

Buckland, MA Planning Board Meeting Minutes

August 11, 2022

Hybrid: Buckland Town Hall and via Zoom
17 State Street

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

1. Continue the Planning Board special permit process for proposed cell tower
2. Items unanticipated by Chair 48 hours prior to the meeting
3. Schedule next meeting
4. Adjourn meeting

Attendees

Town Hall:

John Gould, Co-chair
Michael Hoberman, Co-chair
Andrea Donlon, member
Jon Wyman, member
Francis Parisi, Esq., Vertex, applicant's representative
Tom Johnson, Vertex, applicant's engineer
Michael Parker, Buckland, public

Via Zoom:

Jonathan Eichman, Town Counsel
Fred Goldstein, Town Consultant
Carly Vernon, public
Laura Cunningham, public
Ho and Marti Taft-ferguson, public
Christopher Franceschelli, property owner
Rick Leskowitz, public
Kay Cafasso, public
John Holden, public
Jonathan Mirin, public
Marcie Smith, public

Co-chair Gould opening the meeting at 6:34 pm, and reviewed the meeting agenda:

after having closed the public hearing at the previous meeting (July 26, 2022), the Planning Board, as the Special Permit Granting Authority (SPGA) will proceed to review the applicant's responses to the applicable Town of Buckland Zoning Bylaw, Section X: Bylaw for Personal Wireless Service Facilities in Buckland, MA.

A. 10-4 Location

1. As reflected on P1, P2 and P3, there would be a 20' wide clearing (including tree clearing) for the road; power line poles would be installed (all within the easement) in such a way that power lines will cross over the road
2. In terms of the potential number of wireless telecommunications carriers to be located on the proposed tower, the four potential providers would be ATT, Verizon, T-Mobile and Dish Networks. In response to a request for comment from the PB to Fred Goldstein, "Dish is likely to build their own facility." Frances Parisi commented that T-Mobile is "aggressively building out" in the area. Member Donlon commented that, in looking at towers during recent travels, she is seeing 4 - 7 antennas along interstate highways; but along more local roads, has yet to see 4 carriers on a single tower. Mr. Parisi commented that the point is not to be short-sighted, and that Dish Networks will be coming to the area. Tom Johnson commented that, in the US Route 5 / I-91 corridor, 5 carriers/tower is typical. Co-chair Gould asked the PB to consider a condition of approval based on the number of carriers likely to locate on the tower.
3. Member Wyman asked to be refreshed on the other towers in the area, either already constructed, approved, or proposed. Mr. Parisi reviewed the Colrain mountain, Ashfield, Berkshire East, Shelburne, Ashfield/Conway and Conway/Deerfield towers. Mr. Parisi affirmed that a typical condition of approval was that the towers not be constructed until agreement with one or more carriers was secured.

B. 10-5 Dimensional Requirements / a) Height

1. Concerning the minimum height necessary, the PB noted that the number of carriers is connected to the height of the tower.
2. Mr. Goldstein commented that prime coverage would be for antennas located at the heights of 105' - 130', and minimal coverage would be available at a height of 95'. Member Donlon asked about gap coverage; if there would be some places with 3 bars or higher. Mr. Goldstein noted there is currently spotty coverage along the Rt. 112 corridor, but it is subject to the location of trees, dips in the road, steepness of hills, etc. Mr. Parisi commented that Vertex engineers had determined that a tower with antennas located at 115' - 125' - 135' (with a tower height of 140') is marketable. Member Wyman questioned whether the aim was to provide coverage for residents or travelers. Mr. Parisi responded "both," and suggested tabling the conversation regarding the tower height, noting that Vertex's interest is in coverage, while the PB is focused on the tower's visibility.

3. Mr. Johnson asked how much space public safety requires, and how that would affect the overall height of the tower. Mr. Goldstein commented, given the type of antenna and mounting, public safety needs should not affect the tower's height. Mr. Parisi disagreed, saying "everything is pushed down because of the public safety whip antenna." Mr. Goldstein commented that, currently, it is not known what frequency public safety would be using; rural emergency services use 160 MHz, while state and some local police use 800 MHz. Mr. Parisi commented that public safety and cellular carriers operate at different frequencies. Member Wyman commented that, given the size and style of the whip antenna (for public safety), it probably would not be visible. Mr. Johnson suggested the top 5' of the tower be reserved for the purpose of an antenna devoted to public safety.

C. 10-5 a) 1 - this was addressed by the ZBA

D. 10-5 b) - setbacks

Co-chair Gould asked about the distance from the proposed tower to the property owner's dwelling; Mr. Johnson referred to A-1, Zoning Summary Table, showing 540'.

E. 10-5 b) 5 - this was addressed by the ZBA

F. 10-5 b) 7 - Required Planning Board Finding Co-chair Gould moved:

As represented by the applicant with explanations in the application's Alternative Site Analysis, and showing in their Existing and Alternative Sites Overview Map; and as corroborated by consultant Fred Goldstein of Interisle Consulting Group: to the board's knowledge "there are no feasible pre-existing structures to support personal wireless services for the intended use."

Member Wyman seconded the motion; all voted in favor; the motion passed.

G. 10-6 - Design Standards

Member Donlon commented the proposed tower has been sited for coverage, not to minimize visibility, which is part of the PB's overall consideration. Member Wyman noted the proposed tower will be less visible from Rt. 112 than Upper St. or Orcutt Hill Rd.; member Donlon added it will be visible from many places. Co-chair Hoberman noted the PB is not in the position to consider alternative sites.

