

**Planning Board Meeting  
June 7, 2023  
Minutes**

*These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting. - Open Meeting Law, G.L. c. 30A§22.*

**Board Members:** Tim Grandy, Steven Bolotin, Birgitta Kuehn, David Peck and Carl Donaldson  
**Planning Board Alternate:**  
**Staff Members:** Robin Carver and Lee Hartmann  
**Recording Secretary:** Eileen Hawthorne

Birgitta Kuehn called for a point of order and explained that there are no provisions in the Town Charter, Town Bylaw or Mass. General Laws for the Planning Board to create a third executive board or to have a quorum of Planning Board members participate in another committee. Ms. Kuehn moved for the Planning Board to reorganize its compliment of Planning Board members on the Master Plan Task Group to a maximum of two. No one seconded the motion therefore the motion did not carry. Ms. Kuehn added that there is a group of citizens that is ready to bring this issue to the State House.

**Administrative Notes:**

**Minutes\*:**

**May 24, 2023**

David Peck moved for the Board to approve the minutes of May 24, 2023 as presented; Steven Bolotin, second; the **vote** was unanimous (5-0).

**Form A Plans\*:**

**A4856 – Viriato and Jennifer deMacedo, 525 Ship Pond Road, Map 51, Lot 4N-26 –** Divide to create lots 4N-33 and 4N-34 (per B641 TDR)

Steven Bolotin moved for the Board to determine that A4856 was entitled to endorsement; David Peck, second; the **vote** was unanimous (5-0)

**A4857 – ADM Agawam Development LLC, Meadowbrook Drive, Map 116, Lots A-51 and 4-3 –** Divide to create lots S-48, A-55 and 4-454 through 4-461

Steven Bolotin moved for the Board to determine that A4856 was entitled to endorsement; Carl Donaldson, second; the **vote** was unanimous (5-0)

**ZBA 4096 – Industrial Tower & Wireless, LLC**

**7 River Run Way, Map 111, Lot 1C-12**

Special Permits to construct a communication tower and to waive maximum height of a structure (6/12)

The Board received the following documentation for this review:

Staff Report

Fire Department comments dated May 17, 2023

Public Health comments May 16, 2023

Telecommunications Facility Design and Impact Project Narrative

Radio Frequency Expert Statement

Coverage Maps

RF Report dated May 30, 2023

Locus Maps

Site Plans dated April 14, 2023

Addendums: Engineering Comments dated June 5, 2023; Letter from FAA dated May 9, 2023;

Letter from IDK Communications dated June 6, 2023

Kevin Delaney presented the request for Special Permits in order to construct a 150 ft.

monopole communication tower with gated access off Bourne Road. The leased site has an

area of 100 sq. ft. An 8 ft. high metal fence will surround the 80 sq. ft. compound and a sign will be placed at the entrance per FCC regulations. An 18 ft. wide turnaround has been provided at the entrance to the site to accommodate larger vehicles. The FAA has determined that no lights or beacons are necessary on the tower. Minimal tree removal will be required to construct the pole and compound. T-Mobile and Verizon will be located on the tower and there will be space for three additional carriers. Space will also be provided for the Town's emergency response system. Once operational the tower will fill a gap in coverage in the Bourne/Wareham/Halfway Pond Road area as well as the Redbrook development.

Robin Carver noted that the Board and abutters were notified of a balloon test conducted in August to determine the visibility of the proposed tower. The Town's peer review consultant confirmed the gap in coverage in this area. The nearby privately owned water tank and other sites were considered as alternative sites but either there was no interest, or the sites were unsuitable. The FAA has determined that there will be no hazard to air navigation.

Lee Hartmann stated that the Federal Communication Act of 1996 does not allow a town to prohibit a communication tower in an area where there is a gap in coverage. The peer review consultant is asked to review the gap analysis submitted by the applicant. The applicant is required to provide information on alternative sites that were considered.

David Peck asked what the wind design is for the monopole.

Mr. Delaney replied that there are standards they have to comply with, and they will either meet or exceed those standards.

Public Comment:

Al Dinardo agreed that better coverage was needed in this area. He asked if the power line was considered as a location for the tower; how high above the tree line the tower would be and if the tower could be screened.

Mr. Delaney replied that the balloon test determined that there would be limited visibility of the tower in the surrounding areas and that the power company does not allow towers to be constructed on their sites.

Birgitta Kuehn commented that there is a significant number of migratory birds that travel through this area and asked if this site would interfere or impact the birds.

