

HAMILTON PLANNING BOARD
MINUTES OF MEETING
December 4, 2018

Members Present: Richard Boroff, Peter Clark, Janel Curry, Dan Hamm, Ed Howard, Rick Mitchell, and Brian Stein (Chair).

Associate Members: Laura Walsh

Planning Director: Patrick Reffett

The meeting was called to order in the Memorial Room at Town Hall at 7:02 with a quorum established.

**Public Hearing. Communication Equipment Special Permit Petition by Mobilitie, LLC .
Micropole installation in the Business District.**

Rick Mitchell read the notice as published in the Salem Evening News to open the public hearing. Eric Kallio (Mobilitie) was present to discuss the special permit application at the intersection of Bay Road and Walnut Road. Mr. Kallio explained that Mobilitie, a company that developed wireless solutions for major carriers, including Sprint for their data capacity needs. The location was identified for the installation of a 40' wood pole containing a small cell antenna on top with equipment that supported the small cell and an a/c distribution box. The apparatus had a power disconnect on the side.

According to Eric Kallio, the location was in the MA Department of Transportation (DOT) right of way because the engineer determined that the location represented the best place for Sprint customers' data needs. The site would cover much of the downtown area. The purpose of a small cell antenna was to blend in with the other wood poles along the 1A corridor. The existing poles could not be used as transformers which were already located on the tops. Construction drawings and photo simulations had been provided. Mr. Kallio said he was working with MA DOT.

When asked Kallio stated that similar installations had been completed in Lawrence, Chelsea, Lynn, Saugus, Danvers, and Revere. Installations were on new and existing poles. Eric Kallio said the proposal was for one small cell antenna and that while no additional ones were planned, there could be future installations. Mr. Kallio said the potential 104' cell tower proposed for the Public Safety Building and/or Town Hall would not hurt the small cell antenna but the tower was not as fast as a small cell antenna for 5G technology. The area covered by a small cell antennae would be ¼ to ½ mile in rural areas typically. RF Coverage maps were included in the application. Brian Stein noted that the benefit would only be for data rather than voice and that it was difficult to place phone calls from the shopping center.

Bill Olson (419 Highland St.) questioned the 40' height of the poles. Eric Kallio responded that shorter poles would degrade the coverage area. It was noted that the abutting property owner had

been notified of the public hearing and was not present. Mr. Kallio said Mobilite had been transparent with the application. In response to Mr. Olson's question as to whether other carriers could be added to the poles, Mr. Kallio said perhaps one more could be added in the future. Mr. Olson said the Town was hoping to eventually be rid of the poles downtown and asked if the applicant was open to considering other sites. Mr. Kallio said after studying the area, the proposed location would be the most beneficial and based on the historical aspect of the community, would be the least invasive approach. Mr. Kallio understood the concern about additional poles but reiterated that the existing poles could not accommodate the equipment. The proposal was the next best option to get small cell coverage for residents.

Brian Stein said the Town hoped to bury the utilities in the future and having one pole in the middle of nothing would be detrimental. Mr. Stein worried there would be more poles as well and asked if there were any alternatives. Eric Kallio responded that the antenna could not be attached to the existing poles because they were high tension primary poles owned by National Grid. Mr. Kallio referred to the photo simulation, which he believed showed how the pole would blend in with the existing infrastructure. Mr. Stein asked if the Public Safety Building location could be an option. Patrick Reffett said Varsity was looking to potentially remove the existing 60' tower and replace it with a new higher tower if there was sufficient demand for it. All equipment was expected to be inside the building, which was used by the Police Department. Mr. Kallio would ask the engineers if the Public Safety Building could be used as a location because he wanted to work with the Town.

Carriers would have a lease agreement with private land owners with rent payments scheduled. Patrick Reffett noted the By-law did not discuss the new technology. Mr. Reffett said he had contacted Donna Brewer who advised the Board to use the By-law and create a list of elements in the By-law that fit and those that did not. The list was distributed to the Board. Mr. Reffett determined that the vast majority of elements fit the By-law. In response to Rick Mitchell's question if Mr. Kallio preferred the location because he was already in agreement with MA DOT, Mr. Kallio responded that he was on track with MA DOT but needed to get Planning Board approval so wanted to work with the Town. The Federal Telecommunications Act protected small cell antennas and expected Towns to provide an expedited and reasonable process. There was a 90 day shot clock from application to decision unless a change reset the clock.

