

SCITUATE PLANNING BOARD MINUTES June 22, 2023

Members Present: Patricia Lambert, Chair; Rebecca Lewis, Vice Chair; Ann Burbine, Clerk; Stephen Pritchard and Bob MacLean, the alternate seat is vacant.

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

Members absent:

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

Location of meeting: Select Board Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chair Lambert called the meeting to order at 6:30 P.M. The meeting was being recorded for airing on local cable television and streaming live on Facebook with in-person and remote access available.

Documents

- 6/22/23 Planning Board Agenda

ACCEPTANCE OF AGENDA: Chair Lambert indicated there was a posted agenda. Ms. Burbine seconded the motion for the posted agenda a vote was taken the vote was unanimously in favor. Ms. Lewis arrived at the meeting at 6:48pm.

Continued-Public Hearing – Major Site Plan Administrative Review/Special Permit Small Cell Attachments – 15 Allen Place and 9 Bay Ridge Road

Assessor's Map/Block/Lot Pole #4 within the right-of-way near 15 Allen Plan and Pole #4-1

Within the right-of-way near 9 Bay Ridge Road

Applicant: New Cingular Wireless PCS, LLC d/b/a ("AT&T")

Owner: National Grid

Documents

- PDF AT&T - Scituate MA – Coverage Comparisons
- PDF AT&T Scituate MA Small Cells-Coverage Maps for Alternative Locations
- PDF AT&T Scituate MA CRAN Follow-up Correspondence to the Planning Board
- PDF FCC-18-133A1
- PDF Loren Rees Letters 6.14.23
- PDF Document 1
- PDF Document 2 – Health Risks 5G
- PDF Document 3 – World Health Org
- PDF Document 4 – Journal of Biomedical Physics
- PDF Document 5 – RF Radiation and DNA
- PDF Document 6 – Small Cells and Health
- Email sent from Dr. Michael Anderson on 6.20.23
- Email sent from Mr. Mike Diamantopoulos dated 6.20.23
- Email sent from Mr. Greg Cote dated 6.20.23
- Email sent from Dr. Katherine Ayers dated 6.11.23
- Email sent from Ms. Paulette O'Connell dated 6.20.23

- Email sent from Mr. Tom Secaur dated 6.7.23
- Email sent from Mr. Norman White dated 6.8.23
- Email sent from Ms. Marissa Glowac dated 6.16.23
- Email sent from Ms. Crystal Hoffman dated 6.17.23
- Email sent from Mr. Ryan Sullivan dated 6.17.23
- Email sent from Mr. Gregory Kelleher dated 6.16.23
- Letter from Mr. John DeMarsh dated 6.20.23
- Email sent from Mr. Loren Rees dated 6.6.23
- Email sent from Dr. Michael Ayers dated 6.13.23
- Email sent from Dr. Tim Ayers dated 6.13.23
- Email sent from Mr. Ryan Sullivan dated 6.14.23
- Email sent from Dr. Katherine Ayers dated 6.16.23
- Email sent from Mr. Maurice Loeffel III dated 6.14.23
- Email sent from Dr. Katherine Ayers dated 6.20.23
- Email sent from Mr. Ralph Studley dated 6.16.23
- Letter sent from Andrew & Caitlyn McGlynn dated 6.5.23
- Email sent from Ms. Caroline Rees dated 5.31.23
- Email sent from Dr. Katherine Ayers dated 6.20.23
- Email sent from Ms. Jennifer Askew dated 6.16.23
- Email sent from Dr. Katherine Ayers dated 6.20.23
- Letter sent from Mr. Loren Rees dated 6.14.23
- Email sent from Ms. Theresa Sica & George Donovan dated 6.6.23
- Email sent from Dr. Katherine Ayers dated 6.20.23
- Email from the Fire Department dated 5.17.23
- Email sent from Ms. Maura Curran, Select Board, dated 6.7.23
- Email sent from Dr. Katherine Ayers dated 6.19.23
- Email sent from Ms. Heather Studley dated 6.13.23
- Email sent from Ms. Danielle Wolf dated 5.31.23
- Email sent from Ms. Karen Canfield, Select Board, dated 6.7.23
- Email sent from Ms. Meredith Emmons and Ms. Jenna Emmons dated 6.20.23
- Email sent from Ms. Christina & Mr. Adam Whitman dated 6.14.23
- Email sent from Ms. Suzanne Rynne dated 6.19.23
- Email sent from Ms. Rita Sandner dated 6.7.23
- Email sent from Ms. Caroline Rees dated 5.22.23
- Email sent from Ms. Lisa Hart dated 6.8.23
- Email sent from Ms. Rita Sandner dated 6.9.23
- Email sent from Dr. Katherine Ayers dated 6.18.23
- Email sent from Dr. Katherine Ayers dated 6.21.23
- Doc DRAFT Motion form August Continuance
- Doc DRAFT Motion form 9 Bay Ridge
- Doc DRAFT Motion form 15 Allen Place
- Email sent from Ms. Rebecca Hatcher dated 6.22.23
- Email sent from Mr. Luke Driscoll dated 6.21.23
- Email sent from Dr. Suzanne MacKay dated 6.22.23
- Email sent from Ms. Stacey Best dated 6.20.23
- Legal Brief submitted 6.22.23

