

SCITUATE PLANNING BOARD MINUTES November 9, 2017

Members Present: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk, William Limbacher and Richard Taylor

Others Present: Town Planner Karen Joseph.

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

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

Documents

- 11/26/17 Planning Board Agenda

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

Continued Public Hearing - Residential Cluster Special Permit – off Hatherly and Tilden Road Seaside at Scituate)

Assessor's Map/Block/Lot 46/10/7F

Applicant: Toll MA Land III Limited Partnership, c/o Toll Brothers

Owner: Suburban Realty Trust, Benjamin Goulston, Trustee

Documents

- PDF of Peer Review letter of Infrastructure at Seaside at Scituate dated 11.1.17
- PDF of Peer Review letter of Stormwater Review at Seaside at Scituate dated 11.1.17
- PDF of Peer Review letter of Zoning at Seaside at Scituate dated 11.1.17
- PDF of Peer Review letter of Review of Environmental Conditions dated 11.1.17
- DOC of Design Review Meeting dated 11.1.17
- Email from Deputy Fire Chief Mr. Al Elliott to Ms. Joseph
- PDF of letter from resident Mr. Thomas Wlodyka to the Board dated 10.24.17
- PDF of letter from Vanasse & Associates, Inc. dated 11.7.17

Attendees: Mr. Bill Ohrenberger, Attorney; Mr. Jeff DeLisi, Attorney; Mr. Dave Bauer, Toll Brothers; Mr. Scott Miccile, Toll Brothers; Mr. Dave Buckley, Toll Brothers; Mr. Kevin Klein, Stantec; Mr. Jim Ash, Environmental; Erin Furdette, Traffic; Mark Manganello.

Representatives for the Town of Scituate: Janet Bernardo, Horsley Witten; Mark Nelson, Horsley Witten.

Mr. Pritchard began with follow-up items from previous discussions:

1. Environmental Review – feedback from Horsley Witten, Mark Nelson addressed
 - Proposals for the continued cleanup of the site are reasonable
 - Clarified lead testing in Ground Water with the applicant
 - Excavation of the contaminated soils
 - i. Applicant will sample the whole area to define the outer boundaries
 - ii. Need to clarify the review process for both before and after the process so the Town is comfortable

- iii. What will happen if applicant finds more additional contamination
 - 1. Who will identify if the applicant encounters soil that may be different/hazardous material
 - 2. Residual contaminations that are less obvious could be out there
 - 3. Applicant has agreed to provide more detail per Mr. Ash
- iv. Town should understand the qualifications of the people working on site and how Town can monitor the process
 - 1. Town should have more detail for the process
 - 2. Modifying the remediation plan with a sentence or two
 - a. Mr. Ash suggested once an area de-vegetated opportunity for a site review by his company.
- Get in writing confirmation there is no lead in the ground water
- Air Monitoring – how will it work if any additional areas found, needs to be in the plan
- Notification to MassDEP should take place based on information from CHA report from 2014
 - i. Notification to DEP is done by owner or operator of the site – applicant not yet owner.
 - ii. Significant additional soil and ground water sampling. Soil sampling exceeds what has been removed in the past.
 - iii. Applicant wants to file a voluntary report with DEP, not open a new file number with DEP.
 - iv. HW recommendation to have DEP be part of the process and should be notified as a site
 - 1. 120 days that could be worked into the process
 - 2. Gives additional oversight from the State

Mr. Ash responded:

- Predesign investigation approach – collect data in advance, will provide a RAM status report
 - i. Will present extent of excavation
 - ii. Required to provide to Town – in lieu of sampling
 - iii. Samples at intervals and appropriate locations
- Reacting if something else found – section is in the RAM Plan on steps the applicant would take.
 - i. Will add sentence or two about inspection done by GEI, Town Site Inspector to be present
- Air Monitoring - same controls/precautions would be taken if encounter something new
- Reporting to DEP – differ in opinion from Mr. Nelson
 - i. Remediation work proposed by Toll Brothers is conservative
 - ii. Mr. Ash's opinion is the applicant meets the exemption that is in the MCP
 - iii. RAM plan no different than if they were to record it
 - iv. Submit the RAM plan under the current site RTN
 - v. Will be recorded with the DEP under the existing RTN versus a new one
 - vi. Toll Brothers is willing to report if the Board requires
 - a. Consensus of the Board is they would like DEP notified.
 - b. Mr. Ohrenberger indicated Toll Brother will notify DEP

