

**TOWN OF DUDLEY
MASSACHUSETTS
PLANNING BOARD**

DUDLEY MUNICIPAL COMPLEX, ROOM 308
71 WEST MAIN STREET DUDLEY, MA 01571

DUDLEY PLANNING BOARD

Mark L. Marzeotti, Chairman
Guy E. Horne, Jr., Vice Chairman
Pamela Humphrey, Clerk to the Board
Sean F. Guerin, Member
Kevin Sullivan, Member



DUDLEY PLANNING STAFF

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PLANNING BOARD MEETING MINUTES

Wednesday, August 9, 2017 7:00 pm

Dudley Municipal Complex, Room 321-A (DMC, Veterans Memorial Hall)
71 West Main Street, Dudley, MA 01571-3264

7:00 pm Call to Order – Short Business, New Business

The Chair called the meeting to order at 7:00 PM. Present were Pam Humphrey, Clerk to the Board; Kevin Sullivan, Member; and Mark Marzeotti, Chairman and Don Johnson Town Planner. Vice-Chair Guy Horne was unavailable and Member Sean Guerin was absent.

A. Approval of Meeting Minutes: July 12, 2017; July 26, 2017

Mrs. Humphrey made a motion to approve the minutes of July 12, 2017 and July 26, 2017; Mr. Sullivan seconded; unanimous 3-0 vote.

B. ANR Plan: 12 Linda Vista Lane; Zeglen Exteriors Inc., owner

Darek Zeglen came forward to explain to the Board that they want to combine non-conforming Lot 6C with the existing neighboring lot. This was previously approved for a subdivision but the owner just wants two lots. After discussion, **Mrs. Humphrey made a motion to accept the waivers for the ANR name, boundaries, north point, date, scale 1"=40' legend and the title ANR Plan; the name and address of the owner of record and name an address of the applicant if different than that of the owner of record, also the name, address, phone number and official seal of the land surveyor, designer or engineer; the name and street numbers of all abutters determined from the most recent local tax list or by Datavision; a profile of the existing grade of the proposed access to the lot; the topography of the land at an interval of 2', elevation shall be referred to the main sea level; Mr. Sullivan seconded; unanimous 3-0 vote.**

Mr. Sullivan made a motion to accept the ANR Plan, Deed Book and Page 57117-101 and Plan Book and Page 877-15, Dudley Tax Map 121, Parcel 89 at 12 Linda Vista Lane; Mrs. Humphrey seconded; unanimous 3-0 vote.

C. Appointment of John Briare as an alternate Planning Board Member

The write-in vote at the Town Election was contacted and he was not interested. John Briare had expressed interest in becoming the alternate member for special permits. **Mr. Sullivan made a motion to approve John Briare as the alternate Planning Board Member, Mrs. Humphrey seconded; unanimous 3-0 vote.** Town Clerk Ora Finn was in attendance to swear Mr. Briare in as alternate. Mr. Marzeotti announced that an alternate may only vote at a public hearing.

D. Request of George Slingo to discuss the preparation of As-Built and Acceptance plans for Tobin Farm Estates

Not in attendance.

E. Discussion on finishing construction of, and acceptance of, uncompleted/unaccepted subdivision streets

Dan Heney, Eisenhower Drive, will come in at the next meeting. Highway Superintendent Dan Gion informed Mr. Johnson that in Misty Meadows there is a manhole that is out of place and there is a hole in the pavement that should be repaired. There is \$13,000 in the fund that could be used to do that work. **Mrs. Humphrey made a motion that we access the left-over money from Misty Meadow account to repair a manhole cover that is not in place; Mr. Sullivan seconded; unanimous 3-0 vote.**

Town Counsel has approved a letter of credit for Pierpont Estates.

F. Discussion on the status of Economic Development Planning

The EDC is looking forward to a presentation in September by Mr. Briare. Mr. Johnson is doing research on census data from the Town Clerk's records for what we have for assets with CMRPC.

7:15 pm Public Hearing: Application for a Wireless Tower Special Permit: 36 Hall Road; Cellco Partnership d/b/a Verizon Wireless (continued).

Mr. Gehring wishes to go forward with the process, so Mr. Marzeotti opened the public hearing at 7:27 PM by reading the public hearing notice. The plans may be seen in the Dudley Planning Board Office for anyone interested. Carl Gehring, on behalf of Verizon Wireless, introduced Jonathan McNeal representing Verizon Wireless's Real Estate Dept.; Doug Shadel, Acoustical Expert; Keith Valente, Radio Frequency Expert/Engineer; Drew Lemay, Real Estate Expert and Dr. Don Hayes, Certified Health Physicist, which are all part of a collaborative effort. This is a very important site for Verizon Wireless. He went over the items in the notebooks that were given to all members of the Planning Board and the Town Planner.

Mr. Gehring first explained the grounding of the 110 foot tower: special permit requirements and waiver summary, authorization of the owner, FAA airspace regulations, and search area is in the Industrial Zone. He explained that no variance is needed and the volume is regulated by the FCC. Dr. Hayes reports that they are compliant with the health limits. Mr. Shadel's report concludes that the generator is well below the existing acoustical limits. Mr. Lemay's conclusion is that there will be no problem with property values and may actually be a benefit. The last part of the notebook is the actual plan. The activity after the conclusion of the tower is minimum.

