



Town of Southwick

Planning Board

MINUTES



Tuesday, November 10, 2020

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 special meeting of the Planning Board was scheduled 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 Cori Rolland, Dennis Hackett (Reporter with Reminder Publishing), Jeff King, Mary and Pat Martin, Sarah and Ryan Hedges, Amy Stack, Deb and Jim Patryn, Cynthia Lydiard, Steve Putnam, Jim Cranston, Michael Fenton (Attorney for Verizon), Ann and Joe Ottalagana, Karina Yarrows, Phil Losito, Chris and Stacy Rooney, Jeremy Fiorentino, Alie Robb, Vinny and Sue Abbodanza, Gary and Karen Uliasz, Chief Kevin Bishop (Southwick Police), Bob Dwane, Oleg Kulyak, Jay Latorre (Principal Radio Frequency Engineer for Verizon), Stephen Sobey (Attorney for Verizon), Karrie Ford, William and Elizabeth Teich, Celeste St. Jacques, Kip Divito (Radio Frequency Expert for Verizon), Marc Siegel (Communication Officer for Southwick Police), Mike Grasso, Doug Moglin (Southwick Select Board), Ellen Freyman (Attorney for Verizon), Joseph Deedy (Southwick Select Board), Sylvester Bhembé (Architect and Engineer from Hudson Design Group for Verizon), David Vivian (Site Acquisitions Specialist for Verizon), Dean Gustafson (Wetlands Consultant from Allpoints Technologies for Verizon).

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

1. A meeting was held with Val Shvetz of Oakridge Custom Home Builders who has purchased the 85 acres off of Mort Vining, which includes 12 ANR lots and 65 acres of a potential subdivision.
2. Met with Randy Brown, Crestview Construction and John Goddard at The Greens West (Sawgrass Lane) to go over outstanding items for road acceptance by the town of Southwick. The top course of pavement was installed on November 5, 2020 and they replaced all the dead trees. We created a punch list of items to be fixed such as adding

stop signs, no outlet signs, and they need to provide the SelectBoard with metes and bounds description.

3. Answered questions on multi-family use in the R40 zones and setbacks on some lots in town.
4. Continued aiding residents on the Verizon cell tower application with some additional changes that were put up on the web page.

PUBLIC COMMENTS: 7:05 p.m.

None

APPOINTMENTS:

7:10 p.m. 214 College Highway (McDonalds) Site Plan Modification

McDonalds restaurant has applied for a Site Plan Modification for the drive thru lane to accommodate the large demand for takeout. Traffic has been backing up on to College Highway so they would like to put in a secondary order line. Southwick Police and Fire have not offered any negative comments on the changes.

Mr. Jim Cranston from Bohler, the firm representing McDonalds attended the meeting on behalf of McDonalds. Mr. Cranston shared detailed plans on his screen on how they want to modify the existing driveway. They want to increase the queue between the menu board and payment window, which will give them more time to get the food ready for pickup, and increase efficiency. They will lose some parking spaces, but will comply with zoning and still have the minimum requirement, which is 44 spaces for patrons and employees.

Mrs. Thornton asked what parking spaces were being taken out to accommodate new drive thru and Mr. Cranston said they were getting rid of several angled spaces to the right and replacing them with parallel spaces as well as several angled spaces in back by dumpster that would become parallel spaces. Mr. Cranston noted that the parking spaces being removed are some of the least desirable parking spaces. He noted that there were no changes to handicapped spaces.

Mr. Doherty asked if the only thing really changing was the bump out and the alteration to the parking spots, with the rest of the driveway remaining the same. Mr. Cranston agreed, noting that they were just manipulating the drive thru.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to grant the Site Plan Modification.

Roll call vote:

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

The motion passed unanimously.

