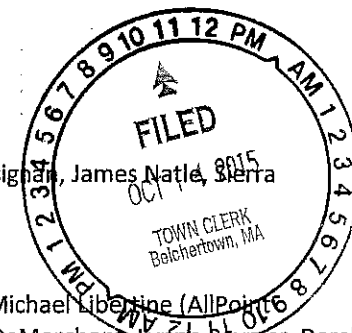


Belchertown Planning Board Minutes

August 25, 2015



Planning Board members: Daniel Beaudette, Michael Hofler, Christopher Laurenzo, Donna Lusignea, James Natle, Sierra Pelletier - Alternate Voting Member for Special Permits  
Staff: Douglas Albertson - Town Planner, Susan Gay

Audience: Applicants: Attorney Freyman (representing Verizon Wireless), Elizabeth Jamison, Michael Liberman (AllPoint), Jay LaTorre, Doug Roberts, Andrew LeMay, Beverly Dwight, Jennifer Faulkner, Dawn DeMerchant, Lynne Raymer, Derek Kaczowka, Pat Light, Robert Rodrigue, Keith Bedley, Cathy Bodley, Annette Cortes, Sharon Marino, Michael Ricke, Thomas Richards, Walter Hamilton, Eric Goldstein, Melissa Vozzetti, Patrick Fitzgerald, Jim Ross, Jim Russie, Ted Bock (a few names were illegible)

Chairman Christopher Laurenzo opened the meeting.

C. Laurenzo re-opened a public hearing for a special permit application by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless. This proposal is to build a wireless communication tower at 134 Aldrich Street, Map 248, Lots 20.1 and 21, shown as Lot A on plan book 233, pg. 112. The audience members were informed of the public hearing process, and he asked any subject covered at the last meeting for this subject be brief tonight.

Attorney Ellen Freyman went over each requirement and said she has complied with Zoning Bylaws Chapter 145, Section 62 for a special permit for a wireless communication tower. She noted that the Fire Department responded and have noted fires are infrequent, and the applicant would cooperate with any safety officer. She said this is not commercial development, will not disturb the neighborhood and will make it safer. Atty. Freyman stated that the applicants were offered RF testing at their homes and were told to contact her to schedule appointments for testing.

Atty. Freyman said they submitted various extra pieces of information hoping to alleviate some issues. She introduced a second real estate analysis, this one by Andrew LeMay, and he went over reasons that would affect home values over the past, which he noted correspond to years in which housing bubble and recessions were happening. It was noted that both appraisal reports corroborated that towers do not affect property values. She went over a list of submissions provided, and she stated the proposal does not adversely affect the character of the neighborhood, that it would ensure reliable coverage, and noted modern technology is important for parents, students, travelers, and others who can no longer rely on home landline phones.

Atty. Freyman noted that the tower would be embedded in a forest area mostly screened, and would not to be seen straight on. She added that MEPA and the Natural Heritage programs were contacted prior to planning board presentation, as is their normal routine to ensure there are no surprises. They found there is no effect to an endangered species. The applicant additionally reviewed and responded to other questions regarding noise, traffic and maintenance of the right-of-way and tower as well as discussed the property owners forestland and how this owner may do what he sees fit with his chapter property. The applicant said there will be approximately 29 trees removed which are shown on the application. A homeowner had concern with removal of more trees than shown on the plan, which would remove screening of the tower.

Several neighbors indicated they were present to protest the building of a tower and gave their reasons and concerns. One issue was they felt the applicant did not perform "due diligence" in seeking alternative sites other than Aldrich Street. Other concerns were home values, screening of the tower, environmental impact, and how the neighbors felt a tower would change the character of their neighborhood. A few neighbors stated they have phone contracts with AT&T and Sprint and they have no issue with phone service. The Chairman asked for further questions from board members and audience members and then asked to have a motion made to close the hearing.