2. Private Wells (Drinking Water) – report indicates no private wells in the area, HW asking for confirmation
 - Need report from Board of Health
 - i. Research from applicant shows no wells on record with State from previous research completed
 - ii. Close the loop with BOH on existing wells
3. Smoke Stacks – what was the use and any other contaminants that may exist
 - Still to be evaluated by GEI
 - Comprehensive investigation of the soil in the area has been done, but nothing on the construction materials of the smoke stacks
 - Full list of potential contaminants was captured in previous investigations
 - Mr. Ash opined it has been evaluated appropriately
 - Applicant had any remaining structure on the site sampled for asbestos materials or PCB's inclusive of the inside of the smoke stack.
 - i. Nothing was found in the smoke stack material
 - ii. Report from the applicant to be sent directly to Horsley Witten and a copy to Town Planner/Planning Board for records and review

Ms. Joseph asked when the notification to the DEP would occur and would the clean-up take place prior to construction. Mr. Ohrenberger indicated that the notification has to be within 120 days of the applicant taking ownership. The Applicant indicated they would file immediately once they take ownership, but construction of the site would take place during this process. The Applicant confirmed they will be clearing and grubbing other areas and will be doing remediation of the Areas of Concern (AOC) 1-4 area at the same time. Mr. Ohrenberger indicated that there would be no construction or site work in the areas where contamination is present, but in an area where no contamination is present construction can start. Mr. Pritchard said once an area is cleared it would be a stopping point to evaluate for contamination in other areas. Ms. Bernardo asked if the Applicant should be doing tree cutting before any earthmoving and remediation, because that is what the neighbors will see. Mr. Ash said from an environmental point of view that it is okay. Mr. Bauer indicated there will be many tasks going on at the same time, i.e. clearing, grubbing, building roads, and starting houses. He said with remediation every step is taken that the LSP recommends in terms of quarantining the area and guarding against any cross-over in the activities, but building model homes and starting roads that are far away from the quarantined areas needs to start on day one. Mr. Pritchard said he understands that, but the first thing that would be done is to quarantine the areas before doing anything else. Mr. Bauer agreed, quarantine and erosion controls are both sensitive issues.

No public comments.

4. Traffic – new report from Vanasse Associates
 - Pedestrian Flash Beacon
 - i. VA recommends having at RRFB (Rectangular Rapid Flash Beacon) at Hatherly Road crossing
 1. RRFB is a flash to vehicular traffic it is not a walk sign
 2. Push button for the pedestrian there is no indication to cross
 3. For approaching vehicles increased visibility
 4. Only flashes when a pedestrian pushes the button
 5. Applicant is looking into RRFB

- Roadway width at 22'
 - i. Fire Department should make determination
 - ii. Ms. Furdette indicated part of Road F and A will be 22' in width, remaining roadways will be 20' in width
 - 1. There will be a through road Hatherly to Tilden at 22'
 - 2. Deputy Fire Chief has reviewed and okay with plan as proposed
- Connection to Ermine
 - i. Ms. Burbine would like to see a connection not a gate
 - ii. Not going to be a pass through for the development, but would let residents at the very end use as access
 - iii. Concern it is a very long dead end
 - iv. Mr. Bauer opined that it is a win-win for both the residents at the end of Ermine and residents in the enclave. Residents would pay premium to be in gated enclave.
 - 1. Alternatives to gate, maybe cobble rumble strip, i.e. Pinehills
 - 2. Emergency connection that is not gated, but something that deters driving through
 - 3. Pinehills roads 18'-20' as a reference
 - v. Ms. Burbine indicated she would like to see cobbles and it does provide a means out for the units close by if necessary

Mr. Ohrenberger asked the balance of the Board members how they feel about the cobbles. Mr. Taylor, Mr. Limbacher and Mr. Pritchard all prefer cobble alternative to a gate. Mr. Pritchard did indicate the Board has not spoken to the neighbors. Mr. Bauer expressed concern with this issue from past projects when the project is occupied further down the road and there becomes an issue with the road use. Ms. Burbine recommended that a sign be placed on both ends "Not a Thru Way". The applicant agreed to signage and cobble versus a gate.

Mr. Ohrenberger asked for the Board's consensus on the Flashing Beacon light at the crosswalk. The Board feels there needs to be something at the crosswalk to indicate pedestrian crossing and control the speed.

Mr. Ohrenberger asked for the Board's consensus on the width of the roadways. The Board is fine with the width of 22' for the main road, 20' for balance of roadways; the Boulevard is 11' on each side, fire code requires 10'. The Board is in agreement pursuant to Fire Department recommendation. Mr. Buckley indicated that he reviewed the plans with the Fire Department as they exist today with radii and hammerheads that match the letter from the Fire Department and have a sign off. Mr. Ohrenberger said these will be private roads and will be a condition of approval. He indicated the Homeowner's Association will control the roads and infrastructure and will be responsible for maintenance, plowing and repair of the entire road system. Mr. Pritchard indicated the Board would not want someone to come and try to make the roads public further in the future. Mr. Bauer indicated that the condominium documents and disclosures with purchase and sale will take care of that.