Mr. Doherty explained that there was a question that came up during the last meeting from the Conservation Commission that they wanted to know whether public access was allowed to the open space at the Greens East, so they could determine if it needs to be included in a Conservation Restriction. There was a waiver given in the decision that allowed passive recreation, but it never stated if it was for public access or just to residents. Town Counsel had reviewed the decision and wasn't entirely clear from the decision which way that was supposed to go so they deferred it back to the Planning Board to figure out whether there should be public access or not. Conservation Commission had stated that during a walk through, early on, there was a representation that public access would be allowed to the open space, but this representation was not brought to the attention of the Planning Board by any party at any meeting. Currently, the Planning Board received information that the Conservation Commission was no longer pushing the issue and have decided to sign a Conservation Restriction that doesn't allow public access, though this would not bind the Planning Board.

Mr. Phelps said he reviewed our minutes from May 7, May 28 and June 11 when we discussed the definitive subdivision plan and there is no mention that would require them to provide public access to the open space. He feels the Town benefits from having the open space as it pertains to wildlife protection, habitat and the scenic aspects. Mr. Spina agreed with what Mr. Phelps said. Mr. Doherty stated that we need to take this issue into consideration as new subdivisions come up, dependent on each property, and decide whether to allow public access or not, as it may be useful in some developments. He then asked if all Board Members agreed that public access should not be part of the Conservation Restriction for Greens East, and they all agreed.

Mr. Doherty noted that additional materials were put up on the Town Website, except for an appraisal that had some technical issues. The Board was were working on getting that on to website with the other Verizon Cell Tower information.

Attorney Fenton, the attorney for Verizon, discussed the updated engineering necessity case filed to supplement existing radio frequency testimony based on questions from the Planning Board. Attorney Fenton noted that the following revisions have been made: radio frequency maps have been added to more clearly depict the coverage in Suffield, CT; an analysis has been added to demonstrate why Suffield, CT is not a suitable location for a facility to resolve the coverage gap in Southwick; radio frequency maps have been added to more clearly depict the anticipated coverage in town from the proposed tower only; and testimony and analysis on Verizon's inability to co-locate on existing facilities has been added, with an FAA database search to test all existing structures. Attorney Fenton stated that they also added an updated alternative facilities analysis to describe Verizon's assessment of the Liquori and American Legion properties, two properties whose owners had previously offered their land for Verizon to build a cell tower, and all

other areas within the wireless district in town that would be within the coverage gap area.

Attorney Fenton stated that Verizon provided written testimony from Jay Latorre, Radio Frequency Engineer for Verizon, detailing Verizon's definition of search area ring and the variables that go into determining what geographic areas Verizon targets from a radio frequency standpoint before entering into any leases. They also submitted a certified appraisal from Bennett Franklin Realty Services, which concluded that there would be no diminution in property values in the neighborhoods and areas surrounding the proposed development. Attorney Fenton said they also submitted updated zoning drawings prepared by Hudson Design Group that incorporate a tree survey obtained from Cotton Tree Service, which specifies the tree clearing that will take place, and which is substantially reduced to 20 feet at the entrance to the site from the prior plans.

Mr. Latorre provided more detail on the new radio frequency maps, indicating that they showed better coverage generated from the proposed facility only, which he stated would eliminate any coverage gaps and substantially improve service in the southeast portion of Southwick, as well as provide backup to other facilities without causing interference. He stated that all wireless facilities are designed to have a strategic amount of overlap between them; this allows you to go from site A to site B and maintain your call without dropping service. The next two slides showed the same information on the first slide but with a more zoomed in view around the proposed facility, one with the existing coverage with all the other current facilities turned on and one showing without the existing facilities turned on. He noted that the areas which currently only have reliable outdoor service will get reliable indoor service with the new tower. Mr. Latorre also showed a screen with the total number of residents that could be covered by the proposed facility using the census data from 2010 of the population in that area. Mr. Latorre also discussed the relationship of the proposed tower to the existing towers in Suffield, CT, and the sufficient existing coverage in Suffield, CT.

