



Town of Carlisle

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Office of
PLANNING BOARD

MINUTES

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April 26, 2004

Minutes

Review of memo to the Board of Selectmen regarding Planning Board recommendations for the Banta Davis tennis court construction

Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]

Proposed amendments to Article 12 of the General Bylaws, Scenic Roads

Discussion of appointment of Planning Task Force for South Street Parcel A (Benfield Property)

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates]

Request for additional extension of time to complete Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Request of Robert Koning]

Consideration of proposing amendments to the Personal Wireless Communication Facilities bylaw (sec. 5.9 of the Zoning Bylaws) [subcommittee report]

Public discussion and review of plans for 189 ft. high wireless communications tower and facilities proposed by AT&T Wireless, Sprint Spectrum and American Tower Corporation at 871 Bedford Road (Map 11, Lot 1), as required by entry of Final Judgment in settlement of litigation in U.S. District Court v. Carlisle Zoning Board of Appeals (conditions may be proposed before 5/26/04)

Discussion of "informal conceptual plan" for construction of wastewater treatment facility at the Carlisle Public Schools, 83 School Street, Map 14, Parcel 28 [Site Plan Approval required by Selectmen of pump station building and access road only], request of Carlisle Public Schools

Chair Louise Hara called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board members David Freedman, Dan Holzman, Tom Lane and Phyllis Zinicola were present along with Associate Planning Board members Ray Bahr and Rich Boulé. Member Michael Abend was not in attendance this evening. Member Rich Colman arrived at 7:45 p.m. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were also present. Mosquito reporter Ali Walsh attended some of the meeting.

Minutes

The minutes of 4/12/04 were reviewed. Hara made a change to the Banta Davis tennis courts discussion, and Freedman proposed some changes to the wireless subcommittee report. The Board agreed to these changes. Freedman then moved to approve the minutes of April 12, 2004 as amended. Zinicola seconded the motion and it carried 5-0

Review of memo to the Board of Selectmen regarding Planning Board recommendations for the Banta Davis tennis court construction

The Board reviewed the memo prepared by the PA and directed him to submit the memo as drafted. Mansfield provided Holzman with additional information regarding the drainage calculations. Holzman agreed to review these and to report his findings at the BOS meeting tomorrow evening. Holzman was concerned about the process for hiring a contractor to install the courts and offered to discuss this with the Selectmen also.

(Colman arrived.)

Development of digital town-wide parcel data layer and GIS technical support [Applied Geographics]

Mansfield reported that he contacted Vicky Tam of Applied Geographics last week to request a status report, but has not heard from her. The Board asked him to contact her supervisor and attempt to move the project forward.

Proposed amendments to Article 12 of the General Bylaws, Scenic Roads

Freedman gave an outline of his proposed presentation of this article at Town Meeting.

Hara reported that she presented the proposed amendments to the Conservation Commission on April 22. The ConsCom questioned why definitions are not included in the bylaw. Hara explained that definitions would be included in the regulations. ConsCom also advised using a standard definition of a tree. Finally, ConsCom questioned why the bylaw does not include fines for enforcement. Hara explained to them that fines could be added in the future if necessary. Fines for tree cutting within the right-of-way are currently included in the Public Shade Tree Act.

Lane agreed to attend the Board of Health meeting on 4/28 at 8:00 p.m.

The Board also reviewed a letter to the *Mosquito* drafted by Freedman, and approved it for publication.

Hara noted that the Open Space and Recreation Committee is doing an analysis of parcels on Monday, Tuesday and Thursday of this week. She recommended that Planning Board members attend one of these sessions if possible.

Discussion of appointment of Planning Task Force for South Street Parcel A (Benfield Property)

Zinicola agreed to attend the Board of Selectmen's meeting tomorrow regarding development of the Benfield property.

Preparation of Community Development Plan to meet requirements of Executive Order #418 [Thomas Planning Services and McGregor & Associates]

Freedman reported that the steering committee has held two three-hour meetings and is close to completing a strategy document.

Zinicola reported that the State is making \$3 million of Community Development Funds available. Grant proposals will be accepted after May 14, 2004 and she agreed to obtain an application.

