special conditions:

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.
2. The requested use is essential and/or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

5. Any special regulations for the use set forth in the Special Permit Table are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.
7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

LM motioned to approve the Special Permit for VWI Towers, LLC d/b/a Varsity Wireless for 109 Rabbit Road.

GP seconded.

Vote 4-1: TH, GP Yes, DE No, LM Yes, JMD Yes. Motion Carried.

LM motioned to approve the site plan for VWI Towers, LLC d/b/a Varsity Wireless for 109 Rabbit Road.

JMD seconded.

Vote 4-1. TH, GP Yes, DE No, LM Yes, JMD Yes. Motion Carried.

3. Old Business

4. Other Business

5. Executive Session

- a. **To discuss ongoing litigation regarding 107 Folly Mill Road, Approval Not Required Under the Subdivision Control Law Decision.**

TH asked for a roll call vote to enter executive session and to adjourn the Planning Board Meeting from the executive session.

Roll Call Vote to enter executive session at 10:06 p.m.

DE motioned to enter executive session with **GM, JMD, DE, TH, LM, GP** and staff **BMD** and **AM**.

LM seconded

GM voted yes, **JMD** voted yes, **DE** voted yes, **TH** voted yes, **LM** voted yes, **GP** voted yes.

6. Adjournment

*Documents provided at the meeting are on file in the Planning Office.

Minutes Approved By:_____ **Date:**_____