H. 10-6.1 Fencing

Member Wyman asked what style of barbed wire would typically be utilized. Mr. Johnson responded it would be an angled bracket with 3 wires. This was a point of curiosity as it is disallowed by the bylaw.

- I. 10-6.3 Camouflage by vegetation
Co-chair Gould noted that there is no understory growth at the proposed site, but that the tower site itself won't be easily seen by the public.
- J. 10-7 Equipment shelters
Co-chair Gould noted it was the third of the three design standards that would apply for this application. Mr. Parisi noted that no structure will be more than 10' high, and not visible from a distance.
- K. 10-8 Signage and lighting
There were no questions from the PB.
- L. 10-9 Roads and parking
There was a question about emergency access, and if the town's brush truck would be able to access the site if required.
- M. 10-11 Scenic Roads and Vistas
 - 1. Co-chair Hoberman asked "what is a scenic vista? - a place from which you get a view." Although the tower will be located on private property, for the public on Upper St. and Orcutt Hill Rd., their scenic vista will be affected. The wording of the bylaw is confusing - is it meant to refer to the place from which one gains a vista, or seen from another point of view?
 - 2. Member Donlon noted that Rt. 112 is a designated scenic byway, the proposed tower will be visible from the road, and that it is important to note the tower is proposed within a scenic vista, which is cited in the town's Recreation Plan (as noted in the PB's April 21, 2022 deficiency letter to the applicant).
 - 3. Co-chair Gould noted the lack of specificity of the bylaw.
- N. 10-12 Environmental Standards
In regards to a) 1-5, Member Donlon noted that language reads like a condition, something the applicant must do.
- O. 10-15.3 6. Proposed security barrier
Discussion regarding the location and type of barrier to the access road to prevent vehicular access, and that this would be included as an order of condition.
- P. 10-15.4 h) Balloon flights
Co-chair Gould reviewed when and how the balloon tests happened, and noted that they were useful "to an extent" by indicating where in the landscape the proposed tower would be located, and giving some indication of the proposed tower's height; but also noted that the process of this application indicated this aspect of the bylaw needs possible revision, and that a hard calculation would perhaps yield better results. He also noted

the applicant and board had done their due diligence to respond to the requirement of the bylaw in the additional balloon flight monitored by board members. Member Wyman noted he found the balloon tests helpful, even necessary, in evaluating the application. Member Donlon noted the ribbons utilized on the final flight, indicating the potential locations of the antennas, was particularly helpful.

Q. 10-15.5 Noise Requirements

Co-chair Gould noted the ZBA had granted a waiver in regards to the requirement concerning existing ambient noise, but the 90 day and annual requirement of the bylaw stands; the same waiver and requirement applies to 10-15.6 for RFR filing requirements.

R. 10-15.7 Environmental Filing Requirements

Member Donlon, in reference to 10-15.7 b, asked why the NEPA checklist was not included with the application. Mr. Parisi outlined the steps anticipated in the process: “desktop research” is done first, and has been completed; final approval from the PB (pending); then the final NEPA checklist, and environmental assessment (EA) if necessary, though Mr. Parisi is confident it won’t be necessary.

S. 10-16 d)

Co-chair Gould noted this will be a place for the tabled conversation. The board deferred the decision to the next meeting, and to address the Section IX general special permit criteria.

T. Section IX: Special Permits, i) Criteria

1. Discussion of the condition of Martin Rd.. Mr. Parisi noted that the applicant will walk the road with the town road agent, noting its condition, and if damage is done as part of the construction project, it will be repaired.
2. Discussion of “other than during the construction period,” this criteria would apply during normal operation of the facility.
3. Discussion of the removal of trees and rocks that would be required for the construction of the road, and whether this will be “minimized” as the applicant represents. Mr. Johnson noted that the permit with the EPA requires inspections and reporting.
4. Mr. Parisi noted that osprey are often an issue for cell towers as they see them as opportunities for building nests.
5. Does not apply for this application.
6. One could see the tower as “compatible with neighborhood character” if one sees telephone poles, roads, etc. as part of the area’s visible infrastructure.
7. Regarding historic and other cultural resources, the PB referenced its earlier conversation about vistas. The applicant noted a requirement for notifying indigenous authorities about the proposed development.

8. Concerning employment and fiscal consequences, the board noted that this would be the town's first such installation, and the property will be duly assessed. Co-chair Hoberman noted that improved cell service could be seen as a positive enhancement; Member Wyman wondered if property values could rise or fall due to the tower's location and service.

9. Regarding the town's character, the PB noted this would likely be "in the eye of the beholder;" while most people think it's necessary, the need for service can come into conflict with the town's rural, agricultural and scenic character. Member Wyman noted that the town's character varies greatly by location and neighborhood.

Co-chair Gould closed this section by suggesting the PB look at the criteria in the aggregate.

Co-chair moved:

The Planning Board finds the application of Vertex Towers, LLC, for Personal Wireless Service Facilities satisfies the criteria for a special permit as outlined in Section IX 9-1 i) 1-9.

Co-chair Hoberman seconded the motion; all voted in favor; motion passed.

- U. Next meeting, August 17, 2022, will begin review of the application at 10.16.b and set orders of condition.
- V. Co-chair Gould moved to adjourn the meeting; Member Wyman seconded; all voted in favor; meeting adjourned at 9:33 pm.