

PLANNING BOARD MINUTES

February 7, 2023

Virtual Meeting Pursuant to Bill S.2475 Signed by the Governor on June 16, 2021

Planning Board Members Present: Bob Domnitz (Chair), Lynn DeLisi (Vice-Chair), Margaret Olson, Ephraim Flint, Gary Taylor

Staff Present: Paula Vaughn-MacKenzie, Jennifer Curtin

7:00 PM Public Hearing, Section 12.6, Wireless Communications Facilities Overlay District: Cellco Partnership d/b/a Verizon Wireless, 0 Mary's Way (23 Cambridge Turnpike), Parcel 111-10-0. Special Permit to maintain an existing wireless facility for a new term and Eligible Facilities Request for a change in equipment. Vote Expected.

BD opened the hearing.

JC presented the project as submitted by the applicant. The current Special Permit was issued on October 13, 2009 and was set to expire on October 13, 2014. Due to the 2012 Permit Extension Act, the permit was extended another 4 years to expire on October 13, 2018. The applicant is before the Board requesting a renewal of the Special Permit for an additional term.

Legal Notice was properly advertised in the local newspaper and abutters were notified. The Planning and Land Use Department did not receive any requests for the submission materials or any comments.

The proposed changes to the facility are reflected in the Eligible Facilities Request below.

Michael S. Giaimo, of Robinson & Cole LLP, is duly authorized to act as Agent for Applicant.

The applicant submitted all required materials besides the documents in the waiver requested below:

Section 12.6.4 of the Zoning Bylaw:

- a) Plans showing location of tree cover within 500 feet of the proposed facility and other details, and topography contours.
- b) Drawings of the proposed facility.
- c) Schedule for testing of proposed facility, height of the facility and visual impact (balloon testing).
- d) Plan showing the facility within the overlay district including contour lines within 150 feet radius from the base, and location of trees over 20 feet tall.

12.6.4.1 A pre-application conference between the proposed applicant(s) and the Planning Board shall be scheduled a minimum 30 days prior to submission of the application for a Wireless Communications Facility special permit with formal advertisement and notice to abutters provided at least 14 days in advance of the pre-application conference. The purpose of such conference is to foster preliminary discussions regarding planning, design and siting of the proposed facility among the proposed applicant(s) for special permit, the Planning Board, and the residents of the Town of Lincoln.

12.6.4.2 Unless waived by the Planning Board, the applicant shall electronically transmit to the Planning Board or its representative a copy of all written and electronic communications to be submitted by the applicant to the FAA at least 14 days prior to such submission. The applicant shall electronically transmit to the Planning Board or its representative a copy of all written and electronic communications received from the FAA within three days of receipt by the applicant.

The Special Permit should contain an acknowledgement of the Email from Michael Giaimo detailing efforts to get Verizon's landlord to give written authorization for this application. Although the lease between LDA figure out what it stands for, the landlord and Cellco, requires the landlord to cooperate in any permitting requirements, the landlord has refused to do so despite months of effort by Verizon. The Special Permit will be renewed with the understanding that the authorization has not been given. A copy of the Email will be attached to the Special Permit.

BD asked if LDA comes forward and states that they did not authorize this would that revoke the special permit or make the Town liable in a lawsuit.

Mr. Giaimo said it would be a lawsuit between Verizon and LDA but would not include the Planning Board. We are authorizing a zoning approval, Verizon is explaining their rights under their lease agreement.

PVM said that his representation is all detailed in his email which will be attached in the special permit.

JC said that Joel Bard stated that the Town would not have liability in approving this.

This is an application for a Special Permit for an existing wireless facility. There have been no changes to the existing facility except that the applicant will also apply for an Eligible Facilities Request below.

The Eligible Facilities Request:

The Project:

- Verizon's proposed modification involves removing 6 existing antennas and replacing them with new antennas at the existing centerline height. In addition, the applicant proposes to install a total of 6 dual-band remote radio heads (RRH) which will be mounted to existing mounts.
- The Tower is 91' tall and the equipment change will be made at the existing centerline height of 80' above ground level.
- The equipment will not protrude horizontally from the edge of the Tower by more than 20 feet.
- There will be no excavation or placement of new equipment outside the existing Tower site or lease area.
- The proposed modification will not involve the installation of new equipment cabinets.
- The proposed modification will not defeat the existing concealment elements of the Tower.
- The proposed modification will comply with the conditions of approval imposed on the Tower.