Attendees: Edward Pare, Attorney; Kevin Breuer, AT&T RF Design Engineer; Don Haes, Consulting Engineer for AT&T (remote), Vincent Parquette, Site Acquisition Agent from Center Line(remote); Kevin Freytag, Town Counsel

Ms. Lambert read a statement addressing the numerous comments that have been received by the Planning Board; 46 +/- comments in opposition and 1 comment in favor, a brief of opposition was received by the Board at 4:25pm this afternoon and has not been reviewed by Town Counsel, nor the Planning Board and will not be considered for this evenings meeting as it was not submitted in the time frame required for materials prior to a meeting. She provided a summarized list of the comments that had been received: uncertain health concerns, global and world concerns about FCC guidelines, unsightly equipment, decrease in property values, no clear or proven justification for the need of the antennas, unsightliness, already one on Allen Place, proximity to children's bedrooms, lack of an overall plan, replacement poles already installed, alternative locations need vetting, views impacted, other communities have adjusted their zoning to limit 5G small cell sites, financial and emotional impacts to families, town should set restrictions, not in compliance with Section 770.1 of the Zoning Bylaw. She indicated all the comments have been forwarded to the Board, except those that were received today. Ms. Lambert said some of the comments refer to zoning; the Town does have zoning in Section 730.4 for Wireless Communication Antennas on Utility Poles; a Major Site Plan Review is required. She said the current zoning may not be what the public wants, but it is what the Town has in place for these hearings. She said the Board will ask the applicant to address the 1996 Federal Telecommunications Act that prohibits the State and Local Governments from regulating personal wireless service because of perceived health effects from radio frequency emissions that comply with the FCC regulations. The Board has been told the project complies with the FCC regulations. At the last meeting the applicant was asked to address coverage and alternatives to show that the locations are the only feasible alternative; additional coverage maps have been submitted.

Mr. Pare introduced the team in attendance. He then reviewed the Telecommunications Act of 1996 as it relates to emissions and regulatory standards. He said they have provided evidence the proposed small cells will comply with the FCC standards; the FCC is the exclusive regulator they determine the limits, but the bottom-line is the applicant needs to show they comply; these are low power installations - a report was filed that demonstrates the worst-case scenario and they will comply in a matter of multitudes. The 1996 Act, a Federal Law prevents state and local governments from asserting certain jurisdictions over emissions and setting different standards. He said people may not like it, but the Federal Law prevails. He said he has read all the comments, he has not seen the brief that was submitted. He said the vast majority of comments relate to health and the Board does not have jurisdiction over that. He said the Board cannot deny these based on emissions or perceived health effects so long as the FCC standards are satisfied.

Mr. Pare reviewed the equipment; a 24" antenna on top of the utility pole. He admits the cabinet can look large against the pole, but AT&T is willing to eliminate the cabinet and attach the equipment directly to the pole, so it will be much smaller. He said in some historic districts and areas where there is sensitivity, AT&T is will to redesign and remove the cabinet and attach the components directly to the poles. He said if the Board is willing to consider that the applicant will redo their plans and provide some photo simulations. He said additional information was sent by noon on the 15th which addressed the issues discussed at that the last meeting. He said Mr. Breuer will present information on how the site is designed and then they can discuss some of the alternative sites.

Ms. Joseph asked if the cabinet is going to be 32", which was used in Watertown by the same Design Engineer, Derek Crease. Mr. Pare said if they re-design there will not be any cabinet, the radios will just be attached to the pole.

Mr. Breuer indicated he has been AT&T for 7 years designing both macro sites, big towers across all the New England states and for the past several years he has been designing these small cell attachments. He described three scenarios for designing of small cells.

