

SCITUATE PLANNING BOARD MINUTES June 8, 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

- 6/8/23 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.

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 Place 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 Ne-cRAN-RCTB-SSHR-01 Photo Sims 03-07-23
- PDF AT&T-CRAN-RCTB-SSHR-01&02-v1
- PDF ATT CRAN Planning Board Scituate MA15 Allen Place Node 2(003)
- DOC ATT CRAN RF Report Kevin Breuer-Scituate MA
- DOC cRAN-RCTB-SSHR-01 Site Selection Analysis 230306
- PDF cRAN-RCTB-SSHR-01-A and E-Structural-Passing SA-0902022
- PDF cRAN-RCTB-SSHR-01-ZD-REV3-03.31.23
- PDF Scituate-Node 1- Tab 1 – Application Form – Allen Place
- PDF Scituate LOA 230306
- PP Scituate- MA
- PDF ULS License – 700 MHz Lower Band (Blocks C, D) License – WPWU950-AT&T Mobility Spectrum, LLC
- PDF ULS License- AWS-3 License – WQVN675 – AT&T Wireless Services 3 LLC
- PDF ULS License – PCS Broadband License – KNLF216 – New Cingular Wireless PCS, LLC
- PDF ULS License – PCS Broadband License – KNLF954 – AT & T Mobility Spectrum, LLC

- PDF AT&T NE-cRAN-RCTB-SSHR-02-PhotoSims
- PDF AT&T – CRAN-RCTB-SSHR-01&02-v1
- PDF ATT CRAN Planning Board Scituate MA 9 Bay Ridge Road
- DOC ATT CRAN RF Report Kevin Breuer – Scituate MA
- DOC cRAN-RTCB-SSHER-02-Site Selection Analysis 230306
- PDF cRAN-RCTB-SSHR-02-SA-1214022
- PDF cRAN-RCTB-SSHER-02-ZD-REV2-03.06.23
- PDF Scituate- Node 2-Tab 1 – Application Form- Bay Ridge Road (1)
- PDF Scituate LOA 230306
- PP Scituate MA
- PDF ULS License – 700 MHz Lower Band (Blocks C, D) License – WPWU950-AT&T Mobility Spectrum, LLC
- PDF ULS License- AWS-3 License – WQVN675 – AT&T Wireless Services 3 LLC
- PDF ULS License – PCS Broadband License – KNLF216 – New Cingular Wireless PCS, LLC
- PDF ULS License – PCS Broadband License – KNLF954 – Mobility Spectrum, LLC
- Doc Transmittal Small cell equipment Allen – Copy
- Doc Transmittal Small cell equipment Bay Ridge
- PDF TC files Posting Small Cells Allen and Bay Ridge
- Email from Tom Secaur dated 6.7.23
- Email from Loren Rees dated 6.6.23
- Email from Theresa Sica & George Donovan dated 6.6.23
- PDF letter from McGlynn 36 Barker Road
- Email from Caroline Rees dated 5.31.23
- Email from Fire Department dated 5.17.23
- Email from Maura Curran dated 6.7.23
- Email from Danielle Wolf dated 5.31.23
- Email from Karen Canfield dated 6.7.23
- Email from Rita Sander dated 6.7.23
- Email from Caroline Rees dated 5.22.23
- Doc DRAFT Motion Form 9 Bay Ridge
- Doc DRAFT Motion Form 15 Allen Place
- Doc DRAFT Motion Form June Continuance
- Doc DRAFT Motion Form August Continuance
- Email from Norman White dated 6.8.23

Attendees: Edward Pare, Attorney; Donald Haes, Radiation Safety Specialist

Ms. Burbine read the legal posting into the record.

Mr. Pare indicated there are two different locations that have been identified for the small cell equipment; they have been identified by pole number because they are in the public right-of-way and the nearest street address, 15 Allen Place and 9 Bay Ridge Road.

Mr. Pare shared his screen and reviewed the plans for the Board. He said there is a lot in common between the two locations; they are both utilizing replacement utility poles owned by National Grid.

He gave a generic overview of what is required for the installation because it applies to both locations.

- Installation consists of a few pieces of equipment
 - Canister antenna
 - 24” in height, 14” in diameter
 - Mounting bracket attaches to the utility pole
 - Wires/conduit run from the antenna down to the equipment shroud (rectangular box)
 - Shroud is mounted about 11.5’ from the ground to the base of the equipment cabinet
 - Contains all radio equipment and switching for the AT&T network
 - Electric meter
 - Shut off switch
 - Ground rods in the ground next to the pole per National Grid requirements
- AT&T does not own the poles
 - No say in the pole structures
 - AT&T does a site assessment evaluation to find a suitable pole
 - National Grid replaces the pole
 - Poles are generally 40’ in height
 - 6’ buried in the ground
 - 34’ above ground level
 - Equipment is not hung on the street side of the pole
- Plan/graphics of the actual equipment components were reviewed
 - Cylindrical antenna
 - Mounting bracket
 - Radio heads (switching equipment)
 - Inserted into the mounting cabinet
 - Mounting cabinet
 - 50” long x 17” wide x 15” deep
- No fans, only electronic equipment, no noise associated with the equipment
- Equipment comes in a number of colors
 - Board can select the preferred color

Mr. Pare presented photos of the pole at 15 Allen Place and a photo simulation of what the pole would look like with the equipment attached.

Mr. Pritchard commented that the simulation is not really accurate because the pole depicted is the existing 28’ pole and the new pole is going to be 34’ tall.

Ms. Joseph indicated the new poles are installed at both Bay Ridge and Allen Place.

Mr. Pare said AT&T does not own the pole, they don’t control the pole, once they make application to National Grid (NG) to attach, NG makes ready work. Ms. Joseph did indicate the old poles were taken down.

Mr. Pare reviewed the plan of Bay Ridge Road; antenna at the top, same equipment cabinet, same shut off switch, same electrical cabinet, same installation just a different location. He provided a

simulation with the old pole with the equipment attached at 9 Bay Ridge Road as he did with 15 Allen Place.

