

SCITUATE PLANNING BOARD MINUTES January 11, 2018

Members Present: Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher, Richard Taylor and Alternate Member Patricia Lambert.

Others Present: Town Planner Karen Joseph; Planning Board Administrative Assistant Shari Young

Members absent: Stephen Pritchard, Chairman

See Sign-in List for names of others present at this meeting.

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate

Vice Chairman Burbine called the meeting to order at 7:00 P.M. The meeting was being recorded for airing on local cable television.

Documents

- 1/11/18 Planning Board Agenda

ACCEPTANCE OF AGENDA: Vice Chairman Ms. Burbine indicated there was a posted agenda. Mr. Limbacher seconded the motion for the posted agenda and the vote was unanimous in favor.

Continued Public Hearing – Major Site Plan Administrative Review – Restaurant & Bar – 7-9 Marshfield Avenue

Assessor's Map/Block/Lot 72-19-3B

Applicant: Humarock Seafood LLC (Stephen Leaman) dba Nautical II

Owner: Humarock Industrial, LLC

Documents

- Email from Jon Aieta, Esq. dated 1/8/2018 with Site plan documents and floor plans for 7-9 Marshfield Ave.
- Email from Karen Joseph to Board members dated 1-8-18 with contents of Site Plans.
- PDF Site Plan revision dated 1-10-18

Mr. Aieta, representing Mr. Leaman, indicated they were back for the original application for a Major Administrative Site Plan Review for a restaurant and bar with 28 seats. He said they have addressed comments from the Board and public from two prior meetings. He indicated the only exterior changes are a proposed deck sized at 16'x20' with its entrance and exit through the restaurant although there would be an emergency means of egress off the deck. Mr. Aieta said the site is located in the general business district and to operate a restaurant is a change of use for the site, but it is a permitted use of the site by right as it is within the general business district.

Mr. Aieta commented regarding the plans:

On site are 25 parking spaces, but they are required to have 28 spaces based on current use and proposed use. The 28 seat restaurant as proposed requires 7 parking spaces. He said it should not be a burden on the neighborhood based on current and traditional use of the building, but 3 spaces do need to be made up somewhere else. They propose the 3 spaces would be made up with on street parking and seek a waiver of the 3 spaces based on the different demand times of the businesses. He

said the peak demand time for Mr. Leaman would be after many businesses are already closed, 5-6pm, and a seasonal location 10 weeks peak demand.

Mr. Aieta elaborated on the site plan indicating that:

1. Traffic Flow – provided plan with one way traffic flow. Traffic would enter from Marshfield Ave and exit on Central. One way dimensions minimum requirement 10', shown on plan is 12' between each space. Each space meets requirements of the Board.
 - a. Parking spaces have been jogged out, currently there are planters. Parking will not be right up against the building.
 - b. Parallel parking – no different than any other street parking. Mr. Aieta cited example outside Town Hall. People are used to parking with spaces of different dimensions.
 - c. Backing up in to traffic - no different than backing up from another spot, driveway, supermarket no difference, people need to be cautious. Mr. Leaman spoke with Police Chief who said there is no evidence to show backing up into traffic causes any more accidents.
2. Boat Yard – Mr. Leaman discussed with the Deputy Fire Chief who indicated to him that the boat yard concerns are not Mr. Leaman's issue as they are off-site. There is an overall issue with all the boats down in the area. Traffic flow was discussed and the images submitted to the Board to show enough clearance for a fire engine to get through,
3. Privacy Fence – was installed along left hand side, blocking off HVAC system.
4. Parking Space lines painted on the ground - Mr. Leaman would like to accommodate the Board. Intention out front was to keep either stone or seashells with the granite bumper stops, but up to the Board to consider.
5. Exterior Deck – rendering on the plans.

Board Concerns of Deck:

Ms. Burbine stressed concerns for smoking and drinking on the deck. Ms. Burbine noted the liquor license application considers the deck to be utilized. Mr. Aieta and Mr. Leaman said the purpose of the deck is for overflow, a waiting area, but that people would be able to take a drink or have a cigarette on the deck, but there is no seating. They indicated it is not a social deck, but the applicant is required to note anywhere there could be alcohol on the floor plan.

Ms. Burbine asked about a gate on the deck. The applicant noted there will be a railing and emergency exit off the deck, as there has to be means of egress. Ms. Joseph commented the graphic illustration needs to show there is a gate.

Ms. Burbine requested that the Board receive written comments from the Fire Chief, Police Chief, Board of Health, Design Review Committee (DRC) and Traffic Rules and Regulation Committee. She indicated there are unanswered issues here, as well as dumpster issues.

Town Planner Ms. Joseph comments:

Ms. Joseph commented there must be 2 means of egress based on capacity of restaurant. Ms. Joseph recognized there are 2 means of egress, one from the front door and one from the double door to the deck, however there were no comments made on closing off the deck opening shown on the plan. She indicated she discussed the plan with Al Elliott who had additional concerns about parking in front of the fire department connection. Ms. Joseph identified several other concerns:

- Connection to the Fire Dept. needs to be shown, to verify no parking there. Mr. Elliot was okay with 14'- 4' for circulation for a fire truck.

- Signage is needed to show one way traffic flow
- Bumper stops need to be put on front parking spots to minimally demarcate where the parking is
- Hours of operation
- Trash handling – dumpster is in the rear with no access and the Board of Health has not commented.
- Elevations need to show the existing stair on the outside of the building if that is going to stay, as the bylaw states existing and proposed elevations are to be shown.
- No time to set review with DRC, information just received this week.
- Applicant needed to pursue easement from Humming Rock Gifts as the Board previously indicated.
- Door placement and lighting
- Concerns Board had regarding pedestrian circulation.

Mr. Aieta response:

Reason for not hearing from other departments is because when Mr. Leaman has gone to them they do not have overall issues. Mr. Aieta said he does not anticipate the Board will get written comments. He said the Fire Dept. issues are resolved and the balance of the other issues is minor and they agree to do most of them. He said the dumpster plan is in place and it will not be a full dumpster but, rather trash barrels that will be emptied daily or when necessary. He said the Hours of Operation presented to the Board of Selectman are 11 a.m. to 12 p.m..

Mr. Bornstein concerns:

Biggest concern is safe pedestrian access along Marshfield Ave where the head in parking spots are located. There are sidewalks except for in front of the parking lot. He said he would like information to determine if there should be an additional crosswalk painted and on what level of noise would be going on the deck and if that would change the look and feel of the neighborhood.

Mr. Aieta response:

Noise would be limited as there would be no seating and the seasonal aspect of the deck, but is something Mr. Leaman would be aware of. He said the deck is not going to be a loud gathering area as there is no entertainment or music and it is not an outdoor bar. Mr. Aieta addressed the parking issues stating there is quite a bit of space between the street and the end of the parking spaces and photos have been submitted showing Mr. Leaman's full sized truck parked and there is plenty of room in the sidewalk area before the street. He said people can pass in both directions with no issue and people are going to have to be careful when cars are backing out. He said necessary signage will be placed.

