



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Public Property Committee

Tuesday, October 27, 2020

5:30 PM

Roll Call

Present: 6 - Ryan O'Malley, Chairperson Ryan O'Malley, Stephen Winslow, Vice Chair Stephen Winslow, Amanda Linehan and Amanda Linehan

Also Present: Councillors Camell and Spadafora
Nelson Miller-Building Commissioner
John McNaught-Assistant Solicitor
Attorney John Weaver-Cellco/Verizon
Ralph Colorusso-Cellco/Verizon
Kennan Brinn-ExteNet
Colin Robinson-ExteNet

328-20

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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If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at mluise@cityofmalden.org or <mailto:mluise@cityofmalden.org> or 781-397-7000, Ext 2005.

Minutes to be Approved

Minutes of September 29, 2020 meeting to be approved.

A motion was made by Councillor Winslow and seconded by Councillor Linehan to table the minutes of September 29, 2020. All were in favor.

Business

This meeting is for the purpose of conducting a Public Hearing for the following petitions as proposed on Paper #219-20:

219-20

Petition: Cellco Partnership d/b/a Verizon Wireless; and Nexius Solutions, Inc.

Five (5) Small Cell Infrastructure - Grant of Locations:

490 Eastern Avenue

77 Revere Street

1279 Salem Street

12 Fairfield Avenue

135 Main Street

Attorney Weaver explains that he is the outside Council for Verizon Wireless. He explains the proposed installations are similar with other petitions Verizon has proposed and have been approved by the City and the proposed equipment satisfies the

requirements of the Malden ordinance. Verizon has had no complaints regarding any of the previous installed equipment. Councillor Winslow asks if in the radiation report the amount of emissions is measured in feet. Mr. Weaver confirms that the radiation is measured in feet on the RFP emissions map which they submitted. Councillor Linehan asks if these petitions are just for Verizon and would any other companies be putting equipment on these poles. Mr. Weaver says there would be no other small cells on the poles because the utility companies will not lease to more than one wireless carrier. Councillor Linehan asks if down the line is there going to be an uptick on these petitions being submitted. Mr. Weaver explains that there are 20 new petitions from Verizon that have been submitted to the City. Councillor O'Malley explains that the council has always asked what is the plan for the future but have not gotten an answer. Mr. Weaver says there is no set plan they are made on a quarterly basis and they change frequently with the needs of their network within that time. Councillor Linehan asks the committee if there is a way our ordinance doesn't have a point where we would require cumulative reporting. Councillor O'Malley says that is something we discussed making a requirement that when a petitioner comes before they don't look at the impact of one device but the cumulative effect of all of the devices in the vicinity. Going forward we would need to propose that formally pass it through all the stages of an ordinance. Councillor O'Malley opens the public hearing for those speaking in favor of the following 5 petitions: 490 Eastern Ave, 77 Revere Street, 1279 Salem Street, 12 Fairfield Ave, 35 Main Street at 5:44 P.M. hearing or seeing none he closes that part of the public hearing at 5:45 P.M. He then opens all those who would like to speak in opposition up at 5:45 P.M. hearing and seeing none he closed that part of the public hearing at 5:46 P.M. Nelson Miller, Building Commissioner gives a brief overview of his review of the petitions. He says of the five four are the same but 135 Main Street is slightly different the height requirement is met, there are some dimensions such as the antennae width could not be found the design is different than previous design so he was unable to confirm also the cabinet width, the height above the ground is in compliance. Ownership of the poles has been confirmed and radiation emission report are included. (See report attached). Mr. Weaver explains that the design has been changed as the cylindrical design has been phased out.

A motion was made by Councillor Winslow, seconded by Councillor Linehan, that the Petition be recommended favorably to the Full Council. The motion carried by a unanimous vote.

354-19

Petition: Extenet petitions filed for small cell:

57-59 Fulton Street a/k/a 20-26 Coleman Street
60 Coleman Street a/k/a 96-102 Coleman Street
71 Plainfield Ave. a/k/a 89-95 Plainfield Ave.

101 Pleasant Street a/k/a 95-105 Pleasant Street

54 Beach Street

118-120 Beach Street

376-378 Broadway

84 Durso Avenue

183 Highland Avenue

375-381 Main Street

418-420 Main Street

52-54 Malden Street

9 Maynard Street

73 Maynard Street

319 Medford Street

26 Monroe Street

16 Oliver Street

902 Salem Street

32 Wesmur Road

(PUBLIC HEARING REQUIRED)

Please note addresses highlighted in red were eliminated.