Mr. Delaney explained that the height of the proposed tower should not interfere with the bird migration. It is usually the guy wires for higher towers (1,000 ft.) that are an issue. He did state that Osprey have been known to build nests on some of the smaller towers.

Birgitta Kuehn moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following conditions:

If technically feasible in the future, space shall be made available at no cost to the Town of Plymouth for municipal purposes on the tower for antennas and at the base for equipment.

The only sign associated with the monopole shall be a small sign required by the FCC identifying the owner of the facility and providing a twenty-four-hour contact number.

Any proposed lighting shall utilize LED lights and comply with the Prevention of Light Pollution Zoning Bylaw.

A performance guarantee in a cash amount determined by the Building Commissioner that directly ties to the dismantling of the cellular tower and equipment, shall be required in an amount equal to a documented, verifiable estimate of cost. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year.

Prior to issuance of a Zoning Permit evidence of recording of this Special Permit at the Plymouth County Registry of Deeds or the Land Court shall be presented to the Building Commissioner.

Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

The site lies within an Area 2 of the Aquifer Protection Zone. The applicant must document the compliance with the Aquifer Protection Bylaw.

The applicant must submit drainage calculations conforming to the Town of Plymouth's Drainage Guide and Massachusetts Stormwater regulations.

Carl Donaldson, second; the **vote** was unanimous (5-0).

**ZBA 4097 – Vertex Tower LLC**  
**4 Cedarhill Park Dr, Map 55, Lot 37A-2**

Special Permits to construct a communication tower and to waive maximum height of a structure (6/12)

The Board received the following documentation for this review:

Staff Report

Fire Department comments dated May 17, 2023

Public Health comments dated May 16, 2023

Locus Map

Project Narrative

Site Emissions Report dated April 12, 2023

TOWAIR Determination Results

Letter from Advanced Engineering Group dated April 17, 2023

Affidavit of RF Engineer

Site Photographs and Coverage Maps

Site Plans dated November 15, 2021, revised through April 17, 2023

Addendums: Engineering Department comments dated June 5, 2023; Letter from IDK

Communications dated June 6, 2023

Atty. Francis Parisi presented the request for special permits in order to construct a 120 ft. high monopole communication tower off Cedarhill Park Drive. The tower would be located within a 50 sq. ft. fenced compound and provide service to the surrounding commercial area as well as Routes 3 and 3A. Similar to the previous presentation, there will be no impacts to air navigation, lighting will not be installed and there will be no environmental impacts/interference especially to migratory birds and space will be provided for the Town's public safety use. The site plan will be slightly altered to move the proposed tower further away from the power easement.

Public Comment: None

David Peck was concerned with the fall zone for the proposed tower and asked that a condition be added that the structure's monopole shall be designed in case of failure to fall within the property lines and outside the electrical easement. A structural engineer shall certify the design requirement has been complied with.

Carl Donaldson moved for the Board to recommend approval to the Zoning Board of Appeals subject to the following conditions:

If technically feasible in the future, space shall be made available at no cost to the Town of Plymouth for municipal purposes on the tower for antennas and at the base for equipment.

The only sign associated with the monopole shall be a small sign required by the FCC identifying the owner of the facility and providing a twenty-four-hour contact number.

Any proposed lighting shall utilize LED lights and comply with the Prevention of Light Pollution Zoning Bylaw.

A performance guarantee in a cash amount determined by the Building Commissioner that directly ties to the dismantling of the cellular tower and equipment, shall be required in an amount equal to a documented, verifiable estimate of cost. The estimate shall include an adjustment for projected inflation or other predictable factors over the term of the permit plus one year.

Prior to issuance of a Zoning Permit evidence of recording of this Special Permit at the Plymouth County Registry of Deeds or the Land Court shall be presented to the Building Commissioner.

Prior to issuance of a Building Permit a Municipal Lien Certificate shall be provided to the Building Commissioner as evidence of payment of any back taxes, fees or penalties owed to the Town, if any.

The Petitioner shall provide a Determination of No Hazard to Air Navigation letter from the FAA.

Prior to issuance of a Building Permit, the Petitioner shall provide documentation from a carrier in their intent to use the structure.

The monopole structure shall be designed in case of failure to fall within the subject property boundaries but outside the electrical easement. A structural engineer shall certify that this design requirement has been complied with.

The applicant's plans should be stamped by a Registered Professional Land Surveyor since they are showing proposed structure locations relative to property lines.