Mr. Limbacher concerns:

- Pedestrian Traffic
- Deck – disconnect with deck and that it is a gathering place and there parking than the projected parking spaces of 7 based on what the use of the deck is.
- Concern the deck could also become a source of inner entertainment.
- What is the access to the warehouse for trucks for deliveries? Applicant said no 18 wheelers bringing supplies in and out, would be using his own personal trucks.
- He would like to hear from the Traffic Rules and Regulations Committee.
- Will not consider waiving any parking until the exact uses of the building are known

Mr. Aieta response:

Entertainment, there are no intentions on the part of the applicant to ever file for an application to have outdoor entertainment. People waiting is natural part of the restaurant, 7 spaces takes that into account. More than adequate parking on site, but some may need to be utilized on street and that is typical and what the general business district allows for.

The applicant has spoken with the Deputy Fire Chief and Police Chief and was given the impression that it is not inherently more dangerous or prohibitive to have the parking as planned. They did review the plan and the applicant feels that if there were concerns the Board would have heard from them.

Mr. Taylor's comments:

- Letters have come from other Boards in the past and think the Board needs something in writing, particularly from the Traffic Rules Committee.
- Differences in plans from previous ones – parking spaces on east side have been moved off the building and there are arrows for the One Way traffic flow which would need to have signage. Are there additional differences?
- Access to the dumpster
- The plan shows 13.5' clear for fire access. The applicant reports it is fine with the fire department to get through space even if there are 2 cars parked. Ms. Joseph referenced there should be 14' according to the Deputy Chief. The unstamped plan was labeled as 14'4" and that is what was shown and discussed with the Deputy Chief.

Mr. Aieta and Mr. Leaman response:

They have been waiting for months to receive written letters and feel the burden should not be on applicant and does not want to drag this out further.

The dumpster on the west side is a new addition. There is a 4' gate where barrels can be removed from. The applicant has had a refuse company on site to confirm removal is workable and there is no need for large size dumpster. Trash would be not going through the restaurant as applicant has access to the full first floor. Trash would be picked up 6 days/week.

13.5' clear access is on the new parking plan for fire access and it needed to be updated to jog it out from the wall.

Ms. Lambert's concerns:

- Deck, parking spaces and walking traffic - what is the capacity for the restaurant and with the pedestrian traffic there would more than 28 people.
- Concern of overcrowding and too many people inside the building.
- No issue with the parking, but concerned with foot traffic off the deck through the opening

Mr. Aieta response:

28 is the seating capacity and there will be an Occupancy Permit to accommodate a number inclusive of the deck. He said occupancy is determined by calculations of square footage and that is not known yet. Ms. Joseph added that is it also determined by the number of accesses with 2 accesses it can be 50, less than 2 it will be below.

Ms. Burbine opened comments to the public:

Mr. Ohrenberger representing Mr. Steve Medeiros, of 6 Marshfield Ave:

- Primary concerns are front parking spaces that encroach into the street and pedestrian safety.
- Discussion with a former member of the Commission of Disabilities has pointed out all new vans have rear access ramps and the applicant as not demonstrated handicapped accessibility. If that is where the designated handicapped spots are going to be, that is something the Commission of Disabilities should review as a ramp could be lowered into a public way.
- Core issue is the parking that encroaches into the street. Traffic Rules and Regulations should review it and the Selectmen are the only ones that can authorize a modification of parking to allow for parking in a public way.
- One of the things the Board has asked for is the easement for the parking from the adjacent owner as half the parking is not permanent parking. Other concerns include a gravel walk, no designated parking spaces with lines so parking could increase.
- Deck issue – the deck is close to the property line where there are shrink wrapped boats and fuel which are highly flammable and it would only take a flick of a cigarette from the deck to cause a potential hazardous situation offsite.
- If a liquor license is received, the deck could be used 365 days/year and the only thing that cannot be done on the deck is to sit down.
- In the parking lot itself, how do pedestrians navigate through traffic moving through the lot? The Bylaw requires shade trees for parking and they are not shown.
- Exterior of the building, the landlord is the only one that has the ability to say what happens there. How will this be handled if the Board and DRC recommend exterior changes?
- Lighting – what consideration is there, particularly with regards to second floor residential tenants?

Mr. Medeiros additional comments:

Deck pictures showing railings and an opening with steps down into the parking and other pictures of the parking have been shown. There will be an opening in the deck so people can get off of it and he believes that if a patron is outside with an open container they would be able to step off the property so there should not be steps going off from the deck onto the public way. Mr. Medeiros is also concerned with the boat yard next door and the boats being shrink wrapped and railings that are 2' away where people if they're drinking can jump on to a boat. He expressed concern about the dumpster and an oil disposal system for restaurant grease that has been addressed. The new pictures show they are removing the outside staircase to the second floor so there is a door with no staircase so egress is a concern. There is concern about the parking spots leaning into the public way and people will have to step out into the street to get around the parked cars. The area is busy year round and the idea that it is only busy in the summer is fictional. His salon is open most nights until 8-9pm, so idea that everyone else leaves at 5 o'clock like applicant alluding to is untrue.

Ms. Burbine said that Ms. Joseph will provide a laundry list of what is needed. Mr. Aieta indicated he does not think list is very long and every time they come there is a new list of requirements and they are trying to narrow it down and be receptive and address each request.

Ms. Joseph told Mr. Aieta to refer to Section 770 of the Zoning Bylaws as the Board is not elaborating any new requirements than what has been requested up front. She said the plans never had some of the information required and the Board is asking the requirements from the section be met in either drawing form or letter form.

Mr. Aieta said they will answer every question that has been asked.

Mr. Bornstein moved to accept the applicant's request to continue the public hearing for the Major Site Plan Administrative Review for 7-9 Marshfield Avenue until March 22, 2018 at 7:00 pm. and to continue the time for action for filing with the Town Clerk until April 6, 2018. All information required for the continued hearing must be submitted by March 8, 2018 or there will be an immediate continuance on March 22, 2018. Motion was seconded by Mr. Taylor, vote was unanimous in favor.

Greenbush Zoning Update

Documents

- Greenbush Warrant Article
- Greenbush Zoning Map – Draft
- Enlarged PDF images of Zoning and Assessor Maps

Ms. Joseph stated that for 2018 spring town meeting, the Board previously decided to put in an article to change the zoning at 7 New Driftway to the village business overlay district and business district. She provided maps to the Board to show what the proposed zoning will be at a public hearing probably on February 8th. Mr. Ohrenberger interjected that the current zoning is the zoning before the New Driftway was there and a variance was granted by the Zoning Board of Appeals for medical use in the 60's. He said the zoning would have to change in order for the use to be anything other than medical.