- Curbing- Belgian Block or Granite
 - Toll Brothers prefers Belgian Granite Block, holds up better
 - Used in Cohasset
 - New drawings have detail of Belgian Block
 - Mr. Pritchard would like to see the Belgian Block curbing

- DRC did not make comments
- Roadway and Sidewalk construction
 - Sidewalk cross section - New set of plans show to town standard for subdivision
 - Roadway town standard is 15" of gravel, 2" binder, 1.5" of modified binder, 1.5" of top
 - Applicant proposing to not do the 1.5" of modified binder
 - Applicant proposing 15" of gravel, 2.5" binder and 1.5" top coat
 - Ms. Bernardo opined reasonable
 - Board will need to review with DPW and get back to applicant
- Driveways – Town requires they not be within 65' of an intersection
 - A few driveways that back into and intersection are within 65'
 - 85, 34, 35, 105, 106
 - Ms. Bernardo said 65' does seem a little excessive
 - Ms. Furdette pointed out the roads and areas in question will be under stop control
 - Cars on the road will have full visibility to cars backing out of driveway
 - Trip generation volumes during peak hours are very low
 - Not proposing speed bumps, propose 15 mph
 - Mr. Taylor opined he did not see it as a sticking point, that the traffic will be light

Public Comments:

Ms. Catherine Seaton resident of 26 Doctors Hill Dr. asked if there would be any on street parking because the road does not look wide enough. Mr. Bauer indicated all units have 2 car garages with driveways for 2 cars; each can accommodate 4 parked cars. He said as a 55+ community they typically see 1.6-1.9 people per home. He said the Condominium Associations usually imposes a no-parking overnight policy and if needed there would be parking availability at the club house.

Resident at 60 New Driftway indicated that she lives in a condominium similar to what is being proposed and they have guests visit all the time and does not think there is enough parking for guests. The applicant indicated there are 4 spots in for each unit and 28 spaces at the club house. Mr. Pritchard opined that 28 spaces might be a little small for the club house. Ms. Burbine asked if there was anywhere throughout the development to insert some visitor spaces. Mr. Bauer said they will review. Mr. Pritchard said he has some concern over the number of spaces at the clubhouse. Mr. Bauer said there are a substantial number of units that people will walk from, it is generally a 3-4 minute walk. Mr. Taylor suggested potential to create spots off Road F near Tilden. Mr. Bauer said they can look it, but they invest in the 2 car garages and double wide driveway to accommodate the parking. Mr. Pritchard asked if the applicant had a radius they would expect someone to drive versus walk to the clubhouse. Mr. Bauer said they measure based on the number of homes and size of the clubhouse and have their own rule of thumb based on their history.

- Applicant will look for potential of adding additional visitor spaces
- Mr. Pritchard would like to understand how 28 spaces for clubhouse parking was determined
 - Staffing for the clubhouse -- there will not be any staff
 - No life guard on site
 - Property Manager will manage

Ms. Seaton said that in her community there is similar parking with 2 car garages and 2 cars in the driveway, but guest come very often and many with children. Mr. Bauer said there will be on street parking, but no overnight on street parking.

5. Stormwater
 - HW will have complete review by Thanksgiving
 - Generally in agreement with concept, but some fine tuning needed
6. Infrastructure
 - Fire Department submitted letter
 - Water Department is still requesting the water mains be looped
 - Mr. Miccile and Mr. Buckley met with Weston & Sampson
 - i. Review should come in 3 weeks
 - ii. New fire flow testing was completed this week
 - iii. Report will get to DPW
 - iv. 3 locations of dead end water mains on the plan
 1. Road B – loops to Hatherly Road
 2. Road G – loops to Road F
 3. Road F - has nowhere to loop, Ermine is a dead end water main; Tying in to Ermine Street will:
 - a. Weston & Sampson will comment on this issue – Road F not looped, does not recommend looping back on itself
 - b. Road F will not be an issue as a dead end water main, will have hydrant to aid in flushing.
 - Fire Department letter, Police and Building Department letters
 - i. Departments need to provide feedback on new drawings
7. Cut and Fill analysis
 - Blue is fill, Red is cut
 - How many trucks, how much fill and how many construction vehicles
 - i. Required import is approximately 100,000 yards
 1. Driven by water table
 2. 1 truck is 25 yards, 4,000 trucks over 6 years, 5 trucks/day
 - a. Truck route has not been looked at thoroughly
 - i. Would be coming 3A could use Tilden or Hatherly
 - ii. Would restrict hauling during school hours
 - iii. Ms. Burbine suggested 3A to Gannet to Hatherly, Tilden to windy.
 - iv. Needs to be part of the construction plan
 - v. Applicant will analyze and come back with radii, etc.