Mr. Pare provided an explanation of why AT&T is proposing these attachments. He showed a map with AT&T's current coverage in Scituate; the coverage is lacking, there is marginal connectivity in most of the area. He reviewed a map with the proposed locations for the small cell equipment and the improved coverage and high connectivity. He said these sites were selected for specific reasons, the Board was provided a site selection assessment as to which poles are available and which might work from a physical perspective but are not satisfactory to the Radio Frequency Design Engineer (RF Engineer) for AT&T. He said there is a reason they are in these specific locations; he said contrary to what some people would prefer to happen this equipment does need to be installed somewhere in the vicinity. He said the small cells are very low power; Mr. Haes provided an emissions study and can speak to the engineering aspects of things. He said they are talking about a 1,000'-1,500' radius of coverage, it is pretty flat so there could be more coverage, water does not impact the signal, but they are not providing a lot of footprint; it is not like the tower outside of here where there are 9-panel antenna's and they can broadcast for miles. He said they are very specific; the network is lacking here and frankly they need to go somewhere. He said they have addressed the emissions from a legal perspective AT&T needs to comply with FCC standards, they cannot exceed them nor can they be required to reduce it. He said they can go up to 100%, but they are woefully below that; one location is at 12% and one is at 13%, there has been a lot of literature provided, but the Board is very limited in what it can consider. He said members of the audience and the Board should be aware that this is outside of his jurisdiction, it is outside of the Towns' jurisdiction and it is outside of the State Governments jurisdiction.

Mr. Pare also said for a Major Site Plan Review pursuant to the bylaw the poles shall be structural capable; pole at 15 Allen Place structural is 47.6% - 20th capacity, pole at 9 Bay Ridge structural is 64.4%.

Mr. Pare provided information on the pole selection assessment, the bylaw refers to it as the Pole Feasibility Study for each location. He described how the process works. The RF Engineers come up with areas that need coverage and capacity, a site acquisition agent goes out to survey the poles either by desktop or in the field, a site analysis is submitted, a 400' radius is used from their SARF (Site Acquisition Request Form) coordinates. Mr. Pare presented an image with colored pins that represent the poles within the 400' radius, red pins mean there is a physical limitation and NG will not license the use, yellow are poles that are available, but don't meet the coverage requirements, green poles are those that work (15 Allen Place and 9 Bay Ridge).

Mr. Pare showed the map for 15 Allen Place; he opined they are limited, but are trying to do their best with what is available. He indicated Pole #6 is yellow on the map, southwest to the proposed pole, is still near houses and residences. He said this is what they are doing, they are in neighborhoods, they are on streets, busy areas, beach front and at beaches. He said he has been doing these for the last 4-5 years; he has done maybe 30 in the town of Lawrence with 3-family homes, they are getting closer to the customer and in more residential areas and neighborhoods.

Mr. Pare reviewed the map in the Pole Feasibility Study for 9 Bay Ridge Road.

Mr. Pare asked Mr. Haes to give brief summary of his report. Mr. Pare said he is aware of letters and suggestions for alternate sites and he does have some additional coverage maps he can present. He said he has some responses to a letter from Mr. & Mrs. Rees that he can address.

Mr. Haes indicated he is an independent consultant, he is not an AT&T employee, or assembly line employee or an employee of Brown Rudnick, he did say he is a good friend of Mr. Pare. He indicated he prepared a report for the 2 proposed sites for the small cell attachments. He discussed his qualifications and noted that he is a member of the IEEE (International Committee on Electromagnetic Safety and the Committee on Man and Radiation), he is speaking this evening on his own and not as an affiliate of those committees.

Mr. Haes said he performed a series of calculations which could be done many different ways. He said they cannot go out and measure because it is a proposed site, there are guidelines that need to be followed to make sure they get an answer that would be appropriate and close to what would actually be found if they were to go out and measure. He tries to get the highest physically possible value he can get and still have a reasonable estimation that if someone were to go out and measure they would maybe get close, but would never be above. He provided some examples; the Swampscott Fire Department and the Town of Wellesley where someone went out and measured and did not find values higher than what he had predicted.

He explained that for these proposed sites he followed the guidelines found in the FCC rules; the document is OET65. The document does not say "thou shall", but it does say if doing it differently it has to be justified as to why the approach was different then the FCCs. He said when talking about worse case predictions it is assumed the site is 100% transmitted. The next thing he does is assume the ground is a perfect reflector for the wave; it is rarely found in nature the more realistic value is about 1.6, 60% of the time there are going to be two waves that come together which will increase the field by a factor of 2. He said the power is related to the field by the square, which is 4. He said even though the FCC says and suggests artificially increasing the values by a factor of 1.6 squared or 2.56 to make sure any reflections are accounted for, he goes one-step further and uses the value 2, which squared is 4, so values are automatically inflated by a factor of 4. He said he assumes the ground is a "flat plain"; he commented that someone had called out the area is not flat and he agrees, but the reference refers to the fact that the proposed tower is tall enough where the curvature of the earth does not need to be considered. He did include the topography; he does an analysis, looks at topography of the proposed sites and finds out which is going to present the worse case and then assumes that would be the same in every direction.

Mr. Haes discussed Figure 4 from the study he provided; he said the locations should be about the same and are only slightly different because he considered about a 15-foot rise elevation at the Bay Ridge site.

Mr. Haes said if these sites were to be built even in the worst case, if someone were to go out with a meter they would not find a value greater than those specified by the FCC or the Mass Department of Public Health which has been superseded by the FCC. He concluded that if the sites were built they would be well within compliance of FCC regulations.

Ms. Joseph indicated that numerous comments have been received on the project, the Fire Department provided comment in support of both locations; there were no other written comments on the Allen Place attachment. She said she has received a number of comments on Bay Ridge which have been forwarded to the Board and the applicant, with the exception of those that came in late today. Ms. Joseph opined the Board needs to look at the information, but the Board cannot deny these attachments, under FCC ruling and the Telecommunications Act the Board has to allow cell phone coverage. The Board can ask questions about the location and ask for a different location if the Board would like, but they have to allow something.

