



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Public Property Committee

*Chairperson Amanda Linehan
Vice Chair Stephen Winslow
Councillor Craig Spadafora*

Tuesday, May 4, 2021

5:30 PM

Remote Meeting

Roll Call

*Also Present: Councillors DeMaria and O'Malley
John McNaught-City Solicitor
Nelson Miller-Building Commissioner
Attorney John Weaver-Verizon
Stan Usovicz
Hans Esyenbach
Ralph Colarusso
Larry Washington*

Councillor Linehan called the meeting to order at 5:31 P.M. Jon Miara and UMA recorded the meeting.

Present: 3 - Amanda Linehan, Stephen Winslow and Craig Spadafora

208-21

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting will be conducted via remote participation. In person attendance by members of the public is prohibited, and all effort will be made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels.

Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the city of Malden website at cityofmalden.org as soon as practicable after the meeting.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

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<https://cityofmalden.zoom.us/j/99060771502?pwd=ZVlqV0MrMSsvZ1FSaUllK3QwZGVodz09>

Passcode: 421571

Or One tap mobile :

US: +16465189805,,99060771502#,,,,*421571#
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Webinar ID: 990 6077 1502

Passcode: 421571

International numbers available: <https://cityofmaiden.zoom.us/j/99060771502>

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Minutes to be Approved

Business

183-21

Petition: Cellco Partnership d/b/a Verizon Wireless - to collocate small wireless facilities (also referred to as "small cells" on existing wooden utility poles located within the public right of way at the following locations:

1. 115 Bowdoin St.
2. 283 Salem St. Bryant St. side
3. 380 Salem St.
4. 173 Bainbridge St.
5. 42 Blantyre Rd.
6. 177 Forest St.
7. 140 Mount Vernon St.
8. 4 Montrose Court, Tremont St. side
9. 3 Kneeland St. Mountain Ave. side
10. 146 Clifton St.
11. 79 Tremont St. Mountain Ave. side
12. 50 Holden St.
13. 205 Ferry St. High St. side
14. 29 Ashland St.
15. 33 Converse Ave.
16. 40 Hancock St.
17. 40 Pratt St.
18. 168 Madison St.
19. 43 Florence St.
20. 80 Mountain Ave.

Sponsors: Amanda Linehan

Councillor Linehan said this meeting was for the purpose of a public hearing on the following (20) Verizon Petitions: 115 Bowdoin St, 283 Salem St.(Bryant St side), 380 Salem St, 173 Bainbridge St, 42 Blantyre Rd, 177 Forest St, 140 Mount Vernon St, 4 Montrose Ct(Tremont St side), 3 Kneeland St(Mountain Ave side), 146 Clifton St, 79 Tremont St(Mountain Ave side), 50 Holden St, 205 Ferry St(High St side), 29 Ashland St,

33 Converse Ave, 40 Hancock St, 40 Pratt St, 168 Madison St, 43 Florence St, 80 Mountain Ave.

Nelson gave a brief explanation of his recommendations that they are the same in nature as petitions previously submitted by this petitioner. He asked the petitioner to add the detail of dimensions with all petitions and also the radio frequency affidavit with all packets.

Attorney Weaver explained that it might have been his packet missing the antennae is included in his packet and he confirms that it is the same and also that the emissions docket should be in tab #25. Nelson said he is missing that information. Attorney Weaver will make sure that is taken care of going forward. Nelson explained if it is the same information then they are in compliance and when he receives the frequency affidavit they would be in compliance.

Motion was made to open the public hearing portion of the meeting at 5:40 P.M. by Councillor Winslow and seconded by Councillor Spadafora. All were in favor. Roll Call: Spadafora-yes Winslow-yes Linehan-yes
Councillor Linehan declares the public hearing open and asks all who would like to speak in favor of the petitions: Hearing and seeing none she declares this part closed at 5:41 P.M and opens for all who would like to speak in opposition of the petitions at 5:41 P.M. She read the letters that were submitted from constituents into the record. (see attached)

Greg Lucey, City Clerk answered questions about the time the Public Hearings are to be held and due to time constraints with zoom meetings we need to get some business done before we recess and are scheduling meetings the best we can. There is no lack of effort with the letters that go out to the abutters and the labels are given to us from the Assessors Office, there is a lot of work that goes into it, however we do get some returns from the post office but it wasn't for lack of trying to notify all the abutters which are in upwards of 3,000 letters. Nelson referenced what Mr. Saia said about the submission requirements, Mr. Saia did reach out to Nelson and he answered by saying the ordinance requirement subsection K7 reads an engineering plan prepared by a Massachusetts registered professional engineer must include a citywide map and list of all wireless equipment owned by the petitioner. The citywide map may be something the committee wants to discuss but he feels it is random to get a map from Verizon with their locations on it but not all the locations in the city from other businesses.

