

**PLANNING BOARD**  
**Meeting Minutes**  
**Tuesday, March 1, 2011**  
**Town Hall, 120 Main Street**  
**7.00 PM**

1 Present: J. Simons, R. Rowen, M. Colantoni, C. LaVolpicelo, T. Seibert

2 Absent: R. Glover

3 Staff Present: J. Tymon, J. Enright

4 Meeting began at 7:04

5 **POSTPONEMENT**

6 **CONTINUED PUBLIC HEARING: 1679 Osgood Street,** Definitive Subdivision for 8 single-family  
7 residential lots within the R-3 District, submitted by GMZ Realty.

8 **CONTINUED PUBLIC HEARING: 288 Sutton Street** “Mathews Way” Proposal of a Five (5) Lot  
9 Definitive Subdivision.

10

11 **BOND RELEASE**

12 Edgewood requested a release of two bonds, totaling \$65,000, associated with a CCRC Special Permit  
13 issued in September, 2008 and Site Plan Review Special Permit issued October, 1989.

14 J. Tymon: Has completed a site visit with Kevin Tremblay, representative from Edgewood. Submitted  
15 photos. A completed as-built has been received that includes the cottages, new addition, existing buildings  
16 and roadway. DPW (Gene Willis and Tim Willet) have reviewed the as-built and communicated that they  
17 do not have any issues with the site. Con Com has released 90% of their funds. Remaining funds are  
18 held back to make sure plantings in the constructed wetlands take over the winter. There is also a letter  
19 submitted from B. Lavoie, attorney for applicant, giving some history of the site and requesting the  
20 release of the bonds.

21 J. Simons: Is this a release of all of the remaining funds.

22 J. Tymon: Yes

23 R. Rowen: Commented that the project, as completed, is beautiful and an asset to the town.

24 **MOTION**

25 A motion was made by R. Rowen to release all the bond money for Edgewood. The motion was  
26 seconded. The vote was unanimous.

27 **PUBLIC HEARINGS**

28 **CONTINUED PUBLIC HEARING: 125 Flagship Drive,** Application for Wireless Facilities Special Permit-Site  
29 Plan Review. Proposal for construction of a 140 foot multi-carrier wireless tower, with associated equipment at the  
30 base of the tower and the installation of 9 panel antennas with associated equipment cabinets in the Industrial 1  
31 zoning district.

32 J. Tymon: There have been two previous Public Hearings. Since then additional items have been received---a fall  
33 zone affidavit, hydrologic affidavit, and a noise report. The noise report has noise measurements 50'. The  
34 requirement of the bylaw is that the measurement is less than a 50 decimal reading at the security area. The  
35 Engineer stated that, based on the equipment, the readings may be just a little over at 51 decimals and recommended  
36 a full height, wooden fence that the applicant has agreed to provide. The applicant is requesting to provide the  
37 documentation required for the structural design when they apply for a building permit. Does the Board want to  
38 condition the Decision based on them providing that information at the time of applying for the building permit?

39 J. Simons: What has happened at the ZBA?

40 J. Tymon: All the variances that were required were approved by the ZBA. It was not appealed.

41 Jackie Slaga, representing the applicant: Submitted the noise report as well as the revised fall zone affidavit. The  
42 structural report for new pole requires extensive Geo Tech and soil analysis and this is not normally done until the  
43 permitting process. The information could be provided to the Board when we apply for the building permit.  
44 Submitted a copy of a spec sheet for a tower sectional that gives more detail on dimensions. It is generic but a good  
45 representation of what a 140' pole would look like dimensionally.

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46 J. Tymon: VHB made recommendations of what information they should provide at the time of the permitting  
47 process if we choose to go that route.

48 J. Slaga: Would be happy with a condition of approval that if we find anything going forward that would materially  
49 change the site that we would come back to this Board for approval. Not anticipating this but if there is any material  
50 change for anything we would come back.

51 T. Seibert: Explain the FEMA issue again.

52 J. Slaga: Environmental flood plain. We are going through the federal FEMA process and are in discussions with  
53 the state and local commissions. We are asserting that it is not in the flood plain and are asking for a modification to  
54 the FEMA maps. If there is anything that comes out of that process that materially changes the site plan we would  
55 come back for approval. The process will take several months.

56 T. Seibert: So we would make it a condition. Discussed wind speeds that would cause a collapse. Would the  
57 adjacent building be hit if the pole was fall within the 62' fall zone?

58 J. Tymon: No.

59 T. Seibert: The ZBA Decision did not reference the letter submitted by that property owner. I think we should  
60 reference it in our Decision.