**Motion D.** Beaudette to close the public hearing for Bell Atlantic Mobile of Massachusetts Corporation, d/b/a Verizon Wireless for a wireless communication facility at 134 Aldrich Street, Map 248, Lot 20.1 and 21, shown as Lot A, Second J. Natle, Vote 5-0-0;

After this motion C. Laurenzo requested discussion from board members and also asked them to indicate how they might vote so if anyone had conditions to add they could be incorporated first. One board member said he had an issue with coverage shown on the map at this meeting, not showing full coverage for both towers. He noted Franklin Street was recently approved and that he expected more explicit mapping. The applicant showed the map for the recently-approved Franklin Street tower which shows coverage of the area if both towers were to be put in place.

There was an issue with language of the lease area from Aldrich Street to the tower, and a member said there should be more explicit language with regard to road maintenance. Atty. Freyman gave her professional opinion that the lease had adequate

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maintenance rights expressed. Also, regarding the appraisal reports, a member said examples given were not of Belchertown, but distance communities. Local comparables should have been analyzed and that it would have served them better to go to the Belchertown Assessors office for local information on the possible effects of wireless towers on the subject subdivisions. It was noted that a previous issue a member had with the fall zone being outside of the leased area would not be contested at this time, in that the Franklin Street tower with the same lease area (100' x100' area) passed at the previous meeting.

A board member also noted he felt the applicant did not do due diligence in substantiating they could not co-locate. However, another member disagreed and said he felt it was discussed at length and the applicant did an adequate job showing that they could not co-locate, and that's the reason they are here with this proposal. Another board member felt testimony from applicants showed no existing or approved location they could use in lieu of constructing a new one to provide a level of service for their customers. It was noted that the newly approved Franklin Street tower would not serve this neighborhood and its vicinity, such as Jensen Street, Nathaniel Way, and Martin Circle. A member said applicants stated they already are co-located on a tower in Ware and they've done their review of the Police Station, the town water tower, and Allen Street tower. In that they cannot co-locate on another tower within 2 miles, and cannot overlap, they needed to propose a new structure. Also noted from a member was, why an applicant would go through such expense to build new if they could access an already existing tower.

**Motion M.** Hofler to issue a finding that applicant Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless has demonstrated and shown they cannot co-locate or accommodate equipment on an existing or already approved tower, and the need to build a new installation, which is proposed to be built at 134 Aldrich Street, Map248, Lots 20.1 and 21, shown as Lot A, Second D. Beaudette, Vote 5-0-0;

The board acknowledged the "Belchertown Neighbors United" group who attended several meetings to hear and review the information. The group sent emails to the office, to board members at home, and it was said they are responsible members of society. The board member said even though no one knows what the outcome of this meeting will be, the group should walk out of the meeting knowing they did their job.

Atty. Freyman and company were also acknowledged. They provided all the information requested, and after hearing the list read by Atty. Freyman, it was noted she provided additional information that was not required. It was noted that the applicants did an excellent job and the board thanked all parties in the audience and representatives of Verizon.

C. Laurenzo asked if members would state their vote and if they had a condition that might sway their vote.

One board member said he may change his vote if allowed a condition, which would be to request a fire fighting plan from the Fire Department which would indicate how they'd handle a tower fire prior to granting the building permit for it. Fire Chief Ted Bock was present who stated he responded to this fire question at the previous meeting, and how personnel would not try to extinguish any fire on an electric pole or a telephone tower, but would protect the area on the ground. Chief Bock said he investigated other towns and what they do. He said the Fire Department has no issues. The member who wanted a fire plan responded he'd withdraw his condition for a fire plan.

D. Lusignan asked that the three-section monopole be brought in via Route 9 due to the narrowness of Aldrich Street road, its curved bends and bridge capacity. She presented a document from MassDOT determining weight limits for fire vehicle apparatus with regards to the Aldrich Street bridge structure.