Ms. Lewis asked if the applicant has similar equipment in other places in Scituate. The applicant does not have any, but another carrier does. Ms. Joseph indicated that Verizon Wireless came to the Planning Board in 2017 for 3 Small Cell Attachments, one was on Allen Place and two others were located in Humarock. She said there can only be one carrier on a pole.

Mr. Pritchard asked the applicant to explain the rationale behind why this particular area; Mr. Pare said it is a priority of AT&T, it may be customer complaints, but clearly there is not good service; the RF Engineers determine where these are going to be located. He said there some public safety issues down by the beach; he does these down on the cape and the islands and it is a huge issue trying to find a location near the beaches where people congregate. He noted the huge tower outside gives them a lot of power, but people could be hidden by hills or too far away that are not getting robust service and the small cells are designed to fill in the macro sites, i.e. the tower outside. He said by offloading with small cells it improves the rest of the network and the macro sites. He said it is about improving service, it is not just cellphones but computers as well. He gave an example of the number of calls that go through a small town where service was just disrupted because of a fire and all the equipment was lost, 135,000/month through the site. He said these cells also lower the power need for the macro site because it is closer to where it needs to be.

Mr. Pritchard said he appreciates the generic description, but he is asking why these two locations why not the other locations that are pink on the coverage map. He wants to understand where AT&T is headed on this, is there going to be one at every 400' or 800' radius, what is the plan. Mr. Pare said there is no global plan, it is a budget issue to determine their priorities of where they want coverage; this is what AT&T's Engineers want, it is driven by the beach and the coverage, there is a lack of service and a populated area. Mr. Pritchard continued to push on why these two locations because there are other areas that don't have coverage; the Board wants to understand the bigger picture. Mr. Pare said there will be more of these devices without question. Mr. Pritchard asked when; Mr. Pare said it is a budget issue, they would like to have green everywhere, but that is not likely to happen. These are priorities for AT&T. Mr. Pritchard said no one has articulated why these areas, they have just said "they want them here"; they are just picking and choosing their priorities it is not really a plan. Mr. Pare said that is the plan and he just explained. Mr. Pritchard said they are trying to understand how many of these the applicant sees in the town, where are they going to be located, where are the dead zones versus the good zones. He said the Board had the same conversation back in 2018 and no one could answer the questions then.

Mr. Pare said he could provide Town wide maps to illustrate where the problems are. Mr. Pritchard said he wants to see the companies plan. Mr. Pare said there is no plan for the entire town.

Mr. Pritchard asked what the difference is between the poles selected and the other yellow poles; he wanted a quantitative answer, how close are they to being good spots versus not good spots, +/-5%? Mr. Pare said they would have to get AT&T's RF Engineer to provide that information, unfortunately he was not available his evening.

Mr. Pritchard asked Mr. Haes why he can't get measurements; Mr. Haes said because the sites have not been built yet and measurements of what is there now have nothing to do with what AT&T is adding. Mr. Haes's analysis only considers what is specifically being installed, it does not account for anything else that is around; that is what the FCC calls for. Mr. Haes said if the site was in excess of 5% with measurement and there were locations where the site was greater than 100% then all of the carriers with 5% or more would need to work together to make sure the site is under 100%. He

provided an example, if there was an FM tower nearby driving the ambient up to 90% then AT&T would have to work with the FM carrier to make sure it less than 100% total. Mr. Pritchard said why would AT&T do anything if they don't need to measure prior to installation. Mr. Haes said there is nothing there that would result in anywhere near 80% of the allowableness; he knows this because he does a review of the site. There is a database that the FCC has of towers, searches can be done by lat/long, carrier, etc. and then all the parameters of the site can be found. He indicated there were a couple of cellular sites, but nothing that would be anywhere near generating fields in excess of 8%. He gave an example of an area near Woburn where there are 7 towers that are not just cellular, but are also FM radio and television and it is not even close to an excess of 20%; there would have to be something significant to get near the 80%. Mr. Haes explained the compliance report required by the FCC requires that the parameters of the site proposed be used and that is what he did. He did not list all of the sites he looked at in his report.

Mr. Pritchard asked about an adequacy analysis he thought some one had mentioned. Mr. Pare nor Mr. Haes knew what analysis he was referring to, Mr. Pare thought maybe he was referring to the site assessment. Mr. Pritchard opined there was no real analysis of how adequate anything was before the locations were sited. Mr. Pare was confused and ask "adequate for what"; Mr. Pritchard said service. Mr. Pare said he showed the colored maps. Mr. Pritchard said there wasn't service in a lot of places and he is trying to understand why these locations were picked. Mr. Pare said they are going to focus in on areas that don't have adequate coverage or capacity; they decide their network needs and where they are going to layout capital. Mr. Pritchard said he asked another provider the same question and also did not get an answer; he assumes if there was adequate coverage they would not be here. Mr. Pare said that is his point. Mr. Pritchard said it is arbitrary, "because they said so".

Ms. Lambert said this is driven by how many calls they get about dropped calls, how many calls don't go through, etc. she said she has lived her long enough to know where you get service and where you don't. She remembers in 2017/2018 discussion about the hills and how it doesn't go through them. She remembers a time when there were not so many people living in the area in question and it was really just summer residences and the need wouldn't be so great, so it is driven by consumers. Mr. Pare said yes, all of this is driven by consumers. She said she does know that there is a rule in the FCC that poles cannot be shared; Mr. Pare said yes, they cannot share equipment and the utility companies will not let them share a pole and yes, it is driven by customer demand, population or crowds at times at the beaches, the network gets crushed during the summer. He said the other piece is that there are existing utility poles and the idea of "we don't want any of this in our view shed" would mean no power. Under State law they are allowed to attach to utility poles, the utility company doesn't have a choice, it is using the existing infrastructure to provide wireless service and get it where the customers are. Ms. Lambert said she totally gets that.

Ms. Burbine said she understands people's frustrations, no one likes to have anything jammed down their throats; she opined that is the sense and the frustration, this is coming in and there is not anything "I" can do about it, it's the law. She said we all have cell phones, microwaves, cable equipment in our basements and it just keeps getting added to. She said public safety is her concern; people have ditched their landlines and just use cellphones and if you can't get service they're not coming and that is a problem.

