

**Conway Planning Board  
Thursday, June 16, 2022  
via Zoom**

**Meeting convened** at 7:01 p.m.

**Members present:** Chair Beth Girshman, Joe Strzegowski (associate member), Jennifer Mullins, William Moebius, and George Forcier.

**Absent:** Susan Fentin,

**Public in attendance:** Selectboard member-elect Chris Waldo; “Bill”; Greenfield Recorder reporter Chris Larabee; Jonathan Mirin of Charlemont; Vertex owner Stephen Kelleher; Devlin Selman of Main Poland Road; David Benedict of Cricket Hill Road.

**Administration:** June 2 minutes approved: Forcier moves, Girshman seconds; Moebius and Mullins, yes; Strzegowski abstains.

**Flood plain bylaw:** Amendment to the bylaw were adopted at Annual Town Meeting June 4, chair reports. The amendment and related forms to be sent via the Town Clerk to state attorney general’s office for review.

**Vertex cell tower:** Deliberations began on proposed cell tower off 1356 Ashfield Road to improve wireless communication along Route 116 from Burkeville to South Ashfield with a 150-foot height (plus 6-foot lighting rod). The tower requires a Planning Board special permit, and a Zoning Board of Appeals variance from the town height limit of 120 feet.

Girshman points out that new information has arrived from Vertex about a landscape easement that creates a no-cut zone around the leased tower compound and access drive. The intent is to buffer the site against possible future tree cutting by owners of the land. Vertex also submitted a copy of a determination by the Conway Conservation Commission that the proposal does not impact wetlands within the commission’s jurisdiction.

Questions were raised about whether the tower will be a “monopole” or a camouflaged “monopine” intended to make the structure look tree-like. Both terms are used in the formal application. Kelleher clarified that Vertex plans a “monopole” shown in its drawings because the tower will be well masked by surrounding trees in the proposed location. He was also asked to clarify whether the utilities serving the tower will be overhead or underground. He said they will run under the field at the base of the hill and as far as they can on the hillside until they hit ledge. At that point they will run overhead.

Kelleher was also asked why Ashfield recently required a \$40,000 bond for decommissioning a cell tower there, while Vertex engineers estimated a \$27,000 cost to decommission the Conway tower. Kelleher said the higher figure was for a camouflaged tower, which are more expensive to dismantle, but he agreed to a \$35,000 bond in Conway’s case.

Girshman noted that, as has been done previously, dated requirements in the cell tower bylaw that calls for wireless carriers to build towers and to be responsible for designing the town's entire wireless infrastructure are to be waived based on a previous town attorney opinion.

Girshman expressed interest in requiring Vertex to have contracts with two carriers before building, but Kelleher said it would be difficult to attract more than one initially because various carriers are on different schedules. It's "pretty rare" that two carriers target the same uncovered areas at the same time to synchronize construction, Kelleher said. He added that it would be easier to market its towers once Vertex has continuous coverage lined up along Routes 116 and 112 to Route 2. (Vertex has permits for another tower on Route 116 in Conway on the Deerfield side and another in Ashfield.)

On the matter of aesthetics, Girshman noted that the balloon tests showed there would be a couple of locations from which the tower's top would be visible year round, and Mullins noted that the balloon test isn't a perfect assessment of how much the tower will ultimately be visible. Kelleher said that the height being sought from the ZBA is based on the nearby tree cover and the technical needs of the transmitters. The tower will have locations for up to four commercial wireless companies and possible local EMS communications equipment.

Because the hillside is steep, Kelleher was asked if the access drive would be visible from a distance, like a ski slope might. Kelleher said he doesn't think anyone will be able to see the woods cut, especially after two or three years of overgrowth.

Kelleher said the site design has "pretty extensive" water management structures to prevent water runoff damage to the environment. He said they are designed to last 50 years, and are regularly inspected and maintained. He said it's a "big outlay" out front but better for the long run. Beth reminded the board that the state and federal governments have jurisdiction on environmental impacts, and it was noted that the board can also specifically require that the project comply with the state Wetlands Act.

Girshman raised concerns about possible introduction of invasive species when fill is brought to the site. There is nothing in the town's current bylaw that addresses invasive in this context, and it was noted that it would be difficult to regulate. Kelleher noted that all fill is brought in from local sources as close to the site as possible.

Asked if the access road will be kept open in winter, Kelleher said it would be plowed as needed. Maintenance crews can also use ATVs or snow machines to access for winter maintenance, he said. Kelleher added that the tower might see one or two visits per month per carrier, and fewer in winter.

A straw vote showed unanimous general support for the proposal, with Girshman, Strzegowski, Moebius, Mullins and Forcier voting. Beth will work with Fentin on an order of conditions that will cover topics raised, like wetlands; monopole design; number of carriers needed before building, zba approval, and decommissioning agreement and landscape agreement among the landowner, developer and town.

After the board finished its discussions, during the general public comment part of the meeting, Selman raised a Vertex issue, asking if the town might require environmental consultants to monitor tower construction. Kelleher objected to taking comment after the tower application public hearing had been concluded. In a related comment, Mirin asked if there could be an opportunity for further public comment while the board was drafting its decision and order of conditions. The board didn't entertain either suggestion.

In answer to another question from Benedict, Girshman explained that the board is considering updating its wireless telecommunication bylaw, but not that evening, that an item on the agenda was essentially a placeholder for a discussion that may begin at the Aug. 7 meeting.

**Meeting adjourned at 8:32:** Mullins moved; Forcier seconded: Girshman, Moebius, yes; (Strzegowski abstained)