

**Planning Board  
Public Hearing Minutes  
October 29, 2014  
Ashfield Town Hall**

Present:

**Board Members:** Michael Fitzgerald-Chair (MF), Judy Haupt (JH), Ken Miller (KM), Lauren Preston-Wells (LPW), Alan Rice (AR)

**Scribe:** Alan Rice, Board Clerk

**\*Applicants:** John Champ (JC), Industrial Tower & Wireless, LLC (ITW); Kevin Delaney (KD), Engineering & Regulatory Compliance Officer, Industrial Communications

Approximately thirty-five members of the public are present.

**MF** (Chair) calls the Planning Board meeting to order at 6:50pm.

Planning Board discusses the shot clock, with emphasis on determining the exact date the clock actually started. The board will address the shot clock when the hearing continues.

The Board discusses the probability of a decision being reached this evening. LPW asks about procedure. **MF:** Board seems to have reached a consensus on the granting/denying of permit; certain conditions may still need to be worked out. The board member's voter checklist may list conditions required. The written decision is usually separate from the actual vote taken; conditions need to be listed at time of decision.

The Board discusses potential conditions, including tower height, a camouflaging requirement, performance bond, and extendibility of the tower.

The Public Hearing that opened on June 12, 2014 is continued at 7:31pm. One recording device is in use at this time (video camera).

**\*Industrial Tower and Wireless, LLC is seeking a special permit for the construction of an unmanned telecommunications facility at the following described premises: Map 13, Lot 34, located at 1450 Spruce Corner Road, in the Town of Ashfield, and owned by Leonard H. Roberts.**

**MF:** The primary purpose of the hearing is to discuss the completion of the NEPA study. He asks how the study is submitted to the FCC. **KD:** If all conditions of the study are met, the study stays with the Applicant.

**MF** reads into the record a letter from Ashfield resident Walt Cudnohufsky.

**MF** addresses correspondence to the Applicants about the shot clock and how the Applicants feel about an extension, if necessary. **KD**: They are willing to discuss an extended timeline, but would like to see a firm date set, in the near future.

**MF** confirms that the Board has received the addendum to the study regarding property catalogued as ASF-239 (Streeter House) and asks if the Board is satisfied that the NEPA study is complete. The Board concurs.

**MF** asks if the Applicants have anything to add. **KD**: Refers to height of tower. Applicant requested 150' but is willing to go down to 130'. Consultant Bruce Beliveau recommends 120'. Is the Board willing to compromise at 125'? The Board will discuss. **MF**: Emergency generators will be encased, to mitigate noise? **KD**: Yes, generators will meet state noise standards. **MF**: Does the Applicant agree with the request for a performance bond at the level of 10% of the construction costs? **KD**: Yes.

**-Jude Elbaum** questions if it is possible to do another balloon test, now that the leaves are off the trees. **MF**: Town bylaws do not require it. The Applicants can volunteer to fly another balloon, if they so choose.

**-Susan Kaminski** does not understand why not fly another balloon. **MF**: Not required in Town bylaws and, with 150-day shot clock is running, two balloon tests are not feasible. **LPW**: This could be made a requirement for future applications, by amending the Telecommunications Facilities section of the Bylaws.

**-Anne Madocks** raises concerns about properties of historical significance she feels were omitted from the NEPA study. **MF**: The property in question that was added to the study was outside of the ½-mile radius, and – even though there was a discrepancy about the exact location of the radius – the property in question was determined to have a ‘no effects’ finding, whether within the radius, or outside of it. **MF**: The Board believes mitigation is required, regardless of whether the property is inside or outside of the ½ mile radius.

**-Helene Uprichard** questions whether the distance to the property from the tower can be surveyed for accuracy. **MF**: It can be, if the Board determines there is a need for it.

**-Jenny Wildermuth** would like to see it surveyed. **MF**: If it were surveyed, it would have no bearing on the Board’s behavior regarding the property.

**-Jody Hall** asks how the decision on the property was reached. **LPW** reads pertinent paragraph from the consultant (PAL) who assessed the property. **Jody**: Feels that the language ‘no effect’ in the assessment is of significance. Does this mean the property in question cannot be put on the historic register? **KD**: ‘No Effect’ means they will be able to put their property on the register.