Continued Public Hearing – Flexible Open Space Definitive Subdivision Plan – Curtis Estates at 90 Ann Vinal Road

Assessor's Map/Block/Lot 27-06-01

Applicant: Welby Builders, LLC

Owner: Steven D. and William G. Curtis, Jr. TRS, Curtis Realty Trust

Documents

- Email dated 1-9-18 from Karen Joseph to Board with latest plans and subdivision review report.
- PDF 17.12.28 Curtis Estates Plan Update
- PDF Curtis Estate Landscape Plan 17.12.28
- PDF PB Subdivision Review Report dated 1-8-18 by Merrill Engineers
- PDF proposed monument plan
- PDF letter to Board to accompany revised plans dated post 12.14.17
- PDF FOSD Plans 1-3-18

Present for applicant Bill Ohrenberger, Paul Mirabito and Greg Tansey.

Ms. Burbine opened the meeting with discussion that she would like to start the meeting with the remaining two waivers that need to be dealt with.

1. Waiver to approve the length of the dead end road as 723'.
2. Waiver to propose 1.5% of all construction costs equaling \$9,420.00 to be rounded to \$10,000.00 for the maintenance covenant.

Questions regarding Waivers:

- Mr. Bornstein asked for additional clarification on the rational for a longer road.

Mr. Mirabito explained with a standard subdivision the lots would be larger and there would not be any open space as all 16 septic systems would need to be on their own lots. He said the Flexible Open Space Plan (FOSD) with a road way 123' longer provides more open space that would not be on a standard subdivision plan as there would be no benefit of a shared septic system which has been approved by the Board of Health and there would not be the separation between the homes that the FOSD provides and there is also less intrusion up against the wetland areas.

Mr. Ohrenberger further commented this allows the project to achieve the purposes of the FOSD and eliminate the stacked houses while allowing for open space to aesthetically separate the houses and the plantings while buffering the neighbors. Mr. Ohrenberger said there has not been a development approved from the Board without a waiver for road length in the recent past and the FOSD is what is preferred by the Board and the Town as it is a better utilization of open space. Mr. Ohrenberger argued that the waivers are to show the differential between what a definitive plan requires and what the FOSD plan offers. Mr. Ohrenberger stated his research from about 5yrs ago shows the Town had 57 road length waivers that were granted over the past 30 years.

Ms. Burbine entertained the motion to approve the two waivers.

Waiver Dead End Road Length (Section 7.2.6.b):

Ms. Burbine moved to approve the length of the dead end road as 723' to achieve the benefits of the FOSD. Mr. Taylor seconded the motion; the vote was unanimously in favor, 4-0, with Ms. Lambert not a voting member.

Wavier Maintenance Guarantee (Section 6.8.6):

Ms. Burbine moved to approve that 1.5% of all construction costs \$9,420.00 to be rounded to \$10,000.00 for the maintenance guarantee. Mr. Taylor seconded the motion; the vote was unanimously in favor, 4-0, with Ms. Lambert not a voting member.

Discussion points:

1. Owner ship of open space to be decided, it needs to be one of 3 forms noted in the zoning bylaw – the applicant asking the Selectman to take it for the Town of Scituate under the Care and Custody of the Conservation Commission, cited examples Evangeline Dr. and White Ash Farm. If Selectman do not approve will chose one of the other options.
2. Drainage will need DPW approval to tie into Ann Vinal. Applicant to provide written document to the Board.
3. Board is in agreement that trip generation and traffic analysis is satisfied.
4. HOA has not been reviewed by Town Counsel – Board wants Town Council to review it.
5. Soil Absorption System – proposed as grass vs. natural field. A natural field to enhance the historical character of the Curtis Homestead may be desired. Mr. Bornstein said he prefers a natural field as this would help replicate habitat of parts of area that are being lost. He said the Pinehills in Plymouth does this. Applicant's only concern is that the leaching field

functionality could be compromised, but applicant will look into alternatives to grass and take comments under advisement.

6. Plans will be amended to include the sidewalk rebuilding with vertical granite curb along Ann Vinal Road – will be executed by a note on the plan.
7. Is the landscape buffer with one row of pines at rear of the site sufficient and is the planting plan acceptable to the Board. Mr. Bornstein commented anything that can help to buffer the transition space is better. Ms. Burbine commented there should be no disturbance in the 30'. Applicant has done 2 things as noted on the construction plan to show no disturbance of the open space - 1. Prior to any work on the lot a snow fence will be installed. 2. Plan shows how and where the open space would be marked; boulders and small 4" square post with plaque. They would be at 50' intervals all around the perimeter of the open space. Ms. Joseph commented they would be a condition and would be 4' high with sign on them.
8. Is it possible to salvage some of the stone on the property? Applicant is proposing to re-build a stone wall along the property on Ann Vinal Road.
9. Stone oven – the applicant will keep it on the property.
10. Lighting – there are no street lights planned from applicant, but the utility company will determine where the street lights go. Typically one would be placed at the intersection of the small road and they estimate they will put one at the end of the large cul-de-sac or near it and maybe another at the entrance. They would be ornamental lights, not a cobra head light fixture. The electric company will not start the process until there is a signed set of plans. The applicant will specify the fixture and will get the cut sheet to the Board.
11. Applicant will be proposing 2 street names; the name of the development may change.
12. Ms. Joseph to follow up with Jeff Dirk on conditions for school bus hauling and sight triangle restrictions.
13. Operation and Maintenance plan review by Ms. Joseph is still pending.
14. Board reviewed construction elements of sediment control during construction, siltation sumps, and phasing.
 - Phasing reviewed by Mr. Tansey - a good thing for erosion control. Tree cutting will take place in phases with the road and utilities done first. Lot clearing will take place as construction continues.
 - Sediment traps located in areas of lots 1&2 - when road and major construction occurs, run off and sediment will go into the trap. They will be pumped out after rain fall. Sediment is hauled away. System is very flexible and easy for any contractor to access. Several basins can be maintained at once.
 - Snow fence needs to be added to the SWPPP.
 - SWPPP needs to be part of the plan set so sheet numbers will change.
15. Existing Farm House to remain and be moved to Lot 16. Applicant says the move has been assessed and is feasible. Ms. Joseph said this will be a Finding of Fact.
16. Board requests the applicant assess with landscape architect where some large diameter trees could be put, along with helping to use/keep some of the existing stone work.
17. Storm water basin planned as loam and seed, could the basin in front be more of a planted basin with grasses. Mr. Bornstein asked the applicant to look into how to control some of the invasive species so they do not get out of control.
18. Within Open Space Area – is there a path that could be provided to connect the subdivision to Hatherly School possibly around Lot #14?
19. Mr. Taylor – asked if crosswalks can be shown on the plan across the driveways. All traffic monumentation needs to be shown on the plan. I.e. crosswalks, stop signs, stop lines.