All required documents have been submitted to show that the proposal meets the requirements of an Eligible Facilities Request.

MO moved to close the public hearing. GT seconded. Roll Call: GT aye, MO aye, EF aye, BD aye, LD aye.

MO moved to grant the requested waivers, subject to the letter from Mike Giaimo, issue the special permit for a term of 10 years and the eligible facilities request. LD seconded. Roll Call: GT aye, LD aye, MO aye, EF aye, BD aye.

7:15 PM Public Hearing, Section 12.6, Wireless Communications Facilities Overlay District: New Cingular Wireless PCS, LLC (AT&T), 0 Mary's Way (23 Cambridge Turnpike), Parcel 111-10-0. Special Permit for new collocation on an existing Tower. Vote expected.

Ed Pare, of Brown Rudnick, is duly authorized to act as Agent for Applicant and briefly described the project. The applicant requests new collocation on an existing tower owned by Verizon Wireless. AT&T proposes to install 6 panel antennas and a 6' 10" tower extension on an existing 85'-6" tower, making the height of the Tower 92' 4". The applicant will install monopine branches to camouflage its antennas in a manner similar to the existing monopine branches on the Tower. The modification will also include the relocation of the existing navigational beacon to the top of the extended Tower. AT&T will expand the existing fenced compound area by 240 square feet to accommodate AT&T's equipment. The expanded fenced compound remains within the existing lease area for the Site.

The Planning Board had requested a report on the emissions from the Tower at the height of the nearby apartments. Don Hayes provided an analysis at the 30-foot level, that is the height of a 3 story building, concluding that the exposure of residents at the commons would be far below the federal exposure limit.

The applicant submitted all required materials besides the documents in the waiver requested below:

Section 12.6.4 of the Zoning Bylaw:

- a) A map of the Town and the area within 2 miles of Lincoln's boundaries showing the locations of (1) existing Wireless facilities and proposed facilities for the next 20 months by the applicant's wireless provider; and (2) the existing and known proposed facilities of other service providers.
- b) Plans showing location of tree cover within 500 feet of the proposed facility and other details, and topography contours.
- c) Drawings of the proposed facility.
- d) Schedule for testing of proposed facility, height of the facility and visual impact (balloon testing).
- e) Plan showing the facility within the overlay district including contour lines within 150 feet radius from the base, and location of trees over 20 feet tall.

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MO moved to close the hearing. GT seconded. Roll Call: GT aye, LD aye, EF aye, BD aye, MO aye.

LD asked if we should give a 5-year term since this is a change rather than a renewal and we may not know if the Commons would be impacted.

MO asked what we might do in the 5 year period that would change anything to do with the operations of the site if there are no changes. BD said any changes in the installation would require them to come back.

LD asked what would be done if the lights are bothering people at the Commons we may not have a remedy for 10 years.

PVM said it is not a new light and it is governed by federal law so we could not do much about it.

EF said this facility is well below the RF exposure limits so he would be comfortable with a 10 year term.

MO moved to grant the special permit for a term of 10 years and approve the waivers requested. EF seconded. Roll Call: GT aye, LD abstain, EF aye, BD aye, MO aye.

Discussion Items

Minuteman Tech Lighting

BD said a neighbor of MM Tech filed a complaint in November about the excessive lighting. It was reduced at that time but still exceeds what is approved in the plans. He suggested that we should have an informal discussion with them.

PVM said she will invite a representative from Minuteman to a meeting to discuss how to remedy the situation.

Diversity Training

The Select Board is requesting a representative from each Town Board to take part in an 8-part training series. GT volunteered to attend on behalf of the Board.

Hanscom Expansion

BD wrote up a letter to send out to the State on behalf of the Planning Board specifically asking about if Hanscom is ignoring their own master plan for this project or planned to update it.

MO moved to approve the letter. LD seconded. GT said he is frustrated that we are only now talking about this, but the letter is very narrowly focused so he does not have opposition to it. Roll Call: LD aye, EF aye, BD aye, MO aye, GT aye.

