



TOWN OF AVON, MASSACHUSETTS

A Great Place to Live, Work and Do Business.

BUCKLEY CENTER, Avon, MA 02322

Telephone: 508-588-0414

Avon Planning Board Meeting Minutes

Date: November 5, 2009

Members Attending: Charles Comeau, Dolores Daigle, Robert Pillarella

Also Present: Robert Borden, Building Inspector

Absent: Matthew Curley, Charles Marinelli

Visitor's Forum: Attorney Frank Marinelli, Marc Tisdelle, Mike Pohl, and Carl Berg for 85 Bodwell Street, Dresser Masonielan. Attorney Francis Parisi and Shaikh Mahmud for 100 Ladge Drive, TMobile Northeast and Jerry and Donna Reiser, (abutters)

APPOINTMENTS

1. Public Hearing continued from October 1 and 15, 2009 - 85 Bodwell Street;
 2. Public Hearing 100 Ladge Drive
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Charles Comeau called the meeting of the Planning Board to order at 7:30 P.M.

APPOINTMENTS

85 BODWELL STREET, DRESSER MASONIELAN continued from October 15, 2009:

The Planning Board began by reviewing requirements and/or changes requested on the plans for 85 Bodwell Street. The Water Department notified the Planning Board and Petitioner that there were some concerns as to the water pipes on the property. The Planning Board, Water Department and Fire Chief will need to meet with the Petitioner at 85 Bodwell Street in order to verify any additional requirements of the Water Department.

100 LADGE DRIVE, T-MOBILE NORTHEAST, LLC

100 Ladge Drive, TMobile Northeast, application for a proposed 150 foot cell tower.

The Chairman, Charles Comeau and the Board noted that the Public Hearing Notice(s) had appeared in the Moneysaver Publication on October 28 and November 4, 2009 in the legal notices section.

Petitioners Presentation: The chair recognized Francis Parisi, attorney for TMobile Northeast who presented the plan of the proposed project as it would appear with the construction of a 150 cell tower. Attorney Parisi also introduced Shaikh Mahmud, Radio

Frequency Engineer for TMobile. Attorney Parisi stated that the proposed facility would consist of a 150 foot monopole tower which is a single pole with the antennas attached to the tower. Essentially the area of construction is 32 x 64 feet at the back of the facility in which it will be a fenced in compound which will contain telecommunications equipment and a 150 foot tower. The proposed facility is being constructed for TMobile but is designed to be accommodating to other telecommunications companies. The Tower itself will have one set of antennas at approximately 147 feet, it will have the availability for future sets of antennas.

Comments, Open Discussion, Questions and Answers: The Chair asked Attorney Parisi why TMobile chose one of the lowest lying areas in the town. Attorney Parisi stated that the radio frequency engineers figure out where they need to be in order to help to improve TMobile's network. Over the last several years there has been evolution in telecommunications where people are using their phones in their home and are cutting their landlines and using their cell phones as their primary source of communications. In addition, when TMobile began building telecommunication sites they focused on the industrial areas and the areas closest to the highways but since then evolution has required the demand for services in residences, TMobile is focusing on areas that are close to residential areas but the same time respecting the bylaws. In this particular case TMobile is trying to locate something as close to the residence as possible to get the coverage into the residential areas but being set back far enough from the residential areas so that there is no impact from a construction or visibility standpoint. Attorney Parisi showed the Planning Board a map of the existing coverage that TMobile enjoys in the Town of Avon and abutting areas. There are two good size telecommunication towers already in town in the industrial areas – one against the Stoughton line and one just inside route 24 from which TMobile gets significant coverage throughout all of Avon. Attorney Parisi showed a map which represents the types of coverage TMobile has in the are. The dark green color represents TMobiles goal to get what they call “in building” coverage throughout as wide an area as possible. The light green is where TMobile enjoys what they call “in vehicle” coverage which is a lesser quality signal where your phone will work reliably when you are riding up and down the main streets but will not work reliably in your home. The white color represents what is less than reliable coverage in areas of Avon, so what they are trying to do is bridge the gaps. So what happens is that the radio frequency engineers locate the area on a map as to where a tower is needed and after reviewing the bylaws TMobile locates a proposed site for the tower and although in a low lying area it means that they will need to build a taller facility to get the coverage. Attorney Parisi showed the map of what the coverage would be if the proposed facility was built.

The Chair stated that there is an area in the center of town located on Page Street where an antenna could be placed but Attorney Parisi noted that the coverage they were looking needs to be closer to route 24. The Chair asked if TMobile had any knowledge of the contamination in the proposed area. The Chair also noted to Attorney Parisi that if there were to be any disturbance in that area and anything shifts and it slides over to the towns wells, then the town will have a huge problem. Attorney Parisi stated that he was not aware of that and they do environmental testing on all their sites and they had already done what is called a “phase one” and it didn't raise any red flags. The Chair stated that the pump and treat operation is still ongoing and will have to look at the records. He noted that the Town relies on the wells and asked how far down the monopole would go down into the ground. Attorney Parisi noted that generally it is 20 feet deep and TMobile

would do a soil investigation to design a foundation and the subsurface investigation has not been done yet because TMobile would need special permits approved.