Mr. Bauer asked the Board for list of items that Board would like to see on the plans. Mr. Pritchard indicated that Horsley Witten has recommended the following items:

- Erosion and sedimentation control, clearing and grubbing – when do they occur for the parcel
- Removal of existing foundations - timing
- Remediation - timing
- Stock piling and crushing of concrete – timing
- Earthwork

- Rough grading of roads
- Stormwater management system
- Installation of utilities
- Road paving, etc.

Mr. Pritchard indicated Horsley Witten has articulated a much boarder list of items and the need to have the sequence of events, what are the processes and the timing of items since the project is so long in nature.

Ms. Burbine opined that because of the length of the project there needs to be a “clerk of the works”, someone that represents the Planning Board to oversee this project. Mr. Bauer indicated Dave Buckley will be on the site everyday of construction and he will have 2-3 construction superintendents reporting to him. He said there will be 2 -5 licensed construction managers on the job every day. Mr. Bauer said they will be expecting peer review and inspections from the Town, but he does not feel there needs to be a separate person on site. Mr. Pritchard indicated the Town may want to have someone there full time based on the phasing and sequencing of events. Ms. Burbine said the Board needs to know the phasing, the Surety, the HOA. Mr. Ohrenberger said the Board will have remainder of items submitted.

8. Fiscal Impacts

- Mostly in agreement
- Issue single family homes on Hatherly
 - i. \$1 million plus acceptable based on HW analysis
- Town Benefit \$795,055.00

Ms. Bernardo noted some items that had not been touched on.

- Homeowners Association (HOA)
- Easements
 - No easements on the Stormwater Basins
- Open Space
- Erosion control plan
 - Silt sock for protection there maybe need for something greater
- Signage at the entrance
- Lighting – on landscape plan
- Nature Trail needs to go to Conservation Commission
 - Under Conservation jurisdiction
- Narrative Mr. Bornstein requested on the basic purpose
- Street Trees on Hatherly
 - No landscaping on individual homes on other side of property
 - Board would like to see landscape package for individual homes
 - Submit something along the length of Hatherly Road

Ms. Joseph said the Board will need to decide what plans get recorded and will need to determine surety, i.e. performance bond at the next meeting.

Ms. Burbine requested the elevations of the building once the all fill is placed, from the bottom to the ridge line how tall is it. What will it look like from Hatherly or Tilden Roads. Mr. Bauer indicated the pictures that were presented to the Board today are virtual reality, these are the views

you would expect. Mr. Bauer indicated they would add dimensions/calculations to the images to indicate what the top of the ridge line would look like.

Mr. Pritchard requested detail of the bathroom fixtures. Mr. Bauer said they are low flow fixtures, but they will provide more detail.

Motion:

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Residential Cluster Special Permit for Seaside a Scituate by Toll MA Land III Limited Partnership, c/o Toll Brothers Inc. off of Hatherly and Tilden Roads until December 21, 2017 at 7:00 pm and continue the time for action to file a decision with the Town Clerk until January 31, 2018. Mr. Taylor seconded the motion; the motion was unanimously in favor.

**Public Meeting - Site Plan Waiver – 106-108 Stockbridge
Assessor's Map/Block/Lot 54-2-25 & 26
Applicant/Owner: Stockbridge Properties LLC**

Documents

- PDF 106-108 Stockbridge Road Site Plan
- PDF of SPW Application dated 10.16.17
- PDF of SPW floor plan and elevation
- Transmittal letter dated 10.18.17
- Email from Board of Health dated 10.30.17

Attendees: Rich Henderson, Attorney; Andrew Spath Principal in LLC

Mr. Henderson indicated this is a straight forward project.

- Land in residential zone, but for 60 yrs. has been used as a construction yard
- Section 6 Finding from Zoning decision entered in June
- Finding that the addition of office space would not substantially affect the neighborhood
 - Not adding a new business
 - No increase in traffic to the site
 - No environmental concerns
 - No change in use for the business
- Adding office of 480 sq. ft. to barn that already exists
- Office use only
 - Infrastructure will be off existing barn
 - Existing utilities
 - Town Sewer and Town Water
 - No change to exterior of building, no additional pavement
 - No storage of hazardous materials

Motion:

Mr. Bornstein moved that the Planning Board finds the proposed site work and building work is minor in nature because the proposed 480 sq. ft. one story office addition to the existing garage built in 1950 will be behind the garage and not visible to properties on either side. A Ch. 40A Section 6 Finding was issued by the ZBA on October 18, 2016 as the property is a non-conforming use in a

residential zone and has been for over 60 years. The Board proposes to grant the site plan waiver for Stockbridge Properties LLC at 106/108 Stockbridge Road, with the following conditions:

1. Construction shall comply with the Proposed Site Plan 106/108 Stockbridge Road dated 8/28/17 by Spath Engineering.
2. Approval is contingent upon all local approvals being obtained from the Town of Scituate.