Ms. Joseph to share the Findings of Fact and the conditions with the Applicant prior to the next meeting.

Mr. Taylor moved to accept the applicant's request to continue the public hearings for the Definitive Subdivision Plan and Flexible Open Space Special Permit for Curtis Estates at 90 Ann Vinal Road- A Flexible Open Space Definitive Subdivision until February 8, 2018 at 7:30 pm. and to keep the time for action for filing with the Town Clerk until February 28, 2018. Motion was seconded by Mr. Bornstein, vote was unanimously in favor.

Continued Public Hearing – Wireless Communication Antennas on Utility Poles (small cell attachments)

Pole SC01 – Utility Pole #236/1 adjacent to 26 Kenilworth Street – a private way

Pole SC02 – Utility Pole #245/4 adjacent to 32 Harvard Street – a private way

Pole SC04 – Utility Pole # EE C)-BRA adjacent to 14 Allen Place – a public way

Applicant: Cello Partnership dba Verizon Wireless

Owner: National Grid

Documents

- Email from Janet Langmaid dated 1-8-18 regarding antenna placement at 32 Harvard St.
- PDF of Verizon Wireless Supplemental Submission letter and plans dated 1-8-18
- Email dated 1-8-18 from Karen Joseph to Board members additional information noted above.

General Discussion:

Ms. Joseph began discussion with explanation of the new information that had been sent to the Board electronically to show the difference of what happens without the small cell attachments and where the increased coverage is for the small cell attachment. Ms. Joseph opened that the new images submitted clearly show there is a need for the small cell antennas and the Bylaw does allow them and the Board is permitting the antenna only and not the poles; the criteria of the Bylaw has been met.

Ms. Burbine commented the Planning Board has no control over the poles. She offered that Town Council has reviewed the draft decision and offered no comments. She said the Board is within the law and the Bylaw and its hands are tied with the FCC.

The other Board members were in agreement.

Mr. Hunt, of at 28 Harvard Street agrees Eversource has the right to put up a pole wherever reasonable and Verizon has the right to identify the need for a tower within a given area. He argues the Board has the right to establish the rules that govern within areas where the antennas can go. Mr. Hunt cited Mr. Pritchard's previous question about the future number of poles and when the poles would be needed in the area. He continued to discuss the deal made between Verizon and Eversource with usage of the pole. Mr. Hunt's stance is that the Board has the right to decide where the "towers" should be placed within the designated area set forth by Verizon/Eversource.

Ms. Lambert commented the language is key here and the Board does have the right to say where a "tower" goes, but does not have the right to say where a "pole" goes and that is the distinction. The proposal before the Board is not for a "tower".

Ms. Joseph added comments that the Zoning Bylaw says they have the right to put up the antenna and the Town can ask them to determine the need. Studies have been done and presented to the Board and this shows the determination of need.

Ms. Burbine read the Zoning Bylaw Section 730.4.

Mr. Limbacher stated his understanding of Mr. Hunt's argument is that the Board has the opportunity to put an antenna on "pole A vs. pole B". Mr. Hunt agreed with that summarization. Ms. Joseph responded that there are parameters for the poles that the unit can be put on and their analysis which is proprietary has determined that the poles they have chosen are appropriate poles within the location where there is a need for the service.

Mr. Klasnick addressed Mr. Hunt's concerns:

- Verizon Wireless enters into a license with Eversource and National Grid
- Verizon's RF department determines need in an area for capacity, coverage to offload demand on the network based on analysis of data as the existing macro sites are being overburdened.
- In previous submissions, the Board has been taken through the documentation of the feasibility analysis of the various locations.
- Locations chosen by information from real estate people in the field, the utility criteria and Verizon's RF criteria.
- Locations determined by the coverage and capacity requirements. They are close enough to the beach as they are trying to offload those areas.
- Before and after coverage maps have been provided that show that this action will fill the gaps.

Motion for 26 Kenilworth Street:

Mr. Bornstein moved to make the following Findings of Fact:

1. On August 15, 2017, Cellco Partnership dba as Verizon Wireless applied for a special permit and major site plan review for installation of a small cell unit on a replacement utility pole #236-1 within the private way adjacent to 26 Kenilworth Street14 Allen Place under Section 730.4 and Section 770 of the Scituate Zoning Bylaw. The public hearing opened on October 12, 2017 and was continued to October 26, 2017, November 9, 2017, and December 14, 2017 and January 11, 2018.
2. The existing pole is in the private right of way of Kenilworth Street adjacent to house #26. The existing pole is in the Residential R-3 zoning district.
3. The applicant has submitted a letter from National Grid which indicates they have entered into a Pole Attachment Agreement to install, attach, maintain, repair, upgrade and use wireless communications equipment and appurtenances on certain utility poles subject to their agreement including initial installation, on-going maintenance and upgrades or replacements of said equipment.
4. The proposed installation location of the small cell antenna will be on a pole that replaces the existing pole in this location.

5. The application indicates that small cell units allow Verizon Wireless to strategically install antennas in high demand locations while improving wireless performance, and while mitigating visual impacts through the installation of the as-proposed small cell antenna system.
6. According to affidavits from applicant's expert RF Engineers, Mohammed Alsamarai and Keith Vellante, responsible for evaluating adequacy of service, the installation will improve the reliability of the 4G service in Scituate and fulfills the Town's stated preference that alternatives to newly constructed towers be explored.
7. The small cell unit will consist of a 12-inch diameter by 38.7 inch high cylindrical antenna mounted on the replacement pole with two remote radio heads and associated wires, cables, diplexer, converter and electrical meter. A replacement 40-foot pole will be installed to hold the small cell antenna. The top of the new utility pole will be 34 feet in height and the small cell antenna will be mounted on top of that for a total height of the replacement pole with antenna at 38 feet 2 inches. The antenna is less than ten feet in height and meets the requirements of Section 730.4 and 730.2A. of the Scituate Zoning Bylaw.
Motion changes during discussion: 45 foot pole, 38 feet 6 inches in height, antenna 42 feet 8 inches.
8. The application has provided information that the replacement pole is structurally sound and capable of supporting the loads created by the antenna as indicated in Section 730 2 B.1. of the zoning bylaw. The plan shows that the replacement utility pole and proposed equipment shall comply with the standards specified in applicable industry, state and Federal Design Codes.
9. The application indicates that the proposed antenna, U-Guard, weatherhead conduit and RRH Solar shield shall be painted to match the existing utility pole. It meets the standards of Section 730.2 B. 3. of the Scituate Zoning Bylaw requiring an antenna mounted on a structure shall be colored or painted to blend with the structure.
10. The Applicant has submitted the following evidence to support the demonstration for the need for the antenna in order to provide significant improvement in network coverage and capacity:
 - a. The Applicant's FCC license to operate;
 - b. An affidavit from RF engineer Mohammad Alsamarai stating:
 - i. that he is Verizon's engineer with the network design responsibility for their network serving the Town of Scituate;
 - ii. that he certifies (under penalty of perjury) that he has conducted a review of the Town's existing network performance and completed computer simulated projections of the service that will be provided at the proposed location following the installation of the small cell antenna system; and
 - iii. as a result of such analysis, he certifies that there is a significant need to address gaps in capacity service in the Town of Scituate at this specific location.
 - c. A summary of the analysis referenced herein that summarized the existing network performance and the expected network performance following the installation of the small cell antenna system.
 - d. The applicant provided coverage maps Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – Existing Approved 700 MHz & 2100 MHz LTE Coverage and provided an interpretation of such maps that they testify demonstrate a significant need for the proposed antenna.

