



Town of Southwick Planning Board MINUTES



Tuesday, October 6, 2020

MEMBERS IN ATTENDANCE: Michael Doherty, Chair
Marcus Phelps, Vice Chair
Richard Utzinger
David Spina
David Sutton
Jessica Thornton, Associate
Alan Slessler, Town Planner
Meghan Lightcap, Secretary

ABSENT:

A meeting of the Planning Board was conducted via Zoom and was called to order at 7:00 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone in the audience was recording the meeting. Attending the meeting were Danielle Dickstein, Gary and Karen Uliasz, Dave Dziadzio, Oleg Kulyak, Doug Moglin (Southwick Select Board), Alison and Brandon Robb, William and Elizabeth Teich, Brian and Sheila Chamberlin, Dennis Hackett (reporter with The Reminder), Melissa and Brian Hughes, David and Jennifer Reale, Attorneys Michael Fenton, Stephen Sobey and Ellen Freyman (Attorneys for Verizon), Vinny and Sue Abbondanza, Stacey Grimaldi, Jay Latorre (Principal Radio Frequency Engineer for Verizon), Jeremy Fiorentino, Mark and Cori Rolland, Hannah Dziadzio, Amber Bach, Karen Demaio, Mary and Pat Martin, Joseph Deedy (Southwick Select Board), Chief Kevin Bishop (Southwick Police), Brian and Daniela Labodycz, Hope Tremblay (reporter with The Westfield News), Kristina Fraser, Karina Yarrows, Sergeant Rhett Bannish (Southwick Police), Meghan Kuether, Christian Bach, John Griffin, Tony Vedovelli, Phil Losito, Celeste St. Jacques, Jeffrey and Elizabeth McCarthy, Marie Griffiths, Bridie Dwane, Craig Parrow, Kip Divito (Verizon), Dan Searles, Jennifer Spagnolo, Keith Imbriglio, Joel Dusoe, David LaBorn, Matt Secovich, Frank and Joyce Zhong, Jennifer and John Horkey, Ann and John Altalagana, Marc Siegel, Sylvester Bhembe (Representative of Verizon), David Vivian, Dean Gustafson (Representative of Verizon), and Michael McMahon.

PLANNER’S REPORT: 7:00 p.m.

1. Conducted continued conversations with interested parties about 302 Granville Road, a 24-acre parcel which needs public street frontage.
2. George Zantouliadis, owner of Zanto Restaurant, would like to revamp/start new building where existing building is at 581 College Highway. He needs to go in front of the Zoning Board of Appeals first.
3. The Greens East attorney would like a letter for clarification on a 14-acre vacant parcel along College Highway which John Whalley is going to purchase for agricultural use. The land was not part of the definitive subdivision in any land calculations. They originally thought the property would be sought to be rezoned to the BR zone.
4. Continued talks with Kyle Scott, Building Inspector, in regards to 61 & 63 College Highway and 159 Berkshire Ave., both of whom have not complied with Town Orders regarding storm water management challenges; penalties are building.
5. Advising and supplying information to residents near the Lexington Circle/Liberty Lane Verizon Wireless cell tower project. Unfortunately, there have been letters circulating to these residents with many misconceptions and factually incorrect information, which has led to a social media frenzy. The Town Planner suggested that Verizon be allowed to answer the questions and prevent further misinformation from being disseminated. Certified letters were sent to the legal abutters in accordance with M.G.L. Chapter 40A. Town Counsel had previously (approximately four years ago) shared updated state regulations with the Planner’s Office that certified mail was no longer required in notifying abutters. The Bylaw, however, incorporated the requirement of certified mail, and was not updated at that time. The Board will discuss removing the word “certified” from Chapter 185.23.1 at a future meeting. The Planner’s Office wanted to make this process transparent, as it was not an error made knowingly.

PUBLIC COMMENTS: 7:10 p.m.

None

APPOINTMENTS:

7:15 p.m. Verizon Wireless Cell Tower Continued Public Hearing

Planning Board Chair Mr. Doherty discussed the certified mail requirement and legal abutters definition, as well as the fact that there was no requirement for return receipt on the certified mail. He indicated that he now believed that the Bylaw had been complied with, notice had been given to all necessary parties, and that no prejudice would be incurred.

Mr. Doherty discussed the expected structure of the hearing, with the presentation by Verizon first, followed by Planning Board questions and comments, Town official questions and comments, and finally questions and comments by the residents of the

Town. He stressed that everyone would have an opportunity to offer their questions and comments, and expected that the hearing would extend over several meetings.

Mr. Doherty summarized the Town of Southwick Zoning Bylaws, 185-9 and 185-23.1, and the federal law – the Telecommunications Act of 1996 – that he understood were applicable to the application to provide the parameters of how the application would be considered. Mr. Doherty stated the names of the voting members of the Planning Board for the record. Mr. Doherty also disclosed that he lived on Lexington Circle, but was not a legal abutter, abutter to an abutter or other interested party, and had no financial interest which would create a conflict of interest, requiring recusal from this hearing. He felt, after conversations with Town Counsel and the Ethics Commission, that he could continue his role on the Board for this hearing. He indicated that he would continue to evaluate this issue as the hearing proceeded. He asked for any additional input about this issue at that time, and received none.