Mr. Pritchard moved to add a condition three, Mr. Limbacher seconded the motion.

Condition #3:

3. Use shall only be as office no other use without the permission of the Planning Board and there will be no storage of hazardous materials of any kind.

Mr. Limbacher seconded the amendment. The vote was unanimous 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: Cellco Partnership dba Verizon Wireless

Owner: National Grid

Documents

- PDF of Antenna Information dated 11.9.17
- PDF of letter from Duval & Klasnick dated 11.9.17
- PDF of Porch view from Mr. Gene Hunt dated 11.8.17
- PDF of Fire Station view from Mr. Hunt dated 11.8.17
- PDF of letter from Mr. & Mrs. Hunt dated 11.9.17
- PDF of Cell Unit Antenna article provide by Mr. Hunt dated 11.8.17
- Jpeg image of pole at Sunset

Attendees: Mr. Dan Klasnick, Attorney representing Verizon Wireless; Keith Vallante, C Squared Systems, representing Verizon Wireless.

Mr. Klasnick recapped from meeting in October:

- Introduced nature of the single cell antenna mounted replaced telephone pole
 - 2 remote radio heads and cabling
 - Introduction of new electrical service
- Applicant showed compliance of bylaw standards
 - Scituate has provision in bylaw for these facilities
- Additional information requested by Board – electronic and hard copy provide by the Applicant
- RF affidavit provided at last meeting
 - Outlined the facilities and why Verizon Wireless proposing them
 - Map that displays existing service and how small cells interact
- New supplemental map provided to demonstrate what Verizon is trying to accomplish

- Details of pole attachment act and rights of Verizon to non-discriminatory access to every right of way and pole based on State statutes.

Mr. Pritchard indicated it would be helpful to have the RF Engineer go through the second map provided to understand the problem and how it is solving the insufficient coverage.

Mr. Vallante, RF engineer reviewed:

- First map shows town boundaries and Macro Facilities (a tower, more traditional, covers larger areas)
 - Three Sectors
 - Blue - South Eastern
 - Red – Scituate South
 - Orange - South East
 - Yellow – Marshfield and Harbor area of Scituate
 - Strongest sever is shown
 - Lots of signals create performance problems
 - Stronger signal, clearer signal more capacity and throughput, site and support
 - Distant sites have concentration of heavy usage, creates more of draw on the system, because signal is not strong
 - White areas are below marginal threshold of reliability
 - Mr. Pritchard asked what is the threshold?
 - What are the criteria to show good or bad?
 - Traditional way to show is signal strength
 - Map shows server
- Second map shows signal strength of LTE system – New Map
 - Link Budget – quantifies reliability, how much you spend is how reliable signal would be
 - Provide a signal stronger than a negative 95 DBM (decibel)
 - Usage on networks growing, so networks need to evolve to support
 - FCC auctions off licenses for frequency bands
 - Verizon currently licensed for 4 frequency bands in the area
 - Lower frequencies cover larger areas
 - Green = 700 megahertz – more robust, most range
 - Yellow = higher frequencies – doesn't cover as well
 - Map shows deficiency in signal strength
 - Signal not as clean closer to the site
 - Front Street will be challenged, without adding facility
 - How much coverage added is dependent on surrounding clutter, but tools are not build to determine how much can be added
 - Very localized, but trying to make use of a utility pole
 - How were the three poles decided upon
 - Mill Wharf & Marina busy areas, lot of traffic
 - Humarock Beach – summer population
 - Common theme out on the edge where service is hit or miss
 - There could be more sites where this technology is added
 - Not replacements to the macro facility
 - More could be required as usage increases
 - Verizon performance engineers monitoring

- 5 year plan is evolving
 - As needed basis with some foresight

Ms. Burbine opined that the Board has to approve this. Ms. Joseph indicated that this is provided for in the bylaw and the Board is only approving the antenna. The Board is not permitting the pole; the pole is covered under other provisions. The Attorney General ruling says the Board cannot regulate two poles; there are additional requirements under the FCC. Mr. Pritchard indicated what is being asked for is an antenna in a particular location, the Board is not approving any other poles or locations and it is just for these locations. Ms. Joseph said the Board can ask for coverage information to demonstrate a need.

Mr. Pritchard asked what the proliferation is for this technology; what is the 5 year plan. Mr. Vallante indicated he does not know what that is for Verizon. He said this is where the technology is going, when or where he cannot say, but likely there will be more. Ms. Burbine asked if this has any bearing on this special permit. Mr. Limbacher said it does if there are alternative locations. Mr. Pritchard asked if alternate location were looked at by the Applicant.