- A capacity concern in which a macro site would cause more problems
 - Would be too close to an existing macro site
 - Too much of a solution for a relatively small problem
 - Small cells would go in the area to immediately serve traffic in the area and would off load the macro site
- Small Coverage holes
 - Macro site would be too much
- Macro site was desired, but there were other issues with getting a lease, zoning, etc.
 - Fall back solution would be small cells

Mr. Breuer said Scituate is an area that would not be good to zone for a macro site to address issues, thus they decided on a couple small cells to hit some of the low signal areas where there were complaints from public safety.

Ms. Burbine asked what made them decided on Allen Place and Bay Ridge Road. Mr. Breuer said they looked at where traffic was coming from, quality of the network, signal strength, using that they knew where to focus and then a search was done. He said he found that every pole along Front Street was heavily loaded and, in his experience, they would not be able to attach; they looked long the ocean side of Front street behind the first row of buildings and everything looked to be private and not usable so they started moving up the hill. He said it was the same situation on Jericho where there were very few options so they needed to move up the hill to find a suitable option.

Mr. MacLean commented it is for optimizing coverage over a certain area and putting them up the hill would optimize the amount of coverage on small cell location.

Mr. Breuer said hills play an interesting roll, sometimes they work in favor with a small cell and sometimes they act as interference, so a point needs to be determined where coverage can be maximized. He said that is what they did on Bay Ridge, they did not go all the way up the hill because they would have lost coverage closer to the ocean. He said somewhere in the middle of the hill they were able to locate a pole that would work.

Ms. Lambert asked for clarification about only one utility per pole and that AT&T cannot share with Verizon.

Mr. Parquette said that is true, during the pole picking process they are held to National Grid (NG) engineering standards that only allows for one antenna attachment per pole; there cannot be multiple carriers on a pole. He said AT&T and NG have a Master Attachment Agreement; there are engineering standards they are bound by those standards when poles are selected and per that agreement there is only allowed one wireless attachment per pole.

Mr. Pritchard opined it is a self-imposed standard. Mr. Parquette said it is the pole owner's standard, National Grid, they need to abide by that standard.

Mr. Pritchard said he wants to understand how they got to where they are and recapped that the applicant said they looked at the traffic, the signal strength and quality of the network, those are the criteria used; how do they weight them and then factor in what is good and bad to get to a selected location. Mr. Breuer said there are a lot of internal metrics and a lot of general tools that they use to understand what the customer experience is; they use drive testing, phones report back the conditions, they know how phones perform and from there they can determine where there are issues. Mr. Breuer said there was some feedback from the First Net Authority that there were some issues and the service here is underwhelming; that is the criteria that made AT&T focus here. Mr. Breuer said there is specific data in a specific area that shows issues need to be addressed.

Mr. Pritchard said he is asking how it was determined how many different locations were looked at, what factors determine the right location versus the wrong location, was there a site analysis with all those factors. Mr. Breuer said yes, the design process determines the area they are going to look at. There was discussion about how big the area is; Mr. Breuer opined there were 2 areas that were about a ½ mile each that they were looking at trying to maximize the coverage knowing it would be a small cell that could be deployed here, they surveyed the poles and found one that would work, reviewed the coverage and the quality that would result and how it would impact areas of the network and macro sites in the area. Mr. Breuer said when he did the original design, search rooms (area they are looking at) they use Google Earth to see what is available, he comes up with the desktop design and then it is passed off to the site acquisition team who go out and evaluate the poles and then provide candidates that are usable to Mr. Breuer and then each pole is ranked as to its benefit.

Mr. Breuer spoke to a map being shown of different color pins in the 15 Allen Place area; yellow pins were identified as usable poles; red poles are not usable due to requirements. There was discussion about the ½ radius that was identified as areas with signal problems, Mr. Pritchard said the question is out of the ½ mile radius how many potential good locations were identified and how did they rank against what was picked as the location; was there a ½ mile of poles that were looked at. Mr. Pritchard said he is trying to understand how AT&T got to where they are with the current selections.

Mr. Breuer tried to explain that this particular pole was identified doing his initial Google Earth search, the coverage was run from that spot because it was the nearest pole to the area in which he could fulfill his objective. The Small Cells usable range is about a ¼ of a mile, over the water they go a little further. He said if he starts looking at the edge of where there are problems, he doesn't really cover much of what needs to be addressed; they try to stick towards the center and work their way out to find poles and rank them as to what would work and what wouldn't. On Bay Ridge they ended on the particular pole because it gave a little extra height to get more coverage to the hilltop.

Mr. Pare showed a map of Bay Ridge.