Sylvester Bhembé, Architect and Engineer from Hudson Design Group for Verizon, showed a page with a tree survey with size and tree species. He then showed a page with trees to be removed with 70 by 70 foot clearing around the tower with 23 foot wide road clearing for 1200' long road. Mrs. Thornton asked Mr. Bhembé why the tree clearance went from 80 feet at the entrance down to 20 feet. Mr. Bhembé stated that they went back and revised the speed limits that they used, which was previously 45 miles per hour, which they used because there is no posted speed limit. Reducing the speed to 25 miles an hour reduces the clearance triangle, allowing them to reduce the tree clearance to 20 feet.

Mrs. Thornton also had a question on the appraisal document, as she went to some local realtors and they all said there can be a sizeable reduction in the buyer pool with a cell tower, and in a high quality neighborhood, it will definitely have more of an impact as compared to lower priced homes. She also said that once you reduced that buyer pool, you are creating a lengthier on-market timeframe that potentially further reduces the

home value and she doesn't feel the appraisal document fully addresses all the residents' concerns in this neighborhood.

Mr. Doherty stated that there have been a number of questions related to the process of leasing this property and the steps Verizon took to get to this point. He wanted to give a brief description of the process. He said the wireless district was first discussed and initiated back around 1999, 2000 and was approved at town meeting by a 2/3 vote in 2001 and this led to the bylaw and the overlay district map. In late 2016/early 2017, Verizon approached the SelectBoard about utilizing the property for a cell tower and the SelectBoard put out an RFP to invite bids in for use of that property. Ultimately, Verizon was selected for use of that property. The authority to use that property was approved by majority vote at a town meeting in May, 2017 and a lease agreement was executed in January, 2020.

Mr. Slessler asked if Officer Siegel, who happened to be on the Zoom call, could speak on behalf of the Police Department as it pertains to the public safety concerns regarding the tower. Officer Siegel said that the cell tower could be very beneficial to the Police and Fire Departments as they have dead spots around town, and their current communications are on telephone poles. If Verizon worked with them to put their communications on the tower, it would be very good for them to increase their coverage. Mr. Doherty inquired as to whether there had been any communication between Police and Fire and Verizon. Officer Siegel said that some drawings and a list of equipment were submitted and he believed Chief Bishop had been in contact with Attorney Fenton. Chief Bishop reiterated what Officer Siegel said, which was that any cell tower has positive interest with the Southwick Police Department, and that they have put equipment on the tower on Sodom Mountain and they have gained significant coverage on that side of town. He spoke with Attorney Fenton about their needs but no promises have been made as of yet. They don't have any obligations to fulfill this request, they must wait until Verizon takes care of their own needs and wait for approval. He said that they do ask to have their equipment be placed at the top of the tower but it's not part of the town bylaw. Mr. Doherty asked if they are looking for a whip antenna and Officer Siegel told him they need a whip antenna, possibly 2, and a microwave dish. Mr. Doherty asked him if he knew the height of the antenna and he said he believes they range anywhere from 8-20 feet depending on the specifications used, which Verizon has.

Cori Rolland, a resident in the neighborhood, shared a PowerPoint presentation put together by a group of concerned residents living on Liberty, Lexington, Deer Run, Patriots Way and surrounding streets around the proposed cell tower. The purpose of the presentation was to inform us of who the citizens were, what's at risk for them, what challenges they have to the proposal and what they are asking of the Planning Board. She noted the diversity of the quiet neighborhood, which was walkable, wooded, and had trails marked by Boy Scouts. She stated that they were told the wooded area would not be built upon. She stated that the neighborhood pays 6% of Town property taxes. The presentation included several surveys, including one from the National Institute of Science Law and Public Policies, that stated that 94% of people surveyed would be less

