

HAMILTON PLANNING BOARD
MINUTES OF MEETING
June 20, 2017

Members Present: Richard Boroff, Peter Clark, Ed Howard, Brian Stein (Acting Chair)

Others Present: Patrick Reffett

The meeting was called to order by Brian Stein at 7:00 pm. in the Memorial Room.

48 Meyer Road ANR

Patrick Reffett reviewed the application. The Approval Not Required (ANR) plan was originally submitted on April 10, 2017. The topic was discussed in May when a continuance was requested and was discussed again on June 6, 2017, with another continuance requested. The afternoon June 20, 2017, Mr. Reffett received an e-mail from Town Counsel advising the Board. Town Counsel said that after reviewing the application, she believed the applicants had not met the burden of proof regarding frontage that accessed the way from a definition of a subdivision. According to Town Counsel, the Planning Board did not need to endorse the plan based on current evidence. Town Counsel opined that the applicant should submit a Definitive Subdivision Approval Plan and she was advising the Board not to approve the ANR.

Bob Griffin addressed the Board indicating that he had not had a chance to review the information from Town Counsel's review and asked for a continuance until July 11, 2017.

Motion made to continue the ANR discussion for 48 Meyer Road until July 11 made by Brian Stein.

Seconded by Richard Boroff.

Vote: Unanimous in favor.

Patrick Reffett requested a formal request for a continuance. Ed Howard recalled that he was involved in Meyer Lane in the past and was mentioned in Town Counsel's opinion. The property in question was not on the same road. Patrick Reffett said there were plans for the roadway but none that illustrated that it was part of a Subdivision Plan. Peter Clark did not think there was a Subdivision Plan filed for that property. The McCarthy Decision was based on the April 11, 2000 conditional approval of a Subdivision Plan. Reportedly Town Counsel believed that the specific plan illustrated ways and roadways that may have the potential to allow for access to this property. Mr. Clark did not recall a developer ever submitting a Subdivision Plan, but only the McCarthys trying to gain frontage from the way which was rejected as it was not a subdivision.

An ANR would not need the approval of the abutters, according to Brian Stein's understanding of Town Counsel's opinion. If conditional approval was the basis of the McCarthy Decision,

landcourt might have a plan that was the basis, according to Richard Boroff. Patrick Reffett announced that the applicant would need to submit the information.

Minutes

To be approved at a future meeting.

Public Hearing Special Permit Application for a Cell Tower at 577 Bay Road.

Brian Stein opened the public hearing by reading the legal notice. Patrick Reffett gave an overview of the proposal. Three years of conversation had occurred between Town officials to obtain better cell service. The RFP issued resulted in the selection of Varsity Wireless Services for both Town Hall and potentially, behind the Public Safety Building. The Board accepted and approved a cell tower application at 434 Asbury St. earlier this year. As part of the process, that tower was being constructed but the tower only had a certain ability to create coverage in town. The coverage only reached the western side of Bay Road.

According to Patrick Reffett, Sprint had reasonable service, but other carriers didn't provide much coverage. The Federal Communications Act of 1996 tells Planning Boards and municipalities if underserved areas existed, they must accept projects to provide for service in those areas. The previous Planning Board Chairman was adamant that cell service was an important part of safety in the community. The Board sponsored changes to the Zoning By-law to allow for appropriate lots where antennas could be located. Tower allowance was elevated to 110' at a distance of 200' rather than 500' from the closest building offsite. Town Survey responses indicated cell service was needed and hence indicating support for the installation of towers.

Francis Parisi represented Varsity Wireless. Kevin Mason, Senior Project Manager for Verizon and Keith Valenti, Radio Frequency Engineer for Verizon were also present. Mr. Parisi explained that Varsity Wireless was a real estate developer working with communication companies and towns to site facilities where need existed and where found appropriate. The company designed and built structures for multiple carriers. Mr. Parisi recalled that he had submitted an extensive application package with the required and technical information (FAA clearance and affidavits from real estate specialists, health physicists, radio frequency engineers) to comply with the By-law

The By-law required that a balloon be flown with photographs taken to show the lack of visibility of the site. Consultants drove around one mile of the site to take photos. Francis Parisi said extensive real estate analysis showed no impact on abutting real estate values.