Mr. Pritchard said they pick a center of the half mile radius and pick out a pole from there. Mr. Breuer said in simple terms yes, but they have to look at how the ground moves because that will affect how the coverage goes. Once a location is determined, that goes to Site Acquisition; at a certain point if they get too far from the search range and the center, the site becomes unusable. Mr. Pritchard said so they are looking for a specific location they are not looking to "say if they need to

cover that mile radius I could put one there and one there or I can do A, B or C” it is more that the center has been identified and this is the closest pole; he said he is just trying to understand the process.

Mr. Breuer said when the initial design is done he looks at poles that he thinks are usable and picks the one that works best as the search center, he said a couple hundred feet after that it becomes a different search. He said if they move too far away they won’t get the coverage they are looking for. Mr. Pritchard said he is paraphrasing, but basically, they are looking for the center to put something on, that is where they start. Mr. Breuer said it is not that he measured the distance and said “this is the middle” it may be that, but there is a method in getting the signal where it needs to be, it can be off-center and sometimes it needs to be the center.

Mr. Pritchard asked when this was started was it a 36’ pole or a 40’ pole? Mr. Breuer said when he designed it, it was designed as a 37’ pole, he said it is hard to measure the existing pole from Google Earth, but he knows what he is looking for and what height is going to work; 37’ allows them to get above roof tops.

Ms. Lambert asked if the reason for all these small cells is so there are not all these giant towers like the one outside here. Mr. Breuer said as few as possible.

Mr. Breuer reviewed the Town wide service map; the eastern side shows a large gap in cell service. He said the most economical choice for AT&T in Scituate would actually be a macro site on the eastern edge; the only tools available right now are macro or small cell.

Ms. Lambert mentioned that she is a librarian and has been doing a ton of research about Small Cells and the FCC and that the Board takes everything that people have to say very seriously.

Mr. MacLean said the impetus behind this is to try and tie in this area that has a lot of population, but not a lot of coverage so the First Net thinking is to increase coverage to tie into the larger towers or at least have coverage in the dead space between those areas.

Mr. Breuer said yes, that is one of the benefits of small cells; serving from a distance increases interference into the network and capacity. The amount of signal strength needed to get data cleanly takes a lot of capacity from the network, by putting small cells in the area where there is traffic being served although poorly, a tremendous amount of capacity is added to other areas of the network that are not being touched. He said not only are the users on the small cell getting better services, but users off the macro network are also getting a benefit.

There was continued discussion of the Town wide map being shown. Mr. Pritchard said there are 3 colors on the map that show high conductivity, orange, blue and green, he asked what is the take away from the map.

Mr. Breuer said the map shows where a user would expect to get certain types of service; there are a few areas where the connectivity would be poor and those are the areas in the gray color. He said the next color up from gray would be more than likely to get service, but if one were trying to stream something or load a web page it might not come very quickly or it might just pause for a bit, there is still a connection, but the data rates are very slow. As you move up to orange it is almost a guaranteed connection, but the data speeds may be slow, depends on what the usage is like; blue and green are pretty good. He said in the orange area, not much would be noticed.

Mr. Pare added that the Board asked for this map at the last meeting; he said the macro sites are where the green dots are, where there is green and blue there is good coverage, but the chances of getting power to the Harbor are slim to none.

Mr Pare said what they did with the other maps provided was to isolate the coverage provided for the Bay Ridge location; there were 2 locations along Jericho that were yellow pins that had potential. He had a coverage map for a pole near Pier 44 and the boat landing and a map on Jericho Road near the Scituate Yacht Club that showed a little better coverage than the pole near Pier 44. Mr. Pare said with this particular location there has been some opposition and question as to how close they can get to the optimal coverage; AT&T has taken another look and they think they can do it with the site along Jericho near the Scituate Yacht Club. He said he would warn that they are likely going to attract a different set of neighbors, maybe some of the same, but someone is going to see it. Mr. Pare said AT&T is willing to see if National Grid (NG) will license the pole to them; they don't have cart-blanc say, but they are willing to do an application with NG; until that happens they will keep this application open in case NG does allow them to attach. He said they would prefer to be up on Bay Ridge for the coverage, but they are willing to balance and comprise and see if it can work.

Mr. Pare said they do not have as good a story on Allen Place. He showed a map of the different colored pins in the area around Allen Place. He said at the last meeting they showed a similar site assessment map, but had cutoff the eastern border. Since the last meeting they looked for further into Front Street and beyond, but unfortunately there is nothing for them to attach to, all the pins are red. He said they have provided details, but there are either transformers, major electrical equipment, junction poles or they are on private property, so none are feasible poles because they cannot get a license from NG.