Mr. Klasnick spoke to the process Verizon Wireless goes through with selection of sites.

- RF Engineer will designate locations
- Site Acquisition Consultant will go out and catalog various areas,
- Verizon Wireless works with the pole owner, i.e. Eversource/National Grid
 - Pole owners impose certain criteria
 - No disruption to the primary service
- These particular locations have been in development for over a year.
 - Extensive amount of work done prior to locations being selected
 - These locations were selected because they were in closest proximity to what Verizon is trying to cover.

Mr. Limbacher asked if any had ever been taken down. Mr. Klasnick indicated that this is a new technology to his knowledge there have not been any taken down; there will only be a need for more capacity and these facilities are intended to supplement the marco facilities. Mr. Limbacher asked if there would be a transition between the macro and small cell attachments. Mr. Klasnick said it depends on what is available and what Verizon is trying to accomplish. He said Scituate had the foresight to see that additional capacity would be needed and have accounted for this in the bylaw. Mr. Limbacher indicated the bylaw was written to preclude putting towers up everywhere.

Mr. Pritchard asked if the Distributed Antenna System (DAS) was reviewed as opposed to the individual cells. Mr. Klasnick indicated there is not a DAS available in this location. Mr. Vallante indicated that a DAS system is a neutral host, someone will own and operate it and the carrier can just plug into the system. He said often time they are shared and tend to be lower power. He said the technology is similar to small cells; fibers that connect to a hub. Mr. Pritchard asked if other carriers would be able to use the equipment; the small cells would be just for Verizon. Mr. Vallante said DAS is operated by a third party and other carriers can plug into it, the power is lower, but it is a similar concept, smaller sites cover smaller areas.

Mr. Pritchard asked how Scituate prevents massive clusters of equipment. Mr. Klasnick said Verizon will be in compliance with the bylaw; it proposed to paint the equipment to match as best possible. Mr. Pritchard noted the detailed drawings that were submitted and asked if that will be all

that is needed, because that is all the Board would permit. The Board does not want to see anyone coming back and asking for more equipment or changing the design, the Board will only approve the equipment that has been identified. Mr. Klasnick said it would not change without following proper procedures.

Public Comments:

Mr. Gene Hunt of 28 Harvard Street opined that this is the tip of the iceberg and these will constantly change. He opined the Board has no control over the poles. Mr. Hunt handed out information. He understands Verizon would want to put up this equipment where there are no trees, no houses and no clutter. He referenced a couple of images. He indicated that this area of Scituate was recently designated the most severe Federal Flood Plain map location. He said indicated the pole is no longer near clutter, but is now in the vicinity of the ocean winds. Mr. Hunt said that the Town has no control over where the poles go up, but the Town of Scituate does have the initial liability when the pole falls. He indicated that the Fire Department is about 100' away that needs good coverage and he would submit that a pole in the area may be better served near the Fire House. Mr. Hunt is asking the Board to deny the pole at 32 Harvard Street. Mr. Klasnick responded to the comment regarding the wind, indicating that Verizon Wireless did testing of the bracketing and it can withstand wind loads of up to 90 – 150 mph. Verizon had this evaluated by the University of Maine and upon that Chappell Engineering provided a certification that the equipment will withstand those types of conditions. He said the evaluation was done at a proposed antenna height of 60' which is higher than what is being proposed. Mr. Klasnick provided the certified letter to the Board. Mr. Hunt indicated that the wind took off shingles on a shed near to his house that is the roof height of about 18' and sheltered in between other homes.

Mr. Pritchard confirmed the assembly is as per the sketches that appear on the Chappell Engineering document provided.

Ms. Burbine asked if there is any possibility that the pole at 32 Harvard Street could be moved. Mr. Klasnick said Verizon does not control that aspect. Mr. Hunt said the Board has the right to approve the cell unit; the pole is outside of anyone's control he is willing to live with the pole. He opined the independent decision making has to be stopped.

Mr. Pritchard said the requirement in this case is section 730.3 wireless communication standards. He indicated that the requirement is that it is allowed providing the applicant demonstrates that it is necessary for the provisions of wireless communications. He said that is what the Board is trying to address and what problem is being solved. Mr. Pritchard indicated that Verizon needs to show better that service is inadequate, not just trying to improve.

