

Buckland, MA Planning Board and Zoning Board of Appeals
Joint Public Hearing Meeting Minutes

Joint Public Hearing Meeting Minutes
July 12, 2022
Buckland Town Hall and Zoom

Agenda

Planning Bd approved 9/14/2022 ZBA approved 9/12/2022

Vertex Towers, LLC, as represented by Parisi Law Associates, P.C., has applied to the ZBA for Variances (ZBA 2022-02) under Section 11-2 (c) of the Buckland Zoning Bylaws and to the Planning Board for a Special Permit (PB 2022-02) under Section 10, Bylaw for Personal Wireless Service Facilities in Buckland, MA. Proposal is to construct a 150' monopole wireless communication tower, at 28 Martin Rd., Buckland, Map 8, Lot 60 and 61, owned by Amos and Christopher Franceschelli.

Meeting Agenda (time may not allow for completion of full agenda)

Continue the ZBA and Planning Board hearings

Re-introductions and ground rules

Additional board questions/comments

Additional public questions/comments

Planning board: waivers

Boards discuss order of next phases of review

Balloon flight representations

Planning board: Special permit review

ZBA: Variances

PB review application and bylaw

PB deliberate and vote

PB close PB public hearing

Boards may reschedule public meeting separately after close of hearing

ZBA review application and bylaw

ZBA close public hearing

ZBA deliberate and vote

Attendees (Town Hall)

Jeff Rose, Zoning Board of Appeals, Co-chair

James Rae, Zoning Board of Appeals, member

Dennis Clark, Zoning Board of Appeals, member

Michael Hoberman, Planning Board, Co-chair

Andrea Donlon, Planning Board, member

Jon Wyman, Planning Board, member

Barry Del Castillio, select board

Christopher Lenaerts, public, Buckland

Janet Sinclair, public, Buckland

Madeline Liebling, public, Buckland

Tom Johnson, Vertex

John Crowl, co-chair
Planning + ZBA

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John Gould, Planning Board, ZBA, co-chair
Francis Parisi, applicant's representative
Justin Lively, Zoning Board of Appeals, member
Randall Heminger, Zoning Board of Appeals, member
Kay Cafasso, public, Buckland
Robin Bestler, Zoning Board of Appeals, member
Dale Moss, public, Buckland
Bella Levavi, press, Greenfield Recorder

Attendees (Zoom):

Cie Simurro, public, Buckland
Fred Goldstein, consultant
Jonathan Eichman, town counsel
Greg Bardwell, public, Buckland
Christopher Franceschelli, property owner

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1. Continue the ZBA and Planning Board hearings
 2. Re-introductions and ground rules
 3. Additional board questions/comments
 4. Additional public questions/comments
 5. Planning board:waivers
 6. Boards discuss order of next phases of review
 7. Balloon flight representations
 8. Planning board: Special permit review
 9. ZBA: Variances
 10. PB review application and bylaw
 11. PB deliberate and vote
 12. PB close PB public hearing
 13. Boards may reschedule public meeting separately after close of hearing
 14. ZBA review application and bylaw
 15. ZBA close public hearing
 16. ZBA deliberate and vote
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1. Planning Board Co-chair John Gould and Zoning Board of Appeals Co-chair Jeff Rose opened the continuation of the Public Hearing from July 7, 2022 at 6:32 pm.

Vertex Towers, LLC, as represented by Parisi Law Associates, P.C., has applied to the ZBA for Variances (ZBA 2022-02) under Section 11-2 (c) of the Buckland Zoning Bylaws and to the Planning Board for a Special Permit (PB 2022-02) under Section 10, Bylaw for Personal Wireless Service Facilities in Buckland, MA. Proposal is to construct a 150' monopole wireless communication tower, at 28 Martin Rd., Buckland, Map 8, Lot 60 and 61, owned by Amos and Christopher Franceschelli.

