



Town of Southwick

Planning Board

MINUTES

Tuesday, December 1, 2020

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

ABSENT: Richard Utzinger

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. Selectmen Doug Moglin and Joe Deedy were in attendance as well as many residents, including: Amy Stack, Jeff King, Jeremy Fiorentino, Matthew and Susan Brown, Tony Vedovelli, Karrie Ford, Steve and Marcie Shaw, Mary and Pat Martin, Sarah and Ryan Hedges, Richard Harriman, Mark and Cori Rolland, Gabriela Peterson, Christopher Rooney, Denise Edinger, Susan and Vinny Abodanza, Dave and Cindy Dziadzio, Alie and Brandon Robb, John and Denise Griffin, Bill Edinger, Marie Griffiths, Danielle Dickstein, Brian Webber, Jeffrey and Elizabeth McCarthy, Craig Parrow, Pat and Katie Armstrong, Mark Kuether, Bob Dwane, Andrew and Mindi Jacob, Phil Losito, Joe and Ann Ottalagana, Gary and Trish Hagar, Gary and Karen Uliasz, Karina Yarrows, Bill and Elizabeth Teich, Chris and Stacy Rooney, Mark Reed from Heritage Surveys, Dennis Hackett, a reporter with The Reminder, Andrew Campanelli, an Attorney hired by the Residents and Samuel Riva an Associate Attorney for Campanelli and Associates. The Verizon representatives were Michael Fenton, Ellen Freyman, Stephen Sobey, Jay Latorre, Kip Divito, Dean Gustafson, David Vivian, Sylvester Bhembe and Jerry Franklin from Bennett-Franklin Appraisal.

PLANNER'S REPORT: 7:00 p.m.

1. Had continued conversation with owner of 85-acre parcel on Mort Vining Road. Wants to do additional ANR lots or possibly subdivision. Met with Design Engineer and Surveyor.
2. Received inquiry into land north of Sterrett Drive. A proposed subdivision is in place for a flexible subdivision off Hillside Road.
3. Reviewed ANR map for Kellogg Brothers Inc. modification to properties. They want to combine two parcels to make one contiguous lot.
4. Reviewed, received and transferred information to necessary parties for the Verizon cell tower project.

PUBLIC COMMENTS: 7:05 p.m.

None

APPOINTMENTS:

7:10 p.m. 355 North Loomis Street ANR

Mark Reed from Heritage Surveys attended the call to speak on behalf of the Kellogg Brothers. He shared a copy of the plan on the screen that focused on the sections of the land known as E1 and E2 owned by the Kellogg Brothers. The rest of the land is in a Trust. There is a house and garage on parcel E1, just off North Loomis Street, creating a 4.02 acre parcel of land associated with that house that runs alongside the right of way access point. E2 which is a 5.918 acre parcel of land that is to be conveyed by the Kellogg brothers into a trust and incorporated with the additional 125 acre parcel which surrounds it. Mr. Phelps recommended, at Mr. Slesslers suggestion, that they add a Z shaped symbol across the property line between each parcel to note that it's connecting to the north.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to approve the ANR for 355 North Loomis Street with stipulation that they add the Z shaped symbol to the plans.

Roll call vote:

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

The motion passed unanimously.

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

Mr. Doherty began the hearing and told the group that based on the supplemental documents that had been submitted regarding a report from a realtor that said there would be an impact on property values around the proposed cell tower it was potentially a conflict of interest and he decided to recuse himself for the duration of the hearing. He

turned the meeting over to Vice Chair Marcus Phelps to conduct the public hearing. Attorney Fenton said that, for the record, Verizon contests that there would be any diminution in property value to surrounding property owners and they have submitted evidence into the record in the form of a certified appraisal and that just because the Board receives a letter alleging that property values would be affected negatively by a tower without any evidence to support that allegation doesn't make it true. He then asked who the voting members would be moving forward because Mr. Doherty was recusing himself. Mr. Doherty said that Marcus Phelps would take over leading the meeting, Richard Utzinger, David Sutton, David Spina and Jessica Thornton would be voting members.