M. Hofler said he'd vote "aye" as all the research had been presented, special considerations taken for requests and felt it would be in the best interest of the town to approve the tower;

C. Laurenzo said he'd reserve the last vote in case of a swing vote;

J. Natle looked at requirements and said he'd say "aye" as he felt this is not a detriment to the established or future character of the Town or neighborhood, that it would not nullify or substantially derogate from the intent or purpose of the zoning district, and is in harmony with the Chapter 145-69;

D. Beaudette said he was inclined to say it is a detriment and say "nay", as it was up to the applicant to show it is not an impact and that they've danced all around issues such as appraisals; the proponent has tried to show the wireless tower has *no effect* and that is a false assumption; their evidence is not compelling. He noted the owner should be able to use their property, but when two developers Mr. Hayward and Mr. Lafleur put in new streets (neighboring subdivision ways), that it irrevocably

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changed the area to residential and now the applicant is asking to negatively impact the area. He noted the property owner did not develop his land in time to allow for the change in character to the immediate area and the neighborhood has become a residential area which the planning board allowed, and so he is prepared to say nay;

D. Lusignan said she will say "aye", and that she extensively studied this. When she was not satisfied with the applicants two non-local appraisal reports, she went to the Belchertown Assessors office and inquired about the status of tax evaluations/devaluations relevant to the location of homes located by nearby cell phone towers in town. There was no validation or information toward the diminution of property values to homes due to cell tower locations and she felt the applicant met items in the Zoning Bylaw Chapter 145-69;

C. Laurenzo stated he was prepared to vote "nay", as Chapter 145-69 (1) as he felt "this application is not in harmony with the general intent and purpose of this chapter and he'd referenced the following:

Chapter 145-1 Authority; purpose.

145-1A. The overall improvement in safety and convenience in a relatively small area does not outweigh the negative effect on the general welfare of the neighborhood;

145-1B. This is not sound growth. There is little growth for commercial endeavors. There has been shown to be no residential growth;

145-1D. The overall improvement of a few businesses does again not outweigh the residents' concerns. Therefore not suitable expansion;

145-1E. No positive effect on property values is shown. The evidence leans towards a break even, if not a negative effect; and

145-1G. The installation of a cell tower is not protecting a natural resource".

S. Pelletier, Alternate Voting Member for Special Permits noted how this application is similar to the Franklin Street tower, which passed without issue, and said perhaps that was due to only one neighbor attending the meeting and that he was in support of the tower. She said citizens do have an impact, and with all the extensions she too appreciated the Aldrich Street neighbors coming out. She noted it could pass if there wasn't opposition, and also noted the neighbors were taken seriously and that it does sway people.

M. Hofler noted he had heard from audience members that they did not want a tower, as they expected to sell their homes to more upscale and educated people. He said he heard them note it is a residential home area, and they felt a tower would decrease their property value. He continued to say his research and experience looking at real estate lists which might appeal to doctors, lawyers, etc., all note their need to access cell phones. Without service, it would reduce the pool of upscale buyers, and without a good connection for a cell phone, it is not providing good service to town neighborhoods. He said there are other neighborhoods in that area that will not be able to advance and no coverage will affect others negatively as well.

C. Laurenzo said if that's the way neighbors feel in this area, where are they? They should be here saying they don't have the convenience of getting a signal. D. Lusignan did note on the business questionnaire sent to business people in town, there were comments made that people did lack connectivity in town and she thought it was relevant. The board went back and forth on what would make this work for all the homeowners in this area. C. Laurenzo said this is not working for him and that he is not prepared to approve this application. D. Beaudette said in that they've already signed a lease in September 2014, before the special permit application, he felt there was no other way to do this, that the applicant has made their commitment before they walked in the door and he felt Verizon was not negotiating fairly and the planning board doesn't have the full picture of possibilities.

The Board discussed character of the neighborhood, view of the proposed tower on the parcel and what defines views, agricultural zoning, approval of one tower and not another; a member felt not approving this tower would be a mistake as in the long term it would benefit the current and future community. Also, one board member noted she had to purchase a landline phone as she could not find service with a cell phone, and had to drive to the Police Station to get access. She said she almost didn't want to move to town.