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2. Mr. Parisi, representing the applicant, asked for an opportunity to respond to comments made by the public at the previous meeting, and further requested that the option for the public to make comments in the Zoom chat be disabled. In consultation with town counsel, it was agreed that chat comments related to issues of the hearing itself (ability to see and hear adequately) would be allowed, but all comments on the merits of the application would need to be made orally after the raising of a hand.
 - A. In regard to the balloon tests and photographs, Mr. Parisi spoke of a miscommunication with the visibility consultant concerning the times of the balloon test, and offered to redo the test with the balloon at the right height on the following Saturday (July 18) with appropriate notice in the paper and to abutters. If pictures presented with the application are deemed inaccurate, they will be retaken. A member of one of the boards will attend the test to confirm the height of the balloon.
 - B. Mr. Parisi maintained that the height of the tower is a Planning Board issue; Co-chair Gould countered that the height of the tower is a Zoning Board of Appeals issue. Town counsel Jonathan Eichman affirmed that the standard to be applied according to the bylaw, and the criteria for the variance, means that the ZBA needs to know what the tower will look like.
 - C. Herb Guyette, Buckland Fire Chief presented a series of maps indicating the dead area for radio signals, and how an added cell tower would greatly improve signals for emergency services. Typically, a request is made to the owner of the tower for space for an antenna at no charge to the community; Mr. Parisi indicated that he was familiar with such requests, and that tower owners typically grant the request as long as the request is reasonable.
3. Additional Board Questions/Comments
 - A. ZBA Co-chair Rose asked if adding emergency services meant that there would be space for 3 carriers rather than 4 carriers on the tower? Mr. Parisi said there would still be space for 4 carriers.
 - B. Discussion regarding alternative sites proposed by Mr. Holden in his letter to the boards, and reviewed by Fred Goldstein, consultant. According to Mr. Goldstein, the Purington site, which is not far from Alternative C, has similar weakness to Alternative C, and neither would offer coverage to Upper St. Another site, Hog Hollow Rd., would not offer coverage to the Rt. 112 corridor, and does not solve the problem the proposed tower addresses.
 - C. ZBA member Robin Bestler asked if additional towers are anticipated for Buckland. Mr. Parisi indicated none are anticipated in the foreseeable or near future.

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- D. PB member Andrea Donlon asked Mr. Goldstein if he has access to information about how other towers close to Buckland that have 2, 3 or 4 carriers. Mr. Goldstein responded that information is not available to the public.

4. Additional Public Questions/Comments

- A. David Christopher Lenaerts (town hall), 49 Upper St., Buckland presented a scale construction/drawing showing the average tree canopy height of 70'; the steeple of Mary Lyon Church of 75', and a 150' tower. Mr. Lenaerts asked the boards to consider a more modest proposal: 3 carriers rather than 4, and a tower height of 110'. He also asked for three new balloon flights rather than one.
- B. Dale Moss (town hall), Ashfield Rd., Buckland asked the boards to consider the health effects of cell towers, which are concerning to her, particularly 5G service and the potential impact on the health of individuals and the environment.
- C. Christopher Franceschelli (Zoom), property owner, spoke about the three years he and his family have deliberated the idea of having a tower built on their property, pointing out that he himself is a father, and has a long family history on the site and in the community, and that the potential health effects were of particular interest and concern to him. Mr. Franceschelli expressed support for the proposed tower as a "reasonable solution" to the need, and while appreciating the difficulties of having the tower be seen in the environment, asked that the town not be "frozen in time."
- D. John Holden (town hall), 27 Orcutt Hill Rd., Buckland offered his gratitude for the investigation of alternative sites. Mr. Holden asked if, when the balloon test was redone, if there could be a representation at various heights where the antennas would be located, as well as 10' above the tree canopy and the top of the tower. Mr. Parisi responded that ribbons could be attached to the balloon's tether at the following heights: 90' "in compliance," 115', 125', 135' and 145' (these would represent the middle of each possible antenna) and 150' as the top of the tower. Cie Simurro, Buckland, asked how the public could attend the balloon event; the PB replied that the balloon tests were meant to be viewed from a distance.
- E. Kay Cafasso (town hall), 6 Orcutt Hill Rd., Buckland questioned whether valid alternatives had been adequately investigated, noting that there seem to be a lot of unanswered questions. Ms. Cafasso noted that this decision would likely set a precedent for future proposals, and called the board's attention to the gift of the natural landscape of the community. She asked if there are overlays available for coverage with the Ashfield tower in place. PB Co-chair Gould noted overlay maps are available on the town website with the application, and also noted the purpose of the bylaw is to keep the number of cell towers to a minimum.
- F. Janet Sinclair (town hall), 7 Ashfield St., Buckland noted that she had sent comments to the ZBA calling attention to the criteria for variances, the

