**APPROVED**

**ADAMS PLANNING BOARD**

**MEETING MINUTES**

**MONDAY, DECEMBER 10, 2018**

**MEMBERS PRESENT:** Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members, Barbara Ziemba and Lisa Gazaille

**OTHERS PRESENT:** Joe Nowak, Adams Selectboard; Ellen Freyman; Jay LaTorre; Douglas Roberts; Michael Libertine; Mike Geary, Jim Geary; Marie Greenbush; Attorney James Sisto; and Recording Secretary, Pam Gerry

**CALL TO ORDER:** Chairman Rhinemiller called the meeting to order at 7:00 P.M.

**Continuance of Application of Pittsfield Cellular Telephone Company d/b/a Verizon Wireless for property owned by Berkshire Mill Associates Limited Partnership at 1 Berkshire Square, requesting a Special Permit under §125-20 “Personal wireless service facilities,” of the Adams Zoning Bylaw for the installation of wireless telecommunication antennas and related equipment.**

Ellen Fryman representing Pittsfield Verizon addressed the members stating to them that they would like to discuss several issues that were presented to them by the board members at their last meeting held on November 26, 2018, regarding approval by their local historical society. She told them that Verizon submitted material to the members hoping to clarify any further concerns they would have. She continued to note that within the documents they would find approval from the state and federal historical commissions, as well as NEPO (National Environmental Policy Act) and the town’s local historical society. She stated that Mike Liberteen performed the visual impact work and compiled the historical documentation. Mr. Liberteen addressed the members stating that consultations were required to take place with local officials of the town, adding that they communicated with Eugene Michalenko, member of the town’s historical commission. He stated to them that Mr. Michalenko had forwarded Verizon an email stating that he had no concerns with their proposed project. Mr. Lattori and Mr. Robertson, representing Verizon reviewed the scope of the project that was previously presented at the meeting held on November 26, 2018 with the board members. Member Moderski was not able to attend this meeting and she was given an opportunity to address the applicants with her questions and concerns.

Member Ziemba asked Mr. Robertson what provisions were in place to remove the cell tower and restore the smokestack if it was no longer in service. He stated to her that they had a performance bond in place within their submitted application.

Member Moderski was curious to know what area they would be providing wireless coverage to.

In response, Mr. Latorre, radio frequency engineer showed her the areas of coverage on their submitted maps. Board members review them with Mr. Latorre. He told her that most wireless coverage that the town received came from an existing monopole tower in the southwest portion of town along Rt. 8. He stated that the remaining coverage was coming from a tower in Florida, MA. Member Moderski asked Mr. Latorre if Verizon would be the sole carrier on the smokestack. He answered her by stating that the owner would be the one to determine whether they wanted to add additional carriers. Member Moderski asked the applicants if the residents of the Berkshire Square were notified that this project would be taking place. She stated that she had concerns with the placement of the cell tower within the commercial building that could become a safety issue for residents living in the building. She emphasized to them that the individuals living in the building had no control “to turn the radio frequencies off which could enter into their apartments and their bodies.” Ms. Freyman addressed Member Moderski stating to her that their cell towers were located on school roofs, hospitals, apartments and residential areas. She emphasized to the board members that “under the telecommunications act, there cannot be a decision made based on the perceived effects of radio frequency waves that would lead the members to deny the permit.”

Mr. Latorre wanted the board members to know that Verizon was required to “design facilities that meet the FCC guidance for radio frequency emission safety.”

Member Moderski stated to the applicants that “just because it’s technology, it doesn’t mean it’s the best thing for all of us and I have concerns about this.”

A motion made by Member Ziemba, seconded by Member Gazaille to approve the

application of Pittsfield Cellular Telephone Company d/b/a Verizon Wireless for property owned by Berkshire Mill Associates Limited Partnership at 1 Berkshire Square, requesting a Special Permit under §125-20 “Personal wireless service facilities,” of the Adams Zoning Bylaw for the installation of wireless telecommunication antennas and related equipment, subject to the following condition:

* **The cell tower is required to be removed when no longer in operation and the area occupied by the smokestack is required to be restored by the applicant.**

Chairman Rhinemiller, Vice-Chairman Krzeminski and Members Gazaille and Ziemba voted four (4) to approve the Special Permit. Member Moderski voted one (1) not in favor.

