

COMMITTEE ON INFRASTRUCTURE & PUBLIC LANDS
WOBURN CITY HALL
COMMITTEE ROOM
NOVEMBER 13, 2018 at 6:49 p.m.

Voting Members present: Chairman Richard Gately, Alderman Joanne Campbell, and Alderman Darlene Mercer-Bruen. Recused: Alderman Edward Tedesco. Absent: Alderman Mark Gaffney

Non-Voting Members present: Alderman Michael Anderson, Alderman Michael Concannon, Alderman Lindsay Higgins, and President Richard Haggerty

Cellco Partnership dba Verizon Wireless for a grant of right-of-way to locate a small cell wireless antenna and fixtures at 550 Main Street: Alderman Tedesco recused himself and left the Committee Room. Representing the petitioner was Attorney Victor Manougian, McLane Middleton, 900 Elm Street, Manchester, N.H. Chairman Gately said when the City Council held its public hearing, the aldermen made it clear they were not happy with the location chosen by the petitioner. Attorney Manougian said he did not attend the public hearing on September 18 and he has recently taken over the petition from Attorney Elizabeth Mason, who he said has moved on to another law firm. He said he tried on November 5 to contact City Engineer John Corey, who is currently on vacation. He said he received an email reply indicating Engineer Corey is on vacation from November 9-21. He said the petitioner has heard the City Council's concerns, but Verizon wants to maintain the site at 550 Main Street. He said he wants to submit hard copies of a "Structural Analysis Report" authored by James Fitzgerald, Chappell Engineering Associates LLC, 201 Boston Post Road West, Suite 101, Marlboro, MA, and dated November 6, 2018, and copies of the Federal Register dated October 15, 2018, regarding the FCC's rules and regulations. He said he would prefer for the committee members to not read the documents today because they are voluminous. He said the publication from the FCC includes a new order that changes the "shot clock" for the installation of wireless support equipment from 90 days to 60 days. He said the rationale for the installation of wireless support equipment is no longer just to close coverage gaps, but to also "densify" coverage. Alderman Higgins asked if there is ever an instance when Verizon is not densifying or closing a coverage gap. Alderman Anderson said there would be no other reason. Attorney Manougian said there are some places that don't need to close coverage gaps and densify coverage. He cited the report from Mr. Fitzgerald that the pole at 550 Main Street has sufficient capacity and support for Verizon's equipment. Alderman Mercer-Bruen asked if alternate sites were considered, as the City Council had requested. Attorney Manougian replied no other sites were considered, partly because he was unable to connect with Engineer Corey. He said Verizon wants to maintain the proposed site anyway. President Haggerty said there are reasons why the City Council wants the equipment at another location. He said it isn't going to look great at the selected location. He said if there is a way for Verizon to move the equipment 25 feet down the road, that would be great. He said no one is questioning the regulations and he recognizes what Verizon's prerogative is. Attorney Manougian said the device Verizon wants to install is about 12 inches by 37 inches and looks like a transformer. He said Verizon really wants to go with this site. He said if the device is moved to another pole, it will probably end up being closer to residences. President Haggerty asked what avenue of appeal Verizon would take if the City Council denies the petition. Attorney Manougian said Verizon would appeal to a state agency. Alderman Campbell said she is

