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Planning Board

Town of Salisbury

5 Beach Road

Salisbury, MA 01952

Planning Board:

Don Egan, *Chairperson*

John "Marty" Doggett

V. Chairperson

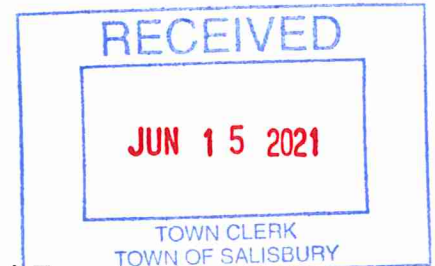
Gil Medeiros, *Clerk*

Lou Masiello

Deborah Rider

John Schillizzi, *Associate*

DECISION MINOR SITE PLAN APPROVAL



June 14, 2021

Town Clerk

5 Beach Road

Town of Salisbury

Salisbury, MA 01952

Applicant: New Cingular Wireless PCS, LLC (AT&T), c/o April Grasso

Address of Applicant: 85 Rangeway Road, Billerica, MA 01852

Address of Project: 91 North End Boulevard (Map 33, Lot 38)

Deed: Book 17706, Page 448

To the Town Clerk:

This is to certify, at a duly noticed meeting of the Salisbury Planning Board regarding a Minor Site Plan review that opened on May 12, 2021, continued to May 26, 2021, and closed on May 26, 2021, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by New Cingular Wireless PCS, LLC (AT&T), c/o Brown Rudnick LLP, under the provisions of Article XVIII. Site Plan Review of the Zoning By-Laws of the Town of Salisbury, considered Site Plan approval for a wireless array to be collocated on the Town's water tank, and emergency power generator on a proposed raised steel equipment platform to hold ancillary equipment, at a property addressed as 91 North End Boulevard (Assessors Map 33, Lot 38), shown on plans ("The Plans") entitled:

NSB Salisbury-North End Blvd., FA Number: 13017921, Site Number: MA2521S, 1C – MRCTB032711, 91 North End BLVD., Salisbury, MA 01952, Essex County; for lessee AT & T / New Cingular Wireless PCS, LLC, 550 Cochituate Road, Framingham, MA 01701; prepared by Maser Consulting, 2000 Midlantic Drive, Ste. 100, Mount Laurel, NJ, 08054; showing third revision dated 04/02/2019, revised thru 05/20/2021 consisting of 20 Sheets [T-1, GN-1, Z-1, Z-2, C-1, C-2, C-3, C-4, A-1, A-2, A-3, G-1, G-2, G-3, E-1, E-2, S-1, S-2, S-3, S-4], and **do hereby vote:**

Waiver: **Louis Masiello** **motioned** to approve the waiver of the inclusion of the following Plan Requirements, as provided with the Site Plan Review Application Attachment 2 List of Requested Waivers, for this minor site plan review for North End Blvd., FA Number: 13017921, Site Number: MA2521S, 1C – MRCTB032711, 91 North End BLVD., Salisbury, MA 01952, Essex County; prepared and stamped by Maser Consulting; revised thru May 20, 2021:

- B(1) All Waterbodies**
- B(2) Wetland and Boundaries**
- B(3) Topography**
- B(4) Vegetation Types**
- B(5) Other Natural Features**
- C(1) Proposed Landscaping**
- C(2) Existing Landscaping and Open Spaces**
- D(2) Parking**
- D(3) Service and Loading Areas**
- D(4) Curbing and Driveway Location**
- D(5) Trash receptacles or Dumpsters**
- D(6) Lighting**
- E(1) Water and Sewer Connection**
- E(2) Stormwater Drainage Plan**
- G(1) Foot Candles**

Gil Medeiros Seconds. Vote on motion 5-0, unanimous.

Motion: Passed

Motion presented by: Louis Masiello to approve the amendment to the application by eliminating the request for a generator, without prejudice.

Seconded by: Deborah Rider.

Vote on motion: 5 – 0, unanimous.

Motion: Passed

MINOR SITE PLAN APPROVAL

For approval, with conditions by the Department of Public Works [see Attachment 1], of the site plan pursuant to Article XVIII, Site Plan Review of Salisbury Zoning Bylaw,

Motion presented by: Vice Chairperson Jon “Marty” Doggett.

seconded by: Louis Masiello.

Vote on motion: 5 – 0, unanimous.

