



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
November 7, 2013
APPROVED

Attachments:

1. Meeting Agenda
2. Email from Atty. Thomas Hildreth regarding proposed cell tower equipment installation - 11/4/13
3. FCC Public Notice regarding wireless tower co-location equipment – 1/25/13
4. Massachusetts Attorney General Ruling for the Town of Mount Washington, MA – 6/12/13
5. Kopelman & Paige memo to municipal clients regarding Telecommunications Act Amendment for existing facilities – 3/20/12
6. Atty. Charles Zaroulis opinion regarding Omnipoint Communications, LLC 56 Coburn Rd. Cell Tower Co-Location – 10/2/13
7. Assistant Town Administrator letter regarding street bond money – 11/6/13

Members Present: Bill Gramer, Chairman
Kimberly O'Brien, Vice Chairman
Steve O'Neill
Jesse Johnson, David E. Ross Associates

Members Absent: Steve Nocco
Tom Delmore

7:00pm - Meeting called to order by Chairman William Gramer

7:02pm - Bell Atlantic Mobile (dba, Verizon Wireless) Co-Location on Existing Wireless Facility at 56 Coburn Rd. and 180 Sherburne Ave.

Atty. Tom Hildreth appeared before the Board representing Verizon Wireless. Atty. Hildreth explained that a building permit was submitted for the installation of co-location facilities at the 56 Coburn Rd. and 180 Sherburne Ave. cell towers. He went on to explain that the Middle Class Tax Relief and Job Creation Act of 2012 recently became law in February of 2012, and within this law, Section 6409(a) states that local government may not deny, and shall approve any request for co-location, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station. Therefore, any co-location equipment on an existing tower would only require a building permit and not a Special Permit from the Planning Board.

Chairman B. Gramer noted that the Board must determine whether or not the proposed installation of co-location equipment would be deemed a substantial change to the existing Special Permit. If it is deemed substantial, then a new Special Permit would be required, if not, then only a building permit would be necessary. Board engineer J. Johnson added that he thinks that the proposed change would be insubstantial since the cell tower already exists and the proposed equipment is within the parameters of the special permit.

The Board questioned if there was room on the 56 Coburn Rd. cell tower for any new equipment. In order to accurately answer this question, a brief recess was suggested in order to pull the project file.

S. O'Neill: Motion for a five minute recess.

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Absent: 2

Passes: 3-0-2

After reviewing the files, it was noted that the new equipment would not exceed the specifications for the 56 Coburn Rd. cell tower. The 180 Sherburne Rd. tower is relatively new and only has one carrier on it now. The proposed additional equipment would not exceed this tower's specifications.

S. O'Neill: Motion to find the proposed installation of new co-location equipment on the 56 Coburn Rd. and 180 Sherburne Rd. cell towers would be an **INSUBSTANTIAL** change to the existing Special Permit.

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Absent: 2

Passes: 3-0-2

DISCUSSION

Street Acceptance Project Update

Assistant Town Administrator Nina Nazarian requested that the Board take a vote to authorize Board Administrative Assistant Pam Berman to work with the Administration to secure any existing outstanding bond money from unaccepted streets.

S. O'Neill: Motion to authorize Planning Board Administrative Assistant to work with the Town administration to secure money held in bonds to be able to complete outstanding work associated with respective developments.

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Absent: 2

Passes: 3-0-2

REQUESTS FOR COMMENTS

Comments were rendered for ZBA applications pending for 30 Progress Ave. and 257 Middlesex Rd.

ADMINISTRATIVE

The minutes from October 3, 2013 will be voted on at the next Planning Board meeting.

7:50pm

S. O'Neill: Motion to adjourn

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Absent: 2

Passes: 3-0-2

Minutes respectfully submitted by
Pamela Berman