

ACTON PLANNING BOARD MEETING
May 20, 2010

A. **ROLL CALL** – 7:00

Members present were:

Chip Venell- Chairman

Thomas Cashin – Vice Chairman

Keith Davis

David Jones

Jessica Donnell – 1st Alternate (Voting in place of Ms Gallagher)

Arthur Kelly – 2nd Alternate

Members absent were: Yoli Gallagher

Also present were: Kenneth Paul, Code Enforcement Officer; Nancy Maloney

B. **MINUTES**

May 6, 2010 - A Motion was made and seconded to approve the Minutes of the May 6, 2010 Meeting as submitted. Jones/Donnell – Unanimous.

C. **UNFINISHED BUSINESS**

1. **Nancy Maloney – Fulton Road – M118L1 – Site Design Review for a Private Recreational Facility** – Mr. Paul advised he received a call from the Acton-Wakefield Watershed Alliance and after he explained the project to the caller they had no problem with it. He said, as he recalls, the Board reviewed all the appropriate documents previously and although no public hearing is necessary, the abutters have been notified.

Ms Maloney advised she had compiled a poster board history of the property where she will construct the facility and explained it to the Board.

It was determined that the site is located in the Rural District, that a septic system plan has been submitted which has been designed for 285 gallons a day and the property is located outside the Flood Plain and the Shoreland Zone.

Ms Maloney advised she will leave the area as natural as it is for landscaping purposes. She would like to erect a wood sign on a tree. She stated there will be a motion light, underground utilities and sprinklers in the structure. As she mentioned in other reviews, the campers will only be there for three or four days

at a time and they will be transported to the site by the adult who will be staying with them and given the small amount of people that will be there, there will be no traffic backup. She stated she owns Lot A on the plan which is adjacent to the site for the camp. She mentioned the distance to the edge of the water from the building is very long. She said there will be no vehicles on the site after the campers have been dropped off as the van will return to get them at the end of the time.

To Mr. Cashin's concern about the condition of the walking path due to the increased foot traffic, Ms Maloney explained it is protected with a good deal of shade and it is an established walkway not subject to use by vehicles. She advised there is access to the beach and that won't change. A Motion was made and seconded to approve a Site Design Review application for a private recreational facility to be located on Fulton Road for Nancy Maloney. Jones/Davis – Unanimous.

To Mr. Cashin's request that the Code Enforcement Officer look at the site after a year of use to be sure there isn't any erosion, Mr. Paul explained that AWWA has said they might visit the site after they hire a consultant with Ms Maloney advising she spoke with AWWA in the past and they had no problem with the project.

2. **Verizon Wireless – Telecommunications Tower – Preliminary Review** – Scott Anderson from Verrill and Dana advised he is representing the applicant. He reminded the Board that he had met with them previously regarding the project. At this time, he submitted a book of documents to the Board and began discussing page C-101 which indicated the general layout of the project on the site. He said they will be using the existing gravel driveway to get to the tower in the back of the lot. He explained Chip Fredette from the Site Acquisition Department will explain the location of the site and the location of the gaps in the company's telecommunications system. He stated after that department finds a workable site, they notify the property owner to begin the negotiations of constructing a tower on the property. He indicated the location where the tower will be erected along with the equipment shelter for the electronics required for the tower as well as a backup generator. He explained the cables extend from the shelter to the top of the tower which will be 190' high which, they have determined, is sufficient for their needs. To Mr. Cashin's comment that the Board had requested they investigate locating their antennae on the tower that will be erected by U.S. Cellular on Sanborn Road, Mr. Anderson advised there is a six page engineering report on that subject. He explained they have begun compiling information regarding the FCC radio emissions that are permitted and they will be at 5.9% of what is allowed for the site which is well below the FCC requirements. He advised that is the maximum exposure that anyone standing under the tower will get. He referenced the plot plan indicating their current coverage in this area which he pointed out contains many gaps in Acton. He also referenced the coverage that will be obtained once the tower has been operational which will cover almost all of the gaps. He said a company attempts to fill in the gaps in its service with as few towers as possible and while there will be some gaps in service even with this tower, it will cover a great deal of Acton. He stated with regard to the U.S. Cellular tower, they asked their engineers to determine the benefits of placing a Verizon antenna there and indicate the coverage that would be obtained doing so. He advised because of the gaps in the transportation corridor, locating an antenna on that tower will not give Verizon the coverage it needs. Mr. Fredette explained the proximity of the U.S. Cellular tower to this project and what coverage they would obtain on that tower. He stated he spoke with Arthur Kelly about the site of the U.S. Cellular tower since he owns property where it will be located. He mentioned Verizon's engineers have determined that location will not permit connecting with its tower in Wakefield, NH because of the hill between them. He stated they have to be able to connect to Milton and Sanbornville, NH. He said they determine what coverage they have at this time and extrapolate that to the coverage they will get with the new tower. He advised the company doesn't roam over any other companies in York County. Mr. Anderson explained that coverage is based on the topography of an area and the location of other towers to which a company is attempting to connect. Mr. Fredette advised the coverage they'll obtain from the Sewall property will still have a gap which could be reduced by the use of another company's tower in Shapleigh. He said their intention is to improve service in Acton by connecting to Wakefield, NH. He mentioned the system is designed around the network and not state or town lines. He explained each site is designed to serve three to four miles in all directions and the Wakefield, NH site is located on a

low land area, therefore, a tower has to be close in order to obtain the required coverage. He advised when they can co-locate with another company they do so, but in looking at Wakefield, NH, there would be sections that overlap with the existing coverage.