**-Anne Madocks**: The report on the property was conducted by a consultant paid for by the Applicant. Where does the MA Historic Commission weigh in on this? **Jodi Hall** (with Chair’s blessing) responds: MA Historic commission reviewed it and did not see a problem. The property in question was determined to have a ‘no effects’ finding, which means it could be put on the Register in the future.

**-JH:** Bruce Beliveau used different software, which determined the property in question is seventeen feet outside of the ½-mile radius. He feels the impact would be lessened if the tower were to be lower in height than the Applicant's requested, and if it were camouflaged.

**-Bill Perlman** thanks the Board for its extensive work on this issue. He feels that the 17 feet is a moot point, as the finding of the consultant PAL would be the same, and has no impact on the Board's behavior regarding the property in question. Overall, it is a matter of due diligence versus procrastination: He suggests a decision should be made sooner than later. **MF:** The Board has spent much of the five months waiting for information from the Applicant. He wants to be sure the Board can make a defensible decision. **LPW:** A reminder that this is the first application of its kind for the Town; need to be thorough.

**-Anne Madocks** thanks the Board for its efforts. Wants to reiterate that this will probably be the first of several towers in Town, thus the precedence is significant. The bylaws state a maximum tower height of 80'; the treeline is 70'-80' high. She asks the Board to strongly consider the 80' height and wants the record to reflect that she thinks the tower will be an impact on the neighborhood.

**-Doug Mollison** asks if specific timeline for a decision can be made, as the public deserves it. You can't turn over every stone. **MF:** The Board can certainly negotiate with the Applicant regarding the timeline.

**-Sharon Wells** asks there are, as of yet, any signed contracts or even any letters of intent with any carriers. And what about camouflaging the tower? **MF:** First questions should be addressed to the Applicant. As for camouflaging, the Board is considering this as a condition for approval and will be requiring camouflage, based on the work of Environmental Integration (company that manufactures cell tower camouflage). **KD:** No contracts or letters of intent at this time.

**-LPW:** Asks how many carriers are on the Hawley tower. **KD:** One, with one more on the way.

**-KD** asks if there will be a vote tonight. **MF:** Could be tonight, or next week. **KD:** Would prefer to have a vote tonight.

**-Helene Uprichard** states that this is a pristine Town and thinks it is shocking that the Town would be voting on this.

**-Peter Wildermuth** asks if there is any consideration for property values. **MF:** No criteria in the bylaws for property values.

**-Susan Kaminski** states that she already has cell service, as she stated at a previous hearing. She shares her concern that, with the cell tower in place, there will be the potential for more accidents in the area, as drivers will be distracted by cell phone use. Several brief comments follow from residents regarding a recent automobile accident in the area.

**-MF:** Asks if there is any other comment or information that can be provided. Hearing none, **JH** moves to close the hearing. **KM** seconds. All vote in favor. **Hearing is closed at 8:30pm, by unanimous vote, 5-0.**

The Board continues its meeting at 8:39pm. The Board fills out the voter checklist, which covers both Sections VI.F.2.a-1 (Telecommunications Facilities) and VII.H.1-7 (Special Permits).

-**LPW** asks Applicant if an 80' tower height would provide adequate coverage. **KD:** 80' would not provide seamless coverage. There is a need for a minimum of 20' above the treeline.

-**JH** asks, if extendibility were a condition, would a special permit be required for an extension? **MF:** That would be up to the Planning Board. It could make it a requirement, or it could be a condition of the application approval.

-**LPW** asks if a condition for extendibility is part of the vote tonight. She thinks that a tower over 120' in height would disrupt rural character. Two camouflaged towers at 120' height or less would go further to maintain rural character than one tower higher than 120 feet.

-**KM** clarifies with the Applicant that the findings of PAL in the NEPA study are based on a 150' tower height. **KD:** Correct.

-**MF:** Asks the Board members to write on their voter checklists preferred height of the tower. The average height listed is 120'.

-**MOTION:** by **JH**, to approve the Special Permit application with the following conditions:

- 1) Tower to be a maximum height of 120';
- 2) Performance bond at 10% of the facility construction costs;
- 3) Tower to be camouflaged, with maintenance agreement;
- 4) Emergency generators to be housed in cabinets and sufficiently muffled

Seconded by **LPW**. **VOTE** is **5-0, unanimous**.

-**MOTION:** by **LPW**, to adjourn the meeting. Seconded by **JH**. **VOTE** is **5-0** (unanimous). Meeting adjourned at 10:46pm.