Rick Mitchell asked if the Telecommunications Act for small cell antennae covered the right to provide service for areas found deficient in coverage as it did for towers but Kallio responded that it was regarding Boards acting in a timely fashion. The action also prevented the Towns from arbitrarily denying a project. The frequent electrical outages in town were noted. Mr. Kallio said the antenna had a battery backup. Power would be fed by an overhead wire across the road. The technology was 4G or 5G.

Bill Olson said the special permit should include a Master Plan of all towers including the worse-case scenario of all the poles along the corridor. The potential for poles would be for residential and commercial areas in town. Mr. Olson said the applicability of small cell antennae had not been tested under the Telecommunication Act. Eric Kallio said it had been tested and the ruling indicated that small cell technology was covered under the Act as it was considered necessary technology. Carriers were licensed to do this work and encouraged jurisdictional communities to work with carriers for buildouts. The benefit of hand held devices to make life easier and help with safety and well-being as well communication was discussed.

Eric Kallio said providing a Master Plan locating small cell service antennae would be a condition he would be willing to provide. The MBTA was not an option as most carriers did not work with them as they had a different perspective on the use. Rick Mitchell was concerned that there was a potential for all carriers to apply to put poles in various sites downtown. Janel Curry suggested exploring the site behind the Public Safety Building if the site would accommodate multiple poles for multiple carriers. Mr. Kallio responded that other carriers were different than Sprint. Radio Frequency engineers would be contacted regarding co-locations but Mr. Kallio had not seen them.

Richard Boroff asked if a small cell antenna could co-locate on a conventional cell tower as its place on the tower would be lower than the cell tower equipment up at the top. Kallio said the small cell tower antennae were not able to provide coverage on regular towers which was why the small cell worked in the right of way where coverage was degraded. Kallio thought being behind the Public Safety Building would degrade the service as well. While being taller would increase signal, the proposal was to not have the pole stand out. In response to Peter Clark's request to consider Gordon Conwell, Mr. Kallio said the data coverage needs were best served with small cell antennae in the right of way while voice was better served with towers.

Dan Hamm noted that Mobilitie was a vertical real estate corporation as well as venue, which located facilities in stadiums, hospitals, malls, and buildings. Eric Kallio said Mobilitie would be the pole owner and Sprint the carrier. Mr. Kallio said Mobilitie had agreements with National Grid and MA DOT. Mr. Kallio said the agreement stipulated Mobilitie was able to locate anywhere along Route 1A where the best coverage was found on either side of the road. The location would be reviewed by MA DOT. Mr. Hamm said he believed other locations were less intrusive and the Planning Board was responsible for protecting neighbors. Mr. Hamm said less than 20% of the deficient area was shown and asked if more poles were planned. Mr. Hamm wanted clarification before approval. Mr. Kallio would provide the information for Sprint but could not speak for other carriers.

Rick Mitchell mentioned the lighting poles at Patton Park, which were 100' from 1A. Eric Kallio said he would look at the potential. Richard Boroff and Mr. Mitchell added that the Patton Park site featured the same amount of traffic and covered the same area as the proposed site. Dan Hamm asked if the antenna could be mounted on buildings. Mr. Kallio said macro

network equipment could be attached to a structure but small cell antenna were not. Mr. Mitchell requested to see alternatives other than the proposed site even though it was the preferred location because he had a fear of pole proliferation all over town. Mr. Kallio asked for a continuance so he would have time to gather information. Mr. Kallio said he would investigate the potential of placing a tower on private property but believed distributed antenna solutions would only work on private buildings.

Brian Stein made motion to continue the public hearing for Mobilitie's Special Permit petition until January 8, 2019.

Rick Mitchell second

Vote: Unanimous in favor.

Master Plan (Residential) Update.