Mr. Phelps then asked Attorney Fenton to present the supplemental material he provided. Attorney Fenton described the details of the materials and the first one was an updated engineering necessity case, with a list added to describe the existing wireless telecommunications facilities including tower height in and around the proposed site describing why those facilities are not feasible solutions to the coverage gap. The second document was an updated statement regarding alternative facilities specifically adding Verizon's assessment of the property owned and controlled by the Massachusetts Highway Department off of Feeding Hills Road and concluding that it's not a feasible location. There are new coverage maps, one from the Liquori property, which was requested although they've eliminated that site from consideration they did provide a coverage map from the perspective coverage if there was a site built there. He also submitted coverage maps for Parcel 5 and the property known as Parcel 5 behind the high school and the high school property itself. They additionally submitted written testimony from Hudson Design Group summarizing their practices and procedures for conducting the balloon float. Additionally they prepared a written response to the power point presented at the last hearing on November 10th. They also submitted their own testimony from a Realtor Suzanne White describing the marketability of properties in the proximity of a cell tower and that they have no negative impact on property values. And lastly they provided a constraints map for Lot 5 that show 3 different maps of the constraints that a tower on lot 5 (large parcel behind the high school) would need to comply with.

Dean Gustafson, Senior Wetlands Scientist for Allpoints Technology working with Verizon shared a map on the screen that showed Alternative Site A, that details the constraints of a tower on Lot 5 and based on setback requirements the entire site is encumbered by those setback requirements for a 150 foot tower in that location and the entire lot is shaded in red. The next map showed the tower location, the tower height is 148 feet, it's located a little further to the northeast from the original site A at higher elevation points and the entire lot is restricted because of setback requirements. Finally, they looked further east to a higher point on the lot and they evaluated the tower height of 138 feet on the lot as almost entirely encumbered, so based on this analysis there isn't a feasible location on this parcel to accommodate the RF objectives and satisfy the town setback zoning requirement.

Mr. Phelps opened questions from the Board and Mr. Spina asked if RF performance constraints that made the tower height as high as they proposed and Mr. Latorre, RF Design Engineer for Verizon, said yes that was correct.

Mr. Phelps opened questions from the public and Michael Doherty asked if the school property was zoned residential and Mr. Latorre said yes. Mr. Doherty then asked if there was a reason a piece of the property to the left of Lot 5 was not considered as part of consideration and Mr. Latorre said that area is at 216 feet elevation and lower than some of the other locations that they looked at because the other proposals were higher in elevation. Dave Dziadzios said he walked that property and measured the elevation at 260 feet, not what Verizon was stating and there was plenty of setback there. He asked if any Verizon reps had walked the property and Attorney Fenton said no they took the information from what was publicly available at the request of the Board.

Mr. Phelps then turned the floor over to Attorney Andrew Campanelli, representing the residents of the neighborhood of the proposed cell tower. Attorney Campanelli said that he reviewed the local zoning code from the perspective of the Telecommunications Act of 1996 and the Town of Southwick adopted what's called a "Smart Planning Division" in Section 185 of Southwick Zoning Bylaws. Smart Planning Objectives allow carriers like Verizon to saturate areas with coverage while minimizing the number of towers needed to provide that coverage and avoiding any unnecessary adverse impacts on residential districts. Local Boards require applicants to provide probative data and in this case no probative data has been submitted. He further explained that the applicant should be providing the Board with a drive test showing signal strength records which shows the location of that coverage gap. If they cannot prove there is a coverage gap then the Board does not have to issue a special permit. He explained that Verizon has not given viable reasons to exclude any other potential tower sites and he also submitted exhibits of evidence that contain aesthetic impact letters from multiple residents detailing the visual impact a tower would have on their homes. Attorney Campanelli also stated that he is not admitted to the Massachusetts State Bar but he has been admitted to the Federal Court in the District of Massachusetts. He also asked the Board not to be misled when the balloon float test takes place, and to ask Verizon to take photos from the home closest to the tower.

Mr. Phelps opened questions from the Board and Mrs. Thornton stated that after reviewing all of the information provided by Verizon and the residents she agreed with all of the residents' concerns and questions many of the answers Verizon has provided. She requested the drop call record and drive test data utilized to identify the coverage gap. She shared the screen and put up the current coverage map, showing Verizon's claimed gaps in service and the proposed coverage maps of the Liberty Lane and Liquori properties, as provided in the most recent Verizon submission. Mrs. Thornton pointed out the areas marked as lacking coverage in the current map and highlighted these same geographic areas on the proposed coverage maps for both sites. She stated that according to the maps, it would appear that the Liquori property proposal would significantly improve coverage in the areas identified by Verizon's maps, except for a small area immediately surrounding the Liberty Lane site. Mr. Spina said he agreed with a lot of what Mrs. Thornton said and also agreed with Attorney Campanelli about the alternate sites lacking in details and facts substantiating the conclusions drawn about other parcels not being feasible and he feels additional details would be helpful to show that they are not meeting design objectives. He would like more clarification from town council about

the possible increase of ten percent of tower height. Mr. Spina also asked that we make it possible to get pictures from residents directly when balloon float takes place to see it from their perspective views. Attorney Fenton said that Verizon will respond to Attorney Campanelli's statement in writing before the next hearing. He would also encourage the Board to identify specific locations to take photos of the balloon simulation.