Mr. Pare said it is a significant issue because he doesn't always come to these hearings and have letters from the Fire Department in support; he said he has been doing this for 25 years, it is something new coming into the neighborhood.

Ms. Burbine said her feeling is it is truly about public safety; when 911 is called she wants them to get there. First and foremost, it is about public safety.

Mr. MacLean asked about the Allen Place siting which provides coverage going down to Front Street, but not into the harbor; he was curious from the FirstNet, public safety-first responder point-of-view if the equipment would be better suited down closer to the harbor to maximize the coverage in the harbor or the low-lying areas.

There was discussion about who provides coverage for the water, there is access on the water. The Town paid \$75,000 for it about 8-10 years ago. There is coverage for the boaters and it was a safety issue, National Guard pushed for it. Based off the maps it is clearly not service provided by AT&T.

Mr. Pare said regarding Front Street and looking at the map there are clearly needs, going forward if there is capital investing closer to Front Street and Cole Parkway will be a matter of prioritizing where AT&T is going to spend. He said these sites are not cheap. Mr. Pare said they are using utility poles, they cannot go down and put in a 125' tower in a neighborhood.

Mr. MacLean said from a physics stand point there isn't a public danger of putting these in, people have their own reasons for not wanting them, but the radio frequency radiation is not that much.

There was discussion about 5G. Mr. Haes said he has been working in this field since 1988; he attempted to explain what 5G means. He said the "G" stands for "Generation". At some point someone decided they were going to call it a different generation of signal, 3G (Third Generation); which was never really picked up by the media. The media did pick up 4G which was also called LTE; it was easier to use 4G versus three letters of LTE. He said it is assumed when 5G comes out it has to be worse than 4G because the number is greater; he said there is no talk of 6G and 7G which are already out there. He said the idea of the generations is because there has to be something that distinguishes one from the next. He used the movie Lethal Weapon to depict what he first generation phone was like; it was 10 watts there were 100 challenges per tower. He said the second generation was the introduction of a digital signal and was done to eliminate the eavesdropping that was occurring with the analog signal, the third generation involved personal communication services (PCS) it added email, some pictures, no real streaming, 4G is what started it all with the introduction of the Smart Phone; it gave unfettered access to the internet and everything that goes with it, i.e. streaming, etc. During all this, the FCC has to coordinate who gets to use what and who pays for it. He said with the introduction of all these technologies service still needs to be provided for 4G; with all the different overlying services the FCC has been coordinating the frequency spectrum with more carriers all using different spectrums and the new technology has to have a new spectrum. He provided the example of the switch from the analog television to the digital television - they are on for the same time and doubled everyone's RF exposure that no one seems to be upset about. He said 4G started using the leftover analog television frequencies; 5G is not about a frequency or a power, it is about a latency. It is about the time it takes for the signal to get to you, the data rate. He said it was decided by the gurus of the world that 1 gigabyte/second is going to be the minimum rate that will be called 5G; it can be faster, but it cannot be slower. He said as far as the frequencies to use it on it was up to the carriers. He said the original idea was if they use a really small wavy physical which means a really high frequency there are plenty available and tons can be used, it gives great data rates, but doesn't go very far and that is why there is so much available. He said other carriers have made different choices to offer 5G, AT&T offers 5G on its 3.5 gigahertz network which is similar to your home wi-fi. He said there is a lot of misinformation out there about what it is and what it isn't; basically, it has to do with the data rate of the signal.

Ms. Burbine said maybe she is misunderstanding the audience, but what they are upset about is this thing that his going to be put on the pole and is going to make noise. The audience reacted that no that is not is what they are worried about. Mr. Haes said there are no fans, there will be no noise.

Public Comment:

Dr. Katherine Ayers, resident of 15 Allen Place, said part of becoming a physician or a scientist, getting a doctorate level, you have to learn about epidemiology and have some sense of what are true studies, what are not true studies, look at things critically, look at the industry, there is a lot of concern about this in the medical and science community; she sees the advantages and understands why the FCC is the way it is, but internationally there is massive concern because “we” don’t know for sure. There are basic science studies that say bad things happen and it can lead to cancer, maybe it happens maybe it doesn’t. Bad things happen with cellphones too, but cell phones you have a choice about. She said her 10-year-old daughter’s window is 24’ from the old telephone pole and is about 26’ from where the new phone pole has been put. She said unfortunately, so far, the risk cannot be quantified, she likened it to tobacco, but she said what is known is that it affects children most, it is believed to affect blood, cancers of the blood, it affects the brain and affects all potential types of cancers there are lots of really reputable basic science journals that show this. She said there are some things de-feuding it and she is happy to provide a bibliography. There are industry-based scientists who are taking their funding and when you study epidemiology you don’t look at those studies the same way because they’re skewed and biased because by the source of their funding. There are really strict criteria in science and medicine for what is legitimate and that is to protect public health. She said cell phones are great, she does not let her kids sleep with cell phones in their bedrooms because there is evidence if your child sleeps with their phone 3’ from their head the risk of brain cancer goes up. It is really depressing to hear that the FCC is pretty much mandating this because it is industry run and a lot of the research is based in the 1990’s; there has been a push for that to be updated. There was a big European Union study with 390 scientists and physicians; India is taking it seriously; concerned people are recommending a 1,300 -1,500-foot radius, she said “we don’t know”. She said it may look good from a physics angel, but from a biochemical angle, it is unknown. She said she can find articles, i.e. Journal of Oncology, it is not a Google search. She said she doesn’t care what it looks like, she doesn’t care about noise, what she cares about is “we don’t know for sure”. She said she is pleading with the Town of Scituate that if we are stuck legally with the FCC, does the Town have any power to say “respectfully AT&T I get your business, but...” can we push to say it can be in the harbor where it’s primarily commercial. She said she used to live next to the windmill and people complained about not being able to sleep, she was not sure, she said it is clean energy. She said Mullaney’s is technically commercial, there is an apartment building across the way, which she opined they may not be aware of the risks, there is another home and then 2 physician moms that are 50’ and 26’ away from the pole. Dr. Ayers said the other thing not discussed today is if elevation is considered; the safety is a huge question mark, it is just unknown. She said it affects children, pregnant women, there are affects on male sperm these are proven there are studies that show it. She said she has a roof deck that puts her closer to the height of the radiation, a third-floor bedroom closer to the height of the radiation. She said in addition to the proposed radius of 1,300’-1,500’ there is talk about a height of 150’ is probably much safer, so in cities this is safer. She said hopefully the FCC will get on board and mandate taller things in more commercial areas. She said she is pleading with the Town at this point; she opined no one cares what it looks like, they care about vicinity to children and families, Allen Place is a neighborhood full of children; they have overlapping radiation now because she is well within the what is potentially considered unsafe from Mullaney’s small cell tower. There is overlapping