- e. The applicant provided a Table 1: Scituate SC014 Utility Pole Feasibility Assessment supporting the location for the proposed small cell antenna.
- f. An affidavit from RF engineer, Keith Vellante, stating that the facilities are within areas where Verizon has identified a need to install additional facilities in order to provide reliable wireless service. He certifies under penalty of perjury that the small cell locations are intended to complement the conventional macro sites and are used as a capacity solution to target isolated areas of heavy usage and that the analysis determined the location is the most appropriate solution to meet network capacity and coverage objectives for this area.
- g. The applicant provided additional coverage maps on January 8, 2018 showing Scituate MA – Existing 700 MHz & 2100 MHz LTE Coverage, Scituate MA 700 MHz & 2100 MHz LTE Coverage with SC01, SC02, SC04, Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – 700 MHz LTE Sector Footprints with Small Cells which interpretation and testimony provided shows a demonstrated need for the proposed antenna in the location shown.

This information meets the requirements of Section 730.4 of the Scituate Zoning Bylaw for demonstration of need.

11. The application meets Section 770.6 of the Scituate Zoning Bylaw Sections A. through J. as: i) the proposed installation of small cell pole attachments will enable a more reliable and improved wireless service in Scituate addressing coverage and capacity network requirements in the least intrusive way it can; ii) the small cell equipment has been sited and designed to minimize visibility from neighboring residences and streets and it will not detract from the visual appearance of the surrounding neighborhood; iii) the small cell attachment will be mounted on a replacement (of the existing) unmanned utility pole and will have no impact on traffic safety or access; iv) there will be no ground equipment, no pole mounted equipment will obstruct the public way and electric and fiber will be obtained from the existing service; v) there is no need for sewage disposal or water use or storm drainage; vi) there is no cut and fill or the destruction of other features; and vii) the obstruction of scenic views from publicly accessible locations is minimized by installing the as-proposed and approved herein small cell equipment on a replacement pole.

12. The application meets the requirements of the Scituate Zoning Bylaw Section 730.4 and Section 770 for a Wireless Communication Antenna on a Utility Pole.

Mr. Limbacher moved to approve the Findings and Facts as modified during discussion. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Mr. Bornstein moved to approve the Special Permit and Major Site Plan Review for the installation of small cell equipment on a replacement utility pole #236-1 in the private way adjacent to 26 Kenilworth Avenue with the following conditions:

1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Verizon Site Name: Scituate MA SC014 – 385925 Pole VZ #236-1 within the private right-of-way adjacent to 26 Kenilworth Street Scituate, MA 02066 Plymouth County Sheets T-1, Z-1, C-1, A-1 revised dated 6/6/17 by Krupakaran Kolandaivelu, PE of N B + C Engineering Services, LLC of Chelmsford, MA.

2) The replacement pole with the small cell unit installed shall not exceed the height of 38 feet 2 inches from ground level. The color of the small cell unit antenna shall match the replacement pole color.

3) The proposed small cell unit installation includes installing one (1) cylindrical antenna of 12.0" diameter x 38.6" at a top height of 38'-2", two (2) Remote Radio Heads and associated wires, cables, diplexer, converter and electrical meter to a 34'-0" tall (as measured from ground level) replacement pole (40' long) to replace the existing utility pole, as is detailed in the drawings referenced in item 1 above .

Motion changes during discussion: 42 feet 8", 38 feet 6" tall, 45 feet long.

4) The applicant shall maintain the replacement pole and the small cell antenna system for the period of the lease so as to maintain good appearance and good operating conditions.

5) The applicant shall demonstrate the right to use the pole prior to the special permit being released for recording.

6) Pursuant to Federal Communications System licensing, the applicant is required to ensure that at all times all radio equipment operating at the proposed communication facility results in radio frequency exposure levels compliant with FCC requirements as well as federal and state health standards. An annual statement of this shall be required. This shall be required by June 30 of every year.

Motion changes during discussion: An annual statement of this shall be required to be submitted to the Planning Board.

7) All antennas and appurtenant equipment not in use for a period of six months or more shall be removed from the replacement pole at the owner's/operator's expense.

8) Replacement pole installation and the installation of the antenna and associated equipment shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the location and all other construction activities.

9) Excavation in the Town of Scituate right of way shall be done according to Town standards and a street opening permit will be required by the DPW. Any damage done to property in installation must be repaired to its original condition.

10) The applicant shall meet all requirements of the Board of Selectmen, Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.

11) The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to operation of the small cell unit.

12) This Special Permit shall lapse within two (2) years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL C. 40A Section 9.

13) This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The applicant shall provide proof of this recording with the Planning Board.

14) The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

15) The Applicant shall provide a 14-day notice to the Planning Board for any proposed upgrades or changes from the small cell antenna system that is approved herein. Such notice shall include a submittal of the impacts and mitigation of those changes, including but not limited to any changes to visual impact of structure/antenna system, as required in accordance with Section 730.4. Such changes can be reviewed and approved by the Town Planner or, at the discretion of the Board, may require a meeting with the Board.

16) The Applicant shall provide a 48 hour notice of the small cell antenna installation to the Planning Board office and on the proposed replacement pole.

Mr. Limbacher seconded the motion with amendments; the vote was unanimously in favor.

Mr. Hunt addressed on #4 under the suggested motion and asked if the Board can place a requirement that the 2nd pole is down in a reasonably period of time. Ms. Burbine responded the Board has not control over the issue. Mr. Klasnick addressed that under the state statute and case law that is interpreted, the exclusive jurisdiction to deal with double poles lies with the Department of Telecommunications and Energy. Under state law the Towns cannot regulate double poles. Ms. Joseph confirmed based on conversation with Town Council that we are not able to regulate the poles. The Board is not permitting the pole; they are permitting the small cell antenna on top of the pole.