According to Francis Parisi, people no longer used landlines. 50% of households no longer had a landline. 60% of households with children no longer had landlines. 70% of all 911 calls were from a cell phone. Data transmission for Internet service from phones would increase five times in the next five years. The expanded use required better connectivity. As a safety component,

all companies needed to be able to pinpoint where 911 calls were coming from, which required a better signal. When calls were made from inside of a building, there was a structural impediment. There was a mandate to improve the signal, for public demand and public safety.

There was existing infrastructure in Beverly, Essex, and Manchester. Asbury St. was recently approved for the western edge of Hamilton. Varsity Wireless was working with Wenham to improve downtown Wenham coverage. The steeple at Gordon Seminary had a few antennas but the site was not tall or wide. Church steeples were confining in space and created sites that only allowed old technologies. Varsity Wireless was looking to provide good coverage for many carriers to create competition and lower rates.

According to Francis Parisi, Verizon had a significant coverage gap between the Wenham border all along the 1A corridor up to Ipswich. Mr. Parisi said one new tower would not cover all of the town. As facilities were low powered transmissions for two way communications, allowing phone to cell tower and back to phone, the power could not be increased to solve the problem.

Trees in residential neighborhoods and topography became structural impediments to the signal. According to Francis Parisi, Varsity Wireless had been working with the Town for one and one half years to find a buildable site. Challenges included finding willing landlords, uplands, low priced land in a high priced town, and properties that met Zoning By-law requirements such as height limits and setbacks. Hamilton had become pro-active by issuing an RFP seeking out Varsity Wireless.

Varsity Wireless said the 75' x 75' leased area behind the DPW fence would be fenced in with telecommunication equipment and tower inside. The tower would not be in the center of the area as it had to meet the setbacks (109') within the By-law.

Francis Parisi said the Zoning By-law required the applicant establish the information which would be the basis of the Planning Board's conditions. The balloon was launched after the filing but before the public hearing and was advertised in two newspapers. Abutters were notified. Extensive analysis had been conducted, based on trees in the area, to determine what the visibility might be. Mr. Parisi said towers tended to be visible when large viewscapes with few trees were present but there was a tunnel of trees along 1A, creating few vantage points to see the pole. Town Hall driveways showed views of the monopole with the Town Hall blocking the view from the center, except for the top 30' to 40'. The view analysis was in the record.

Photos showed views from Kinsman Lane, both Town Hall driveways, front of Town Hall, Paddock Lane, Crescent Road, Miles River Road, Bridge St., Orchard Road and Cutler Road. . As the cemetery and First Congregational Church were identified as historic landmarks, photos were taken from both points with the balloon not being visible. According to Francis Parisi, the By-law indicated the applicant should mitigate the view, but did not indicate that the monopole

needed to be invisible. The location met the standards of the By-law with the least visible impact as possible. The pole must be above the trees so an impediment wasn't created.

An Environmental Impact Analysis, which focused on the impact of birds, endangered plants or species as well as tribal concerns, was needed due to Federal Law.

Francis Parisi submitted a 25 page memorandum illustrating how the application met the By-law and Section 10.5.2, the Special Permit criteria. Mr. Parisi noted that he had submitted analysis that met all the criteria. The installation would be a benefit to the Town, not only improving communication and safety, but the siting on Town property, created income with no impact on traffic.

Installation would take a month to build and once a month, someone would come by to ensure the site was working properly. There was no impact on utilities, water or sewer use and electricity would be derived from the street. There would be no impact on Town services. Francis Parisi said there were not a lot of alternatives as there was no industrial zone and only two commercial sites. A municipal site was appropriate. Mr. Parisi offered that that the Planning Board needed to find that the adverse effects did not outweigh the beneficial impacts, which he believed were shown as substantially beneficial to the Town.

Varsity Wireless was not seeking waivers but had designed a proposal that met the By-law. Francis Parisi stated the Federal Government was supportive of telecommunications recognizing the public benefit of safety and the industry as a whole, developing new networks and developing new frequencies. The Federal Government said you could not say no. Mr. Parisi referred to extensive research that proved facilities were safe. Any denial needed to be based on substantial evidence. The applicant had provided substantial evidence for the need and lack of alternatives as well as evidence regarding safety and compliance within the requirements of the Zoning By-law.