Ms. Burbine asked why there could not be only the pole on Kenilworth and not on Harvard. Mr. Vallante indicated that in order to keep up with the increased demand and reliance on services, for example Front Street, which is on the edge of coverage, Verizon is deploying LTE bands in small concentrated heavy usage areas to support the network. He said that is a similar situation down near the beach a small concentrated area with lots of traffic and usage so the limited area can get off load to the new facilities instead of being burdened on the macro facilities that are serving larger area. Mr. Hunt opined the two in Humarock would service Marshfield. Mr. Vallante said they will service the beach and seasonal traffic along the beaches. Mr. Hunt asked if there was any consideration for residential areas. Mr. Klasnick indicated that analysis is completed, Verizon evaluates various poles and with RF Engineer requirements and utility pole criteria from Eversource or National Grid the field is narrowed down. He said this is the location the best suits the coverage requirements under

the Telecommunications Act. He said that Mr. Vallante and Verizon have identified a capacity gap that they are trying to address with their network. He opined that Verizon has provided irrefutable need for the facilities under the Telecommunications Act.

Mr. Pritchard said the Board needs give a written finding that there is a demonstrated need for the antennas. He asked how does high frequency and low frequency translate to need, what is the standard of need and what is determining that there is a need. Mr. Vallante indicated there are two main databases used, topographical and clutter that define irregular coverage areas. The proposed sites are areas of concentrated usage and the antenna is like a release valve. Mr. Pritchard opined that dropping these in an area below the "link budget" it will go over the threshold of 95 DBM's.

Mr. Klasnick opined that the Scituate bylaw standard discusses capacity and this addresses a capacity gap. Mr. Pritchard indicated that there needs to be a threshold of demonstrated need for a decision to be made by the Board. He opined that in these areas the threshold needs to be above 95 DBM to provide service. Mr. Vallante said yes, that is one component, but it also needs to handle the usage.

Mr. Taylor asked if there is a map that shows the demand. Mr. Vallante said that information is highly guarded. Mr. Vallante creates the maps,

- Figure out where need is
- RF Engineers define areas and how do to it
- Different considerations

Mr. Pritchard said Step 1 is to determine the need, but Verizon will not share that information, why? Mr. Klasnick indicated a professional RF Engineer provided an affidavit, coverage maps that show why there is a capacity gap in the particular areas and what Verizon Wireless is trying to accomplish. He opined that they have met the preponderance of requirements under the Telecommunications Act and the bylaw specifically speaks to capacity issues. He said this will deal with capacity and coverage as has been demonstrated. Mr. Pritchard said that the Board needs to identify the demonstration of need, where is the information of the current service versus the service requirements? Mr. Limbacher asked the threshold is that shows Scituate needs to increase capacity. Mr. Pritchard asked if the information is proprietary. Mr. Klasnick opined he does not think that information is necessary to establish that the applicant has satisfied the bylaw and the Telecommunications Act criteria. He said the applicant has shown the need, it is based upon what Mr. Vallante has presented; the affidavit certifies there is a need based upon Verizon's evaluation of their network in this area. Mr. Pritchard said that has not been established. Ms. Lambert asked if it is Verizon's personal property. Mr. Klasnick indicated this is the information that Verizon provides for all of its facilities throughout the Commonwealth and the country. He said they do not put these facilities up unless they need them. He said the Applicant is trying to utilize Scituate bylaw to put these facilities on the poles and give information that is appropriate and necessary to establish the need. He said there is a concentration of users at certain times of year that the existing facilities cannot provide service and these will help to address the capacity requirement. Mr. Pritchard asked if the Board can view the data that Verizon used to determine inadequate service in these particular areas and that is the missing link.

Mr. Hunt opined that the Board has more power that Verizon suggests. Mr. Hunt indicated there is a need in Humarock, but not at 32 Harvard Street. He opined the Board is within its rights to work with Verizon if they demonstrate the need and it is within the appointed area to work with the Board on placement of the poles and cell towers in the least offensive area.

Mr. Pritchard said the Board is still looking for how the applicant is demonstrating the need, i.e. service profiles, dropped call profiles in these areas that show service does not meet the standard. Mr. Pritchard opined that the data exists, but will not be shared with the Board. He asked if the data can be shared. Mr. Klasnick opined it is not necessary, that the applicant meets the requirements for establishing service under the Telecommunications Act. He said carriers are entitled to set their own network performance standards and this has been shown in numerous maps. He said the maps represent and show there is inadequate service; Verizon Wireless has to prioritize its network design, there may be additional needs in the future, but at this particular time these are the three areas Verizon Wireless has determined are priority for their network design. He said the applicant has done what the bylaw asks; it does not ask to show why there might be more of a need somewhere else or why these particular locations were picked, it just asks that the applicant show there is a need for the facilities.

Ms. Joseph suggested that the hearing be continued and the Board can review with Town Counsel what is required under the Telecommunications Act.