Motion for 14 Allen Place:

Mr. Bornstein moved to make the following Findings of Fact:

1. On August 15, 2017, Cellco Partnership dba as Verizon Wireless applied for a special permit and major site plan review for installation of a small cell unit on a replacement utility pole #E.E. CO-BR#A within the public right of way adjacent to 14 Allen Place under Section 730.4 and Section 770 of the Scituate Zoning Bylaw. The public hearing opened on October 12, 2017 and was continued to October 26, 2017, November 9, 2017, December 14, 2017 and January 11, 2018.
2. The existing pole is in the public right of way of Allen Place adjacent to house #14. The existing pole is in the business district.
3. The applicant has submitted a letter from National Grid which indicates they have entered into a Pole Attachment Agreement to install, attach, maintain, repair, upgrade and use wireless communications equipment and appurtenances on certain utility poles subject to their agreement including initial installation, on-going maintenance and upgrades or replacements of said equipment.
4. The proposed installation location of the small cell antenna will be on a pole that replaces the existing pole in this location.

5. The application indicates that small cell units allow Verizon Wireless to strategically install antennas in high demand locations while improving wireless performance, and while mitigating visual impacts through the installation of the as-proposed small cell antenna system.
6. According to affidavits from applicant's expert RF Engineers, Mohammed Alsamarai and Keith Vellante, responsible for evaluating adequacy of service, the installation will improve the reliability of the 4G service in Scituate and fulfills the Town's stated preference that alternatives to newly constructed towers be explored.
7. The small cell unit will consist of a 12-inch diameter by 38.7 inch high cylindrical antenna mounted on the replacement pole with two remote radio heads and associated wires, cables, diplexer, converter and electrical meter. A replacement 40-foot pole will be installed to hold the small cell antenna. The top of the new utility pole will be 34 feet in height and the small cell antenna will be mounted on top of that for a total height of the replacement pole with antenna at 38 feet 2 inches. The antenna is less than ten feet in height and meets the requirements of Section 730.4 and 730.2A. of the Scituate Zoning Bylaw.
8. The application has provided information that the replacement pole is structurally sound and capable of supporting the loads created by the antenna as indicated in Section 730 2 B.1. of the zoning bylaw. The plan shows that the replacement utility pole and proposed equipment shall comply with the standards specified in applicable industry, state and Federal Design Codes.
9. The application indicates that the proposed antenna, U-Guard, weatherhead conduit and RRH Solar shield shall be painted to match the existing utility pole. It meets the standards of Section 730.2 B. 3. of the Scituate Zoning Bylaw requiring an antenna mounted on a structure shall be colored or painted to blend with the structure.
10. The Applicant has submitted the following evidence to support the demonstration for the need for the antenna in order to provide significant improvement in network coverage and capacity:
 - a. The Applicant's FCC license to operate;
 - b. An affidavit from RF engineer Mohammad Alsamarai stating:
 - i. that he is Verizon's engineer with the network design responsibility for their network serving the Town of Scituate;
 - ii. that he certifies (under penalty of perjury) that he has conducted a review of the Town's existing network performance and completed computer simulated projections of the service that will be provided at the proposed location following the installation of the small cell antenna system; and
 - iii. as a result of such analysis, he certifies that there is a significant need to address gaps in capacity service in the Town of Scituate at this specific location.
 - c. A summary of the analysis referenced herein that summarized the existing network performance and the expected network performance following the installation of the small cell antenna system.
 - d. The applicant provided coverage maps Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – Existing Approved 700 MHz & 2100 MHz LTE Coverage and provided an interpretation of such maps that they testify demonstrate a significant need for the proposed antenna.
 - e. The applicant provided a Table 1: Scituate SC04 Utility Pole Feasibility Assessment supporting the location for the proposed small cell antenna.

- f. An affidavit from RF engineer, Keith Vellante, stating that the facilities are within areas where Verizon has identified a need to install additional facilities in order to provide reliable wireless service. He certifies under penalty of perjury that the small cell locations are intended to complement the conventional macro sites and are used as a capacity solution to target isolated areas of heavy usage and that the analysis determined the location is the most appropriate solution to meet network capacity and coverage objectives for this area.
- g. The applicant provided additional coverage maps on January 8, 2018 showing Scituate MA – Existing 700 MHz & 2100 MHz LTE Coverage, Scituate MA – 700 MHz LTE Coverage with SC01, SC02, SC04, Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – 700 MHz LTE Sector Footprints with Small Cells which interpretation and testimony provided shows a demonstrated need for the proposed antenna in the location shown.

This information meets the requirements of Section 730.4 of the Scituate Zoning Bylaw for demonstration of need.

11. The application meets Section 770.6 of the Scituate Zoning Bylaw Sections A. through J. as: i) the proposed installation of small cell pole attachments will enable a more reliable and improved wireless service in Scituate addressing coverage and capacity network requirements in the least intrusive way it can; ii) the small cell equipment has been sited and designed to minimize visibility from neighboring residences and streets and it will not detract from the visual appearance of the surrounding neighborhood; iii) the small cell attachment will be mounted on a replacement (of the existing) unmanned utility pole and will have no impact on traffic safety or access; iv) there will be no ground equipment, no pole mounted equipment will obstruct the public way and electric and fiber will be obtained from the existing service; v) there is no need for sewage disposal or water use or storm drainage; vi) there is no cut and fill or the destruction of other features; and vii) the obstruction of scenic views from publicly accessible locations is minimized by installing the as-proposed and approved herein small cell equipment on a replacement pole.

12. The application meets the requirements of the Scituate Zoning Bylaw Section 730.4 and Section 770 for a Wireless Communication Antenna on a Utility Pole.

Mr. Limbacher moved to approve the Findings and Facts as modified. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Mr. Bornstein moved to approve the Special Permit and Major Site Plan Review for the installation of small cell equipment on a replacement utility pole #E.E. CO-BR#A in the right of way adjacent to 14 Allen Place with the following conditions:

1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Verizon Site Name: Scituate MA SC04 – 390216 Pole E.E. BR#A within public right-of-way adjacent to 14 Allen Place Scituate, MA 02066 Plymouth County Sheets T-1, Z-1, C-1, A-1 revised dated 6/6/17 by Krupakaran Kolandaivelu, PE of N B + C Engineering Services, LLC of Chelmsford, MA.

