

**Minutes of Meeting
Grafton Planning Board
March 26, 2007**

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A regular meeting of the Grafton Planning Board was held on Monday, March 26, 2007 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Keith Regan, Vice-Chairman, Donald Chouinard, Clerk Richard McCarthy, Robert Hassinger, Peter Parsons and Associate Member Christophe G. Courchesne. Staff present was Town Planner, Stephen Bishop and Planning Assistant, Samantha Hobson.

Chairman Regan called the meeting to order at 7:00 p.m.

Chairman Regan opened the public hearings jointly for SP 2006-5-Industrial Tower & Wireless, LLC for 51 Browns Road and SP 2007-1-Industrial Tower & Wireless, LLC for 160R Upton Road.

Mr. Courchesne recused himself to the audience due to a conflict of interest.

Present for the hearings were Sharon Horne and Donald Cody of Industrial Tower & Wireless, LLC and Des Haggeral, Radio Frequency Engineer for T-Mobile; and David Maxson of Broadcast Signal Labs, Consultant to the Planning Board.

Ms. Horne stated they were back before the Board to discuss the third balloon test done at 160R Upton Street, which was one balloon at 150 feet in the exact location. Ms. Horne noted she had submitted photo simulations of the test at the opening hearing for 160R Upton Street.

Mr. Hassinger questioned Ms. Horne on one of the photos taken of the balloon test at the tower site from Stowe Road, stating the balloon was clearly above the horizon.

Mr. Hassinger added that the important question here is how high is enough or how high is too high.

Amy Juelis of 44 Browns Road expressed concerns that the applicant had viewed numerous sites in Town for the tower, some of which were too expensive among other various reasons, but that these should not be the problem of the residents of the area who are taxpayers and are clearly against the tower in their residential neighborhood. Ms. Juelis also noted that there are conclusive studies from a Dr. Carlo linking the cumulative effect of radiation emitted from the towers to brain tumors.

Lisa Rice of 40 Browns Road informed the Board that she had perfect coverage and was concerned what information the drive test indicated.

Chairman Regan asked Mr. Maxson if he had been able to review the new drive test.

Mr. Maxson stated the drive tests were performed to obtain T-Mobile signal levels for the area. Mr. Maxson indicated the applicant had previously submitted so-called worst case drive tests in June, 2005 with spring foliage/vegetation and best case drive tests in February, 2007 with no foliage/vegetation. These tests allowed the engineers to determine the extent of the reliability of the signals from the different sites within the Town. Mr. Maxson indicated there was weak coverage from the Pigeon Hill Road area, heading down toward Silver Lake, and diminishing completely into the Upton line.

Mr. Maxson noted that with regard to the abutter testimony provided, the Board could not base their considerations on that information and that the facilities proposed by the applicant were fully compliant to the FCC regulations.

Ms. Rice asked about the credibility and accuracy of those who performs the drive tests.

Mr. Maxson stated he was very comfortable with the credibility of the data submitted by Industrial Tower & Wireless and explained the process required by the Standards Organization, which are the standards adopted by the FCC.

Mr. Chouinard asked Mr. Maxson if in his opinion the tower needed to be 150 feet high to get the coverage Industrial Tower & Wireless is looking for.

Mr. Maxson stated that to get all the coverage and carriers they are anticipating, they do need the 150 foot tower. Mr. Maxson remarked that the process is a balancing act to satisfy coverage, co-location carriers and at the same time trying to keep the tower off the horizon line or looming over residential areas.

Mr. Maxson also noted that the benefit of the height is to accommodate more co-locators and thereby reduce the need for more towers in the Town. Mr. Maxson informed the Board that if the facility was cut roughly 20 feet in height, it would still be substantially useful to several carriers.

Mr. Hassinger continued to discuss with Ms. Horne obvious balloon test heights and elevation discrepancies within the photos submitted and unclear information included in the drive tests.

Mr. Lennon responded to Mr. Hassinger stating that Industrial Tower & Wireless had established a gap in their network and were exercising their federal right to erect a wireless facility to accommodate the wireless facility needs. Mr. Lennon stated they have been credible in all the information they have submitted and presented at the Board's request, but also noted that the tower needs to be above the tree line and high enough to make the signal connect where the coverage is needed.

Mr. Hassinger stated the information appeared to be inconsistent.

Mr. Lennon informed the Board that if the tower is permitted at the absolute minimum, then other wireless facility carriers will be in to make additional requests for coverage

and that if the tower is adequate now they will be able to co-locate and the Board will be done with it for now.

Dennis Smith of 42 Browns Road expressed his concerns of the Board taking into consideration the neighborhood's choice of a having a cell tower there.