Councillor Spadafora feels that there may be some confusion with the ordinance but it is one that is being reviewed and that is to put all the 5G antennae in the cities GIS system and it would give us the ability to see where they are in clusters and hopefully will be passed in a couple of weeks

Councillor Winslow said the reference to the map is in muni-code where there are so many petitions the Council may want to get those maps. In terms of scheduling meetings we are adhering to the Governors orders but as long as we keep the hearing open till 6:00 PM he could adhere to that. He is not supportive to putting on all the data on power. He did receive information about the federal communication systems that reviewed radiation standards and they reviewed it and they are not seeing any health information that cell phones are causing any health problems. He said that review at a Federal level shows no reason in doing more review he does not see any need for the Council to do any more review. He reviewed the petitions: 29 Ashland seems like there is another small cell in proximity he feels that it is consistent with ones in the past but may table for report from petitioner, 80 Mountain St is only 12ft away could confirm the distance, closest to where someone is living possibly table to confirm distance.

Attorney Weaver responded about the pole by 80 Mountain St and they have measured it at 14ft away from the residence. Councillor O'Malley questions 80 Mountain St it is actually Mountain Ave not St. and asks if our ordinance says 15ft. Councillor Winslow said it doesn't specify being outside the distance recommended by the FCC.

Councillor Linehan mentioned Councillor Crowe's concerns about a small sidewalk and the pole being against the fence and the aggregate impact of two poles being close to each other across the street also the High Street Pole being unstable she wanted to give the petitioner a chance to respond. Attorney Weaver said for Ashland he can speak in generalities about the way the strength of small cells and the cumulative effect of two or more in an area is, the emissions are so low powered once you get further than 4ft even if there is more than one it is still within the FCC regulation. With regard to the High St. pole he said the plans he sees for High St. looks really straight. Councillor Spadafora said it is on Pelham St. with a small cell on it. Attorney Weaver said Verizon will not put a cell on a pole where there is an existing one on it from another provider. He said the pole at 80 Mountain Ave will be tabled the pole in the plan is the wrong pole and it will be amended.

Seeing and Hearing no other public comments the following motion is made: Motion to close the public hearing was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor Public Hearing closed at 6:10 P.M.

The following motion was made: Motion to table 80 Mountain St. pending new documentation stating it is 80 Mountain Ave and confirmation of the distance of the pole to the building was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor.

Motion to table 29 Ashland St to get more information to confirm the location of the tower in the proximity and whether it would impact the radiation safety limits was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor.

Motion to table 205 Ferry St(High St side) questioning the integrity of the pole and that it is not a double pole was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor.

Motion to send an email for the RF affidavits electronically for Council review was made by Councillor Spadafora seconded by Councillor Winslow. Roll Call: Spadafora-yes Winslow-yes Linehan-yes All in favor.

Motion to take 205 Ferry St off the table was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor.

Motion to recommend to the full Council the (18) Verizon Petitions with the following language with the condition that equipment not be installed on any poles that are double poles or adjacent to double poles until National Grid replaces them and these installations do not include mechanical cooling devices or fans and the final electrical inspection for the purpose of releasing the electrical meter will not be performed at any location where a double pole exists was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All were in favor.

A motion was made by Councillor Spadafora, seconded by Vice Chair Winslow, that the Petition be recommended favorably. The motion carried by the following vote:

Yea: 3 - Linehan, Winslow and Spadafora

The committee will review and discuss the ExteNet Letter for Wireless GOL Amendment with Hans Eysenbach, Associate Verrill-Law.

The next order of business is a letter received from Extenet explaining that petitions that had already been approved has a change with the equipment. Councillor Linehan explained that this letter did not require a vote from the committee however, to be transparent the committee wanted to share the change with the public and have a process going forward. Nelson explained that they had a change in the cabinet equipment we do have the dimension for our volume in our ordinance is 7ft or less and they have been giving us 2.2 cubic ft and they submitted 2.81 cubic ft. which is insignificant change and still allowed under the ordinance. Councillor Winslow asked about the photo the cabinet which was approved had a cover does the replacement one have a cover also. Hans Eysenbach said he believes there is a cover on the replacement. Larry Washington answered that they do have covers.

The committee will review and discuss the letter submitted by Attorney John Weaver, Cellco d/b/a/ Verizon Re: Supplemental Materials to Small Cell Application, Utility Pole #3050, adjacent to 145 Cherry Street.

Nelson spoke on the 145 Cherry Street Verizon petition which was tabled pending the distance of the antennae to the residence and said the petitioner gave us a schematic drawing of the antennae and the relationship to the house and the dimension it is not an actual representative and asks what method was used to come up with that distance. Attorney Weaver referred to Ralph Colorusso who explained it is a mathematical determination based on the distance to the home and the height of the antennae. The following motion was made: Motion to take 145 Cherry Street Verizon petition off the table was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes All in favor.

Motion to recommend out favorably to the Full Council the verizon petition on 145 Cherry Street was made by Councillor Winslow seconded by Councillor Spadafora. Roll Call: Winslow-yes Spadafora-yes Linehan-yes. All in favor.

Other Business

Adjournment

A motion was made by Vice Chair Stephen Winslow, seconded by Councillor Craig Spadafora, that the meeting be adjourned at 6:35 P.M. The motion carried by the following vote:

Yea: 3 - Linehan, Winslow and Spadafora