

# PLANNING BOARD



19 WASHINGTON STREET  
SHERBORN, MASSACHUSETTS 01770

## MINUTES

**April 10, 2013**

**Members Present:** Town Planner Gino Carlucci, Chairman John Higley, John Stevens, Associate Grace Shepard, Robin Perera, and Eric Johnson

**Absent Members:** Charles Yon

**Others Present:** Members of the ZBA, Susan Tyler of Western Ave., Mike Duquette of 9 Fiske Pond Road in Holliston, Scott Hothen of 10 Fiske Pond Road in Holliston, Abby Fiske of 11 Fiske Pond Road in Holliston, Michael Lynch, Esq. of Morrissey Hawkins and Lynch - representing 125 Mill Street, Christian Carmody of InSite Towers, Robert Eckert (PMR, LLC) of 14 Bear Hill Road, Rick Thompson of the Sherborn Police Department, Francis Parisi of Parisi Law Associates representing the cell tower project, and Jim and Thurza Campbell of 212 Farm Road

John Higley called the meeting to order at 7:06 p.m. in Sherborn Town Hall, Room 204A.

### ZONING WARRANT ARTICLES

The public hearing regarding a Moratorium on Medical Marijuana was not held. The hearing was advertised in the newspaper, and abutting towns were notified, but it was not posted in the Town Hall. Therefore, the hearing will be re-advertised and rescheduled for April 24, 2013 at 7:00 p.m.

### 125 MILL STREET

The Board reviewed an agricultural screening plan for construction of a new building pursuant to Section 3.4 of the Zoning Bylaw.

Mike Lynch, the attorney and trustee of the property, presented the plan which proposed screening for an indoor riding ring. Abutters expressed concern about the aesthetics, lighting, and obstructed view. The building was described as a large (33' x 100' x 83'), translucent, glowing structure very close to the abutters' property line. The location requires that most of the screening be on an abutter's (Abby Fiske's) property. Mike Duquette of 9 Fiske Pond Road suggested building a wooden structure which would blend in with the surrounding area and screening would be less of an issue. Attorney Lynch explained that the structure was chosen for

financial and utilitarian reasons and it is limited to the designated area. There is a gas line that runs through the property which prohibits planting in some areas.

John Stevens questioned whether a right to build exists if sufficient screening can't be established on the property itself. Grace Shepard suggested building a partially wooden sided building to reduce the need for screening. Gino Carlucci suggested added a barn board fence along the edge of the property in addition to planting shrubs. Eric Johnson stated he would like to see a second layer of screening added.

The affected parties were encouraged to work out a mutually agreeable solution. The meeting was continued to April 24<sup>th</sup>.

### **CELL TOWER JOINT HEARING WITH BOARD OF APPEALS** (*Reference documents 1, 2, 3, and 4*)

The Planning Board and the ZBA continued the joint public hearing regarding a proposed cell tower off Lake Street on Town-owned land. InSite Towers, LLC, is the applicant.

Attorney Francis Parisi, representing the applicant, InSite Towers, presented an update on the balloon test and other requested data:

- Photographs showed that the balloon was only slightly visible or not visible at all from most roads. It was noted that the balloon was visible from across Farm Pond
- The lease with the Town specifies a 130' tower, but it will be designed to be expandable to 150'.
- The site may have a temporary generator capable of eight hours of back-up service. The temporary generator would then eventually be replaced with a permanent one. Robert Eckert noted that the proposed temporary generator does not meet the lease standards because it will not start up automatically. Attorney Parisi indicated that InSite Towers will comply with the requirements in the lease and will have a construction management plan that meets the lease agreement.
- The area is 40' x 40' and the parts of the site other than the building will be surrounded by an 8' chain link fence without barbed wire.
- The Board of Selectmen is designated as the landlord
- The lease refers to three easements, but the plan actually has two: one is for access and one is for utility as a whole (instead of separating power and telecommunications).

John Higley noted that a structural engineer will need to review the design. Gino Carlucci stated that the Planning Board can add a condition to the special permit that a review by a structural engineer is needed before the Board can issue the permit.

The boards discussed possible issues with security. There will not be a fence in the front of the property, but if an unauthorized person were to reach the tower it would be difficult to access because special pegs would be needed to climb the tower. It's possible to build a fence, alarm the doors, and/or place CCTV to be monitored by the police department.

A member of the ZBA suggested that perhaps the Town should be the applicant for the variance instead of the tenant. To clarify, Rob Eckert will send a memo to the ZBA outlining that InSite is applying on behalf of itself and the Town. Gino Carlucci and Attorney Parisi will work on

drafting a written decision which meets all terms of the lease. The Planning Board will review the decision and hold a formal vote. A supermajority of Planning Board members is needed to approve the special permit.

The Planning Board and the ZBA will vote on 4/24 at 8 p.m. John Higley moved to close the hearing. Grace Shepard seconded the motion and it voted to pass 5-0.

### **TOWN CENTER REPORT**

The Board continued its discussion of recommendations. Speaking with additional developers about zoning changes may be helpful. The Board would like to update its survey to obtain feedback to help steer the master plan.

John Higley distributed a calendar to the Board members which included all board/committee meetings and important town dates.

There will be a water/sewer presentation at the SWAP meeting in July. Gino Carlucci requested that it be held in Sherborn.

### **OTHER BUSINESS THAT MAY COME BEFORE THE BOARD**

**Update on Green Communities grant & ESCO contract:** There were no updates.

**Solar Opportunities:** The Energy Committee applied for Solarize Mass, but was not selected. The Committee will move forward without the \$2500 grant for marketing money. It can reapply for the next round.

**CRWA/MAPC “Smart Sewering” project:** Gino Carlucci will meet with CRWA on 4/22. CRWA needs to form a committee of approximately 8 people comprised of representatives from key boards and citizens at large. John Higley suggested that Eric Johnson would be a good representative.

**Whitney Farms:** The project is moving forward as expected.

**Remote Participation:** The Board of Selectmen is considering the rules. Remote participation would still require a quorum of people present and would not be used routinely. Eric Johnson pointed out that it would encourage further participation by people who cannot always attend the meetings in person. Grace Shepard noted that the Town Administrator widely distributed information regarding remote participation and has requested feedback.

The Board was supportive of the idea of remote participation as long as it does not become too restrictive. John Higley will try to attend the meeting tomorrow to get an update for the next Planning Board meeting.

**Land Management Task Force:** The Task force is discussing the forestry program. There are places inside Barber Reservation where limited cutting of trees would be healthy for the forest.

The Task Force would like to conduct a biodiversity study, possibly with help from the Carroll School.

## **MINUTES**

Minutes were not reviewed.

The next meeting of the Planning Board will be April 24, 2013.

The meeting adjourned at 10:24 p.m.

Respectfully Submitted,

Jessica Pettit

Clerk

## **DOCUMENTS REFERENCED DURING THE MEETING**

1. Letter from Sherborn Communications Committee to Planning Board and Zoning Board of Appeals entitled "Public Safety Requirements for Cell Tower on Lake St.," dated April 4, 2013
2. Special Permit and Variance Application for Wireless Communications Facility Supplement No. 2, submitted by Parisi Law Associates, P.C., dated April 10, 2013
3. Memorandum from Communication Design Consulting Group to Sherborn Communications Committee, "South Lake Coverage Based on 100-ft and 130-ft Monopole," dated April 3, 2013
4. Memorandum from Robert W. Eckert to Sherborn Planning Board, "Lease Agreement – InSite Towers, LLC," dated April 4, 2013