Brian Stein said he and Patrick Reffett had attended the Selectmen's meeting and spoke about the Master Plan, including the process for focus groups, public interest, with public meetings in February and March. Scott Maddern suggested obtaining as much public involvement as possible as well as having each member of the Planning Board attend another Board's meeting to distribute information regarding the process. Information would be placed in the Salem News, Chronicle, on Facebook and on the web. Rick Mitchell suggested forming a subcommittee to create a fact sheet to ensure consistency in the message. A conference call would occur between the subcommittee (Brian Stein, Rick Mitchell, Janel Curry, Patrick Reffett, and Bill Olson). Thirty-four names were submitted to be in focus groups. Patrick Reffett would reach out to focus group attendees via phone or e-mail. Mr. Mitchell thought it would be helpful to have like-minded attendees in each group. Mr. Mitchell would help Patrick Reffett. More attendees might be needed due to the time constraints of the meetings and attendees availability.

Board Discussion

Potential Zoning By-laws - Inclusionary Housing By-law, Signage, Pool Placement, Micro Wireless Communication Equipment.

Brian Stein and Patrick Reffett had updated the Selectmen regarding the Small Cell and Inclusionary Housing By-law changes. The Housing Master Plan consultant had been asked to help with the Housing By-law formula. Mr. Reffett asked specifically about two issues. The first was the payment in lieu cash value of \$146,000, which was a fraction of what it would cost for a real unit. The Town Manager had reportedly asked MAPC about a solution to the formula. The second issue was the senior housing restriction for affordable units. DHCD considered age restrictions in violation of the Fair Housing Act. If age-restricted units were constructed, they would not be added to the inventory. One consultant suggested removing the age restriction but the development would no longer be a senior housing project. Other comments were not the best solution either. Mr. Reffett would have Town Counsel review the By-law after Town Manager approval. Rick Mitchell suggested having a formula that updated itself.

Brian Stein said four By-laws would hopefully be proposed for Annual Town Meeting, including the Inclusionary By-law, minor modification to the Senior Housing By-law, Micro Wireless By-law, and Pool Placement By-law. Patrick Reffett said the Zoning By-law allowed for the placement of pools in any area, including the front yard of homes. Most communities had a Zoning By-law that regulated pools be constructed in the side or rear yard.

Peter Clark was concerned about marijuana sites and thought the Town needed a special permit process with criteria outlined. Brian Stein was concerned about where the use would be placed in town. Rick Mitchell did not see the By-law was a critical need at this time. Provisions could be outlined in the special permit such as distance from a school or size of property. While Mr. Clark thought the Patton Farm was a suitable place for the use, some other facilities might be manufacturing. Mr. Mitchell referred to the Host Community Agreement as a way to regulate the use. Mr. Mitchell added that new By-laws would be generated by the Housing Master Plan. Richard Boroff agreed the use would be more self-limiting as the industrial use would be limited without an industrial district. Dan Hamm said it was not a problem in the near future due to the cost of land, cost of project development, and the required Host Community Agreements.

Ed Howard was concerned about the marijuana facility at the Patton Estate due to water supply issues. Mr. Howard said fertilizer and water use for the plants would impact the resource. Mr. Howard was also opposed to senior housing, which discriminated by age. Mr. Howard referred to the Salem for All Ages study (2016). The study had polled Salem residents and found that only 9% had any interest in living in a senior community. Rick Mitchell responded that the Housing Master Plan would be the study in Hamilton as Salem had different demographics than Hamilton. Mr. Mitchell said the Housing Plan would create a vision of the community for many age groups living in the same community. Residents would have options for other than single family homes. Mr. Mitchell said the town had an economic discrimination as no homes were built for less than \$1M. People leave the town because they have no opportunity in housing.

Meeting Minutes – November 20, 2018

Brian Stein made motion to approve the minutes of November 20, 2018.

Janel Curry seconded.

Vote: Unanimous in favor.

Updates

Ed Howard announced that the Historic District Commission would meet December 13, 2018 to hear the proposal of the Bay Road development proposed by Tom Ford.

Adjournment

Motion made by Rick Mitchell to adjourn.

Seconded by Richard Boroff

Vote: Unanimous to adjourn at 8:55 pm.

Prepared by:

Marcie Ricker

Attest

Date