**Continuance of Application of E-POD Transportation LLP for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 26 Overlook Terrace. The request is for the operation of a livery service in a B-2 Zoning District.**

Attorney Sisto, representing the applicant addressed the board members. He began by stating to them that he had met with Interim Town Administrator, Donna Cesan prior to the board’s October meeting. He let them know that the property on Overlook Terrace had become “to intense for the location.” Attorney Sisto let them know that the applicant had found an alternate site more suitable for their business, adding that they would be leasing the property in North Adams, MA by January 1, 2019, noting that some construction was required however. He told them that the livery business in Adams would be “substantially diminished.” Mr. Sisto stated have further information regarding the applicant’s proposed project in the months ahead. He requested that the board members move their application request to February to have additional time to prepare their request.

 Member Ziemba stated to him that they received a letter from Adams Fire Chief, John Pansecchi informing the Planning Board that there were “many problems” at the current site in Adams. Member Ziemba reads the letter out loud that was addressed to them. Chairman Rhinemiller addressed Attorney Sisto stating that he would have to comply with the fire chief’s requests.

Marie Greenbush, a resident of 2 Arnold Avenue addressed the members stating that the vehicle activity demonstrated daily by the E-POD livery disturbed her each morning at 4:30 a.m. She told them that the vehicles owned by E-POD parked on the greenbelt. Chairman Rhinemiller stated to her that the police department would have to address her disturbance issues. He explained to her that Building Commissioner Torrico would enforce any zoning issues.

Joe Nowak, Adams Selectoboard seated in the audience addressed Ms. Greenbush to let her know that she could contact their office by communicating with Deb Dunlap, administrative assistant to make an appointment to meet with Chairman Duval. Chairman Rhinemiller stated to Ms. Greenbush that she could be placed on the Board of Selectmen’s meeting agenda to address her concerns, as well.

Attorney Sisto requested to be placed on their February agenda, adding that they would address the concerns submitted to the members by Adams Fire Chief, John Pansecchi, as well as their plans for relocating to North Adams, MA.

The board members agreed to meet on February 25, 2019 at 7:00 P.M.

**Continuance of Application of James J. Geary for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 58-60 Commercial Street. The request is for the construction of a 2,412 sq. ft. single story, retail building with parking, landscaping and other associated site improvements.**

Jim Geary addressed the board members and presented his revised Site Plan for their proposed project. He began by stating that they understood that the board members had concerns with their previous plans and wanted to address them. He stated that the fence abutting their property would now be extended, closing them off from the abutting property. In addition, he told them that exterior lighting was added to the new plans, as well as a fence which would surround the existing dumpster on their property. He told them that the elevations for the curbcut were addressed on the plans for their review as well.

Member Ziemba asked Mr. Geary if they had changed the deed to their property to reflect the most current information. He told her that the deed would now be registered under “Geary Brothers Real Estate.”

Mr. Geary asked the board members if they had any questions regarding their revised plans.

A motion made by Vice-Chairman Krzeminski, seconded by Member Gazaille to accept the revised application of James J. Geary for “Site Plan Approval” under §125-19 of the Adams Zoning Bylaw for property located at 58-60 Commercial Street. The request is for the construction of a 2,412 sq. ft. single story, retail building with parking, landscaping and other associated site improvements, as proposed in the plans, passed unanimously.

**APPROVAL OF MINUTES:** The board members need to approve the minutes of November 26, 2018.

A motion made by Member Gazaille, seconded by Vice-Chairman Krzeminski to approve the minutes of November 26, 2018, as presented. Chairman Rhinemiller, Vice-Chairman Krzeminski and Members Gazaille and Ziemba voted four (4) in favor. Member Moderski abstained from voting.

Planning Board members agreed to schedule alternate dates to meet and discuss bylaw changes with Donna Cesan. Ms. Gerry stated that she would contact Ms. Cesan to check the availability of her schedule and that she would give the members an update on this information.

**ADJOURN:** A motion made by Chairman Rhinemiller, seconded by Member Gazaille to adjourn the meeting at 8:20 P.M., passed unanimously.

Respectfully Submitted,

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Recording Secretary Date