- 2) The replacement pole with the small cell unit installed shall not exceed the height of 38 feet 2 inches from ground level. The color of the small cell unit antenna shall match the replacement pole color.
- 3) The proposed small cell unit installation includes installing one (1) cylindrical antenna of 12.0" diameter x 38.6" at a top height of 38'-2", two (2) Remote Radio Heads and associated wires, cables, diplexer, converter and electrical meter to a 34"-0" tall (as measured from ground level) replacement pole (40' long) to replace the existing utility pole, as is detailed in the drawings referenced in item 1 above. *Amendments: 12.0" diameter x 38.7", 34' - 0" tall*
- 4) The applicant shall maintain the replacement pole and the small cell antenna system for the period of the lease so as to maintain good appearance and good operating conditions.
- 5) The applicant shall demonstrate the right to use the pole prior to the special permit being released for recording.
- 6) Pursuant to Federal Communications System licensing, the applicant is required to ensure that at all times all radio equipment operating at the proposed communication facility results in radio frequency exposure levels compliant with FCC requirements as well as federal and state health standards. An annual statement of this shall be required. This shall be required by June 30 of every year.
Motion changes during discussion: An annual statement of this shall be required to the Planning Board.
- 7) All antennas and appurtenant equipment not in use for a period of six months or more shall be removed from the replacement pole at the owner's/operator's expense.
- 8) Replacement pole installation and the installation of the antenna and associated equipment shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the location and all other construction activities.
- 9) Excavation in the Town of Scituate right of way shall be done according to Town standards and a street opening permit will be required by the DPW. Any damage done to property in installation must be repaired to its original condition.
- 10) The applicant shall meet all requirements of the Board of Selectmen, Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
- 11) The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to operation of the small cell unit.
- 12) This Special Permit shall lapse within two (2) years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL C. 40A Section 9.

13) This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The applicant shall provide proof of this recording with the Planning Board.

14) The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

15) The Applicant shall provide a 14-day notice to the Planning Board for any proposed upgrades or changes from the small cell antenna system that is approved herein. Such notice shall include a submittal of the impacts and mitigation of those changes, including but not limited to any changes to visual impact of structure/antenna system, as required in accordance with Section 730.4. Such changes can be reviewed and approved by the Town Planner or, at the discretion of the Board, may require a meeting with the Board.

16) The Applicant shall provide a 48 hour notice of the small cell antenna installation to the Planning Board office and on the proposed replacement pole.

Mr. Limbacher seconded the motion with amendments; the vote was unanimously in favor.

Motion for 32 Harvard Street:

Mr. Bornstein moved to make the following Findings of Fact:

1. On August 15, 2017, Cellco Partnership dba as Verizon Wireless applied for a special permit and major site plan review for installation of a small cell unit on a replacement utility pole #245/4 within the private way adjacent to 32 Harvard Street under Section 730.4 and Section 770 of the Scituate Zoning Bylaw. The public hearing opened on October 12, 2017 and was continued to October 26, 2017, November 9, 2017, December 14, 2017 and January 11, 2018.
2. The existing pole is in the private way of Harvard Street adjacent to house #32. The existing pole is in the Residential R-3 zoning district. A replacement 40' utility pole is currently in place so two poles exist in this location.
3. The applicant has submitted a letter from National Grid which indicates they have entered into a Pole Attachment Agreement to install, attach, maintain, repair, upgrade and use wireless communications equipment and appurtenances on certain utility poles subject to their agreement including initial installation, on-going maintenance and upgrades or replacements of said equipment.
4. The proposed installation location of the small cell antenna will be on a pole that replaces the existing pole in this location.
5. The application indicates that small cell units allow Verizon Wireless to strategically install antennas in high demand locations while improving wireless performance, and while mitigating visual impacts through the installation of the as-proposed small cell antenna system.
6. According to affidavits from applicant's expert RF Engineers, Mohammed Alsamarai and Keith Vellante, responsible for evaluating adequacy of service, the installation will improve the reliability

of the 4G service in Scituate and fulfills the Town's stated preference that alternatives to newly constructed towers be explored.

7. The small cell unit will consist of a 12-inch diameter by 38.7 inch high cylindrical antenna mounted on the replacement pole with two remote radio heads and associated wires, cables, diplexer, converter and electrical meter. A replacement 40-foot pole has been installed to hold the small cell antenna. The top of the new utility pole will be 34 feet in height and the small cell antenna will be mounted on top of that for a total height of the replacement pole with antenna at 38 feet 2 inches. The antenna is less than ten feet in height and meets the requirements of Section 730.4 and 730.2A. of the Scituate Zoning Bylaw.

Motion changes during discussion: 45 foot, 38 feet 6 inches in height, antenna at 42 feet 8 inches

8. The application has provided information that the replacement pole is structurally sound and capable of supporting the loads created by the antenna as indicated in Section 730 2 B.1. of the zoning bylaw. The plan shows that the replacement utility pole and proposed equipment shall comply with the standards specified in applicable industry, state and Federal Design Codes.

9. The application indicates that the proposed antenna, U-Guard, weatherhead conduit and RRH Solar shield shall be painted to match the existing utility pole. It meets the standards of Section 730.2 B. 3. of the Scituate Zoning Bylaw requiring an antenna mounted on a structure shall be colored or painted to blend with the structure.

10. The Applicant has submitted the following evidence to support the demonstration for the need for the antenna(s) in order to provide significant improvement in network coverage and capacity:

- a. the Applicant's FCC license to operate;
- b. An affidavit from RF engineer Mohammad Alsamarai stating:
 - i. that he is Verizon's engineer with the network design responsibility for their network serving the Town of Scituate;
 - ii. that he certifies (under penalty of perjury) that he has conducted a review of the Town's existing network performance and completed computer simulated projections of the service that will be provided at the proposed location following the installation of the small cell antenna system; and
 - iii. as a result of such analysis, he certifies that there is a significant need to address gaps in capacity service in the Town of Scituate at this specific location.
- c. A summary of the analysis referenced herein that summarized the existing network performance and the expected network performance following the installation of the small cell antenna system.
- d. The applicant provided coverage maps Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – Existing /Approved 700 MHz & 2100 MHz LTE Coverage and provided an interpretation of such maps that they testify demonstrate a significant need for the proposed antenna.
- e. The applicant provided a Table 1: Scituate SC02 Utility Pole Feasibility Assessment supporting the location for the proposed small cell antenna.
- f. An affidavit from RF engineer, Keith Vellante, stating that the facilities are within areas where Verizon has identified a need to install additional facilities in order to provide reliable wireless service. He certifies under penalty of perjury that the small cell locations are intended to complement the conventional macro sites and are used as a capacity solution to

target isolated areas of heavy usage and that the analysis determined the location is the most appropriate solution to meet network capacity and coverage objectives for this area.

- g. The applicant provided additional coverage maps on January 8, 2018 showing Scituate MA – Existing 700 MHz & 2100 MHz LTE Coverage, Scituate MA - 700 MHz & 2100 MHz LTE Coverage with SC01, SC02, SC04, Scituate SC01, SC02, SC04 – Existing/Approved 700 MHz LTE Sector Footprints and Scituate SC01, SC02, SC04 – 700 MHz LTE Sector Footprints with Small Cells which interpretation and testimony provided shows a demonstrated need for the proposed antenna in the location shown.

This information meets the requirements of Section 730.4 of the Scituate Zoning Bylaw for demonstration of need.

