

**Buckland Planning Board
Meeting Minutes
February 10, 2022 6:30 PM
Meeting via Zoom**

Agenda

1. Open Meeting
2. 6:30 pm Appointment: Francis Parisi, personal wireless pre-application consult
3. Amicus brief on solar Supreme Judicial Court (SJC) case
4. Revisions to (1) Site Plan Review Application form and (2) Form A (if time)
5. FRCOG DLTA next steps
6. Review of previous meeting minutes, if available
7. Identify tentative agenda for March meeting
8. Public comment (can be moved to earlier in agenda if desirable)
9. Other topics unanticipated by Chairs 48 hours prior to meeting
10. Adjourn the meeting

Attendees:

John Gould, Planning Board Co-chair
Michael Hoberman, Planning Board Co-chair
Andrea Donlon, Planning Board Member
Brian Rose, Planning Board Member
Jon Wyman, Planning Board Member
Andree Duval, Planning Board Clerk

Francis Parisi, Parisi Law Associates

Meeting:

1. Open Meeting - Co-Chair John Gould opened the meeting at 6:31 pm.
2. 6:30 pm appointment: Francis Parisi, personal wireless service facility pre-application consult
 - a. Francis Parisi presented an overview of a potential personal wireless service facility to be developed by Vertex Towers at 28 Martin Road, off of Route 112, in Buckland. Vertex Towers is a wireless infrastructure developer that is active in Franklin County, with approved tower projects in the towns of Ashfield, Conway, Colrain and Shutesbury among others. Francis Parisi reviewed the Town of Buckland Zoning Bylaws and presented several questions to the Planning Board for discussion.
Question 1: Town of Buckland Zoning Bylaws, Section 10-5 Dimensional Requirements, states that: **Personal wireless service facilities shall comply with the following requirements: a) Height - 2. Ground Mounted Facilities. Ground mounted personal wireless service facilities shall not project higher than ten feet above the average height of buildings within 300 feet of the proposed facility, or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height, measured from ground level (AGL).** Frank Parisi reported that meeting the tree line canopy height requirement will be difficult due to the diverse terrain. Vertex Towers will request a variance from the Zoning Board of Appeals (ZBA). Mr. Parisi asked which town board he should meet with first, Planning Board or Zoning

Board of Appeals. John Gould outlined that the Planning Board will work through the entire application to identify the specific questions for the ZBA and for the Planning Board. Mr. Parisi will file the applications required by both boards and would like to request a joint meeting of the ZBA and Planning Board.

Question 2: Special Permit Granting Authority – Planning Board

Frank Parisi will be seeking several waivers and variances for this project including height, dimensional issues and waivers for items that are irrelevant to this specific project. The ZBA Application for Special Permit, Variance, or Appeal form can be used for this purpose. Per Town of Buckland Zoning Bylaws, Section 10-15.2 Design Filing Requirements, Frank Parisi also discussed the complexities of floating a balloon for at least three consecutive days at the height of the proposed project. Weather and winds might require more than three possible dates to achieve this requirement. Additionally, Frank Parisi reported that all set back requirements will be met and monopole construction will be used as encouraged by the Buckland Zoning Bylaws. Photo depictions of the proposed project will be forthcoming. There will be no lighting on the cell tower. The elevation of the site is 1084' at ground level. John Gould noted that the Route 112 corridor is central to Buckland's rural nature and any pictures along Route 112 will be informative. Michael Hoberman asked about the range, coverage, and service gain provided by this new tower.

Question 3: Fencing

Frank Parisi noted that Buckland Zoning Bylaws Section 10-6.1 does not allow the use of barbed wire or razor wire to secure a site. Vertex has plans to secure the site with barbed wire as its standard procedure. They will keep this fencing on their plans, but it can be removed if the Town of Buckland requires that.

Question 4: Acoustical Engineers

The Buckland Zoning Bylaws Section 10-15.5 Noise Filing Requirements outlines that a statement by a certified acoustical engineer is required to report: **1. Existing, or ambient: the measurements of existing noise, and 2. Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.** Frank Parisi will be asking for a waiver on this requirement as personal wireless service facilities do not make noise, are more and more passive, do not have fans and are located in weather-proof cabinets. As the tower(s) will be rented to provider(s) yet to be identified, it will be impossible to provide specific information such make, model and serial number of equipment to be used. The Planning Board asked if specifications for potential equipment would have sound ratings and if noise rating from other local town cell tower projects could be shared.

Other questions generated by the Planning Board include, but are not limited to, what is the arrangement with the land owner? What is the definition of a scenic vista (Buckland Zoning Bylaws, Section 10-11)?