radiation, it may not hit the physics standards. When you read a lot of the journals it says the industry is saying 5G does not penetrate skin, she has an article that proves otherwise. She said it does penetrate it creates a number of things that help promote cancer and make it harder to fight off cancer. She said the sun does the same thing; she is a dermatologist and she believes in sun block; the problem is that “we don’t know”. She said if the Town could protect its residents, by pushing back and moving to Front Street, that would be a compromise. Dr. Ayers said every physician she knows agrees with her. Dr. Ayers also commented that 911 calls jump to any cell service; traffic that is transient is a much lower cancer risk. She said if you look at the research, transient traffic is safe, commercial traffic is safe. She said she wishes there was more public discussion when the tower outside this building went up. She is asking to push back as a Town and community to balance this; service is better, but the kids are safer.

Dr. McKay resident at 18 Allen Place indicated she brought some of the studies that show the impact of radiation on cells, that she will provide to the Board afterwards. She said 5G and the radiation involved with it is not well studied. She opined AT&T’s presentation of the human impact is inadequate and give misinformation on how the population is affected in these dense areas. She had several questions: 1. Have alternate locations in the harbor in commercial districts, non-residential areas been done? 2. Has a health study been done, can AT&T provide a health study and the impacts on a community? 3. What are the minimum standards for distance to homes in the area? She referenced the Town’s Master Plan and said this appears to be an “incremental creep”, that is going to affect every single person, family in Scituate to potential radiation that everyone should be concerned about. Dr. MacKay opined that Bylaw 730.4 requires there be an adequate demonstration of need; she does not think AT&T has adequately demonstrated that need, because these towers could be put in other locations with similar coverage adequacy. She said the need that AT&T has demonstrated is they are serving their shareholders; they have not demonstrated the need for the citizens of Scituate. She said 911 is the “red herring”, 911 is really important, but it is not true; it jumps to the next cell service. Dr. MacKay referenced Section 770.1 of the bylaw, the Boards job is to protect against significant impact to neighborhoods. She opined that AT&T has not adequately demonstrated that the neighborhoods will be protected with these devices.

Ms. Sander, resident at 15 Bay Ridge Road, opined the Board should ask for a cost benefit analysis for every option AT&T is looking at because these may be the most profitable for them. She said it maybe more profitable for the 120-billion-dollar company to put there, rather than put it a Pier 44 where it is not near homes, it may cost them more money, or maybe they will have to install a light for the parking lot to put it on and pay Scituate rent instead of the electric company. She said “we” need to make sure that they’re not doing what is in their best interest to get the service that we feel we need. She said they are a 120-billion-dollar company, we are families, we shouldn’t take the burden so they can make more money. She said she is sure there are other ways and other areas they can look into, it just may not be as financially beneficial. She opined that really needs to be looked into before they are just allowed to do what is the easiest, quickest, least expensive way.

Ms. Best resident, at 18 Allen Place, said she would like several questions answered: 1. What are the priorities of AT&T?, she would like to understand what those priorities are with respect to cost, has AT&T already paid for the pole so that they are already invested in the location at 15 Allen Place versus going further down the street in the harbor?, 2. What would the cost be going further down in the harbor even if the range of cell service may not be as good? She asked how many G’s is the Verizon tower and could AT&T purchase the right to use the Verizon tower or another carrier so a second small cell is not installed in the neighborhood? She is suggesting that AT&T share the device with Verizon.

Mr. Pare said he supposes it could be done, i.e. roaming with the old cellular, but AT&T and Verizon do not share equipment, they don't share frequency and they operate differently. They are competitors of Verizon along with 2 others, people migrate to networks with the best service.

Ms. Burbine opined what is needed is a person from AT&T that can speak to the issues that people have brought forward; a spokesperson is needed to explain to everyone's satisfaction why this is important and what the health risks are if any. She said the Board's hands are tied, by the bylaws, by the State, by the Feds, by everyone, but the Board wants to satisfy people.

Mr. Pare said he tried to have someone here, unfortunately the RF Engineer, Mr. Kevin Breuer, was not available and he will have him here at the next meeting, but they satisfy the FCC standards and they don't need to do any more.

Ms. Burbine said the Board needs to satisfy the people and she understands the people would like the Board to take a stand, but unfortunately, she is not sure the Board can.

Ms. Lewis said she would not be psyched to have one of these in front of her house; what is the difference if it is moved down the road or to Front Street.

Mr. Pare said he thinks that goes to the question of whether it is 5% or 50% and he cannot answer that, but they can provide testimony on the impact to the network if they were to move. He said if they move from one area in the neighborhood to another it is just going to be a different group of people behind him.

Mr. Pare made some comments about costs, they are not on private property, they are in the public right-of-way, they are able to do it- National Grid does not have a choice, AT&T pays any cost to move a wire, change a pole, all is absorbed by AT&T, he said whether they change a pole by 9 Bay Ridge or 19 Bay Ridge it is indifferent to them cost wise; NG is likely to change the pole because it gives them the opportunity to do it, NG charges AT&T and they pay a license fee. He said there is no cost to AT&T at different locations because there is a set fee. He opined the question of whether the investment in the pole will keep them there is a fair question; what is the differential in coverage in moving is something that Mr. Breuer the RF Engineer from AT&T can address.

