

TRURO PLANNING BOARD

Meeting Minutes

November 18, 2014 - 6:00 pm

Truro Town Hall

Members Present: Leo Childs, Bruce Boleyn, Michael Roderick, and Steve Sollog, William Worthington and Lisa Maria Tobia

Members Absent: Chris Lucy

Other Present: Charleen Greenhalgh ATA/Planner, Daniel Klasnick, Esq., Davit DeWitt

Mr. Childs opened the meeting at 6:04 pm

It was announced that there would not be a discussion this evening regarding year-round condo use.

2014-004PB Sprint Spectrum, L.P. (CCATT LLC), Special Permit, 344 Route 6

Representative: Daniel Klasnick, Esq.

Mr. Childs opened the public hearing at 6:05pm and Mr. Sollog read the notice into the record. The applicant seeks a Special Permit pursuant to §40.5 (Communication Structures, Buildings and Appurtenances) of the Truro Zoning By-law to allow for the installation of two (2) additional panel antennas and two (2) remote heads at the same 169' height as the existing antennas on the existing tower and add one (1) hybrid cable with new radio equipment and batteries inside the existing cabinet within the existing fenced area. The property is located at 344 Route 6, Atlas Map 39, Parcel 172.A.

Mr. Klasnick spoke to the application. He reminded the Board that he was before them for a pre-application conference on Oct. 7th. The goal was to address all the concerns of the Board as well as the requirements of the bylaw. Sprint has an existing site on the tower and in order to provide 4G service, additional equipment is necessary. Existing are two antennas, this request would add two additional antennas. There will also be an additional fiber cable and equipment that will be placed in the existing shed. There will be minimal changes on the ground. New radios will be added for the antennas.

Mr. Sollog asked if the new antennas could replace the existing antennas, so that there would only be two. Per Mr. Klasnick the new antennas are used to deploy the newer technology and the existing antennas would need to remain for the current technology. The existing antennas are used for the LTE (Long Term Evolution), while the new would be for the 4G technology. Mr. Sollog expressed that the tower has not been a good neighbor and he is concerned with abutters.

Mr. Boleyn had no comments. Ms. Tobia thanked the applicant for the thorough application. Sprint is a lessee of the tower. She has been to the site and found it to be noisy, which was confirmed by the Police Dept. A concern is the lightning strikes that have occurred. The Town has expended a great deal of work and spent money on a grounding system. She wants to be sure that the new cable does not contribute to the lightening issues. Mr. Klasnick received a grounding certification letter from David Chappell, P.E. with Chappell Engineering Associates, LLC, which he provided to the Board. Also, a representative from the Tower Company (Crown Castle) went to the site today to be sure the tower was properly grounded. An email was sent to the Mrs. Greenhalgh with photos this afternoon. These were forwarded to the Board Members and a copy was passed around. Ms. Tobia wants to be sure that there is oversight and she believes that it is the original

tower owner's responsibility to address a variety of items and to be consistent with the Bylaws. She wants to see oversight of the grounding to be sure that new cables and conduits are grounded. Per Mr. Klasnick, a Crown Castle representative certified that the existing tower is grounded properly.

Mr. Roderick shares the concerns raised by Ms. Tobia. He is concerned with the neighbors who lived there before the tower was built. Mr. Childs reference Exhibit #4 of the application packet, the Structural Analysis Report. The Report states that GPD Group has not physically examined the tower. Is there anyone who can certify what exists today? Mr. Klasnick suggested that based on how the tower was to be constructed there should be enough structural integrity to support the additional antennas. Mr. Childs state that it is certified only if the tower was constructed correctly, that there has been nothing to compromise the structural integrity and if it is still adequate structural. It is not known when there was an actual structural inspection of the tower.

Mr. Boleyn spoke to the mention of a 2" weld repair. Mr. Klasnick believes that has been completed. Ms. Tobia asked when the last time there has been EMF readings, an electromagnetic study. Mr. Klasnick believes that based on the height of the antennas it would be less than 1% of what the FCC would allow. Ms. Tobia has a concern that the owner needs to address many of the items raised. She would like to discuss these concerns with the owners. Mr. Klasnick does represent CCATT LLC which is a Crown Castle entity. He explained that the project has been delayed. He believes that they have provided the information that has been required, including the additional grounding information. He hopes the Board could move forward.