Motion: Passed

MATERIALS

(Included, but not limited to:)

1. “The Plans” [T-1 Title Sheet, GN-1 General Notes, Z-1 200’ Radius Map, Z-2 Site Plan, C-1 Compound Plan, C-2 Equipment Layout, C-3 Elevation View, C-4 Antenna Layout and Antenna Schedule, A-1 Construction Details, A-2 Construction Details, A-3 RF Plumbing Diagrams, G-1 Grounding Details & Notes, G-2 Grounding Details, G-3 Grounding Plan, E-1 Utility Plan, E-2 Utility Riser, S-1 Structural Details, S-2 Structural Details, S-3 Structural Details, S-4 Structural Details];
2. Minor Site Plan Review Application, received April 27, 2021;
3. List of requested waivers, received May 7, 2021;
4. Deed Book 17706, Page 448;
5. Proposal Summary prepared by April Grosso, Smartlink, LLC, received April 8, 2021;
6. Project Narrative Letter, dated May 6, 2021 and prepared by Brown Rudnick, LLP;
7. FCC Regulations;
8. FCC Public Notice;
9. RF Report with Coverage Maps, dated April 23, 2021 and prepared by C Squared Systems, LLC;
10. Calculated Radio Frequency Emissions Report, dated April 26, 2021 and prepared by C Squared Systems, LLC;
11. Generator Specifications;
12. Massachusetts Department of Health Memorandum, dated March 15, 2002;
13. Letter from Brown Rudnick LLP, dated May 20, 2021 amending application by eliminating the request for a generator, without prejudice;
14. Town Departments’ Letters of Review:
 - a. Letter from Town’s Consulting Engineer Joseph J. Serwatka, P.E., dated June 2, 2021;
 - b. Assessors comments dated May 6, 2021;
 - c. Building Inspector comments dated May 7, 2021;
 - d. Conservation Commission Agent email communications of May 10, May 24 and May 26, 2021;

- e. Department of Public Works communication of May 10, May 12 and May 19, 2021.
- f. Fire Department letter dated April 12, 2021;
- g. Health Department comments dated May 24 and May 7, 2021;
- h. Tax and Betterment Payment Certification acknowledged April 8, 2021;
- i. Abutter List Request certified April 8, 2021.

PROCEDURAL HISTORY

On May 7, 2021 a request by applicant for Minor Site Plan Approval for the installation of a wireless antenna array on the Town of Salisbury water tower, with associated ground appurtenances, at 91 North End Blvd (Map 33, Lot 38), a 0.230-acre site located in the Beach Commercial zoning district and Flood Plain and Wireless District C overlay districts was filed with Town Clerk.

Applicant: April Grasso for Smartlink Group [as requested by New Cingular Wireless PCS, LLC], 85 Rangeway Road, Bldg. 3, Ste. 102, Billerica, MA 01862.

Legal Counsel for Applicant: Edward D. Pare, Jr., Esq., Brown Rudnick, LLP, 10 Memorial Boulevard, Providence, RI 02903

The plans and other submittals were reviewed by the Planning Board, its consulting engineer, Joseph J. Serwatka, P.E., Planning Director, Lisa Pearson, and Assistant Planning Director, Connie Brawders. Also, present during the hearing was Planning Board Secretary Sue Johnson.

The Site Plan Review was heard concurrently with a Special Permit under Town of Salisbury Zoning By-law Article XIX. Wireless Communications Facilities.

The meeting on the application was opened May 12, 2021 and continued to, and closed, on May 26, 2021. Throughout its deliberations, the Planning Board was mindful of the statements of the applicants and their representatives, all as made at the meeting. There were no public comments made by the general public.

FINDINGS

1. The Site Plan contains a design that is sufficiently developed to provide the basis for Planning Board's determinations regarding the requirements, standards and guidelines of the Salisbury Planning Board's Rules and Regulations.
2. Currently, 91 North End Boulevard, the proposed site, is the location of a 151' above ground level ("AGL") water tank (the "Water Tank"). Situated in the Town's Beach Commercial zoning district and Wireless Communications District, the site's improvements will entail the collocation of six (6) panel antennas (two (2) antennas per sector) at the 90' AGL antenna centerline height on the

existing Water Tank, together with related amplifiers, cables, fiber and other associated antenna equipment, including, without limitation, remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment in equipment cabinets and other appurtenances located on a proposed elevated steel platform within the base of the Water Tank, located within an existing compound enclosed by a chain link fence (the "Facility").