Mr. Pritchard said it also goes to what is the decision-making criteria, does the transient population enter into the discussion, are there defined radii they are trying to achieve, this is why he feels it is an arbitrary decision about what "they" want. Mr. Pare took exception to arbitrary. Mr. Pritchard said someone needs to articulate why these gaps are the ones they are trying to fill and why here as opposed to what else was looked at to try and address the gap. He opined it is a fair question and someone should be here to articulate how they made such decisions.

Mr. Sander, resident at 15 Bay Ridge, asked about the gap and the map presented and there seems to be a lot of gaps; he wonders why AT&T publishes a site saying they are covered for all of Scituate for 5G today if there is that much open area. Mr. Pare said those are marketing maps they are not very granular, these are specific sites where AT&T's RF Engineer has dug down into the need in the area to determine what the coverage looks like, they are advertising and marketing maps versus what is needed for improving the network. Mr. Sander said that is false advertising; Ms. Lambert said that is not part of this hearing.

Mr. Sander asked about the red circle on the pole location and the radius of 400'; Mr. Haes explained it is the transmitter location for achieving the coverage map AT&T is looking for. Mr. Sanders asked what the radius looked like at 1,000' - 1,300' or if AT&T thinks they are going to reach a larger area at the 400'. Mr. Pare said the 400' is a search range the RF Engineer determines the site within this 400' in order to achieve the coverage, it is not the coverage. The coverage differs; the coverage itself goes well beyond the 400' radius; the site needs to be in that area to provide the coverage for the signal. The 400' radius is really the search area that has been identified. Mr. Sander said the search area was identified within the 400', but the coverage radius could be 1,000' - 2,000' outside that area depending on the terrain; Mr. Pare said correct. Mr. Sander said so less obstruction better coverage; he said a commercial area would probably be better than a residential property, i.e. a parking lot. Mr. Sander asked if the experts reviewed every parking lot within the 400' radius. Mr. Pare said there is a 400' radius within that they have identified which poles are not available for use and those that are; going down to a parking lot is lower elevation there is not the same coverage.

Mr. Sander asked if AT&T or Mr. Pare's firm get notified when NG puts in a new pole and is that a major criterion of it or does AT&T request the new pole. He said the new pole at 9 Bay Ridge went in a few weeks ago, Mr. Pare said he is sure it is because of AT&T.

Dr. Ayers said the pole at 15 Allen Place was moved closer to the house; if they have any worry about community's response to safety, she said RI has 25' recommendation and she has learned that MA has none. She asked does the Town have any push back, to have some control. She is imploring the Town to what kind of control and push back do "we" have; is there any because it sounds like they have already bought the poles. She asked why is the hearing after they bought the poles. She said please Town find a way to push back and take a little control despite the law.

Mr. Sander said there should be a general assessment of the actual property at 9 Bay Ridge Road because the new pole leans inland and there is a right-of-way straight up and it looks like the devices are going to be on their personal property.

Ms. Peretti, resident at 12 Gridley Bryant Road, said she wants to support what Dr. Ayers started with. She knows the Board mentioned concerns about public safety, she hopes they are considering all aspects of public safety not just the 911 calls, but also some of the health issues that were raised. She also echoes her support that if the towers have to be here is there a way to have them be considered in commercial zones.

Mr. and Mr. Wolf, residents at 109 Jericho Road, said this is a very informative meeting and thanked the community members for the things they have shared. He said one of the things the Attorney had said was obstructions and lack of obstructions and elevation are key to coverage; he opined it would be prudent of the Board to consider the interior of the light house for providing additional/more coverage for the harbor area and not be so obtrusive to the community and to isolate potential health related issues that have been brought up. He would like that to be a consideration as well as Pier 44 as the neighbors have mentioned because it is an area the community supports and is not in harms way of people's home.

Ms. Gerriston, resident at 64 Sedgewick Road, said she is not here for a specific tower, but for more about where this is going in the future. She said like Dr. Ayers she is very concerned over the tower that is over us right now and how close it is to the school; she has kids going in to the middle school, Scituate already has enough to deal with, i.e. water issues, she said this is something that can be controlled despite what Mr. Pare is saying. She said she has been following the rollout of 5G across

the country, specifically the push back and listening to lawyers that have been speaking up on behalf of the towns. She noticed today that there is no lawyer speaking on behalf of the Town, there is a lawyer representing AT&T, a request has been made to have another AT&T representative and she would like to add a request that a lawyer be here on behalf of the Town. Ms. Gerriston directed her comments to Ms. Burbine that if she doesn't care to learn about what the experts are saying then she shouldn't be here because it directly affects the health of the children of the people here tonight.

Ms. Burbine said she cares very much about the children and their health. She said the information on the technology we are looking at is beyond most of us. Ms. Burbine said she will not recuse herself from this.

Ms. Gerriston said her request is to have someone that can advocate on behalf of the people in this room. Ms. Lambert said the Board will take that under advisement.

Ms. Rees, resident at 19 Bay Ridge Road, said she sent the Board a lengthy letter and on a positive note Dr. Ayers eloquently spoke of the problem. She said forget the view, the pole is already there adding the thing on top; it is in the sky that is not the concern; it is the health concerns. She opined this Town provides a lot of options that can meet AT&T's needs and the residents' concerns, i.e. the boat landing, the lighthouse, the harbor. She said the 400' is a very tiny area, she doesn't know why poles within the 400' are deemed inadequate, but if they would consider looking at some other spaces, open transient commercial space. She opined it is so easy and it could work and there would not be so much opposition. We will not know the effects of this in 5 years or 10 years, but in 40 years we will know. She opined there are great options and 400' is a small radius.