The applicant's plan states "Property line information is compiled from assessor plans, deeds and plans of record and is not to be construed as having been obtained as the result of a field boundary survey, and is subject to change as an accurate field survey may disclose. A full boundary survey was not performed.". We highly recommend the applicant perform an actual field survey to confirm accurate property line information and easement locations, along with accurate topography/existing conditions and accurate offsets to the existing property lines from the proposed communication tower.

The applicant is proposing work within an existing utility easement, the applicant must get approval from the utility company for all proposed work. Please provide documentation the proposed work is allowed.

The applicant must revise the plans to note Cedarhill Park Drive as a private way, it is currently noted as public.

The applicant must provide a construction entrance, the first 20' must be paved to protect the existing edge of pavement and prevent sediment from reaching Cedarhill Park Drive/existing catch basin.

The applicant must provide a driveway apron detail/construction plan. The proposed driveway entrance location currently has 6" granite curbing around the cul-de-sac area. The applicant must show the removal and resetting of granite curbing as needed. The applicant must show how the curbing will transition to the existing granite header at the existing catch basin adjacent to the proposed driveway location.

A Street Opening Permit is required for all projects. The Applicant shall conform to Federal NPDES and State Stormwater Permit requirements prior to construction activities. It is not intended that this approval warrants or certifies any portion of the design. Our review has been limited to conceptual conformity with local regulations. There will not be any forthcoming correspondences unless this office receives additional instruction.

The applicant must submit drainage calculation conforming to the Town of Plymouth's Drainage Guide and Massachusetts Stormwater regulations.

Steven Bolotin, second; the **vote** was unanimous (5-0).

### **59 Long Pond Road, Map 89, Lot 34F-18**

#### Determination of Compliance with Condition No. 5

The Board received the following documentation for this review:

Staff Memo

Fire Department comments dated May 17, 2023

Letter from D'Ambruoso Law dated May 8, 2023

Locus Map

Site Plans dated April 11, 2023

Addendums: Engineering Department comments dated June 6, 2023 and Planting Plan dated April 21, 2023

Atty. Robb D'Ambruoso, D'Ambruoso Law, presented the site plans that would add two one-story, 2,240 sq. ft. structures beside the existing 17,000 sq. ft. building off Long Pond Road.

One structure is proposed for a credit union with drive-through window and the other is identified as a "coffee shop". Adequate parking has been provided and landscaping will complement the existing landscaping. The access will be reconfigured to provide a one lane entrance and a two lane exit. The applicant has agreed to satisfy all Engineering Dept. comments prior to the building permit.

Robin Carver explained that once the coffee shop design is complete, they will have to return for review of the architectural plans.

Birgitta Kuehn asked that native plantings be installed for the landscaping.

David Peck requested that a snow storage area and dumpster location be shown on the plans and suggested adding bicycle storage, an EV charging station and investigate adding solar roof panels.

At the request of Mr. Bolotin, Atty. D'Ambruoso showed the vehicle circulation around the buildings.

Steven Bolotin suggested that pedestrian signage and a crosswalk be added as safety measures.

Birgitta Kuehn moved for the Board to notify the Zoning Board of Appeals that that the site plan complies with the minimum requirements of the Zoning Bylaw, and that Condition No. 5 in Case No. 3490 for Phase II of the Project should be deemed satisfied, provided that:

The Town Engineer must approve the drainage design and stormwater management system.

Prior to issuance of an Occupancy Permit a Registered Professional Engineer must certify that the drainage system, drive ways, curbing and parking areas have been installed; and a registered landscape architect or other qualified licensed professional must certify that the landscaping has been installed; all according to accepted practices and in compliance with the Zoning Bylaw and the approved site plan.

Lighting is to comply with the Prevention of Light Pollution Zoning Bylaw; and utilizing LED lights.

The Petitioner shall return to the Board informally with architectural plans of the coffee shop retail building.

The Landscape Plans shall include plants that are native and/or salt tolerant.

Final plans shall include snow storage, an enclosed dumpster, and bike racks.

Final plans shall include pavement markings and signage for safe pedestrian crossing of the driveway between buildings.

The Petitioner is encouraged to install EV charging station(s).

The Petitioner is encouraged to investigate rooftop solar.

David Peck, second; the **vote** was unanimous (5-0).

Steven Bolotin moved for the Board to adjourn at 8:25 p.m.; David Peck, second; the vote was unanimous (5-0).

**\*On file with the Office of Planning and Development in project case files.**

Respectfully Submitted,

Approved: June 28, 2023

Eileen Hawthorne  
Administrative Assistant