Mr. Anderson reiterated that a company attempts to provide the best coverage it can with as few towers as possible. He stated when they determine the height of the tower, they try to have as little overlap of signals as possible because that condition is what causes dropped calls.

To Mr. Cashin's question whether they have considered the Old Acton Airstrip, Mr. Fredette advised they haven't done that as it is not regulated by the FAA. He referenced some of the topographic maps and explained the proximity of the proposed tower to the airstrip and mentioned the distance from the site to the airstrip which is 1,750'. He advised the U.S. Cellular tower will be considerably closer to the airstrip than what they are proposing. He stated they will be glad to send the information to the owner of the airstrip so he will know exactly where the tower will be located.

To Mr. Venell's question of whether an abutters' list has been submitted, Mr. Anderson suggested he go back to page C-101. He stated they will be requesting a waiver of the full boundary survey requirement as that has been done as well as the distance between any of the property boundaries and the location of the tower. He informed one of the items they still have to address is finding the location of a fire hydrant in the area.

Mr. Venell pointed out that it appears everything required by the Ordinance has been submitted. A Motion was made and seconded to accept Verizon Wireless' application for a Site Plan Review for a cellular tower. Jones/Davis – Unanimous.

Mr. Venell advised that the abutters will be notified and although a public hearing and balloon test are not required, the Board will be requesting them as he is sure people will want to know what is going on.

To a comment from Mr. Cashin that John Nadeau, the owner of the Old Acton Airstrip be notified, Mr. Venell agreed and advised he would do so. He mentioned that the pilots were instrumental in siting the U. S. Cellular tower based on their use of the airstrip.

At this time, the Board scheduled a Public Hearing for Thursday, June 17, 2010, with Mr. Davis suggesting that they might want to have some photographs for the public to review.

D. **NEW BUSINESS**

1. **James Crowley and Scott Davis – Applecore LLC** - Mr. Crowley advised that he had met with the Code Enforcement Officer in the past and they discussed the plans he has for his business located on Route 109. He stated after describing what he would like to do, the Code Enforcement Officer didn't feel he needed to come before the Board, but he felt prior to doing any work at the site, he would like to go over his plans with the Board so if any questions come up, they will know what is occurring. He advised he is proposing a two phase plan for the site. He stated Phase I will be to relocate the ice cream sale area and have a "sit down" food area where the ice cream area is now. He said they are trying to move the entire business outside the Wild Willy's parking area because of the activities that occur there which are not conducive to a family type business. He mentioned he and the owner of Wild Willy's have been working together to address the situation, but he felt relocating certain parts of his business would be the best way to address the problem. He stated his plan includes opening a family breakfast and lunch area in two stages. He said they will be retaining the craft shop and the bakery items. He mentioned the restaurant being proposed is part of Phase I and will be located where the ice cream shop is currently. He stated he has moved the dock business to the rear of the lot and it will be closed

off from the front area. He will have the entrance on the Wild Willy's site and in the future, he will be relocating other portions of the business. He advised that in Phase II the craft shop will be converted to a dining area and the main entrance will be moved from the Wild Willy's parking area to the north side of the building, away from Wild Willy's traffic. He stated his intention is to bring back the breakfast and lunch that was done in the Potting Shed. He advised Scott Davis will be running the business for him and he currently owns the Black Bear Restaurant in Springvale. He explained they currently have a large graveled parking area in the front and they have removed 85 apple trees to install the gravel. He said additional apple trees will have to be removed for Phase II.

Mr. Paul stated Phase I includes the expansion of the services provided with no change in the footprint which doesn't require a review by the Board, but what is proposed for Phase II will require a review.

Mr. Venell thought it might be possible to simply amend the Conditional Use Permit currently in effect since most of the paperwork will be the same. He did think that a new abutters' list is necessary.

Mr. Crowley mentioned he has two Conditional Use Permits, one for the marina which contains conditions relating to water use and one for the ice cream shop. He stated the situation with Wild Willy's parking area has had an impact on his business. He advised he received approval from MDOT for the road cut with the only requirement being that he upgrade the culverts.

Mr. Venell suggested that he bring in both of the current Conditional Use Permits at the next Meeting for the Board to review so they can determine what is necessary. He also requested that a site plan indicating the location of the structures and driveways be brought in. He asked that the approval from MDOT be submitted in writing.

Mr. Cashin felt that MDOT should review the changes to the site as well as the new driveway.

E. **CODE ENFORCEMENT OFFICE BUSINESS**

There was no Code Enforcement Office business to come before the Board.

G. **OTHER BUSINESS**

There was no other business to come before the Board.

H. **ADJOURNMENT**

The Meeting was adjourned at 9:05 PM.

Respectfully submitted,
ANNA M. WILLIAMS

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Recording Secretary