3. The parking and traffic design of the site shall be sufficient, as the Facility will be unmanned and visits will average only one or two trips per month.
4. The quality of the design is such that the potential visual impacts will be minimized as the proposed antennas will not exceed the height of the Water Tank. Additionally, the proposed equipment will be located within the base of the Water Tank concealed from view. AT&T's Facility will not substantially change the physical dimensions of the Water Tank.
5. The Planning Board has been advised through Town staff and consultants that utilities and public works as existing are sufficient for the proposed use.
6. Consistency with Salisbury Master Plan:

The Salisbury Master Plan was the result of 18 months of work by the Planning Board, town officials and associated volunteers. The vision statement of the Master plan (created with extensive community involvement) states that:

- I. New development is sustainable, conserves land, protects resources, and balances current and future needs;
- II. Neighborhoods are safe, affordable and pleasant, meeting the needs of all Salisbury's residents;
- III. The town's open space system is well maintained and includes a diversity of facilities and resources to meet the needs of all residents;
- IV. Expanded commercial development contributes to a high-quality built environment and creates a stable financial base to fund municipal facilities and services.

The proposed Facility will be consistent with the Salisbury Master Plan because it will be located on the Water Tank so that potential visual impacts are minimized, and the aesthetic qualities of the Town of Salisbury are preserved. AT&T's Facility clearly and directly satisfies the purposes and intent of the Bylaw. By collocating on the existing Water Tank, the need to construct a new tower in the immediate vicinity is eliminated, and will help to minimize the overall number of towers in the area. AT&T's Facility, as proposed, will maximize the use of existing structures and minimizes the impact on visually sensitive areas of the Town of Salisbury. The proposed Facility will be a passive use and will not cause any unreasonable

noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. Further, the Facility will improve communication coverage to residents, commercial establishments and travelers through the area and improve communication services in this area of the Town of Salisbury. The installation of the Facility will not be a threat to public health, safety or welfare. In fact, the proposed Facility will improve emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. The proposed Facility will comply with all applicable regulations, standards and guidelines with respect to radiofrequency emissions.

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

CONDITIONS

1. This approval shall be subject to the Department of Public Works final sign off on design.
2. Waivers shall be listed on plans.
3. This approval shall apply to any successor in interest or successor in control and to any contractor or other person performing work.
4. Contact information for any successor in interest or successor in control shall be provided to the Planning Department as soon as changes are known.
5. This approval is not final until all administrative appeal periods from this approval have elapsed, or if such an appeal has been taken, until all proceedings have been completed.
6. The work shall conform to the plans and conditions referenced in this approval. No change to an approved plan shall be made until the applicant receives written permission from the Planning Board.
7. Applicant must obtain compliance with all zoning requirements before a building permit is issued.
8. Snow shall be stored on site per plan and the snow shall not block roadways, sidewalks/pathways, parking areas, turnarounds, or stop the drainage from properly functioning. If the snow storage areas are at capacity, snow is to be carted off site. This will be the responsibility of the applicant.

PRIOR TO ANY SITE WORK

9. The lastly revised plans dated May 20, 2021 shall be updated as may be Conditioned in this Decision and three (3) complete sets shall be provided to the Planning Department, properly stamped, dated and indexed. An electronic file will also be submitted, in the form of a USB, containing revised plans and other pertinent revised submittals. These plans shall indicate compliance with all applicable Zoning By-Laws, except where relief has been expressly given by the proper authority.
10. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions, and any and all final construction sequencing, details, and/or plans for this Project. Commencement of construction includes any site clearing or grading. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary snow fence material and erosion control barriers. Periodic status reports (agreed upon at said pre-construction meeting) shall be submitted to the Town outlining the general status of the construction and major milestones completed.
11. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
12. The Applicant is to meet with the Planning Department and the Department of Public Works to ensure compliance with any requirements, including bonding.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

13. No building permit shall be issued until all required bonds are posted, finalized plans are submitted to the Planning Department, and a pre-construction meeting has occurred.
14. All other requirements and permits shall be sought and received, including, but not limited to, utility connections. The Applicant shall bear the burden of ensuring all state and local permitting has been sought and received. The "Applicant" refers to the person or entity holding the fee interest to the title to the site from time to time, which can include but is not limited to the Applicant, Developer and Owner.
15. The Applicant shall provide to the Planning Board the name, address and telephone number of the person immediately responsible for supervision of all work and maintaining compliance with the approval. This person shall serve as project manager until a Certificate of Completion is issued, or until another project manager is designated. Should the project manager change during the course of the project, the Planning Board shall be notified as soon as practical of this change.