Joseph Anzivino of 47 Browns Road informed the Board that he and his wife were cancer survivors for four years, had decided to spend their retirement at the Browns Road residence, and did not feel comfortable with a cell tower looming over the area. Mr. Anzivino also noted that California and New Jersey have similar laws in not allowing cell towers to be placed near schools, since they do not know the outcome of long term health effects.

Mr. Hassinger again asked Mr. Maxson the question of how high is high enough and whether the Board has enough information to make a determination on 100, 125 or 150 feet.

Des Haggerall, a Radio Frequency Engineer for T-Mobile explained to the Board the complexity of getting an appropriate direct layout from a computer generated test, since it does not take into consideration the topography and foliage, which are difficult for a signal to penetrate and typically only generate a ball park figure of general height in the area to use.

Mr. Maxson reviewed the computer generated plots submitted in the due diligence report submitted for 51 Browns Road and determined the dimensions were calculated in meters which contributed to some of the inconsistencies.

Mr. Chouinard asked if it would work at 120 feet, allowing for two carriers below to 100 feet.

Mr. Hassinger noted that a similar proposal was approved at 20 Indian Path in the past, in which the Board permitted a tower at a height to be extended as it was needed.

Mr. Maxson stated that the Board could anticipate future carriers in permitting a tower.

Mr. Parsons requested Mr. Maxson explain for the benefit of the audience how the propagation of the signal differs from day to day and how it is figured.

Mr. Hassinger stated in closing that it is very clear that the pictures submitted from George Hill Road for the balloon test at 150 feet were well above the horizon and the tree line above the ridge.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to close both public hearings, SP 2006-5 for 51 Browns Road and SP 2007-1 for 160R Upton Street. **MOTION** carried unanimously.

Mr. Hassinger stated the focus should be on the Ellis site, since it seemed to create a little less impact and the Board would work to give some direction on which way to go in drafting a decision.

Mr. Regan stated the Board should use their full 90 day leverage for discussing the decisions before their voting.

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to direct Staff to start drafting decisions on both public hearings. **MOTION** carried unanimously.

PUBLIC MEETING

TUFTS UNIVERSITY/CUMMINGS SCHOOL OF VETERINARY MEDICINE

Mr. McCarthy read the legal notice and Mr. Regan opened the public meeting at 8:02 p.m. and announced that the difference with a public meeting versus a public hearing is that the public input is at the discretion of the Planning Board.

Present for the meeting were Dean Deborah Kochevar; Attorney Robert Sudmyer of Bowditch & Dewey; John Furman, Civil Engineer from Vanasse Hangen Brustlin, Inc.; Architect Stephen Fresou of Flad & Associates; Joseph McManus, Tufts Dean of Administration & Finance; Jack McDonald, RBL project manager and Jean Poteete, Senior Campus Planner.

Mr. Bishop remarked there had been a fair amount of public outreach in dealing with this site plan and the issues that have been raised. Mr. Bishop stated that all information, including Graves Engineering review comments, have been submitted to the Board for review.

Ms. Kochevar gave a brief synopsis of the Tufts University project and noted the RBL will be conducting infectious disease research, specifically emphasis on diseases that spread from animals to humans, and will also provide 29 scientific jobs, approximately 56 construction-related jobs, and become an anchor for the Grafton Science Park.

John Furman of VHB, the Civil Engineer for the project, reviewed zoning and zoning issues for compliance within the 1000 foot radius; the site and overlay; and the Graves Engineering comments dated March 13, 2007. With regard to the Graves comments, Mr. Furman addressed item #2 concerning only 21 parking spaces shown on the plan, stating that although there were 29 employees covering 24 hour shifts, there would only be 17 employees at the facility at one time.

Mr. Chouinard asked where the next closest parking lot was located for additional parking.

Ms. Poteete informed the Board that Tufts has lots proposed for the future completion of the campus in accordance with their Master Plan, but did not foresee a need for any more than the 21 parking spaces for this project plan.

Chairman Regan suggested the employee/parking space ratio be discussed with the Building Inspector.

Mr. Fresou informed the Board that they have the ability to expand, if needed.

The Board had many concerns for the fencing and security for the site. Mr. Furman and Mr. Fresou reviewed and explained the security procedures that were in place.

Mr. Bishop asked Mr. Furman about the large amount of cut and fill, causing the disturbed area on the south side, and if measures were in place for possible runoff and erosion.

Mr. Furman stated the slope would be 5 to 1; they will be grading off the embankment, and stabilizing with loam, hydro seeding and erosion blankets if needed.

Mr. Bishop also asked about identifying signage. Mr. Furman answered they had no detail on signs. Mr. Bishop remarked the Board will need feed back on signage.

Mr. Fresou reviewed the building architecture and design for the Board, explaining the secure procedures designed outside and within the RBL building.