Request for additional extension of time to complete Maplewood Definitive Subdivision Plan (Map 17, Lots 17A-1 through 17A-5) [Request of Robert Koning]

The Board received a letter from the applicant dated April 20, 2004, requesting a one-year extension to complete the Maplewood subdivision, pending outcome of litigation with abutters. Colman moved to grant an extension of time to complete Koning Farm Road in the Maplewood Definitive Subdivision from June 30, 2004 to June 30, 2005. Freedman seconded the motion and it carried 6-0.

Consideration of proposing amendments to the Personal Wireless Communication Facilities bylaw (sec. 5.9 of the Zoning Bylaws) [subcommittee report]

The Board asked the PA to draft a memo to the Board of Selectmen stating that the subcommittee is moving forward with its research, but will not propose amendments to the wireless bylaw until Town Meeting in the Spring of 2005. Freedman will review the draft memo.

Executive Session Minutes

Executive session minutes of 4/15/04 were reviewed. Lane moved and Colman seconded a **motion to approve the executive session minutes of April 15, 2004 as drafted.** The motion carried 5-0-1 with Zinicola abstaining.

Public discussion and review of plans for 189 ft. high wireless communications tower and facilities proposed by AT&T Wireless, Sprint Spectrum and American Tower Corporation at 871 Bedford Road (Map 11, Lot 1), as required by entry of Final Judgment in settlement of litigation in U.S. District Court v. Carlisle Zoning Board of Appeals (conditions may be proposed before 5/26/04)

Douglas H. Wilkins of Anderson and Kreiger LLP was present to represent AT&T, and Brian J. Lamoureux of Brown Rudnick Berlack Israels LLP was present to represent Sprint Spectrum. Site property owners John and Gretchen Anderegg were present with their attorney Robert Munnelly. Town Counsel Kim Saillant was also present. The following members of the public were present: Douglass Goodale of Maple St.; Paul Gill of Judy Farm Road; Hal Sauer of Westford Road; Dick Warner, David Duren and Matt Hamor of Bedford Rd.; E.W. Shaw, Maggie and Gunars Elmuts of Stoney Gate; Janice Kissinger and Rick Blum of Elizabeth Ridge Rd.; Mary Ostler and Pat Ludwig of Pilgrim Path; Colie O'Donnell, Patricia Stimpson, Mary Ellen Doyle and Marilyn Saunders of Canterbury Ct.; Terry Herndon of Hillside Dr.; and Midge Eliassen of Virginia Farme Rd.

Wilkins explained that the wireless facility as mandated by the court decision will be a 189-foot monopole with internally mounted antennae located approximately 2000-feet from Bedford Road in a wooded area. Wilkins distributed eight different photos of the balloon test conducted at the site. He also noted that if for some reason the facility could not be located at the Anderegg site, then the tower would be built on the Duren property.

Hara asked if the applicant has chosen a color for the monopole. Wilkins said that the Town has discretion in this area, but recommended galvanized steel for its color and durability. Dick Warner asked if a stealth monopine had been considered. Hara stated that in the past, the Board had discussed the possibility of disguising wireless facilities as pine trees, but concluded that monopoles are actually less obtrusive. Boulé asked if a painted pole would begin to flake over time. Wilkins agreed that it would. Bahr suggested that if the pole is painted, then a regular maintenance schedule should be required for periodic painting. Holzman suggested that galvanized steel will rust over time, but Jack Anderegg testified that galvanization is an effective rust inhibitor as demonstrated by other equipment used on his property.

Hamor outlined a letter he drafted and then presented it to the Board. In it, he contended that the facility would actually be located 3000 feet from Bedford Road and he was concerned about access for the Town's emergency vehicles. He requested a minimum 20-foot wide driveway and review by the Conservation Commission. He also thought that this commercial development should require pre and post development review, drainage and environmental review. Hara explained that the Planning Board will consider public safety for human life and noted that many of Hamor's concerns would be addressed in the review process this evening.

Regarding the safety of the access road, Jack Anderegg noted that the existing road has been used by the fire department in the past to access brush and small structure fires. Colman noted that the road might require pullouts to allow vehicles to pass.

Saillant noted that the court sanctioned tower location has been moved only slightly from the ZBA approved site and is well outside the buffer zone and the wetland flood hazard district.

Goodale noted that no light would be required on top of the tower because it will be below 190 feet. He asked if the Andereggs are committed to keeping the tower light free and would lower the tower if FAA regulations change. Gretchen Anderegg said that she would likely comply with FAA regulations and have the light installed. O'Donnell said that, as a pilot, he doubted that lights would be required unless flight patterns change.

