

Planning & Development Standing Committee
Wednesday, June 17, 2020 – 5:00 p.m.
REMOTE MEETING
-Minutes-

Present: Chair, Councilor Val Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Barry Pett

Also Present: Councilor Scott Memhard; Grace E. Poirier

Applicants: Edward Pare for PP2020-004; Elizabeth Cardarelli for PP2020-005

*This meeting was conducted remotely through ZOOM
All votes by ROLL CALL*

Meeting called to order at 5:00 p.m.

Councilor Gilman announced, “This meeting is recorded by video and audio in accordance with state open meeting law. Consistent with the Governor's orders, suspending certain provisions of the open meeting law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation. The public may not physically attend this meeting but every effort will be made to allow the public to view and listen to the meeting in real time. Persons who wish to do so are invited to view the meeting and you have the information that was on the posting. If you are calling in on a phone, you can press *9 to request to speak. If you're watching on a computer a device, there is a raised hand button that you can tap or press to request to speak. Please use either these options to be recognized to speak.”

1. *RZ2020-001: proposed creation of a commuter residential overlay district to all lots currently zoned extensive business in and around the Maplewood Avenue and Whistlestop Way area (Continued from 5/20/2020, TBC 7/8/2020)*

Councilor Gilman continued this matter to July 8, 2020.

2. *RZ2020-002: temporary amendment to the GZO pursuant to MGL Ch. 40A, Sec. 5, and GZO Sec. 1.11.2(e) to amend GZO by ADDING a new Sec. 5.33 “Temporary Zoning Relief to Businesses During COVID-19 Pandemic” (TBC 7/8/2020)*

Councilor Gilman continued this matter to July 8, 2020.

3. *PP2020-004: request by New Cingular Wireless PCS, LLC d/b/a AT&T, in agreement with National Grid, to install a wireless small cell facility, including telecommunication wires and wireless attachments and appurtenances on a replacement utility pole in the public right of way – Pole #2337 – near Salt Island Road #2 (Continued from 6/3/2020)*

Councilor Gilman opened up the continued public hearing and asked the applicant, Ed Pare, to update the Committee and to provide answers to the questions he has received since the last meeting.

Attorney Ed Pare, Brown Rudnick, outside counsel to AT&T, reviewed that AT&T is proposing a small cell facility on a utility pole in the public right of way at 2 Salt Island Road.

Responding to communications received from abutters about emissions, **Mr. Pare** gave the following information:

- He has provided them with a copy of the emissions report and addressed their questions.

- Emissions comply with FCC emissions standards/requirements; the FCC has exclusive jurisdiction.
- This a low powered installation with one antenna at the top of a utility.

Responding to communications received from abutters about location, **Mr. Pare** gave the following information:

- Coverage maps were shown on screen (on file).
- The intent is to offer coverage to as much of the beach as possible due to low connectivity.
- AT&T is working with National Grid on locating another location. There are about 18 poles in the area but a number of them have transponders on them and can't be used.
- AT&T is looking at one on the corner of Witham Street and Salt Island Road (near the small parking lot) as well as moving the small cell facility to a utility pole further up Salt Island Road.
- Moving the small facility may alleviate the location problem for 2 Salt Island Road but a new location could cause similar objections from abutters.

No one else spoke in favor of the application.

Those speaking in opposition:

Chris Burke, 6 Salt Island Road

Shares the concerns of neighbors regarding safety and aesthetics. He pointed out the following:

- Based on the coverage map, the pole is radiating out to the ocean. If the intent is to provide coverage over the beach, that would not be an optimal location.
- What is the plan to make this small cell 5G capable and were the transmission frequencies spelled out in the safety report?

Mr. Pare responded that this is a 4G installation that will cover 3G and 4G. 5G would take additional technology and attachments. At some point there might be an addition of 5G. He could not address what poles would be available and what poles would work until he hears from National Grid and their radio frequency engineer.

Donna Poirier Connerty, 2 Salt Island Road

Asked for clarification where the alternative site location might be for the small cell facility. Also, if the small cell was placed at the corner of Witham Street and Salt Island Road, would it have an impact on the nesting piping plovers?

Mr. Pare the location he referred to was near the access drive to the parking lot of Good Harbor Beach, near the gate. Both sites would be needed. The sites have to comply with the National Environmental Policy Act. Nesting birds could potentially create a problem.

Councilor Gilman asked if there was new correspondence received since June 3, 2020. The following correspondence was received:

- Email from Chris Burke and Tracy Vu, 6 Salt Island Road (6/17/20)
- Email from Katherine Richmond, 5 Salt Island Road (6/16/20)
- Email from Donna Poirier Connerty, 2 Salt Island Road (6/15/20)

Questions from the Committee:

Q. 1. Based on the coverage map, would the site at the entrance to the parking lot of Good Harbor Beach suit the purpose of the application? Could you provide an update on how relocating the small cell to an alternative location would work?

A. (Gilman) If a new location is to be sought, the applicant would have to withdraw the current application and submit a new application.

A. (Pare) The Thatcher Road location would be to install an additional small cell facility, not replace the one needed on Salt Island Road.

Q.2. Is the span of the transition a quarter of a mile?

A. (Pare) It depends on the terrain, but it's about a radius of a quarter to a third of a mile. There will be blockage going up the hill.

Councilor Gilman asked the Committee if they would recommend that the full Council continue the public hearing. **Councilors Holmgren** and **Pett** said they would like to continue it on the P&D level.

Councilor Gilman proposed the committee get a recommendation from the Conservation Commission on the effect that the proposed location (alternative sight at Witham Street) would have on the nesting piping plovers.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to get a recommendation from the Conservation Commission regarding the effect of the proposed site on the nesting piping plovers.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to continue the public hearing to July 22, 2020.

The public hearing is continued to July 22, 2020.

4. *PP2020-004: request by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 1 JO pole on Washington Street beginning at a point approximately 20 feet northwest of the centerline of the intersection of Washington Street and Colburn Street; install 1 JO pole, 1 anchor and all appurtenances.*

Councilor Gilman opened the public hearing and asked the applicant to review the petition for the Committee.

Elizabeth Cardarelli, representing National Grid, gave the following information to the Committee:

- The pole is to get service wire across Washington Street. It crosses Washington Street in a wooded area up the side of Colburn.
- The pole is over the bridge and the goal is to not have to do extensive tree trimming for maintenance, and to set the pole in line with Colburn Street to swing the wire straight up the street.

No one else spoke in favor of the application.

Those speaking in opposition: None.

Councilor Gilman asked if there were any communications.

- Memorandum from the DPW Director (summarized at the meeting; full memorandum on file)

Councilor Gilman confirmed that abutters were notified on June 5, 2020.

Questions from the Committee:

Q. As the Ward Councilor for the ward where the pole will be placed, does Councilor Gilman have any commentary?

A. (Gilman) She has looked over the area and does not see any issues that would be of concern to her.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to permit Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. to install 1 JO Pole on Washington Street, beginning at a point approx. 20 feet northwest of the centerline of the intersection of Washington Street and Colburn Street, and to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. National Grid will install 1 JO Pole, 1 anchor and all appurtenances with such sustaining and protecting fixtures as said company may deem necessary, in public ROW as shown on a plan #28852386 (on file) dated March 19, 2020 with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
2. Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November.
3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
4. All excavations must be secured at all times.
5. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches, totaling 4-inches.
6. Sidewalks must be restored with like material immediately after pole set.
7. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 5:50 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk