

APPROVED
Town of Fitzwilliam
Planning Board Meeting
May 17, 2016

Members Present: Terry Silverman, Robin Blais, Paul Haynes, Tom Parker, Matt Buonomano, Suzanne Gray, and Nancy Carney, Selectman's Representative.

Others Present: Blue Sky Towers Attorney Earl Duval and Proterra tower design engineer Tom Johnson.

Call to Order: 7:00 PM

7:00 Public Hearing. Ed Yoeger/Crossroads application for a boundary line adjustment between Crossroads property and the Cranberry House property, located on Route 12 S, Map 34, Lots 26 & 27, General Business District.

Paul Grasewicz, Ed Yoeger, and Andre Snegach attended and presented the case. Grasewicz noted that at the preliminary consultation Mr. Yoeger had proposed to move a boundary line between the Crossroads and the Cranberry House, now occupied by Little Learner's Daycare Center, to give Crossroads access to the fire lane between the two properties. However, they discovered that doing so would reduce the acreage of the Cranberry House lot below the legally required size of 40,000 sf. Planning Boards cannot create non-conforming lots.

Grasewicz presented a proposed new boundary line adjustment plan that would preserve the fire lane and maintain the Cranberry House lot at 40,000 sf. Mr. Yoeger noted that he wanted to preserve the fire lane for the Crossroads because the current owner is planning to sell the Cranberry House lot. Parking for the Crossroads will not be diminished by adding wooded acreage on the east side of the parking lot to the Cranberry House lot.

The Board agreed that the plan looked good. Grasewicz noted that when the original plan for the Kennedy Publications proposed building was recorded the building was "proposed," not actually built. When it was built it was actually closer to the boundary than proposed, resulting in a side setback issue. However, the proposed boundary line adjustment will not make the properties more non-conforming.

Silverman moved, Blais seconded and the Board voted to continue the hearing to June 7, 2016 at 7:00 PM.

7:15 Preliminary consultation. Fred Blais to discuss subdivision options for property located on Rockwood Pond Road, Map 17, Lot 4.

Mr. Blais asked if property located on Rockwood Pond Road, Map 17, Lot 4 is a building lot. Craig Chamberlain owns the property with 60 acres in Fitzwilliam and 116 acres in Troy. The 60 acres in Fitzwilliam has 250 feet of Class V road frontage. Silverman said it is a legal lot of record with frontage on a Class V road and therefore is buildable. Mr. Blais said he has no interest in subdividing the property, but a buyer might. Silverman said if a buyer wants to subdivide they should meet with the Planning Board. Asked if the property was contaminated, Mr. Blais said it is not and he has paperwork from the state attesting to that, which he will send to the Planning Board.

Minutes. The Board reviewed minutes of the 05/03/16 meeting. Blais moved, Gray seconded and the Board approved them as amended.

Vendor permit. Silverman signed a vendor permit for John Jeffries to sell farm produce from an existing farm stand near Mr. Mike's, off Jaffrey Road.

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Eversource question. Buonomano asked if a special meeting to discuss the Eversource MOU was planned. Silverman said we had not received any revised MOU, adding that they claim urgency but haven't yet delivered the work product to move the process forward.

7:30 Public Hearing. Lon Caracappa application for a conditional use wetlands permit to construct six foot wide access steps over the bank to access Laurel Lake from property located on West Lake Road, Map 24, Lot 1, Rural District.

Silverman recused himself because he has family members who are abutters to the property in question. Gray chaired this case.

Mr. Grasewicz noted that as property owner he had chosen not to sign the town wetlands application because he knew that the proposed construction was completed before the application was acted on, and before the state Shoreland permit had arrived, and that no construction permit was issued.

Mr. Hagstrom, who was hired to steer the project through the state Shoreland Protection permitting process, told the Board that Mr. Caracappa wanted to install steps to get to the Lake. He said the state allowed steps that were 6 feet wide. Mr. Grasewicz, as property owner, did sign the Shoreland application and the day the permit arrived is the day Mr. Grasewicz said he first saw that the steps had already been installed. Mr. Caracappa apparently talked with a contractor about the installation, and, perhaps due to a miscommunication, the contractor built the steps during a lull in his schedule. However, no permits had been obtained or approved prior to construction.

Mr. Grasewicz said Mr. Caracappa has a 15 foot wide right of way easement on the Grasewicz property and has built a 4 foot wide path to the Lake. He noted that it was difficult to get into the lake once at the shoreline because there are boulders and stones in the way. He said he agreed that steps could be built but was not aware of how massive the construction would be until it was built. The steps are 6 feet wide and are hinged so they can be pulled out of the water in the winter.

Blais asked what material was used for the steps. She also asked if Mr. Grasewicz had an agreement with Mr. Caracappa regarding the upkeep of the steps. He does not.

Ms. Carney noted that no construction permit had been issued and no town wetlands permit granted.

Blais asked the property owner what he would like to see done about this. Mr. Grasewicz said he didn't want to say, but he would have preferred the steps to be four feet wide instead of six feet wide, however, he said he wasn't asking that they be removed. Mr. Hagstrom noted that removal of the steps would aggravate erosion at the site. Haynes asked if a second state permit would be necessary to install narrower steps. Mr. Hagstrom said no.

Gray summarized that the state approved the Shoreland application, but no town wetlands permit was issued by the Planning Board and no construction permit was issued by the Selectmen, and the property owner did not sign the town wetlands application. Blais asked who would be liable for taxes on this structure. Gray noted that the applicant had not gone to the Conservation Commission for review of the plan. Mr. Hagstrom said they had

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met with the Conservation Commission and the Commission was going to write a letter to the Planning Board. The Board has not received this letter.

Silverman wondered if an equitable waiver of dimensional requirements was in order or if fines could be assessed. Parker suggested the Board write a letter to the applicant outlining the violations, giving a timeframe for response. Mr. Grasewicz wondered if the project fell below the threshold for needing a construction permit. Carney thought it might. Buonomano clarified that a town wetlands permit should have been issued before construction began.

There was some discussion about the preliminary consultation and how the applicant was directed to apply for a town wetlands permit because the steps actually went into the water.

Gray asked the Board if they wanted to let the steps remain until they work through the steps to correct the situation. Parker said he felt the steps didn't need to be removed, but a reasonable timeline needs to be given in writing for addressing the issues raised.

Silverman asked what the square footage is on the steps. Mr. Hagstrom said 24 sf. Gray reiterated that the property owner is not comfortable with six foot wide steps. Mr. Grasewicz said he wants Mr. Caracappa to get an attorney to indemnify him and to straighten out the easements.

Gray asked why Mr. Hagstrom was here instead of the applicant Mr. Caracappa. Mr. Hagstrom said he was hired to do this project.

Gray asked for a motion to reflect the discussion, including a letter going to David Streeter, Paul Grasewicz, Carl Hagstrom, Lon Caracappa, and the Board of Selectmen, outlining the issues. Also the Board wants to see proof in writing that the material used in constructing the steps is not going to contaminate the water; that the Conservation Commission writes a letter giving permission to construct these steps; that the applicant returns to the Planning Board to complete the wetlands hearing; and that application is made for a construction permit; adding that the Board of Selectmen needs to see approval from all entities involved.

There was discussion about how steps are characterized by the state; about whether the applicant needs to go to the ZBA; about the town's definitions of structures and walkways; there was some confusion about whether the project needed town permits at all.

Gray said they wanted the applicant, contractor and Mr. Hagstrom to meet with the Planning Board following input from the Conservation Commission. Gray moved, Haynes seconded and the Board voted to write the letter to those involved in the case as noted above. The hearing was continued to June 21, 2016 at 7:00 PM.

8:00 PM Public Hearing continued. Blue Sky Tower Partners, LLC Application for a conditional use permit under Article IV, Section 127-16.2 G. to install a multi-user Wireless Communications Facility consisting of a 125 foot monopole tower within a fenced compound located on property known as the Pinnacle, owned by Filipi Contracting, LLC on Upper Troy Road, Map 15, Lot 6-12, Residential, Rural and Historic Districts.

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Buonomano recused himself as an abutter to the property.

Attorney Duval and Tom Johnson, Proterra tower design engineer, joined the Board at the table. Attorney Duval recalled the three assignments given at the last meeting: letter from the tower manufacturer regarding tower structure integrity, which he distributed to each member; he handed out photo simulation packets showing a fully equipped tower transposed on the WiValley tower used in the initial balloon test photos, so the Board could see the visual differences between a tower with only public safety and broadband antennas on it and a tower that is fully occupied with public safety and WiValley equipment, and four cell service providers located on it; he described the private balloon test conducted on May 9th for the benefit of the abutter nearest to the proposed tower site. The property owner Steve Filipi met with Russ Raitto and together they viewed the balloon test from various locations, including inside the Raitto house. Neither person was at this hearing to confirm that Mr. Raitto was not concerned about the tower.

Attorney Duval read the letter from the tower manufacturer, signed by the engineer, specifying the tower loading capacity, as requested by the Board. Attorney Duval suggested the Board could incorporate this letter as a condition of approval. Gray said the letter confirms that this tower is suitable for all proposed co-location uses proposed.

