

Conway Planning Board (PB)

February 13, 2020

Minutes – Meeting/Hearing

Members Present: Beth Girshman (Chair), Joseph Strzegowski (Vice-Chair), Mary McClintock, Bill Moebius, Mark Silverman (ZBA), Gary Fentin (ZBA), John P. O'Rourke (ZBA, Select Board)

Other attendees: Alexis Fedorjaczenko (staff), Francis Parisi (Parisi Law Associates representing Vertex Towers, LLC), Tom Johnson (Pro Terra Design Group), Bob Armstrong (Select Board), Jack and Danielle Lockhead, Tim Menerey, Ruth Parnall, Don Walker, Lisa Fortin, Walter Goodridge, Jonathan Barkan, Risa Sidolsky, Barbara Melville

Location: Conway Town Hall, GP room

Meeting called to order at 7:00 pm

1. Public Hearing called to order for the Planning Board and for the Zoning Board of Appeals (ZBA)
2. Applicant's Presentation
 - a. Mr. Parisi introduced himself and the proposed project at 1384 South Deerfield Road in Conway. Vertex Towers, LLC is a wireless infrastructure developer. Mr. Parisi introduced the history of the project including the recent balloon float visibility test. The Route 116 corridor is the coverage objective. The presentation included maps showing existing coverage and the locations of existing towers in the area. Mr. Parisi indicated that the proposal will also need to go before the Conservation Commission, and that step will occur following the Planning Board and ZBA. The tower design would be a faux pine tree design; the pole itself is 149' tall on a 1' foundation; there are also branches at the top that extend another 6'. Mr. Parisi showed the locations from which photographs were taken during the visibility test.
 - b. Mr. Parisi indicated that in addition to a height variance, the project will require a variance because the applicant is not a "duly licensed wireless carrier" and he explained how the landscape of wireless facilities has changed over the years to include wireless infrastructure developers such as the applicant. He provided information about granting use variances in circumstances where there is a gap in coverage. There was discussion and questions from the ZBA.
3. Planning Board & Zoning Board of Appeals - Questions
 - a. Joe asked how they will get necessary utilities to the tower? Mr. Parisi indicated that this already exists at the house on the proposed site.
 - b. Mary asked for a copy of the presentation for the town website. Mr. Parisi will send it.
 - c. Mary asked if there are any commitments from carriers. Mr. Parisi indicated that they do not have commitments, and that typically carriers make commitments after local approvals have been received. They would not build the tower until those commitments with carriers are made.
 - d. Beth asked if any carriers have committed to the Shutesbury project. Mr. Parisi indicated yes, there are discussions with AT&T.

- e. Beth asked how many homes the proposal would affect. Mr. Parisi said that the focus is to cover the 116-corridor for auto traffic, not homes along the edges. Mr. Parisi discussed other benefits to coverage.
- f. Bill asked about the lifespan of the tower. Mr. Parisi indicated that the structure is good for 50 years, and that the technology is changing rapidly so it is difficult to answer.
- g. Mary said it sounds like there's not a huge difference for coverage at 120' versus 150' and asked for discussion about the differences. Mr. Parisi and Tom explained that they need space above the top of the trees for the lowest carrier.
- h. Mark referenced a statement about the tower being low-impact, and that it seemed a taller tower would have a larger range that it could serve. Mr. Parisi indicated that the Conway Zoning Bylaws emphasize scenic impact and other factors which the applicants are accommodating, and that because of the topography it is not possible to get over the highest hills. Tom added that the goal is to meet existing coverage and create a corridor of continuous coverage.
- i. John asked about a statement about accommodating public safety antennas. Mr. Parisi indicated that this comes from the Conway Zoning Bylaws and that public safety generally has their own communications networks, and that this tower has been designed with them in mind.
- j. Gary stated that it did not seem like a lot of coverage provided by the tower, and asked (a) how to obtain coverage in the rest of Conway, and (b) would this proposal have any negative impact on development of additional coverage. Mr. Parisi stated there is also another proposal in development for Ashfield, and that the proposals operate independently.
- k. Gary asked about what happens to the tower if it is not needed any more due to changes in technology or other factors. Mr. Parisi said they have estimates of the cost to take the tower down, and that they have provided a draft of a bond to the town for this purpose.