Mr. Briare's concerns were if the tower would be high enough for other cell companies; if a fiber run would be accessible to anyone in town. There will be no shelter for Verizon, but there is room for other companies if needed. He asked if they would work with the fire department on fuel storage which they will. He would like the tower to have access for public safety. He would ask that the applicant work with the Fire and Police Department to implement a viable solution utilizing any Verizon-owned tower, such as shown in the maps, any issues with the Verizon-owned copper lines currently being utilized by the Fire and Police Departments in West Dudley. There are five repeaters in town and one is not working.

Mr. Sullivan had a question on one of the waivers regarding structural maintenance. Mr. Gehring replied that whenever something needed to be fixed it would be done right away. Mr. Marzeotti inquired whether the Verizon representatives worked for Verizon, but most of them were independent consultants. Mr. McNeal is a Verizon employee. Discussion then took place on co-locators; generators (with Mr. Shadel explaining sound); balloon float at 110 feet; public access from Hall Road with utility access from West Main Street; AC/DC generators and visual visibility of the base. Dr. Hayes spoke regarding health limits which are okay at that height which makes it far below the limit.

Mr. Marzeotti is not in favor of Mr. Briare's concerns being a condition of the Special Permit. Mr. Briare's condition would be "if the applicant work with the Fire and Police Dept. to implement a fair and reasonable solution utilizing any Verizon-owned property to mitigate current issues with the Verizon-owned copper lines currently owned by the Fire and Police Department utilized in West Dudley." Discussion continued. Mr. Gehring stated that they would know people to get in touch with to mitigate that situation. Mr. Gehring doesn't have the authority to agree to a condition to allow public safety to put a tower on top of the antenna. Mr. Briare is fine with a gentlemen's agreement that Mr. Gehring will help to get the right people to help solve the problem. Mr. Briare will follow this up on his own, without the Planning Board's involvement. The Town Administrator and Board of Selectmen will work with Verizon on this. **Mr. Marzeotti closed the public hearing at 8:51 PM on August 9th for the Cellco Partnerships, Verizon Wireless application for a wireless tower at 36 Hall Road.**

Mr. Sullivan made a motion to accept the waivers requested on the application for Cellco Partnership, d/b/a Verizon Wireless for a special permit to install a personal wireless service facility at 36 Hall Road, Assessors Map 121, Lots 17, 18 and 20 in the IND 130 Zoning District; the waivers are as follows: Section 11.05.00(d) Height request waiver to build tower to 110 feet AGL; Section 11.07.04 (b) Site Lines and Elevations request waiver from the need to provide more, or any additional information, beyond what is shown on the enclosed plans and photo-simulations as submitted; Section 11.07.05 waiver Brochures for Equipment because the exact equipment to be used at this site has not been chosen or purchased yet, brochures for same are not available; Section 11.09.00 waiver Consultant Fee due to the relatively simple and uncomplicated nature of the development being proposed (i.e. the construction of a tall pole) it is the applicant's position that the Board is fully capable of analyzing and understanding this application without help from any outside consultants; Section 11.13.00 Ongoing RF Monitoring, the applicant is an FCC licensee, RF emissions are specifically controlled and pre-empted by the Federal Government; Section 11.13.02 Annual Structural Reports, waiver for the applicant suggest an updated Structural Report should only be required if and when any new work or additional co-locations on the tower are

proposed; Section 11.13.03 RF Penalty, waiver for the applicant is an FCC licensee controlled by the Federal Government which has specifically pre-empted the regulation of RF Emissions;
Section 14.14.01 Removal of Tower Foundation waiver because the foundation is buried underground the applicant respectfully requests it be allowed to remain in place; Section 11.14.03 Term of Approval, waiver for the applicant respectfully requests that its permit be allowed to run concurrent with its use and tenancy on site and that the Special Permit for the tower be allowed to remain in full force and effect as long as any co-locator occupies the subject tower; Mrs. Humphrey seconded; unanimous 4-0.

Mr. Marzeotti asked for a motion to approve the application. Mr. Briare made a motion that we issue a condition of the Special Permit and that condition be that the applicant make available at no charge whatever space may be required on the proposed wireless tower for any Town of Dudley or First Responder Public Safety Department. Mr. Gehring asked that the motion include that it be at the top of the tower. Mr. Briare made a correction rather than “whatever space may be required” to “the space at the top of the tower”; Mr. Sullivan seconded; unanimous with the one condition as read. Vote was 4-0.

Mrs. Humphrey made a motion that we accept the application for the Special Permit for the wireless tower located at 36 Hall Road in Dudley, MA; Mr. Sullivan seconded; unanimous 4-0 vote.

Comment [P11]:

Unfinished and Old Business: Not a Public Hearing

I. **PLANNER’S PLATE**—Mr. Johnson will be doing research for the next couple of weeks; he is waiting to hear from Guy Horne about the overlay bylaw he is researching; he will talk to the administrator about the subdivisions that are not quite finished.

J. **COMMENTS FROM THE PLANNING BOARD**—Mr. Briare may not be able to attend all meetings, but when he is needed just let him know.

K. **COMMENTS FROM THE AUDIENCE**--None

Other Business

Village District Walk
Approval of consultant vouchers / payment of bills
Other town notices
Other Correspondence

Adjournment

Next Scheduled Meeting is Wednesday, 8/23/2017. Mrs. Humphrey made a motion to adjourn this meeting; Mr. Sullivan seconded; unanimous 3-0 vote.