Mr. Pare indicated the alternative pole on Jericho is located on the corner of Bay Ridge and Jericho on the oceanside. He said he does not think it is in a direct path and if the equipment cabinet is removed it should be diminished, but there may still be some abutters.

Mr. Pare opined that they have addressed what was discussed at the last meeting and thinks they have provided a compromise, with the pole at Bay Ridge and hopes there would be support from both the Board and the neighbors. He asked if the move is a non-starter that the Board tell him now so they don't waste time and money trying to get NG to license something for them. He said NG will probably want to replace the pole, the poles are usually 40' with 6' buried in the ground, with a 34' top height with the antenna on top goes to 37'. He just wants to get a sense if moving the pole to Jericho would be something the Board would consider, so they don't waste resources. He said unfortunately, they are stuck with the Allen Place location.

Ms. Lewis asked about the red poles on the map. Mr. Pare said the red poles are poles that will not work, either NG will not allow them to use it or it is on private property and not in the right-of-way, so all the poles exist, but have some problem. Ms. Lewis asked if they looked further more south, closer to the Village Market. Mr. Pare said at some point they will lose their coverage objective, they would like to be somewhere in the circle and closets to the middle.

Mr. Pritchard asked if there is a map that shows the coverage with the location at Allen Place and Bay Ridge, now Jericho. Mr. Pare showed a map of the combined coverage of the two locations. He referred to Alternative 2/Rees Letter/Yacht Club.

An audience member corrected the location being at the bottom of Wellesley and Jericho not Bay Ridge Road.

Ms. Lambert asked if these are the only 2 Small Cell Antenna that they are going to install in the area. Mr. Pare said for right now yes. Mr. Breuer does not have anything else in design for the area, but once they go through another cycle he does not know.

Mr. Pritchard asked looking at the Town wide map where there are gaps in coverage if there plans for those areas, i.e. no one is going to show up next week with another application. Mr. Breuer said no, but they do have coverage issues and they have fixed resources to fix it. He said at the moment they do not have any further allotment, but with all the New England states together there are lots of areas for improvement, but at the moment they have nothing further coming. Mr. Pritchard said this was a big enough issue somewhere that it usurped any other location in Scituate; Mr. Breuer said correct.

Mr. Pare said part of this was the Town reached out to AT&T; there was an inquiry made about coverage and the lack of it, probably for public safety reasons along the beaches. He said it really becomes about public safety. Ms. Lambert indicated the one letter that was received in favor of this was from the Fire Department.

Mr. Pare said they are installing these everywhere across the Commonwealth and throughout New England, it is not just Scituate. He said in a highly populated area they could have 25 nodes and in cities. i.e. Boston will have tons of them, it is a different area, but the Cape has them near the beaches and in more densely populated areas. He said this is not unique to Scituate.

Ms. Lewis asked if there is already a Small Cell on Allen will there be interference between the two; Verizon already has a Small Cell Attachment. Mr. Breuer said no, they operate on different frequencies. There was discussion about how far apart the antennas would be from each other, basically on the other side of the street from each other.

Ms. Lambert said she read of list of the kinds of comments that were received, it is an emotional issue, and the Board has a sense of where most of the people in this room stand; this is a public hearing the Board will hear the public, but she asked if anyone has anything further from the list she started with please feel free to contribute.

Public Comment:

Ms. Gerritson, resident at 64 Sedgwick Dr., questioned the location at the Yacht Club and if there are certain restrictions as to how far these attachments should be from children, she said this is why a lot of people are here anyways, but she is curious how far it actually is from where all the kids are.

Ms. Lambert said the Board has to work within the confines of the Town Bylaw right now; the Board understands work may need to be done on the Bylaw, but at this time for this particular application there is not a regulation on that and the Board has to operate within the confines of the law.

Mr. Donnelly, resident at 18 Beacon Road, said he saw the coverage maps and got a chance to understand them, but he asked about the lighthouse and if from the light house in there wouldn't be any other points.

Mr. Breuer showed a map of a location in the parking lot of the light house and the coverage provided.

Ms. Rees, resident at 19 Bay Ridge Road, opined there is almost a half a solution, nothing is going to be ideal, but she applauds that they looked at an alternate location and putting the pole across Bay Ridge in the right-of-way of Jericho is probable 50' from the edge of a property line and then a house, she applauds that investigation and wishes that Allen Street they could do the same because they are going to double it up. She appreciates the thought put into the alternative and is happy to hear it, but hopes that something could be happen on Allen; i.e. Village Market and big parking lots in the Harbor.