B2 Discussion

BD said he is not ready to say Lewis Street should become an HCA compliant district before the Town has a compliance plan and confirmation that the Town want to comply with the HCA. He does not think it would be worth presenting to Town Meeting this year.

MO said if we think density will help that area of town, that is what we are presenting to town meeting as an improvement. If we are going to make it denser, we might as well make it compliant to the HCA.

BD said the survey results showed people want commercial viability in the Village Center.

MO said commercial viability is supported by more housing. Commercial viability means making the mall successful rather than increasing the commercial space on Lewis Street.

GT said that making the zoning on Lewis Street consistent with the HCA does not get rid of a commercial option. We can make housing as of right and make commercial available if developers want denser housing. We have the option to clean up the zoning so why not do it in a way that is consistent with the HCA at the same time.

LD asked if we are preempting the HCA working group to see if the town will even comply.

MO asked if the Board thinks denser housing is a good thing for the Village Center, if so we should permit it and might as well make it comply with the HCA. It would not be sufficient as it is not enough land. Town meeting will also have to vote on it. That is different than figuring out the rest of the HCA.

BD said that may be right but he does not think this is the year to do it. There are many details to be worked out on B2 and we are not ready.

EF asked if the mixed-use aspect of the zoning would be included. GT said it would be included with the incentive being more housing density and commercial development on its own is not profitable. EF said the commercial businesses in the village center not very strong currently but asked what we lose by doing it next year instead of this year. MO said we get something done. GT added that the State will see that we are pursuing increased housing goals in good faith with this demonstration on Lewis Street. We need more housing density around the mall to help promote commercial enterprise.

BD said there will be confusion at Town Meeting about how this fits into the HCA. MO said you present it as something that would improve the Village Center and the HCA adds confusion so maybe not even mention it at all. Permitting mixed use and promoting density would be good for Lewis Street. BD said putting in zoning that allows 15 units per acre by right with no obligation for commercial, there will be 15 units per acre with no commercial. GT said that there are several storefronts in the center that are empty now. MO said if we require commercial, we will just get more empty space. When people are talking about more commercial activity, they are not likely thinking that we expand commercial space.

LD asked about what the people who live in the Village Center think. GT said that neighbor opposition always stops development everywhere, people do not want things in their backyard.

Connie Ohlsten said the Board previously talked about putting together a schedule of resident outreach and collection of feedback in the Village Center and that would be a good thing to do before bringing something to Town Meeting.

MO said neighborhood input is important in shaping things but if neighbor opposition is the metric, nothing will ever be developed, and the Village Center is an amenity for the whole town.

EF said we shouldn't proceed to just check a box. We need to make sure when we present to the Town is has a good probability of passing. MO said that we can learn a lot from proposing something at Town Meeting that does not pass.

BD said the Board would not have agreed on 15 units per acre without commercial if the HCA had not been liberalized.

LD asked if there is a piece of the current zoning to remove to bring in more commercial that we can do this year like the Special Permit requirements.

GT said we have been trying to address various kind of deficiencies in the zoning around the mall and promote commercial opportunities to make the mall more viable. We have the opportunity to comply with the HCA and give the opportunity for commercial.

BD agreed with LDs idea of bringing something to Town Meeting and then do something together with the working group on the HCA over the next year.

GT said there are many empty spaces for new businesses. He said punting on this is not what the Board should do.

BD said it is just a continuance and he is not in favor of going forward with the HCA compliant district this year.

GT said he is all for moving forward but it is not feasible without the whole Board together.

EF said as drafted he would not be able to present the changes to the Town. If we want to include commercial we need to think through what it means in terms of density and how it fits into the HCA. GT said the issue is commercial is not commercially viable on its own. EF said he needs to be comfortable with how it will actually look. GT said he sent around a draft of what it would look like and it would be easy to include commercial on the first floor of a mixed use building. He is frustrated and thinks the Planning Board should be shaping where the Town is going as leaders.

LD moved to adjourn. BD seconded. Roll Call: LD aye, EF aye, BD aye, GT aye, MO aye.

Approved on March 8, 2023