

Planning Board  
Minutes  
April 11, 2023

Present: Tom Davidson, Chair  
Paul Carey  
Gary Bohan, Vice Chair  
Kathy Robertson, Clerk  
Margaret Carroll, Treasurer  
Bill Tessmer, Associate Member

Meeting called to order at 7:00 p.m.

- 1) March 28, 2023, minutes approved. Vote 5-0 in favor.
- 2) Treasurer's report: \$14,000 remaining in account.
- 3) Town Planner's Report.
  - i) Planner notified the Board that the EDC is discussing revisions to the Town's marijuana zoning bylaw.
  - ii) Planner was notified about a small sawmill operating on North Main Street. He is working with the owners to determine what approvals, if any, are needed to be in compliance with Town bylaws and regulations. Board requested owners attend April 25<sup>th</sup> Planning Board meeting.
  - iii) Planner informed Board that Five Fork Farm will be coming to the Planning Board for site plan approval for 22 additional parking spaces.
- 4) Public Hearing, East Street Estates, Definitive Subdivision. Continued until April 25, 2023
- 5) Regular Meeting suspended at 7:19 p.m and a Public Hearing on Governor's Landing, continued from April 11, 2023, was reopened. The applicant discussed comments made in the design review noting where the site plan did not comply with subdivision design regulations. The applicant noted that Governor's landing is not "a subdivision" but addressed the reviewer's comments as a courtesy. There was also further discussion of a cross country utility run as a backup plan should the Town fail to secure grant funding the Route 140 extension. The applicant requested that the Planning Board approve conditions under which it will consider the cross country route and offered to work with the Planner on drafting such a document. Planning Board accepted the offer to craft the letter of conditions. Continuance granted until to May 9, 2023. at 7:15 p.m. Vote 5-0 in favor of the continuance. Scheduled Meeting resumed.
- 6) Zoning Articles Submitted to the Town Meeting Warrant:
  - i) Regular Meeting suspended at 8:13 p.m and Public Hearing opened on Article 35 of the May 4, 2023 Warrant to see if the Town will vote to increase the Zoning Board of Appeals (ZBA) from three (3) to five (5) regular members. Currently, a unanimous vote is needed for the ZBA to act on variances and special permits (all 3 votes needed with 3-member board) so an absence, abstention or a single dissenting vote prevents a decision from being made. With the change, a 4 of 5 member majority will be sufficient. ZBA Chair expressed confidence in ability to recruit members. Hearing closed at 8:22 p.m. Vote 5-0 in favor of recommending Article 35.
  - ii) Regular Meeting suspended at 8:22 p.m and Public Hearing opened on Article 37 of the May 4, 2023 Warrant to see if the Town will accept changes to the Zoning Bylaw to regulate development and placement of small cell wireless installation. Proponent requested that applications for Wireless Telecommunications facilities be deemed incomplete until the FCC completes an environmental review of 5G small cell technology safety. The applicant cited

potential health risk associated with the 5G technology. Opponents discussed the feasibility of the proposal noting that the scientific data is inconclusive and that installation of fiber optic cabling throughout the Town is not economically feasible for providers. Board members discussed the wording of the bylaw, what it aimed to accomplish, the Board's role in "pausing" installation of 5G technology should become available in Upton, and the likeliness and cost of litigation. Public Hearing closed at 9:13 p.m. Vote scheduled for the April 25th Planning Board Meeting Regular meeting resumed.

7) Meeting Adjourned at 9:14 p.m.

#### Document List:

##### Governor's Landing-

1. Stormwater Management Study for Governor's Landing; March 2023
2. Developable Area Exclusions Plans, Ashland-Chestnut Reality, LLC
3. Upton Planning Board, ZBA and Conservation Commission; Michael Antonellis, March 12, 2023
4. Overall Existing Conditions Plan; Ashland-Chestnut Reality, LLC; March, 8, 2023
5. Fire Department Comments: Governor's Landing; Michael Antonellis; March 20, 2023

##### Westboro Road-

6. Westboro Road Conceptual Subdivision Plan; Allen & Major Associates, Inc; February, 07, 2023
7. Westboro Road Approval Not Required; Allen & Major Associates, Inc; June, 09, 2022

##### East Street Estates-

8. Grant of Extension "East Street Estates"; March 28, 2023

##### Zoning Articles-

9. Zoning Board Membership Amendment New Language
10. Memorandum: Submission of Zoning Articles for May 4<sup>th</sup> Annual Town Meeting, Joeseph Laydon,

##### February 7, 2023

11. In Preparation for Planning Board Meeting, Laurie Wodlin, April 7, 2023
12. Towns have Rights on Small Cell Installations, Nina Anderson

##### Cities and Countries Banning or Restricting 5G