

WALPOLE ZONING BOARD OF APPEALS MINUTES OF JUNE 8, 2016

A regular meeting of the Zoning Board of Appeals was held on Wednesday, June 8, 2016 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Matthew Zuker, Chairman; James DeCelle, Vice Chairman; Susanne Murphy, Timothy Foley, Associate Member.

Mr. Zuker opened the meeting at 7:00 p.m. Mr. Hiltz recused himself.

7:04 p.m. Wassel, 71 Pocahontas Street Continued Hearing, Case No. 04-16: Ms. Murphy moved to continue this hearing to June 22, 2016 at 7:00 p.m. as requested by Rachel Wassel and also to accept an extension of time up to and including August 30, 2016. Motion seconded by Mr. DeCelle and voted 4-0-0.

7:07 p.m. Malinn, 49 Morningside Drive, Case No. 05-16: Mr. DeCelle moved to continue this hearing to June 22, 2016 as requested. Motion seconded by Mr. Zuker and voted 4-0-0.

7:10 p.m. Cellco Partnership (Verizon) Approximately 234 Baker Street, Case No. 06-16; Approximately 275 Common Street, Case No. 07-16; and Approximately 644 Main Street, Case No. 06-18: Mr. Zuker read the public hearing notices. The applicant was represented by Joshua Lanzetta. He stated that there are three applications and generally his comments will apply to all of them. These poles increase coverage even on the outskirts of town which is why these areas were selected. The areas are Walpole Country Club, Ace Hardware and Walpole High School. Mr. Zuker asked if they look like transformers and Mr. Lanzetta stated yes. They are all the same height and designed to work like a transformer. Mr. Zuker asked if they supplement what is there. Mr. Lanzetta stated yes but it will never eliminate the macro site. This is the precursor to 5-G service and is a good way to use what is existing with regard to wireless data, plus you will be increasing capacity in certain zones. In 2016, there will be four antennas in Walpole which will increase high speed coverage. Ms. Murphy asked if they will provide a police detail on Baker Street as the road is very narrow and curvy and Mr. Lanzetta stated yes and also the work areas will be protected with cones. Mr. Zuker asked if this is a common practice in the industry and Mr. Lanzetta they are leading the way right now. Mr. Zuker feels our bylaw is outdated. Mr. Lanzetta stated this is his third hearing this week and the only place he has seen it addressed properly was in Tewksbury.

Mr. Zuker read board comments and asked for comments from the public.

Jeff Kanaseck, 223 Common Street stated the Common Street pole is about 100' from his house and he has safety concerns. He would like to know more about this one, but doesn't have any concerns with the other ones. One cell phone causes an increase in cancer over twenty years and this will be more than one phone. He submitted some information to the board and stated he will provide the 20-year study to the board. He feels there will be an increase in radiation over time. Mr. Zuker stated he appreciates him coming. Mr. Lanzetta stated he fully appreciates his concerns and comments. Regarding the FCC license, it was amended in 2012 by the Spectrum Act. It says they need to be in full radio frequency compliance. Further, these antennas operate in percentage points. They would be happy to submit a radio frequency report showing the exposure and where it falls. These are designed

to be at a certain elevation on the utility pole. He hasn't read the study so he can't address it. The exposure from a phone is similar to a computer or television. Mr. Kanaseck disagreed. Mr. Zuker stated the study is specifically about cell phones that are held to the head. Clearly it has to go through FCC approval. He feels there are many studies that have been done. Mr. Kanaseck stated he would like to see a study that says this is safe. Mr. Lanzetta stated he is talking about an unforeseen event. They are not dealing with antennas, but any device receiving a radio frequency. Mr. Foley questioned the coverage gap and that there are no alternatives. You can close those gaps staying out of residential areas. Mr. Lanzetta stated that speaking only for Verizon, they created a map showing coverage provided. Some of the residential zones have the highest capacity. They are trying to promote rapid infrastructure communication. They will supplement their application with a radio frequency report.

Mr. Zuker asked the height and Mr. Lanzetta stated 16' would be the low, but most are going on pole tops which would be 24-36' high, but the unit is only a 24'x15' box. Mr. Zuker asked how it compares to the other ones. Mr. Lanzetta stated a sliver of a fraction and well below MPE. The burden is on the carrier to make sure they are in compliance with a very strict law. Mr. Foley stated a concern he has is it is so close to the high school, which is why we need to see something. Mr. Lanzetta stated if you drive around you will see 120' plus towers on high school property because that is the biggest piece of municipal property. Most will have four providers on them to cover 360 degrees. This technology is well established.