Ms. Lambert commented that the Village Market is a private parking lot and these people deal with a public right-of-way.

Mr. Breuer said if they get much further south from Allen they start losing coverage.

Ms. Lewis asked if there are any poles on the street next to the Village Market, Beal Street, which is less populated and doesn't already have something on it. She admits it is not ideal, but Allen Street already has a Small Cell. Mr. Breuer said he did look in the area and thought there was something, but determined it was a crane.

Dr. Ayers, resident at 15 Allen Place, said she is unclear on poles; she did some research and depending on where you are it seems like they cost \$2K- \$4K to put in, if the crane location was great and it is a public right-of-way why can't a pole be put there. She is unclear why we are stuck with the existing poles, they removed her pole because it was not an ideal candidate for this, but AT&T had NG remove it and put in an ideal pole. She said if they can do that, then if there is a location that is less disruptive to the community and is in a commercial space and ticks off certain things why can't NG be paid to put a pole where a pole fits. She is unclear about that, she opined the expense to a billion-dollar company involved versus the loss of property value to her family; she and the neighbors don't want to be know as the "radiation street", these are two of the four companies and the other 2 will probably use the same demographics as AT&T. She said it is one of the most beautiful streets and is starting to look like Nantucket, but walk along and see all the cell towers. She said she is excited and thanks AT&T for trying to be creative with the Yacht Club parking lot, but she does not think they can give up on Allen Place and if there is the ability to put in a pole on a site that is good that has public access why can't that happen. She opined it is an undue burden on lots of families who are investing in houses on Allen Place; everyone is taking pride.

Ms. Lambert questioned if there is no place on Beal Street to put a pole and said she assumes that on Front Street there must be some kind of distance required between poles; she said not to forget that people do live on Front Street, that although it is a commercial area it is a mixed-use area, there are plenty of people that live all over the harbor and that there would be another set of neighbors that would be coming to the Board with the same set of issues. She said the Board has to take the Engineer's word that there is nothing available.

Mr. Parquette indicated that NG or Verizon which is telecommunications will install a pole for their use only; they will not install for an attachment.

Dr. Ayers asked if Scituate would install a pole; Ms. Lambert said Scituate does not own poles and the Town does not wish to engage in owning poles.

There was discussion if AT&T has ever installed a pole, Mr. Pare said from his knowledge no.

Dr. MacKay, resident at 18 Allen Place, said she had three questions: 1. Is it possible to get a pinned site for Beal Street, 2. What prohibits “us” from pursuing private pole discussions with private pole owners if the location is better and 3. Dr. MacKay asked to zoom in on Allen Place on the heat map so there could be a better understanding of the coverage in the area. Dr. MacKay opined that looking at the map pole 5, Allen Place, is in an area with blue and green which are high connectivity, fair to excellent data. Mr. Breuer said there are some blue areas, but the vast majority is orange where there are a lot of users and closer to the water. There was discussion of what orange means, high connectivity and medium to low data rates. Dr. MacKay asked for an explanation on what the demonstrated need is for the pole at 18 Allen Place if there is high connectivity with low to moderate data rates, high connectivity with moderate data rates and high connectivity with high data rates, for the vast majority in that neighborhood. Mr. Breuer said there is a sufficient amount of users in there, a lot of user with poor connectivity create network quality issues where people don’t get the service they want, it takes a lot of resources to service someone that is in a low signal strength area or one that is impacted with interference; by putting the cell in the location they are able to provide a higher quality of service and free up the macro cells.

Ms. Burbine suggested the applicant take a look up Beal Street. Mr. Pare said they will do that for the next meeting.

Mr. DeMarsh, resident at 39 Allen Place, said he would like to challenge the notion of what an acceptable site is with Allen Place. He said through the best efforts of AT&T and the engineers this is the “optimal” location it serves the optimal radius for an optimal cost, that is the starting point. He said he is wondering what the reluctance is to go outside the public realm without NG. He opined it is easy to deal with NG - it’s a known master contract, there is FCC coverage for sightings, etc., but cell locations are put on private property all the time. He is asking why alternative solutions can’t be found in the downtown area similar with what was tried on Bay Ridge Road and the yacht club, boat club, boat ramp, community center, fish pier, Cole Parkway, where sites can be located and separated from residences and still get the coverage. He said we should not be intimidated by the cost of this cell tower relative to what AT&T spends on capital; if it is not in the budget for MA that is fine and maybe it will be next year. He said by talking about it now maybe we can find acceptable poles; why can’t they be town owned poles and make a 20-year lease agreement. He opined there are alternative solutions that the community can get behind and AT&T can get behind; if the solution gets 75% of the coverage of the Allen Place solution that is great, if it is 50% great and maybe the next 50 comes the following year. Mr. DeMarsh said he personally does not care that there is no service on Front Street.