The committee has asked the petitioners to come back to bring a prepared report for the 15 petitions which shows that all the petitions are compliant with the FCC. Councillor Winslow explains we did not have the RF study in September and have asked for this report and he feels the ones that the committee had questions about are not included in this report and asks if Chris could explain. The report does not list the addresses and explains that the petition on Salem Street is just reported as well above the sidewalk but there are no calculations included and feels it is not an adequate response. Chris explains that the report was prepared by Sublite Engineering which specialize in emissions. Councillor Winslow speaks of 71 Plainfield Ave and 84 Durso Ave both poles are in trees and Durso is near a residence, 52 Malden Street is near a multi-family tall building and 183 Highland Ave. is another one that is close. Both 52 Malden St and 183 Highland Ave are not in the report. This report is inadequate so they cannot be approved. Chris says you could conceivably have an antennae with very little emissions which is pointed back at the building. Councillor Winslow says the City cannot confirm that the antennae is even working right and is pointed in the right direction and set far enough away. It is not the intent of our ordinance but could be harmful within 15 feet so keep it 15 feet away. We don't have the equipment to confirm or within our capability what your guy is calculating. Councillor Camell is looking at 84 Durso because its in his Ward and he is getting concerned its directly outside a house. He is uncomfortable with it which is asking us to put our residence in risk. Councillor O'Malley says we have to protect our residence and protect their property rights. He asks if the petitioner would like to respond to why some of these petitions are not included in their report. Keenan responds by saying 52-54 Malden and 183 Highland are included in the report on page 16. Councillor Winslow says his concerns on 52-54 Malden and Durso Avenue are still the same the antennae are harmful within 15 feet and we do not want them to harm our residents. Nelson Miller gives his review and says they have complied with everything except including the report at the time and also the height of the equipment above the ground is 8ft. not 16 ft. Some poles allow it because of the different zones they are restricted to for cable vs telephone vs power and some don't. Lastly he is not sure the letter of permission from the owner of the pole was included and the color of the pole which the committee decides. Councillor O'Malley opens up the public hearing in favor of the following petitions: 57-59 Fulton St, 60 Coleman Street, 54 Beach St, 118-120 Beach St, 376-378 Broadway, 375-381 Main St, 418-420 Main St, 9 Maynard St, 73 Maynard St 26 Munroe St, 16 Oliver St, 902 Salem St, 32 Wesmur St. at 6:20 P.M. hearing and seeing none he declares that part of the hearing closed at 6:21 P.M. He then opens the public hearing for those in opposition to the above named petitions at 6:22 P.M. and hearing and seeing none he declares that part of the hearing closed at 6:23 P.M. He states for the record that Bettie Previlon, 31 Maynard Street has never received any letter from them. Motion to deny 84 Durso Ave based on the proximity to a house and a tree, 71 Plainfield Ave due to the proximity of the trees, 52 Malden Street based on the proximity to a residence and 183 Highland Ave based on proximity to be reported out

unfavorably to the Full Council was made by Councillor Winslow and seconded by Councillor Linehan. All were in favor.

A motion was made by Councillor Winslow, seconded by Councillor Linehan, to approve the following ExteNet petitions: 57-59 Fulton Street a/k/a/ 20-26 Fulton Street, 60 Coleman Street a/k/a 96-102 Coleman Street, 54 Beach Street, 118-120 Beach Street, 376-378 Broadway, 9 Maynard Street, 73 Maynard Street, 26 Monroe Street, 16 Oliver Street, 902 Salem Street and 32 Wesmur Road. and recommend out favorably to the Full Council. The motion carried by a unanimous vote.

A motion was made by Councillor Winslow, seconded by Councillor Linehan, that the following petitions be recommended unfavorably to the Full Council: 84 Durso Avenue, 71 Palinfeld Avenue, 52 Malden Street and 183 Highland Avenue . The motion carried by the following vote:

Yea: 5 - Councillor O'Malley, O'Malley, Councillor Winslow, Vice Chair Winslow and Councillor Linehan

Other Business

Adjournment

A motion was made by Councillor Amanda Linehan, seconded by Councillor Stephen Winslow, that the meeting be adjourned at 6:32 P.M. The motion carried unanimously.