11. The application meets Section 770.6 of the Scituate Zoning Bylaw Sections A. through J. as: i) the proposed installation of small cell pole attachments will enable a more reliable and improved wireless service in Scituate addressing coverage and capacity network requirements in the least intrusive way it can; ii) the small cell equipment has been sited and designed to minimize visibility from neighboring residences and streets and it will not detract from the visual appearance of the surrounding neighborhood; iii) the small cell attachment will be mounted on a replacement (of the existing) unmanned utility pole and will have no impact on traffic safety or access; iv) there will be no ground equipment, no pole mounted equipment will obstruct the public way and electric and fiber will be obtained from the existing service; v) there is no need for sewage disposal or water use or storm drainage; vi) there is no cut and fill or the destruction of other features; and vii) the obstruction of scenic views from publicly accessible locations is minimized by installing the as-proposed and approved herein small cell equipment on a replacement pole.

12. The application meets the requirements of the Scituate Zoning Bylaw Section 730.4 and Section 770 for a Wireless Communication Antenna on a Utility Pole.

Mr. Limbacher moved to approve the Findings and Facts as modified. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Mr. Bornstein moved to approve the Special Permit and Major Site Plan Review for the installation of small cell equipment on a replacement utility pole #245/4 in the private way adjacent to 32 Harvard Street with the following conditions:

1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Verizon Site Name: Scituate MA SC02 – 385926 Pole VZ #245/4 within the private right-of-way adjacent to 32 Harvard Street Scituate, MA 02066 Plymouth County Sheets T-1, Z-1, C-1, A-1 revised dated 6/6/17 by Krupakaran Kolandaivelu, PE of N B + C Engineering Services, LLC of Chelmsford, MA.

2) The replacement pole with the small cell unit installed shall not exceed the height of 38 feet 2 inches from ground level. The color of the small cell unit antenna shall match the replacement pole color.

Motion change during discussion: 42 feet 8 inches

3) The proposed small cell unit installation includes installing one (1) cylindrical antenna of 12.0” diameter x 38.6” at a top height of 38’-2”, two (2) Remote Radio Heads and associated wires, cables,

diplexer, converter and electrical meter to a 34"-0" tall (as measured from ground level) replacement pole (40' long) to replace the existing utility pole, as is detailed in the drawings referenced in item 1 above.

Motion change during discussion: 12.0" diameter x 38.7", height of 42 feet 8 inches, 38 feet 6 inches tall, 45' long pole.

4) The applicant shall maintain the replacement pole and the small cell antenna system for the period of the lease so as to maintain good appearance and good operating conditions.

5) The applicant shall demonstrate the right to use the pole prior to the special permit being released for recording.

6) Pursuant to Federal Communications System licensing, the applicant is required to ensure that at all times all radio equipment operating at the proposed communication facility results in radio frequency exposure levels compliant with FCC requirements as well as federal and state health standards. An annual statement of this shall be required. This shall be required by June 30 of every year.

Motion changes during discussion: An annual statement of this shall be required to the Planning Board.

7) All antennas and appurtenant equipment not in use for a period of six months or more shall be removed from the replacement pole at the owner's/operator's expense.

8) Replacement pole installation and the installation of the antenna and associated equipment shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the location and all other construction activities.

9) Excavation in the Town of Scituate right of way shall be done according to Town standards and a street opening permit will be required by the DPW. Any damage done to property in installation must be repaired to its original condition.

10) The applicant shall meet all requirements of the Board of Selectmen, Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.

11) The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to operation of the small cell unit.

12) This Special Permit shall lapse within two (2) years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL C. 40A Section 9.

13) This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The applicant shall provide proof of this recording with the Planning Board.

14) The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

15) The Applicant shall provide a 14-day notice to the Planning Board for any proposed upgrades or changes from the small cell antenna system as approved herein. Such notice shall include a submittal of the impacts and mitigation of those changes, including but not limited to any changes to visual impact of structure/antenna system, as required in accordance with Section 730.4. Such changes can be reviewed and approved by the Town Planner or may require a meeting with the Board, at the discretion of the Board.

16) The Applicant shall provide a 48 hour notice of the small cell antenna installation to the Planning Board office and on the replacement proposed pole.

Mr. Taylor moved to approve the motion as amended; the motion was seconded by Mr. Limbacher; the vote was unanimously in favor.

Accounting

Documents

- PO # 1806458 (\$420.00), PO # 1806459 (\$40.61), PO # 1806461 (\$4.91), PO # 1806588 (\$230.00), PO # 1806589 (\$1,170.00), PO # 1806590 (\$1,105.00), PO # 1806813 (\$497.98), PO # 1806815(\$3,006.25), PO # 1806812(\$33.32)

Mr. Bornstein moved to approve the requisition of \$420.00 to Chessia Consulting for inspections for 50 Country Way, for \$40.61 to Scituate Mariner for subscription, for \$4.91 to WB Mason for office supplies, for \$230.00 to Image Resolutions for printing of Zoning Bylaws, for \$1,170.00 to Merrill Corp for inspections Otis Place 37-39, for \$1,105.00 to Merrill Corp for inspections Otis Place 41-43, for \$497.98 to Amory Engineers for inspections for Blanchard Farm Estates, for \$3,006.25 to Merrill Corp for Peer review for Curtis Estates/90 Ann Vinal, for \$33.32 to WB Mason for office supplies. Mr. Taylor seconded the motion; vote was unanimously in favor.

Liaison Reports

Ms. Burbine said that the EDC work shop was well attended and they discussed the new zoning Bylaw. Most of the attendees were business owners in Greenbush and seemed to agree the changes will be amenable for the future. Another meeting will be in March. She said it is a work in progress and will not go before Town meeting for at least another year.

Planning/Development Report

Ms. Joseph said John Hallin has said he will evaluate the garage doors at the end of the project for 4 Union Street versus the 90 days required by the Board. He said replacing the doors will be budget dependent. The Board agreed that Mr. Hallin needs come back to the Board prior to an occupancy permit to discuss the garage doors.

214 Clapp Road, Studley Farm needs to extend the subdivision for another 3 years as it expired on 5/8/17 according to the conditions.

Ms. Burbine moved as read to extend the time for the completion for the Flexible Open Space Definitive Subdivision for Benjamin Studley Farm at 214 Clapp Road for an additional three years from the endorsement date of May 8th, 2017 to May 8th, 2020 in accordance with the applicant's request and condition 6 of the Subdivision Certification Action dated February 3rd, 2014. Mr. Taylor seconded the motion, unanimously voted in favor.

Ms. Joseph has asked Blanchard Farm for extension as well.

Lawson Green 40B, ZBA will be held on January 25th, will be sending a generic letter with concerns about project eligibility letter that was not in packet, ANR has not been received, asking for detail of grass crete pavers to be shown.

Mr. Taylor moved to adjourn the meeting at 10:05 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Moak Young
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk

Date Approved 1/25/18