In response to Ed Howard's question about other public property sites, Francis Parisi said he had been working with the Town for two years and had signed leases for Town Hall and the Public Safety Building. Mr. Howard asked about the landfill site and the MBTA tracks. Mr. Parisi referred to Tab 11 of the analysis that listed where sites were looked at and added the affidavit from the site specialist who drove around looking for existing infrastructure and spoke with land owners. Varsity Wireless looked at the landfill site but it was two and a half miles from the area and there was an existing tower about 100 yards from where the Town landfill would be. Varsity Wireless looked for sites two miles apart. Verizon and other carriers were using the water tank in Manchester on the other side of Route 128.

Ed Howard asked about the new laws for the MBTA. The challenge was in addition to MBTA leasing land, Varsity Wireless needed to comply with Zoning height and setbacks. The MBTA land was 20' to 30' wide so finding space within the corridor to build a foundation was difficult

as was the distance to the property line. Mr. Howard referred to Town owned land abutting the railroad tracks. Francis Parisi recalled that Town Meeting and the Town Manager offered two properties while the Town had not offered the railroad track property to Varsity Wireless. The Town Manager and Planner had been looking at sites for a long time. The tower at the Public Safety Building would supplement the Town Hall site.

In response to Richard Boroff's question as to what radius the tower would cover, Francis Parisi said it depended on the topography but the blob shape of coverage would extend from the Wenham border to the high school along 1A. The fenced in site had a generator, which would be tested for 15 minutes each week. The contact number would be on the fence. The monopole was designed with an intricate climbing mechanism, which was not left on site. The first pegs were 20' above the ground.

Rosemary Kennedy (61 Rust St.) asked Francis Parisi to compare the current coverage versus the proposed and asked what percentage increase would be experienced. Mr. Parisi showed maps of the existing coverage and the proposed, indicating that there was no overlap or duplication of coverage. The tower would provide 100% new coverage.

Jeff Allsopp (587 Bay Road) asked about underground or above ground electrical service. Francis Parisi responded that a utility easement with the Town would be considered to bring electricity from Bay Road to the site. Mr. Parisi was not opposed to going underground but was beholden to the utility company. Mr. Allsopp noted that subdivisions were required to provide underground utilities. Brian Stein added the he didn't know how much authority the Planning Board had over the utility companies.

Jim Collins (5 Paddock Lane) questioned the difference between the setback stipulation to the property or the edge of a building. Mr. Collins said the deciduous foliage would allow views of the tower six months of the year. Francis Parisi responded that the tower height equaled the setback from abutting property lines with a separate requirement that the tower be 200' or more from a residential structure. The proposed tower would be 250' from the nearest structure. Mr. Parisi noted the existence of conifers to block some of the tower views in winter.

Steve Homer (653 Bay Road) stated that the abutters didn't have an issue with the increased need for coverage or that it was a safety factor to have spotty coverage, but they did have a major problem with this site. Mr. Homer offered a history of the site and the Historic District, which was adopted in 1972. The back parcel of Town Hall was not added until 20 years prior or it would have been part of the district. Mr. Homer distributed an exhibit that showed 109' from surrounding property lines, proving that the proposed site was the only possible point the tower could go in, which he felt was a very creative way to squeeze the proposal into a very marginal site. Mr. Homer understood the benefits of the Town owning the parcel, but found there to be a problem squeezing it into the marginal lot in the center of the Historic District. Mr. Homer noted

the impact to the neighborhood property values and destruction of vistas due to the mass of the tower and that the tower protruded above the trees.

According to Mr. Homer, the light towers in Patton Park, Myopia, Cilly's Hill, and the high school would be sites to consider. Not mentioned in the application, was water that flowed right under the site where the pad for the tower would be located, according to Mr. Homer who added that the installation would impact DPW operations. Mr. Homer referred to the By-law that indicated the Planning Board should pay particular attention to public ways, Historic Districts, scenic areas, and views from residential areas. Mr. Homer asked the Planning Board to agree that the proposal met none of the criteria.

Steve Astolphe (Bay Road) suggested that the balloon test was disingenuous as one would see everything in winter. Mr. Astolphe wanted to see the electricity underground and wanted to have sound studies done for the generator. Mr. Astolphe was concerned about the view from the Historic District.