Mr. Hassinger stated it was very important that the public be informed about what will be stored at the RBL site and what role the Federal Government has in determining the focus of research.

Dean Kochevar responded that in accepting the Grant for the RBL, Tufts was required to accept the responsibility of being an emergency response lab within their specific agreement but that research topics were determined by Tufts.

Chairman Regan noted they had received comments from Police Chief Crepeau with concerns of securing the site during construction.

Chairman Regan asked about a report/comments from the Board of Health. Mr. Bishop informed the Board that Lois Luniewicz, Grafton Health Agent, was unable to provide comments prior to the public meeting due to scheduled surgery and recovery until mid-April.

Ms. Poteete informed the Board that herself, Jack McDonald, Ms. Luniewicz, and two Tufts representatives on the LEPC Committee the had actually had a meeting/dialog prior to her absence regarding the Board of Health Town regulations.

Mr. McCarthy stated the site has a security plan for today, but are you prepared if a situation reverts to high security. Ms. Poteete stated they were prepared.

Mr. Hassinger questioned about the RBL site handling large amounts of water resulting from the sprinkler system going off and where would the water be contained.

Mr. Fresou informed the Board that the all water flows through an autoclave system and is sterilized before passing into the drainage system.

Dean Kochevar noted that their Bio-safety Officer was not present with them at the public hearing to answer questions concerning the different system, but she will be happy to provide the Board information on the process involved for the water drainage system.

Mr. McCarthy asked if the workers are required to pass a security clearance for work within the RBL facility. Dean Kochevar stated they required Federal security clearance.

Robert Carroll of 72 East Street expressed concerns of Graves Engineering reviewing the RBL project and questioned what experience they had in understanding the salient points.

Mr. Bishop stated Graves Engineering is hired to look at the site issues/conditions and reviewed under the Project plan review requirement. Mr. Bishop added that the security is reviewed by the Police Department and the Building Inspector will be looking for peer review concerning the design and the building.

Mr. Carroll also noted that the building had been put directly in the pathway of any travel within the Science Park, was high on a hill which would result in quick dissemination of any security breaches, and the location made no sense at all to him.

Chairman Regan asked why that site had been chosen for the RBL and expressed concerns about the exterior design of the building as it would be the first at the Science Park.

Ms. Poteete informed the Board that the site had been chosen for several reasons, some of which were – the rocky high knoll is the least commercially developable site, making it easier and less costly for others to build in the flatter sections of the park; the site was two-tenths of a mile from the closest academic building and the location was better for the enhanced security.

Mr. Hassinger expressed concerns for effective screening of the building.

Mr. Fresou offered the explanation that too much screening is undesirable, since security requires visuals of who is approaching the building.

Mr. Hassinger suggested more effective screening from the roadway, and not necessarily next to the building.

Mr. Carroll added that it appeared that the site was chosen for economics rather than from a safety standpoint.

John Carlson of 42 Old Upton Road asked if the sprinkler system was a deluge system or an ordinary sprinkler system.

Marsha Platt of 122 Brigham Hill Road expressed concerns of what was being proposed or included in the system in the event the wires burn out or a loss of the power system and what will cover this power failure.

Mr. Fresou stated there were two sources of power and two sources of water, including the sanitary supply, all of which is backed up by an emergency generator system.

Mr. Hassinger asked about exterior lighting and was told there was nothing on the plan, but that it could be provided.

Robert Carroll of 72 East Street expressed concerns about vendors, deliveries, etc. delivering the pathogens, toxins, etc. and if there is a protocol for them to follow.

Dean Kochevar informed the Board that all materials are required to be stored and transported in DOT approved containers and a highly documented chain of command will confirm the travel path.

Chairman Regan stated the Board will need a clean letter of review from Graves Engineering, acknowledging all of the issues/items flagged.

Chairman Regan received unanimous consent to resume discussion on the RBL at the April 9, 2007 Planning Board meeting.

ACTION ITEM 3-A –

REVIEW REPLACEMENT SIGN UNDER SP 2006-1 CONDITION 1 FOR SIGNS AT GRAFTON POLICE STATION-30 PROVIDENCE ROAD

Mr. Bishop informed the Board that a request had been received from Police Chief Crepeau proposing a replacement sign to replace the existing freestanding sign which was damaged in an attempt to relocate it. This sign is to be erected in the same spot as previously designated on the plan. Chief Crepeau is seeking a determination by the Board that the new sign conforms to the Special Permit conditions.

MOTION by Mr. Parsons, **SECOND** by Mr. McCarthy, to make a determination that the replacement sign is consistent with the provisions of Condition 1 of the previously granted Special Permit (SP 2006-1).