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high standard to be met by property owners, and a reminder that the bylaws were passed by the town's residents. Ms. Sinclair said she found the applicant's proposal to be "heavy handed," and questioned if the ZBA had an obligation to grant a variance in this case. PB Co-chair Gould clarified that once an application has been submitted, it's not possible to go back to town meeting and change the bylaw.

- G. PB member Jon Wyman asked if a cell tower is ever painted green to help make it "disappear." Mr. Parisi responded that yes, they have, though that only works when the tower is viewed from certain perspectives. Sometimes a **Cor-Ten** finish of brown, rather than galvanized silver, is used. Mr. Wyman wondered if that would make the tower show up even more in the wintertime. Mr. Parisi indicated that would not necessarily be the case.
- H. David Christopher Lenaerts, 49 Upper St., Buckland, suggested considering the "tree" model of a tower, and also noted the **Cor-Ten** finish to be an interesting idea.
- I. PB member Andrea Donlon asked Mr. Goldstein to return to Mr. Holden's comments regarding the coverage from the proposed Ashfield tower, and how that relates to the gap area in Buckland. Mr. Goldstein responded that the signal from the tower goes from very strong to very weak very quickly, especially due to the steep terrain in Buckland. In fact, the coverage anticipated from the Ashfield and Buckland towers will "dovetail." Mr. Parisi added that the different frequency maps are different from the Vertex maps: the quality of the signal vs. the coverage of the signal.
- J. David Christopher Lenaerts, 49 Upper St., Buckland asked who verifies the height of the tree canopy, and noted that using 70' as "generous," and 80' as "unrealistic." Tom Johnson, Vertex, noted information in the supplement to the application indicated that 80' is the average, which is not constant. PB Co-chair Gould noted the average was taken by the access road, not at the proposed compound. Mr. Parisi noted that the tree canopy provision appears in many bylaws, but that the canopy changes over time, and that there is no definition in the bylaw for figuring the average.

5. Next Steps

- A. The date and time of July 26, 2022, 6:30 pm were proposed for the continuation of the public hearing. Mr. Parisi agreed to extend the process to July 26, and noted that the public comments are "all of the same nature;" maintained "all of the requirements of the bylaw have been met," and "all of the alternatives have been explored." He asked that the boards focus on this particular application; recognize the "years of due diligence" on the part of the property owners; stated that the application satisfies the requirements for the requested variances; and requested both boards to make approvals.
- B. PB Co-chair Gould returned to the question of investigation of alternative

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sites. Mr. Parisi stated that lots of sites were considered, and all of them had challenges. PB Co-chair Hoberman noted that the least common denominator led to the Rt. 112 option to be the best. Co-chair Gould asked to hear more about the process of site selection. Mr. Parisi said the process begins with identifying the gaps in coverage. Radio frequency engineers look at the topography, and contact is made with property owners with possible sites. PB member Jon Wyman asked if Vertex representatives knew the height and type of tower in Shelburne. Mr. Johnson responded that it was probably higher than 150'.

6. PB Co-chair Gould addressed the waivers requested from the filing requirements, noting the Planning Board must begin with waivers in order to qualify Vertex Towers as an applicant so the application can proceed.