Ms. Lambert commented that she is sure the entire room does not care if there is connectivity or not, but this is not the whole town and she is sure there are people that are for this. Mr. DeMarsh said he is offering solutions that work with the community; as a former engineer they design for the optimal solution and then they start editing the design for all the constraints that come up. He said he thinks there are other solutions.

Mr. Pare said there are infinite solutions, but AT&T is not going to spend resources to complete 50% of the work. The goal is to optimize to satisfy the design criteria; this is a balancing, they take comments into account and they are entitled to be in the right-of-way and the FCC demands that the carriers increase service, increase capacity, they issued an order in 2018 which is part of the reason for them being here. He said the Commonwealth of Massachusetts has a statute which allows

wireless carriers to attach to poles, NG has to allow them to attach. He said there is a lot of friction between them and the pole owners, because they take up the space; they don't have the right to say "no" so long as make ready work, it can be done and AT&T is not interfering with their load, the Town cannot deny AT&T from attaching to a pole if they are not inconveniencing the intermodal of the public. Mr. Pare said the FCC wants these devices launched, they want small cells, the goal of US Government is to get 5G going, to be competitive; because some people don't want to have it, that is not the policy of the United States that is not what the carriers have engaged to get licensed and deployed. He said they are not interested in doing something half way, but there are balances. He said he has a note to look at Beal Place to identify the poles and review them. They will not just throwout something now to please everyone, that is not the policy of the United States or the FCC. Mr. Pare reiterated the order issued by the FCC, they can use the public right-of-way, they cap the fees on the towns, on application fees; it is a significant order and the policy of the US Government at this time to launch these sites.

Mr. Pritchard said the local authorities still have the ability to review and site these in an appropriate way for the location. Mr. Pare said if they are in a public right-of-way, but they cannot be told to go to a private third party and enter into a lease agreement; that is not part of the FCC.

Mr. Pritchard said what he is saying is it is not ironclad that the Government usurps the local laws of the Town of Scituate. Mr. Pare said they do if they conflict. Mr. Prichard said the Town does not conflict and the Government is saying that local authority still has local authority. Mr. Pare agreed and said that is why they are willing to take that into account, why they came back with Jericho; but if they are prohibited from providing service the bylaw would be pre-empted without question.

There was continued discussion that the bylaw is not prohibiting AT&T from providing service. Mr. Pare argued that if on Allen Place, assuming nothing else works, it is the only pole available the Board is prohibiting AT&T from providing service.

Ms. Lambert indicated the hearing will be continued so that time can be given to review the document submitted today. She reiterated the time schedule for which information needs to be submitted to the Planning Board office.

Mr. Sandner resident at 15 Bay Ridge Road asked about the red circles and the area it represents and how much coverage is provided; if the circle is 400 yards or 100 yards from the center of the lookout for the coverage if you zoom out the affected coverage from that location looks like it is going out a $\frac{1}{4}$ of a mile or so swath, but it is not a full circle, the coverage that gets improved by the specific cell. He said if there is a quarter mile circle which in both locations some large portion is going to be water area, why is outside the red circle not able to accommodate a $\frac{1}{2}$ mile circle of increased coverage. Mr. Sandner said it looks like nothing outside of the red circle is coming into play, that if you magnify it 4 times and then look is that still the reach in any direction of the tower which per the map is the coverage that is being improved. He said he is assuming if the reach is 500 yards this way, if the pole is moved 500 yards another way the same area would still be reached. He said he is asking because there are other public right-of-ways, parking lots, that he assumes have more than what Front Street does, he gets that there is nothing there, but there are several other public parking lots, or larger public spaces not in this "zone 1" by the waterways, which is our smallest amount of property in relation to the pole; if they were in a different zone there might be half acre lots where the house is already 300 yards away from the pole, not 20. Can you still get the coverage because it reduces from the macro site, how far out of these idealistic circles do they look to see how it improves the coverage.

Mr. Breuer said every site is different, elevation changes, you gain or lose height in pole elevation or the ground height elevation changes the impact of the coverage and depending on how the terrain runs away from the site, every undulation of the service can create little gullies and the signal kind of skips. He said when they look at an area, they do a study of the ground first and they try to find a location they believe will work. When they work in neighborhoods they try to find spaces in-between houses, but sometimes there is no option.

