

TRURO PLANNING BOARD

Meeting Minutes

November 16, 2016— 6:00 pm

Truro Town Hall

Planning Board Members present: Bruce Boleyn, Peter Herridge, John Hopkins, Paul Kiernan, Jack Riemer, Steve Sollog. Excused absence: Michael Roderick

Other participants: Edward Pare, Attorney; Adam Wolfram; Susan Howe; Carole Ridley, Planning Consultant.

Mr. Sollog opened the meeting at 6:12 pm.

Public Comment Period

There was no public comment.

Special Permit – Public Hearing

2016-012PB T-Mobile Northeast LLC seeks an Eligible Facilities Request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, and a Special Permit pursuant to §40.5 (Communication Structures, Buildings and Appurtenances) of the Truro Zoning By-law to allow for the replacement and collocation of wireless communications transmission equipment on an existing tower located behind the Public Safety Facility. The property is located at 344 Route 6, Atlas Map 39, Parcel 172A.

Edward Pare, Attorney for the applicant, T-Mobile, spoke about the updated plans the T-Mobile has provided and stated that the new installation will not substantially change the current T-Mobile presence on the tower. Mr. Sollog asked if they know that the tower has caused some problems in the past. Mr. Pare replied that they are replacing wiring at the same height and width as what has been there in the past. There were questions of the Board about the function of the cables. Mr. Sollog asked about the health and welfare of the workers who will do this work. Mr. Pare stated that T-Mobile is at the lowest spot on the tower and they will follow all safety regulations during the installation process. Mr. Boleyn asked about an increase in noise. The response was that there will be no significant change. The replacement should take a couple of days to complete. Mr. Riemer asked about A-2, adding some additional arms, and if the weight of the equipment will be heavier. Mr. Pare said that T-Mobile is complying with code. T-mobile doesn't own the tower, they just lease space. There will also be a new cabinet which is not replacing an old cabinet.

Ms. Ridley suggested that it would be appropriate for the Planning Board to convey its concerns about the tower itself to the Board of Selectman. She also reminded the Board that there is a 60 day requirement for the Board to act on the T-Mobile application.

Mr. Hopkins asked how much Crown Castle, who owns the tower, pays the Town. He expressed concerns about the tower in general. He suggested that a representative of Crown Castle should be present for this hearing.

There was a discussion about the history of the tower and the lease agreement with the Town, as well as the tenant-landlord relationship. Mr. Kiernan talked about protecting the neighborhood. Every winter Truro has a series of storms, with up to 80 mph winds, which should require that the equipment have extra support. He asked that T-Mobile address the sound their equipment makes. Radiation and sound are issues. Mr. Pare stated that T-Mobile complies with all regulations.

There was a discussion about the areas of Truro that do not have adequate cell phone coverage. Mr. Pare suggested that an RFP could be issued by the Town.

Susan Howe asked how many customers of T-Mobile there are in Truro? Neither Mr. Pare nor Mr. Wolfram knew the answer.

Ms. Ridley recapped what was before the Board in this matter: three items. Does the application meet the test of eligible facilities request? If affirmative, does it qualify under the special status.

Remind the Board that there were a couple of items, that were not met by the owner. A letter to comply with....

Condition 3 and 4. Sprint shall take measurements and file with the Town.

Mr. Herridge made a motion to close the hearing, reading the six criteria under which an eligible facilities request must be granted (see below), Mr. Kiernan seconded, so voted, 5-1. Mr. Hopkins voted against.

The Truro Planning Board makes the following findings of fact that the proposed installation described in the application 2016-012PB T-Mobile Northeast LLC satisfies the criteria for determining an eligible facility that does not substantially change the physical dimension of the existing cell tower, as set forth under 47 U.S.C. §6409, and therefore is an eligible facility under the Act.

1. The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.
2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made.
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.

4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.
5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.
6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width or increase in depth.

The Board then considered the waivers to be granted. Mr. Sollog entertained a motion to grant the waivers, and ask the applicant to send a letter to Crown Castle regarding the Board's concerns.

Mr. Herridge made a motion to grant the following waiver based on a finding that granting the waiver would not result in any expense to the Town, would not be detrimental to the public interest, and would not be inconsistent with the purpose and intent of the Zoning Bylaw: § 40.5 B.17 - Pre-application meeting. Mr. Kiernan seconded. So voted, 5-1. (Mr. Hopkins voted against.)

