



ACTON PLANNING BOARD

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Minutes of Meeting

May 4, 2010

Acton Town Hall, Faulkner Room (204)

TOWN CLERK, ACTON

Planning Board members Mr. Ryan Bettez (Chairman), Mr. Jeff Clymer (Vice Chairman), Mr. Ray Yacoubi (Clerk), Mr. Greg Niemyski, Mr. Roland Bourdon, Ms. Margaret Woolley-Busse, associate members Ms. Kim Montella and Mr. Derrick Chin attended. Also present were Planning Director, Mr. Roland Bartl and Planning Board Secretary, Mrs. Kim Gorman.

Absent was: Ms. Leigh Davis-Honn.

Meeting was called to order at 7:32 PM.

**I. Citizens Concerns**

None raised.

**III. Reports**

CPC: Mr. Bourdon reported that they are in the process of distributing the awards letters.

WRAC: Mr. Clymer reported their bylaw had passed at the Annual Town Meeting (ATM) for the Town's Municipal Separate Storm Sewer System (MS4).

CCPC: Mr. Bettez stated the committee has completed their interviews and has narrowed down the candidates. A final recommendation has been given to the BOS on May 10 and to have the committee start as soon as possible.

Other Business: Mr. Bartl explained the status of the rail trails. He stated he is attending state meetings to further the funding process.

Planning Dept.: Mr. Bartl reported Mr. Mutch, Zoning Enforcement Officer, has been ticketing businesses that are in non-compliance with signage. There has been some push-back from the business community. A review panel is being created to review outstanding violation notices and tickets and to further understanding zoning regulations on signage and of compliance issues. It is going to be a slow process. Mr. Bartl stated the Section 7 of the Zoning Bylaw may get revised as a result.

**IV. Wireless Comm. Facility Special Permit – 5-7 Craig Road – Public Hearing Continuation**

Mr. Bettez opened the public hearing (continued from 3/16/10) at 7:45 PM.

Ms. Montella was appointed to sit as a full voting member retroactively since the last hearing for the purpose of this matter. Mr. Jeff Clymer had watched the DVD taping of the last hearing session and has signed the requisite certificate form.

Mr. Kevin S. Eriksen, Esq. from Deschenes & Farrell, P.C., representative for the applicant, SBA Towers, LLC; Mr. Anoop Jaikumar, Radio Frequency (RF) Engineer for Clearwire US LLC; Mr. John Marcus Pinard, Clearwire US LLC; Mr. Peter LaMontagne, Site Acquisition Consultant for Centerline Communications LLC as Agent for SBA Towers; Mr. Chris Fagas, Director – RF Engineering for SBA Towers; Mr. David Maxson from Broadcast Signal Lab LLC (Planning Board consultant), and several abutters and members of the public were present.

Mr. Eriksen explained T-Mobile's larger interest for the need of this site, but at this time, they don't have open funding for this site. As a result, T-Mobile is withdrawn as a co-locator and removed from the application. Mr. Eriksen explained that the remaining carrier for the site, Clearwire, will be providing primarily data transmissions, not voice technology. Mr. Eriksen stated the applicant

has agreed in principle with a 140-foot tall concealed antenna monopole (CAM) tower design with details still to be worked out within the next 2 weeks. This will take the waiver request off the table. Mr. John Marcus Pinard stated he worked with Mr. Jaikumar regarding the 12 other alternative sites. Mr. Pinard stated many sites did not work. He stated that some could not provide the necessary coverage area, others were in wetlands or on contaminated sites. On other sites he is still awaiting definite answers, such as the Town's transfer station.

Mr. Jaikumar stated he investigated high speed data but no equipment to support the system. There was confusion with the threshold and had spoke to Mr. Maxson.

Mr. Maxson reported that the conservation should be tabled until the paperwork and maps are available. Mr. Maxson stated some sites were taken off the research list. He has asked the applicant to place them back on and review them for coverage analysis.

Mr. LaMontagne stated there are 5 remaining sites to report on as alternative sites to investigate.

- 19 Wetherbee Street
- 15 Massachusetts Avenue
- 1175 Elm Street, Concord
- 195 Massachusetts Avenue/8 Forest Street
- 50 Independence Road

Board members had the following comments/questions:

- Does not believe that the distance of cell towers can not cover the gap. Mr. Maxson explained that terrain and tree cover in surrounding areas makes affects coverage.
- Does 19 Wetherbee Street give the same coverage and backhaul issue? Mr. Jaikumar stated he can show the data at the next meeting.
- The maps are confusing; do not know where all the gaps are.
- There must be thresholds availability? Mr. Maxson explained that the service will still be available even where thresholds might not be met; service may be intermittent, diminished or delayed, but not dead (soft spot).
- Use different colors on maps to distinguish the differences in coverage areas.
- Provide buildings included in the coverage maps.

Mr. Maxson suggested to the applicant's engineer to run tests on the models to include:

- Coverage within a half mile gap.
- Backhaul to surrounding networks.
- Study at which minimum height there is viable coverage.
- Use optimistic model.

Mr. Maxson apologized for the late arrival of his report documents. His reports are more of the geometry of the system. There are errors with the photographic depiction of the height and width of the tower (appearing smaller, thinner and in a slightly different location than it would appear in reality), but it is still a general representation of visual impact.

Mr. Maxson stated that Clearwire has 2 objectives, service coverage for customers and backhaul communication between different tower sites. Mr. Maxson stated that data transmissions are more forgiving than voice transmissions where signal strength is marginal. Therefore, there is likely a way to design the applicant's system at a lower height than the now proposed 140 feet.

Members of the public had the following comments/questions:

- There is minimal service in cars traveling along Route 2. Mr. Anoop stated that his research was only for in building business use for high speed data transmissions.
- Please submit documents early as requested. Not fair to staff and residents to received them at a late time when not be able to review them prior to the meeting.
- There is no significant gap. Coverage is not accurate.

- Upset that there are children that play within these neighborhoods, upset that they do not want to place a cell tower on contaminated AWD land. How deadly can the land be if we drink the water from the area but can't place a tower there?
- Why does the cell tower have to be at a certain height?
- Check to see if they can co-locate on Hosmer Street at the church steeple.
- Coverage plots need more explanation.
- The review process has been exhausted, still need to look at the other sites.
- New submissions of documents need to be available early, for others to view them and be able to discuss at next meeting.
- Need legal counsel on discussions.
- Need to target devices (household wifi).

Mr. Leonard Palmer, 65 Alcott Street, 5-7 Craig Road, site owner stated his concern regarding the Town's transfer station site being investigated as an alternative location. He believes this is a conflict of interest where the Town's Planning Board is the special permit granting authority to decide on location.

Mr. Bartl stated that a quick review of the coverage area maps indicates that this location may reach about 300 homes in the vicinity.

The motion was made to continue the public hearing on June 1, 2010 at 7:45 PM in the Acton Town Hall, Room 204, and to extend the decision deadline to August 2, 2010; 2<sup>nd</sup>; all voted in favor.

**V. Discussion/comments – Sidewalk Committee**

Jeff Clymer motioned to postpone the discussion of the sidewalk agenda item to the next meeting, Mr. Yacoubi 2<sup>nd</sup>; all in favor.

Motion was made to adjourn the meeting, 2<sup>nd</sup>; all in favor; meeting adjourned at 10:25 PM.