interested and pay less for a home near a cell tower or antenna. Jeff King, another resident in this group, said he acquired statements from two different appraisal companies that stated the tower proximity would create more work and effort on the part of the bank and appraisers to write up an appraisal on a home and would increase the cost of selling a house. Mrs. Rolland went on to describe the safety concerns they have with adding an access road that will be wide enough to allow 4 cars to park on it, inviting unwanted partying and mischief into the woods. This road gives better access to the woods at night, risking car and home safety, especially for people not home for the night or the week. On Liberty Lane, the road would be on the elevated part of the woods, allowing people to see into the second floor of homes. The most concerning issue is fire, as there are several instances of cell tower fire (the most recent in June, 2020) and the risk increases when you add the fact that the proposed tower would be surrounded by trees and a natural gas line. They are also concerned with the potential negative health risk of these towers and read many studies that have shown negative health effects from living in close proximity to cell towers, or at least that further info is required to make a decision. Dave Dziadzio, another resident, said the proposed tower does not meet the setback requirements under Section 185-23.1(f) of the Town Bylaws. At a tower height of 124 feet, which is listed in Verizon's FAA, Massachusetts DOT, and Planning Board applications, the setback radius is 434 feet and not the 420 feet as submitted by Verizon, and contrary to the Bylaw requirement. Mr. Dziadzio also noted that under Section 6409(a) of the Middle Class Tax Relief and Job Creations Act of 2012, Verizon could increase the tower to 154 feet without the ability of the Town to reject it, which should be used to determine setbacks. Mrs. Rolland continued, adding that the residents were not notified that Verizon was doing a balloon test back in March. She noted that the photos submitted were taken at strategic locations, and are not representative of what would be seen. She asked that the application be denied, given the negative impact on the home values, scenic vistas, safety and way of life of the residents. She also submitted drone photos showing the impact on the scenic vista. She noted the change in the neighborhood since the time the cell tower Bylaw was first introduced, and that other sites should be considered.

Mr. Phelps asked if Chief Bishop could speak to the speed limit issue, since it is not posted on Liberty Lane. He noted that reducing the speed from 45 to 25 M.P.H. does significantly reduce the amount of vegetation to be removed.

Mr. Doherty asked Attorney Fenton if he would like to address the presentation from the residents. He noted that some of it was misleading and inaccurate, but not all of it, and they would like to take some time to go over it to respond. Mr. Doherty asked if he could address the impact of Section 6409(a) of the Middle Class Tax Relief and Job Creations Act of 2012 because it does suggest that it overrides any local setback requirements and allows for a 10% increase, which is not considered to be substantial. Attorney Fenton stated that there could be no increases to the tower height without appearing back to the Planning Board and making appropriate submissions, including a new special permit filing or an amended special permit filing. He deferred on addressing a hypothetical future application, which were not in their plans at this time.

Mrs. Thornton asked Mr. Latorre if he had a map to show that a potential tower on Mr. Liquori's property would not meet their RF needs for a cell tower since he had earlier stated that it would not. He stated that he did not have that map available for the meeting and could prepare it for the next meeting. He also noted that the Liquori property is not in the Wireless Overlay District. Mrs. Thornton noted that this could be altered. She also noted that there was no data provided by Verizon underlying the claims that properties don't meet the RF search area. Mr. Latorre generally described the process of narrowing down the RF search area and the criteria used to do so. He indicated he would submit further information.

Mr. Doherty asked Mr. Latorre if Verizon gets the right to have an unlimited customer base, meaning if they have more customers then they can handle, they get to put up more towers, or is there some kind of limit. Mr. Latorre stated that he couldn't answer that because he did not know, just that they are trying to meet the needs of their customers.

