

**Leicester Planning Board
Meeting Minutes**

MEMBERS PRESENT: Jason Grimshaw, Debra Friedman (arriving at 7:15PM), Sharon Nist, Adam Menard

ASSOCIATE MEMBERS: Alaa Abusalah

MEMBERS ABSENT: David Wright

IN ATTENDANCE: Michelle Buck, Town Planner, Barbara Knox, Board Secretary

MEETING DATE: December 15, 2015

MEETING TIME: 7:00 pm

AGENDA:

- 7:00PM Public Application:
 Pondview Estates: Request for Release of Surety
- 7:05PM Town Planner Report/General Discussion:
 A. New applications / January meeting schedule
 B. Miscellaneous Project Updates
- 7:30PM Discussion:
 Site Plan Review, Monopole telecommunications facility (cell tower), 30
 Huntoon Memorial Highway, Verizon Wireless

Mr. Grimshaw called the meeting to order at 7:00PM

Public Application

Pondview Subdivision; Request for Release of Surety

Ms. Buck explained the applicant requested final release of surety, which holds a higher standard within the Subdivision Regulations. After the request was submitted, she sent a detailed letter outlining what problems needed attention and attached the relevant section of the Subdivision Regulations. There has been no response received from the applicant. Ms. Buck recommended the Board deny the request on the release of surety.

The applicant also requested road acceptance and because they hadn't submitted all required information or a formal request to the Selectmen yet, there wasn't a specific deadline for action. She recommended the Board make a motion to take no action on the Road Acceptance request at this time.

Hearing no further discussion, Mr. Grimshaw asked for a motion on the release of surety and road acceptance.

MOTION: Ms. Nist moved to deny the request for final release of the performance guarantee for Pondview Subdivision because the applicant did not submit all the information required for a final release as specified in Section IV.C of the Leicester Subdivision Rules and Regulations. The Board will reconsider this request when the required information is submitted.

SECONDED: Mr. Menard – Discussion: None -VOTE: All in Favor

MOTION: Ms. Nist moved the Board take no action on the request for road acceptance of Pond Court at this time because the applicant did not submit all of the information required for road acceptance required in Sections IV.C, and IV.P and IV.Q of the Leicester Subdivision Rules and Regulations. The Board will act on this request when the required information is submitted.

SECONDED: Mr. Menard – Discussion: None - VOTE: All in Favor

Town Planner Report

- New applications/January meeting schedule

New applications received. (1) Site Plan Review application for the Fire/EMS Headquarters; (2) Preliminary Subdivision to be located on Marshall Street on the old Leicester Airport property (meeting date pending due to incomplete application), and (3) a Special Permit application for a dog training facility located in the 1030 Stafford Street, Rochdale Mill building (meeting date pending due to incomplete application).

- Miscellaneous Project updates

1. Cumberland Farms is near completion, but landscaping probably won't be completed until spring. They are currently seeking permission from the Zoning Board for placement of a second business sign to be located on Pleasant Street and the hearing was continued to January 20, 2016.
2. Economic Development Self-Assessment Tool (EDSAT) final report should be received by the end of December.
3. A draft budget was submitted to the Town Administrator. More money was requested for the training budget to encourage all Board and Committee Members on attending more training sessions and conferences.
4. Fy17 Goals: 1) Working with Assessor's Office getting a GIS system for the Town; 2) Categorize & prioritize Zoning Amendments requests; and 3) Further research E-permitting for the Town.
5. All applications and projects are gradually being added to the website as submitted. A new Town web site will be launched in January, so there may be some interruptions with application listings.
6. There is a potential new ZBA Application regarding a towing operation out of the old mill building located on Mill Street, Rochdale.

Discussion:

Site Plan Review, Monopole telecommunications facility (cell tower), 30 Huntoon Memorial Highway, Verizon Wireless

Mr. Grimshaw gave instructions on the meeting procedures and noted that Federal Law restricts discussion regarding health and environmental issues.

At this point, Mr. Grimshaw opened discussion to the applicant to present their petition.

Mr. Victor Manougian, Attorney for Verizon Wireless made the presentation. He introduced Dave Tivnan, also representing Verizon Wireless (site location representative), and Paul Morris, property owner.

Mr. Manougian submitted copies of the site plan that included a locus map, as requested by the Town Planner. In accordance with Section 5.2.04, a Site Plan Review by the Planning Board & Special Permit from the Zoning Board of Appeals is to be filed concurrently. The Planning Board will then review and submit their recommendations to the Board of Appeals.