Mr. Roderick asked when the Board or the Town would receive a structural review. Mr. Klasnick indicated that the information has been provided as to structural integrity. Based on the standards prescribed he believes that it meet the standards. Mr. Boleyn asked if the maximum load for the tower has been established. Mr. Klasnick expressed that anytime an additional structure is placed on the tower it has been certified. Ms. Tobia expressed that she is still concerned with the past history of the tower, the lightening issues. She is concerned that the owner is not here. She wants the owner to be accountable; she realizes that the applicant is only the lessee of the tower.

Mr. Childs opened it to the public. There was no comment. One written comment was received from an abutter, Jennifer Cohen. A copy of the November 15, 2014 letter is in the case file. Mr. Childs read some of the high-lights from the letter. Ms. Cohen would like the Board to deny the application due to safety issues. The letter raises structural and grounding issues. Mr. Klasnick suggested that a representative from Crown Castle (who took over the management with the tower) could be at a future meeting.

Mr. Childs made a motion to continue the public hearing to December 9th for additional information raised at tonight's meeting; the motion was seconded by Mr. Boleyn. Mr. Worthington asked for a list of the items to be prepared for the applicant. Mr. Klasnick asked for a change of date to December 17th. Mr. Childs will get that list to Mrs. Greenhalgh, who will then provide that to Mr. Klasnick. He will be sure that they address all the concerns that the Board has. Ms. Tobia would also like to know how much the Town has spent thus far on the grounding of the tower and Public Safety Facility and how much has been received from the tower owner. The Board voted unanimously to continue the hearing to December 17th.

Further in the meeting the Board briefly reviewed the items:

1. Can equipment be consolidated to reduce the amount of hardware?
2. Relative to Grounding:
 - a. Tower certification by an Engineer for the existing structure and appurtenance.
 - b. Engineering certification related to the new equipment to be installed.
3. Electromagnetic field calculations, certified by an Engineer.
4. Relative to Noise:
 - a. What increases will there be as related to the new equipment?
 - b. Are there plans to streamline or remove existing equipment to mitigate existing conditions?
5. Relative to structural integrity:
 - a. Documentation of any recent on-site inspection reports, certified by an Engineer.
 - b. Detail on the design of the mounts for the new equipment.

It is also requested that the tower's owner have a representative present for the hearing to respond to these concerns.

Continued Planning Board Discussion on Definition of Street and Frontage

A memo from the Building Commission was received as follows:

- The current definition of “Street” is the only place in the bylaw where frontage is defined. The proposed language has no mention of “frontage”. Is a separate definition being proposed?
- Approximately how many of the currently undefined or substandard streets will be captured by this new definition? Is that even a concern?
- I generally like the application of design standards. Question regarding grades – how will we know this when someone comes to apply for a permit? Typically, there is no road info on a site plan when someone applies for their family room addition. Do we have this info for the whole town so this can be predetermined? And what about a situation where the steep part of the road is past the lot in question? This should be clarified.
- This definition only seems to apply to ways with up to 25 lots. What if there’s more?
- The last sentence I find unclear. If the technical criteria mentioned in the previous sentences are met, do the various public safety departments get to weigh in? And if they do, then what is the process? In general, at this point, the Planning Board is out of the picture

Mr. Childs highlighted the memo. He asked for further thoughts from the Board. Mr. Worthington is concerned that the working draft of the definition contains regulations, and he asked if the regulations should be contained within Section 60 of the zoning bylaw, rather than it being in the definition. Perhaps a table of requirements, consistent with the subdivision regulations, would be appropriate. He believes it needs a lot more work. Mr. Childs believes that the definition should be simple. Mr. Roderick asked if anyone has spoken to the other towns as to how their definitions work. Mrs. Greenhalgh explained how it worked in Chatham, Dennis and Harwich. If a building permit came in on a road that pre-dated the subdivision control laws and that road was not paved or

otherwise improved, the Building Commissioner/Inspector would automatically forward the application to the Planning Board for a determination as to whether the road was adequate for vehicular access. If the Board determines that it is not adequate, then the applicant would have to come in with a plan to show how the road was to be improved and then it would need to be constructed before the Board could find the road adequate.

