

**TOWN OF LINCOLN**  
**MINUTES OF THE PLANNING BOARD**  
**FEBRUARY 25, 2020**  
**TOWN OFFICES**

**PRESENT:** Margaret Olson (Chair), Lynn DeLisi (Vice-Chair), Richard Rundell, Gary Taylor, Stephen Gladstone

**STAFF:** Paula Vaughn-MacKenzie

**7:00 PM      Historic District Commission presentation on the proposed addition of 126 Old Concord Road to the Lincoln Historic District.**

Andrew Glass appeared before the Board to present the Historic Commission’s proposal to add 126 Old Concord Road to the Lincoln Historic District. Mr. Glass explained the history of the parcel as part of Baker Farm. Baker Farm was built in the early 18<sup>th</sup> century and the grounds were designed by Frederick Olmstead. The original house was torn down and Quincy Adams, an architect and descendant of one of the previous owners acquired the property in 1939. Quincy Adams was active in the conservation movement and was a modern architect. He conceived of a plan that would have large lots and modest homes with public trails and a meadow to Fairhaven Bay. He divided the property into three lots. He designed two of the houses which are part of the Historic District. The third property is 126 Old Concord Road which was designed by a different architect. In December 2019, the Massachusetts Historical Commission voted to approve the inclusion and the Historic Commission is now asking the Planning Board to recommend the inclusion of 126 Old Concord Road into the Historic District.

GT asked how many houses are now in the Historic District. Mr. Glass responded that this would be the 104<sup>th</sup> addition to the Historic District.

LD made a motion to support the addition of 126 Old Concord Road into the Historic District. RR Seconded. Passed 5-0.

**7:10 PM      Business:**

Minutes: LD made a motion to approve the February 11, 2020 minutes. SG Seconded. Passed 5-0.

**7:15 PM      Public Hearing for Town Meeting March 28, 2020: To review the petition of Sandra Damirjian, as Trustee of the Sandra Damirjian Revocable Trust, Crown Castle Towers**

**06-2 LLC and Global Signal Acquisitions IV LLC to amend the Lincoln Zoning Map to add the property located at 6 Emerson Road, Parcel 112-10-0 to the Town's Wireless Communications Facilities Zoning Overlay District.**

Dan Klasnick, attorney for the applicants, Sandra Darmijian, Trustee, of the Sandra Darmijian Trust, the owner of the property and Crown Castle who was authorized to act on her behalf, appeared before the Board and presented the petition. The applicants requested that the Planning Board give a favorable recommendation at Town Meeting for their proposal to add a new parcel, 6 Emerson Road, to the Wireless Overlay District. Adding a new parcel to the wireless overlay district will require a 2/3 favorable vote at Town Meeting.

Mr. Klasnick explained the Crown Castle initiated a search for other parcels for tower installations in the Route 2 corridor due to changes in circumstances on the ground and changes in wireless services. Specifically, Crown Castle manages 2 existing towers at 9 Mary's Way. ATT and Sprint are the carriers on the towers. The leases for the current towers are set to expire in 2022 and 2023 respectively. Mr. Klasnick stated that they were seeking the inclusion of a new parcel because they had not reached agreement with the owner of 9 Mary's Way for lease extensions and Crown Castle would need extensive lead time to secure a new parcel, build a new tower and move the carriers from the two existing towers at 9 Mary's Way.

RR asked whether the applicant had approached either the owners of Oriole Landing or The Commons, as both of these adjacent parcels are within the existing wireless overlay district on the south side of Route 2. Mr. Klasnick responded that the site acquisition team had contacted the owners of both parcels, but neither were interested. MO asked if the issue with the current site at 9 Mary's Way is that the landlord no longer wants any towers or whether the issue is just one of compensation. Mr. Klasnick stated that the issue was that they have not been able to come to agreement on price. Mr. Klasnick noted that they had submitted detailed information on the proposal including draft plans of the facility, RF materials, and view shed analysis. The Board asked if they would camouflage the tower in any way. Mr. Klasnick responded that it would not be housed in an artificial tree but would be a normal monopole. The Board noted that the submission documents indicated that lighting/and or marking of the pole would be likely. GT noted that the applicant should submit a letter from the FAA noting their requirements regarding lighting, as this is documentation that the Board typically receives.

The Board also asked about the visibility of the new proposed tower. The submitted documents were difficult to discern the visibility. Mr. Klasnick stated that he did not think the tower would be visible. The submitted documents, however, showed that the tree canopy appeared to be at least 10 feet lower than the top of the tower. PV noted that no balloon or other visibility testing results had been submitted.

RR asked if the owners of Oriole Landing would entertain either another tower or a new tower to replace the one that they have. GT added that demonstrating that the additional site is really needed for coverage is a fundamental requirement. MO asked if a tower owner took down its own towers to create a gap in coverage is that treated the same by the courts as an existing gap in

coverage. The Board also asked if the new tower on 6 Emerson would be more obtrusive than the existing towers at 9 Mary's Way. MO opened the hearing to public comment.