Mr. Manougian pointed out on the plan Huntoon Memorial Highway, where the existing site was located, where the existing building was located on the lot, and where the tower pad would be placed. It will be a 50' x 10' fenced in area with a 6-foot chain-link fence, neutral colored slats in the fencing and barbed wire that will add another foot to the fence.

On Sheet Z-2 of the plan, it shows the actual depiction of the tower and the ground space. They are proposing a 150-foot monopole, with Verizon's antennas right at the top and room for 4 more co-locators starting at 146-feet. This application is only for a Site Plan Review for Verizon and not for any co-locators.

Within the fenced in compound will be a 26 x 26 shelter where all the technical equipment and generator will be housed. The generator will be fueled by propane gas that will be stored in 1,000 gallon propane tank. Other than the foundation for the tower, there will also be a concrete slab under the equipment shelter for the propane tank and the power source to the power company. The rest of the lot will not be disturbed, the drive won't be paved, and it will have gravel. What are being installed are a 12 panel antenna, 4 per sector; 9 radio heads, 3 per sector; and 4 surge/junction boxes.

Mr. Manougian reviewed the Site Plan Review Regulations under Section 5.2.05; A-G.

(A) Requires that the use is in compliance with the provisions of the Zoning Bylaws.

He explained that this facility will be located in the Residential Industrial Business Zone, where it's an allowed use subject to a Special Permit from the ZBA.

(B) That the use will not endanger or constitute a hazard to public health & safety.

Manougian noted as mentioned by the Chair, health issues are not allowed to be part of discussion as regulated by the FCC. He felt that it would actually help out by enhancing communications, both public and private.

(C) The use will not create undue traffic congestion or unduly impair pedestrian safety.

He explained that this will be an unmanned facility and at most, there will be a bi-monthly maintenance inspection done and wouldn't create any traffic congestion or impair pedestrian safety.

(D) That sufficient off-street parking exists.

He noted that this will be an unmanned facility and would only need one spot for whoever comes to check on the equipment bi-monthly.

(E) The use be adequately served by water, sewer or other utilities necessary.

He explained that other than the electricity already at the site, and the propane being installed, they would not require any water or sewer.

(F) The use will not result in an increase of surface water runoff.

He said as stated in the project narrative, it stated the current conditions and how this would have minimal impact regarding any runoff. Stated in a memo from the Town's Engineer, Quinn Engineering stated the site plan depicts deminimus impervious area and will create no significant change in stormwater runoff characteristics.

(G) The use will not result in any undue disturbance to adjoining property caused by noise, smoke, vapors, fumes, dust, glare, etc.

Mr. Manougian felt they met all the Site Plan Review requirements to the letter of the ordinance. He then proceeded to review comments received from the Town Boards & Departments.

Board of Health recommended approval without comment; Historical Commission recommended approval and commented that there was no historical impact; Cherry Valley, Rochdale Water District commented that this would not impact the District's main transition main or easement located on the property and recommended approval. The Highway Department and Fire Department both recommended approval without comment.

Ms. Buck said a call was received from someone stating that they were working for the applicant and asked about the setback requirements. Mr. David Tivnan said he didn't know who called and that it was no one from his office.

Ms. Buck went over bylaw requirements for the RIB district. While there's a 20 foot perimeter buffer, where this site was previous developed and there will not be any additional clearing, she felt this section was not applicable. Ms. Buck continued. There is a 2/3 impervious limit on the site and felt it did not look like it would be over that, but she didn't have any calculations.

Mr. Morris stated that the entire area was gravel, except for the front. Ms. Buck agreed it looked like this would not exceed the 2/3 impervious. Mr. Morris pointed out where the existing building was located and the only paved part was located in front and the driveway coming up from Route 56 was all road grindings, which are considered impervious.

Ms. Buck said another call was received from the public regarding this site being in the Water Overlay District. She explained that if there was an increase to the impervious area more than 2,500 square feet, it would require another Special Permit from the Zoning Board of Appeals. She felt this project was well under that at only around 400 square feet.

Mr. Grimshaw asked if it would help to have those numbers made available from the applicant. Ms. Buck said yes, because the numbers would answer those questions asked.

Mr. Manougian said the impervious concern was stated in the pre-application and the setbacks are listed as being in compliance.

Ms. Buck noted that in this district, it states having setbacks for single family, two-family and multi-family [but not commercial]. She told the caller that project this exceeds the highest setback requirement stated, which is 50 feet for single family.