Mr. Klasnick said of course they will continue, they want to work with the Town and will give Town Counsel the opportunity to weigh in. He also indicated that FCC guidelines should be taken into account, the Board needs to act within 90 days of the filing of these applications and that any continuance is be granted as an extension under the FCC guidelines under the Telecommunications Act for a reasonable period of time, this will be going over that time of 90 days.

Mr. Hunt asked that Town Counsel advise the Board on the placement of the antennas.

Motion:

Ms. Burbine moved to continue the public hearing for three small cell attachments at 14 Allen Street, 32 Harvard Street and 26 Kenilworth Road until December 14, 2017 at 8:30 pm and continue the time for action until December 30, 2017 and extending the FCC Shot Clock guideline. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Form A – 17 Stockbridge Road

Assessor's Map/Block/Lot 50-12-9A

Applicant/Owner: Gail P. Varrasso, TR – Stockbridge Road Realty Trust

Documents

- PDF 3887-fma dated 10.30.17
- PDF 3887 fma-filing package dated 10.27.17
- Transmittal letter dated 10.13.17

Attendee: Paul Mirabito

Motion:

I move to endorse as Approval Not Required a Plan of Land in the Town of Scituate, MA 17 Stockbridge Road by Ross Engineering Co., Inc. for applicant/owner Gail P. Varrasso TR dated 10-25-17 as the division of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least the distance presently required by the Scituate Zoning Bylaw on Stockbridge Road. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Support letter to CPC for trail parking

Attendee: Ms. Penny Pipes

Ms. Pipes requested a letter of support from the Planning Board for Town Meeting for public access and driveways into CPC lands that currently do not have access.

- Damon Property
- Bates Lane Complex
- Crosbie
- Higgins/McAlister

She indicated the CPC would be putting in roadways, parking areas, ADA accessibility.

Ms. Burbine indicated she has seen the plans, Selectmen have endorsed the proposal and it has gone to the Advisory Committee.

CPC will have to come before the Planning Board with roads and parking for approval of site plan review.

Ms. Pipes indicated the plans are done, but they are still working on funding.

- Expensive process
- Crosbie needs Wetlands crossing
 - No other way in
- All 4 together pricing is \$528K
- 4 parking lots, access road to Crosbie
- \$350K had been put aside for Appleton
 - \$350 being rescinded and moving forward with all parcels at \$528K
 - Coming from Open Space

Ms. Burbine read the letter in support of the CPC.

Mr. Taylor seconded the motion to support the support letter; the vote was unanimously in favor.

Reappointment of Hal Stokes to Design Review Committee

Motion:

Ms. Burbine moved to re-appoint Henry F. Stokes (Hal) to a three year term on the Design Review Committee for a term running from November 9, 2017 to November 9, 2020. Mr. Taylor seconded the motion; the vote was unanimously in favor.

Accounting

Documents

- PO # 1804796 (\$2,860.00), PO # 1804797 (\$128.64), PO # 1804964 (\$45.59)

Mr. Bornstein moved to approve the requisition of \$2,860.00 to Merrill Corporation for engineering peer review for 90 Ann Vinal Road- Curtis Estates, for \$128.64 to Gatehouse Media NE for legal advertisement for Verizon Wireless small cell attachments, for \$45.59 to WB Mason for office supplies. Mr. Limbacher seconded the motion; the vote was unanimously in favor.

Liaison Reports

DRC: Mr. Taylor reported:

- Planning Board has notes from DRC meeting

EDC: Ms. Burbine reported:

- Moving forward with getting stakeholders together for Greenbush
 - January 10th
- Attended meeting for Regional Sewer
 - Hull, Cohasset and Scituate
 - Lead by Hull
 - North Scituate needs sewer
 - Hull has the capacity
 - Each Town has contributed \$10,000
 - \$200K Grant that does not need a match
 - Scope of services, etc.
 - Towns going to \$100K grant each

Planning/Development Report

Documents

- DRC meeting minutes dated 11/1/17
- Planning Board Liaison list 2017

Old Business and New Business

Documents

- Email to the Board dated 11/6/17 from Karen Joseph with agenda for 11/9/17
- Email to the Board dated 11/6/17 from Karen Joseph with meeting materials for 11/9/17
- Email to the Board dated 11/7/17 from Karen Joseph with meeting materials for 11/9/17 for Seaside at Scituate.
- Email to the Board dated 11/8/17 from Karen Joseph with meeting materials for 11/9/17 for Small Cell Attachments Abutter comments
- Email to the Board dated 11/9/17 from Karen Joseph with meeting materials for 11/9/17 for Small Cell Attachments
- Email to the Board dated 11/9/17 from Karen Joseph with meeting materials for 11/9/17

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 10:50 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Shari Moak Young
Planning Board Administrative Assistant

Benjamin S. Bornstein, Clerk
Date Approved 4/26/18