4. Other Town Officials – Questions

- a. Bob Armstrong referenced a statement by the applicant that Route 116 is a tunnel and stated that in general the Town of Conway has been protective of the environment in that area. Mr. Parisi stated that they had tried to create coverage without being visible from the tunnel.
- b. Bob Armstrong stated that there are three issues he hears about: where could the tower be seen in town; how much coverage will result from the tower; and the safety of transmitter technology, particularly 5G. Mr. Parisi stated that the applicant builds the infrastructure and the telecommunications companies add the antennas; he stated that 5G is still relatively unknown, and offered some discussion about 5G. Mr. Parisi indicated that other towns have had success contacting wireless infrastructure developers.

5. Planning Board – Questions Continued

- a. Mary referenced section 8c of the by-law and asked whether it is possible for the applicant to do a conceptual design for what it would take to cover the entire town. Mr. Parisi indicated that he will be back with another proposal that he cannot yet discuss the details of. Mr. Parisi stated that they would do a topography and technology analysis to determine where towers would go in the north and south parts

of town, and would bring this the next time he comes to meet with the Planning Board.

6. Abutters & Public Questions

- a. Lisa Fortin – Stated she is not super concerned about the visuals, but she does have some health concerns. She asked how many feet from the road the tower is. She also stated that she appreciates not having cell coverage in the area. Mr. Parisi stated that the tower is 1,900' from Deerfield Road to the site. Lisa asked if people bring up safety concerns. Mr. Parisi indicated yes, and also explained it is the same technology for radio broadcasting, baby monitors, etc, and that it is a safe technology.
- b. Barbara Melville – Asked about how the frequency is beamed from the tower. Tom provided a general answer and that the frequency diminishes over distance.

7. Other Town Officials – Questions Continued

- a. Bob Armstrong suggested that the applicant talk to the Conservation Commission sooner rather than later.

8. Abutters & Public Questions Continued

- a. Ruth Parnall – Pointed out that there is a scenic designation for that area of route 116. She also stated that her question about how many residents would be affected has already been answered as it appears the proposal is intended for people on the phone while driving. She also asked questions about the site work. She said she does not necessarily have a problem with the project, but that with tree cutting would there be visibility? Tom answered that there is not a straight corridor from the site to 116, due to topography, and this alleviates some visibility concerns compared to a direct approach. Mr. Parisi also added that there are power lines and a house on the property, which are a larger footprint than the tower.

9. Planning Board – Questions Continued

- a. Beth reiterated that on the day of the balloon test, there were two spots where the balloon was incredibly visible, and that she assumes it would be visible from many of the homes on Matthews Road. She also stated that it appeared that the balloon was higher than surrounding trees. There was general discussion about from where the tower could be seen.

10. Public Questions Continued

- a. Alexis asked whether it was possible to model the view from different locations, or to obtain waivers to take photographs from private property. Mr. Parisi said this could be possible but becomes costly due to involvement of consultants.

11. Planning Board & ZBA – Questions Continued

- a. Joe asked whether it would be a problem to have in the order of conditions that a carrier had to be signed before the tower could be built. Mr. Parisi indicated this would be fine, for example that prior to a building permit they would have to show evidence of a lease. He also stated that once the tower is in the air, it becomes more attractive to other telecommunications companies.
- b. Gary asked what other carriers there are. Mr. Parisi stated that in addition to Verizon and AT&T, it seems likely that Sprint & T-mobile may be merging.

12. Public Questions Continued

- a. Risa Sidolsky -- Asked whether the pictures are accurately representing the height of the tower relative to the height of the tree. Tom indicated that this is the purpose of the balloon.

13. Discussion about next steps

- a. The Planning Board and the ZBA discussed next steps for each of the boards, including the need for a use variance.
- b. Mark Silverman closed the ZBA public hearing.
- c. Motion by Joe to close the Planning Board public hearing and leave the record open in case additional information is needed; seconded by Mary. Motion passes 4-0-0. The application is anticipated to be on the Planning Board agenda for March 12.
- d. Town Counsel will be contacted regarding the use variance.
- e. ZBA: Motion by John to grant the variance to a height of 156'; seconded by Gary. Motion passes 3-0-0.
- f. Motion by Gary that, provided an opinion of Town Counsel is obtained confirming that the ZBA has authority to issue a use variance to Vertex Towers, LLC to construct a tower without being a duly licensed wireless carrier, we approve of such variance on the condition that construction of the tower is not commenced unless and until a duly licensed wireless carrier is under lease for the tower; seconded by John. Motion passes 3-0-0.

Adjourned at 9:20 pm.

Respectfully submitted,
Alexis Fedorjaczenko