Attorney Michael Fenton introduced the Verizon team for this hearing and gave an overview of Verizon's application. He noted that Verizon responded to an RFP from the Town for use of the property in 2017, and was selected to use the land. Verizon signed a lease with the Town for use of the land in 2019. They have conducted two balloon floats so far – one in January, 2017, and one in March, 2020.

Jay Latorre, a radio frequency engineer, explained that Verizon felt there was a need for installation of a 120-foot monopole facility in that location to fill in coverage gaps within that area of Town (due to distance to other towers and wooded area) and to relieve the strain on other facilities, which has led to insufficient service. He explained why there was a lack of coverage as it pertains to other existing cell towers in the area (including 3 in the Town of Southwick), the closest of which was 1.75 miles away, including increase in usage and type of use, especially during the COVID-19 pandemic. He noted the importance of 911 service in a wireless network, especially where fewer land lines are being used. Coverage gap – signal strength to obtain reliable connection; capacity – demand increasing leads to strain, which leads to segregation of service regardless of distance to towers. Radio frequency propagation maps explained. Need home, outside and car coverage. Evidence of compliance with FCC RF emissions requirements in application. Discussed details of coverage maps, including 700 MHz map, which would generally show largest coverage area (since lowest quality travels furthest), and coverage levels shown by colors on map. New tower provides fairly substantial increase in coverage quality, with more localized coverage and capacity, which their customers depend on.

Sylvester Bhembe, from Hudson Design Group, shared zoning drawings describing what the project will actually look like and how the construction will take place. The leased area is 100 x 100 square feet, within which would be a 50 x 50 foot chain-link fenced-in compound containing the tower and other equipment (including a propane tank on a 4 x 10 foot concrete pad, radio equipment cabinets on a 4 x 7.5 foot, and a natural gas generator on a 3.5 x 8 foot concrete pad), with crushed stone on the ground with the

fenced-in area. A 20-foot-wide path with a 12-foot-wide gravel road would lead to the compound from Liberty Lane. He discussed the 420-foot setbacks, which are required for a 120-foot tower. Minimal tree clearance would occur for the 12-foot road, as needed. He noted that the tower could accommodate 3 other carriers in the future. The chain-link fence will be 8 feet tall. Mr. Bhembe also showed photos from a balloon float test, completed in March, 2020, that were taken from various points in the neighborhood, with most photos showing no visibility of the balloon.

Attorney Fenton and the Verizon representatives addressed some questions that came in via the chat portion of the Zoom meeting. Attorney Fenton stated that other wireless carriers would be able to utilize this tower if they agreed to enter into a lease contract with Verizon, and the Town would receive a portion of that rental (there is room for 3 additional tenants). Verizon responded that it would be clearing a twelve-foot width of trees to make a path going to tower, expand as needed, but if they need to expand, the clearance would not exceed twenty feet. The top of the tower was described as a triangular platform, with each face of the platform 12-15 feet in width, which would allow for siting antennas, other equipment and potential future expansion on each face. Verizon representatives noted that the photos provided were from legally accessible areas, so addresses approximation. The only access is the Liberty Lane access, and not the area on the plan reserved for a future street on Lexington Circle – they have no lease rights for this area on Lexington Circle, and do not intend to use it. Police/Fire would not use a spot for future provider if only whip antenna used. Verizon made a request for specifications of the equipment to be used. Mr. Doherty read the comments of the DPW, and the requirements of the Town Police and Fire Departments. Mr. Slessler noted that there was no wetlands issue at the site, and that it would still be able to be used for passive recreation. Attorney Fenton stated that the DPW comments have all been addressed on revised plans, but that while use of the tower by Police and Fire will be free, the specifics of what equipment will be allowed still needed to be worked out. Attorney Fenton also stated that Police and Fire would not be able to utilize the backup generators on the tower.

Mr. Doherty then took questions from the Board Members. Mr. Utzinger asked if they would re-excavate the road to the tower to add another cellular tenant or to add a power supply and Mr. Bhembe said no, they would not have to. Mr. Spina asked about lighting and Mr. Bhembe said that there would be flood lights in the compound which would only turn on if there were servicemen working on the tower. Mr. Vivian stated that there would not be a light on top of tower per FAA regulations. Mr. Spina also asked when the backup generator would be tested. Mr. Bhembe said once a month and that the time of day could be set by the Town so as not to disrupt the neighborhood. Mr. Spina also asked about whether the cleared areas would support initial construction of the tower. Mr. Bhembe stated that they would, and he ultimately expected only 10 feet outside of the compound to be cleared. Mrs. Thornton asked about the clearing of trees for the project base as it pertains to negatively affecting abutting neighbors' views. Mr. Bhembe stated that it would be roughly a 70 by 70-foot clearing. Mr. Utzinger asked why this particular parcel in a neighborhood and not a parcel by the schools was chosen. Mr. Slessler stated