Mr. Herridge made a motion to approve the second waiver, based on a finding that granting the waiver would not result in any expense to the Town, would not be detrimental to the public interest, and would not be inconsistent with the purpose and intent of the Zoning Bylaw § 40.5 B. 19 – Specific written information. Mr. Kiernan seconded, 5-1 (Mr. Hopkins voted against).

Mr. Herridge made a motion to approve the third waiver, based on a finding that granting the waiver would not result in any expense to the Town, would not be detrimental to the public interest, and would not be inconsistent with the purpose and intent of the Zoning Bylaw § 40.5 B. 20 – Specific written information, seconded by Mr. Boleyn. So voted 5-1. (Mr. Hopkins voted against.)

Mr. Hopkins expressed his concerns regarding separating the tenant from the owner's responsibilities, wanting to hold both accountable.

Mr. Herridge moved to approve a Special Permit pursuant to section § 40.5 of the Town of Truro Zoning Bylaw for 2016-012PB T-Mobile Northeast LLC to allow for the replacement and collocation of wireless communications transmissions equipment on an existing tower located behind the Public Safety Facility located at 344 Route 6, Map 39, Parcel 172A, with the two conditions, one regarding figure A2, the bundling and capping of the co-ax cable if disconnected, that they be grounded and meet all electrical codes. The second condition is that a letter be sent by the applicant to Crown Castle, asking that they comply with Special Permit conditions 3 and 4 of the May 17, 2014 Planning Board decision. Mr. Kiernan seconded. So voted, 5-1. (Mr. Hopkins voted against.)

Discussion on Possible Zoning Articles

§40.2 Affordable Accessory Dwelling Units

Issues were discussed regarding the previous work on this revision. Mr. Hopkins mentioned that there are 200 of these units in Truro which are violating the law. Susan Howe said that she sees this bylaw as one which will allow people to make money seasonally, not necessarily providing year round affordable housing. Mr. Sollog said that they want to require year round rentals. Ms. Howe said that we have lots of rules that are not being enforced. Why make new rules, when you are not carrying out the old rules?

Mr. Riemer would like to make the best use what's already on the ground in terms of accessory dwelling units. Discussion was held about structuring public input the way it was done for the Seashore District issue.

Ms. Ridley stated that if the Board decides to work with Town Counsel on a new draft, a public hearing would be held on the new proposed bylaw.

Ms. Ridley explained the difference between a non-discretionary permit and a "by right" permit. Mr. Hopkins said he doesn't think a special permit should be required. One approach might be "by right" if no construction is involved.

Ms. Ridley explained that amnesty allows those not in compliance to apply for a permit.

A suggestion was made to use the term "habitable" space not gross square footage. Parking spaces were discussed, and that the ADU would not be able to be placed for sale as a way of condo-izing.

The consensus of the Board was to send the current draft to Town Counsel to create a new revision. Mr. Kiernan abstained since he is new to the discussion.

§30.3 Seashore District

Mr. Herridge said he thinks we should strike out design requirements. It was agreed that the Bylaw needs more work. There was a discussion of going town-wide with the size limitations instead of just for the Seashore.

§30.4 Water Resource Protection District

Water Resource Protection was addressed earlier in the evening at the prior meeting with the Board of Health and the Water Resource Protection committee.

§10.4 Definitions

A discussion of Definitions was held off until a future meeting.

Review and Approval of Meeting Minutes

November 2, 2016 Planning Board Meeting

Mr. Herridge moved to approved the minutes of the November 2, 2016 Planning Board meeting, Mr. Boleyn seconded. So voted, 5-0-1, (Mr. Kiernan abstained.)

Reports from Board Members and Staff

Mr. Boleyn provided an article which was distributed. Ms. Ridley reminded the Board about their Town email accounts. She also asked the Board to look for an email which they will receive to set up a site visit at 1 Noons Heights Road. She reminded the Board that Mr. Kiernan would not be eligible to discuss or vote on this application.

Meeting Dates and Other Important Dates

December 6, 2016 – Regular Meeting

December 21, 2016 (Wed.) – Regular Meeting

Mr. Herridge moved to adjourn, Mr. Boleyn seconded. So voted, 6-0. Meeting adjourned at 9:08 pm.

Respectfully submitted,



Katherine Black