- A. Waiver request, 10-15.1 c "A licensed carrier shall either be an applicant or a co applicant.

PB Co-chair Gould noted that town counsel has advised granting this waiver with the following conditions, as offered by applicant, and suggested by counsel.

PB Co-chair Gould proposed this waiver condition language: Because the board has not received notice of any wireless carrier intending to locate on this proposed facility, the board will adopt the condition proposed by the applicant, page 20 of the Supplement Project Narrative: "As an infrastructure developer, Applicant shall provide evidence of an executed lease for antenna space with at least one (1) duly licensed wireless carrier to the Buckland Planning Board and the regional Building Commissioner, prior to issuance of a Building Permit to construct the wireless service facility." Further, as this is a request that Vertex Towers, the applicant and an infrastructure developer, should be accorded the same standing as "licensed carrier" in the bylaw, that substitution shall hold and carry throughout the bylaw, to the effect that wherever "licensed carrier" or "applicant" are named, or have expenses or responsibilities under the bylaw, there shall be substituted "applicant and landowner," as advised by counsel. **(See 10-15 (1) (b) Co-applicants may include the landowner of the subject property.)**

PB Co-chair Gould moved, and PB Co-chair Hoberman seconded, the waiver be granted, with the above conditions. All in favor; motion carried.

- B. Waiver request, 10-15.5 "the applicant shall provide a statement listing the existing ... measurements of noise, measured in decibels Ldn ... for the following: existing, or ambient: the measurements of existing noise ...such statement shall be certified and signed by an acoustical engineer ..."

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Discussion: given that bylaw requires measurements at 90 days from operation and annually thereafter, and no variance or other relief from these requirements was requested by applicant, PB Co-chair Gould moved, and PB Co-chair Hoberman seconded, the waiver be granted. All in favor; motion carried.

- C. Waiver request, 10-15.6 "the applicant shall provide a statement listing the existing...and future projected measurements of RFR ... a) existing, or ambient...b) existing plus proposed...c) Certification, signed by an RF engineer..."

Discussion: same 90-day and annual measurement requirements as for sound apply (see letter B. above); therefore PB Co-chair Gould moved, and PB Co-chair Hoberman seconded, the waiver be granted. All in favor; motion carried.

- D. Waiver request re: barbed wire. Barbed wire is prohibited in bylaw, not a waivable requirement; no variance relief was requested. Therefore barbed wire may not be employed: at applicant's request this will be re-stated in order of conditions.

7. Further Board Questions/Comments

- A. PB member Donlon will attend meet the visibility consultant for the balloon test on July 18, app. 7:30 am. Any changes to the scheduled test will appear on Mr. Parisi's website.
- B. ZBA member Bestler asked if there are 4 carriers on the tower, will all have the same access to coverage? Mr. Parisi responded they will not be all the same, but "good enough." Ms. Bestler asked if height can be added to the tower at a later date. Mr. Parisi responded that it's not easy to do as the tower is not engineered for that type of addition.
- C. PB Co-chair Hoberman asked if the carrier at 115' pays less for access. Mr. Parisi said no, the cost was a function of time - when a carrier decides to come to Buckland
- D. PB member Donlon asked if there are restrictions that prevent more than one carrier at the same tier location. Mr. Parisi replied that the antennas cannot be at the same height, that there needs to be space for separation between antennas.

PB Co-chair Gould, confirming that town counsel Mr. Eichman and consultant Mr. Goldstein are available on July 26, moved to continue the public hearing to July 26, 2022, 6:30 pm; PB Co-chair Hoberman seconded; all voted in favor. ZBA Co-chair Rose moved to continue the public hearing to July 26, 2022, 6:30 pm; ZBA member Dennis Clark seconded; all voted in favor.

Meeting concluded at 8:54 pm

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Respectfully submitted, Alison Cornish, boards clerk

Minutes approved at ZBA meeting 9/12/2022

Minutes approved at Planning Board meeting 9/14/2022