Mr. Pare respond to the idea of it being obtrusive and said it is a 2' antenna on top of a 34' pole, he said the did go through Ms. Rees's letter and they do have some coverage maps in response, he reviewed some additional coverage maps: Alternative 1 – Boat Landing/Pier 44; Alternative 2 – Scituate Harbor Yacht Parking lot; Alternative 3 – Marsh open space ballfield between Jericho; Alternative 4 – light house parking lot; Alternative 5 - Marsh between Oceanside Road and Toll Brothers. Mr. Pritchard asked for quantitative numbers of how many cellphones would be lost, Mr. Pare could not answer that at this time. Mr. Pare said that he will distribute the deck to the Board. He said Mr. Breuer can address quantitative and qualitative numbers. He said they did take a look at the public comments.

Ms. Joseph asked if any alternatives were looked at along Front Street and for the proposed Allen Road site. Mr. Pare said Front Street was outside their search area, but he has a note to look at with Mr. Breuer. He said they are going to take the path of least resistance to choose a pole unless there is some good reason not to.

Ms. Lambert said nothing is going to get done until Mr. Breuer is here to answer questions.

Mr. Danehey, resident at 75 Barker Road, said he was going to ask if the applicant provided any material of the other proposed rings of the areas that they were looking at and appears that something has been provided; he opined that is important. He opined that the suggestion from Mr. Wolf proposing the possibility of placing the device at the lighthouse is a very good one. He believes it is about triangulation and placing them around might be a good idea, i.e. the pumping station by the ballfield at the bottom of Scituate Ave. He asked what other locations have been looked at based on the quality of conductivity. Mr. Pare said there are at least a dozen.

Mr. Pare commented on the suggested location of the lighthouse and said it doesn't work, it is not close to covering what they are trying to cover.

Mr. Danehey said he understands that, but if there was a location in the harbor, the old coast guard station and then something towards the lighthouse they would get coverage. He said his understanding is they want high gradient, the higher the elevation the better the conductivity to cell phones. He believes there are other areas that are less populated where they could get that ring. Mr. Pare said it needs to be on public property, they are only looking at the right-of-way, each site needs to connect with the other to get the coverage.

Mr. Pritchard said maybe they should add to the criteria public rights-of-way that are more transient, maybe they need three towers instead of 2.

Mr. Danehey said that is what he is was trying to say that maybe more need to be added, it may cost more, but it may be more beneficial to the residents.

Ms. Martinez, resident at 18 Allen Place, thanked everyone for their concerns. She suggests that everyone be mindful of the language that is being used. She said she is a customer for AT&T and she never had any complaints and she has a pole in front of her door, she is questioning who is having service issues and she would never be a customer if this is the impact it is going to have on the community when AT&T is not willing to do more research and do other options.

Ms. O'Connell, resident at 2 Curtis Ave., said she is not a direct abutter, but she sees this will coming to different areas in Scituate. She understands the radiation it is under the 100%, but she does not feel like she understands what other radiation is going on because there is another device across the street. She asked if there are projections in the future if this radiation is going to go higher; that is in correlation with looking at less dense areas. She said she is very concerned about the health implications for the people in the Town and what the future projects could be.

Ms. Glowac, resident at 75 Turner Road, said she appreciates everyone's feedback and trying to be collaborative and think of different places, but she really appreciates what the woman in green (Ms. Gerriston) had to say; why don't "we" have a lawyer and does the Town have any other recourse, can nothing be done.

Ms. Joseph said no, cell towers have to be allowed under the Federal Communications Act. She said we can try to negotiate where they are located, but they have to be allowed.

Ms. Lambert said they are going to come, but "we" may have a say in where they go; we may need more in less populated areas.

Ms. Sander spoke again and said she was a Financial Analyst, she understands what they are doing. They are trying to get the biggest bang for their buck; they are 120-billion company they can accomplish the same thing it is just going to cost them more, that is why we have great people here and "we" need a lawyer. They should be coming to us with multiple scenarios of how they can accomplish this. She said frankly she would never have AT&T because of this situation and they are not going to get more customers so either they need to figure out how to play nice and do what is best for our town or anything they do isn't going to help them at all because who is "gonna wanna be a customer". She said the point is that the Board needs to figure out how to get them to give

multiple scenarios, we are not an urban area; we are residential and there is a lot of open land and there is no way this cannot be accomplished by keeping them away from where our children sleep.

Ms. Lambert said this has to be in a public right-of-way. Ms. Sander said we need to talk to a lawyer on our side to make sure that is the case. Ms. Sander said then make something a right-of-way take town property and make it a right-of-way transfer it, there has to be other options, other equipment. She said they are doing what is best for them and not what is best for this community.

There was discussion on when to continue the meeting, June 22nd was selected.

Mr. Pare said Mr. Breuer will join via Zoom, they will respond to the other locations, they are not here to do 6 sites instead of 2, they are going to stay in the public right-of-way because that is what they are allowed to do. He said which particular pole is used that is where the Town has some discretion, there is no question about that, and there is a balance between what the needs are and what the town wants. He said he has not said that it has to be this pole or it is going to be a lawsuit; Mr. Breuer will do additional research, but if other poles are not acceptable to AT&T then these are going to be built.

Mr. Pritchard reiterated what the Board is looking to hear about; the decision-making process, what kind of alternatives we're looking at, the decision criteria includes - populated versus transient, cost considerations, three instead of two, the idea that someone has looked at the broader picture. Also, what is the difference between coverage not just qualitative, but quantitative. This is the information Mr. Pritchard is expecting to hear. Mr. Pare said Mr. Breuer will provide what is available to him, but it may not be everything and Mr. Pritchard could be disappointed.

Ms. Joseph will ask for permission for Town Counsel to attend the next meeting. Ms. Burbine opined it is really important, that someone is representing the Town, not just the Board as volunteers.

Ms. Joseph reviewed the timeline of when written documentation is needed for the Board.

Ms. Lewis said it is better if AT&T can show why other options won't work.

Ms. Best asked if there is a reason why there can't be a written response from the engineer that is being brought in. The Board said that is what they are requesting that the information be provided to them the Thursday prior to the meeting by noon in writing.

Mr. Sander said if the reason for the towers being put up is because of complaints from current customers, he would like AT&T to provide an idea of the quantity of complaints from this geographical location; it would be very beneficial to understand how many people were impacted.

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 June 22, 2023 at 6:30 pm. and to continue the time for action for filing with the Town Clerk until July 28, 2023.