Mr. Doherty then asked why Verizon had not considered the property between the high school and heading down to Crepes Tea House (parcel 074-005). He feels it appears to be very similar to the property off of Liberty Lane and that they are pretty equivalent in topography. It's within the wireless district and seems like a viable location for a tower. It has some proximity to smaller neighborhoods but nothing like the Liberty Lane site, with an access way leading to it, and its town owned. Attorney Fenton reiterated that Verizon had evaluated each and every parcel with the wireless district in town and provided testimony and evidence as to why they are not feasible for a cell tower, such as wetlands issues and setbacks. Mr. Latorre showed maps and more fully described what he felt were issues with the property, including excess overlap, lower elevation (which impacts ability to comply with Bylaw tower height requirement), and wetland setback issues. Mr. Doherty asked him if Verizon had been out to measure potential alternative sites. Mr. Latorre stated that Verizon surveyed proposed site but not other sites. Dean Gustafson confirmed that information for other sites was taken from GIS maps. Mr. Doherty asked whether the proposed locations used by Verizon in parcel 074-005 were subjective, and could be moved to higher locations on the parcel.

Sarah Hedges, a resident of the neighborhood, said she was confused with the term "Open Space" because the Board had just discussed the open space portion of the Greens East property and whether it should have public access. She asked the Board to explain and comment why they would deem the open space proposed for the cell tower a viable spot instead of making it public access. Mr. Doherty responded that while they function similarly, the Liberty Lane property is not technically open space. Open space is private land dedicated by a developer when they are submitting a development to a flexible residential development, whereas the Liberty Lane property is town owned land.

Allie Robb, another resident, expressed concern with public safety regarding the access road and what was going to be done to handle any potential people hanging out and partying especially since there had been car break-ins recently in the neighborhood. Attorney Fenton stated that there would be a gate at the site entrance.

Patrick Martin asked about the tower height, which at 124 feet, the 420 foot setback doesn't appear to be enough. Mr. Doherty explained that Verizon has stated that if the height goes over the limit, they will lower the tower to be where the setback could be met and Attorney Fenton agreed with him that adjustments would be made accordingly.

Amy Stack commented that she would like another to see another tower option in Suffield and also asked if it was possible to put town safety equipment on another existing tower in town. Chief Bishop said that the prior administration had not reached out to the builders of the other Town cell towers when they were installed and so we would have to pay rent to put antennas on and structural changes may need to be made. Chief Bishop noted that when a new tower is built, they can ask permission of company to add their equipment with no charge or structural changes. Dave Dziadzio noted that the Board should not take public safety into account if the antenna is taken into account in tower height, since the public safety equipment location would be impacted.

Cori Rolland noted that while health concerns can't be directly considered, they can be considered to the extent they impact buyers and real estate values.

Mr. Doherty asked the Board members to address any concerns about the balloon float test and Mr. Phelps suggested it be placed at 120 feet, which is the maximum height. Mr. Utzinger asked about the size of the top of the tower and Mr. Doherty said it is going to be a triangle platform that is 12-16 feet on either side. Mr. Spina agreed with the Mr. Phelps that the balloon should be at maximum height. Mr. Sutton suggested that it is put out on a day when everyone is home. Mrs. Thornton suggested that the float occur over the weekend, if that worked with Verizon. Attorney Fenton said they fly a balloon four feet in diameter; it would be visible from all locations that the tower would be visible and they would prepare visual examples. He stated that they would fly a balloon for a lengthy amount of time, but not entire weekend. He would have to check with his client and get back to us. Ryan Hedges, a resident, asked why they were doing a float test when the residents stated they did not want the tower and the Board had not given their approval yet. Mrs. Thornton said that is prudent and fair to all sides that we ask for this balloon test because of the time it's going to take for it to be completed. She then offered an explanation to answer everyone's question about the reason why we would do a float test before considering other locations, which is that Verizon isn't going to consider any other locations until we give them a decision on this location, which we can't do until we take in all of the information that we need. After much discussion, it was decided that December 12 and 14, 2020 were good dates to run the balloon float test, and the details would be worked out at the next meeting.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Spina to continue the public hearing to 7:15 p.m. on December 1, 2020.

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 **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the Meeting Minutes of October 6, 2020.

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.

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 10:40 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 were approved via electronic signature on 1/19/21.

Respectfully submitted,
Meghan Lightcap

The Next Meeting is December 1, 2020