Ms. Buck noted to the Board that some of the site development standards in HB-1 apply in the RIB zone, but it's mainly related to vegetation on site and the existing vegetation on this site meets those requirements. Treating this application like the Board treats other redevelopment sites subject to these standards, this is in compliance.

Ms. Friedman asked if there were any plans to taking down any of the existing vegetation. Mr. Manougian said no.

Ms. Buck said as noted in her memo to the Board, it came up at the ZBA meeting that it may make sense to shield the fenced-in area, if it was visible from abutting properties and the road, but that wasn't made clear at the last hearing.

Mr. Manougian pointed out from the aerial photo which areas that would be visible and noted they will have photo simulations of that. Board members indicated a preference for having slats in the chain link fence surrounding the base of the tower.

Ms. Buck said in the site plan review requirements (B) related to safety to public; she asked if the Board wanted to see the fall zone analysis to address that criteria.

Mr. Manougian said they will be preparing that analysis for the ZBA and will forward a copy to Planning. He explained the tower was 150 feet and they will be 112 feet from the side line; 150 feet from property line to road and roughly 166 from the back line. They have requested letters from the tower manufacturers explaining how the towers would fall within themselves if damaged during a severe storm and explained 60% of the height would fall into the bottom 40%. At worst case scenario, if the entire pole went completely sideways, it would not hit any structures.

Ms. Friedman asked how it would collapse and would it just snap. Mr. Tivnan said they are designed to fold like a pocket knife on a direct hit from a hurricane.

He reviewed a letter from the Police Chief, who noted approval of the tower and was asking for placement of radio equipment on the tower for public safety. Verizon would do that and would also back up that equipment with their generator.

Mr. Grimshaw asked what was in the area facing west that wasn't a part of property owner's lot. Mr. Tivnan noted it was just a hill.

Mr. Grimshaw said with the Zoning Board Hearing being continued, asked how the Planning Board should proceed and if that would affect the Board's decision. Ms. Buck said the Planning Board's decision was independent of the Zoning Board's decision, but there were a couple of options for the Planning Board to consider. Depending on whether or not the Board wanted to review the fall zone analysis, she suggested to either continuing discussion until the information was received; or if the Board felt they had sufficient information to reach a decision, and because this isn't a formal hearing, close discussion tonight and vote on it at the January 5th meeting.

Ms. Friedman asked that if the Board closed discussion, no additional information can be submitted regarding the fall zone. Ms. Buck agreed. Ms. Friedman felt that if the Board were to approve this, without getting all the information, she was concerned that it would be challenged. Ms. Grimshaw agreed and said also because the applicant has to submit the analysis regarding the fall zone to the ZBA anyway.

Mr. Manougian asked if the fall zone analysis submitted to the ZBA, be made a condition in the Board's decision tonight. Ms. Buck noted that she had not yet prepared a draft decision for consideration so she would not recommend a final vote tonight. She asked if the applicant could have the analysis completed by the Board's January meeting. Mr. Manougian said yes.

Ms. Friedman suggested if the analysis was received by the January meeting, it can be entered into the record and then a vote could be taken and a decision could be done that night. Mr. Tivnan agreed to have the report completed by then.

Mr. Grimshaw asked for any further comments or concerns; hearing none, asked for a motion to continue.

MOTION: Ms. Friedman moved to continue discussion regarding Site Plan Review on a Monopole telecommunications facility at 30 Huntoon Memorial Highway, Verizon Wireless to Tuesday, January 5th, 2016.

SECONDED: Ms. Nist – Discussion: None

VOTE: All in Favor

Ms. Buck asked about sending the Planning Board's comments to the ZBA. Ms. Friedman suggested after the January 5th meeting, to send a report to the ZBA on the Planning Board's findings.

MOTION: Ms. Nist moved to adjourn meeting

SECONDED: Mr. Menard – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:00PM

Respectfully submitted:

Barbara Knox

Barbara Knox

Documents included in meeting packet:

- Agenda
- Memo to the Planning Board from Michelle Buck regarding December 15th Board Meeting
- Comments received from the Highway Department, Cherry Valley/Rochdale Water District, Fire Department, Historical Commission, Board of Health, and Quinn Engineering regarding 30 Huntoon Highway Cell Tower.
- Email memos from Attorney Victor Manougian for Verizon Wireless regarding 30 Huntoon Highway cell tower.
- Application for Site Plan Review for proposed wireless facility at 30 Huntoon Highway

Documents submitted at meeting:

- Pondview Subdivision suggested motions
- Revised Site Plan showing locus regarding Verizon Wireless at 30 Huntoon Highway.

Approved on: January 19, 2016