



Town of Southwick

Planning Board

MINUTES

Tuesday, January 5, 2021

MEMBERS IN ATTENDANCE: Michael Doherty, Chair
Marcus Phelps, Vice Chair
Richard Utzinger
David Sutton
David Spina
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. Chris Rooney stated that he was recording the meeting. Selectmen Doug Moglin was in attendance as well as many residents, including: Jeff King, Karina Yarrows, Chris Rooney, Matthew and Susan Brown, Gary and Karen Uliasz, Mary and Pat Martin, Mark Kuether, Amy and Shaun Stack, Jeremy Fiorentino, Andrew and Mindi Jacob, Alie and Brandon Robb, Rick Harriman, Sarah and Ryan Hedges, Karrie Ford, Pat and Katie Armstrong, Bob Dwane, Debra and Jim Patryn, Joe and Ann Ottalagana, Mark and Corinne Rolland, Denise and William Edinger, Steve Putnam, Cynthia Lydiard, Stacey Rooney, Bill and Elizabeth Teich, Tony Vedovelli, Amber Bach, Dave Dziadzios. David Archambault Owner of Virtual Site Simulations conducting the balloon tests, 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, Sylvester Bhembé, Dean Gustafson, David Vivian and Gerry Franklin from Bennett Franklin Real Estate Services.

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

1. Inquiry into Griffin Land Trust 686 College Highway, 91 acres, off College Highway. They will have a meeting January 20, 2021 and then details will follow on use. The water moratorium may create a potential problem.
2. Reviewed balloon test pictures on December 18, 2020 from the Verizon Cell Tower project.
3. An individual is interested in a 2-5 acre parcel of land for a marijuana grow facility. He has been in contact with the owners of the proposed facilities on Hudson Drive and College Highway.
4. Budget package received and due by January 22, 2021.
5. Inquiry into property on Kline Road, the individual wants to buy 3 parcels.

PUBLIC COMMENTS: 7:05 p.m.

None

APPOINTMENTS:

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

Mr. Doherty turned the hearing over to Mr. Phelps. Mr. Phelps began the hearing by asking Attorney Fenton to explain the supplemental information he had submitted. Attorney Fenton described the photo simulation packet, in the fifth set of supplemental materials, which included pictures that had been taken during the recent balloon float and the visual impact they may have in the neighborhood. The pictures also showed what a Monopine design would look like, which is a tower designed to look like a pine tree, as opposed to a regular Monopole. He showed an update to the zoning drawings with an adjustment to the access road being moved 25 feet to the west to accommodate any potential wind throw issues. Attorney Fenton then described the sixth set of supplemental materials that showed another update to the zoning drawings showing the dimensions and specifications for the Monopine and an independent RF analysis report which they ordered from an independent consultant out of Auburn, New Hampshire a company known as C Squared Systems. Verizon felt it was important to provide an independent third party review of the Radio Frequency testimony; the company reviewed Verizon's underlying data for coverage and concluded that there is a coverage gap in this area of town and that the proposed facility would help to mitigate that coverage gap. Also, Verizon provided an update to the Appraisal prepared by Bennett Franklin Real Estate and this update takes into consideration the visual simulations that were prepared based on the balloon float on December 18, 2020.

Attorney Fenton then asked David Archambeault to describe the last balloon float. Mr. Archambeault first described how they prepare for the test, they produce a computer modeling program that gives a good idea of where the balloon or tower at a particular height is seen. They

use helium balloons blown up to a three foot diameter and they use that to simulate the size of the tower and they attach nylon braided rope that is color coded and changes every twenty five feet. Every twenty five foot section is broken into five foot sections with a double white line with a black line in the middle and those lines are counted as the balloon goes out and is brought back in. This is all attached to a kite rod which is essentially like a fishing rod; the rod is attached to a custom steel plate that weighs about ten pounds so the balloon doesn't pull the base from where it's supposed to be. They use GPS for flagging's that were put out by the engineers to determine the location where they start. Once the balloon was up in the air they left someone at the site to make sure no errors occurred and Mr. Archambeault drove around the neighborhood to take pictures. He showed pictures of the sites he visited and the sites where he could see the balloon and he added another photo with a simulation of a Monopine to show what it would look like from those sites where the balloon was visible.