16. Inform all contractors and subcontractors of the conditions and provisions of this approval. This approval shall be included in all construction contracts and subcontracts dealing with the work and shall supersede other contract requirements.
17. The Applicant shall deliver a final set of site development plans to the Town's Engineering Consultant prior to the commencement of construction, which shall indicate labels of all wetland's boundaries, buffer zones and marsh areas.
18. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
19. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Fire Chief or his designee. The Final Plan as approved by the Fire Chief or his designee shall be submitted to the Town Planner.
20. The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within **five years** or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

DURING CONSTRUCTION

21. Hours of Construction shall be adhered to and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site. These hours are:

Hours of Construction Operations:

Construction activity shall not take place on site or in any building
contained therein except during the following hours:

Mondays through Fridays inclusive: 7:00 AM to 5:00 PM,
Saturdays: 8:00 AM to 5:00 PM,
Sundays and Legal Holidays: none

22. This Condition is subject to stop work orders and criminal complaints enforceable by the Salisbury Police Department. The Town Manager may waive this condition, subject to 2-day advance notice to all abutters and abutters of abutters, on a limited basis where it is in the public interest to do so, and shall notify The Planning Board immediately of any such waivers.
23. Hours of construction shall be displayed by the Applicant at all construction entrances to the site.

24. Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All water, sewer and drainage facilities shall be subject to inspection by the Town, and all water and sewer facilities shall be constructed in accordance with Town specifications.
25. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods.
26. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF COMPLETION

27. Applicant shall apply for a Certificate of Completion, per §300-112.H of the Salisbury Zoning Bylaws.
28. If the construction period lasts more than two (2) years, the bond or surety may be increased to account for inflation, based on recent inflation rates.
29. The Applicant has proposed, and the Planning Board, hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Salisbury shall not have, now or ever, any legal responsibility for operation or maintenance of the same except as the owner of the Site:
 - I. All driveways and parking areas
 - II. Sidewalks
 - III. Stormwater management system
 - IV. Driveway and parking area snow plowing and removal
 - V. Landscaping

AFTER OCCUPANCY

30. The Applicant or future owner shall have the responsibility of maintaining or replacing the parking area, landscaping, stormwater and septic systems, signage and lighting as indicated in the plans and shall be required to maintain a contract with professional landscaping and maintenance service provider. As determined by the Director of Planning, the Applicant shall use best practices, including properly maintained and professional landscape services, to

maintain the landscape in a manner that frees the plants and trees from disease, prevents the overpopulation of weeds, provides the necessary conditions to prevent drought from damaging the plants and trees, and ensures longevity by replacing the required landscaping as necessary for the duration of the use.

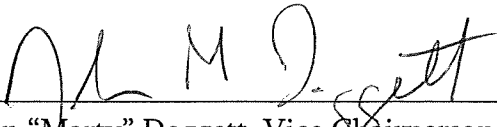
31. The Applicant shall ensure daily that exterior areas of the site remain clear of debris and trash on the site.
32. The Applicant shall ensure that the required parking spaces are accessible and properly lined at all times. Snow storage shall not restrict sight lines or damage landscaping.

MODIFICATION OF PLANS

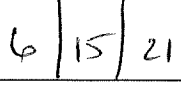
The following shall be used in the event modifications to the approved plans and Decision are requested:

- a) Minor Modification – Changes to the approved Plan which, in the opinion of the Planning Board, do not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points including but not limited to small changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in MGL must be submitted to and approved by the Planning Department.
- b) Major Modification– Substantial additions, deletions or deviations from the approved Plan including but not limited to large changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in MGL are subject to a Public Hearing and vote by the Planning Board.

(Note: Approval of the major modification shall be grounds for reconsideration of the Site Plan application and Special Permits. Denial of proposed major modification shall not invalidate the Site Plan in conformance with previously approved Plan.)



John "Marty" Doggett, Vice Chairperson
Salisbury Planning Board



Date

APPEAL NOTICE

Appeals of this decision shall be made in accordance with the M.G.L. Ch. 40A, §17 and shall be filed within twenty (20) days of the date of filing of this decision in the Office of the Salisbury Town Clerk.

By law, this decision shall not take effect until a copy of such notice has been certified by the Town Clerk that; Twenty (20) days has elapsed since the decision was filed and no appeal has been filed.

The Petitioner shall present and record the certified decision at the Essex Registry of Deeds in Salem MA. The cost of the recording shall be borne by the Petitioner. A registered copy must then be presented to the Building Inspector in order to apply for an appropriate permit.

This Decision will lapse if Substantial use of the Petitioned Relief is not made within two (2) years for a Special Permit and the work authorized hereunder must have active development, or at least substantial progress toward implementation of the approved Site Plan occurring within five years, or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

cc: Applicant
 Town Clerk
 Assessor
 Building Inspector
 DPW Director
 File