

Special Permit Hearing for ATT cell tower & Planning Board meeting

Monday, August 23, 7:00 pm

Video Recorded see "Public Hearing Part 4"

Present at meeting:

John Carney HDG design group, Andrew Campanelli, Peter Charow, Tara Mason, Douglas Mason, Kevin Maloney, Tom Lively, Ed Whitaker, Patrick Tilley ATT consult, Hilma Sumner, Simon Brighenti, Ed Pare, Kate Peppard, Bob Viarengo, Gloria, Jesse and Christin Weigand, Mike Gentile, Sohail Usmani ATT, Jeff Dellicolli ATT, Bill Gran, Bob Honeycutt, Cory Mason

7:06 call to order

Part 4 of the Public Hearing for the proposed ATT cell tower & Heath Planning Board meeting.

Kate Peppard: Statement against cell tower

Opposition mainly concerns maintain rural character, visual impacts and noise, application is incomplete. Moved here for the unique and rare experience of pristine land and forest. (see letter)

Ed Whitaker: Opposed to substantial visual impact. (See letter)

Jessie Weigand: Can easily see tower from the their house, opposed to the Tower and it's visual impact.

Cory Mason -opposed to the tower. (See letter)

Kevin Maloney -opposed to the tower, has spoken at past hearings, distinctly different from rural character, concerns about application, access road & visual impact. (See letter)

Tara mason: Opposed, visual impact concerns and property value. (See letters)

Doug begins recording:

Consultant Andrew Campanelli gives the board instruction on Telecommunications Act and the boards responsibilities. Stated he had no stake in the outcome. Discussed what matters in rendering a decision in compliance on TCA 1996 and the fact that it does not tie boards hands. State and local gov retain full power over personal wireless facilities. If they choose to deny an application, there is a certain way i t must be done. Reviewed submission by applicant. The Heath Planning Board is “finder of fact”, (factual determinations that town has to make).

Section 6 grant or deny apps for special permit based on visual impact and property value decline. Requirements imposed by telecommunication act, must be based on substantial evidence. In addition, a decision must be made in writing.

Under TCC Act Local governments cannot prohibit the provision of wireless services, The applicant has to prove a “substantial” gap in service and viable and means, of filling that gap. The Planning Board determines weather this “Substantial” gap has been proven.

References April 23 2021 applicants letter which implies application must be granted as inaccurate.

What duties are and how to exercise them:

Building Codes are in place to minimize structures, avoid adverse impacts, and to allow technology while retaining rural character and protecting property value.

A Tower in a valley needs to be taller....500% taller than standard utility Pole. Aesthetic impacts: Photo simulation, the purpose is to give the board an accurate idea of visual impact. The applicant omits photos taken from homes in closest proximity. Therefore, the Planning Board can reject the application as defective. From a Federal perspective, the board can reject the evidence of visual impact, based testimony from abutters.

Real estate values: The appraisal brought by the applicant is problematic due to values of properties being void of additional factors that the purchase price is determined. The chosen properties are not in Heath, an accurate appraisal would have 2 level appraisals.

Health concerns are a non-issue as local governments may not regulate if facility is FCC compliant, the board cannot take them into account.

Most troubling element of application is: Has ATT suffered a gap in service? The Planning Board has asked the applicant for actual dropped call data. ATT's response is that this is proprietary data and would not provide it. "ATT does not publicly share data". The applicant has submitted computer generated data which according to the FCC is "unreliable". Pure propagation maps w/o supporting data are problematic because these maps may not match actual data. Without actual data it is impossible to determine if this is an appropriate site for the tower.

The maps are not certified by engineer, do not prove a significant gap in coverage.

Example:

Falmouth, drive test was done, drop call data has been provided to prove there is a gap and installation will be remedied by the tower.

Milton: provided call data and the town lost due to actual gap in coverage.

Bill Gran question: Drop call data can easily be done, how would they document that they would solve the need.

Campanelli: With drive test data in hand, the additional coverage would be more accurate. Applicants have provided actual data in the past, why not here?

Bill Gran question: How can ATT provide info that gaps would be covered or that the tower would be effective?

Campanelli: Propagation maps with engineer's stamp would be appropriate. Computer modeling is not certified . ATT's live coverage map online shows no "significant gap in service"

Board must articulate decision in writing.

Ed Pare -response:

Clarifications -C2 coverage maps submitted were certified by engineer on page 7.

Doesn't disagree with requirements, does disagree with assessment.

Have not been asked for drive test.

(Doug: We asked for drive test at first hearing and asked for dropped call data a few weeks ago).

Consultant did not ID gaps in coverage.

Describes drive test.

Proving gap is nonissue in this location.

If board had requested a drive test town it would have provided.

"Put back" that we are discussing drive test at this late stage.

Has been transparent with visual impact tests, the board asked to do balloon test.

This installation will be visible, never claimed it would not be.

Not commercially viable site.

Public safety issue to be addressed.

Real estate values are opinion based.

Alternative sites; no existing structures or other possible sites with conservation restrictions.

"Not here to fight"

Feels they have supplied substantial evidence to support the application, ATT will stand by the application.

To close the loop:

Cannot address opinions in letters regarding the wetlands: does not expect issues w con/com.

Will comply to satisfy NEPA file -posted checklist on docs.

Historic commission was contacted.

Generator -noise study submitted no more than 50dba -critical public safety installation -Board can place requirements on timing of weekly fire up.

Colrain site -8.3 miles from this site.

Sohail: Response to "tower will not address gap issues", engineer tries to get it as accurate as possible. Insulted by statements regarding engineering comments by Campanelli. Maxon (consultant) had no qualms, states no coverage in area. Closes his comments.

Bill Gran: Has Doug seen map of coverage at 110'? -Is there a benefit beyond getting more co-locators. Can we lower height less visible and fewer co-locators? Can generators be isolated to be as quiet as possible?

Ed Pare: -conditions come into play here. Board can apply conditions.

Sohail: -coverage maps are difficult to decipher, table is more informative.

Doug -requests statements from people who were not recorded for the public record (see letters).

Bob motioned to adjourn; Peter seconded

All in favor

Close public hearing 8:51pm.

Respectfully Submitted

Douglas Mason