If was further discussed that in all cases, someone has the responsibility to make an opinion as to whether a road/street provides safe and adequate access. Streets are taken on a case by case basis. Ms. Tobia suggested that the draft definition and the existing definition are confusing. She read from the existing definition. She agreed with the need to simplify the definition. Mr. Sollog suggested that the draft and existing definitions are broken and need further work. One person after another at the past town meeting raised concerns with the language “in the opinion of the Planning Board”. Mr. Boleyn understands that same concern. He wondered if asking town counsel for an alternative would be appropriate. Mr. Roderick believes that the Board is going round and round on the issue. The way the definition exists now, if there is a question as to the whether a road meets the definition it has to go to the ZBA. Mrs. Greenhalgh read from the Aug. 11, 2014 document a draft definition of street.

“Street” means (a) a public way or way which the Town Clerk certifies is maintained and used as a public way; or (b) a way that was approved as a subdivision road and that is shown on a plan which was approved and endorsed in accordance with the subdivision control law; or (c) a way in existence on December 8, 1955 (the date when the subdivision control law became effective in the Town of Truro). For the purpose of this bylaw, the terms “street”, “road”, “way” and “road right-of-way” bear the same meaning.

Discussion will continue to the next meeting, it was agreed that this is difficult.

Review and Discussion of Agriculture related Definitions

Mr. DeWitt, chair of the Agricultural Commission (AgCom) spoke to the definitions. There are many reasons for these definitions, but mainly to get the current agriculture related definitions in compliance with State law. The existing definitions and use table are not compliant with State law. There is a need to have definitions so as to state what agriculture is. Last time he was before the Board (January 7, 2014) there were many concerns raised. He is interested in hearing from the Planning Board as to any concerns they may have. The Board received a copy of the Jan. 7, 2014 minutes where this was last discussed. Mr. Childs discussed that many of the issues raised, commercial uses in residential zones, would not be viable in Truro, such as a meat packing plant. Per Mr. DeWitt, these uses would not be economically viable, and they would also require great oversight and review by the State. There is an existing chicken processing venture in Truro, which has to go through strict State requirements and permitting. It is a small venture. Other issues raised were such thing as parking for farm stands; these would be restricted/governed by the existing parking requirements. There are young farmers who want to rent property to work farms; however they need the ability to have a farm stand to sell their products retail in order to make it economically viable. The AgCom hopes to create a handout to assist farmers with what they can/should do.

Per Mr. Childs a farm stand would be allowable for a 2 acres parcel, products grown on the site, governed by the building department and health codes. Mr. DeWitt stated that the AgCom is looking for a set of definitions that the town can work with. Ms. Tobia asked how chickens are

managed now. Per Mrs. Greenhalgh the existing bylaw is not consistent with State law; State law allows for “Farms” on 2 acres, while the Truro bylaw provides 5 acres. Currently Chickens on lots less than 5 acres require a special permit. Mr. Worthington asked if there is oversight. The state has requirements and inspection for barns, etc.

Mr. Childs suggested that the definition of farm stand does not restrict the use to items grown on the site. Mrs. Greenhalgh explained that under MGL Ch. 40A, section 3 allows for a certain % of outside products to be sold. Mr. Sollog asked if the AgCom had a handle on the number of farmers. The AgCom did a survey and has those numbers. Mr. DeWitt agrees and shares the concern about parking. Signage would go to the Building Commissioner for a permit. Mr. DeWitt will return to the AgCom where this is on their next agenda. The Board will continue their discussion at the next meeting

Review and Approval of Meeting Minutes:

Mr. Roderick moved to approve the November 5, 2014 minutes as amended, seconded by Mr. Boleyn, so voted unanimously

Mrs. Greenhalgh informed the Board that the Development Agreement will go before the Board of Selectmen on Dec. 2nd.

Mr. Childs ran through the items for the Sprint Application as presented on page 3 of these minutes. This will be forwarded to Mr. Klasnick.

Adjourned at 7:47pm

Respectfully Submitted,

Charleen L. Greenhalgh
ATA/Planner