Ed Howard announced that the City of Peabody had decided to do away with big towers and do telephone pole small towers. Peter Clark asked if the Town had rights at Brown's Hill for water supply area as it would cover the area. Francis Parisi would have answers at the following meeting.

Marcy Homer (563 Bay Road) discussed Verizon equipment on existing cell towers.

Brian Stein made motion to continue the hearing until July 11, 2017.

Ed Howard seconded.

Vote: Unanimous in favor.

Site Plan Review for a Parking Lot at 401 Sagamore St.

David Rimmer, Essex County Greenbelt described the 270 acre property owned by Essex County Greenbelt. Chris LaPointe, Director of Land Conservation and Jeff Allsopp, architect were also present. Mr. Rimmer showed the area on a map where the parking lot would be constructed. A gravel parking plan for 18 vehicles with a separate area for three horse trailers was presented. The trail from the parking area crossed a wetland. Essex County Greenbelt would present a similar plan to the Conservation Commission under a Notice of Intent. The plan was designed to stay out of the significant wetland area.

Due to public access, the project was designed to create a safe and positive experience to get on the property. There were decent site lines leaving the property, which would be cleared to improve the site lines as part of Conservation Commission filing. The property would be opened from dawn to dusk and would not have lighting. David Rimmer was not concerned about security issues or possible overnight parking. Essex County Greenbelt had the ability to gate the entrance at the road, but would not gate the property every night. Trash and dog waste

would be managed via a carry in carry out policy with staff cleaning up the areas on a regular basis. Essex County Greenbelt would plow the lot in winter.

The grassy area could be extended (10 to 12 spaces) with gravel if the parking lot was not adequately sized, without wetland filings. There would be no utilities, power, water, or lights, but Essex County Greenbelt reserved the right to have a comfort station. There would be signage around the parking area, and signage on the street. There would be an informational kiosk and directional signs.

The main access would be a wetland trail for hiking with horses directed onto the interior road, which would access all the trails at the top of the hill. Jeff Allsopp added plantings, stones, and fencing. Some trees would need to be removed but none in the resource area. All trails were on Greenbelt land.

Tom Catalano, President of the Nordic Association, asked if the trail groomer, which was 84" wide, would be able to access the trails to groom them. The boardwalk access would not be 7' but the groomer could access the trails via an alternate route.

Rosemary Kennedy (61 Rust St.) asked how far along the road horses would need to travel to access the trails to which David Rimmer responded it was ¼ mile but it would be an interior gravel road.

Ed Howard made motion to accept the Site Plan as presented.

Richard Boroff seconded.

Vote: Unanimous in favor.

Site Plan Review for Fields at 537 Highland St. Pingree School

Jacques Burns (Pingree School) and John Amato (civil engineer) were present to discuss the proposal. The goal was to update the athletic fields and provide the potential to add a running track in the second phase. All students at Pingree School played sports so the ability to play was important. The proposal for a turf field was pushed by parents as their children were competing at a disadvantage. Out of the 11 teams that Pingree played in football, ten had turf fields. The other sport impacted was field hockey. To qualify for field hockey tournaments, the school had to have a turf field. Mr. Burns noted that athletes would not look at a school without a turf field. Darkness and wetness were a problem for grass fields without lights. The students had requested more community type of events. The mission was to open the campus to the community to attract seventh and eighth graders.

While the school program came first, the community and neighborhood would be involved. Currently, boy and girl youth lacrosse, youth softball, youth football, youth basketball, and Hamilton Wenham adult recreational volleyball used the site.

John Amato said he worked with Pingree School for nine to ten years. The north field had five fields. The proposed project would do several things including maintaining needed field space, using synthetic turf for tough weather conditions, which was part of the MA requirement for accessible parking and walking. Pingree School was proposing a 52 car paved parking lot rather than a 20 car random parking area. Between the parking and the field was a 20' walkway for emergency access and spectator access. Phase Two would be used to add a track and girls' softball field. The softball field would be moved when the track was added. The school was proposing six pole lights that would be 80' tall. The lighting layout would be tweaked to make it better, creating minimal impact to neighbors. The 80' height would allow lighting downward rather than outward, according to John Amato.