Colman noted that the Town could require that any material change to the Tower would require review by the Planning Board. The Board then discussed how it might define "material change" that would trigger additional review. Saillant suggested using general language in the condition because it would be difficult to define all potential changes.

Mansfield noted that material changes are generally based on changes from the original plan and documents referenced in the Board's decision. Because there is no specific plan for the tower before the Board, he asked how the Board might define this condition. Holzman noted that tower construction documents would be prepared based on the outcome of this discussion. He suggested that the conditions might be applied to the anticipated construction documents.

Saillant summarized the court ordered procedure as follows: The Planning Board has received the final judgment and now has thirty days to respond with conditions. The telecommunications providers then have fourteen days to respond to the conditions. If they do not accept the conditions, both parties will have seven days to discuss a compromise. If a compromise is not reached, the court will make a final decision on the conditions.

Holzman then suggested a list of conditions as follows:

1. The construction documents shall be submitted prior to construction for approval by the Building Inspector and the Planning Board's representative.
2. Roadway design shall be incorporated in the construction documents. Holzman recommended a 12-foot wide gravel road.
3. Construction shall be carried out under Massachusetts Controlled Construction specifications as set forth in the Massachusetts Building Code to include certified reports on the concrete base and steel structures.
4. The foundation design shall be included in the construction documents and shall be stamped by a Massachusetts registered professional engineer specializing in foundations. The foundation design must meet both the Massachusetts Building Code specifications and standard EIA TIA specifications for towers.
5. The tower must be designed by a Massachusetts registered professional engineer. Plans for the tower shall be submitted and approved by the Building Inspector prior to construction.
6. Antennae shall be interior mounted.
7. The make and model numbers of the antennae shall be specified in the construction documents.
8. The tower shall be constructed of non-gloss galvanized steel.
9. A bond shall be presented in case of abandonment to cover the cost of complete tower removal including the foundation.
10. An as-built plan, stamped by a Massachusetts registered professional engineer and/or land surveyor, if necessary, shall be filed with the Building Inspector upon completion.
11. An easement for Town emergency vehicle access shall be provided.

Hara noted that the Planning Board regulations require consistency for equipment shelters and asked if the applicant had a proposal for housing the equipment. Wilkins said that AT&T and Sprint are proposing outdoor cabinets. Freedman suggested that future carriers might be required to conform to standard design. Holzman did not think this a viable option because standards change frequently. Gretchen Anderegg suggested a stockade type fence to screen the site completely. The Board discussed the pros and cons of various types of fencing and concluded that the owner should decide what is most appropriate for the site. Zinicola recommended consulting the Police Chief regarding preferred fencing.

Hara asked if utility lighting is proposed in the tower's service area. Wilkins said that motion sensitive lights are generally used in such installations. Gretchen Anderegg said that with the many deer in the area, she would prefer a manually operated light switch.

Hara asked about the monitoring and maintenance schedule of the tower. Wilkins said that a technician would be on site once or twice per month to check the facility. Hara also requested that Radio Frequency (RF) be monitored to ensure it meets FCC requirements. Wilkins noted that the FCC does not require constant monitoring and he would not expect the telecommunications companies to accept such a condition. Mansfield clarified that Sec. 5A of the Board's wireless regulations require verification of RF output upon facility startup and then only as the FCC requires.

Hara then asked Wilkins how the applicants propose to provide an abandonment bond. Wilkins said that the Town's engineer should review the construction plans to determine the amount of the bond. Colman noted that this would be a long-term bond and must allow for inflation. Saillant suggested adding a provision for review of the bond every five years. The Board was concerned about paying for this periodic review and requested a condition that the tower owner(s) pay for this review.

Hara noted that the regulations require that the applicant provide proof of insurance to the Town Clerk annually.

Holzman recommended that the access road be twelve feet wide with turnouts every 300 feet. Colman suggested additional input from the Fire Chief. The Board also asked for a copy of the roadway maintenance agreement so that the Town may know who is responsible for access and safety of the road.

Hara noted that if hazardous materials are used on site, they require full containment in case of leak. There must also be a provision for removal of hazardous materials. Wilkins said that other than back-up batteries and a small amount of mercury in the thermostat, there would be no hazardous materials.