Mr. Sandner said that is why he asked because there are a fair amount of public spaces; he also asked if there could be a relational to how many people are affected by each yellow dot; i.e. this dot affects 1,000 people, this dot affects 900 people, what is the drop-off of the ideal site that's within AT&T's plan of what they want to cover. If there is another site that provides 85% of the coverage is that good enough and it meets the general community's safety concerns.

Ms. Lambert opined that what the majority of the people want is a bylaw that the Town does not have, the Board needs to work within the confines of the bylaw the town has now. It can be addressed, but unfortunately this application is not going to wait for the Bylaw to be amended. She said they have said they only work in the public way and some of the spaces mentioned tonight are actually private spaces, Village Market is private, part of Cole Parkway is private.

Mr. Pare asked the Board for some clarification on some of the proposals mentioned tonight.

- Does the Board want to remove the cabinet?
 - Photos shown of what would be on the pole without the cabinet
 - The Board preferred NO Cabinet
- Is the Board willing to consider the pole location on Jericho versus Bay Ridge
 - AT&T will work with NG to get this new pole licensed
 - Location is near Brookline Road and Jericho on Jericho
 - New information would be submitted
 - The Board was in favor of looking at the new suggested location

Motion:

Ms. Burbine moved to continue the two public hearings for the small cell attachments adjacent to 9 Bay Ridge Road and 15 Allen Place until August 10, 2023 at 6:30 pm. and to continue the time for action for filing with the Town Clerk until September 29, 2023.

Mr. Pritchard seconded the motion; a vote was taken and was unanimously in favor.

Minutes **Documents**

- Meeting Minutes 5.25.23

Ms. Burbine moved to approve the meeting minutes for May 25, 2023.

Mr. MacLean seconded the motion; a vote was taken, and was unanimously in favor.

Accounting **Documents**

PO #2320908 (\$117.56), PO #2320689 (\$2,091.25), PO #2320609 (\$300.00), PO #2320601 (\$1,436.25), PO #2321021 (\$223.75)

Ms. Burbine moved to approve the requisition of \$1,436.25 to Horsley Witten Group for peer review services at 14-16 Old Country Way, for \$300.000 to TEC, Inc. for peer review services for 556 First Parish Road, for \$2,091.25 to Horsley Witten Group for peer review services at Seaside at Scituate, for \$117.56 to WB Mason for office supplies, for \$223.75 to Karen Joseph for mileage reimbursement, for \$29.95 to Amazon for office supplies.

Ms. Lewis seconded the motion; a vote was taken, and was unanimously in favor.

Liaison Reports:

Zoning Board of Appeals – reported by Ms. Lambert:

- All the homes from the fire on Glades Road are going to be rebuilt
 - All will be elevated and bigger

There was some discussion about CPC and the funds available for Housing; Ms. Burbine said she believes there is \$600K.

Ms. Burbine asked to switch with Ms. Lewis to become the liaison to the Affordable Housing Trust.

Traffic Rules and Regulations Committee– reported by Ms. Lambert:

- Representative from Disabilities asking for TRRC to make a recommendation to the Select Board to up the fines for violating handicapped parking spaces.
 - Increase from \$100 to \$300, it has been many years since a change
 - New signage would be created
- Traffic Study done on Country Way/Curtis and Branch Street curve
 - Speed was not an issue
 - No changes being made to the Speed Limit
- Looking for a study previously done on Cudworth/First Parish Road
- Resident on Curtis wants to buy sign with Flashing Speed
 - TRRC will not support private ownership
- Discussion about lowering the speed limit from 50mph to 35mph on 3A from Mann Lot to the Cohasset line
 - State road

Planning and Development – reported by Ms. Joseph:

- Next meeting 817 Country Way and 18 Drew
- Had kick off meeting with Consultant for MBTA Communities
 - Consultant is Jennifer Goldson Associates
 - Grant so Town is not paying for it

Documents

- Email to the Board from Shari Young dated 6.16.23 with agenda 6.22.23 and meeting materials for Small Cell Attachments.
- Email to the Board from Shari Young dated 6.20.23 with meeting materials for Small Cell Attachments.

- Email to the Board from Karen Joseph dated 6.20.23 with meeting materials for Small Cell Attachments
- Email to the Board from Karen Joseph dated 6.21.23 with meeting material for Small Cell Attachments.

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 8:19 p.m. Mr. Pritchard seconded the motion; a vote was taken, and unanimously in favor.

Respectfully submitted,

Shari Young
Planning Board Administrative Assistant

Ann Burbine, Clerk
Date Approved: July 13, 2023