surprised Verizon didn't consider other locations, even as a courtesy to the City Council. President Haggerty asked if Verizon conferred with the City Engineer before the site was selected. Attorney Manougian said the site was selected by Verizon. Chairman Gately said there are already three guide wires holding the pole straight. He said the pole has already got enough stuff on it. Attorney Manougian said Mr. Fitzgerald's structural analysis indicates the pole can accommodate the proposed equipment. Alderman Concanon said when the council met with Verizon in October, the council asked the company to look at another site. He said the attorney didn't reach out to the City Engineer until November 5 and once he did not connect with Engineer Corey, if it was determined Verizon didn't have to try harder. Attorney Manougian said he was not assigned the petition until October 19. Alderman Concannon asked if Verizon is willing to waive the shot clock limitation and try again. Attorney Manougian said the shot clock has already expired. He said he would confer with his client, but added the client really prefers the site. Chairman Gately said if the council denies the petition, that's probably going to end up being the site anyway. Attorney Manougian said that is not the way Verizon likes to do business. Chairman Gately said the council will be able to say "I told you so" when the pole snaps in half and lands on a car. Attorney Manougian replied two different engineers have said the pole can handle Verizon's gear. Alderman Anderson asked when the shot clock started. Attorney Manougian said the shot clock started when Verizon submitted the petition in July. He said the petition is past the allotted 90-day period for disposition. Mr. Fitzgerald said when he first looked at the pole, he thought it was going to fail. He said the pole looks terrible, but it is structurally fine. He said the lean in the pole could be due to soil settlement. He said the pole is more stable than others along the same line. He said he didn't think it was going to work, but it did. Alderman Anderson asked what would happen if the council asked for a replacement pole. Mr. Fitzgerald said replacing the pole would be challenging. Chairman Gately asked Attorney Manougian if he will contact the City Engineer when he returns from vacation. Attorney Manougian said the public hearing is scheduled to resume on November 20, and he will try to contact Engineer Corey on November 21. He said he will ask for a continuance of the public hearing. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept and make part of the permanent record the two documents presented by Attorney Manougian at the outset of the meeting; approved, 3-0, with Aldermen Tedesco and Alderman Gaffney absent. Chairman Gately asked if anyone in the audience wished to address the committee about the petition. Catherine Shaughnessy, 31 Scott Street, Woburn, MA, asked if the petitioner has produced any data proving there is a gap in coverage in the Hammond Square area, because her recollection is there is no gap in coverage. Attorney Manougian said there was an affidavit submitted with the original filing indicating there is a gap in coverage, and he has a copy of the affidavit. Keith Vellante, C Squared Systems, 65 Dartmouth Avenue, Auburn, N.H., said the equipment Verizon is looking to install will provide coverage over a very small area around Route 38. He said the equipment will allow Verizon to also complement other sites. He said the height of the equipment is going to be lower than some of the trees in the area. He said the equipment Verizon wants to install is not designed to cover large areas. He said the pole is located on an island at a confluence of roads. Ms. Shaughnessy said Hammond Square is not a dead zone for cellular service and asked if the equipment is designed to support the existing equipment at the church across the street. Mr. Vellante said the user doesn't care whether a coverage or capacity problem exists but suggested there is a gap in coverage at the location. Ms. Shaughnessy asked how many other similar devices are in the area and asked if Verizon did a search ring. Mr. Vellante replied he can't speak to any equipment other than Verizon's, but he

believes there are three or four in Woburn. Ms. Shaughnessy asked how many are in the Hammond Square area. Mr. Vellante listed five sites in Woburn that he said are sprinkled throughout the city. Alderman Mercer-Bruen said people only care if their phone works. Ms. Shaughnessy said she has concerns. She said she does not see where there is a gap in coverage. She said the City Council asked the petitioner to look at alternative sites and that wasn't done. She said she thinks Verizon is back-dooring their way in and the FCC doesn't care about her neighborhood. She said she would like to read the new regulations. She said she thinks the City Council has the right to deny the petition. She said she thinks the Zoning Board of Appeals denied a similar petition a few years ago and the petitioner did not sue the city. She asked in which zoning district the petition is proposed. Attorney Manougian said the zoning district is not listed but it doesn't matter because Verizon is seeking to install equipment in the public right-of-way. Ms. Shaughnessy said the advertisement listed 550 Main Street as the address but the location is actually at the corner of Johnson and Plympton streets. Attorney Manougian said 550 Main Street was the closest street address in the assessor's data base. Chairman Gately said the council accepted the petition with an address of 550 Main Street. Ms. Shaughnessy said there is no 550 Main Street. Chairman Gately said the matter is going to be continued until Attorney Manougian confers with Engineer Corey. Ms. Shaughnessy asked what the petitioner is going to discuss with Engineer Corey. Alderman Concannon said the council would like input from Engineer Corey about alternate sites. Philip Ciampa, 20 Plympton Street, Woburn, MA, thanked the City Council for taking comments from the public. He said there is only one question he wants to ask. He said his son sleeps 30-36 feet from the proposed location and asked the petitioner to find a different site because he is concerned about health risks. Attorney Manougian said the petitioner has submitted a report indicating the equipment will not harm anybody. Mr. Ciampa said he disagrees.

Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to adjourn; approved, 3-0. Chairman Gately adjourned the meeting at 7:25 p.m.

Attest: _____

Gordon Vincent
Clerk of Committees