61 R. Rowen: Is the exact tower that you want to install designed already and is the affidavit stating that the tower, as  
62 designed and proposing to put in, will break at 62'?

63 J. Slaga: We can't order the tower until we know what the soils and foundation issues are going to be.

64 R. Rowen: I understand that you can't design the foundation until you know what the soils are but I don't  
65 understand why you can't design the tower.

66 J. Slaga: I have been told they go hand-in-hand and you can't engineer one without the other. When we do order  
67 the tower the design will be ordered as part of the tower.

68 R. Rowen: Reluctant to approve a tower that is not designed with the promise that it will be designed correctly.  
69 How can an affidavit be submitted that says this tower will break at 62' when you don't have a tower that is  
70 designed yet?

71 J. Slaga: It will be part of the record and assuming part of this Board's vote. Whatever is submitted to the Building  
72 Department has to be consistent with what happens here. There are more than sufficient safeguards.

73 R. Rowen: All of the applications for cell tower facilities come under approvals and go through tremendous  
74 scrutiny. So we go overboard to assure that when they are approved, if they are approved, that everything was done  
75 correctly. If the next property were more than double the height of the tower I wouldn't have anywhere near the  
76 issue we are talking about now. I want to see evidence that you have designed a tower that would break at 62'.

77 J. Slaga: I think your concern is safeguarded by the remainder of processes that we still have to go through.

78 J. Simons: The scope of what we are supposed to approve is that our primary focus is to deal with the visual  
79 elements of the site and the gaps in coverage. They have told us a lot more in addition to that. Not sure it is  
80 fundamentally more than what we go through when we do a Site Plan Review. We see some designs and where the  
81 footprint is but there are some things that are subject to the building permit process. We have an assurance that what  
82 we saw in the plans is what we are going to get.

83 R. Rowen: Going forward basically they can put in a tower unreviewed.

84 T. Seibert: The affidavit references Ma state building codes dictating how these towers must be built. It states that  
85 the tower must be build in accordance with the building codes.

86 J. Simons: We can condition it so that it has a collapse zone of X.

87 R. Rowen: Long term we should have applications for cell service and a separate structural application when they  
88 are going to build a new tower.

89 J. Simons: Does not think we are the right venue for that.

90 J. Tymon: When they apply for the building permit they have to meet these specifications and have an engineer  
91 stamp on the plans.

92 R. Rowen: Then we will have to write the requirements that they have to meet before getting a building permit in  
93 the Decision.

94 T. Seibert: Can't we just state that they must be in accordance with the affidavit that they have submitted?

95 J. Simons: We will keep the meeting open and vote at the next meeting.

96 J. Slaga: Will submit revised drawings showing the fence that was recommended by the consultant.

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98 **CONTINUED PUBLIC HEARING: 1003 OSGOOD ST.** Watershed Special Permit and Site Plan Review  
99 Special Permit for construction of a new 21,000 sq. ft. restaurant/office/retail building.

100 J. Tymon: L. Eggleston has signed off on this project. At the last meeting the applicant discussed the traffic  
101 circulation within the site. They have made a minor change to the plan changing the entrance radius. The Fire Dept.  
102 has sent a letter saying they approve the site and do not have any issues with the site. Two draft decisions were  
103 distributed for review.

104 **MOTION**

105 A motion was made by R. Rowen to close the Public Hearing for 1003 Osgood Street. The motion was seconded by  
106 T. Seibert. The vote was unanimous.

107 **MOTION**

108 R. Rowen made a motion to approve the Site Plan Special Permit, Common Driveway Special Permit, Off-Site  
109 Parking Special Permit for Osgood Properties LLC, 865 Turnpike Street as amended this evening. The motion was  
110 seconded by C. LaVolpicelo. The vote was unanimous.

111 J. Smolak, Representing the applicant: Requested the bond amounts be changed to remain consistent with the  
112 amounts required for the adjacent 1025 Osgood Street project.

113 J. Simons: Recommended to leave the bonds as they are.

114 **MOTION**

115 A motion was made by R. Rowen to approve the Watershed SP for 1003 Osgood Street, as amended this evening.  
116 The motion was seconded by C. LaVolpicelo. The vote was unanimous.

117  
118 **NEW PUBLIC HEARING: 858 Great Pond Road:** Application for a Watershed Special Permit to  
119 construct a vertical expansion of existing structure from one story to two stories, construct a small  
120 addition, and to expand the two car garage to three and to connect it to dwelling structure by means of a  
121 roofed walkway.