Another member noted this town is rural and the town is not used to the modern younger generation. A member said this is not a one shot deal, that there can never be another cell tower in recorded history and there will be some way to get relief. He also said he wasn't about to change his vote because someone may have a call dropped.

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**Motion** D. Beaudette to approve an application by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, 99 East River Drive, East Hartford, CT 06108, for a Special Permit under Zoning Bylaw Chapter 145, Article XII (wireless communication facilities), to install a wireless communication facility at 134 Aldrich Street, Map 248, Lot 20.1 and 20, shown as Lot A, Second J. Natle, and continued discussion:

**Vote** 3 ayes - M. Hofler, D. Lusignan and J. Natle; 2 nays - D. Beaudette and C. Laurenzo for the special permit application by Verizon Wireless. It was noted that the application to build a tower on Aldrich Street does not carry.

Reasons for nay votes as follows:

D. Beaudette quotes Zoning Bylaw Chapter 145-69 (1) (a) Are found not to be detrimental to the established or future character of the Town and the neighborhood.

C. Laurenzo read aloud his written statement which was:

"Reference 145.69 1C – This application is not in harmony with the general intent and purpose of this chapter because;

Reference 145-1 Authority; purpose.

145-1 A. The overall improvement in safety and convenience in a relatively small area does not outweigh the negative effect on the general welfare of the neighborhood.

145-1 B. This is not sound growth. There is little growth for commercial endeavors. There has been shown to be no residential growth.

145-1 D. The overall improvement of a few businesses does again not outweigh the residents' concerns. Therefore, not suitable expansion.

145-1 E. No positive effect on property values is shown. The evidence leans towers a break even, if not a negative effect.

145-1 G. The installation of a cell tower is not protecting a natural resource".

Atty. Freyman and representatives requested C. Laurenzo please retain all notes from this meeting.

D. Albertson, Town Planner noted that the endorsed decision will be filed at the Town Clerk office on August 27, 2015, as their office has been closed each Wednesday through August 26.

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Minutes: J. Natle to approve July 28, 2015 minutes, Second D. Lusignan, Vote 5-0-0;

Minutes: D. Lusignan to approve August 11, 2015 minutes, Second M. Hofler, Vote 4-0-1 (J. Natle abstained).

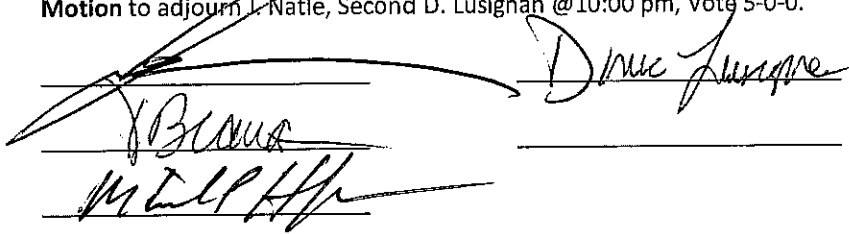
Other business:

M. Hofler stated that Herb Wood asked for a zone change to change the common drive portion of the Zoning Bylaw, making it a requirement that a sign noting "private way" be put in place for safety personnel to recognize. This would be in place of some "hand painted" signs that are worn out and not visible to safety personnel. It was asked who would do the retrofits and then noted that it might be from now on that the developer of a common drive would pay to assure the safety of the homes on the common driveway. The board agreed to Mr. Wood's request, and asked D. Albertson to tell him they would like to see the zoning bylaw change, but do not want to piece meal it, and so will go over the details with him.

M. Hofler asked about a check list for a subdivision, as the board will be reviewing a proposed preliminary subdivision plan in the near future. This way they could see what has been filed and recorded prior to each portion of a subdivision plan. The board will also discuss what should be covered and recorded before a subdivision can be considered complete.

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**Motion** to adjourn J. Natle, Second D. Lusignan @10:00 pm, Vote 5-0-0.

Handwritten signatures of J. Beaudette, M. Hofler, and D. Lusignan. J. Beaudette's signature is on the left, M. Hofler's is below it, and D. Lusignan's is on the right.