Planning Board members were asked if they had any questions and David Spina asked Mr. Archambeault how much taller would the Monopine branches extend beyond the top of the tower and he said it would be anywhere from 3-6 feet depending on the style and how they are trying to blend into the surroundings. Attorney Fenton asked Mr. Bhembé to share the details of the plan and he said the Monopine branches would extend some 3 feet, 10 inches above the antennas. Mr. Phelps asked about the term that had been used, "View Shed", he said there was a yellow circle that had been drawn on the diagram and asked if that was what they were referring to and Mr. Archambeault said it represented a one mile radius from the site and that is how they do their work, within that mile radius. Jessica Thornton stated that she could see the balloon from various locations when she drove around the sites that are not marked as visible in the simulation photos. She also found it interesting that there were very tight shots of photos 16, 17 and 18 to demonstrate that the balloon is only visible from this spot but not five feet in the other direction but they didn't do that near photos 25 and 26 where she could see the balloon while driving in her car. She does not feel it is a complete record of all the visuals that are actually there. Attorney Fenton responded that Verizon has taken an extensive number of photos from around the entire vicinity and they believe this is an accurate representation. They also took pictures from locations the Planning Board had requested so if they feel something is missing from the reports which were visible they invite members of the public to submit those photos into the record. Mrs. Thornton responded that she does not feel this depiction is accurate as Verizon did not take pictures from every view point in the neighborhood. Resident Dave Dziadzios said he felt the balloon float test only represents 3% of the visual impact on their community, so how can you tell him that this 3% representation is a good depiction of what they will actually see when the tower goes up. Mr. Archambeault responded that the balloon float simulation is to show where the top of the tower is going to be located.

Attorney Andrew Campanelli addressed the aesthetic impact of the balloon float and said that the recent submissions were defective. Federal courts have stated that when an applicant wants to submit any visual analysis if it omits photos taken from the closest properties it is inherently defective and should be disregarded by the Board. The applicant, when asking his clients for permission to go on their property to take photos, did not provide a valid agreement. They drafted an agreement that indemnifies and defends Verizon for any negligence if they went on any property and injured someone or damaged anything so they would not be sued. This agreement they expected homeowners to sign would make them pay for Verizon's defense or

any injuries suffered by any third parties or any negligence on the part of Verizon. He believes Verizon knew he would not allow his clients to sign the agreement and took this as a bad faith judgment on their part as that would then allow them to only submit photos from their perspective and not the resident's backyards and second story windows. He also said that Verizon does not legally have the right to tell the Board that the tower will not have a visual impact on the neighborhood, that is entirely up to the Board and also Verizon has not proven a significant coverage gap based on their data. He then deferred to resident Amy Stack to show homeowners photos. Mrs. Stack showed numerous pictures and video where you could see the balloon from residents' homes including places that Verizon said it was not visible in their submissions where it was indeed visible. She also voiced concern with the tower height going above 120 feet because of the Middle Class Relief Act 6409A that the tower can go an additional 20 feet in height so one of the residents, Mr. Gary Uliasz, drafted a diagram showing what the tower would look like with the additional height without de-forestation.

David Spina asked whether Town Counsel had given any further information regarding the extension of the tower height and Mr. Slessler said he had talked to attorney Beglane who said that our decision could be written to state that the tower could not be more than 120 feet and if Verizon wanted to modify that they would have to come back for a modification. He also said the design of the monopole would not allow for an addition on top unless they replaced the entire pole.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Sutton to close the public hearing for a Special Permit, Site Plan Approval and Wireless Communication for 13 Liberty Lane.

Roll call vote:

Mr. Phelps, yes	Mr. Utzinger, 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 all minutes November 10, December 1 and December 15 to the January 19th meeting.

Mr. Phelps turned the meeting back over to Mr. Doherty.

Being no further business to be brought before the Board, A **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Utzinger to adjourn at 8:47 p.m.

Roll call vote:

Mr. Doherty, yes	Mr. Phelps, yes	Mr. Utzinger, 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 1/19/21

Respectfully submitted,
Meghan Lightcap

The Next Meeting is January 19, 2021