122 J. Tymon: We are opening a new Pubic Hearing for 858 Great Pond Rd. The applicant is proposing to increase the  
123 impervious surface 546 sq. ft. The property is within the 250 foot non-disturb zone. L. Eggleston did a review of  
124 the project. A second infiltration well has been put on the plans so that the entire roof area for the dwelling unit will  
125 be infiltrated to the two drywells. He also put in a trench in the back of the garage for infiltration of any runoff from  
126 the garage area. There is no clearing planned. It is a fairly flat site. L. Eggleston has done a second review and she  
127 has approved the changes made.

128 Jack Sullivan, Engineer for applicants Gay and David Tracy: The parcel is over 4 acres. The lot was created in  
129 1968. Only increasing lot coverage 546 sq. ft. and will be infiltrating over 2,000 sq. ft. of roof area. Have a NOI  
130 filed with Con Com. There is a river along the westerly side but all the work is outside 100' of the river. They were  
131 fine with it but I wanted to continue it until I met with the Planning Board to hear what kind of comments there  
132 were. Deed restrictions have been volunteered as far as fertilizer use and prohibiting any type of herbicides or  
133 pesticides. There will not be any tree cutting or grading changes. We will be back before the con com March 9.

134 C. LaVolpicelo: Why are you infiltrating so much when you are only increasing the impervious surface 546 sq. ft?

135 J. Sullivan: I don't need to. Originally I was going to do a 2 for 1. When L. Eggleston said she would rather see the  
136 whole roof picked up I increased it to that.

137 T. Seibert: How does this get evaluated against our stormwater regulations?

138 J. Tymon: By having it reviewed by L. Eggleston she tries to conform to the MA stormwater regulations even  
139 though those aren't spelled out in the Watershed Special Permit.

140 J. Sullivan: Single family homes are exempt from the stormwater policy but as far as the drywell design the DEP  
141 policy requires a 2 foot separation to the ground water table. I provided that.

142 J. Simons: We will leave this open until the next meeting and draft a Decision.

143  
144 **DISCUSSION ITEMS**  
145 **Wireless Bylaw:** Discussion of Wireless Facility Bylaw that has been proposed for the ATM 11 Warrant

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146 J. Tymon: We should schedule the PB Public Hearing for Town Meeting items, including the Wireless Bylaw. In  
147 the past we have done it for the first meeting in April. The only zoning item is the Wireless Bylaw. There is also  
148 Carter Field Road street acceptance.

149 J. Simons: Was the article submitted exactly the way it was or have you made changes?

150 J. Tymon: One of the Selectmen actually submitted it in the same form as it was on the Warrant last year.

151 R. Rowen: We really ought to be separating towers and structures from wireless facilities. They are two separate  
152 discussions.

153 J. Tymon: Two years ago there was a bylaw submitted that had some separation. Some of that older bylaw is in this  
154 bylaw being submitted.

155 J. Simons: Asked R. Rowen to take another look at the article to see if he could recommend edits.

156

157 **MEETING MINUTES**

158 **MOTION**

159 A motion was made by T. Seibert to approve the meeting minutes for the Planning Board meeting held on  
160 02/15/2011. The motion was seconded by M. Colantoni. The vote was unanimous.

161

162 **ADJOURN**

163 **MOTION**

164 A motion was made by R. Rowen to adjourn the meeting. The motion was seconded by T. Seibert. The vote was  
165 unanimous.

166

167 The meeting adjourned at 8:30 PM.

168

169 Meeting Materials: Agenda, PB meeting summary notes, Marchionda & Associates, L.P. letter dated 11/30/2010  
170 for Edgewood bond releases, Devine Millimet Letter dated 2.24.2011 requesting Edgewood bond releases, E G  
171 Advanced Engineering Group, P.C. letter dated 2/24/2011 for 125 Flagship, Infinigy Engineering letter dated  
172 12/30/2010 for 125 Flagship, Infinigy Engineering letter dated 12/9/2010 for 125 Flagship, Bay State Design letter  
173 dated 12/6/2010 for 125 Flagship, Sectional poles USA spec sheet for 125 Flagship, Zoning Board of Appeals Notice  
174 of Decision dated 12/23/2010 for 125 Flagship, Draft Decision 1003 Osgood Street Special Permits---Site Plan  
175 Review, Common Driveway, and Off-Street Parking, Draft Decision 1003 Osgood Street WSP, Letter dated  
176 2/22/2011 from Gene Willis regarding 288 Sutton St., Definitive Plan "Mathews Way", Letter from L. Eggleston  
177 dated 2/17/2011 for 288 Sutton St., Proposed site development plan for 858 Great Pond Rd., Zoning Bylaw for  
178 Wireless Service Facilities, R. Rowen edits for Wireless Service Facilities bylaw, Pictures of site visit to Edgewood.

179