John Amata recalled that in 2008, a shoehorned turf field at the gate field was approved by the Conservation Commission. The field was not constructed because it was too small. A running track and turf field for extended use was considered. The school considered the habitat of Blackbrook and kept the plan 100' away from the wetlands with the edge of the track 95' from the wetlands and disturbance 85' from wetlands. Seating for 350 spectators and a storage building were proposed at the track. The drainage design and soil testing was complete. The school was ready to file with the Conservation Commission after Planning Board approval was obtained.

Patrick Reffett delivered comments and complaints from abutters regarding parking on their properties, which should not continue. Lighting should not trespass onto abutting properties with shut offs suggested. The lighting plan should run out to the point where 0.0. was illustrated. Hours of use may be set as a condition to ensure that livability and quality of life for abutters would be maintained.

According to the Essex County soils map, the soils were A and B soils with an infiltration rate of 1" an hour. There was not a lot of runoff. There were several discharge points on the project including the parking lot, the hill, one for the turf field, and another in the SW corner. Drains have infiltration rates designed at 1" an hour. There was a major infiltration system on both sides of the track field. The proposal met the requirements of the Wetlands Protection Act by not increasing runoff. The running track had a rubberized surface with a vegetated swale on each side. Water would flow from the pavement into a flat swale, then into a basin and back into the infiltration system filtering through small stones. Nothing would overflow until a 100 year storm. The turf field featured a drainage pad that spread water out horizontally until it reached disturbed soils on each side of the field.

A section of the existing trail would be relocated to the side of the field between two hills.

According to John Amato, the Department of Transportation did studies regarding the impact of shredded tires in the groundwater, which stated the concentration of chemicals dissipated within 10' Mr. Amato would provide the information to the Board. UNH determined sand was the best

filter to take care of any contaminants from the fields. Endicott College did yearly testing to find no problems.

In response to Ed Howard's concern about the parking lot, John Amato said if the Board required sampling at the parking lot, the applicant would do so. Sampling wells with protocol would be acceptable.

Susann Collerado Mansfield (Winthrop St.) said she was grateful the trail would continue as it was an important trail and it was important that the trail worked the way it worked currently. According to Ms. Collerado Mansfield, the wet field had a culvert that drained into her field. The culvert might be plugged. The outlet was buried, which was what created the wetland, according to John Amato. There was no long term benefit to cleaning out the culvert.

Tom Catalano (595 highland St.) said the scope of the project had grown since his initial presentation and the applicant did not demonstrate that this was the most benign way to do the project. Mr. Catalano thought there was a compelling alternative for the project, but the school thought the gateway field was not aesthetically suitable. The third alternative was 170' to 200' from other abutters. The proposal was 70' from Mr. Catalano's property line and had a huge impact on his home. Mr. Catalano said the proposal would potentially create a 10% decrease in the value of his property and would vastly curtail the ability to enjoy his property as he could not open his windows at night or during weekends due to noise during games. The turf field would increase the problem. There would also be light pollution, according to Mr. Catalano, who requested a site walk. Mr. Catalano said the trail design was wishful thinking due to grading challenges that would exceed the suggested slope for gravel trails.

Tom Catalano said the school had a well-established infrastructure track, which would be moved in Phase Two and questioned if that was just a way to justify the field location. Mr. Catalano referred to the football field and noted a septic system under the turf field could be repaired easily. Mr. Catalano respected the school's right to develop their property and fields, but didn't think they had a right to install lights. Mr. Catalano added that the so called public benefit included commercial field rentals, which would need a Board of Selectmen permit to operate.

Deborah Ellison, Ellison Law Office (63 Middle St., Gloucester) suggested having a site visit before the next meeting so the Board could get a sense of what options there were and to visualize the project. John Amato would give alternative layouts to the Board but the goal was not to lose a field in the process. John Amato would stake out key points.

The site walk was scheduled for June 28 at 5:00 pm. Patrick Reffett asked the applicant to illustrate where abutting houses were located on a plan.

Motion to continue the Site Plan Review for Pingree School until July 11, 2017.
Seconded by Richard Boroff.

Vote: Unanimous in favor.

Adjournment

Motion made by Peter Clark to adjourn

Seconded by Ed Howard.

Vote: Unanimous to adjourn at 10:42 pm.

Prepared by:

Marcie Ricker

Attest

Date