The Board discussed the photo simulations noting that the loaded tower was more visible than the WiValley tower. Attorney Duval said the monopole design is the least intrusive of towers, adding that they have worked closely with the town's expert David Maxson to insure this site provides the maximum propagation coverage. Gray asked what could be done to camouflage the tower, wondering if painting it would work. Attorney Duval noted that the tower will be galvanized steel, which is most appropriate and is least visible. He did not think a faux tree camouflage would be suitable, calling them silly and as making the tower even more visible. Haynes asked if the tree camouflage reduces the efficacy of the tower signals. Attorney Duval agreed it did.

Blais asked if there was lead in galvanized steel. Haynes said galvanized steel provides a flat look – it is not shiny. Gray asked if there was anything that would be more aesthetically pleasing. Silverman asked why no one in the tower industry had ever talked with sculptor about designing a good looking tower. Blais noted that we, as a culture, have evolved in that we are used to seeing towers now. Attorney Duval said there are a lot of ways to conceal towers in existing structures or by creating whole new structures for concealment.

Silverman asked about electric power on the site. Attorney Duval said there is power already on the site, running along poles to within 100 feet of the tower when it runs underground. He added that T-Mobile will not ask for a generator on site; other carriers may request generators. He added that generators are usually remotely monitored and are usually tested for 30 minutes, once a week. These generators may be situated within a foam insulated enclosure to comply with the Town's noise regulations.

Carney said the public safety equipment will need an emergency generator. Silverman said all noise must be attenuated to 28 decibels at the property line. Attorney Duval said a sound expert and member of the Blue Sky Towers team will conduct a sound study and design attenuation equipment. Co-locators will have to attenuate generator noise as well. Tom Johnson said T-Mobile will bring in a portable generator in an emergency, although they will have battery back-up. Silverman said that is not acceptable. Noise must be attenuated even when the power is out. Mr. Johnson said no noise emanates from the facility when the power is on.

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Gray noted that the WiValley generator is loud. Attorney Duval said old generators are very noisy, with no attenuation at all, and they run all the time when power is out. Silverman said they must anticipate generator use and build enclosures on site for them. Attorney Duval said there is room in the compound for enclosures for generators. He said he is not sure what WiValley will do with their generator. Carney said the fire safety department will be talking about that issue with WiValley and Blue Sky towers. Attorney Duval said Blue Sky Towers is compensating WiValley for moving their equipment.

Blais moved, Gray seconded and the Board voted to continue the hearing to June 21st at 7:30 PM. Attorney Duval asked if the Board wanted him to do anything between now and then. Blais said a plan for sound attenuation for temporary generators, and Haynes asked him to do the modeling on temporary generator noise. He asked for T-Mobile to plan for any future generator that might be on site.

Silverman said he wanted to insure that all issues are taken care of with this application so a future Planning Board won't have to deal with them. Attorney Duval said they cannot plan for co-locators generators. He noted that federal law requires back up power sources. He suggested Mr. Johnson could come up with information on sound and generators.

Land Use Fees. Buonomano reported that he had talked with several towns surrounding Fitzwilliam and was surprised about the dramatic differences in the fees the various towns charge. He is planning to put the information on a spread sheet and is still working on it. He said Troy has what looks like a professionally done fee schedule, very detailed. He noted that Fitzwilliam shares a lot of resources with Troy. Gray said generally we look at other town's ordinances and regulations and then decide what's might be right for Fitzwilliam.

Silverman emphasized that the revenue from fees does not impact the Land Use budget and it doesn't offset expenses. Revenue goes into the general fund. He added that the point of higher fees is to discourage frivolous applications. Buonomano said Winchendon has comprehensive solar regulations. Blais wondered if they were required by Massachusetts.

Silverman gave the Board a pipeline update, saying the Coalition is trying to get FERC to deny the KM application with prejudice, to prevent KM from getting an expedited application if they come back after suspending the application. The Coalition continues to work on tariffs, energy supply and SEC rules. He said Massachusetts is still active. The Coalition is working with politicians on legislative issues.

Silverman reported that Ranger Solar met with the Selectmen proposed to install a 500 acre solar utility, located between Fullam Hill Road and Route 12 S. Ranger Solar will not need three-phase power because they will be tying into the substation. Silverman said this installation will not preclude the Town from doing a community solar project at the transfer station where three-phase power is available. Buonomano did research on solar installations and found the it takes 1-4 tons of coal to make a solar panel, 88% of which are made in China, adding that it will take many years to recoup the energy it takes to create the panels.

The meeting was adjourned at 9:15 PM.