Hara reminded the applicants that all stormwater runoff must be contained on site. She also requested that a small sign be located at the fork in the access road to direct emergency vehicles toward the tower if necessary. Colman also suggested that the police and fire departments be given a copy of the roadway layout plan.

Freedman suggested adding a condition that all utility lines be placed underground. Jack Anderegg felt that overhead wires could be replaced more easily, and asked the Board not to include this condition. Colman noted that overhead wires are more susceptible to damage and suggested using wide, underground conduit with spare conduit to allow for future upgrades if necessary.

Freedman also recommended a condition that would minimize disruption during construction and require maximum preservation of on site vegetation. Colman suggested a restriction on subsequent tree removal, but Gretchen Anderegg objected to this condition if it meant that she would be prohibited from cutting any trees on her land in the future. The Board discussed this and concluded that it could not control tree cutting on site after construction is completed.

Hara suggested the use of a non-climbable fence. Holzman said that the anti-climbing devices mentioned in the regulations actually refer to devices on the tower, and he requested that no rungs be placed on the tower for the first 20 feet.

Lane suggested some additional conditions as follows: 1) The Conservation Commission should be given an opportunity to review the roadway and site design, and 2) there shall be no permanent generator on site. He also suggested referencing sections 5.9.4 and 5.9.5.2 of the Wireless Bylaw regarding future modifications and testing after construction. Lane noted that the Wireless Regulations also require that the Town obtain a copy of the lease agreement, drainage calculations for the site, lighting specifications and as-built plans. Saillant noted that parts of the lease agreement are confidential.

Lane noted that the regulations require that wireless installations do not interfere with the Town's Public Safety Communications. Wilkins assured the Board that the FCC assigns the frequencies and will not allow interference.

Colman recommended a condition to provide a funding mechanism for roadway maintenance.

The Board directed the PA to draft conditions based on tonight's discussion. These will be reviewed at the next Planning Board meeting on May 10 at 9:00 p.m.

(Because her husband was presenting, Zinicola recused herself from the following discussion and left the meeting.)

Discussion of "informal conceptual plan" for construction of wastewater treatment facility at the Carlisle Public Schools, 83 School Street, Map 14, Parcel 28 [Site Plan Approval required by Selectmen of pump station building and access road only], request of Carlisle Public Schools

Paul Morrison, chair of the School Building Committee was present with fellow committee member Bob Pauplis. Bev Harris of the Carlisle Teachers Association and School Superintendent Davida Fox Melanson were also present. Engineer Paul Clinghan of Hoyle, Tanner & Associates, Inc. presented the site plan for the applicant.

Clinghan showed the site plan for the treatment plant with a 300-foot long, 15-foot wide access road and a 15% grade. He explained that the roadway would be plowed and maintained in the winter because an operator will need daily access to the building. Clinghan said the police and fire chiefs have reviewed the plan. Construction is expected to begin in August of this year and be ready for operation in January 2005. DEP approval is expected this week.

The Board asked if a drainage study had been conducted. Clinghan said that drainage calculations had not been done, but that the road is designed to sheet flow water off to riprapped side slopes. He also noted that a drywell is proposed to mitigate roof runoff. Holzman suggested doing a drainage study to ensure that the design meets minimum DEP stormwater management requirements and that post-development runoff does not exceed pre-development runoff. Clinghan explained that ConsCom reviewed the site plan and did not seem concerned with drainage issues. Mansfield noted that the treatment plant is outside the buffer zone and ConsComs jurisdiction.

The Board asked Clinghan to consult with Gary Davis regarding snow removal and to provide drainage calculations for the access road. Holzman suggested that using porous pavement on the road could address the drainage concerns. He also noted that the rougher surface would deter use of the road by skateboarders.

Clinghan proposed the use of motion sensitive lights on the building, but the Board suggested a locked switch at the building instead.

Hara asked if noise and odor from the plant could cause a nuisance. Clinghan said it would be minimal outside the plant, and the building has room for additional filtering systems if odor does become a problem.

Morrison noted that the Board of Selectmen hearing would be held on May 11. Clinghan agreed to research the pavement and drainage issues and be prepared for the Board's next meeting. The Board agreed to continue this discussion at 8:45 p.m. on May 10, 2004.

At 11:10 p.m., the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam
Administrative Assistant