William Carroll, High School area, stated he would like to know exactly where you they are putting this. Mr. Lanzetta stated right in front of the high school. Mr. Carroll stated when he googles cell towers, they are all on Route 1. Ms. Murphy stated this is not a cell tower. Mr. Zuker stated this is different from a pole with multiple carriers. This is new technology. Mr. Carroll stated he has Stage 4 cancer and doesn't know where he got it. He doesn't think this is the right place for this. Mr. Kanaseck asked to see safety reports and he will provide the board with the government study. Mr. Lanzetta stated they are not in the business of responding to safety issues. Their burden is to show they are licensed under the MPE and that they meet the MPE and these are substantially below the MPE. The antennas are permitted as a matter of right. The radio frequency emission is close to a baby monitor in a home. These are not touching people even if in a residential neighborhood. These are going in on poles and light poles. You cannot walk three blocks in two years without passing one. Mr. Kanaseck stated he doesn't know how powerful this is. Mr. Zuker stated it is a different type of signal than a phone. Mr. Foley stated it is an antenna gathering data that already there. The concern is what comes out of the unit. Mr. Lanzetta stated it receives a signal and then processes it. It is connected via fiber optic cable. Mr. Kanaseck asked why it has to be on Common Street. Mr. Zuker stated because there is a gap in 5G services. Mr. Foley stated the government gave them the right to close that gap if there is one and they can show there is no other way to close the gap. Mr. Kanaseck asked why that location is so important and Mr. Lanzetta stated it is to service the kids in the high school. There is a coverage gap at the high school on all wireless devices. Mr. Carroll asked if everything in the high school is wireless and Ms. Murphy stated pretty much.

Mr. Lanzetta stated he will get the reports for the board and asked if they need the radio frequency report for Common Street only. Ms. Murphy stated Baker Street is residential also. Mr. Zuker stated he

would be interested to see the Baker Street area report. Mr. Kanaseck asked how it would be monitored over time and what happens if they want to upgrade it. Will any change to that facility come back before this board? Mr. Lanzetta stated there is a drive by once a month or every six weeks. There is not a lot of maintenance. If it shuts down a tech will check it out. There is no place to upgrade to at this point. Maintenance issues would be addressed as line work; however, once this is in, they don't put another one in the range. If there is an event that they don't need it any more, Verizon will come take it down as it is very expensive. Mr. Kanaseck asked if there is a difference between signals and Mr. Lanzetta stated he is not an Radio Frequency engineer, but that would be in the report. Mr. Lanzetta feels strongly that they have met their burden. He asks the board to condition approval on the receipt of a RF report for all three sites. Mr. Kanaseck read in the newspaper that they may be moving the high school and that would defeat the purpose of this. Mr. Zuker stated he doesn't see this happening any time soon. Mr. Foley stated he okay with the other sites other than Common Street. He is only concerned about that one because of where it is. Mr. DeCelle stated there is nothing we can do depending on the report. Mr. Zuker stated the bylaw needs to be adjusted. These are hard issues to deal with. The board had no more questions. Mr. Zuker stated he is glad Mr. Kanaseck raised the questions.

Ms. Murphy moved to close the hearing for Case No.06-16, 234 Baker Street. Motion seconded by Mr. DeCelle and voted 4-0-0. Ms. Murphy moved to grant a special permit under Section 10-F of the Zoning Bylaw at 234 Baker Street (approximate). Motion seconded by Mr. DeCelle and voted 4-0-0.

8:06 p.m. Cellco Partnership, (Verizon), 644 Main Street (approximate), Case No. 08-16: Mr. Zuker read comments from the Walpole Police Department. Ms. Murphy moved to close the hearing for 644 Main Street. Motion seconded by Mr. DeCelle and voted 4-0-0. Ms. Murphy moved to approve a special permit under Section 10-F of the Zoning Bylaw for Case No. 08-16, 644 Main Street (approximate). Motion seconded by Mr. DeCelle and voted 4-0-0.

8:09 p.m. Cellco Partnership (Verizon) 275 Common Street approximate), Case No. 07-16: Mr. Zuker stated there were concerns raised by abutters who asked for a radio frequency report. There was also a letter from the Walpole Police Department regarding a police detail and a letter from Mr. Kanaseck stating he will provide an NIA report to the board. Ms. Murphy moved to close the hearing. Motion seconded by Mr. DeCelle and voted 4-0-0. Ms. Murphy moved to approve a special permit under Section 10-F of the Zoning Bylaws for 275 Common Street (approximate). Motion seconded by Mr. DeCelle and voted 4-0-0. Said approval is subject to the following special conditions: 1) the applicant shall provide the requested radio frequency reports prior to any permit being issued; 2) a police detail will be present when the work is being done at all three locations.

Mr. Zuker moved to adjourn. Motion seconded by Mr. DeCelle and voted 4-0-0. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Matthew Zuker, Chairman

Accepted 6/16/16