Attorney Parisi stated that one of the requirements of telecommunications facilities is to assess the impact of the facility on a whole bunch of different things such as historic resources, potential tribal resources, the proximity to endangered species, flight patterns of migratory birds etc. A balloon is put in the air at approximately 150 feet and photographs were taken from different areas of the town.

Letters from Departments:

The Chair stated that the Planning Board received letters from other departments stating their concerns and/or objections. Robert Pillarella began reading the first letter from the Chief of Police in which his concerns were that the signals did not interfere with any public safety frequencies in the area, the height of the tower exceeds the building zoning by laws in which a special permit would be required and, if the proposed tower is approved then the town will be able to install the public safety repeaters on the tower.

Robert Pillarella read the letter from the Building Inspector in which his concerns were that there are two discrepancies between the provided documents and the plans. The request for review refers to a 100 foot tower and the plans show a 151 foot tower. Also, there is a discrepancy on the plans as to the size of the fenced area. The plans indicate only one of the proposed equipment pads will be constructed at this time and it is suggested that all pads be constructed at the same time and the erosion and run off controls are in place. Arrangements need to be made for the Avon Fire Department to have full, unhindered access to the fenced area. If any lighting is required it should be taken into consideration, the impact that it will have on the entire area.

Robert Pillarella read the letter from the Avon Highway Department in which there were no concerns or objections at this time.

Robert Pillarella read the letter from the Conservation Commission in which they noted that the project falls under the river protection act, there are concerns of the protection of town water and the area is contaminated.

Attorney Parisi asked to address some of the questions noted above. In regard the concerns of interference with public safety frequencies, Attorney Parisi noted that the FCC has strict regulations with respect to frequency and power. TMobile broadcasts in the 1900 megahertz range which is substantially higher than the public safety frequencies which tend to be in the 700 or 800 megahertz range. The facilities are designed so that there is no interference with public safety. Attorney Parisi also noted that in regard to the discrepancies, he stated that the plans are the more appropriate and that 32' x 64' feet is the correct size and the height of the tower is 151 feet. Also, there are no other companies coming in at this time and therefore only one pad is required. Also, towers are designed to withstand weather in their structure. Attorney Parisi also noted that TMobile would be open to the allowing the town to install public safety antennas on the tower. He noted that with respect to lighting, it is mandated by the FAA in site specific locations and generally is in proximity to airports. In general anything less than 200 feet doesn't have to be lit unless you are in proximity to an airport, therefore lighting would not be required if the tower is placed in the area.

Robert Pillarella read the letter from the Fire Chief in which there was a concern with interference of radio frequencies and the department requires access to gated areas and requires secure key lock boxes.

Robert Pillarella read the letter from the Water Department in which they request detailed specifications on the actual radio frequencies which will be used at the cell site. The applicant shall pay for all water department engineering costs associated with all engineering reviews required to protect the integrity of the Water Department and/or the SCADA system. The proposed construction must not disturb the ongoing remediation efforts located on the property. Disruption or digging of soil could cause the migration of hazardous chemicals into the aquifer serving the Avon municipal wells, the applicant should be required to provide a financially adequate insurance policy to the town in the event that construction causes new contamination issues or if the wells become contaminated or threatened.

Robert Pillarella read the letter from Scott Arnold of Neil J. Murphy Associates in which concerns and/or issues were as follows: The site is located within the industrial district, water supply protection district and flood plain district. The project falls within the 100' buffer zone to a bordering vegetated wetland and riverfront area requiring a notice of intent application to the Avon Conservation Commission. The surface of the proposed facility will be treated with a 6" thick crushed stone surface. Any sloping to meet existing grade should be no steeper than 3:1 and treated with appropriate landscape materials. The proposed haybale/silt fence barrier should be located so that no activity occurs down gradient.

The Chair asked the abutters and other visitors for questions or comments in which Donna Reiser asked how many tenants the tower could accommodate. Attorney Parisi stated that typically there are 3 or 4 but it depends upon exactly what would be added. Jerry Reiser asked whether TMobile was aware of any health problems associated with cell towers. Attorney Parisi stated that TMobile has designed many tens of thousands of towers of that TMobile has found that these facilities are safe.

The Chair requested a full size set of plans be presented at the next meeting.

Robert Pillarella made a motion to continue the hearing to 7 P.M. on December 3, 2009, seconded by Dolores Daigle. All in favor.

ADJOURNMENT

Meeting adjourned at 10:30 P.M.

Respectfully Submitted,

Dolores T. Daigle, Clerk

Avon Planning Board