those areas are not in the Wireless District and/or do not meet the minimum 450-foot proximity or topography requirements. Mr. Doherty asked Verizon whether other sites were considered, since this information was not contained in the application or presentation. Attorney Fenton asked Attorney Sobey to pull up the Wireless District Overlay map; however, the map Verizon displayed was inaccurate, with properties near the schools not included on the map shown. Attorney Fenton was asked to revise the presentation and provide information regarding the locations considered for project suitability at the next meeting because of this discrepancy with the map. Mr. Utzinger inquired as to whether the Town land being leased needs to be approved at Town meeting and how this lease with Verizon came to be. Mr. Doherty offered his knowledge about ownership from the land records. Selectman Moglin stated that authority to enter into the lease agreement with Verizon was granted to the Select Board at Town Meeting back in 2017. Mr. Doherty asked if there was a study on the number of residents or cars traveling in the area of any alleged coverage gap. Mr. Latorre stated that yes, they do take the number of homes/residents into consideration when studying coverage gaps. Mr. Latorre stated that there would be a dramatic improvement to indoor service by the new tower and that they would provide further information to address the number of residences impacted by new tower. He also noted complaints received by Verizon around motocross and schools. Attorney Fenton stated that they would be happy to provide a more detailed analysis of how and why Verizon came to pick this particular tower site. Mr. Doherty asked if the Board was required to use the location which Verizon thought was best if other sites met basic goals of gap coverage, such as the ones by the school or on Hudson Drive. Attorney Fenton stated only locations in the Wireless District were considered to date, such as the old Pioneer Dairy, but Mr. Slessler stated that there was not enough space to accommodate the tower as a 450-foot buffer is needed for the tower. Mr. Doherty asked Verizon to include entire Pioneer Dairy site analysis (including portion outside of District) in subsequent submission. Mr. Doherty asked Verizon to include the proposed cell tower at Agawam Country Club in their updated coverage maps as well as expanded views into Agawam and Suffield, which Verizon agreed to do, though Mr. Latorre noted that the Agawam Country Club tower has not been approved by the Town of Agawam yet. Mr. Doherty asked about the possible use of small cells to cover gaps. Mr. Latorre indicated that these are typically installed on street structures or roofs, which is difficult to do in suburban settings with foliage. Mr. Spina asked if Verizon had tried to update the current towers within town in order to help alleviate the problem so as to not install a new tower. Mr. Latorre stated that he would provide information about recent updates and enhancements, but that the equipment could not be updated or enhanced enough to fix the issues.

No Town officials had comments or questions. Attorney Fenton asked about if, and when, another balloon simulation would be scheduled. Mr. Doherty felt that it should be scheduled for when the leaves were off the trees. Mrs. Thornton felt that there should be sufficient notice, and that the size of the balloon compared to the actual structure needs to be determined. Mrs. Thornton and Mr. Doherty also felt that the public should have the opportunity to view the balloon from their locations of choice. Attorney Fenton offered to provide photo simulations from private property with the consent of residents.

Mr. Doherty took questions from the public. Matt Secovich asked about having access to all documents and public comments from this hearing made available for the public. Mr. Doherty expressed a hesitancy about making public comments available online, rather than just available from the Planning Office. He also stated concern over Verizon having an incorrect Wireless District Overlay Map. Craig Parrow spoke up about the apparent discrepancy between Verizon saying that the Town has coverage gaps and their coverage map on their website stating that there are no gaps. He also was concerned about alternative sites not being considered. Phil Losito spoke up and said he attended the balloon float in 2017, and feels that all the homes on Lexington Circle near Patriot's Way will see the balloon, so it should be repeated. He was surprised that this would be put around all of these homes. Celeste St. Jacques asked Verizon if they could address any potential environmental effects on trees around the cell tower and the safe distance you can be from the tower. Attorney Fenton said he has not seen any studies on the impact but will look into this for the next meeting. Mr. Latorre indicated that there were no safety concerns with walking around the compound or in the area near it, which is defined by the FCC standards. Amber Bach asked if the Town is in a legal contract with Verizon. Mr. Doherty told her there is a lease agreement, but an approved Special Permit is needed to make it effective.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to continue the public hearing to 7:15 p.m. on October 20, 2020.

Roll call vote:

Mr. Doherty, yes Mr. Phelps, yes Mr. Sutton, yes Mr. Spina, yes
Mrs. Thornton, yes

The motion passed unanimously.

ROUTINE BUSINESS:

8:00 p.m.

Discussion

A decision was made to defer the meeting minutes from September 22, 2020 to the next meeting as changes needed to be made to the document.

Discussion was had on prioritizing the Site Plan approval for McDonalds to November 10, 2020 and adding it first on the agenda.

Being no further business to be brought before the Board, A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to adjourn at 10:43 p.m.

Roll call vote:

Mr. Doherty, yes Mr. Phelps, yes Mr. Sutton, yes Mr. Spina, yes
Mrs. Thornton, yes

The motion was passed unanimously.

Due to future meetings being held via Zoom, the meeting minutes will be approved via electronic signature on 10/20/20

Respectfully submitted,
Meghan Lightcap

The Next Meeting is October 20, 2020