Doug Elder, 38 Brooks Road. Mr. Elder asked if the two towers at 9 Mary's Way would be taken down if a new tower at 6 Emerson was built. Mr. Klasnick said that they would. The Board noted that even if the towers were removed by Crown Castle, the parcel would remain in the wireless overlay district. He also asked why Oriole Landing had not been approached by the applicant. Mr. Klasnick responded that Crown Castle did not control the tower at Oriole Landing.

Vincent Valentine, 10 Brooks Road noted that the tower would be visible from his backyard and he did not want to see the tower or associated lights.

Bob Domnitz asked if any carrier had co-signed the petition. Mr. Klasnick noted that they had not. Mr. Domnitz thought that the legal relief afforded by the Federal law may not apply if a carrier were not demonstrating a gap in coverage. ATT and Sprint should be part of this conversation. In addition, it may be less expensive to sign an agreeable lease with the current owner than to move both carriers to a new tower. Mr. Domnitz also asked if sites across the boundary line in Concord had been considered. Mr. Klasnick stated that an acquisition team had researched all the potential suitable sites, but he was not familiar with the details. Mr. Domnitz thought that lighting was likely since the proposed tower would be lined up with the Hanscom flight path.

David Segal: Mr. Segal stated that he is the current owner of 9 Mary's Way. He has two twenty-year leases with ATT and Sprint that expire in 2022 and 2023 respectively. The towers are within a ten-acre wooded parcel that does not significantly affect the neighborhood. Mr. Segal stated that when the carriers sold their rights to Crown Castle, he was offered 30% of his current lease payment for an extension of the existing leases. Mr. Segal said that this was just about money. He was willing to work with Crown Castle for a lease extension but the proposed expansion of the overlay was just a way to negotiate with him.

GT asked if Crown Castle would be willing to extend the lease on the existing lease payments. The representative from Crown Castle did not respond.

Eriel Anchondo, 11 Smith Hill Road, stated that his property is behind 6 Emerson and that it seems that the applicant is using the Planning Board as a bargaining chip with the existing landlord. He does think it is appropriate to use changing the Town's zoning as leverage in a lease negotiation. Mr. Anchondo agreed that the tower would be in the flight path to Hanscom and that lighting the tower would be required. He asked the Planning Board to vote against this proposal.

Mr. and Mrs. Chu, 4 Emerson Road are the next-door neighbors to the proposed tower. Mr. Chu noted that trees have already been marked in the backyard of 6 Emerson which are right next to their lot line. A wireless tower and lighting would severely impact his family's day-to-day life. His wife, Jessie noted her concern about safety. She said she would not feel comfortable letting her children play in the backyard with maintenance workers servicing the tower.

Jen Taylor, lease negotiator for Crown Castle said that the numbers for Crown Castle needed to make sense and that they were still in communication with the owner of 9 Mary's Way.

GT noted that if the initial pricing made sense, given the growth in cell phone traffic over the last twenty years then the value of the towers, if anything, should have increased. In any event there should be a high value for towers providing coverage along Route 2.

Dan Peirce, 10 Smith Hill noted that the crux of the proposal is a financial issue. He said that he did not understand how the two existing towers could be so unique that they were not financially viable for Crown Castle. He noted that a new tower on a parcel not within the wireless district in a residential neighborhood is not an appropriate resolution. With 5G coming, he cannot imagine that any wireless tower would not be valuable.

GT agreed that the necessity of the new site was not for coverage on Route 2 but is part of a tough lease negotiation.

MO noted that the applicant did not need the new parcel for coverage but rather was a scenario where the landlord wants a reduction in rent. Value of cell towers if anything has increased in the past twenty years. The Planning Board should not be used as part of a lease negotiation. She recommends that the Board give a negative recommendation at Town Meeting.

LD agreed and stated that the site was not preferable as it is in the middle of a residential neighborhood. RR agreed and stated that it would not be good planning for the town to make parcels part of the wireless overlay that were in the middle of residential neighborhoods.

MO closed the public hearing.

SG made a motion to give a negative recommendation for the inclusion of 6 Emerson Road into the wireless overlay district. LD Seconded. Passed 5-0.GT

### **Business: Executive Session Minutes**

GT made a motion to enter executive session for the purpose of approving executive session minutes. SG Seconded. RR aye, LD Aye, MO aye, GT aye, SG aye.

The Board approved the Executive Session Minutes of 12/10/2019 and voted to return to regular session.

LD made a motion to return to regular session. RR Seconded. RR aye, LD aye, MO aye, GT aye, SG aye.

LD made a motion to adjourn. SG Seconded. Passed 5-0.

Approved as amended March 10, 2020.