John Gould referred to Town of Buckland Zoning Bylaws Section 10 -15.2 for filing requirements. Frank Parisi will prepare packages as required along with an electronic file.

3. Amicus brief on solar Supreme Judicial Court (SJC) case
 - a. John Gould and Planning Board, in discussion, agreed that it is important to support this effort. Having reviewed the brief prior to the meeting, the Planning Board voted to support this brief. John Gould entertained motion 1: The Buckland Planning Board

agrees to Rule 17 (C) (5) Declaration in the Tracer Lane/Waltham Amicus Brief. Michael Hoberman moved to agree to Rule 17, and Jon Wyman seconded. Vote: John Gould – yes, Michael Hoberman – yes, Andrea Donlon – yes, Brian Rose – yes, Jon Wyman – yes. John Gould then entertained motion 2: The Buckland Planning Board, having reviewed the Amicus Brief in the Supreme Judicial Court case Tracer Lane vs Waltham, wishes to become a signatory to the Save the Pine Barrens, Inc. brief of Amici Curiae in support of the appellant. Andrea Donlon moved to approve the PB signatory on the amicus brief, seconded by Jon Wyman. Vote: John Gould – yes, Michael Hoberman – yes, Andrea Donlon – yes, Brian Rose – yes, Jon Wyman – yes. Andrea Donlon will report the results of this vote with the attorney coordinating this effort.

4. Revisions to (1) Site Plan Review Application form and (2) Form A (if time)
 - a. Andrea Donlon made changes to the Application for Site Plan Review as discussed at the January 2022 meeting. She also added zoning districts and overlay districts to the application. The PB made other clarifications for the form. The PB will work with the Town Clerk on potential electronic payment of application fees. The applicant will be required to mail in or drop off a paper copy of the application at Town Hall. John Gould moved to approve the modified Application for Site Plan Review, seconded by Michael Hoberman. Vote: John Gould – yes, Michael Hoberman – yes, Andrea Donlon – Yes, Brian Rose – yes, Jon Wyman – yes.
 - b. ANR Form A: The PB will review examples of these forms from a few other towns and will suggest changes and updates to the Town of Buckland ANR forms.
5. FRCOG DLTA next steps
 - a. The 2022 Local Technical Assistance Request Form/Zoning Bylaws and/or City Ordinance Development - there were no updates on this technical assistance request at the time of this meeting.
6. Review of previous meeting minutes, if available
 - a. Review of meeting minutes from January 20, 2022. One. Changes to Section 5a of the minutes were recommended. John Gould moved to approve the minutes with changes, Jon Wyman seconded the motion. Vote: John Gould - yes; Jon Wyman - yes; Michael Hoberman - yes; Andrea Donlon - yes. Brian Rose did not vote as he did not attend the January meeting.
7. Identify tentative agenda for March meeting
 - a. Revisit ANR Form A with potential revisions
 - b. Vertex Towers project application process
 - c. FRCOG, DLTA next steps
 - d. Shelburne Falls Business District Plan – Jon Wyman forwarded the Recording and PDF from the meeting to the PB
 - e. Next meeting: Zoom meeting on March 10, 2022 at 6:30 pm via Zoom
8. Public Comment – None

9. Other topics unanticipated by Chairs 48 hours prior to meeting

- a.** The Massachusetts Attorney General approved the amendments to the Buckland Zoning Bylaws. Andrea Donlon has posted this approval of the Buckland Case # 10387 Warrant Articles # 1, 2, and 3 (Zoning) on the town website.
- b.** Brian Rose announced that he is resigning from the Planning Board. He has enjoyed this work and can stay on the Board for a short transition period until a replacement is appointed. The PB offered their thanks for his effort on behalf of the Planning Board and will miss his contributions to the Planning Board moving forward.
- c.** Jon Wyman attends the regional Planning Board Meetings. He outlined that a new traffic signal is going in at the Big Y intersection in 2023. John Gould and Michael Hoberman did a presentation to this regional board in January on ADU and the zoning change process in Buckland. The town of Deerfield has expressed interest in the town of Buckland's work on these items.

10. Adjourn the meeting

- a.** With no further business, Jon Wyman moved to adjourn the meeting, seconded by Michael Hoberman. Vote to adjourn: John Gould - yes; Andrea Donlon – yes, Michael Hoberman – yes, Brian Rose – yes, Jon Wyman – yes. Meeting adjourned at 8:38 pm.

Minutes respectfully submitted by Andree Duval, Planning Board Clerk on 2/19/22