DISCUSSION: Mr. Chouinard stated his vote would be affected by the height only and Mr. Hassinger stated he did not have enough information.

MOTION carried 4 to 1 by roll call vote: Hassinger-no; Chouinard-aye; Regan-aye; McCarthy-aye; Parsons-aye.

ACTION ITEM 3-B

REQUEST EXTENSION OF DECISION DEADLINE APPLICATION FOR DETERMINATION OF COMPLETENESS – “MAPLEVALE ESTATES” SUBDIVISION

MOTION by Mr. Parsons, **SECOND** by Mr. Chouinard, to grant the applicant’s written request to extend the decision deadline to May 28, 2007 for their application for Determination of Completeness application. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM 4-A

National Grid – working on scenic roads

Mr. Bishop informed the Board he had received correspondence from National Grid requesting the Boards position on a power point presentation and/or discussion of their project and position of not being subject to the Scenic Road by-law for various tree work for the maintenance of power lines.

Mr. Hassinger stated National Grid had made a presentation to the Board of Selectmen and stated they were not subject to the Scenic Road By-law, but that he felt the law applies to all and they need to convince me that it does not apply.

Mr. Bishop suggested the Board have a hearing in conjunction with the Tree Warden.

Chairman Regan received unanimous consent to say no to the presentation and yes to a joint public hearing with the Tree Warden.

MINUTES OF PREVIOUS MEETINGS

A. Recording Secretary

MOTION by Mr. Hassinger, **SECOND** by Mr. Chouinard, to acknowledge receipt of the detailed recording (and Errata sheet) for SP 2007-1 Industrial Tower & Wireless – 160R Upton Street and SP 2006-5 – Industrial Tower & Wireless – 51 Browns Road, without making a determination on the accuracy of the contents. **MOTION** carried unanimously.

B. Open Session minutes – March 12, 2007

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to approve the open session minutes of March 12, 2007, as drafted. **MOTION** carried unanimously.

STAFF REPORT

A. Miscoe Farms – Mr. Bishop informed the Board that he had spoken to the third party of the Tripartite Agreement the Town has with K. D. Builders, Inc. concerning Mr. Dooley's bankruptcy filing. After discussing the situation with Town Counsel, he had recommended putting off any action until the meeting on April 9, 2007, allowing Counsel to contact the attorney for the third party and establish some ground rules. Mr. Bishop noted there were other creditors owed who have already started contacting the Planning office with relationship to the bond the Town is holding as security for the punch list of work still to be completed. Mr. Bishop noted Town Counsel's advice for the Board to vote at the Planning Board meeting on April 9, 2007. Mr. Bishop also noted there were already major creditors trying to secure the amounts they are owed, specifically Mr. Dooley's engineering firm.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to take the item off the table. **MOTION** carried unanimously.

MOTION by Mr. Parsons, **SECOND** by Mr. Chouinard, to find the developer in default in both requirements of the Tripartite agreement and proceed to seek the bond. **MOTION** carried unanimously.

STAFF REPORT

Mr. Bishop discussed with the Board the procedure for meetings with the Finance Committee regarding the annual department budget. Mr. Bishop noted he had rescheduled the assigned appointment in order to attend the meeting and introduce himself to the Finance Committee.

Mr. Bishop also informed the Board the Board of Selectmen had submitted a rezoning request for a warrant article for Town Meeting for land at 42 Westboro Road. The Board of Selectmen are requesting the Planning Board conduct a public hearing and make a recommendation for this parcel owned by Charles Atchue to be rezoned from Residential (R20) to Industrial (I). Mr. Bishop noted the law requires 65 days to hold a public hearing.

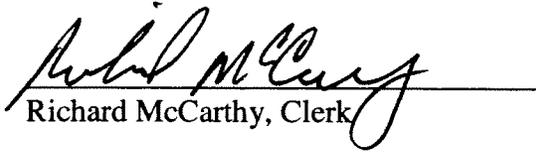
MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, noting that a Citizen's Petition was put on the Town Warrant without speaking to the Planning Board first, therefore no public hearing or report will be scheduled before Town Meeting. **MOTION** carried unanimously.

Mr. Chouinard left the Planning Board meeting at 10:28 p.m.

Mr. Hassinger updated the Board on the CMRPC 43D funding, stating that there are grants of up to \$150,000 available for communities who wish to assess the potential benefit of adopting Chapter 43D. Mr. Hassinger suggested the Town take advantage of this opportunity, since the funding is on based on a first come, first serve basis.

MOTION by Mr. McCarthy, **SECOND** by Mr. Parsons, to adjourn the meeting.
MOTION carried unanimously.

The meeting was adjourned at 10:33 p.m.


Richard McCarthy, Clerk