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

Liaison Appointments:
Documents

- Doc Planning Board Liaison List 6-23

Ms. Lambert said she would to Conservation, Zoning, MAPC and Design Review. Ms. Lambert also added Advisory because Mr. Pritchard was not available.

Ms. Burbine said would stay with what she has CPC, TRRC, and will try to pick up some ZBA

Ms. Lewis and Mr. Pritchard are splitting Water Resources Committee.

Mr. MacLean kept all his assignment Public Building and EDC and added Shellfish.

Discussion Special Town Meeting:

Special Town meeting is October 16th.
Currently the Board has no articles for the meeting.

There was some discussion about the Small Cell Bylaw; Ms. Joseph indicated there is an issue with it currently because it references both a Major Site Plan Review and a Special Permit, but Town Counsel has opined it should be a Major Site Plan Review. Ms. Joseph read the bylaw to explain what the issue is in the language. She said part of the issue is a Special Permit has to be recorded and how do your record against a pole in the right-of-way.

Ms. Joseph opined it does not matter either way.

Ms. Burbine said the difference is the Special Permit needs a super majority where a Major Site Plan Review only needs a majority, 3 out of 5.

There was discussion about whether or not Small Cell Attachments have to be in the public right-of-way; Mr. Pritchard they are on buildings and other places so that does not seem to be accurate. Ms. Joseph said Scituate has a bylaw for wireless communication antennas on utility poles; the antenna can't be more than 10'. Mr. Pritchard opined this is very "grey" and these are the same issues that the Board had before.

Ms. Lambert opined it is all consumer based.

The Board said AT&T needs to meet them half way.

Ms. Joseph opined there is no time do anything for the Special Town Meeting.

Minutes
Documents

No Minutes

Accounting
Documents

PO #2320474(\$1,650.00), PO #2320473(\$440.00), PO #2320472(\$353.90), PO #2320471(\$490.00), PO #2320311 (\$612.50), PO #2320310 (4787.50), PO #2320312 (\$525.00), PO #2320313 (\$525.00)

Ms. Burbine moved to approve the requisition of \$525.00 to Merrill Corporation for peer review services for 18 Mann Hill Road, for \$525.00 to Merrill Corporation for peer review services for 23 Neal Gate, for \$787.50 to Merrill Corporation for peer review services for 35 Dreamwold, for \$612.50 to Merrill Corporation for peer review services for 6 MacDonald Terrace, for \$490.00 to Chessia Consulting for peer review services for 533 Country Way, for \$353.90 to Chessia Consulting for peer review services for 48-52 New Driftway/Gas Station, for \$440.00 to Chessia Consulting for peer review services for 33 New Driftway/7 MacDonald Terrace, for \$1,650.00 to Chessia Consulting for peer review services for 61 New Driftway.

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

The Board discussed the Small Cell Attachments and having someone, Town Counsel, to represent them. There was discussion about peer review; Ms. Joseph said she does not know where to go to get a Radio Frequency Engineer and it was not done the last time so she did not facilitate it this time. The Board said the applicant has plenty of money to fund the peer review.

Ms. Lewis opined Mr. Haes did not answer the question if these was going to be 5G or not.

Liaison Reports:

CPC – reported by Ms. Burbine:

- Last meeting was canceled

Ms. Burbine suggested at the next meeting the Board discuss Housing and CPC because it has been implied that CPC does not spend enough money on housing.

Ms. Lambert said that there are several changes on the ZBA, there are some new members.

Planning and Development – reported by Ms. Joseph:

- In meeting for 33 New Driftway and some others it has been eluded that if 20% is affordable all the units in the development count towards the SHI.
 - Statement is false – Ms. Joseph spoke with the Director of the Local Action Program
 - Units count when
 - 20% affordable are rental at 50% AMI or less all units count
 - 25% affordable are rental at 80% AMI all units count
 - 2 proposed developments on New Driftway do not meet those standards
 - Only the Local Actions Units will count towards Subsidized Housing Inventory
- June 22nd will be first meeting with MBTA Compliance Consultant
- Pole at the Residential Compound Development at Country Way has been removed
 - Unknown when they will be doing the topcoat paving and when Country Way will be fixed

- Ms. Joseph, Ms. Lambert, Mr. Cafferty, Mr. McCarthy met with Mr. Morse and Mr. Guard on 61 New Driftway public benefit of the sidewalk in the right-of-way
 - The applicant will be pricing out the sidewalk improvements
 - July 18th meeting will likely be an immediate continuance until they have gotten all the things in order from Mr. Tedeschi's passing
 - 3 people are needed for the meeting
 - Mr. Guard will provide and update
- Continue to have many Stormwater Permits

Ms. Burbine mentioned there was an article about affordable housing where one community purchased 80 acres to keep it from being developed with \$2.2M dollars from CPC and the balance from town revenues. She opined we did a good job with \$1.2M from CPC for Lawson Green which was a pseudo public-private enterprise; maybe it is time to think about that again because there is Housing Authority Property at the intersection of Driftway and Kent Street. Ms. Lambert asked about Gates; Ms. Burbine thought it might be too expensive.

Ms. Joseph said the Board needs to prioritize the MBTA Communities compliance first.

Ms. Burbine asked when a site plan for the new water treatment plant will be made available to the Board; Ms. Joseph indicated she was supposed to go to a meeting at the end of May and that meeting never happened, so she does not know. The Board wants to see the site plan prior to it being completely vetted. Ms. Joseph said the plant has to come to the Board for Site Plan Review.

Documents

- Email to the Board from Karen Joseph dated 6.5.23 with meeting agenda for 6.8.23 and materials for Small Cell Attachments 15 Allen Place and 9 Bay Ridge Road.
- Email to the Board from Karen Joseph dated 6.6.23 with meeting materials for Small Cell Attachments
- Email to the Board from Karen Joseph dated 6.8.23 with meeting materials for Small Cell Attachments

These items were distributed to the Board electronically.

Ms. Burbine moved to adjourn the meeting at 9:00 p.m. Ms. Lewis 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