Dave Dziadzio said he challenged the validity of the balloon test being done at 120 feet given that if the Board was to grant a special permit to erect the tower the ultimate height could be in excess of 140 feet, he feels the test should be done at 140 feet. Attorney Campanelli said that the Board could ask the applicant to do a test where they put one balloon at 120 feet and one at 140 feet at the same time. He also said that the applicants could contact him to gain permission to go onto any of his client's properties to take pictures but he does take issue with them asking the Board to pick the locations for the views as they are supposed to take pictures from the homes that would have the most esthetic impact under federal law. Attorney Fenton said that the reason they asked the Board to choose locations was because the Board asked them to do so at a previous hearing. Attorney Campanelli responded that he was unaware of this but that it's probably best to take pictures from homes that could experience the most visual impact.

Deb Patryn spoke up about the pictures Verizon already submitted and said the only place you could see the balloon was from her backyard as they are abutters and she volunteered Verizon to come onto her property to take pictures. Attorney Fenton suggested the Board choose ten homes for Verizon to take pictures with the condition that they sign a license and indemnity agreement allowing them to do so. Mr. Phelps suggested that these residents contact the Planning office to let us know if they had interest. Mr. Dziadzios asked if abutters could take pictures from their property and submit them to the Planning Board and Mr. Phelps agreed that was fine and confirmed with Mr. Slessler. Mrs.

Thornton stated that she would like to see photos from everyone's property not just the ones Verizon takes and have them submitted and Mr. Sutton agreed. Amy Stack said that she would be happy to be the point of contact between Attorney Campanelli and the residents to get those photos compiled and sent to the Planning Board. Mr. Phelps said that would be fine with residents private photos but he would like residents asking for Verizon to take photos on their property to go through the Planning office. Joe Ottalagana said that he does not think the balloon test is an accurate representation of the height and volume of the tower, coupled with the trees that need to come down. He thinks there should be multiple balloons to represent the volume of space that the tower is going to occupy.

Mr. Jerome Franklin, a Real Estate Appraiser, said that after reviewing the entire proposal and driving through the neighborhood he then looked at paired sales and how they would impact value. He said he can't look at individual homeowner's properties specifically because there is not a similar tower and location in Southwick to this proposed location. So he looked at other homes in Southwick with views of towers and without towers that were similar and sold recently and he found two paired sales in town and he could not find any decline in value. Attorney Campanelli spoke up and said that to try and use comparables that were so far away was of no evidentiary value. Joe Ottalagana added that they need to keep context in mind with this appraisal because the neighborhood is not a mixed-use type of area as opposed to the comparables given which are near to businesses and mixed-use zones.

Mr. Phelps asked the members of the Planning Board and Attorney Fenton if the dates December 12 at 12-4 p.m. and December 14 at 8-12 p.m. were okay for the balloon float and they agreed. Attorney Fenton asked to set weather dates of December 13 and 15. Mr. Phelps suggested that the balloon height be set at 120 feet and 140 feet and Attorney Fenton said they did not believe that was reasonable as their proposal was for a 120 foot tower and a 140 foot tower would require a variance. Mrs. Thornton reminded him his own testimony stated that any emergency services equipment added could raise the height of the tower and the zone drawings provided list the top of the antennas height as 124 feet and Attorney Fenton stated that is not their testimony. Mr. Sutton asked if they would be willing to give the Board some documentation saying they will never increase the height and Attorney Fenton said that Verizon would not agree to that. The Planning Board members all agreed that two balloons should be flown at both of the heights. Attorney Fenton said that Verizon would only do 120 feet and they would send a notification letter to the abutters of the site. The Planning Board concurred with this proposal. Mr. Slessler said he would speak with the Select Board about sending out a robo call to inform all other residents in the area of the balloon float dates and times.

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

Roll call vote:

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

The motion passed unanimously.

ROUTINE BUSINESS:

8:00 p.m.

Discussion

Mr. Phelps turned the meeting back over to Mr. Doherty and it was decided to defer the meeting minutes to the next meeting.

Being no further business to be brought before the Board, A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Phelps to adjourn at 9:36 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 1/5/21

Respectfully submitted,
Meghan Lightcap

The Next Meeting is December 15, 2020